

RESOLUTION
NUMBER 2020 - 109

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA ESTABLISHING THE CHARLOTTE HOUSING OPPORTUNITIES MADE EASIER (HOME) INCENTIVE PROGRAM; PROVIDING PROCEDURES FOR APPLICATION REVIEW AND APPROVAL; LAND USE RESTRICTION AGREEMENT REQUIREMENTS; DEVELOPER PERFORMANCE REQUIREMENTS; REMEDIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners (the Board) desires to encourage and support the development of affordable housing within Charlotte County; and

WHEREAS, the Housing Element of the Charlotte County Comprehensive Plan includes, as one of its goals, the creation and preservation of affordable housing; and

WHEREAS, Comprehensive Plan HSG Policy 1.1.8: Affordable Housing Incentives, provides that the County shall develop and maintain incentives for the development of affordable housing; and

WHEREAS, the requirement to pay impact fees and utility connection fees when new housing units are constructed has been identified as one of the impediments to the construction of affordable housing; and

WHEREAS, the Board finds that the health, safety, and welfare of Charlotte County will be enhanced by the adoption of programs that encourage the development of affordable housing units by providing certain incentives; and

WHEREAS, the Board desires to adopt the "Charlotte Housing Opportunities Made Easier ("Charlotte HOME") Incentive Program to provide incentives for the construction of new affordable housing units.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County as follows:

Section 1. The Charlotte Housing Opportunities Made Easier (HOME) Incentive Program is hereby established and shall be implemented as provided herein.

Section 2. Purpose and Intent. The Charlotte HOME Incentive Program is intended to encourage the provision of new units of affordable housing in Charlotte County by providing for certain incentives such as waiver, deferral, or subsidized impact fees on qualifying units of affordable housing. This program is intended to further the affordable housing goals and objectives in the Housing Element of the County's Comprehensive Plan.

Section 3. Application. An application for incentives available under the Charlotte HOME Incentive Program must be submitted on the approved form to the Human Services Department. The approved application form to be utilized by all applicants is attached hereto and incorporated herein as Exhibit A.

Section 4. County Staff Review. Upon receipt of a properly completed application, the application will be evaluated and scored by County staff, consisting of one (1) member from each of the following County Departments: Human Services, Community Development, and Utilities. County staff will score each application utilizing a prioritization tool, and the scores assigned by staff will be averaged into one consensus score. This score will determine the Level and Maximum Incentive available for the proposed development. A Developer's application must receive a score of at least thirty (30) points to qualify for any incentives. A chart depicting the point range for each Tier and the Maximum Incentive by Tier is attached hereto and incorporated herein as Exhibit "B."

Section 5. Affordable Housing Advisory Committee (AHAC). The Application with the consensus score from County staff will be presented to the Affordable Housing Advisory Committee for their consideration and recommendation. The Committee's review and recommendation is limited to the level of funding; the Committee cannot change the consensus score assigned by County staff. The AHAC's recommendation will then be provided to the Board of County Commissioners for consideration.

Section 6. Board of County Commissioners. The Board of County Commissioners shall consider the recommendation of the AHAC and determine whether to approve the Application as recommended, approve the Application with modifications to the recommendation, or deny the Application.

Section 7. Developer Land Use Restriction Agreement (LURA). If a Developer's Application is approved, the Developer will be required to execute a Land Use Restriction Agreement (LURA) with covenants and other provisions that are based on the Developer's Application (including, but not limited to, proposed period of affordability, number of affordable units, description of the incentives awarded, and County remedies if LURA provisions are violated). The LURA must be approved by the County Attorney and the Board and will be recorded in the Charlotte County Official Records.

Section 8. Developer Performance. All building permits for the proposed development must be issued within eighteen (18) months of the approval of the incentive(s). Once building permits are issued, the Developer must diligently pursue construction. Failure to commence construction within the foregoing time frame or allowing any building permit to expire will be considered a violation and the County may pursue any of the remedies in Section 9 below.

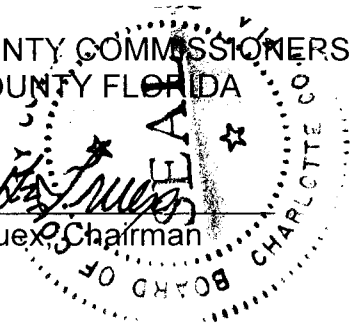
Section 9. If the Developer violates any provision of the LURA or fails to commence or diligently pursue construction, and the non-compliance is not cured within thirty (30) days after written notice is provided to the Developer, the County may, at its sole option, bring a civil action to enforce the terms of the LURA or declare that all subsidies and deferred or waived impact fees are immediately due and payable. In any such action, the County shall be entitled to recover all fees and costs, including attorney's fees, incurred by the County in enforcing the LURA, plus interest at the then maximum statutory rate for judgments calculated on a calendar day basis until paid.

Section 10. This resolution shall take effect upon adoption.

PASSED AND DULY ADOPTED this 28th day of July, 2020.

BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY FLORIDA

By: William G. Truex
William G. Truex, Chairman



ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk of the
Board of County Commissioners

By: Michelle N. Berardino
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR20-0218 [Signature]



Charlotte HOME
(Housing Opportunities Made Easier)
Affordable Designation/Project Scoping Request

Office Use Only:
Request Date: _____ Scoping Meeting Date: _____
[] RENTAL [] HOMEOWNERSHIP [] SPECIAL NEEDS/SUPPORTED LIVING
[] Multi-family [] Single Family [] Other

An officer, owner, partner or sole proprietor of the Company applying must sign this form

Person(s) Attending: _____

[] Owner [] Builder [] Developer [] Engineer/Architect/Design Professional [] Other: _____

Is the applicant affiliated with a: [] Non-profit [] Community Land Trust _____

Best number to reach: _____ Email: _____

Engineer/Architect/Design Professional Attending: _____ Telephone Number: _____

Contractor License Number (if applicable): _____

Property Tax ID Number(s): _____

Property Acreage: _____

Project Location or Address: _____

Legal Description of proposed property: _____

Subdivision Name: _____

Zoning District (current): _____
(Include overlay districts if applicable)

Future Land Use (current): _____
(Include overlay districts if applicable)

Zoning District (proposed): _____

Future Land Use (proposed): _____

No. of proposed buildings _____ No of proposed units _____ No. of Affordable Units _____

Percentage of Affordable Units _____ Average resident income: [] 60-80% AMI [] <60% AMI [] <30% AMI

If Rental, proposed rental rates: _____ If Homeownership, proposed sales price: _____

Term of Affordability: [] Perpetuity [] 50 years [] 21-49 years [] 20 years [] Tied to sale of unit

Incentives Requested: [] Impact Fee Waiver [] Utility Fees [] Other Fees [] Density
[] Land Donation [] Local Gov. Contribution [] Other

See page 2 for additional required information.

Incentives may be awarded, subject to available funding, on a pro rata basis for proposals meeting minimum, median or maximum incentive thresholds. Awards are based on AHAC and/or staff recommendation and Board of County Commissioner approval.

Signature: _____ Date: _____

Charlotte Home – Additional Required Information

Describe the scope of the project including financial capacity, the plan for continued affordability for the term proposed and the plan for annual certification of average resident income:

Identify prior work including both successful and unsuccessful projects. How many units have you produced?:

Describe any past or present litigation involving any partners in the project, including outcome(s), if applicable:

Outline project readiness (site control; zoning; construction timeline):

Identify any leveraged investments and/or collaborative ventures:

Services and programs offered to residents, if applicable:

Proximity to medical, employment, shopping:

Other information:

Potential Incentive Award Criteria

| Score | Level | Maximum Incentive |
|---------------|--------------|---|
| <30 points | Disqualified | Does not meet threshold |
| 30-49 points | Tier I | Impact fees waived on affordable units only |
| 50-79 points | Tier II | Tier I + 30% fee subsidy (not to exceed \$200,000) |
| 80-100 points | Tier III | Tier I + 50% fee subsidy (not to exceed \$400,000) |
| >100 points | Tier IV | Tier I + 100% fee subsidy (not to exceed \$650,000) + other incentives |