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DEC

RESOLUTION
NUMBER 2023-219

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AMENDING THE GUIDELINES FOR APPLICATION, REVIEW, AND APPROVAL OF THE CHARLOTTE HOUSING OPPORTUNITIES MADE EASIER (HOME) INCENTIVE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on July 28, 2020 the Board of County Commissioners ("Board") approved Resolution 2020-109, establishing the Charlotte Housing Opportunities Made Easier ("Charlotte HOME") Incentive Program to provide incentives for the construction of new affordable housing units.

WHEREAS, as the program has progressed over time, certain program language has constrained the process, thereby causing delayed processing of applications and unnecessary administrative burden on staff; and

WHEREAS, the Board finds that the program will be enhanced by amending and restating program guidelines; and

NOW, THEREFORE, BE IT RESOLVED by the Board the Charlotte HOME guidelines are amended to read as follows:

Section 1. The Charlotte 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 affordable housing units in Charlotte County by providing 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 Charlotte 2050 Comprehensive Plan.

Section 3. Application.

An application for incentives 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, including relevant definitions, is attached hereto and incorporated herein as Composite Exhibit A.

Section 4. Tier I Review.

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Applications for Tier I incentives shall be reviewed by the County Administrator, or his or her designee. Upon receipt of a properly completed application, the application will be evaluated and scored utilizing the *Prioritization Tool for Affordable Housing Incentives*, attached hereto and incorporated herein as Exhibit B. Tier I awards do not require additional review and approval beyond the County Administrator, or his or her designee.

Section 5. Tier II, III, and IV Review.

There is hereby established a Charlotte HOME Review Committee ("Committee") which shall be responsible for subjectively reviewing and determining eligibility for Charlotte HOME applications requesting Tier II, III, and/or IV incentives. The Committee shall be comprised of one (1) member from each of the following County Departments: Human Services, Community Development, and Utilities. A representative, appointed by the City Council or City Manager, may join the Committee if the applicant's proposed development project is located within the jurisdictional boundaries of the City of Punta Gorda, Florida. Failure of a City of Punta Gorda representative to join the Committee shall in no way delay the review of applications requesting incentives.

Upon receipt of a properly completed application, the application will be evaluated and scored utilizing the *Prioritization Tool for Affordable Housing Incentives*. The scores assigned by committee members will be averaged into one consensus score. This score will determine the level and maximum incentive available for the proposed development. The proposed development must meet the minimum Tier I threshold score of 30 in order to be eligible for further consideration under Tier II, III, and/or IV. A chart depicting the minimum point range and the maximum incentive per Tier is attached hereto and incorporated herein as Exhibit C.

Section 6. Affordable Housing Advisory Committee ("AHAC").

The application(s) with the consensus score from the Committee will be presented to AHAC for their consideration and recommendation. AHAC's review and recommendation is limited to the Tier specific level of funding. AHAC cannot change the consensus score assigned by the Committee. AHAC's recommendation will then be provided to the Board of County Commissioners for final consideration.

Section 7. Board of County Commissioners.

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

Section 8. 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 shall be prepared by the County Attorney,

approved by the Board of County Commissioners, and will be recorded in the Public Records of Charlotte County, Florida.

Section 9. Developer Performance; Default.

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 undertake and carry out as promptly as circumstances permit, necessary construction to finalize proposed developments. Failure to commence construction within eighteen (18) months of the approval of the incentive(s) or allowing any building permit to expire will be considered a default and the County may pursue any of the remedies in Section 10 below.

Section 10. Remedies.

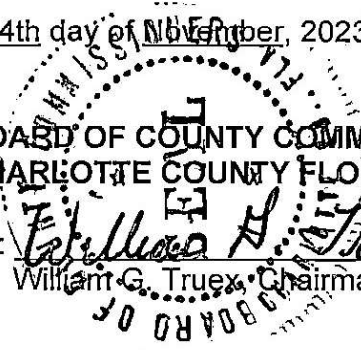
If the Developer violates any provision of the LURA or fails to commence construction, and the non-compliance is not cured within thirty (30) days after written notice is provided to the Developer, the County may, at its sole option, bring a civil action to enforce the terms of the LURA or declare all subsidies and deferred or waived impact fees 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 11. This resolution shall take effect upon adoption.

PASSED AND DULY ADOPTED this 14th day of November, 2023.

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: Roger D. Eaton
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: Janette S. Knowlton
Janette S. Knowlton, County Attorney
LR23-1016 (GRP)

COMPOSITE EXHIBIT A

The following definitions are included with this Application and Prioritization Tool in order to provide clarity to some of the key terms used throughout the Charlotte HOME Program. Please contact County staff at: charlottehome@charlottecountyfl.gov if you have additional questions or require clarification.

DEFINITIONS

Affordable:

1. For purposes of the Charlotte HOME Program, the term “Affordable” or “Affordable Housing” means housing which is deemed affordable to those with income of 80% AMI (Area Median Income) or below as adjusted for household size. Income limit charts are adjusted and released annually by HUD and Florida Housing Finance Corporation. The most recent combined income and rent limit chart adjusted by household size can be found at:

<https://www.charlottecountyfl.gov/departments/human-services/housing.stml>

Average Affordability:

1. Refers to the average of the percentage of area median income at which housing units restricted to certain income levels in an affordable housing development are restricted to. For example, if the rents for five rental units in an affordable housing development were restricted to remain affordable at 30, 60, 80, 80 and 120 percent of median income, respectively, the average affordability for those units would be 74 percent of AMI (Area Median Income).

Leveraged Investment:

1. A strategy that employs either a single or multiple outside funding sources, investments, or borrowed capital. A developer may use or “leverage” these sources together to make the development more feasible or to increase the potential return on the investment.

Subsidized Single-Family Ownership:

1. Means the housing unit has a guaranteed and quantifiable subsidy attached to it that offsets the costs associated with developing the unit, thereby enabling the developed unit to be maintained as affordable to the end user throughout the entire term of the loan or agreement.

Subsidy:

1. A grant by a government or organization to a private person or company to assist in any endeavor deemed advantageous to the public.
2. A sum of money granted by the government or a public body to assist an industry or business so that the price of a commodity or service may remain low or competitive.

Term of Affordability:

- Refers to the length of time a housing unit is restricted by a LURA (Land Use Restriction Agreement) to remain affordable at a certain level.

For all multi-family rental units developed, there is a minimum 20 year term of affordability to qualify for Tier 2 incentives under the Charlotte HOME Program. Tax Credit projects require 50 years and other state/federally funded programs may require the units to remain affordable in perpetuity.

A Single-Family developments term of affordability is tied to the sale of the unit.



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

Office Use Only:
Request Date: Scoping Meeting Date:

- RENTAL HOMEOWNERSHIP SPECIAL NEEDS/SUPPORTED LIVING
Multi-family Single Family Other

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

Person(s) Attending:

- Owner Builder Developer Engineer/Architect/Design Professional Other:

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

Best number to reach: Email:

Engineer/Architect/Design Professional Attending: Telephone Number:

Contractor License Number (if applicable):

Property Tax ID Number(s):

Property Acreage:

Project Location or Address:

Legal Description of proposed property:

Subdivision Name:

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

Zoning District (proposed): Future Land Use (proposed):

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

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

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

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

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

See page 2 for additional required information.

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

Signature: Date:

Charlotte Home – Additional Required Information

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

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

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

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

Identify any leveraged investments and/or collaborative ventures:

Services and programs offered to residents, if applicable:

Proximity to medical, employment, shopping:

Other information:

EXHIBIT B

Charlotte HOME

Prioritization Tool for Affordable Housing Incentives

Applicant/Developer Name:		Date of Review:	
Date of Application:		Date of Review:	
Review Team:			
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"/> <input type="checkbox"/> Land Donation <input type="checkbox"/> Local Gov. Contribution <input type="checkbox"/> Other			
TIER I - Designation of Affordable Housing for Waiver of Impact Fees on Affordable Units			
Type of Housing: (select one)			
Multi-Family (> 100 affordable units)	25		Notes
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	<i>Must meet minimum Tier I threshold score of 30</i>
TIER II - Eligibility Criteria for Additional Incentives			
Term of Affordability: (select one)			
Perpetuity	25		
50 years	20		
21 - 49 years	15		
20 years	10		

Charlotte HOME

Tied to sale of unit	5	
Capacity of Builder/Developer: (select all that apply)		
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		