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**MOBILE HOME PARK CONVERSION
OPTIONS AVAILABLE TO
DISPLACED MOBILE HOME OWNERS**

FLORIDA MOBILE HOME RELOCATION CORPORATION

Through the years, the Florida State Legislature has passed legislation to assist residents who must move out of their homes in a change of land use situation. A property owner must give a six-month notice of the projected change of use to residents and of their need to secure other accommodations. In 2002, the Florida State Legislature passed a bill that established the Florida Mobile Home Relocation Trust Fund to assist residents who must move from a mobile home community due to a change in land use. Moneys for the fund are collected by the Department of Business and Professional Regulation from mobile home park owners who change the use of their mobile home parks.

The Florida Mobile Home Relocation Trust Fund was created for the purpose of funding the administration and operations of the Florida Mobile Home Relocation Corporation. The purpose of the corporation is to make payments to mobile home owners who are required to move due to a change in use of the land comprising their mobile home park. These payments are designed to help offset the expense of the home owner's cost of relocating.

A mobile home owner who is required to move due to a change in use of the land comprising the mobile home park is entitled to payment from the Florida Mobile Home Relocation Corporation of the following:

If a homeowner chooses to abandon the mobile home, the homeowner will receive \$1,375 for a single section and \$2,750 for a multi-section home as long as the mobile homeowner gives to the park owner the current title to the mobile home endorsed by the owner of record and valid releases of all liens shown on the title. To collect payment, a homeowner must submit an application for funds and submit a document signed by the park owner stating that the home has been abandoned; or

If a homeowner wants to move the home to a new location, the homeowner will receive the amount of actual moving expenses of relocating the mobile home to a new location within a 50-miles radius of the vacated community, or the amount of \$3,000 for a single-section mobile home or \$6,000 for a multi-section mobile home, whichever is less. Moving expenses include the cost of taking down, moving and setting up the mobile home in a new location. To collect payments, a homeowner must submit an application to the Florida Mobile Home Relocation Corporation and include a copy of the notice of eviction due to change in use and a contract with a moving or towing contractor for the moving expenses for the home.

The Florida Mobile Home Relocation Corporation must approve payment within 45 days after receipt of the information or payment is deemed automatically approved. To be entitled to compensation, the homeowner must meet the following requirements:

- Body type on the title must read 'HS' (designation given to mobile homes by the Department of Highway Safety and Motor Vehicles).
- Mobile home park that is closing must be recognized by the Department of Business and Professional Regulation (DBPR) as a Chapter 723 park. (Chapter 723 of the Florida Statutes is the chapter also known as the Florida Mobile Home Act. This chapter applies to "any residential tenancy in which a mobile home is placed upon a rented or leased lot in a mobile home park in which 10 or more lots are offered for rent or lease.")
- Have received an Eviction Notice due to a change in land use.
- Applicant must be the registered owner on title.
- If applying for abandonment, mobile home title must be free and clear of any liens.
- If applying for relocation, moving contractor must be a Florida Licensed Mobile Home Installer and recognized as such by the Department of Highway Safety and Motor Vehicles.

A homeowner will not be entitled to compensation if one of the following occurs:

- The park owner moves the homeowner to another space in the community or to another park at the park owner's expense.
- The mobile home owner was vacating the property and informed the park owner of this prior to the notice of change in use being given.
- The mobile home owner has a pending legal eviction action for nonpayment of rent that was filed against him prior to the notice of change in use being mailed.
- A mobile home owner abandons the mobile home.
- A home owner whose park is not registered as a Chapter 723 park with DBPR.
- An individual who rents the home (does not own).
- Those who are involved in litigation against their park owner or the Corporation relating to the change in land use unless they file a notice of voluntary dismissal with prejudice.

The Florida Mobile Home Trust Fund is not liable to pay any funds if there are insufficient funds to pay the amounts claimed. The Florida Mobile Home Relocation Corporation will keep a record of the time and date of its approval of payment and when sufficient funds become available, the corporation will pay the homeowners at the earliest time and date of approval.

Any homeowner who is approved for payment by the Florida Mobile Home Trust Fund will be barred from asserting any claim or cause of action relating to the change in use of the mobile home community.

In addition, no application for funding will be approved if the homeowner has filed a claim or cause of action, is actively pursuing a claim or cause of action or has a judgment against the park owner or its successors under Chapter 723, Florida Statutes, directly relating to the change in use of the community.

FUNDING FROM MOBILE HOME PARK OWNER/PURCHASER

If a mobile home owner is required to move due to a change in use of the land comprising a mobile home park as set forth in s. 723.061(1)(d), the mobile home park owner shall, upon such change in use, pay to the Florida Mobile Home Relocation Corporation for deposit in the Florida Mobile Home Relocation Trust Fund the amounts as listed below for which a mobile home owner has made application for payment of moving expenses. The mobile home park shall make the payments required by this section and by s. 723.0612(7) to the corporation within 30 days after receipt from the corporation of the invoice for payment.

Moving Expenses

If the mobile home owner moves the home, the park owner must pay to the Florida Mobile Home Relocation Corporation for deposit in the Trust Fund \$3,000 for each single-section mobile home and \$6,000 for each multi-section mobile home for which the homeowner has made application for payment of moving expenses.

Mobile Home Abandonment

If the mobile home owner abandons the home, the mobile home park owner must pay to the Florida Mobile Home Relocation Corporation for deposit in the Trust Fund \$1,375 for a single section and \$2,750 for a multi-section for which a mobile homeowner has made application for payment for abandoning a mobile home.

In addition, it may be possible for mobile home park owners/purchasers to negotiate with the displaced mobile home owners to make additional payments above the amount the Florida Mobile Home Relocation Corporation requires; however, if the mobile park owner/purchaser pays any funds directly to the mobile home owner, then the Florida Mobile Home Relocation Corporation will not pay any assistance to the mobile home owners. In cases of this nature, the mobile home owners, the park owner/purchaser would have to use a third party such as the City and/or other qualifying entity to disburse the funds to preserve the Florida Mobile Home Relocation Corporation funds for the homeowners.

ASSISTANCE FROM CITY HOUSING PROGRAM

This year, House Bill 1363 amended the SHIP Statute to encourage each county and eligible municipality to develop a strategy within its Local Housing Assistance Plan (LHAP) to address the needs of persons that are deprived of affordable housing due to the closure of mobile home parks or the conversion of affordable rental units to condominiums. As such, the City could amend its LHAP to include a program strategy to provide assistance to displaced income-eligible residents.

The City currently does not have a program specifically geared toward providing relocation assistance to mobile home owners. Setting up a local funding program with SHIP or other local funds will not prevent the owners of the mobile homes from collecting the state program funds.

Under the City's current housing programs, those displaced from mobile home parks can, if they are eligible homebuyers, receive up to \$5,000 of down payment assistance if they purchase a new/existing unit, modular home, or purchase a mobile home that is certified by Florida Department of Community Development. The Downpayment Assistance Program budget for FY 2007 is \$50,000.

ASSISTANCE FROM GAINESVILLE HOUSING AUTHORITY (GHA)

The GHA is currently working with the developer of Buck Bay mobile home park to provide assistance to the displaced residents. Representatives of GHA attended a neighborhood workshop with the developer to take applications to reserve units in public housing. GHA has 10 units available in Public and Elderly Housing. At this time, GHA does not have Section 8 assistance available for vouchers that the tenant household can take to any complex that will accept it. GHA plans to re-open their Section 8 voucher program sometime during this year.

ASSISTANCE FROM ALACHUA COUNTY HOUSING AUTHORITY (ACHA)

ACHA does not have any emergency housing assistance available, unless other arrangements are made. Their Public Housing waiting list is about six months long, and the Section 8 waiting list is approximately one year long and is reserved for disabled households. These options may be available to residents in mobile home parks who will not be moving for six to twelve months.

LIMITS ON CDBG FUNDS

Unless the displacement is caused by a CDBG-assisted project, CDBG funds could only be used if the City established an "optional relocation assistance" policy pursuant to §570.606(d) of the CDBG regulations. In that case, the City would have to make a written determination that such assistance was "appropriate" for the use of CDBG funds and that it was consistent with the City's Consolidated Plan. Of course, funds would have to be budgeted for such purpose, and a written policy created to describe the kind of relocation assistance that would be provided.

LIMITS ON HOME FUNDS

HOME Program funds may only be used to provide relocation assistance to persons who are displaced by a HOME-assisted project.

There is no provision in the HOME regulations for optional relocation assistance for persons who are not displaced by a HOME-assisted project. However, displaced tenants could be eligible for the standard down-payment assistance program.

OTHER CITY/COUNTY MOBILE HOME DISPLACEMENT PROGRAMS:

Staff conducted a survey of various cities and counties across the State of Florida to inquire about available mobile home relocation assistance programs for displaced mobile home residents. The majority of the survey responses received noted: 1) no program available/offered; 2) no mobile home park redevelopment issues; and/or 3) have established and/or creating an ordinance to address mobile home redevelopment issues. Attached is a summary of the survey responses. The following summary is a brief summary of housing assistance programs available:

Orange County: Manufactured Homes Downpayment Assistance

This program strategy provides assistance to qualified homebuyers for downpayment and closing cost associated with purchasing a new or post 1994 manufactured home. Assistance of up to \$20,000 is available for new or existing manufactured homes. This program is funded through the Hurricane Housing Recovery Program (HHRP), which was a creative method of utilizing a one-time funding source, with a three-year period to expenditure timeline.

Brevard County: Affordable Housing Ordinance

Brevard County is attempting to pass an affordable housing ordinance by March 2007 that would require the developer to make arrangements to take care of residents that are displaced when development replaces affordable housing. Attached is a copy of the draft ordinance.

Pinellas County: Mobile Home Transition Program

Pinellas County has enacted a mobile home transition ordinance to provide a mechanism for developers seeking rezoning to either show there is adequate affordable housing available or to pay into a fund for rental assistance for displaced residents. However, the only legal trigger for the County's involvement is when a developer requests rezoning. Developers have quickly figured out that it is better to buy the park, empty it out, and then submit a request for rezoning. Anecdotally, however, it appears that because of the ordinance, developers are giving residents a more decent settlement than had occurred before the ordinance.

Pinellas County offers a Mobile Home Transition Program to help mobile home owners secure affordable housing when parks are rezoned for other use. This program offers counseling services to develop individualized replacement housing plans based on the specific housing needs of the displaced mobile home owner. The program provides rental assistance for up to two years when affordable housing is not available.

Pinellas County also provides a ParkSaver loan program to help income eligible residents when parks are converted for other use. The ParkSaver is a 0% interest second mortgage loan product that is secured by the unit and leasehold. A resident can borrow up to \$10,000 and repayment begins 5 years after the loan is made. Details on these programs are attached hereto.

SUMMARY

Funding assistance options available to mobile homeowners in the City of Gainesville that are being displaced due to a change in the use of the land that comprise the mobile home park are those offered by the Florida Mobile Home Relocation Corporation and any that might be offered by the mobile home park owner/purchaser. The Gainesville Housing Authority has offered assistance, and will open up Section 8 assistance during this year. The Alachua County Housing Authority may provide emergency housing if specific arrangements are made, and the City Housing Division offers downpayment assistance to income-eligible purchasers. The City has the option to add a specific program strategy in its LHAP to address the needs of persons deprived of affordable housing due to the conversion of mobile home parks.

With a public/private partnership of developers/mobile home park owners, the Florida Mobile Home Relocation Corporation and City Downpayment Assistance Program and possible SHIP-funded program for mobile home relocation contributions, the relocation needs of some of the displaced mobile homeowners could be addressed.

**City of Gainesville
Community Development Department
Relocation Assistance Program-Displaced Mobile Home Residents
Survey**

	City/County	Program Available	Program Summary
1	Alachua	N/A	
2	Boca Raton	N/A	
3	Boyton Beach	N/A	
	Brevard		Attempting to pass an affordable housing Ordinance that would require the developer to make arrangements to take care of displaced residents (copy attached).
5		N/A	
6	Broward	N/A	Offer Downpayment Assistance Program.
7	Charlotte	N/A	Considering the development of a program.
8	Clay	N/A	Majority of mobile homes in rural areas and not in parks.
9	Cocoa	N/A	Limited SHIP funds.
10	Davie (Town of)	TBD	Area contains 31 mobile home parks (~21k residents-majority are seniors on fixed income & working families). Currently researching the possibility of a one-year moratorium on redevelopment of mobile home parks.
11	Deerfield	N/A	
12	DeSoto	N/A	
13	Escambia	N/A	No major changes or lands use shifts in the area.

**City of Gainesville
Community Development Department
Relocation Assistance Program-Displaced Mobile Home Residents
Survey**

	City/County	Program Available	Program Summary
14	Glades	N/A	Assistance (very low and low-income) for mobile homes beyond repair-replace w/ a CBS or modular home.
15	Hamilton	N/A	
16	Highlands	N/A	
17	Hillsborough	N/A	
18	Indian River	N/A	
19	Lake	N/A	
20	Lauderhill	N/A	No mobile home parks in area.
21	Levy	N/A	
22	Monroe	N/A	
23	Nassau	N/A	
24	Palm Bay	N/A	Have discussed developing a similar policy.
25	Palm Beach	N/A	
26	Pasco	N/A	
27	Pinellas		Enacted mobile home transition ordinance. Provides counseling services for any displaced resident. Provides a Park Saver program to help residents buy their parks. Details attached.

**City of Gainesville
Community Development Department
Relocation Assistance Program-Displaced Mobile Home Residents
Survey**

	City/County	Program Available	Program Summary
28	Port St. Lucie	N/A	Area contains only two small mobile home parks.
29	Seminole	N/A	
30	Sunrise	N/A	No mobile home parks.
31	Tallahassee	N/A	Conversions are rare. In the past, have requested one-time funding from City Commission and has required for the developer to contribute to relocation costs. Examining the status of mobile home parks in Tallahassee- Program TBD
32	Taylor	N/A	
33	Volusia	N/A	
34	West Palm Beach	N/A	

Note: Survey conducted via a List Serve from Florida Housing- some City/County contact information was unavailable and/or no response was received.

ORDINANCE NO. 06-

AN ORDINANCE AMENDING CHAPTER 62, "LAND DEVELOPMENT REGULATIONS", CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AMENDING SECTION 62-2300, RELATING TO AFFORDABLE /WORKFORCE HOUSING DEVELOPMENT AND INCENTIVES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR INCLUSION IN THE BREVARD COUNTY CODE OF ORDINANCES.

WHEREAS, On May 2, 2006 the Board of County Commissioners (BOCC) held an Affordable Housing Workshop and directed the Housing and Human Services staff to create an Affordable Housing Task Force for the purpose of reviewing current policies and to identify solutions that support affordable housing production in Brevard County; and

WHEREAS, During the month of August 2006 the Affordable Housing Task Force met twice to review and comment on the draft ordinance; and

WHEREAS, On August 17, 2006 the Affordable Housing Council met in regular session to review the ordinance and voted unanimously to have the Board of County Commissioners consider adoption of the ordinance; and

WHEREAS, On August 23, 2006 the Affordable Housing Task Force voted unanimously to have the ordinance forwarded to the Board of County Commissioners for their review and consideration; and

WHEREAS, The ordinance is intended to implement the requirements of Chapter 163 F.S. generally, and specifically 163.3177(6)(f), and Chapter 420 F.S. generally, and specifically 420.907. F.S. and Chapter 125 F.S. generally, and specifically 125.379 F.S., and Florida Administrative Code Section 67-37; and

WHEREAS, The ordinance is intended to implement the requirements of the Brevard County Comprehensive Land Use Plan, and is consistent with Comprehensive Plan Policies located in the Housing and Future Land Use Elements and Chapters; and

WHEREAS, The Brevard County 2005-2010 Consolidated Plan for Housing and Community Development identified a growing deficit in the inventory of affordable housing units available in Brevard County; and

WHEREAS, the Board of County Commissioners, on October 10, 2006, directed preparation of an amendment to the County Code and Land Use Regulations as it relates to Affordable/Workforce Housing Developments and Incentives; and

WHEREAS, the Local Planning Agency, on November 20, 2006, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Building Construction Advisory Committee, on December 13, 2006, reviewed the proposed ordinance and made recommendations; and

WHEREAS, the Board of County Commissioners has reviewed the recommendations of the Local Planning Agency, the Building Construction Advisory Committee and has considered the comments of interested citizens in public hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION *. Chapter 62, Article *, Section 62-2300, Code of Ordinances of Brevard County, Florida, is hereby amended to read as follows:

Section 62-2300. Purpose and Intent.

The purpose of this Article is to provide for and maintain a variety of housing opportunities for present and future residents of Brevard County. Special emphasis shall be given to households with special needs. Application and use of this section and the incentives are voluntary, with the exception of the section entitled "Affordable Housing Stock Lost to Development"; this section is regulatory and applies to lands and properties within the unincorporated areas of Brevard County.

The Section is intended to comply with Chapter 163 F.S. generally and specifically 163.3177(6)(f), Chapter 420 F.S. generally and specifically 420.907. F.S., and Chapter 125 F.S and specifically 125.379.

Section 62-2301. Definitions.

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 definitions of low, moderate and very-low income persons or households as listed below. 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.

Moderate-income person or moderate-income household means one or more natural persons or a family that has a total

annual gross household income that does not exceed 120 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

Low-income person or low-income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever amount is greatest.

Very-low-income person or very-low-income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households.

Affordable housing means a single family owner occupied, or multi-family owner occupied, or rental unit that has a mortgage or rental payment, including utilities, not exceeding 30% of the gross income of households at or below 120% of the Area Median Income (AMI), as adjusted for family size.

Affordable housing developments (AHD) means a single family owner occupied, or multi-family owner occupied, or rental developments in which a minimum of 30% of the total units are set-aside for households at or below 120% of the Area Median Income (AMI).

Within the 30% set-aside:

- No less than 30% shall be designated for households up to 50% AMI,
- No less than 30% shall be designated for households between 51% to 80% AMI, and
- No more than 40% shall be designated for households between 81% and 120% AMI.

Income limits are updated periodically and are available from the Housing and Human Services Department, upon request. Affordable single family ownership units shall be designated for households at or below 80% AMI.

Example: If a builder or developer proposed a 100 unit project; to receive incentives under the "affordable housing" status the development would need to set-aside 30 units as affordable. Of the 30 units, a minimum of 30% or 9 units would need to serve households at or below 50% of the AMI, another minimum of 30% or

9 units would need to be set-aside to serve households between 51% to 80% AMI, and no more than 40% or 12 units would need to be set-aside to serve households between 81% and 120% AMI..

Affordable housing tax credit eligible (AHTC) means a rental unit that has a payment, including utilities, not exceeding 30% of the gross income of households at or below 60% of the Area Median Income (AMI), as adjusted for family size.

Affordable Housing Tax Credit Eligible Developments (AHTCD) means multi-family rental developments in which a minimum of 40% of the total units are set-aside for households at or below 60% of the Area Median Income (AMI) or less adjusted for family size, or which a minimum of 20% of the total units are set-aside for households at or below 50% of the Area Median Income (AMI) or less adjusted for family size and which a minimum of 15 % of the total units are set-aside for households at or below 35% of the Area Median Income (AMI) or less adjusted for family size. Income limits are updated periodically and are available from the Housing and Human Services Department, upon request.

Example: (40% of units at 60% AMI) If a builder or developer proposed a 100 unit project; to receive incentives under the "Affordable Housing, AHTC" status the development would need to set-aside 40 % or 40 units as Affordable AHTC serving households at or below 60% of the AMI. Within the set aside a minimum of 15% or 3 units would need to be set-aside to serve households at or below 35% of AMI.

Example: (20% of units at 50% AMI) If a builder or developer proposed a 100 unit project; to receive incentives under the "Affordable Housing, AHTC" status the development would need to set-aside 20 % or 20 units as Affordable AHTC serving households at or below 50% of the AMI. Within the set aside a minimum of 15% or 3 units would need to be set-aside to serve households at or below 35% of AMI.

Workforce 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 workforce persons or households as listed below. 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.

Workforce person or households means one or more natural persons or a family that has a total annual gross household income that does not exceed 140 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

Workforce housing means a single family owner occupied, or multi-family owner occupied, or rental unit that has a mortgage or rental payment, including utilities, not exceeding 20% of the annual gross income of households at or below 140% of the Area Median Income (AMI), as adjusted for family size.

Workforce housing developments (WFHD) mean single family or multi-family, owner occupied developments in which a minimum of 15% of the total units are available to households with an income no higher than 140% AMI, and the units sales price can not exceed 20% above the moderate income home sales price established by the Florida Housing Finance Corporation, both of which may be adjusted from time to time. Income limits and sales prices are updated periodically and are available from the Housing and Human Services Department, upon request.

Example: If a builder or developer proposed a 100 unit project; to receive incentives under the "workforce housing" status, the development would need to set-aside 15 units as workforce serving households with incomes no higher than 140% of AMI.

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 definitions of low, moderate and very-low income persons or households, based upon a formula established by the United States Department of Housing and Urban Development.

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. Counties and eligible municipalities shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.

Area median income means the median family income in Brevard County, Florida, adjusted for family size, as published by the U.S. Department of Housing and Urban Development annually.

Local housing assistance plan means a concise description of the local housing assistance strategies and local housing incentive strategies adopted by local government resolution with an explanation of the way in which the program meets the requirements of ss. 420.907-420.9079, Florida Statutes and Florida Housing Finance Corporation rule.

Maximum eligible sales price means the sales price or value for a new or existing property, including the lot, not exceeding ninety percent (90%) of the Area Median Purchase Price, as provided by the Florida Housing Finance Corporation.

Principal residence means the household must utilize the property as their primary residence, as established by eligibility for the State Department of Revenue Property Tax Homestead Exemption. The household may not vacate the unit for more than 120 consecutive days in any one calendar year for any reason, other than a hospital or nursing home stay.

Residential means a structure or structures solely dedicated to the housing of a person or persons to live, cook and/or sleep within on a permanent basis, as either owner, renter or lessee provided, however, that adult congregate living facilities, retirement homes, nursing homes and other structures operated by a social service organization to provide residential care to children, the aged, the destitute and the physically, mentally and/or emotionally challenged shall be considered to be commercial land uses as defined herein.

Section 62-2302. Affordable Housing Incentives.

Section 62-2302.1. To meet the needs of Brevard County residents for affordable housing, a variety of incentives are provided. These incentives are listed below, along with the percentage of the units in the entire project which must meet the standards of affordable housing as defined in this Code.

Section 62-2302.2. Affordable/Workforce Housing Project Team (AWHT). Projects in which 30% or more of the entire project is affordable can receive the assistance of the County's Affordable/Workforce Housing Team. The team will provide technical assistance to facilitate the movement of the project through the necessary permitting procedures. Priority use of the team resources will be given to projects with affordable units, and a longer period of affordability. The Team will consist of

staff from the following offices and departments and include: Land Development, Planning and Zoning, Natural Resources Management, Housing and Human Services, Traffic Engineering and Transportation Planning (MPO).

The Affordable/Workforce Housing Team shall review architectural elevations, site plan and subdivision designs and specifications, and where appropriate, make recommendations that would enhance the development and surrounding neighborhoods. Contact with the Affordable/Workforce Housing Team shall be made through the Affordable/Workforce Housing Coordinator.

Section 62-2302.3. Permit Review Fee Refunds. All projects with affordable housing units shall be eligible for refunds of County review fees (e.g. planning, building, engineering), from available funds administered by the County Department of Housing and Human Services, as permitted by law. Refunding of permit review fees shall not result in a loss of fee revenues for county departments involved in development review. Projects will be eligible to request a refund of review fees only for the units designated as affordable, contingent upon the availability of funds. This does not include impact fees, facility investment fees, connection fees or similar fees.

Section 62-2302.3.1. Application For Fee Refund. Applicants seeking a fee refund shall submit an application to the Affordable/Workforce Housing Coordinator who will assist applicant in working with the proper county department.

Section 62-2302.3.2. Affordability Agreement. The applicant shall enter into a land use and deed restriction affordability agreement with the County. The affordability agreement shall provide the designation level of affordable units, and period of time as affordable, for the development to seek fee refunds according to the terms and conditions of the agreement, as approved by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

Section 62-2303. Transportation Impact Fee Deferral. In an effort to minimize the impact on affordable households of increasing impact fees, the County has elected to defer the effective county transportation impact fee. All affordable units are eligible to have the County transportation impact fee deferred. Contact shall be made through the Affordable/Workforce Housing Coordinator.

Section 62-2304. Housing Trust Fund & Unit Mitigation Bank. There is hereby created, pursuant to this Ordinance, a Brevard County Housing Trust Fund for the receipt of non-ad valorem

revenues, and residential density equivalent units, for use in the development and rehabilitation of Affordable Housing. The use of funds and residential density equivalent units from the Housing Trust Fund shall be limited to projects where 30% or more of the units meet the definition of Affordable Housing.

Section 62-2304.1. Dispersion of Funds. The Board of County Commissioners shall establish criteria for the dispersion of such trust funds and residential density equivalent units. The criteria shall include a priority based ranking system, similar to the Florida Housing Finance Corporation format, to determine priority for the awarding of funds or density equivalent units to applicants.

Example: Proposals having more than the minimum percentage of units serving lower income residents shall receive a higher priority ranking.

Section 62-2304.2. Application. Any applicant seeking to secure such funds or residential density equivalent units shall submit an application to the Housing and Human Services Department.

Section 62-2304.3. Fund and Unit Dispersion. Dispersion of funds and, or, density equivalent units shall be limited by fund availability and shall be in accordance with the standards and procedures established for the use of such funds. Dispersion of residential unit density, by the transfer of development rights, shall be consistent with the Transfer of Development Rights Section of this Ordinance and the County Comprehensive Plan.

Developments seeking the use of housing trust funds or density units should be located in areas serviced by existing transportation and utilities infrastructure, and conveniently located near other public facilities, services, employment centers, shopping, active mass transit corridors, day care centers, schools, and health services. A location evaluation matrix form, authorized by the BOCC, shall be completed and submitted to determine consistency with the location criteria. Projects scoring at or above the minimum 66% percentile will be eligible to receive housing trust funds. A complete application will include the location evaluation matrix forms that meet the minimum scoring requirement at or above the 66% percentile. A higher ranking score may be used to determine the awarding of additional funds when available.

Section 62-2304.4. Affordability Agreement. The applicant shall enter into a land use and deed restriction affordability agreement with the County. The agreement shall provide the designation level of affordable units, and period of time as

affordable, and any other requirements in order to receive Housing Trust Fund monies or units as approved by the Board. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

Section 62-2304.5. Discretionary Allocation. Allocation of these funds and units are discretionary and must compete with all other projects, and are based on fund and unit availability. Priority shall be given to projects designed to facilitate pedestrian access to transit and neighborhood commercial nodes.

Section 62-2305. Density Bonus for Affordable Housing. Projects with a minimum 30% of units designated as affordable housing, or meeting the (AHTC) definition and eligibility requirements are eligible for a density bonus, consistent with the existing criteria for a density bonus in the Brevard County Comprehensive Land Use Plan and Land Development Regulations. This density bonus may allow the maximum project density to increase up to 25% in the Future Land Use Categories and Zoning Classifications that allow the use of a density bonus.

The 30% minimum requirement for affordable, or (AHTC) eligible units, applies to the total number of residential units realized from the calculated density bonus. (Example: 100 Units x 1.25 = 125 Units. 125 Units x .30 = 37 Units Required as Affordable Housing.)

Mixed use (commercial & residential) projects with residential units located on lands within the Commercial Future Land Use Categories, and Business Zoning Classifications, are eligible for development incentives provided by this section, consistent with the policies in the applicable elements of the County Comprehensive Land Use Plan.

Section 62-2305.1. Density Bonus Use On Site. Density bonuses may be used only within the development site creating the bonus units.

Section 62-2305.2. Zoning Requirements & Review Criteria. In order to realize additional residential units from a density bonus, rezoning to a Planned Unit Development (PUD) or Residential Planned Unit Development (RPUD) zoning classification may be required. In evaluating the rezoning request and proposed development location, the Board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. This density may be below the highest density bonus amount permitted by the Comprehensive Plan and Future Land Use Designations.

In addition to the existing review criteria for PUD and RPUD zoning change applications the following location criteria apply. The areas of rezoning and development should be located in areas serviced by existing transportation and utilities infrastructure, and conveniently located near other public facilities, services, employment centers, shopping, active mass transit corridors, day care centers, schools, and health services. A location evaluation matrix form, authorized by the BOCC, shall be completed and submitted to determine consistency with the location criteria. Projects scoring at or above the minimum 66% percentile will be eligible to receive a density bonus. A complete application will include the location evaluation matrix forms that meet the minimum scoring requirement at or above the 66% percentile.

In determining the appropriateness of a rezoning the Board of County Commissioners shall consider all factors associated with the review of a PUD or RPUD development project pursuant to this Code. The Board of County Commissioners shall also consider the impact of the proposed project on the transportation level of service.

Section 62-2305.3. Affordability Agreement. The applicant shall enter into a land use and deed restriction affordability agreement (LURA), and if required, a binding development plan (BDP) with the County. The agreement shall provide for the number of units which can be built subject to a density bonus and to ensure that the required percentage of units are retained as affordable units and/or special needs units, for a period of time designated by the Board of County Commissioners. A land trust may be used as a mechanism to retain units as affordable and/or special needs.

Section 62-2306. Transfer of Development Rights.

Section 62-2306.1. Transfer of Development Rights to Affordable Projects. The transfer of development rights consistent with existing comprehensive land use plan policies, from elsewhere in the unincorporated county, to a project with a minimum of 30% affordable units is encouraged.

Section 62-2306.2. Zoning Requirements & Review Criteria. In order to transfer development rights, a rezoning to PUD or RPUD zoning classification will be required. The Board shall evaluate the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. This density may be below the highest permitted by the existing Future Land Use Designation.

The areas receiving density, that are subject to rezoning and development should be located in areas serviced by existing transportation and utilities infrastructure, and conveniently located near other public facilities, services, employment centers, shopping, active mass transit corridors, day care centers, schools, and health services. A location evaluation matrix form, authorized by the BOCC, shall be completed and submitted to determine consistency with the location criteria. Projects scoring at or above the minimum 66% percentile will be eligible to receive transfer of development rights. A complete application will include the location evaluation matrix forms that meet the minimum scoring requirement at or above the 66% percentile.

In determining the appropriateness of a density transfer, rezoning request and proposed development location, the Board of County Commissioners shall consider all factors associated with the review of a PUD or RPUD project pursuant to this Code. The Board of County Commissioners shall also consider the impact of the proposed project on the transportation level of service.

Section 62-2306.3. Density Transfer Maximum. If units are transferred, the maximum project density permissible is that permitted by the Comprehensive Land Use Plan and Future Land Use Map. This density may be below the highest density bonus amount allowed.

Section 62-2306.4. Affordability Agreement. If the transfer of units is granted, the applicant shall enter into a land use and deed restriction affordability agreement and binding development plan (BDP) with the County. The agreement shall provide for the number of units which can be built subject to the transfer and to ensure that the required percentage of units are retained as affordable housing units for a period of time to be designated by the Board of County Commissioners. The agreement shall also ensure development rights are limited on the sending parcel, and identify any legally enforceable mechanisms necessary to ensure such limitations. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.

Section 62-2307. Workforce Housing Incentives. To meet the needs of Brevard County residents for Workforce Housing, the following incentives are provided.

Section 62-2307.1. Density Bonus for Workforce Housing. Projects with at least 30% of units designated as workforce housing are eligible for a 15% density bonus, provided the project is consistent with all other criteria for workforce housing projects as defined in the code, and existing criteria for density bonus

use in the Brevard County Comprehensive Land Use Plan and Land Development Regulations. The 15% requirement for Workforce Housing applies to the total number of residential units realized from the calculated density bonus. (Example: 100 Units x 1.15 = 115 Units. 115 Units x .15 = 17 Units Required as Workforce Housing.

Section 62 -2307.2. Density Bonus Use On Site. Density bonuses may be used only within the development site creating the bonus units.

Section 62-2307.3. Zoning Requirements & Review Criteria. In order to realize additional residential units from a density bonus, rezoning to a Planned Unit Development (PUD) or Residential Planned Unit Development (RPUD) zoning classification may be required. In evaluating the rezoning request and proposed development location, the Board shall consider the density and intensity of surrounding land uses and compatibility with neighboring uses in determining the maximum density to allow. This density may be below the highest density bonus amount permitted by the Comprehensive Plan and Future Land Use Designations.

In addition to the existing review criteria for PUD and RPUD zoning change applications the following location criteria apply. The areas of rezoning and development should be located in areas serviced by existing transportation and utilities infrastructure, and conveniently located near other public facilities, services, employment centers, shopping, active mass transit corridors, day care centers, schools, and health services. A location evaluation matrix form, authorized by the BOCC, shall be completed and submitted to determine consistency with the location criteria. Projects scoring at or above the minimum 66% percentile will be eligible to receive a density bonus. A complete application will include the location evaluation matrix forms that meet the minimum scoring requirement at or above the 66% percentile.

In determining the appropriateness of a rezoning the Board of County Commissioners shall consider all factors associated with the review of a PUD or RPUD development project pursuant to this Code. The Board of County Commissioners shall also consider the impact of the proposed project on the transportation level of service.

Section 62-2307.2. Permit Review Fee Refunds. All projects with workforce housing units shall be eligible for refunds of County review fees (e.g. planning, building, engineering), from funds administered by the County Department of Housing and Human Services, as permitted by law, contingent on availability of funds. Projects with workforce units will be eligible to request

a refund of review fees only on the units designated as workforce. This does not include impact fees, facility investment fees, connection fees or similar fees.

Section 62-2307.3. Affordability Agreement. The applicant shall enter into a land use and deed restriction affordability agreement with the County. The agreement shall provide the designation level of workforce units, and period of time as workforce, and any other requirements in order to receive Housing Trust Fund monies or units as approved by the Board. A land trust may be used as a mechanism to retain units as workforce.

Section 62-2307.4. Affordable/Workforce Housing Team. Projects in which 15% or more of the entire project is workforce housing can receive the assistance of the County's Affordable/Workforce Housing Team. The team will provide technical assistance to facilitate the movement of the project through the necessary permitting procedures. Contact with the Affordable/Workforce Housing Team shall be made through the Affordable/Workforce Housing Coordinator.

Priority use of the team resources will be given to projects with affordable units, and a greater period of time that units will remain affordable. Subsequent priority will be given to projects that have workforce, or a combination of affordable and workforce units. In circumstances where the period of time is equivalent, the greater the percentage of the project which is affordable or workforce housing shall be used to determine priority. A higher percentage means a higher priority.

Section 62-2308. Affordable Housing Stock Lost to Development.

Section 62-2308.1. Loss of Affordable Housing Units. Development activities that include, demolition, removal, destruction, physical conversion, or change of use conversion in unincorporated Brevard County, which eliminates affordable housing units as defined by this code, or created under this Section of the code shall:

- a. provide unit replacement stock on site at a ratio of 1 to 1;
- b. or upon demonstration of a documented hardship, that is approved by the BOCC, pursue other mitigation measures as listed below;
 1. provide payment to the Housing Trust Fund in an amount established by the Board;

2. provide an innovative replacement contribution to the housing trust fund meeting the requirements of the code;
3. donate suitable land and, or residential unit equivalent development rights, to be used by the County, or a County recognized land trust, for the development of affordable housing.

Section 62-2308.2. Innovative Replacement Methods. Other unique or innovative replacement contributions which further the goals of the Brevard County Local Housing Assistance Plan and the Brevard County Comprehensive Plan may be implemented to meet the requirements of the code above. These innovative replacement contributions must be approved by the Board, after recommendation by the Housing and Human Services Director.

Section 62-2308.3. Replacement Exemption. Single family structures, on a single family lot, may be replaced with another single family structure by the same property owner, and are exempt from the replacement requirements of this Code.

Section 62-2309. Infill Development. Infill development or redevelopment activities are encouraged, including mixed uses, that provide affordable or workforce housing units, and may be approved on existing lots of record, and non-conforming lots of record, that meet the requirements of the Comprehensive Land Use Plan and the Land Development Regulations.

Section 62-2310. Use of Accessory Dwelling Units (ADUS). If any portion of this section is in conflict with existing provisions of the code, the requirements of this section shall supersede. One detached or attached accessory dwelling unit with full kitchen facilities is permitted on single family property provided:

- a.) The owner signs a land use and deed restriction affordability agreement with the County that provides the maximum amounts and period of rental rates at affordable or workforce housing levels. Permit Review Fee refunds are available for units meeting the terms and conditions of the affordability agreement and this section of code;
- b.) That the property is owner occupied and has a homestead exemption;
- c.) The property is zoned for single family residential, or zoned as a PUD or RPUD approved under this specific section of the code;
- d.) There is a primary residential structure on the property;

- e.) The minimum residential lot size is 5000 square feet;
- f.) The property and units are serviced by, and connected to, a potable community water distribution system and sanitary sewer collection system, or; the owner with an onsite wastewater treatment facility and well first receives a permit approval or exemption from the State of Florida Health Department for the unit.
- g.) There are adequate on site parking spaces;
- h.) The interior of the living unit is a minimum of 300 square feet, and does not exceed 700 square feet in size, or more than 30% of the total square footage of the primary residential structure on the property,
- i.) The unit is designed and constructed in a manner compatible with the height, mass and exterior appearance of the existing structures on site;
- j.) The unit is designed and constructed consistent with all building and fire safety codes;
- k.) Conversion of existing guest quarters or other accessory structures, created before the effective date of this ordinance, meet all of the criteria as listed above.

Section 62-2311. County Owned Property.

Section 62-2311.1 County Owned Property Inventory. By July 1, 2007, and every 3 years thereafter, the 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 inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The board of county commissioners must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The board shall adopt a resolution that includes an inventory list of such property following the public hearing.

Section 62-2311.2 Use and Sale of County Owned Property. The properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the county may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

A County recognized land trust may receive land for the development of affordable housing.

SECTION *. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule code or regulation, the more restrictive shall apply.

SECTION *. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION *. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION *. Effective Date. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION *. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Brevard County Code, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED, in regular session, this * day of *, 2006.

Attest:

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**

Scott Ellis, Clerk

, Chair
As approved by the Board on *.

(S E A L)