

RESOLUTION  
NUMBER 2026 -

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

**RECITALS**

WHEREAS, on November 14, 2023, the Board of County Commissioners (“Board”) approved Resolution 2023-219, amending the guidelines for application, review, and approval of the Charlotte Housing Opportunities Made Easier (“Charlotte HOME”) Incentive Program; a program designed to provide incentives for the construction of new affordable housing units; and

WHEREAS, on February 11, 2025, the Board approved Resolution 2025-027, further amending the guidelines by approving and adopting the revised program application, prioritization matrix and policy definitions; and

WHEREAS, the Affordable Housing Committee (“AHAC”), in consultation with County staff, are recommending additional modifications to the policy and guidelines to streamline processes; and

WHEREAS, the Board finds that the Charlotte HOME Incentive Program will be enhanced by amending the policy and guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Board:

1. The Board hereby approves the revised Charlotte Home Policy, attached hereto as Exhibit A.
2. Section 7 of the Charlotte HOME Incentive Program guidelines entitled “Board of County Commissioners” shall be amended to read as follows:

“The Board of County Commissioners shall consider whether to approve the recommendation of the AHAC.”

3. All other Charlotte HOME Incentive Program guidelines, as outlined in Resolutions 2023-219 and 2025-027, shall remain unaffected by this Resolution.

4. This Resolution shall take effect upon adoption.

PASSED AND DULY ADOPTED this 14<sup>th</sup> day of April 2026.

**BOARD OF COUNTY COMMISSIONERS  
CHARLOTTE COUNTY FLORIDA**


By: \_\_\_\_\_  
Joseph M. Tiseo, 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:  \_\_\_\_\_  
Thomas M. (David) County Attorney  
LR26-0229 (GRP)



CHARLOTTE COUNTY  
HUMAN SERVICES DEPARTMENT  
STANDARD POLICY

Subject: <b>Charlotte HOME</b>	Effective Date: <u>July 28, 2020</u>	Number: 2
Division: Neighborhood Services	Last Amended: <del>11.01.2021</del> <u>04.14.2026</u>	Page: 1 of 6
Signed:		

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**Purpose:**

The Charlotte Housing Opportunities Made Easier (HOME) Incentive Program ("Charlotte HOME Program") was created to provide incentives that will encourage and support the development and maintenance of affordable housing within Charlotte County. The Charlotte HOME Program's purpose is to encourage the provision of new units of affordable housing in Charlotte County by providing for certain incentives such as expedited permitting, waiver/deferral/or subsidization of 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.

**Florida Statutes, Chapter 125 County Commissioners Powers and Duties**

**§125.01055 – Affordable housing.**

- 1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing ordinances.
- 2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units. However, in exchange, a county must provide incentives to fully offset all costs to the developer of its affordable housing contribution. Such incentives may include, but are not limited to:
  - a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;
  - b) ~~Reducing or waiving~~ **Waiving or subsidizing fees, such as impact fees, or water and sewer charges utility connection fees, and other public fees;** or
  - c) Granting other incentives.

**Background:**

On July 28<sup>th</sup>, 2020 the Board of County Commissioners of Charlotte County Florida (BOCC) adopted Resolution 2020-109 establishing and implementing the Charlotte HOME Program to encourage and support the development of affordable housing in Charlotte County.

**Affordable Housing Trust Fund:**

The BOCC established the Charlotte HOME Program to be funded by and through the establishment an Affordable Housing Trust Fund (AHTF). The amount of funding maintained in the AHTF may fluctuate based circumstances that may be beyond the control of the BOCC. July 28, 2020 Res. 2020-109

1. *Funding source:* The AHTF may be funded through several sources which include but are not limited to:
  - a. *BOCC allocation.*
  - b. *State Housing Initiatives Partnership (SHIP) program income.*
  - c. *Private donations.*
  - d. *Other sources.*

There is not currently an automatic mechanism or recurring allotment to replenish the AHTF.

The BOCC reserves the right to increase or decrease funding levels at their sole discretion.

2. *Set aside:* At the beginning of each fiscal year, County Staff shall set aside an amount that is equal to the greater of either: (1) 25% of the current balance of the AHTF or (2) \$100,000.00, for subsidized single family and small multi-family developments to ensure the amount in the trust fund will not be swept by one large development. (BOCC approval 1/26/21)

This set aside requirement does not apply if there are no funds in the AHTF.

3. *Loan issuance:* Incentive awards may be issued as a waiver (impact fees), donation (land), or subsidy (other fees). Subsidies are issued in the form of a grant with performance, or loan which may be forgivable or repayable, with or without interest, based upon BOCC approval, the specific terms of which are to be negotiated with the BOCC in advance and approved by majority vote.

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Loans are executed to include some or all of the following documents:

- a. *Land Use Restriction Agreement (LURA)*
- b. *Developer Agreement*
- c. *Loan Agreement*
- d. *Promissory Note*
- e. *Other*

**Application and Scoring Tools:**

4. ~~Application:~~ A Developer seeking to obtain incentives must apply to the Charlotte HOME Program using the Application form available online ~~at the following address:~~

1. ~~<https://www.charlottecountyfl.gov/boards-committees/affordable-housing-advisory-committee/>~~.

Applications must be submitted via email to the Human Services Department at: [charlottehome@charlottecountyfl.gov](mailto:charlottehome@charlottecountyfl.gov).

A copy of the Application form is attached and incorporated as "Exhibit A"

Applications will be accepted regardless of whether there are funds in the AHTF.

If there are fees or subsidies requested by a Developer that exceed the amount in the AHTF, the Application along with the recommendation will be forwarded to the Affordable Housing Advisory Committee (AHAC) and the request and the AHAC recommendation will be forwarded to the BOCC to decide whether to fund the incentives requested.

2. *Scoring Tools:* Charlotte HOME Program requires scoring tools to be used by County Staff members to review and score Developer Applications with consistency and impartiality.

a. "*Incentive Prioritization Tool*" This matrix provides for an unbiased comparison of an Application to the defined priorities and goals set forth in the Charlotte HOME Program. The *Incentive Prioritization Tool* is divided into four (4) tiers, each tier aligns the proposed development in accordance with the BOCC goals, and further dividing the proposal into categories including, but not limited to; Single vs. Multi-Family, Average Affordability of each unit, Term of Affordability, and Project Readiness.

b. "*Potential Incentive Award Criteria Chart*". This tool is a chart used to depicts the point range for each tier and the states the maximum incentive that can be awarded by tier.

Both tools are attached hereto and incorporated herein as "Exhibit B" and "Exhibit C" respectively.

#### **Application Review and Determination:**

There are three levels of review an Application may receive. The type of review is determined based upon the requested incentives and qualifications.

1. *Review Committee Review (1<sup>st</sup> Level of Review):*

a. Every Application received will be evaluated ~~and scored by a the~~ Review Committee comprised of County Staff and consisting of one (1) member from each of the following County Departments: Human Services, Community Development, and Utilities.

b. Applications seeking Tier I incentives only are scored to establish minimum threshold score of 20 and designation as Affordable Housing. Further review/scoring not required.

b.c. Applications seeking Tier II-IV incentives, subsidies, and/or funding are reviewed and scored at a publicly noticed open meeting. Each member of the Review Committee will review and score the Application utilizing the ~~scoring tools~~ prioritization matrix.

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e.d. The scores assigned by each member of the Review Committee will be averaged into one Consensus Score.

d.e. The Consensus Score will determine the Level of Funding and Maximum Incentive available for the proposed development.

e.f. The Application must receive a Consensus Score of at least ~~thirty~~ twenty (3020) points to be designated Affordable Housing and qualify for any incentives.

g. An Application that receives a Consensus Score of at least (3020) points and is seeking additional incentives and/or subsidy will be escalated to the next level of review.

f. —

2. *Affordable Housing Advisory Committee (AHAC) Review (2<sup>nd</sup> Level of Review):*

a. If the Application receives a Consensus Score of ~~30-20~~ or more points, and includes a request for incentives other than expedited permitting and impact fee waiver, it shall be presented to the AHAC for consideration.

b. The AHAC cannot change the Consensus Score assigned by the Review Committee.

c. The AHAC's recommendation to the BOCC is limited to the level of funding funding/award determined by the Review Committee.

d. The AHAC's recommendation will then be ~~provided~~ presented to the BOCC for consideration.

3. *Board of County Commissioners (BOCC) Review (Final Level of Review):*

a. When presented a recommendation for incentives, fee subsidies, or other local government contribution, ~~The BOCC shall consider whether to approve the recommendation of the AHAC and determine whether to approve the Application as recommended, Approve the Application with modifications to the recommendation, or to deny the Application.~~

b. The BOCC ~~has sole discretion~~ decision to either approve, deny, or modify the Application is final.

**Incentives and Awards:**

The County will issue an "Award Letter" once the Application is approved. The Award Letter indicates the Application Consensus Score, Tier Level, and the amount and type and available funding. Tier I incentives: Expedited Permitting has a separate Award Letter; and Impact Fee Waivers on affordable units receive an Award Letter not requiring AHAC review/recommendation or BOCC approval. Tier II – IV incentive awards of less than \$2,500 receive an Award Letter with ratification of award by the AHAC/BOCC through the quarterly reporting process.

Incentives and Awards are subject to change over time based on changes in economic conditions and the availability of funds in the AHTF.

A sample Award Letter is attached and incorporated as "Exhibit D".

A sample Expedited Permitting Award Letter is attached and incorporated as "Exhibit E".

Some of the incentives that are offered on affordable units under the program include; expedited permitting, waiver/deferral/or subsidization of impact fees, and "other-fees" or incentives that a Developer may request in the project proposal or Application.

1. **Expedited Permitting:** All developments that are deemed as "affordable" are eligible to receive the designation for "expedited permitting" under County Code. An Expedited Permitting Approval Letter will be provided to the Developer upon receiving this designation. A sample Expedited Permitting Approval Letter is attached and incorporated as "Exhibit E". **Charlotte County Code Section 3-9-5.4**
  
2. **Impact Fees:** Projects that have met the minimum application threshold of "Tier I" are eligible to have Impact Fees waived on affordable units. Potential Incentive Award Criteria Chart is attached as "Exhibit C".
  
3. **Land Donation:** There are various ways that land may be donated to a Developer.
  - a) **Florida Statutes Section §125.379 "Disposition of County property for affordable housing"** requires that by July 1, 2007, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing.
    - ~~The Charlotte County Human Services puts out a Request for Proposal (RFP) to a list of pre-approved HOME program accepts Applications year-round from eligible not-for-profit providers developers at minimum every three (3) years. Eligible non-profit developers are those that have the demonstrated mission, experience, financial capacity, board governance, etc. to deliver the Affordable Housing product proposed.~~
    - AHAC reviews proposals received by ~~from~~ the pre-approved ~~not-for~~ eligible non-profits and makes an official recommendation to the BOCC to dispose of the surplus property requested.
    - If the disposition(s) are approved by the BOCC, the transfer is made by BOCC resolution. ~~FS §125.379 Res. 2004-080.~~
  - b) The BOCC may offer a Developer a certain parcel of land maintained in the County inventory as an incentive to encourage and attract potential Developers of affordable housing to build additional units.
  
4. ~~**Density Units:** Density shall be granted pursuant to the provisions set forth in the County's Code of Laws and Ordinance and Comprehensive Plan.~~
  
- 5.4. **Other Fees:** A Developer may request in their Application to receive an incentive for "Other Fees". A Developer may encounter other County fees that are undefined and arise on a project-by-project basis. The Developer may request Other Fees to be waived in the Application. If the Application is approved by the Review Committee and the AHAC, the AHAC may include Other Fees in its recommendation recommend to the BOCC that the Other Fees either be waived or funded by the AHTF. (BOCC direction 1/26/2024)

6.5. The BOCC has authorized the following to streamline the award process.

- a. **Awards of up to \$2,500.00.** If the Application meets the Consensus Score (30 or more points) for an award, and Review Committee and AHAC have both recommend approval, County Staff may award an amount of subsidy not to exceed \$2,500.00 to the Developer without additional approval from the BOCC (BOCC approval 1/26/2021).
- b. **Expedited Permitting and the Waiver of Impact Fees.** Review Committee may authorize Expedited Permitting and Waive Impact Fees without additional AHAC or BOCC approval.

**Appeals:**

A Developer may file an Appeal to the Review Committee for a Consensus Score or to the AHAC for the AHAC's recommendation to deny or modify an award if the Developer believes the facts in the Application do not support the decision of the Review Committee or the recommendation of the AHAC.

Any Appeal of the Review Committee Consensus Score decision or the recommendation of the AHAC must explain why the Appellant believes the original decision was made in error and include documentation to support the Appellant's position.

The Appeal must be submitted to [charlottehome@charlottecountyfl.gov](mailto:charlottehome@charlottecountyfl.gov) within thirty (30) days of the denial of award.

The applicable reviewer (Review Committee and/or the AHAC) shall issue a final determination based on a review of the Application and the Appeal within sixty (60) days of receipt of the Appeal.

Decisions based on the unavailability of funds in the AHTF may not be appealed regardless of the Consensus Score and/or Tier Level achieved, however, Developer may re-apply for AHTF funds once funding in the AHTF is available.

**Developer Land Use Restriction Agreement (LURA):**

If an Application is approved for incentives exceeding Tier I incentives, the Developer will be required to execute a Land Use Restriction Agreement (LURA) with restrictive covenants and other provisions that are based on the 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).

Upon approval of the award / incentives by the BOCC at a regular meeting, The County Attorney's Office shall draft a LURA for each approved property containing the relevant provisions set forth by the BOCC.

The LURA must be executed upon acceptance of the incentive(s) awarded.

**Developer Performance:**

All building permits for the proposed development must be issued within eighteen (18) months of the approval of the incentive(s) and execution of the LURA, or as set forth by the BOCC.

If the Developer violates any provision of the LURA, or fails to commence or diligently pursue construction, 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.

If the County brings forth any action for violation or enforcing the terms of the LURA, the County shall be entitled to recover all fees and costs, including attorney's fees plus interest at the then maximum statutory rate for judgments calculated on a calendar day basis until paid.

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