

Highlands County, Florida, Code of Ordinances >> - CODE OF ORDINANCES >> **Chapter 5.4 - HOUSING** >> **ARTICLE II. STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM** >>

---

**ARTICLE II. STATE HOUSING  
INITIATIVES PARTNERSHIP  
PROGRAM**

---

Sec. 5.4-31. Definitions.

Sec. 5.4-32. Highlands County Housing Assistance Trust Fund.

Sec. 5.4-33. Highlands County Housing Partnership.

Sec. 5.4-34. Intent and purpose of the Highlands County Housing Assistance Program.

Sec. 5.4-35. Establishment of the Highlands County Housing Assistance Program.

Sec. 5.4-36. Designation of responsibility for administration and implementation of the Highlands County Housing Assistance Program.

Sec. 5.4-37. Creation of the affordable housing advisory committee.

Sec. 5.4-38. Reserved.

**Sec. 5.4-31. Definitions.**

The definitions set forth in F.S. § 420.9071 are adopted and incorporated herein and shall apply to the provisions of this article.

*(Ord. No. 93-11, § 1)*

**Sec. 5.4-32. Highlands County Housing Assistance Trust Fund.**

- (a) The Highlands County Housing Assistance Trust Fund is hereby created and established.
- (b) All monies received from the state pursuant to the State Housing Initiative Partnership Act and any other funds received or budgeted to provide funding for the Highlands County Housing Assistance Program shall be deposited into the Highlands County Housing Assistance Trust Fund. Administration of the Highlands County Housing Assistance Trust Fund shall comply with Rule 67-37.007, Florida Administrative Code. Any funds deposited into the Highlands County Housing Assistance Trust Fund will be subject to the requirements of the SHIP program Florida Statutes Section 420.9075 (4).
- (c) Expenditures other than for the administration and implementation of the Highlands County Housing Assistance Program shall not be made from the Highlands County Housing Assistance Trust Fund.
- (d) Amounts on deposit in the Highlands County Housing Assistance Trust Fund shall be invested as provided by law. All investment earnings shall be retained in the Highlands County Housing Assistance Trust Fund and used for the purposes thereof.
- (e) Until utilized for the purposes thereof, monies in the Highlands County Housing Assistance Trust Fund shall be held in trust by the county solely for use pursuant to the Highlands County Housing Assistance Program. All income of the Highlands County Housing Assistance Program, including investment earnings, shall be retained in the Highlands County Housing Assistance Trust Fund and used for the purposes thereof.
- (f)

The county agrees that the Highlands County Housing Assistance Trust Fund shall be separately stated as a special revenue fund in the county's audited financial statements. Copies of such audited financial statements shall be forwarded to the Florida Housing Finance Agency as soon as such statements are available.

- (g) Each interlocal entity shall have its Trust Fund separately audited for each state fiscal year, which audit shall be forwarded to the Florida Housing Finance Corporation.
- (h) All funds which remain unencumbered in the Highlands County Housing Assistance Trust Fund at the close of the fiscal year shall be expended in the manner provided for by §§ 420.907—420.9079, F.S. and Rule 67-37 F.A.C.

*(Ord. No. 93-11, § 2; Ord. No. 99-14, §§ 1—3)*

### **Sec. 5.4-33. Highlands County Housing Partnership.**

- (a) The Highlands County Housing Partnership is hereby recognized. The Highlands County Housing Partnership includes the county, community-based housing and service organizations, housing developers, lending institutions, providers of professional services relating to affordable housing and service organizations working on behalf of persons with special housing needs.
- (b) The Highlands County Housing Partnership shall implement the Highlands County Housing Assistance Program in a manner that provides support services for housing program beneficiaries such as training to prepare persons for the responsibility of home ownership, counseling of tenants, and the establishment of support services such as day care, health care, and transportation. Such implementation shall be consistent with this section, Sections 420.907-420.9079, Florida Statutes, and Rule 67-37, Florida Administrative Code.

*(Ord. No. 93-11, § 3; Ord. No. 99-14, § 4)*

### **Sec. 5.4-34. Intent and purpose of the Highlands County Housing Assistance Program.**

- (a) The intent of the Highlands County Housing Assistance Program is:
  - (1) To increase the availability of affordable housing units by combining local resources and cost-saving measures into a Highlands County Housing Partnership and using private and public funds to reduce the cost of housing;
  - (2) To promote more compact urban development and assist in achieving the growth management goals contained in the adopted local comprehensive plan, by allowing more efficient use of land so as to provide housing units that are affordable to persons who have special housing needs, very low-income, low-income or moderate-income;
  - (3) To promote innovative design of eligible housing that provides cost savings; flexible design options for housing and development such as the combination of architectural styles, building forms and development requirements; and positive design features such as orientation towards the street and pedestrian access, without compromising the quality of the eligible housing;
  - (4) To promote mixed-income housing in urban, suburban and rural areas so as to provide increased housing and economic opportunities for persons who have special housing needs, very low-income, low-income or moderate-income; and
  - (5) To build the organizational and technical capacity of community-based organizations so as to optimize the role of community-based organizations in the production of affordable housing.

- (b) The purpose of this article is to aid in achieving the intent of the Highlands County Housing Assistance Program while providing for:
  - (1) Rehabilitation and repair of existing affordable housing and creation of new affordable housing;
  - (2) Community development and economic growth;
  - (3) A strong sense of community through increased social and economic integration; and
  - (4) Protection of natural resources.

*(Ord. No. 93-11, § 4)*

### **Sec. 5.4-35. Establishment of the Highlands County Housing Assistance Program.**

- (a) The Highlands County Housing Assistance Program is hereby created and established.
- (b) The county shall use the funds received from the state pursuant to the State Housing Initiative Partnership Act, §§ 420.907—420.9079, F.S., and Rule 67-37, F.A.C. to implement the Highlands County Assistance Program in accordance with the adopted Highlands County Housing Assistance Plan and any amendments thereto.
- (c) The cost of administering the Highlands County Housing Assistance Program shall not exceed five percent of the local housing distribution moneys received from the state housing initiatives partnership program pursuant to F.S. § 420.9073, and the program income deposited into the Highlands County Housing Assistance Trust Fund unless the board of county commissioners finds, by resolution, that five percent of the local housing distribution plus five percent of program income is insufficient to adequately pay the necessary costs of administering the Highlands County Housing Assistance Program. The cost of administering the Highlands County Housing Assistance Program may not exceed ten percent of the local housing distribution plus five percent of program income deposited in to the Highlands County Housing Assistance Trust Fund.
- (d) The Highlands County Housing Assistance Program shall include all other lawful objectives not previously listed if said objectives have been adopted into the Highlands County Housing Assistance Plan in the manner provided for by §§ 420.907—420.9079, Florida Statutes and Rule 67-37, Florida Administrative Code.

*(Ord. No. 93-11, § 5; Ord. No. 99-14, §§ 5, 6; Ord. No. 07-08-18, § 1)*

### **Sec. 5.4-36. Designation of responsibility for administration and implementation of the Highlands County Housing Assistance Program.**

- (a) The county administrator shall be responsible for implementation and administration of the Highlands County Housing Assistance Program. The county may contract all or part of the administrative functions of the program to a third person or entity.
- (b) Highlands County will be responsible for performing the following activities in compliance with §§ 420.907—420.9079, F.S. and Chapter Rule 67-37, F.A.C.:
  - (1) Prepare the Housing Assistance Program by determining priorities for allocation funds pursuant to the SHIP program;
  - (2) Adopt the affordable housing assistance plan;
  - (3) Adopt the ordinance which enacts the housing assistance plan;
  - (4) Approve a resolution which states the estimated average cost per unit and the maximum cost per unit for eligible housing;

- (5) Approve any resolution required or authorized by F.S. §§ 420.907—420.9079, Rule 67-37, Florida Administrative Code, and this Article pertaining to the expenditure of funds in the Highlands County Housing Assistance Trust Fund for administrative expenses;
  - (6) Approve a resolution which appoints the housing partnership members;
  - (7) Approve a resolution which appoints the affordable housing advisory committee members and which states the definition of affordable housing;
  - (8) Establish the housing assistance trust fund and ensure maintenance of the trust fund;
  - (9) Adopt affordable housing incentives;
  - (10) Prepare annual reports for submission to the DCA/FHFC by September 15th, each fiscal year;
  - (11) Advertise the availability of SHIP funds;
  - (12) Comply with all the requirements of the SHIP program pursuant to §§ 420.907—420.9079, F.S. and Rule 67-37, F.A.C.
- (c) The cost of administering the Highlands County Housing Assistance Program shall not exceed five percent of the local housing distribution moneys received from the state housing initiatives partnership program pursuant to F.S. § 420.9073, and the program income deposited into the Highlands County Housing Assistance Trust Fund unless the board of county commissioners finds, by resolution, that five percent of the local housing distribution plus five percent of program income is insufficient to adequately pay the necessary costs of administering the Highlands County Housing Assistance Program. The cost of administering the Highlands County Housing Assistance Program may not exceed ten percent of the local housing distribution plus five percent of program income deposited in to the Highlands County Housing Assistance Trust Fund.
- (d) The county shall not treat as administrative expenses any costs previously borne by another funding source which could continue to be available at the time the Highlands County Housing Assistance Plan is submitted.
- (e) The Highlands County Housing Assistance Program shall be governed by the following criteria and administrative procedures:
- (1) The county or its designated administrative representative shall advertise the availability of a housing assistance program in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of any application period.
  - (2) The county shall adopt the maximum award schedule or system of amounts that is commensurate with the intent of the Highlands County Housing Assistance Program and F.S. §§ 420.907 through 420.9079.
  - (3) It is unlawful to discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin or handicap in the loan application process for eligible housing.
  - (4) The County shall comply with all rules and regulations of the Florida Housing Finance Corporation in connection with required reporting by the county of compliance with its Highlands County Housing Assistance Program.
  - (5) As a condition of receipt of an award, the eligible person or eligible sponsor shall contractually commit to comply with the affordable housing criteria provided under F.S. §§ 420.907 through 420.9079 and this article applicable to the affordable housing objectives of the award. The county shall adopt program criteria which prescribe the contractual obligations required to ensure compliance with award conditions. All

eligible persons or eligible sponsors shall include in the deed transferring ownership of the property to the eligible person or eligible sponsor a covenant agreeing to comply with the terms of the above described laws, which covenant will run with the land or in the alternative, the agreement shall be made a part of the mortgage agreement. Failure to comply with the covenant in the mortgage shall result in a default of the mortgage with all remedies and rights for enforcement inuring to the benefit of the county.

- (6) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:
- a. Sixty-five percent of the funds shall be reserved for homeownership for eligible persons.
  - b. Seventy-five percent of the funds shall be reserved for construction, rehabilitation or emergency repair of affordable housing.
  - c. The sales price of new or existing eligible housing shall not exceed 90 percent of the median area purchase price in the area where the eligible housing is located as established by the United States Department of Treasury in accordance with Section 3(b)2 of the United States Housing Act of 1937.
  - d. All units constructed, rehabilitated, or otherwise assisted with housing assistance program funds shall be occupied by very low-income, low-income, or moderate-income persons. At least thirty (30) percent of funding must be spent on very low income persons and at least another thirty (30) percent by low-income persons.
  - e. The total amount of monthly mortgage payments or the amount of monthly rents charged by the eligible sponsor or its designee must be affordable to eligible persons.
  - f. 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 provide eligible housing for eligible persons.
  - g. Eligible owner-occupied housing constructed, rehabilitated or otherwise assisted from proceeds provided from the Highlands County Housing Assistance Program shall be subject to the recapture provisions of the mortgage revenue bond program contained in Section 143(m) of the Internal Revenue Code of 1986.
  - h. Eligible rental housing constructed, rehabilitated or otherwise assisted from proceeds provided from the Highlands County Housing Assistance Program shall be reserved for eligible persons for the greater of 15 years or the term of the assistance. Eligible sponsors who offer eligible rental housing for sale before 15 years or that have remaining mortgages funded under the Highlands County Housing Assistance 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.
  - i. The cost per unit and the maximum cost per unit for eligible housing benefiting from awards made pursuant to the Highlands County Housing Assistance Program shall be established by resolution of the board of county commissioners.
  - j. The county shall develop a qualification system for applicants for awards consistent with the intent of the Highlands County Housing Assistance Program and F.S. §§ 420.907 through 420.9079.

- k. The county administrator or his designee shall annually monitor and determine tenant eligibility and amount of subsidy pursuant to the provisions of this ordinance, F.S. §§ 420.907—420.9079, and Rule 67-37, Florida Administrative Code.
- (7) Eligible sponsors receiving assistance from both the State Housing Initiative Partnership (SHIP) Program and the Low Income Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability and other LIHTC requirements. Similarly, any eligible housing receiving assistance from SHIP and other federal programs shall be required to comply with any requirements specified by the federal program in addition to SHIP requirements.

*(Ord. No. 93-11, § 6; Ord. No. 99-14, §§ 7—10; Ord. No. 07-08-18, §§ 2, 3)*

### **Sec. 5.4-37. Creation of the affordable housing advisory committee.**

- (a) The affordable housing advisory committee is hereby created and established. The members of the advisory committee shall be appointed by resolution of the board of county commissioners.
- (b) The resolution appointing the affordable housing advisory committee shall provide a definition of affordable housing that is consistent with the adopted Highlands County Comprehensive Plan.
- (c) The affordable housing advisory committee shall consist of 11 members and 11 designated alternates. Six members or their designated alternates shall constitute a quorum. The committee may not take formal actions unless a quorum is present, but may meet to hear presentations if duly noticed. The affordable housing advisory committee shall include the following, which individuals may overlap with or be part of the Highlands County Housing Partnership and each member shall have a designated alternate who fulfills the same criteria:
  - (1) One citizen who is actively engaged in the banking or mortgage industry in connection with affordable housing.
  - (2) One citizen who is actively engaged as an advocate for low income persons in connection with affordable housing.
  - (3) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
  - (4) One citizen who is actively engaged as a real estate professional in connection with affordable housing.
  - (5) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
  - (6) One citizen who represents employers within the jurisdiction.
  - (7) One citizen who resides within the jurisdiction of the local governing body making the appointments.
  - (8) One citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174.
  - (9) One citizen who represents essential services personnel, as defined in the Highlands County Housing Assistance Program.
  - (10) One citizen who is actively engaged as a for-profit provider of affordable housing.
  - (11) One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (d)

- Members and their designated alternates shall serve for two-year terms and may be reappointed for subsequent terms.
- (e) Meetings shall be held monthly for the first year of committee existence and quarterly or more frequently thereafter.
  - (f) The affordable housing advisory committee shall comply with the government in the sunshine law, the public records law and the special provisions regarding notice of affordable housing incentive plan considerations found in F.S. § 420.9076. Minutes of the meeting shall be kept by the county administrator or his designee.
  - (g) The affordable housing advisory committee shall annually elect a chairperson, vice-chairperson and such other offices as it deems necessary. The chairperson is charged with the duty of conducting meetings in a manner consistent with law.
  - (h) Staff, administrative and facility support for the affordable housing advisory committee shall be provided by the board of county commissioners.
  - (i) The affordable housing advisory committee shall review the established policies and procedures, ordinances, land development regulations and adopted local comprehensive plan of the county and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.
  - (j) Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations or plan provisions. At a minimum, the affordable housing advisory committee shall make recommendations on affordable housing incentives in the following areas:
    - (1) The affordable housing definition in the appointing resolution.
    - (2) The expedited processing of permits for affordable housing projects.
    - (3) The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
    - (4) The allowance of increased density levels.
    - (5) The reservation of infrastructure capacity for housing for very low-income persons and low-income persons and moderate-income persons.
    - (6) The transfer of development rights as a financing mechanism for housing for very low-income persons and low-income persons.
    - (7) The reduction of parking and setback requirements.
    - (8) The allowance of zero-lot-line configurations.
    - (9) The modifications of sidewalk and street requirements.
    - (10) The establishment of a process by which the county considers, before adoption, procedures and policies that have a significant impact on the cost of housing.
    - (11) The allowance of affordable accessory residential units in residential zoning districts.
    - (12) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
    - (13) The support of development near transportation hubs and major employment centers and mixed-use developments.
  - (k) The affordable housing advisory committee recommendations shall also include other affordable housing incentives identified by the affordable housing advisory committee.
  - (l) To the maximum extent feasible, the approved affordable housing incentive recommendations submitted to the board of county commissioners must quantify the affordable housing cost reduction anticipated from implementing the specific recommendation.

(Ord. No. 93-11, § 7; Ord. No. 99-14, §§ 11, 12; Ord. No. 07-08-18, §§ 4, 5; Ord. No. 09-10-02, § 1)

**Sec. 5.4-38. Reserved.**

*Editor's note—*

Ord. No. 99-14, § 13, adopted July 20, 1999, repealed § 5.3-38 in its entirety. Formerly, said section pertained to adoption of the affordable housing incentive plan. See the Code Comparative Table.