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4                   **ORDINANCE**  
5                   **NUMBER 2021-003**  
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8                   **AN ORDINANCE OF LEVY COUNTY, FLORIDA,**  
9                   **PROVIDING THAT THE LEVY COUNTY CODE BE**  
10                  **AMENDED BY AMENDING ARTICLE II, CHAPTER 70 OF**  
11                  **SUCH CODE RELATING TO THE HOUSING INITIATIVES**  
12                  **PARTNERSHIP AND AFFORDABLE HOUSING;**  
13                  **PROVIDING FOR DEFINITIONS; PROVIDING FOR**  
14                  **CREATION OF THE LOCAL HOUSING ASSISTANCE**  
15                  **TRUST FUND; PROVIDING FOR THE LOCAL HOUSING**  
16                  **PARTNERSHIP; PROVIDING FOR THE LOCAL HOUSING**  
17                  **ASSISTANCE PLAN; PROVIDING FOR ADMINISTRATION**  
18                  **OF THE LOCAL HOUSING ASSISTANCE PLAN AND**  
19                  **LOCAL HOUSING DISTRIBUTIONS CONTAINED IN THE**  
20                  **LOCAL HOUSING ASSISTANCE TRUST FUND;**  
21                  **PROVIDING FOR CREATION OF THE AFFORDABLE**  
22                  **HOUSING ADVISORY COMMITTEE; PROVIDING FOR**  
23                  **CONFLICTS; PROVIDING FOR SEVERABILITY;**  
24                  **PROVIDING A REPEALING CLAUSE; AND PROVIDING**  
25                  **AN EFFECTIVE DATE.**

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27                                   **RECITALS**  
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30                  **WHEREAS**, on April 20, 1993, the Board of County Commissioners of Levy  
31                  County, Florida (“the Board”), adopted Ordinance 93-3, codified in the Levy County  
32                  Code as Article II, Chapter 70; and

33                  **WHEREAS**, the Board desires to amend Article II, Chapter 70 of the Levy County  
34                  Code to update and implement regulations and procedures related to the State Housing  
35                  Initiatives Partnership (“SHIP”) and the County’s implementation and operation of its  
36                  SHIP program and affordable housing programs and incentives; and

37                  **WHEREAS**, the Board finds that affordable housing is most effectively provided  
38                  by combining available resources to conserve and improve existing housing and provide  
39                  new housing for very-low-income households, low-income households, and moderate-  
40                  income households; and

41           **WHEREAS**, the Board finds that encouragement of partnerships with public and  
42 private sectors will help reduce the costs of housing by effectively combining all  
43 available resources and cost-saving measures to achieve affordable housing goals; and

44           **WHEREAS**, the Board desires to achieve this combination of resources by  
45 encouraging and utilizing active partnerships with other government entities, lenders,  
46 builders and developers, real estate professionals, advocates for low-income persons,  
47 and community groups to produce affordable housing and provide related services; and

48           **WHEREAS**, the Board desires to use local housing distributions from the State  
49 Housing Initiatives Partnership program contained in sections 420.907 through  
50 420.9079, Fla. Stat., as part of its strategies for providing an adequate supply of safe  
51 and affordable housing to meet the current and projected affordable housing needs of  
52 the County; and

53           **WHEREAS**, as reflected in the Levy County Comprehensive Plan, the Board  
54 desires to implement the guidelines contained in the State Housing Initiatives  
55 Partnership program to improve the options for affordable housing for very-low-income,  
56 low-income, moderate-income, and special needs households; and

57           **WHEREAS**, also as reflected in the Levy County Comprehensive Plan, the Board  
58 desires to utilize an affordable housing advisory committee to address a variety of  
59 issues related to affordable housing and assist in the development of affordable housing  
60 programs to address the County's affordable housing needs; and

61           **WHEREAS**, the current Levy County Code provisions regarding affordable  
62 housing partnerships, the local housing assistance trust fund, the local housing  
63 assistance plan, the administration of such trust fund and plan, and the affordable  
64 housing advisory committee, all require updating and revision in order to reflect the  
65 current status of the state laws and regulations related thereto, and in order to meet  
66 current and projected needs for affordable housing and other services in the County;

67           **BE IT ORDAINED**, by the Board of County Commissioners of Levy County,  
68 Florida:

69           **Section 1. Amendment of Article II, Chapter 70.** Article II, Chapter 70, Levy  
70 County Code, is hereby amended to read as follows (deletions shown as ~~stricken~~  
71 ~~through~~, additions shown as underlined):

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## ARTICLE II. HOUSING INITIATIVES PARTNERSHIP

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### Sec. 70-31. Definitions.

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The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*Adjusted for family size* means adjusted in a manner that results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determined as provided in the definition of low income person or household, moderate-income person or household, or very-low income person or household, based upon a formula established by the United States Department of Housing and Urban Development.

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~~*Administrative expenses* means those expenses directly related to implementation of the local housing assistance plan and local housing assistance program and shall not include the reimbursement of costs which were previously borne by another funding source which could continue to be available at the time the local housing assistance plan is submitted.~~

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*Affordable* means that monthly rents or monthly 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 the definition of low income person or household, moderate-income person or household, or very-low income person or household. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent 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 percent benchmark. The term also includes housing provided by a not-for-profit corporation that derives at least 75 percent of its annual revenues from contracts or services provide to a state or federal agency for low-income persons and low-income households; that provides supportive housing for persons who suffer from mental health issues, substance abuse, or domestic violence; and that provides on-premises social and community support services relating to job training, life skills training, alcohol and substance abuse disorder, child care, and client case management.

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*Affordable housing advisory committee* means the committee appointed by the board for the purpose of recommending specific initiatives and incentives to encourage or facilitate affordable housing as provided in s. 420.9076, Fla. Stat., as amended.

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*Annual gross income* means annual income as defined under the section 8 housing assistance payments programs in 24 C.F.R. Part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes or as defined by standard practices used in the lending industry as detailed in the local housing assistance plan and approved by the corporation. The county shall calculate income by ~~projecting the~~

115 ~~prevailing annual rate of income for all adults in annualizing verified sources of income~~  
116 ~~for the household as the amount of income to be received in a household during the 12~~  
117 ~~months following the effective date of the determination.~~

118 Assisted housing or assisted housing development means a rental housing  
119 development, including rental housing in a mixed-use development, that received or  
120 currently receives funding from any federal or state housing program.

121 Award means a loan, grant, or subsidy funded wholly or partially by the local  
122 housing assistance trust fund.

123 Community-based organization means a nonprofit organization that has among its  
124 purposes the provision of affordable housing to persons who have special needs or  
125 have very low income, low income, or moderate income within a designated area, which  
126 may include a municipality, a county, or more than one municipality or county, and  
127 maintains, through a minimum of one-third representation on the organization's  
128 governing board, accountability to housing program beneficiaries and residents of the  
129 designated area. A community housing development organization established pursuant  
130 to 24 C.F.R. s. 92.2 and a community development corporation created pursuant to F.S.  
131 ch. chapter 290, Fla. Stat., are examples of community-based organizations.

132 Corporation means the Florida Housing Finance Corporation created pursuant to  
133 Chapter 420, Part V, Fla. Stat., as the same may be amended.

134 Corporation rule means the administrative rules implemented pursuant to the SHIP  
135 Act contained in Chapter 67-37, Florida Administrative Code, as the same may be  
136 amended.

137 Eligible housing means any real and personal property located within the county or  
138 the eligible municipality which is designed and intended for the primary purpose of  
139 providing decent, safe, and sanitary residential units that are designed to meet the  
140 standards of the Florida Building Code or previous building codes adopted under  
141 chapter F.S. ch. 553, Fla. Stat., or manufactured housing constructed after June 1994  
142 and installed in accordance with the installation standards for mobile or manufactured  
143 homes contained in the rules of the State of Florida Department of Highway Safety and  
144 Motor Vehicles, for home ownership or rental for eligible persons as designated by the  
145 county or an eligible municipality participating in the state housing initiatives partnership  
146 program.

147 ~~Eligible municipality means a municipality that is eligible for federal community~~  
148 ~~development block grant entitlement moneys as an entitlement community identified in~~  
149 ~~24 CFR 570, subpart D, Entitlement Grants, or a nonentitlement municipality that is~~  
150 ~~receiving local housing distribution funds under an interlocal agreement that provides for~~  
151 ~~possession and administrative control of funds to be transferred to the nonentitlement~~  
152 ~~municipality. An eligible municipality that defers its participation in community~~  
153 ~~development block grants does not affect its eligibility for participation in the state~~  
154 ~~housing initiatives partnership program.~~

155 Eligible person or eligible household means one or more natural persons or a family  
156 determined by the county or eligible municipality to be of very low income, low income,  
157 or moderate income according to the income limits adjusted to family size published

158 annually by the United States Department of Housing and Urban Development based  
159 upon the annual gross income of the household.

160 *Eligible sponsor* means a person or a private or public for-profit or not-for-profit  
161 entity that applies for an award under the local housing assistance plan for the purpose  
162 of providing eligible housing for eligible persons.

163 FAC means the Florida Administrative Code.

164 *Grant* means an award from the local housing assistance trust fund to an eligible  
165 sponsor or eligible person to partially assist in the construction, rehabilitation, or  
166 financing of eligible housing or to provide the cost of tenant or ownership qualifications  
167 without requirement for repayment as long as the condition of award is maintained.

168 ~~*Home ownership* means a distribution of a portion of a local housing distribution to  
169 an eligible person or eligible sponsor for construction, rehabilitation, purchase, or lease-  
170 purchase financing for owner-occupied eligible housing.~~

171 ~~*Interlocal entity* means any entity created pursuant to the provisions of F.S. ch. 163,  
172 pt. 1 for the purpose of a joint local housing assistance program pursuant to the  
173 provisions of F.S. § 420.9075(5) or for the purpose of a joint affordable housing  
174 incentive plan pursuant to the provisions of F.S. § 420.9076(2).~~

175 *Loan* means an award from the local housing assistance trust fund to an eligible  
176 sponsor or eligible person to partially finance the acquisition, construction, or  
177 rehabilitation of eligible housing with requirement for repayment or provision for  
178 forgiveness of repayment if the condition of the award is maintained.

179 *Local housing assistance plan* means a concise description of the local housing  
180 assistance strategies and local housing incentive strategies adopted by resolution of the  
181 board with an explanation of the way in which the program meets the requirements of  
182 the SHIP Act and corporation rule.

183 *Local housing assistance strategies* means the housing construction, rehabilitation,  
184 repair, or finance program implemented by ~~a participating the county or eligible  
185 municipality~~ with the local housing distribution or other funds deposited into the local  
186 housing assistance trust fund.

187 *Local housing distributions* means the proceeds of the taxes collected under  
188 chapter F.S. ch. 201, Fla. Stat., deposited into the local government housing assistance  
189 trust fund and distributed to the county counties and eligible municipalities participating  
190 as a participant in the state housing initiatives partnership program pursuant to F.S. §  
191 section 420.9073, Fla. Stat., as the same may be amended.

192 *Local housing incentive strategies* means local regulatory reform or incentive  
193 programs to encourage or facilitate affordable housing production, which include at a  
194 minimum, assurance that permits ~~as defined in F.S. § 163.3164(7) and (8)~~ for affordable  
195 housing projects are expedited to a greater degree than other projects, as provided in  
196 section 163.3177(6)(f)3., Fla. Stat., as amended; an ongoing process for review of local  
197 policies, ordinances, regulations, and plan provisions that increase the cost of housing  
198 prior to their adoption; and a schedule for implementing the incentive strategies. Local  
199 housing incentive strategies may also include other regulatory reforms, such as those

200 enumerated in F.S. § section 420.9076, Fla. Stat., as the same may be amended, or  
201 those recommended by the affordable housing advisory committee in its annual  
202 evaluation of the implementation of affordable housing incentives, and adopted by the  
203 board of county commissioners.

204 *Local housing partnership* means the implementation of the local housing  
205 assistance plan in a manner that involves ~~the applicable county or eligible municipality,~~  
206 lending institutions, housing builders and developers, real estate professionals,  
207 advocates for low-income persons, community-based housing and service  
208 organizations, and providers of professional services relating to affordable housing. The  
209 term includes initiatives to provide support services for housing program beneficiaries  
210 such as training to prepare persons for the responsibility of home ownership, counseling  
211 of tenants, and the establishing of support services such as day care, health care, and  
212 transportation.

213 *Low-income person or low-income household* means one or more natural persons  
214 or a family that has a total annual gross household income that does not exceed 80  
215 percent of the median annual income adjusted for family size for households within the  
216 metropolitan statistical area, the county, or the nonmetropolitan median for the state,  
217 whichever amount is greatest. With respect to rental units, the low-income household's  
218 annual income at the time of initial occupancy may not exceed 80 percent of the area's  
219 median income adjusted for family size. While occupying the rental unit, a low-income  
220 household's annual income may increase to an amount not to exceed 140 percent of 80  
221 percent of the area's median income adjusted for family size.

222 *Moderate-income person or moderate-income household* means one or more  
223 natural persons or a family that has a total annual gross household income that does  
224 not exceed 120 percent of the median annual income adjusted for family size for  
225 households within the metropolitan statistical area, the county, or the nonmetropolitan  
226 median for the state, whichever is greatest. With respect to rental units, the moderate-  
227 income household's annual income at the time of initial occupancy may not exceed 120  
228 percent of the area's median income adjusted for family size. While occupying the rental  
229 unit, a moderate-income household's annual income may increase to an amount not to  
230 exceed 140 percent of 120 percent of the area's median income adjusted for family size.  
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232 *Personal property* means major appliances, including a freestanding refrigerator or  
233 stove, to be identified on the encumbering documents.

234 ~~*Persons who have special housing needs* means persons who have incomes not~~  
235 ~~exceeding moderate-income and who because of particular social, economic, or health~~  
236 ~~related circumstances have greater difficulty acquiring or maintaining affordable~~  
237 ~~housing. Such persons may, for example, encounter resistance to their residing in~~  
238 ~~particular communities. Increased housing costs resulting from unique needs, and high~~  
239 ~~risk of institutionalization. As set out in the State of Florida Comprehensive Housing~~  
240 ~~Affordability Strategy (1991) these individuals include: persons with developmental~~  
241 ~~disabilities; persons with mental illness/chemical dependency; persons with AIDS and~~  
242 ~~HIV disease; runaway and abandoned youth; single-parent families; public assistance~~

243 recipients; migrant and seasonal farmworkers; refugees and entrants; and the elderly  
244 and disabled adults.

245 Plan amendment means the addition or deletion of a local housing assistance  
246 strategy or local housing incentive strategy. Plan amendments must at all times  
247 maintain consistency with program requirements and must be submitted to the  
248 corporation for review pursuant to section 420.9072(3), Fla. Stat., as the same may be  
249 amended. Technical or clarifying revisions may not be considered plan amendments but  
250 must be transmitted to the corporation for purposes of notification.

251 Population means the latest official state estimate of population certified pursuant to  
252 section 186.901, Fla. Stat., prior to the beginning of the state fiscal year.

253 Preservation means actions taken to keep rents in existing assisted housing  
254 affordable for extremely-low-income, very-low-income, low-income, and moderate-  
255 income households while ensuring that the property stays in good physical and financial  
256 condition for an extended period.

257 *Program income* means the proceeds derived from interest earned on or investment  
258 of the local housing distribution and other funds deposited into the local housing  
259 assistance trust fund, proceeds from loan repayments, recycled funds, and all other  
260 income derived from use of funds deposited in the local housing assistance trust fund. It  
261 does not include recaptured funds.

262 *Recaptured funds* means funds that are recouped by ~~a the county or eligible~~  
263 ~~municipality~~ in accordance with the recapture provisions of ~~it's the~~ local housing  
264 assistance plan pursuant to F.S. § section 420.9075(5)(j), Fla. Stat., as the same may  
265 be amended, (4)(g) from eligible persons or eligible sponsors, which funds were not  
266 used for assistance to an eligible household for an eligible activity, when there is a who  
267 default on the terms of a grant award or loan award.

268 *Rent subsidies* means ongoing monthly rental assistance. ~~The term does not~~  
269 ~~include initial assistance to tenants, such as grants or loans for security and utility~~  
270 ~~deposits.~~

271 *Sales price or value* means, in the case of acquisition of an existing or newly  
272 constructed unit, the amount on the executed sales contract. For eligible persons who  
273 are building a unit on land that they own, the sales price is determined by an appraisal  
274 performed by a state-certified appraiser. The appraisal must include the value of the  
275 land and the improvements using the after-construction value of the property and must  
276 be dated within 12 months of the date construction is to commence. The sales price of  
277 any unit must include the value of the land in order to qualify as eligible housing. In the  
278 case of rehabilitation or emergency repair of an existing unit that does not create  
279 additional living space, *sales price or value* means the value of the real property, as  
280 determined by an appraisal performed by a state-certified appraiser and dated within 12  
281 months of the date construction is to commence or the assessed value of the real

282 property as determined by the county property appraiser. In the case of rehabilitation of  
283 an existing unit that includes the addition of new living space, sales price or value  
284 means the value of the real property, as determined by an appraisal performed by a  
285 state-certified appraiser and dated within 12 months of the date construction is to  
286 commence or the assessed value of the real property as determined by the county  
287 property appraiser, plus the cost of the improvements in either case.

288 SHIP Act means sections 420.907 through 420.9079, Fla. Stat., the State Housing  
289 Initiatives Partnership Act, as the same may be amended.

290 Very-low-income person or very-low-income household means one or more natural  
291 persons or a family that has a total annual gross household income that does not  
292 exceed 50 percent of the median annual income adjusted for family size for households  
293 within the metropolitan statistical area, the county, or the nonmetropolitan median for  
294 the state, whichever is greatest. With respect to rental units, the very-low-income  
295 household's annual income at the time of initial occupancy may not exceed 50 percent  
296 of the area's median income adjusted for family size. While occupying the rental unit, a  
297 very-low-income household's annual income may increase to an amount not to exceed  
298 140 percent of 50 percent of the area's median income adjusted for family size.

299 **Sec. 70-32. Creation of the local housing assistance trust fund.**

300 (a) The local housing assistance trust fund is hereby created and established.  
301 ~~(Note: Any interlocal entity shall establish with a qualified depository as defined in F.S.~~  
302 ~~ch. 280, a local housing assistance trust fund.)~~

303 (b) All monies received from the county's share of the local housing distribution  
304 state pursuant to the state housing initiative partnership act, any program income,  
305 recaptured funds, and any other funds received or budgeted to provide funding for the  
306 implement the county local housing assistance plan program shall be deposited into the  
307 local housing assistance trust fund.

308 (c) The local housing assistance trust fund will be maintained and administered  
309 in accordance with all applicable provisions of the SHIP Act and corporation rule.  
310 administration of the local housing assistance trust fund shall comply with F.A.C. 91-  
311 37.007. (Note: Any funds deposited into the local housing assistance trust fund will be  
312 subject to the requirements of the SHIP program see F.S. § 420.9075(4).)

313 (cd) Expenditures from the local housing assistance trust fund must be made only  
314 to implement the local housing assistance plan, or as provided in section 420.9072, Fla.  
315 Stat., as the same may be amended, and this section. Expenditures other than for the  
316 administration and implementation of the local housing assistance plan program shall  
317 not be made from the local housing assistance trust fund. Expenditures from the local  
318 housing assistance fund may not be pledged to pay the debt service on any bonds.

319 (de) Amounts on deposit in the local housing assistance trust fund shall be  
320 invested as permitted by law for the county's share of the local housing distribution  
321 funds in the state board of administrator's local government surplus trust fund



322 established pursuant to F.S. ch. 218, pt. IV (F.S. § 218.40 et seq.). All investment  
323 earnings shall be retained in the local housing assistance trust fund and used for the  
324 purposes thereof. (Note: F.A.C. 91-37.007 states that amounts on deposit in the local  
325 housing assistance trust fund may be otherwise invested if so approved in the local  
326 housing assistance plan.)

327 (ef) Until utilized for the purposes thereof, monies in the local housing assistance  
328 trust fund shall be held in trust by the county solely for use pursuant to the local housing  
329 assistance plan program. All local housing assistance program income, including  
330 investment earnings, shall be retained in the local housing assistance trust fund and  
331 used for the purposes thereof.

332 (fg) ~~The county agrees that the~~ local housing assistance trust fund shall be  
333 separately stated as a special revenue fund in the county's audited financial statements.  
334 Electronic Copies of such audited financial statements or a hyperlink to a website  
335 where the report is posted shall be transmitted annually forwarded to the Florida  
336 Housing Finance Agency corporation no later than June 30<sup>th</sup> of the following state fiscal  
337 year. In addition, the county will provide evidence to the corporation of compliance with  
338 the Florida Single Audit Act, as referenced in sections 215.97(7) and (8) Fla. Stat. as  
339 soon as such statements are available. (Note: Each interlocal entity shall have its local  
340 housing assistance trust fund separately audited for each state fiscal year, which audit  
341 shall be forwarded to the Florida Housing Finance Agency not later than the November  
342 1 following such fiscal year.)  
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345 **Sec. 70-33. Creation of the Local housing partnership.**

346 (a) ~~The local housing partnership is hereby created and established. The~~  
347 ~~members of the local housing partnership shall be appointed by resolution of the board~~  
348 ~~of county commissioners. The county encourages the involvement of appropriate public~~  
349 ~~sector and private sector entities interested in the issues related to affordable housing in~~  
350 ~~the county in order to combine resources to reduce housing costs for persons of very~~  
351 ~~low income, low income, or moderate income and to persons who have special housing~~  
352 ~~needs, including, but not limited to, homeless people, the elderly, migrant farmworkers~~  
353 ~~and persons with disabilities. Those entities so interested will constitute a local housing~~  
354 ~~partnership with the county and will consist of county lending institutions, housing~~  
355 ~~builders and developers, real estate professionals, advocates for low-income persons,~~  
356 ~~community-based housing and service organizations, providers of professional services~~  
357 ~~related to affordable housing, nonprofit and other community-based housing and service~~  
358 ~~organizations, other entities that can assist in providing housing or related support~~  
359 ~~services, and lead agencies of local homeless assistance continuums of care. The~~  
360 ~~specific participants in any local housing partnership activities may vary according to the~~  
361 ~~community resources and the nature of the county's local housing plan.~~

362 (b) ~~The local housing partnership shall include, but is not limited to, the county,~~  
363 ~~community-based organizations, for profit housing developers, lending institutions,~~

364 ~~providers of professional services relating to affordable housing, and service~~  
365 ~~organizations working on behalf of persons with special housing needs. The~~  
366 ~~involvement and utilization of the local housing partnership with the various partnership~~  
367 ~~members described herein may include, but not be limited to, establishment of initiatives~~  
368 ~~to provide support services for housing program beneficiaries such as training to~~  
369 ~~prepare persons for the responsibility of home ownership, counseling of tenants, and~~  
370 ~~the establishment of support services such as day care, health care, and transportation.~~  
371 -

372 ~~(c) The local housing partnership shall: The county will implement the local~~  
373 ~~housing assistance plan in a manner that involves participation and assistance from~~  
374 ~~local housing partnership members, including participation of some of the partnership~~  
375 ~~members through their representation on the county affordable housing advisory~~  
376 ~~committee.~~

377 ~~(1) Provide recommendations to the local government on program design.~~

378 ~~(2) Monitor program performance and recommend program modification for~~  
379 ~~subsequent funding years. Such involvement by the local housing partnership shall be~~  
380 ~~consistent with this article, F.S. §§ 420.907—420.9079 and F.A.C. 91-37.~~  
381

382 **~~Sec. 70-34. Intent and purpose of the local housing assistance plan program.~~**

383  
384 ~~(a) The county shall develop and implement a local housing assistance plan by~~  
385 ~~resolution in accordance with the requirements of SHIP ACT and corporation rule. The~~  
386 ~~local housing assistance plan will be developed through a process that involves~~  
387 ~~participation of local housing partnership member entities, including but not limited to~~  
388 ~~such partnership members' participation through membership in the county affordable~~  
389 ~~housing advisory committee.~~

390 ~~(b) The local housing assistance plan will consist of a concise description of the~~  
391 ~~local housing assistance strategies and local housing incentive strategies adopted by~~  
392 ~~the board with an explanation of how the plan meets the requirements of the SHIP Act~~  
393 ~~and corporation rule.~~

394 ~~(c) The local housing assistance plan will take into consideration the goals,~~  
395 ~~objective and policies of the housing element of the comprehensive plan.~~

396 ~~The intent of the local housing assistance program plan is to include but not be~~  
397 ~~limited to such provisions as:~~

398 ~~(1) To increase the availability of affordable housing units by combining local~~  
399 ~~resources and cost-saving measures into a local housing partnership and~~  
400 ~~using private and public funds to reduce the cost of housing;~~

401 ~~(2) To promote more compact urban development and assist in achieving the~~  
402 ~~growth management goals contained in the adopted local comprehensive~~  
403 ~~plan, by allowing more efficient use of land so as to provide housing units~~  
404 ~~that are affordable to persons who have special housing needs, very low-~~  
405 ~~income, low-income, or moderate income.~~

- 406 ~~(3) To promote innovative design of eligible housing that provides cost savings;~~  
407 ~~flexible design options for housing and development such as the combination~~  
408 ~~of architectural styles, building forms, and development requirements; and~~  
409 ~~positive design features such as orientation towards the street and~~  
410 ~~pedestrian access, without compromising the quality of the eligible housing;~~
- 411 ~~(4) To promote mixed-income housing in urban, suburban, and rural areas so as~~  
412 ~~to provide increased housing and economic opportunities for persons who~~  
413 ~~have special housing needs, very low-income, low-income, or moderate~~  
414 ~~income; and~~
- 415 ~~(5) To build the organizational and technical capacity of community-based~~  
416 ~~organizations so as to optimize the role of community-based organizations in~~  
417 ~~the production of affordable housing.~~

418 ~~(b) The purpose of this article is to aid in achieving the intent of the local housing~~  
419 ~~assistance program while providing for:~~

- 420 ~~(1) Protection of natural resources;~~
- 421 ~~(2) Enhancement of the viability of public transit, pedestrian circulation, and~~  
422 ~~nonmotorized modes of transportation;~~
- 423 ~~(3) Community development and economic growth; and~~
- 424 ~~(4) A strong sense of community through increased social and economic~~  
425 ~~integration.~~

426 **~~Sec. 70-35. - Establishment of the local housing assistance program.~~**

- 427 ~~(a) The local housing assistance program is hereby created and established. (Note:~~  
428 ~~Local governments may enter into an interlocal agreement for the purpose of~~  
429 ~~establishing a joint local housing assistance program subject to the requirements of~~  
430 ~~F.S. §§ 420.907—420.9079.)~~
- 431 ~~(b) The local housing partnership shall use the funds received from the state pursuant~~  
432 ~~to the state housing initiative partnership act to implement the local housing~~  
433 ~~assistance program which may include but be limited to the allowable activities as~~  
434 ~~specified in F.A.C. 91-37.007. The specific activities will be described in the housing~~  
435 ~~assistance plan.~~
- 436 ~~(c) The local housing assistance program shall include all lawful objectives if such~~  
437 ~~objectives are consistent with the provisions of F.S. §§ 420.907—420.9079 and~~  
438 ~~F.A.C. 91-37.~~

440 **~~Sec. 70-356. Designation of responsibility for administration and implementation~~**  
441 **~~of the local housing assistance planprogram.~~**

- 442
- 443 ~~(a) The county shall be responsible for implementation and administration of the~~  
444 ~~local housing assistance planprogram, and for distribution and administration of the~~  
445 ~~local housing assistance distributions and any other amounts contained in the local~~  
446 ~~housing assistance trust fund through the county SHIP Department, or such other~~

447 county department as may be designated by the county coordinator. (Note: If provided  
448 for in this article all or part of the administrative or other functions of the local housing  
449 assistance program may be contracted to a third person or entity.)

450 (b) ~~The county shall designate responsibility of administration of the housing~~  
451 ~~partnership to the Central Florida Community Action Agency, Inc., a nonprofit~~  
452 ~~corporation, serving low-income citizens in the county to monitor the success of the~~  
453 ~~local housing assistance program, and provide advice and suggestions as to whether~~  
454 ~~and in what ways the local housing assistance program might be improved from year to~~  
455 ~~year.~~

456 (c) ~~The total amount paid for any administrative expenses in connection with the~~  
457 ~~local housing assistance plan program will not exceed ten percent of the proceeds of~~  
458 ~~the local housing distribution, or such other amount as may be allowed by applicable~~  
459 ~~provisions the SHIP Act or corporation rule.~~

460 (d) ~~The county shall not treat as administrative expenses any costs previously~~  
461 ~~borne by another funding source which could continue to be available at the time the~~  
462 ~~local housing assistance plan is submitted.~~

463 (e) ~~In implementing and administering the local housing assistance plan program,~~  
464 ~~and the local housing distributions and other amounts contained in the local housing~~  
465 ~~assistance trust fund, the county local housing partnership shall do all of the following:~~

466 (1) Develop a qualification and selection criteria for applications for awards by  
467 eligible sponsors, adopt criteria for the selection of eligible persons, adopt  
468 criteria for awards to eligible sponsors or eligible persons for the purpose of  
469 providing eligible housing, and adopt a maximum award schedule or system  
470 of amounts, all of which are consistent with the intent and budget of the local  
471 housing assistance plan, with the SHIP Act and corporation rule.

472 (2) Advertise the notice of funding availability of a the housing assistance plan  
473 program in a newspaper of general circulation and periodicals serving ethnic  
474 and diverse neighborhoods, at least 30 days before the beginning of any  
475 application period. If no funding is available due to a waiting list, no notice  
476 of funding availability is required.

477 (3) Administer the local housing assistance plan without discrimination on the  
478 basis of race, creed, religion, color, age, sex, marital status, familial status,  
479 national origin, or handicap in the award application process for eligible  
480 housing.

481 (4) Administer and implement the local housing assistance plan and the local  
482 housing distributions and any other amounts contained in the local housing  
483 assistance trust fund in accordance with and in compliance with all the  
484 requirements of the SHIP Act and corporation rule.

485 (5) Require, as a condition of receipt of an award, that the eligible sponsor or  
486 eligible person must contractually commit to comply with the affordable  
487 housing criteria provided in the SHIP Act, applicable to the affordable  
488 housing objection of the particular award. The local housing assistance plan

489 criteria must prescribe the contractual obligations required to ensure  
490 compliance with award conditions.

491 (6) In the event that the local housing assistance plan assists rental  
492 developments, annually monitor and determine tenant eligibility or, to the  
493 extent that another governmental entity or corporation program provides  
494 periodic monitoring and determination, the county may rely on such  
495 monitoring and determination of tenant eligibility. However, any loan or grant  
496 in the original amount of \$10,000 or less is not subject to these annual  
497 monitoring and tenant eligibility requirements.

498 (7) Maintain a financial tracking system that ensures that the local housing  
499 distribution funds expended from the local housing assistance trust fund are  
500 expended in accordance with the set-aside requirements in Rule 67-37.007,  
501 F.A.C., as the same may be amended, within deadlines established in Rules  
502 67-37.005(5)(b) and (c), F.A.C., as the same may be amended, and in  
503 compliance with section 420.9075, Fla. Stat., as the same may be amended.  
504

505 ~~(2) Adopt a maximum award schedule or system of awards to comply with the~~  
506 ~~following criteria:~~

507 ~~a. Sixty-five percent of the funds shall be reserved for home ownership for~~  
508 ~~eligible persons.~~

509 ~~b. Seventy-five percent of the funds shall be reserved for construction,~~  
510 ~~rehabilitation, or emergency repair of eligible housing.~~

511 ~~c. The sales price of new or existing eligible housing shall not exceed 90 percent~~  
512 ~~of the median area purchase price in the area where the eligible housing is~~  
513 ~~located as established by the United States Department of Treasury in~~  
514 ~~accordance with Section 3(b)2 of the United States Housing Act of 1937.~~

515 ~~d. All units constructed, rehabilitated, or otherwise assisted with program funds~~  
516 ~~shall be occupied by very low-income, low-income, or moderate-income~~  
517 ~~persons and persons who have special housing needs. At least 30 percent of~~  
518 ~~units must be occupied by very low-income persons and at least another 30~~  
519 ~~percent by low-income persons. The remainder shall be occupied by persons~~  
520 ~~who have special housing needs, very low-income, low-income, or moderate-~~  
521 ~~income persons.~~

522 ~~e. The amount of monthly mortgage payments or the amount of monthly rents~~  
523 ~~charged by the eligible sponsor or its designee must be affordable to eligible~~  
524 ~~persons.~~

525 ~~f. Loans shall be provided for periods not exceeding 30 years except for deferred~~  
526 ~~payment loans or loans that extend beyond three years which continue to~~  
527 ~~provide eligible housing for eligible persons.~~

528 ~~g. Eligible owner-occupied housing constructed, rehabilitated, or otherwise~~  
529 ~~assisted from proceeds provided from the local housing assistance program~~

530 shall be subject to subsidy recapture provisions which are identical to those  
531 specified in Section 143(m) of the Internal Revenue Code of 1986.

532 h. Eligible rental housing constructed, rehabilitated, or otherwise assisted from  
533 proceeds provided from the local housing assistance program shall be  
534 reserved for eligible persons for the greater of 15 years or the term of the  
535 assistance. Eligible sponsors who offer eligible rental housing for sale before  
536 15 years or that have remaining mortgages funded under the local housing  
537 assistance program must give a first right of refusal to eligible nonprofit  
538 organizations for purchase for continued occupancy by eligible persons.

539 i. The cost per unit and the maximum cost per unit for eligible housing benefiting  
540 from awards made pursuant to the local housing assistance program shall be  
541 established by resolution.

542 j. A qualification system for applicants for awards consistent with the intent of the  
543 local housing assistance program and F.S. §§ 420.907—420.9079 shall be  
544 established by the local housing partnership.

545 k. The local housing partnership shall annually monitor and determine tenant  
546 eligibility and amount of subsidy pursuant to the provisions of this article, F.S.  
547 §§ 420.907—420.9079 and F.A.C. 91-37.015.

548 (3) The county, the local housing partnership, and all eligible sponsors shall not  
549 discriminate in the loan application process of eligible persons for eligible  
550 housing on the basis of race, creed, religion, color, age, sex, sexual  
551 preference, marital status, familial status, national origin, or handicap. (Note:  
552 Sexual preference is not included in the statute.)

553 (4) The county shall comply with all rules and regulations of the Florida Housing  
554 Finance Agency in connection with required reporting by the county of  
555 compliance with its local housing assistance program.

556 (5) Prior to receiving an award, all eligible persons or eligible sponsors shall  
557 enter into an agreement to comply with the affordable housing criteria  
558 provided under F.S. §§ 420.907—420.9079 and this article. All eligible  
559 persons or eligible sponsors shall include in the deed transferring ownership  
560 of the property to the eligible person or eligible sponsor a covenant agreeing  
561 to comply with the terms of the above described laws which covenant will run  
562 with the land or in the alternative, the agreement shall be made a part of the  
563 mortgage agreement. Failure to comply with the covenant in the mortgage  
564 shall result in a default of the mortgage with all remedies and rights for  
565 enforcement inuring to the benefit of the county.

566 (6) Eligible sponsors receiving assistance from both the state housing initiative  
567 partnership (SHIP) program and the low income housing tax credit (LIHTC)  
568 program shall be required to comply with the income, affordability, and other  
569 LIHTC requirements. Similarly, any eligible housing receiving assistance  
570 from SHIP and other federal programs shall be required to comply with any  
571 requirements specified by the federal program in addition to SHIP  
572 requirements.

573

574 **Sec. 70-367. Creation of the affordable housing advisory committee.**

575 (a) The affordable housing advisory committee is hereby created and  
576 established. The membership, quorum requirements and any other rules and  
577 procedures for the affordable housing committee in addition to the requirements of this  
578 section will be established by resolution of the board. The individual members of the  
579 advisory committee shall be appointed by ~~resolution of the board of county~~  
580 ~~commissioners. (Note: Pursuant to the terms of any interlocal agreement, a county and~~  
581 ~~an eligible municipality may create and jointly appoint an affordable housing advisory~~  
582 ~~committee to prepare a joint affordable housing incentive plan subject to the~~  
583 ~~requirements of F.S. §§ 420.907—420.9079. Interlocal agreements may be entered into~~  
584 ~~with municipalities which are not eligible municipalities. There is no requirement that~~  
585 ~~parties to such interlocal agreements be contiguous, although the local housing~~  
586 ~~assistance plan submitted by each interlocal entity must show a logical basis for the~~  
587 ~~combining entities.)~~

588 (b) All meetings of the affordable housing advisory committee are public  
589 meetings, subject to the provisions of section 286.011, Fla. Stat., as the same may be  
590 amended. All records of the affordable housing advisory committee are public records,  
591 governed by the provisions of Chapter 119, Fla. Stat., as the same may be amended.  
592 ~~The resolution appointing the affordable housing advisory committee shall define~~  
593 ~~affordable housing as applicable to the county in a way that is consistent with the~~  
594 ~~adopted local comprehensive plan.~~

595 (c) ~~The affordable housing advisory committee shall consist of nine members.~~  
596 ~~Five members shall constitute a quorum. The committee may not take formal actions~~  
597 ~~unless a quorum is present, but may meet to hear presentations if duly noticed. The~~  
598 ~~affordable housing advisory committee shall include the following, which individuals may~~  
599 ~~overlap with or be part of the local housing partnership:~~

600 (1) ~~One citizen who is actively engaged in the residential home building industry~~  
601 ~~in connection with affordable housing.~~

602 (2) ~~One citizen who is actively engaged in the banking or mortgage banking~~  
603 ~~industry in connection with affordable housing.~~

604 (3) ~~One citizen who is a representative of those areas of labor actively engaged~~  
605 ~~in home building in connection with affordable housing.~~

606 (4) ~~One citizen who is actively engaged as an advocate for low-income persons~~  
607 ~~in connection with affordable housing.~~

608 (5) ~~One citizen who is actively engaged as a for-profit provider of affordable~~  
609 ~~housing.~~

610 (6) ~~One citizen who is actively engaged as a not-for-profit provider of affordable~~  
611 ~~housing.~~

612 (7) ~~One citizen who is actively engaged as a real estate professional in~~  
613 ~~connection with affordable housing.~~

614 ~~(8) One citizen who actively serves on the local planning agency pursuant to~~  
615 ~~F.S. § 163.3174.~~

616 ~~(9) One citizen who resides within the jurisdiction of the county.~~

617 ~~(d) Members shall serve for two-year terms and may be reappointed for~~  
618 ~~subsequent terms.~~

619 ~~(e) Meetings shall be held monthly for the first year of committee existence and~~  
620 ~~quarterly, or more frequently thereafter.~~

621 ~~(f) The affordable housing advisory committee shall comply with F.S. § 286.011,~~  
622 ~~F.S. ch. 119, and the special provisions regarding notice of affordable housing incentive~~  
623 ~~plan considerations found in F.S. § 420.9076. Minutes of the meeting shall be kept by~~  
624 ~~the clerk of the board of county commissioners.~~

625 ~~(g) The affordable housing advisory committee shall annually elect a~~  
626 ~~chairperson, vice-chairperson, and such other offices as it deems necessary. The~~  
627 ~~chairperson is charged with the duty of conducting meetings in a manner consistent with~~  
628 ~~law.~~

629 ~~(h) Staff, administrative and facility support for the affordable housing advisory~~  
630 ~~committee shall be provided by the board of county commissioners.~~

631 ~~(ic) Annually, the affordable housing advisory committee shall review the~~  
632 ~~established policies and procedures, ordinances, land development regulations, and~~  
633 ~~adopted local comprehensive plan of the county and shall recommend specific initiatives~~  
634 ~~to encourage or facilitate affordable housing while protecting the ability of the property~~  
635 ~~to appreciate in value.~~

636 ~~(jd) Recommendations regarding specific initiatives made by the affordable~~  
637 ~~housing advisory committee as provided in subsection (c) may include the modification~~  
638 ~~or repeal of existing policies, procedures, ordinances, regulations, or plan provisions;~~  
639 ~~the creation of exceptions applicable to affordable housing; or the adoption of new~~  
640 ~~policies, procedures, regulations, ordinances, or plan provisions, including~~  
641 ~~recommendations to amend the county comprehensive plan and corresponding~~  
642 ~~regulations, ordinances, and other policies. At a minimum, the affordable housing~~  
643 ~~advisory committee shall submit an annual report to the board and to the entity~~  
644 ~~providing statewide training and technical assistance for the Affordable Housing~~  
645 ~~Catalyst Program as contained in section 420.531, Fla. Stat., as the same may be~~  
646 ~~amended, which report will include ~~make~~ recommendations on the implementation of~~  
647 ~~affordable housing incentives in the following areas:~~

648 (1) ~~The affordable housing definition in the appointing resolution. The~~  
649 ~~processing of approvals of development orders or permits for affordable~~  
650 ~~housing projects to a greater degree than other projects, as provided in~~  
651 ~~section 163.3177(6)(f)3, Fla. Stat., as the same may be amended.~~

652 (2) ~~The expedited processing of permits for affordable housing projects. All~~  
653 ~~allowable fee waivers provided for the development or construction or~~  
654 ~~affordable housing.~~



- 655 (3) ~~The modification of impact fee requirements, including reduction or waiver~~  
656 ~~of fees and alternative methods of fee payment.~~
- 657 (4) ~~The allowance of increased density levels. flexibility in densities for~~  
658 ~~affordable housing.~~
- 659 (54) ~~The reservation of infrastructure capacity for housing for very low-income~~  
660 ~~persons and low-income persons, and moderate-income persons.~~
- 661 (65) ~~The transfer of development rights as a financing mechanism for housing for~~  
662 ~~very low-income persons and low-income persons. Affordable accessory~~  
663 ~~residential units.~~
- 664 (76) ~~The reduction of parking and setback requirements for affordable housing.~~
- 665 (87) ~~The allowance of flexible lot configurations, including zero-lot-line~~  
666 ~~configurations for affordable housing.~~
- 667 (98) ~~The modifications of sidewalk and street requirements for affordable~~  
668 ~~housing.~~
- 669 (409) ~~The establishment of a process by which the county considers, before~~  
670 ~~adoption, procedures and policies, procedures, ordinances, regulations, or~~  
671 ~~plan provisions that have a significant impact on increase the cost of~~  
672 ~~housing.~~
- 673 (10) ~~The preparation of a printed inventory of locally owned public lands suitable~~  
674 ~~for affordable housing.~~
- 675 (11) ~~The support of development near transportation hubs and major~~  
676 ~~employment centers and mixed-use developments.~~
- 677 (12) ~~Any other affordable housing incentives identified in the affordable housing~~  
678 ~~advisory committee resolution adopted by the board or identified by the~~  
679 ~~affordable housing advisory committee~~
- 680 (k) ~~The affordable housing advisory committee recommendations shall also~~  
681 ~~include other affordable housing incentives identified by the affordable housing advisory~~  
682 ~~committee.~~
- 683 (l) ~~To the maximum extent feasible, the approved affordable housing incentive~~  
684 ~~recommendations submitted to the board of county commissioners must quantify the~~  
685 ~~affordable housing cost reduction anticipated from implementing the specific~~  
686 ~~recommendation.~~

687 **Section 2. Conflicts.** In the event of a conflict between any provision of this  
688 ordinance and any other ordinance or provision of law, the provision of this ordinance  
689 shall control to the extent of the conflict, as allowable under law.

690 **Section 3. Severability.** It is declared to be the intent of the Board that if any  
691 section, subsection, sentence, clause, phrase, portion or provision of this ordinance is  
692 for any reason declared or held invalid or unconstitutional by any court of competent

693 jurisdiction, such section, subsection, sentence, clause, phrase, portion or provision  
694 shall be deemed a separate, distinct and independent provision, and the remainder of  
695 this ordinance shall be not affected by such declaration or holding.

696 **Section 3. Repealing Clause.** Ordinance 93-3 is hereby repealed. All other  
697 ordinances or parts of ordinances and all resolutions or parts of resolutions of Levy  
698 County in conflict herewith are hereby repealed to the extent of such conflict.

699 **Section 4. Effective Date.** This ordinance shall take effect upon its filing in  
700 the Office of the Secretary of State, State of Florida.

701 **PASSED AND DULY ADOPTED** this 5<sup>th</sup> day of January, 2021.

702 **BOARD OF COUNTY COMMISSIONERS**  
703 **OF LEVY COUNTY, FLORIDA**

704  
705  
706  
707 \_\_\_\_\_  
708 John Meeks, Chair

709 **ATTEST:** Danny J. Shipp, Clerk of  
710 the Circuit Court and Ex-Officio Clerk  
711 to the Board of County Commissioners

712  
713  
714 \_\_\_\_\_  
715 Danny J. Shipp

716 APPROVED AS TO FORM AND LEGAL  
717 SUFFICIENCY:

718  
719 *Anne Bast Brown*  
720 \_\_\_\_\_  
721 Anne Bast Brown, County Attorney

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