

CHARLOTTE COUNTY



SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2020-2021, 2021-2022, 2022-2023

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I. Program Details:

A. LG(s)

Name of Local Government	Charlotte County
Does this LHAP contain an interlocal agreement?	Yes
If yes, name of other local government(s)	City of Punta Gorda

B. Purpose of the program:

- To meet the housing needs of the extremely low, very low, low and moderate income households;
- To expand production of and preserve affordable housing; and
- To further the housing element of the local government comprehensive plan specific to affordable housing.

C. Fiscal years covered by the Plan: 2020-2021, 2021-2022, 2022-2023

D. Governance: The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, Florida Administrative Code. Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

E. Local Housing Partnership: The SHIP Program encourages building active partnerships between government, lending institutions, builders and developers, not-for-profit and community-based housing providers and service organizations, providers of professional services related to affordable housing, advocates for low income persons, real estate professionals, persons or entities that can provide housing or support services and lead agencies of the local continuums of care.

F. Leveraging: The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs.

G. Public Input: Public input was solicited through face to face meetings with housing providers, social service providers and local lenders and neighborhood associations. Public input was solicited through the local newspaper in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability.

H. Advertising and Outreach: SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. Waiting List/Priorities: A waiting list will be established when there are eligible applicants for strategies that no longer have funding available. Those households on the waiting list will be notified of their status.

Applicants will be maintained in an order that is consistent with the time and date the pre-qualification phone interview is done with the applicant as well as any established funding priorities as described in this plan.

The following priorities for funding described/listed here apply to all strategies unless otherwise stated in an individual strategy in Section II:

Special Needs Households, Extremely Low, Very Low, and Low Income Households.

- J. Discrimination :** In accordance with the provisions of Sections 760.20-760.37, F.S., it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing.
- K. Support Services and Counseling:** Support services are available from various sources. Available support services may include but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, Foreclosure Counseling and Transportation.
- L. Purchase Price Limits:** The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

U.S. Treasury Department	X
Local HFA Numbers	

- M. Income Limits, Rent Limits and Affordability:** The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at www.floridahousing.org.

“Affordable” means that monthly rents or 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 Sections 420.9071, F.S. However, it is not the intent to limit an individual household’s ability to devote more than 30% of its income for housing, and housing for which a household devotes more than 30% 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% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.

- N. Welfare Transition Program:** Should an eligible sponsor be used, a qualification system and selection criteria for applications for awards to eligible sponsors shall be developed, which includes a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.
- O. Monitoring and First Right of Refusal:** In the case of rental housing, the staff and any entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely

on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$10,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 15 years or the term of assistance whichever is longer unless as specified above. Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

- P. Administrative Budget:** A line-item budget is attached as Exhibit A. Charlotte County finds that the moneys deposited in the local housing assistance trust fund are necessary to administer and implement the local housing assistance plan.

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states: “A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 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.”

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, further states: “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, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.” The applicable local jurisdiction has adopted the above findings in the resolution attached as Exhibit E.

- Q. Program Administration:** Administration of the local housing assistance plan will be performed by:

Entity	Duties	Admin. Fee Percentage
Local Government	Charlotte County	100%
Third Party Entity/Sub-recipient		

- R. First-time Homebuyer Definition:** For any strategies designed for first-time homebuyers, the following definition will apply: *An individual who has had no ownership in a principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers). A single parent who has only owned a home with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.*
- S. Project Delivery Costs:** No more than 4% - Purchase Assistance without Rehab, No more than 5% - Owner Occupied Rehab
- T. Essential Service Personnel Definition (ESP):** ESP includes teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, and skilled building trades personnel.

U. Describe efforts to incorporate Green Building and Energy Saving products and processes: In May 2009, Charlotte County adopted a Green Building Ordinance to become a more sustainable community by reducing the environmental impact of buildings and promoting economic and environmental health in the County. The program encourages, advocates and educates green building and development, and offers incentives to participants. Involvement in the program is voluntary to private residential and commercial projects. However, it is a mandatory policy in the design and construction of all buildings owned and constructed by or on behalf of Charlotte County.

The establishment of this Ordinance requires that the County, in all construction projects, abide by County adopted building codes that result in innovative, energy efficient and wind resistant construction practices. This Ordinance was adopted as a direct result of the 2004 Hurricane season that resulted in widespread damage to County structures. The adoption of this Ordinance strongly encourages non-governmental construction projects follow the same requirements on a voluntary basis. These requirements are reviewed as part of the permitting process and have/will continue to result in these changes in construction industry of the County.

V. Describe efforts to meet the 20% Special Needs set-aside: The Charlotte County SHIP Program will seek and market, through its partners, the County Web Page and public outreach, that funds are available for Special Needs clients. As potential clients contact the SHIP Office there is a telephone interview to determine basic qualifications as well as a determination of any Special Needs. Additionally, the City of Punta Gorda refers any such clients when identified. The Charlotte County Human Services Department receives referrals of special needs clients from Intake Services, Veteran Services, Aging & Adult Services, and Neighborhood Services, all Human Services Department divisions.

W. Describe efforts to reduce homelessness: Charlotte County has included in the 2020-2023 LHAP a strategy for rental assistance and eviction prevention. This strategy assists families acquire and/or maintain rental housing. Funds are awarded to renter households in need of security and utility deposit assistance, monthly rent assistance or rent subsidy. Charlotte County's Emergency Assistance and Family Housing Assistance Funds also provide funding to assist families with housing assistance when available. The United Way's Season of Sharing program, Charlotte County's CSBG & TANF funds also provide housing assistance as funding allows. Charlotte County Human Services serves as a virtual access point for coordinated entry through its 211 with referral to the Continuum of Care for housing re-entry services.

Section II. LHAP Strategies:

A. PURCHASE ASSISTANCE WITHOUT REHAB	Code 2
<p>a. Summary: Purchase Assistance without Rehab provides SHIP assistance for down payment and closing costs to qualified households to purchase new or existing single family or condominium homes. This includes homes purchased from a community land trust (CLT).</p>	
<p>b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023</p>	

- c. Income Categories to be served: Extremely low, very low and low income. Moderate income households will be served, but on a limited basis – maximum of two (2) households per funding year.

- d. Maximum Award:

Income Level	Maximum Award
Extremely Low	30% of the purchase price – not to exceed \$31,200
Very Low	25% of the purchase price – not to exceed \$26,000
Low	20% of the purchase price – not to exceed \$20,800
Moderate	15% of the purchase price – not to exceed \$15,600

- e. Terms (See “Additional Information” for special terms for CLT home purchases):

1. Deferred Loan: SHIP assistance is provided in the form of a deferred loan secured by a note and recorded subordinate mortgage.

2. Interest Rate: 0%

3. Years in loan term:

Loan Range:	\$0 to \$10,000.00	Five-Year Term
	\$10,000.01 to \$20,000.00	Ten-Year Term
	\$20,000.01 to \$30,000.00	Fifteen-Year Term

4. Forgiveness: Loans with a five-year term are forgiven at the end of the fifth year.

Loans with a ten-year term are reduced by 25% beginning at the end of year seven and continues for years eight, nine and ten with no repayment required at the end of year ten.

Loans with a fifteen-year term are forgiven at 25% per year beginning at the end of year twelve and continues for years thirteen, fourteen and fifteen with no repayment required at the end of year fifteen.

5. Repayment: No repayment required as long as the loan is in good standing.

6. Default: Outstanding loan balance becomes due and payable if the home is no longer used as the primary residence of the recipient, is used as rental housing, is sold, or if ownership is transferred.

In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.

- f. Recipient/Tenant Selection Criteria: Recipient selection will be on a first qualified, first served basis. Recipients must provide SHIP office with a purchase contract for a home within six months of the application date. Recipients must also attend and complete a HUD approved homebuyer education class prior to signing contract for home purchase. CLT homebuyers must attend a HUD approved homebuyer education class that contains a community land trust component and/or one or more sessions with the

CLT, in addition to a homebuyer education class that requires CLT buyers to demonstrate and attest to a clear understanding of the terms of community land trust homeownership.

- g. Sponsor Selection Criteria: N/A
- h. Additional Information: The SHIP mortgage can be subordinated upon a refinance of the primary loan only if the refinance is for a better interest rate with no cash out or bills being paid. Refinance with cash out, including reverse mortgages, or bills paid require full repayment at the time of refinance.

All homes purchased must become the primary residence of the recipient.

Purchase Assistance without Rehab will not be granted for the purchase of mobile or manufactured homes.

These funds are only available for first time homebuyers or recent non-home owners. This is defined as those who have not owned a home in the past three years.

The value of the property may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located as established by the U.S. Treasury Department.

SHIP Down Payment and Rehabilitation applicants are limited to a lifetime combined maximum benefit of \$50,000.00 excluding project delivery costs.

Terms for CLT home purchases:

This SHIP assistance is assumable to an income-eligible purchaser. The terms of the Note and Mortgage shall show subsequent purchasers to assume the loan with approval by the CLT. Otherwise, no repayment required during the term of the loan, provided the loan remains in good standing. Please see Exhibit H for additional instructions and information for CLT purchases.

B. OWNER OCCUPIED REHABILITATION

Code 3

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| a. Summary: Owner Occupied Rehabilitation provides SHIP assistance to qualified households to rehabilitate and/or add hurricane mitigation/hardening features to single family and condominium units. |
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- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023
- c. Income Categories to be served: Extremely low, very low and low income. Moderate income households will be served, but on a limited basis – maximum of two (2) households per funding year.
- d. Maximum award: \$52,500
- e. Terms:
 - 1. Deferred Loan: SHIP assistance is provided in the form of a deferred loan secured by a note and recorded subordinate mortgage.

2. Interest Rate: 0%

3. Years in loan term:

Loan Range:	\$0 to \$15,000.00	Five-Year Term
	\$15,000.01 to \$30,000.00	Ten-Year Term
	\$30,000.01 to \$50,000.00	Fifteen-Year Term

4. Forgiveness:

Loans with a five-year term are forgiven at the end of the fifth year.

Loans with a ten-year term are reduced by 25% beginning at the end of year seven and continues for years eight, nine and ten with no repayment required at the end of year ten.

Loans with a fifteen-year term are forgiven at 25% per year beginning at the end of year twelve and continues for years thirteen, fourteen and fifteen with no repayment required at the end of year fifteen.

5. Repayment: No repayment required as long as the loan remains in good standing.

6. Default: Outstanding loan balance becomes due and payable if the home is no longer used as the primary residence of the recipient, is used as rental housing, is sold, or if ownership is transferred.

In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.

f. Recipient/Tenant Selection Criteria: Recipient selection will be on a first qualified, first served basis following completion of a pre-qualification interview, receipt of an application, income qualification, receipt of Ownership & Encumbrance Report verifying no liens or judgements and that property taxes are paid.

g. Sponsor Selection Criteria: N/A

h. Additional Information: SHIP Down Payment and Rehabilitation applicants are limited to a lifetime combined maximum benefit of \$50,000.00 excluding project delivery costs.

All homes rehabilitated with SHIP assistance must be the primary residence of the recipient.

SHIP Owner Occupied Rehabilitation will not be granted for the rehabilitation of mobile or manufactured homes.

The SHIP mortgage can be subordinated upon a refinance of the primary loan only if the refinance is for a better interest rate with no cash out or bills being paid. Refinance with cash out, including reverse mortgages, or bills paid require full repayment at the time of refinance.

The value of the property may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located as established by the U.S. Treasury Department.

C. RENTAL ASSISTANCE, SECURITY AND/OR UTILITY DEPOSITS AND RAPID RE-HOUSING	Code 13, 23,26
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| a. | Summary: Funds will be awarded to renters that are in danger of coming homeless as a result of the inability to pay rent or make security and/or utility deposits. In accordance with Section 420.9072 (7) (b), Florida Statutes, types of assistance are limited to: <ul style="list-style-type: none"> 1) Eviction Prevention – payment of past due rent and late fees for up to 6 months; 2) Deposit Assistance – payment of security and/or utility deposits; 3) Rent Subsidy – payment of rent up to 12 months (less any eviction prevention assistance provided) for income eligible individuals and families who are homeless (as defined in Section 420.621, Florida Statutes) or who have at least one family member that meets the definition of special needs (as defined in Section 420.0004, Florida Statutes). |
|----|---|
- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023
- c. Income Categories to be served: Extremely low and very low income households will be served by this strategy.
- d. Maximum award: \$12,000.00
- e. Terms:
1. Grant: SHIP assistance is provided in the form of a grant.
 2. Interest Rate: N/A
 3. Years in loan term: N/A
 4. Forgiveness: N/A
 5. Repayment: N/A
 6. Default: N/A
- f. Recipient/Tenant Selection Criteria:
Applicants who are homeless or at risk of homelessness shall be referred through the local Continuum of Care Coordinated Entry System and be assisted on a first qualified, first served basis. Applicants with one shall be referred to the local Continuum of Care Coordinated Entry System for intake and referral.
- g. Sponsor Selection Criteria:
Sub-recipient nonprofit organization(s) may be selected to administer the Eviction Prevention, Deposit Assistance, and/or Rent Subsidy Programs. Criteria for selection of sub-recipient organization(s) will include: (1) past experience working with the target population; (2) past experience administering similar assistance programs; (3) financial and human resource capacity to administer the program; (4)

participation in the Continuum of Care Coordinated Entry System; and (5) such other criteria as may be determined appropriate.

- h. Additional Information:
Recipients are eligible to receive additional SHIP assistance through this strategy no less than 24 months from date of last assistance.

Recipients of other ongoing rental assistance may not be eligible to receive assistance under this strategy. Applications will be reviewed on a case-by-case basis.

D. SINGLE FAMILY HOUSING CONSTRUCTION

Code 10

a. Summary: This strategy is designed to promote the new construction of affordable single-family housing units for homeownership opportunities. All funds awarded to developers must be used to cover the cost of acquisition/rehabilitation, replacement or new construction. The assistance shall be treated as a development cost pay-down to further reduce the sales price to the homebuyer. Funds will be awarded to developers of subsidized single family housing in connection with the Charlotte HOME (Housing Opportunities Made Easier) program. Charlotte HOME is an incentive based program approved by the Board of County Commissioners to attract developers of affordable housing to Charlotte County.

- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023
- c. Income Categories to be served: Extremely low, very low income and low income
- d. Maximum award: Developer:

Developer: Maximum Award up to \$30,000.00 per unit.	
Homebuyer: Income Level	Maximum Award
Extremely Low	\$30,000.00
Very Low	\$25,000.00
Low	\$20,000.00

- e. Terms:
- Deferred Loan:
Developer: Developer will enter into an Agreement with Charlotte County stating that when the home is sold to a qualified low-income homebuyer, a discount will be applied to the sales price equal to the amount of the assistance.

Homebuyer: SHIP assistance is provided in the form of a deferred loan secured by a note and recorded subordinate mortgage.
 - Interest Rate:

Developer: N/A

Homebuyer: 0%

3. Years in loan term:

Developer: N/A

Homebuyer: 10 years

4. Forgiveness:

Developer: N/A

Homebuyer: Loans are reduced by 25% beginning at the end of year seven and continues for years eight, nine and ten with no repayment required at the end of year ten.

5. Repayment:

Developer: N/A

Homebuyer: Repayment is not required as long as the loan is not in default.

6. Default:

Developer: Failure on the part of the developer to receive a certificate of occupancy and transfer ownership to an income eligible homebuyer within 18 months of execution of the agreement will constitute a default. In the event of a default, the agreement becomes null and void.

Homebuyer: Outstanding loan balance becomes due and payable if the home is no longer used as the primary residence of the recipient, is used as rental housing, is sold, or if ownership is transferred. In cases where the qualifying homeowner(s) die(s) during the loan term, the loan may be assumed by a SHIP eligible heir who will occupy the home as a primary residence. If the legal heir is not SHIP eligible or chooses not to occupy the home, the outstanding balance of the loan will be due and payable.

- f. Recipient/Tenant Selection Criteria: Recipient selection will be handled by Developer. Recipient income certification will be reviewed by County staff once completed by Developer.
- g. Sponsor Selection Criteria: Request for proposals and/or open application process will be utilized to select a sponsor to implement this strategy.

Applications will be ranked in accordance with specific scoring criteria based on County preferences and development needs. Scoring will be based on the experience of the developer, project readiness, community need, green and universal design features, and willingness to employ local labor. The application will reflect local preferences for housing for elderly households, special needs and extremely low income households.

h. Additional Information:

The value of the property may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located as established by the U.S. Treasury Department.

SHIP Down Payment, Rehabilitation and Single Family Housing Construction applicants are limited to a lifetime combined maximum benefit of \$50,000.00 excluding project delivery costs.

Awarded funds will be distributed to the Developer once the County has received the executed note and recorded subordinate mortgage between County and homebuyer.

For development of a property in a Community Land Trust, the assistance amount shall be excluded from the Base Price and Formula Price as defined in the ground lease.

E. MULTI-FAMILY NEW CONSTRUCTION/REHABILITATION
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Code 14,21

a. Summary: This strategy is designed to assist in the new construction or rehabilitation of existing rental developments. Funds will be awarded to developers of rental housing in connection with Florida Housing Finance Corporation (FHFC)'s multi-family development programs and the Charlotte HOME (Housing Opportunities Made Easier) program. Charlotte HOME is an incentive based program approved by the Board of County Commissioners to attract developers of affordable housing to Charlotte County. Incentives are currently awarded to developers for impact fee waivers and utility connection fees.

- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023
- c. Income Categories to be served: Extremely low, very low and low income.
- d. Maximum award: \$20,000.00 maximum per rental unit with a per development maximum of \$350,000.00.
- e. Terms:
 - 1. Loan or Deferred Loan: Assistance for this strategy may be provided in either form depending on project.
 - 2. Interest Rate: Interest rate for this strategy will vary from 0% to 3% depending on project.
 - 3. Years in loan term:
To be determined at time of loan commitment(s). The following will be applied to all loans:
 - a. Loan amount will be determined by development type;
 - b. Term of loan to be determined by development financial feasibility;
 - b. Monthly payment schedule;
 - c. Amortizing or non-amortizing, but amortizing preferred;
 - d. Loan due in full in balloon payment at end of loan period if not already amortized.
 - 4. Forgiveness: N/A
 - 5. Repayment: Assistance provided in the form of a loan is payable as indicated in the recorded mortgage, note and LURA.
 - 6. Default: If the SHIP mortgagor vacates, transfers, assigns, sells, refinances, mortgages or in any manner encumbers or disposes of all or a portion of, or any interest in the premises without the

approval of the Charlotte County SHIP Office before the maturity date of the mortgage, the outstanding balance secured by the Mortgage and any applicable penalty shall become immediately due and payable as defined in the recorded SHIP Mortgage and Note and/or Land Use Restriction Agreement (LURA). Sponsors that fail to comply with the SHIP Statute and Rule will be required to pay back the SHIP funds.

- f. Recipient/Tenant Selection Criteria: All applicants for residence in a SHIP-assisted unit will be assisted on a first-qualified, first-served basis and must meet income qualifications of the program and reported by the developer's management company for development.
- g. Sponsor/Sub-recipient Selection Criteria: All applications must incorporate the Charlotte HOME (Housing Opportunities made Easier) application packet and will be reviewed by the Charlotte HOME review team and the BOCC's Affordable Housing Advisory Committee (AHAC), who will make recommendations to the Board.

Applications will be ranked in accordance with specific scoring criteria based on County preferences and development needs. Scoring will be based on the experience of the developer, project readiness, community need, green and universal design features, and willingness to employ local labor. The application will reflect local preferences for housing for elderly households, special needs and extremely low income households.

- h. Additional Information: Multi-family projects funded under this strategy will have a minimum affordability period of fifty years. Charlotte County shall be responsible for the annual monitoring of all multi-family housing projects as outlined in Florida Statute 420.907 – 420.9079. Items above: d, e, f, and g will be determined based on the Developer's proposal and Board of County Commission approval.

Please see Exhibit I for additional information on Charlotte HOME.

F. DISASTER STRATEGY

Code 5,16

- a. Summary: The Disaster Strategy provides assistance to households following a disaster as declared by the President of the United States or Governor of the State of Florida. This strategy will only be implemented in the event of a disaster using any funds that have not yet been encumbered or with additional disaster funds allocated by Florida Housing Finance Corporation. SHIP disaster funds may be used for items such as, but not limited to:
 - (a) purchase of emergency supplies for eligible households to weatherproof damaged homes;
 - (b) interim repairs to avoid further damage; tree and debris removal required to make the individual housing unit habitable;
 - (c) construction of wells or repair of existing wells where public water is not available;
 - (d) payment of insurance deductibles for rehabilitation of homes covered under homeowners' insurance policies;
 - (e) security deposit for eligible recipients that have been displaced from their homes due to disaster;

- (f) rental assistance for up to 6 months for eligible recipients that have been displaced from their homes due to disaster.
- (g) Strategies included in the approved LHAP that benefit applicants directly affected by the declared disaster.
- (h) Temporary rent and utilities payments for up to 6 months for tenants financially impacted by a disaster.
- (i) Temporary mortgage and utilities payments for up to 6 months for homeowners financially impacted by a disaster.

- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023
- c. Income Categories to be served: Extremely low, very low and low income households will be served by this strategy.
- d. Maximum award: \$12,000.00
- e. Terms :
 - 1. Grant: SHIP assistance is provided in the form of a grant.
 - 2. Interest Rate: N/A
 - 3. Years in loan term: N/A
 - 4. Forgiveness: N/A
 - 5. Repayment: N/A
 - 6. Default: N/A
- f. Recipient/Tenant Selection Criteria: Recipient selection will be on a first qualified, first served basis. Priority shall be given to persons who have special housing needs and individuals or households that qualify as Elderly as defined in 420.503, F.S.
- g. Sponsor Selection Criteria: N/A
- h. Additional Information: Assistance from the Disaster Strategy does not preclude an applicant from receiving assistance from another SHIP strategy.

G. NON-PROFIT, LOW INCOME/SPECIAL NEEDS RENTAL

Code 14,15,21

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| <ul style="list-style-type: none"> a. Summary: This strategy is designed to assist in the rehabilitation, demolition/reconstruction or new construction of rental housing for low income households or low income special needs households. |
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- b. Fiscal Years Covered: 2020-2021, 2021-2022, 2022-2023

- c. Income Categories to be served: Extremely low, very low and low income households will be served by this strategy.
- d. Maximum award: Maximum award for this strategy is \$30,000.00 per unit.
- e. Terms:
 - 1. Deferred Loan: SHIP assistance is provided in the form of a deferred loan secured by a note and recorded subordinate mortgage.
 - 2. Interest Rate: 0 %
 - 3. Years in loan term: 20
 - 4. Forgiveness: forgiven at the end of the term.
 - 5. Repayment: No repayment required.
 - 6. Default: Outstanding loan balance becomes due and payable if the property is sold or is no longer used as affordable rental housing for low income households.

Selected sponsors offering SHIP assisted rental housing for sale before the end of the twenty-year term or who have remaining mortgages funded under this program must give a right of first refusal to the SHIP Program Administrator or eligible non-profit organizations at the current market value for continued occupancy by income eligible households.

- f. Recipient/Tenant Selection Criteria: N/A
- g. Sponsor Selection Criteria: Non-profit and special needs organizations seeking to operate rental housing for low income or special needs households will be eligible to submit applications for SHIP funds to rehabilitate, demolish and reconstruct, or construct rental housing.

Applications will be ranked in accordance with specific scoring criteria based on County preferences and development needs. Scoring will be based on the experience of the developer, project readiness, community need, green and universal design features, and willingness to employ local labor. The application will reflect local preferences for housing for elderly households, special needs and extremely low income households.

- h. Additional Information: Specific tenant selection criteria will be determined by the developer assuming compliance with all fair housing laws.

Selected sponsors shall be required to enter into a Land Use Restriction Agreement (LURA) with Charlotte County which will outline the eligibility requirements for the assisted units. The LURA will also require sponsors to report to the County the income eligibility of tenants on an annual basis for twenty years. Sponsors will be required to meet compliance reporting requirements on the property necessary to meet the statutory requirements for monitoring of SHIP rental units.

III. LHAP Incentive Strategies

In addition to the **required Incentive Strategy A and Strategy B**, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F.S.:

- A. **Expedited Permitting** Permits as defined in s. 163.3177 (6) (f) (3) for affordable housing projects are expedited to a greater degree than other projects.

Section 3-9-5.4 of the Charlotte County Code of Laws and Ordinances (County Code), adopted in 1998, established an Expedited Process for Certified Affordable Housing Development. This places a priority on the review of “Certified Affordable Housing Development” projects, which are defined as housing projects in which at least 25 percent of the total units constructed are made available to low- or very-low income residents. This expedited process does not apply to plan amendment or rezoning petitions, plat application, or a petition before the Board of Zoning Appeals.

- B. **Ongoing Review Process** An ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption.

Proposed policies, ordinances, and plan amendments submit an Economic Impact Estimate to review their potential costs or savings.

- C. **Modification of Impact Fees** Including a reduction or waiver of fees and alternative methods of fee payments for affordable housing. The Affordable Housing Trust Fund may be used to pay impact fees for affordable housing developments.

- D. **Flexible Densities** Section 3-9-150 of the County Code allows the County to award Incentive Density to provide increased density for the development of multifamily rental housing or workforce and affordable housing, in tandem with a future land use map amendment and rezoning, although total densities may not exceed that established by the future land use map.

- E. **Parking and Setback Requirements** Parking reduction is currently allowed with the submission of a study showing that a reduced number of parking spaces are necessary. Section 3-9-79 of the County Code allows a developer to submit a parking study during the Site Plan Review process demonstrating why parking requirements for their development may be reduced below 1.5 spaces per unit for multifamily development or 2.0 spaces per unit for single-family development. This policy is not exclusive to the development of affordable housing.

- F. **Affordable Accessory Dwelling Units** The County’s Transfer of Density Units program requires a transfer of density to raise the maximum residential density on any site. An existing home on two or more contiguous lots may construct an accessory dwelling unit, since the property overall has as many density units as included lots. Staff is working to develop policies that ease the development of accessory dwelling units.

- G. **Flexible Lot Configurations** The Planned Development (PD) zoning district allows flexible performance criteria to replace conventional zoning requirements, including lot sizes. Section 3-9-67 of the County Code allows the development of cluster housing, where “a lot size smaller than normally required is permitted so long as density does not exceed the maximum density permitted in such district”.
- H. **Modification of Street Requirements** Reduced sidewalk and street walk requirements are used as an incentive for the inclusion of affordable housing in large-scale development on a case by case basis in the County. An affordable housing development can apply for a variance to reduce the eight-foot sidewalk width requirement with the County Engineer. The County Engineer will review the request as it relates to the incentive strategies approved by the Board of County Commissioners. The majority of development in the City is infill oriented on an existing grid system.
- I. **Public Land Inventory** Florida Statute 125.379 requires that every three (3) years, each county is to prepare an inventory list of county-owned property deemed appropriate for Affordable Housing. A list of current available county-owned properties is sent to Housing Staff for selection of properties deemed appropriate for use as Affordable Housing. Once properties have been selected, a Public Hearing is held, and approval is received by the Board of County Commissioners to add properties to list of Affordable Housing Inventory.
- J. **Support of Development Near Transportation Hubs** Charlotte County does not currently have any transportation hubs to support a policy for development. If a fixed-route transit system is put into place, Transit Oriented Development policies could be developed and implemented.

IV. EXHIBITS:

Required

- A. Administrative Budget for each fiscal year covered in the Plan.
- B. Timeline for Estimated Encumbrance and Expenditure.
- C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the plan.
- D. Signed LHAP Certification.
- E. Signed, dated, witnessed or attested adopting resolution.

Optional

- F. Ordinance: (If changed from the original creating ordinance).
- G. Interlocal Agreement.
- H. Down Payment Assistance for Community Land Trust Purchases
- I. Charlotte HOME

Charlotte County

Fiscal Year: 2020-2021	
Estimated SHIP Funds for Fiscal Year:	\$ 1,953,646.00
Salaries and Benefits	\$ 189,564.60
Office Supplies and Equipment	\$ 1,000.00
Travel Per diem Workshops, etc.	\$ 1,500.00
Advertising	\$ 500.00
Other*	\$ 2,800.00
Total	\$ 195,364.60
Admin %	10.00%
	OK
Fiscal Year 2021-2022	
Estimated SHIP Funds for Fiscal Year:	\$ 1,953,646.00
Salaries and Benefits	\$ 189,564.60
Office Supplies and Equipment	\$ 1,000.00
Travel Per diem Workshops, etc.	\$ 1,500.00
Advertising	\$ 500.00
Other*	\$ 2,800.00
Total	\$ 195,364.60
Admin %	10.00%
	OK
Fiscal Year 2022-2023	
Estimated SHIP Funds for Fiscal Year:	\$ 1,953,646.00
Salaries and Benefits	\$ 189,564.60
Office Supplies and Equipment	\$ 1,000.00
Travel Per diem Workshops, etc.	\$ 1,500.00
Advertising	\$ 500.00
Other*	\$ 2,800.00
Total	\$ 195,364.60
Admin %	10.00%
	OK
<p>*All "other" items need to be detailed here and are subject to review and approval by the SHIP review committee. Project Delivery Costs that are outside of administrative costs are not to be included here, but must be detailed in the LHAP main document.</p> <p>Details: Postage - \$200.00, Rentals/Leases - Equipment - \$2200.00, Dues & Memberships - \$300.00, Cell phone - \$100.00</p>	

Exhibit B
Timeline for SHIP Expenditures

__Charlotte County__ affirms that funds allocated for these fiscal years will meet the following deadlines:
(local government)

Fiscal Year	Encumbered	Expended	1st Year AR	2nd Year AR	Closeout AR
2020-2021	6/30/2022	6/30/2023	9/15/2021	9/15/2022	9/15/2023
2021-2022	6/30/2023	6/30/2024	9/15/2022	9/15/2023	9/15/2024
2022-2023	6/30/2024	6/30/2025	9/15/2023	9/15/2024	9/15/2025

If funds allocated for these fiscal years is not anticipated to meet any of the deadlines in the table above, Florida Housing Finance Corporation will be notified according to the following chart:

Fiscal Year	Funds Not Encumbered	Funds Not Expended	1st Year AR Not Submitted	2nd Year AR Not Submitted	Closeout AR Not Submitted
2020-2021	3/30/2022	3/30/2023	6/15/2021	6/15/2022	6/15/2023
2021-2022	3/30/2023	3/30/2024	6/15/2022	6/15/2023	6/15/2024
2022-2023	3/30/2024	3/30/2025	6/15/2023	6/15/2024	6/15/2025

Requests for Expenditure Extensions (close-out year ONLY) must be received by FHFC by June 15 of the year in which funds are required to be expended. The extension request shall be emailed to robert.dearduff@floridahousing.org and terry.auringer@floridahousing.org and include:

1. A statement that “(city/county) requests an extension to the expenditure deadline for fiscal year _____.
2. The amount of funds that is not expended.
3. The amount of funds that is not encumbered or has been recaptured.
4. A detailed plan of how/when the money will be expended.

Note: an extension to the expenditure deadline (June 30) does not relieve the requirement to submit (September 15) the annual report online detailing all funds that have been expended. Please email terry.auringer@floridahousing.org when you are ready to “submit” the AR.

Other Key Deadlines:

AHAC reports are now due annually by December 31. Local governments receiving the minimum (or less) allocation may choose not to report.

FLORIDA HOUSING FINANCE CORPORATION												
HOUSING DELIVERY GOALS CHART												
2020-2021												
Name of Local Government:			Charlotte County									
Estimated Funds (Anticipated allocation only):			\$ 1,953,646									
Code	Strategies	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units
	Homeownership											
2	Purchase Assistance without Rehab	Yes	2	\$25,000	14	\$20,000			\$330,000.00	\$0.00	\$330,000.00	16
2	Purchase Assistance without Rehab	No	2	\$30,000					\$0.00	\$60,000.00	\$60,000.00	2
3	Owner Occupied Rehab	Yes	5	\$50,000	19	\$50,000			\$1,200,000.00	\$0.00	\$1,200,000.00	24
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
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									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
	Total Homeownership		9		33		0		\$1,530,000.00	\$60,000.00	\$1,590,000.00	42
Purchase Price Limits:			New	\$ 294,601	Existing	\$ 294,601						

OK

OK

Code	Rental	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units
12	Rental Assistance, Security, Utility Deposits,	No	5	\$12,000	9	\$12,000			\$0.00	\$168,000.00	\$168,000.00	14
	Rapid Re-Housing								\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
	Total Rental		5		9		0		\$0.00	\$168,000.00	\$168,000.00	14
	Administration Fees		\$ 195,365		10%		OK					
	Home Ownership Counseling		\$ -									
Total All Funds			\$ 1,953,365 OK									

Set-Asides

Percentage Construction/Rehab (75% requirement)		78.3%	OK
Homeownership % (65% requirement)		81.4%	OK
Rental Restriction (25%)		8.6%	OK
Very-Low Income (30% requirement)	\$ 420,000	21.5%	OK
Low Income (30% requirement)	\$ 1,230,000	63.0%	OK
Moderate Income	\$ -	0.0%	

FLORIDA HOUSING FINANCE CORPORATION													
HOUSING DELIVERY GOALS CHART													
2021-2022													
Name of Local Government:			Charlotte County										
Estimated Funds (Anticipated allocation only):			\$ 1,953,646										
Code	Strategies	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units	
	Homeownership												
2	Purchase Assistance without Rehab	Yes	2	\$25,000	14	\$20,000			\$330,000.00	\$0.00	\$330,000.00	16	
2	Purchase Assistance without Rehab	No	2	\$30,000					\$0.00	\$60,000.00	\$60,000.00	2	
3	Owner Occupied Rehab	Yes	5	\$50,000	19	\$50,000			\$1,200,000.00	\$0.00	\$1,200,000.00	24	
									\$0.00	\$0.00	\$0.00	0	
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									\$0.00	\$0.00			

OK

OK

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	Rapid Re-Housing								\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
	Total Rental		5		9		0		\$0.00	\$168,000.00	\$168,000.00	14
	Administration Fees		\$ 195,365		10%		OK					
	Home Ownership Counseling		\$ -									
Total All Funds			\$ 1,953,365 OK									

Set-Asides

Percentage Construction/Rehab (75% requirement)		78.3%	OK
Homeownership % (65% requirement)		81.4%	OK
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Low Income (30% requirement)	\$ 1,230,000	63.0%	OK
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FLORIDA HOUSING FINANCE CORPORATION												
HOUSING DELIVERY GOALS CHART												
2022-2023												
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	Total Homeownership		9		33		0		\$1,530,000.00	\$60,000.00	\$1,590,000.00	42
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OK

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									\$0.00	\$0.00	\$0.00	0
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									\$0.00	\$0.00	\$0.00	0
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Total All Funds			\$ 1,953,365 OK									

Set-Asides

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Low Income (30% requirement)	\$ 1,230,000	63.0%	OK
Moderate Income	\$ -	0.0%	

**CERTIFICATION TO
FLORIDA HOUSING FINANCE CORPORATION**

Local Government or Interlocal Entity: Charlotte County

Certifies that:

- (1) The availability of SHIP funds will be advertised pursuant to program requirements in 420.907-420.9079, Florida Statutes.
- (2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, color, national origin, sex, handicap, familial status, or religion.
- (3) A process to determine eligibility and for selection of recipients for funds has been developed.
- (4) Recipients of funds will be required to contractually commit to program guidelines and loan terms.
- (5) Florida Housing will be notified promptly if the local government /interlocal entity will be unable to comply with any provision of the local housing assistance plan (LHAP).
- (6) The LHAP provides a plan for the encumbrance of funds within twelve months of the end of the State fiscal year in which they are received and a plan for the expenditure of SHIP funds including allocation, program income and recaptured funds within 24 months following the end of the State fiscal year in which they are received.
- (7) The LHAP conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the LHAP.
- (8) Amendments to the approved LHAP shall be provided to the Florida Housing for review and/or approval within 21 days after adoption.
- (9) The trust fund exists with a qualified depository for all SHIP funds as well as program income or recaptured funds.
- (10) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.
- (11) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements (CAFR). An electronic copy of the CAFR or a hyperlink to the document shall be provided to Florida Housing by June 30 of the applicable year.
- (12) Evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97, F.S. shall be provided to Florida Housing by June 30 of the applicable year.

- (13) SHIP funds will not be pledged for debt service on bonds.
- (14) Developers receiving assistance from both SHIP and the Low Income Housing Tax Credit (LIHTC) Program shall comply with the income, affordability and other LIHTC requirements, similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements.
- (15) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.
- (16) Rental Units constructed or rehabilitated with SHIP funds shall be monitored for compliance with tenant income requirements and affordability requirements or as required in Section 420.9075 (3)(e). To the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility.
- (17) The LHAP meets the requirements of Section 420.907-9079 FS, and Rule Chapter 67-37 FAC.
- (18) The provisions of Chapter 83-220, Laws of Florida have not been implemented (except for Miami-Dade County).

Witness

William G. Truex
Chief Elected Official or designee

Witness

William G. Truex
Type Name and Title

January 26, 2021
Date

OR

Michelle DiBenedino
Attest:
(Seal)

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Janele S. Krawchuk
COUNTY ATTORNEY

LR 20-0841

CHB
BCC

RESOLUTION
NUMBER 2021 009

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA APPROVING THE LOCAL HOUSING ASSISTANCE PLAN 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.

CHARLOTTE COUNTY CLERK OF CIRCUIT COURT
OR BOOK: 4689 PAGE 89 PAGE: 1 OF 42
INSTR # 2897474 Doc Type: GOV
Recorded: 1/27/2021 at 12:03 PM
Rec. Fee: RECORDING \$368.50
Cashier By: JOANC

RECITALS

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 stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the Florida Statutes ss. 420.907-420.9079, State Housing Initiatives Partnership (SHIP) Act, and the State Housing Initiatives Partnership Program Rule Chapter 67-37 of the Florida Administrative Code, require local governments to develop a one to three-year Local Housing Assistance Plan outlining how funds will be used; and

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

WHEREAS, the SHIP Act requires local governments to establish an average

area purchase price for new and existing housing benefiting from awards made pursuant to the Act; The methodology and purchase prices used are defined in the attached Local Housing Assistance Plan; and

WHEREAS, as on December 11, 2001 the Board of County Commissioners of Charlotte County passed Resolution 2001-196 finding that five (5) percent of the local housing distribution plus five (5) percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan, and authorized up to ten (10) percent of the annual local housing distribution to pay for the administrative expenses in accordance with Florida Statutes Section 420.9075.

WHEREAS, the Economic and Community Development Department has prepared a three-year Local Housing Assistance Plan for submission to the Florida Housing Finance Corporation; and

WHEREAS, the Board of County Commissioners find that it is in the best interest of the public for the Board of County Commissioners to submit the Local Housing Assistance Plan for review and approval so as to qualify for said documentary stamp tax funds; and

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

1. The Board of County Commissioners of Charlotte County, Florida hereby approves the Local Housing Assistance Plan, as attached and incorporated hereto for submission to the Florida Housing Finance Corporation as required by Florida Statutes ss. 420.907-420.9079, for fiscal years 2020-2021, 2021-2022,

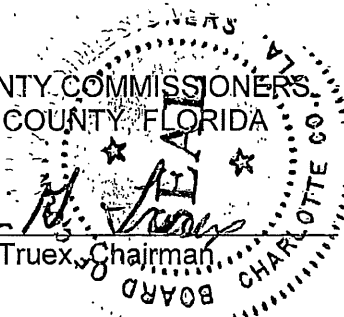
2022-2023.

2. The Chairman or his designee, 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 this 26th day of January, 2021.

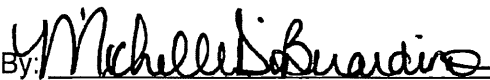
BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
William G. Truex, Chairman

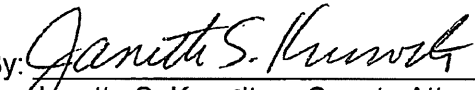


ATTEST:

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

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
LR21-0841 JS

AMENDED AND RESTATED INTERLOCAL AGREEMENT
Between
CHARLOTTE COUNTY
and
CITY OF PUNTA GORDA
for
PREPARATION, IMPLEMENTATION, AND ADMINISTRATION BY CHARLOTTE
COUNTY OF THE CITY OF PUNTA GORDA'S STATE HOUSING INITIATIVES
PARTNERSHIP (SHIP) PROGRAM

This is an Amended and Restated Interlocal Agreement ("Agreement"), made and entered into by and between Charlotte County, a political subdivision of the State of Florida ("County"), and the City of Punta Gorda, a municipal corporation of the State of Florida ("City"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties previously entered into an Interlocal Agreement dated November 21, 1995 relating to the distribution of SHIP Program funds between City and County; and

WHEREAS, the Parties desire to amend certain provisions of that Agreement as hereinafter set forth; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, Sections 420.907 through 420.9079, Florida Statutes, provides for the establishment of local housing assistance programs; and

WHEREAS, the SHIP Act encourages the establishment of joint local housing assistance programs, and authorizes local governments to enter into interlocal agreements to establish and implement such programs; and

WHEREAS, the parties desire to address the housing needs of their respective residents, and to promote the efficient location, design, and provision of affordable housing in their respective jurisdictions; and

WHEREAS, the parties believe the establishment and implementation of a joint local housing assistance program is a more efficient use of resources; and

WHEREAS, City is considered an eligible municipality under the SHIP Act, entitling City to receive its own allocation of SHIP Program funds; however, City prefers that County receive City's allocation of SHIP Program funding and administer the SHIP Program funds in accordance with the terms of this Agreement; and

WHEREAS, the Parties desire to distribute SHIP Program funds pursuant to the terms of this Agreement, and provide for County to prepare, implement, and administer the joint local housing assistance program in accordance with the requirements under the SHIP Act and Rule 67-37, Florida Administrative Code.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements hereinafter set for the, the Parties agree as follows:

1. The Parties shall meet, as necessary, to update the Joint Local Housing Assistance Program ("Program"). The Program will be part of the LHAP that County submits to the Florida Housing Finance Corporation ("Corporation") for its review and approval.
2. County, through its Human Services Department, shall be responsible for the administration and implementation of the Program in accordance with the SHIP statute, Rule 67-37, and this Agreement.
3. Annual Reports. County will submit a single annual report for the Parties to the Corporation in accordance with Rule 67-37.011, Florida Administrative Code, and the requirements under Section 420.9075(1), Florida Statutes and provide a copy to City.
4. County shall establish, with input from City, the administrative criteria or requirements necessary to desirable to implement the SHIP Act including, but not limited to, the maximum award schedule for each strategy, eligibility criteria for the Program participants, and advertising requirements for the availability of SHIP Program funds.
5. The Parties have adopted an Affordable Housing Incentive Plan and agree that there shall be coordination, monitoring, and implementation of said Plan.
6. All SHIP Program funds will be deposited into County's Local Housing Assistance Trust Fund (LHATF) and administered by the Finance Division of the Office of the Charlotte County Clerk of Circuit Court. As required by the SHIP statute and Rule 67-37, any SHIP Program funds expended from the LHATF shall be utilized solely for the administration and implementation of the Program.
7. LHATF Audit. County shall include the LHATF as a special revenue fund that is separately stated on the County's audited financial statements. Copies of such audited financial statements shall be forwarded to the Corporation as soon as such statements are available, as required by the SHIP statute and Rule. County shall provide City with a copy of the audit upon completion.
8. County shall utilize the SHIP Program funds received from the Corporation in accordance with the SHIP Statute and Rule. County shall administer and distribute the SHIP Program funding in accordance with the maximum award for each strategy included in the LHAP. County shall retain the maximum amounts allowable for the administrative fee and administrative expenses from all funds received by City, or on

behalf of City, related to SHIP Program funding, including, by not limited to, SHIP Program income for each fiscal year.

9. All SHIP Program income and recaptured funds received by City shall be immediately transferred to County, identified as SHIP Program Income (interest or payments) or recaptured fund, and tracked according to the state fiscal year in which such funds were received. City shall identify and transfer the SHIP Program income and recaptured funds to County no later than thirty (30) days from City's receipt of SHIP Program income and recaptured funds.
10. City shall be responsible for all files, monitoring, annual reports, audits, release or satisfaction of liens, and all other requirements under the SHIP Statute and Rule 67-37 related to funding assistance provided by City prior to the transfer of funds to County.
11. County shall make a good faith effort to recapture SHIP Program funds and deposit such funds into the LHATF. Any recapture of SHIP Program funds allocated to City by the Corporation shall be re-used by County within City.
12. If this Agreement is terminated for any reason, County will retain any SHIP Program funds in the LHATF that are earmarked for City and that have not been encumbered to obligated, until County receives written notification from the Corporation as to the disposition of such SHIP Program Funds. Upon approval of the Corporation, any such remaining funds shall be transferred to City.
13. Term of Agreement. This Agreement shall commence upon the date of the last signatory hereto and continue for a term of one (1) year. Thereafter, this Agreement shall automatically renew annually for subsequent one-year terms unless terminated by either party by providing not less than ninety (90) days' written notice to the other party prior to the expiration of any one-year term.
14. Termination of Agreement for Cause. This Agreement may be terminated for cause by the non-breaching party if the party in breach has not corrected the breach within fifteen (15) days after receipt of written notice from the non-breaching party identifying the nature of the breach.
15. Termination of Agreement for Convenience. This Agreement may also be terminated for convenience by either party. Termination shall be effective on the termination date stated in the written notice provided by the terminating party, which termination date shall be not less than thirty (30) days after the date of such written notice.
16. In the event this Agreement is terminated for any reason, all SHIP Program funds allocated for use in City that have been encumbered or obligated by County prior to the date of termination shall be payable by County pursuant to the terms of such obligation(s). Any unencumbered or un obligated SHIP Program funds allocated for

use in City shall be returned to City upon approval of the Corporation. The Parties shall provide the Corporation with written notification of termination of this Agreement.

17. Nothing herein is intended to serve as a waiver of sovereign immunity by any party nor shall anything included herein be construed as consent to be sued by third parties in any matter arising out of this Agreement or any other contract. The Parties are state agencies or political subdivisions as defined in Section 768.28, Florida Statutes, and each party shall be fully responsible for the acts and omissions of its agents or employees to the extent permitted by law.
18. Public Records. The Parties are public agencies subject to Chapter 119, Florida Statutes. Each party shall comply with its respective obligations as contained in that law. The failure of either party to comply with the Public Records law shall constitute a breach of this Agreement.
19. Right to Audit and Records Retention. County shall have the right to audit the books, records, and accounts of City that are related to this Agreement. City shall keep such books, records, and accounts as may be necessary to record complete and correct entries related to this Agreement and City's performance thereunder. All books, records, and accounts of City shall be kept in written form, or in a form capable of conversion into written form within a reasonable time, and upon request to do so, City shall make same available, at no cost to County, in written form.

City shall have the right to audit the books, records, and accounts of County that are related to this Agreement. County shall keep such books, records, and accounts as may be necessary to record complete and correct entries related to this Agreement and County's performance thereunder. All books, records, and accounts of County shall be kept in written form, or in a form capable of conversion into written form within a reasonable time, and upon request to do so, County shall make same available, at no cost to City, in written form.
20. Independent Contractors. Each party is an independent contractor under this Agreement. In performing their respective obligations and services under this Agreement, neither party nor its agents shall act as officers, employees, or agents of the other party. Neither party shall have the right to bind the other party to any obligation not expressly undertaken by that party under this Agreement.
21. Assignment. Neither this Agreement nor any right or interest herein may be assigned, transferred, subcontracted, or encumbered by either party.
22. Recording. Pursuant to Section 163.01(11), Florida Statutes, this Agreement shall be recorded in the Public Records of Charlotte County, Florida.
23. This Agreement may be executed in multiple originals, and may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same Agreement.

IN WITNESS WHEREOF, the PARTIES have executed this Agreement on the date and year first above written.

CHARLOTTE COUNTY

CHARLOTTE COUNTY, a political subdivision of the State of Florida
For the Board of County Commissioners
of Charlotte County, Florida

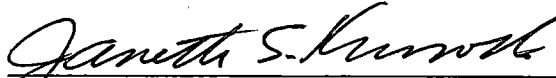
By: 
William G. Truex, Chairman

ATTEST:

Roger D. Eaton, Clerk to the Circuit Court
And Ex-officio Clerk to the Board of
County Commissioners

By: 
Michelle DiBernardino
Deputy Clerk A6295-150

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


Janette S. Knowlton, County Attorney
LR19-0741

CITY OF PUNTA GORDA

By: 
Nancy Prafke, Mayor

10/21/2020

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

By: 
David M. Levin, City Attorney

Exhibit H

Additional Instructions and Information for Down Payment Assistance for Community Land Trust Purchases:

To qualify, homes must be purchased from a Charlotte County approved community land trust (CLT). The CLT will execute a 99-year ground lease with the homebuyer. A memorandum of that ground lease is recorded in the public records immediately following the deed. The terms of the ground lease restrict the resale of the property to an income eligible household and provide a right of repurchase to the CLT in the event of default. The CLT must approve the subsequent homebuyer. In the event of a default, the CLT must notify Charlotte County whether it intends to exercise its right of repurchase. In the event the CLT is not willing or able to exercise its right of repurchase, it shall transfer its right of repurchase to Charlotte County, giving Charlotte County the right, but not the obligation to purchase the property.

The assistance shall be treated as a development cost pay-down to further reduce the sales price to the homebuyer. The assistance amount shall be excluded from the Base Price and Formula Price as defined in the ground lease. The balance of the assistance must be included in the Purchase Option Price as defined in the ground lease to repay the funds to the Charlotte County in the event of default. If the maximum subsidy was not provided to the first homebuyer, the Charlotte County may provide additional assistance to the subsequent buyer to ensure that the property remains affordable, up to the amount of the maximum subsidy allowable at the time of subsequent purchase minus the original subsidy amount provided to the first homebuyer. Any additional SHIP investment will extend the original loan term. At the end of the loan term, the loan will be forgiven, and the lien released. However, the CLT ground lease will remain in effect and the requirements for residency, resale price, and subsequent buyer's income eligibility will continue.

When selling a CLT home, the seller must notify the CLT. The CLT will then enter into a purchase and sale agreement with the seller, that will get assigned to the subsequent homebuyer. The Purchase Option Price for the CLT will be calculated as follows:

Purchase Option Price = Formula Price + Payoff Amount of Deferred Payment Loans

The Formula Price is calculated using a Base Price calculated by subtracting the amount of down payment assistance from the purchase price. For example:

Purchase Price:	\$185,000
MINUS Assistance Provided (maximum ELI):	- <u>\$30,000</u>
EQUALS Base Price (sales price) for first buyer:	\$155,000

Base price is the amount the buyer would need to finance (plus transaction costs) and is used to calculate the Formula Price in the ground lease.

Suppose the Formula (re-sale) Price in the ground lease is calculated by a 1% annual increase to the Base Price, compounded. Suppose the home is sold after 5 years. To calculate the Purchase Option Price (price that will go in the purchase and sale agreement between the CLT and the seller), first calculate the Formula Price:

Formula Price = Base Price x Compound Rate

Calculated as follows:

Year 1 = \$155,000 x 1.01 = \$156,550

Year 2 = \$156,550 x 1.01 = \$158,116

Year 3 = \$158,116 x 1.01 = \$159,697

Year 4 = \$159,697 x 1.01 = \$161,294

Year 5 = \$161,294 x 1.01 = \$162,907

Formula Price = \$162,907

Purchase Option Price = \$162,907 + \$30,000 = \$192,907

The price to the subsequent buyer equals the Purchase Option price minus the assumed down payment assistance:

Purchase Option Price:	\$192,907
DPA assumed:	- <u>\$30,000</u>
Sales price for subsequent buyer:	\$162,907 (New Base Price for Formula Price)

The new price should be affordable to the subsequent buyer without additional subsidy.

At the end of the loan term, the value of the Purchase Option Price will be equal to the Formula Price.

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. Bernardino
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

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



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

Office Use Only: Request Date: _____ Scoping Meeting Date: _____		
<input type="checkbox"/> RENTAL <input type="checkbox"/> Multi-family	<input type="checkbox"/> HOMEOWNERSHIP <input type="checkbox"/> Single Family	<input type="checkbox"/> SPECIAL NEEDS/SUPPORTED LIVING <input type="checkbox"/> Other
An officer, owner, partner or sole proprietor of the Company applying must sign this form		
Person(s) Attending: _____		
<input type="checkbox"/> Owner <input type="checkbox"/> Builder <input type="checkbox"/> Developer <input type="checkbox"/> Engineer/Architect/Design Professional <input type="checkbox"/> Other: _____		
Is the applicant affiliated with a: <input type="checkbox"/> Non-profit <input type="checkbox"/> 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): _____ <small>(Include overlay districts if applicable)</small>		Future Land Use (current): _____ <small>(Include overlay districts if applicable)</small>
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: <input type="checkbox"/> 60-80% AMI <input type="checkbox"/> <60% AMI <input type="checkbox"/> <30% AMI	
If Rental, proposed rental rates: _____		If Homeownership, proposed sales price: _____
Term of Affordability: <input type="checkbox"/> Perpetuity <input type="checkbox"/> 50 years <input type="checkbox"/> 21-49 years <input type="checkbox"/> 20 years <input type="checkbox"/> Tied to sale of unit		
Incentives Requested: <input type="checkbox"/> Impact Fee Waiver <input type="checkbox"/> Utility Fees <input type="checkbox"/> Other Fees <input type="checkbox"/> Density <input type="checkbox"/> Land Donation <input type="checkbox"/> Local Gov. Contribution <input type="checkbox"/> Other		
See page 2 for additional required information.		
<i>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.</i>		
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



Charlotte HOME

Prioritization Tool for Affordable Housing Incentives

Applicant/Developer Name:

Date of Application:

Date of Review:

Review Team:

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

TIER I - Designation of Affordable Housing for Waiver of Impact Fees on Affordable Units

Type of Housing: (select one)		Notes	
Multi-Family (> 100 affordable units)	25		
Multi-Family (10 - 100 affordable units)	20		
Multi-Family (2 - 10 affordable units; non-profit/CLT)	15		
Subsidized Single Family Ownership	15		
Special Needs/Supported Living	20		
Average Affordability of Units: (select one)			
60-80% AMI	10		
Below 60% AMI	15		
Below 30% AMI	20		
Additional Consideration:			
Non-profit developer or Community Land Trust	5		
Total points for Tier I		0	Must meet minimum Tier I threshold score of 30

TIER II - Eligibility Criteria for Additional Incentives

Term of Affordability: (select one)			
Perpetuity	25		
50 years	20		
21 - 49 years	15		
20 years	10		
Tied to sale of unit	5		

Charlotte HOME

Capacity of Builder/Developer:			
Financial capacity and past experience	up to 10		
Plan for maintenance and continued affordability of subject property, including certification of resident income eligibility	up to 10		
Project Readiness: (select all that apply)			
Site Control	5		
Property Zoned for Proposed Use	5		
Construction to begin with 180 days	5		
Leveraged Investment: (select one)			
Tax Credit Project	5		
Other	5		
Terms of Agreement (ROI)	up to 10		
Total points for Tier II		0	
TIER III - Additional Considerations			
(Select all that apply)			
Case Management	5		
Financial Literacy/Employment/Educational Programs	up to 10		
Proximity to medical, employment, shopping	5		
Collaborative Venture	5		
Total points for Tier III		0	
TIER IV - Bonus			
Project includes > 300 affordable units	15		
Total points for Tier IV		0	
Total points for Tiers I, II, III and IV		0	
Recommendation of Review Team			