



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Agenda

Affordable Housing Advisory Committee

Member Jodi Pena-Castaldi
Member Ruben Colon
Member Eric James
Member Wesley Khilmire
Member Michael Ruggieri
Member Nicole Turner
Member Patricia Ulicny
Member Michael E. Williams

Tuesday, January 26, 2016

6:00 PM

Room 150A

1. CALL TO ORDER:

2. ROLL CALL:

3. APPROVAL OF MINUTES & AGENDA:

4. PRESENTATIONS/AWARDS/REPORTS:

A. Introductions - New and Returning AHAC Members and Staff.

5. PUBLIC FORUM:

6. OLD BUSINESS:

7. NEW BUSINESS:

A. Election of Officers - Committee Chair and Vice-Chairperson.

B. Set Meeting Time and Place.

C. AHAC Bylaws.

D. 2015 Sunshine & Public Records Overview.

E. 2015 Sunshine Law Overview.

F. 2015 Scope of the Sunshine Law.

G. LHAP Revision 2013-2016 with exhibits Approved by Florida Housing Corp.

8. STAFF COMMENTS:

9. BOARD/COMMITTEE MEMBERS COMMENTS:

10. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.

Deltona Affordable Housing Advisory Committee By-Laws

Article I: Name

An Affordable Housing Advisory Committee (AHAC) was created by the City Commission as part of Ordinance No. 05-2013. The AHAC shall be referred to in these by-laws as “the Committee.” The jurisdiction of the Committee shall be throughout the area of the City of Deltona. The business of the AHAC shall be governed by these by-laws.

Article II: Mission and Purposes

Sec. 1

The mission of the Committee shall be to recommend specific initiatives to encourage or facilitate affordable housing while protecting the value of the property within the City’s neighborhoods. The purpose of the Committee shall be to make advisory recommendations to the City Commission regarding local housing incentive strategies. Committee recommendations shall be made to the City Commission through the Department of Planning and Development Services and the City Manager. Recommendations approved by the City Commission shall be included in an amendment to the Deltona Local Housing Assistance Plan.

Sec. 2

The Committee shall make a recommendation to the City Commission by formal written approved motion of the Committee as to the conclusion of the Committee that an incentive strategy or proposal should be considered by the City Commission for approval, approval with specific conditions recommended by the Committee, or denial. The Committee’s recommendation shall be transmitted to the City Commission with all related staff reports, an index and executive summary of written materials submitted by the public for consideration at the Committee’s public hearing, and a summary of public comments at the hearing.

Sec. 3

In developing its recommendations, the Committee shall triennially review the established policies and procedures, ordinances, land development regulations, and adopted comprehensive plan of the City of Deltona. Such recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions. At a minimum, the Committee shall make recommendations on affordable housing incentives in the following areas:

- (a) The processing of approvals of development orders or permits, as defined in § 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.
- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c) The allowance of flexibility in density levels for affordable housing.

- (d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons and moderate-income persons.
- (e) The allowance of affordable accessory residential units in residential zoning districts.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
- (j) The preparation of a printed inventory of locally-owned public lands suitable for affordable housing.
- (k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The Committee may perform other duties at the request of the City Commission including:

- (a) The provision of mentoring services to affordable housing partners including developers, banking institutions, employers and others to identify available incentives, assist with applications for funding requests, and develop partnerships between various parties.
- (b) The creation of best practices for the development of affordable housing in the community.

Sec. 4

The Committee recommendations must also include other affordable housing incentives identified by the Committee. The recommendations of the Committee are required to be logically related to the provision of affordable housing in the City. Such recommendations shall be limited in scope to the Committee's charge to improve the delivery of affordable housing units within the city of Deltona, while at the same time preserving or enhancing residential property value and quality of life. Appropriate supporting analyses demonstrating the required logical relationship between recommendations of the need for affordable housing and the improved delivery of affordable housing shall be included as an appendix to the Committee's recommendations. Said appendix shall be developed by the Department of Planning and Development Services, or such other individuals or agencies as may be directed by the City Manager.

Article III: Membership

Sec. 1

The Committee shall have eleven members appointed by the City Commission by resolution. Each member shall serve for a term of one year. Appointments shall be ratified by a majority vote of the City Commission. No elected official and no employee of the city or county government shall be appointed to serve on the Committee. The Committee must include:

- (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) One citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (h) One citizen who actively serves on the local planning agency pursuant to § 163.3174.
- (i) One citizen who resides within the City of Deltona.
- (j) One citizen who represents employers within the City of Deltona.
- (k) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

Article IV: Meetings and Notice

Sec. 1

Meetings of the Committee, or any two or more of its members, are subject to the requirements of the Florida government in the Sunshine laws.

Sec. 2

Regular meetings, which shall include any business meeting of individual members, shall be held at least once each month in accordance with the schedule agreed upon by the members at their organizational meeting. The schedule may be changed upon approval of a motion by a majority of the Committee members present at a scheduled meeting and constituting a quorum.

Sec. 3

Notice of meetings shall be posted in City Hall and at the Department of Planning and Development Services offices or as required by the City Clerk. Meetings shall be open to the public.

Sec. 4

Notice of the time, date and place of the public hearing of the Committee to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the county. The notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the Committee. The notice must state the public place where a copy of the tentative advisory committee recommendations can be obtained by interested persons.

Article V: Quorum and Voting

Sec. 1

A majority of the appointed membership shall constitute a quorum for the transaction of all business of the committee. A quorum shall be six members.

Sec. 2

Each member shall be entitled to one vote on any matter presented to the Committee membership for a vote.

Sec. 3

No voting by proxy or absentee ballot shall be permitted on any matter presented to the Committee membership for a vote.

Sec. 4

The affirmative vote of at least a majority of those members who are present and voting at a duly held business meeting at which a quorum is present shall be the act of the Committee.

Article VI: Officers

Sec. 1

The committee shall elect a chairperson and vice-chairperson from among its members. The terms of all Committee officers shall be one year. At the organizational meeting of the Committee the staff representative to the Committee shall call the Committee meeting to order and shall then call for nominations for the chairperson. Upon election of a chairperson, the staff representative to the Committee shall pass the gavel to the chair. The chairperson shall then call for nominations for vice-chairperson. Upon election of a vice-chairperson, the chairperson shall proceed with the Committee meeting.

Sec. 2

The Officers of this Committee shall be a Committee Chairperson and a Vice-Chairperson.

Sec. 3

The Officers of the Committee shall be elected by the appointed members of the Committee as provided herein.

Sec. 4

Any Officer of the Committee may resign, provided that any such resignation must be made in writing and delivered to the Committee Chairperson or City Clerk. Unless any such resignation is, by its terms, effective on a later date, it shall be effective on delivery to such Committee Officer, and no acceptance by the Committee shall be required to make it effective. Any Officer of the committee may be removed from office at any time, with or without cause, by majority vote of the members present and constituting a quorum at a business meeting of the Committee.

Sec. 5

Any vacancy in an Office shall be filled by a special election held at the next business meeting following the announcement of the vacancy.

Sec. 6

If a member is absent for three consecutive meetings without being excused by the chairperson, said member shall forfeit his or her office and it shall be deemed vacant. Any vacancy occurring during the un-expired term of office of any member shall be filled by the City Commission for the remainder of the term. The vacancy shall be filled within 30 days from the time it occurs. Any member of the Committee may be removed from office for cause by the City Commission, upon written charges and after public hearing.

Article II: Duties of Officers

Sec. 1

The Chairperson is the chief executive officer of this Committee, and is responsible for fulfilling the mission of this Committee. The Chairperson presides at all meetings and has general supervision of the operation of the Committee.

Sec. 2

The Vice Chairperson is the second ranking Committee Officer and is responsible for presiding over meetings in the absence of the Chairperson.

Article VIII: Employees, Administrative Services

Sec. 1

The Committee shall have no employees or contract vendors. The Department of Planning and Development Services shall provide clerical staff and support by formatting and packaging board agendas, posting agendas for public notice, creating summary minutes of meetings and maintaining Committee records. The Department of Planning and Development Services shall also provide technical assistance to the Committee consistent with its staffing and funding as approved by the City Commission.

The Director of Planning and Development Services shall or his/her designee shall bring Committee reports and recommendations to the City Commission in appropriate communications, the format and medium of which shall be determined by the City Manager. Such communications shall include staff reports and recommendations, application materials, correspondence, and other relevant information as determined by the Committee, the Director of Planning and Development Services, the City Manager, or the City Commission to be necessary to assist the City Commission in its deliberations.

The Committee shall not direct the staff to undertake any project, but may request reasonable staff assistance and may report through the staff and City Manager to the City Commission any projects which the Committee deems worthwhile for Commission consideration by a majority vote of the Committee's entire membership.

Article IX: Rules of Order

Sec. 1

Insofar as they do not conflict with the by-laws, Robert's Rules of Order Newly Revised shall be the final authority as to parliamentary procedure.

Points of order shall not be raised in Committee meetings by members of the audience. The City's Planning and Development Services Director, or his/her representative, shall be an ex-officio member of the Committee.

The Sheriff's Office or, upon its creation, the City's police department shall provide a sergeant-at-arms to maintain order at Committee Meetings upon the request of either the Chairperson or the Director of Planning and Development Services.

Sec. 2

The Committee shall meet at regular intervals once each month, and at such other times as it may deem necessary, for the transaction of its business. It shall follow these by-laws adopted by resolution of the City Commission.

Sec. 3

The Committee, through the Department of Planning and Development Services, shall keep a properly indexed public record of its resolutions, transactions, findings and recommendations.

Article X: Legal Status and Dissolution

Sec. 1

This Committee is an unincorporated association formed solely for the purpose of recommending affordable housing initiatives to the Deltona City Commission.

Sec. 2

The by-laws of this Committee shall be governed by and interpreted in accordance with the laws of the State of Florida.

Article XI: Amendments

Sec. 1

The scope of these by-laws, and any amendments to these by-laws, is limited to the matters specifically placed within the discretion of this Committee by the City Commission. This Committee shall not have the power to amend these by-laws without City Commission approval.

2015 Public Records Overview

Patricia R. Gleason



Special Counsel for Open Government
Attorney General Pam Bondi

Scope of the Public Records Act

- Florida's Public Records Act provides a right of access to records of state and local governments as well as to private entities acting on their behalf.
- A right of access is also recognized in Article I, section 24 of the Florida Constitution, which applies to virtually all state and governmental entities including the legislative, executive, and judicial branches of government. The only exceptions are those established by law or by the Constitution.

Scope of the Public Records Act

- Section 119.011(12), Florida Statutes, defines "public records" to include:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Scope of the Public Records Act

- The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge.

Scope of the Public Records Act

- All such materials, regardless of whether they are in final form, are open for public inspection unless the Legislature has exempted them from disclosure.
- Only the Legislature and not the judiciary may exempt attorney-client communications from disclosure.
- Section 119.071(1)(d), F.S., establishes a statutory exemption for certain litigation work product of agency attorneys.

Attorney work product exemption

- Section 119.071(1)(d), provides that a public record prepared by an agency attorney or prepared at the attorney's express direction that reflects a mental impression, conclusion, litigation, strategy, or legal theory of the attorney or the agency, and that was prepared exclusively for litigation or adversarial administrative proceedings, or in anticipation of imminent litigation or imminent adversarial administrative proceedings is exempt until the conclusion of the litigation or proceedings.

Attorney work product exemption

- Only those records which reflect a “mental impression, conclusion, litigation strategy or legal theory” are included within the parameters of the work product exemption.
- In order to qualify for the exemption, the records must have been prepared “exclusively” for, or in anticipation of imminent, litigation or imminent adversarial administrative proceedings.

Attorney work product exemption

- The exemption from disclosure is temporary and limited in duration.
- The exemption exists only until the “conclusion of the litigation or adversarial administrative proceedings” even if other issues remain.

Electronic Records

- Email messages made or received by public officers or employees in connection with official business are public records and subject to disclosure in the absence of a statutory exemption.
- The Attorney General has advised that materials placed on an agency's Facebook page presumably would be in connection with official business and thus subject to Chapter 119, Florida Statutes.

Providing Public Records

- Section 119.07(1)(a), Florida Statutes, provides that “[e]very person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of public records or the custodian’s designee.”

Providing Public Records

- The Public Records Act requires no showing of purpose or "special interest" as a condition of access to public records. Unless authorized by law, an agency may not ask the requestor to produce identification as a condition to providing public records.

Providing Public Records

- The custodian is not authorized to deny a request to inspect and/or copy public records because of a lack of specifics in the request.

Providing Public Records

- The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days) for compliance with public records requests. The Florida Supreme Court has stated that the only delay in producing records permitted under Chapter 119, Florida Statutes, is the reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.

Providing Public Records

- Nothing in Chapter 119, Florida Statutes, requires that a requesting party make a demand for public records in person or in writing.

Providing Public Records

- A custodian is not required to give out *information* from the records of his or her office. For example, the Public Records Act does not require a town to produce an employee, such as the financial officer, to answer questions regarding the financial records of the town.
- The Public Records Act requires that an agency produce nonexempt existing records. An agency is not required to create a new record.

Providing Public Records

- In the absence of express legislative authority, an agency may not refuse to allow public records made or received in the official course of business to be inspected or copied if requested to do so by the maker or sender of the document.

Providing Public Records

- A custodian of a public record who contends that a record or part of a record is exempt from inspection must state the basis for the exemption, including the statutory citation to the exemption. Additionally, upon request, the custodian must state in writing and with particularity the reasons for the conclusion that the record is exempt from inspection.

Providing Public Records

- There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Act and confidential. If information is made confidential in the statutes, the information is not subject to inspection by the public and may be released only to those persons and entities designated in the statute. On the other hand, if the records are not made confidential but are simply exempt from the mandatory disclosure requirements in section 119.07(1)(a), Florida Statutes, the agency is not prohibited from disclosing the documents in all circumstances.

Providing Public Records

- The general rule is that records which would otherwise be public under state law are unavailable for public inspection only when there is an absolute conflict between federal and state law relating to confidentiality of records. If a federal statute requires particular records to be closed and the state is clearly subject to the provisions of such statute, then pursuant to the Supremacy Clause of the United States Constitution, Article VI, section 2, United States Constitution, the state must keep the records confidential.

Fees

- Providing access to public records is a statutory duty imposed by the Legislature upon all record custodians and should not be considered a profit-making or revenue-generating operation. Thus, public information must be open for inspection without charge unless otherwise expressly provided by law.

Fees

- Section 119.07(4)(d), Florida Statutes, authorizes the imposition of a special service charge to inspect or copy public records when the nature or volume of public records to be inspected is such as to require extensive use of information technology resources, or extensive clerical or supervisory assistance, or both. The charge must be reasonable and based on the labor or computer costs actually incurred by the agency.

Fees

- If no fee is prescribed elsewhere in the statutes, section 119.07(4)(a)1., Florida Statutes, authorizes the custodian to charge a fee of up to 15 cents per one-sided copy for copies that are 14 inches by 8 ½ inches or less. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy.

Fees

- The courts have upheld an agency's requirement of a reasonable deposit or advance payment in cases where a large number of records have been requested. In such cases, the fee should be communicated to the requestor before the work is undertaken.

Penalties

- A person who has been denied the right to inspect and/or copy public records under the Public Records Act may bring a civil action against the agency to enforce the terms of Ch. 119.

Penalties

- In addition to judicial remedies, section 119.10(1)(b), Florida Statutes, provides that a public officer who knowingly violates the provisions of section 119.07(1), Florida Statutes, is subject to suspension and removal or impeachment and is guilty of a misdemeanor of the first degree, punishable by possible criminal penalties of one year in prison, or \$1,000 fine, or both.

Attorney's Fees

- Section 119.12, Florida Statutes, provides that if a civil action is filed against an agency to enforce the Public Records Act and the court determines that the agency unlawfully refused to permit a public record to be inspected or copied, the court shall assess and award against the agency responsible the reasonable costs of enforcement, including attorney's fees.

E. Additional Resources

- Office of Attorney General Pam Bondi website:
<http://www.myfloridalegal.com>
- Governor Rick Scott website.
<http://www.flgov.com>
- First Amendment Foundation website:
<http://www.floridafaf.org>

Question 1

An agency employee is working on a performance evaluation. The agency receives a public records request for “all records relating to the performance evaluation.” Which of the following constitutes a public record?

- A. An early draft of the evaluation that was never communicated to anyone within or outside the agency.
- B. A draft evaluation that was sent to the employee’s supervisor and was returned with a note “need to make changes.”
- C. A draft evaluation that was emailed to the supervisor but the supervisor has not read the email yet.
- D. Answers B and C are correct.

Question 2

A city clerk has received over 150 public records requests over the past year from John Jones. Each of the public records requests asks for records prepared by Jones' ex-wife who is the city building official. Jones is very rude and obnoxious when he comes to city hall to make his requests. Which of the following options is available to the clerk?

- A. Because Jones is so rude, the clerk may ban him from city hall and require him to make his requests in writing or over the telephone.
- B. Because Jones has asked an extraordinary number of records, the clerk may require him to specify the particular records he wants.
- C. Because Jones has made numerous public records requests relating to records prepared by his ex-wife, Jones could be charged with stalking.
- D. None of the above.

Question 3

A city police department receives a public records request for photographs obtained from a member of the public during the investigation of a robbery case that is now closed. There is no statutory exemption from the public records law that applies to the photographs. Which statement is correct?

- A. The department may refuse to release the photographs because the public records law does not apply to photographs.
- B. The department must release the photographs.
- C. Unless release of the photographs would violate accepted police standards and procedures, the department must release them.
- D. Unless the person taking the photographs has asked the department not to release them, the department must release them.



2015 SUNSHINE LAW OVERVIEW

Patricia R. Gleason
Special Counsel for Open Government
Attorney General Pam Bondi

SCOPE OF THE SUNSHINE LAW

- ✘ Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

SCOPE OF THE SUNSHINE LAW

There are three basic requirements :

- 1) Meetings of public boards or commissions must be open to the public
- 2) Reasonable notice of such meetings must be given
- 3) Minutes of the meetings must be taken, promptly recorded and open to public inspection

SCOPE OF THE SUNSHINE LAW

- ✘ Advisory boards created pursuant to law or ordinance or otherwise established by public agencies are subject to the Sunshine Law, even though their recommendations are not binding upon the agencies that create them.

SCOPE OF THE SUNSHINE LAW

- ✘ Neither Legislature nor the courts are subject to the Sunshine Law. There is a constitutional provision that provides access to legislative meetings but it is not as strict as the Sunshine Law. However, if legislators are appointed to serve on a board subject to the Sunshine Law, the legislator members are subject to the same Sunshine Law requirements as the other board members.

SCOPE OF THE SUNSHINE LAW

- ✘ Meeting of staff are not ordinarily subject to the Sunshine Law. However, when a staff member ceases to function in a staff capacity and is appointed to a committee which is delegated authority normally within the public board or commission, the staff member loses his or her identity as staff while working on the committee and the Sunshine Law is applicable to the committee. It is the nature of the act performed, not the makeup of the committee or the proximity of the act to the final decision, which determines whether a committee composed of staff is subject to the Sunshine Law.

SCOPE OF THE SUNSHINE LAW

- ✘ Only the Legislature can create an exemption to the Sunshine Law (by a 2/3 vote) and allow a board to close a meeting. *Exemptions are narrowly construed.*

SCOPE OF THE SUNSHINE LAW

- ✘ Board members may not use e-mail or the telephone to conduct a private discussion about board business. Board members may send a “one-way” communication to each other as long as the communication is kept as a public record and there is no response to the communication except at an open public meeting. Accordingly, any “one-way” communications (for example one board member wants to forward an article to the board members for information) should be distributed by the board office so that they can be preserved as public records and ensure that any response to the communication is made only at a public meeting.

SCOPE OF THE SUNSHINE LAW

- ✘ While a board member is not prohibited from discussing board business with staff or a nonboard member, these individuals cannot be used as a liaison to communicate information between board members.
 - ✘ For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.

BOARD MEETINGS

- ✘ Board members are not prohibited from using written ballots to cast a vote as long as the votes are made openly at a public meeting, the name of the person who voted and his or her selection are written on the ballot, and the ballots are maintained and made available for public inspection in accordance with the Public Records Act.

BOARD MEETINGS

- ✘ While boards may adopt reasonable rules and policies to ensure orderly conduct of meetings, the Sunshine Law does not allow boards to ban non-disruptive videotaping, tape recording, or photography at public meetings.

BOARD MEETINGS

- ✘ Board meetings should be held in buildings that are open to the public. This means that meetings should not be held in private homes.

BOARD MEETINGS

- ✘ The phrase “open to the public” means open to all who choose to attend. Boards are not authorized to exclude some members of the public (i.e. employees or vendors) from public meetings.

BOARD MEETINGS

- ✘ The 2013 Legislature created a new statute – s. 286.0114, F.S. – which requires, subject to listed exceptions, that boards provide a reasonable opportunity to be heard before the board takes official action on a proposition.
- ✘ This new law is effective October 1, 2013

PENALTIES

- ✘ Any member of a board or commission or of any state agency or authority of a county, municipal corporation, or political subdivision who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree. An unintentional violation may be prosecuted as a noncriminal infraction resulting in a civil penalty up to \$500.

PENALTIES

- ✘ The Sunshine Law provides that no resolution, rule, regulation or formal action shall be considered binding except as taken or made at an open meeting.

PENALTIES

- ✘ Recognizing that the Sunshine Law should be construed so as to frustrate all evasive devices, the courts have held that action taken in violation of the law was void *ab initio*.

PENALTIES

- ✘ Where, however, a public board or commission does not merely perfunctorily ratify or ceremoniously accept at a later open meeting those decisions which were made at an earlier secret meeting but rather takes "independent final action in the sunshine," the board's decision may stand.

ADDITIONAL RESOURCES

1. Office of Attorney General Pam Bondi website:
<http://www.myfloridalegal.com>

2. Office of Governor Rick Scott website:
<http://www.flgov.com>

2. First Amendment Foundation website:
<http://www.floridafaf.org>

2015 Open Government Overview

Patricia R. Gleason

SUNSHINE LAW

A. Scope of the Sunshine Law

- Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. Members-elect are subject to the Sunshine Law, even though they have not yet taken office.
- There are three basic requirements
 - 1) Meetings of public boards or commissions must be open to the public;
 - 2) Reasonable notice of such meetings must be given; and
 - 3) Minutes of the meetings must be taken, promptly recorded and open to public inspection.
- Advisory boards created pursuant to law or ordinance or otherwise established by public agencies may subject to the Sunshine Law, even though their recommendations are not binding upon the agencies that create them.
- Generally, the Sunshine Law does not apply to private organizations providing services to a state or local government, unless the private entity has been created by a public entity, there has been a delegation of the public entity's governmental functions, or the private organization plays an integral part in the decision-making process of the public entity.
- Meeting of staff are not ordinarily subject to the Sunshine Law. However, a staff committee can be subject to the Sunshine Law if the committee is delegated "decision-making authority" as opposed to mere information gathering or fact-finding. For example, a staff committee which was given the authority to screen applications for a university position and to reject some applicants from further consideration was found to be subject to the Sunshine Law.
- Only the Legislature can create an exemption to the Sunshine Law (by a 2/3 vote) and allow a board to close a meeting.
- Board members may not use the telephone, Facebook, email or text messages to conduct a private discussion about board business. Board members may send a "one-way" communication to a board member as long as the communication is kept as a public record and there is no response to the communication except at an open public meeting. Accordingly, any "one-way" communications (for example one board member wants to forward an article to the board members for

information) should be distributed by the board office so that they can be preserved as public records and ensure that any response to the communication is made only at a public meeting.

- While a board member is not prohibited from discussing board business with staff or a nonboard member, these individuals cannot be used as a liaison to communicate information between board members. For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.

B. Board meetings

- Board members are not prohibited from using written ballots to cast a vote as long as the votes are made openly at a public meeting, the name of the person who voted and his or her selection are written on the ballot, and the ballots are maintained and made available for public inspection in accordance with the Public Records Act.
- While boards may adopt reasonable rules and policies to ensure orderly conduct of meetings, the Sunshine Law does not allow boards to ban nondisruptive videotaping, tape recording, or photography at public meetings.
- Board meetings should be held in buildings that are open to the public. This means that meetings should not be held in private homes.
- The phrase "open to the public" means open to all who choose to attend. Boards are not authorized to exclude some members of the public (i.e. employees or vendors) from public meetings.
- Effective October 1, 2013, s. 286.0114, F.S., provides, subject to listed exceptions, that boards must allow an opportunity for the public to be heard before the board takes official action on a proposition. The statute does not prohibit boards from "maintaining orderly conduct or proper decorum in a public meeting." Boards are authorized to adopt specified rules or policies that govern the opportunity to be heard, such as time limits for speakers.

C. Penalties

- Any member of a board or commission or of any state agency or authority of a county, municipal corporation, or political subdivision who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree. An unintentional violation may be prosecuted as a noncriminal infraction resulting in a civil penalty up to \$500.
- The Sunshine Law provides that no resolution, rule, regulation or formal action shall be considered binding except as taken or made at an open meeting.
- Recognizing that the Sunshine Law should be construed so as to frustrate all evasive devices, the courts have held that action taken in violation of the law was void *ab initio*.

- Where, however, a public board or commission does not merely perfunctorily ratify or ceremoniously accept at a later open meeting those decisions which were made at an earlier secret meeting but rather takes "independent final action in the sunshine," the board's decision may stand.

PUBLIC RECORDS

A. Scope of Public Records Law

- Section 119.011(12), Florida Statutes, defines "public records" to include:
 - all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
- The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to perpetuate, communicate or formalize knowledge.
- All such materials, regardless of whether they are in final form, are open for public inspection unless the Legislature has exempted them from disclosure.
- There is no "unfinished business" exception to the public inspection and copying requirements of the Public Records Act. If the purpose of a document prepared in connection with the official business of a public agency is to perpetuate, communicate, *or* formalize knowledge, then it is a public record regardless of whether it is in final form or the ultimate product of an agency.
- Although a right of access exists under the Constitution to all three branches of government, the Public Records Act, as a legislative enactment, does not apply to the Legislature or the judiciary.
- A "public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency" is also subject to the requirements of the Public Records Act.
- E-mail messages, text messages and other electronic communications made or received by public officers or employees in connection with official business are public records and subject to disclosure in the absence of a statutory exemption from public inspection. As with other public records, the retention period for these records is governed by schedules adopted by the Department of State which make it clear that it is the content of the communication---not its location or the type of technology used to send the message---that determines how long it must be retained.

B. Providing public records

- The Public Records Act requires no showing of purpose or "special interest" as a

condition of access to public records.

- The custodian is not authorized to deny a request to inspect and/or copy public records because of a lack of specifics in the request.
- A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith.
- The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days) for compliance with public records requests. The Florida Supreme Court has stated that the only delay in producing records permitted under Chapter 119, Florida Statutes, is the reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian asserts are exempt.
- An agency is not authorized to establish an arbitrary time period during which records may or may not be inspected.
- Nothing in Chapter 119, Florida Statutes, requires that a requesting party make a demand for public records in person or in writing.
- A custodian is not required to give out *information* from the records of his or her office. The Public Records Act does not require a town to produce an employee, such as the financial officer, to answer questions regarding the financial records of the town.
- The fact that a particular record is also maintained by another agency does not relieve the custodian of the obligation to permit inspection and copying in the absence of an applicable statutory exemption.
- An agency may not refuse to allow public records made or received in the normal course of business to be inspected or copied if requested to do so by the maker or sender of the document.
- A custodian of a public record who contends that a record or part of a record is exempt from inspection must state the basis for the exemption, including the statutory citation to the exemption. Additionally, upon request, the custodian must state in writing and with particularity the reasons for the conclusion that the record is exempt from inspection.
- There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Act and confidential. If information is made confidential in the statutes, the information is not subject to inspection by the public and may be released only to those persons and entities designated in the statute. On the other hand, if the records are not made confidential but are simply exempt from the mandatory disclosure requirements in section 119.07(1)(a), Florida Statutes, the agency is not prohibited from disclosing the documents in all circumstances.

- The general rule is that records which would otherwise be public under state law are unavailable for public inspection only when there is an absolute conflict between federal and state law relating to confidentiality of records. If a federal statute requires particular records to be closed and the state is clearly subject to the provisions of such statute, then pursuant to the Supremacy Clause of the United States Constitution, Article VI, section 2, United States Constitution, the state must keep the records confidential.

C. Fees

- Providing access to public records is a statutory duty imposed by the Legislature upon all record custodians and should not be considered a profit-making or revenue-generating operation. Thus, public information must be open for inspection without charge unless otherwise expressly provided by law.
- Section 119.07(4)(d), Florida Statutes, authorizes the imposition of a special service charge to inspect or copy public records when the nature or volume of public records to be inspected is such as to require extensive use of information technology resources, or extensive clerical or supervisory assistance, or both. The charge must be reasonable and based on the labor or computer costs actually incurred by the agency.
- If no fee is prescribed elsewhere in the statutes, section 119.07(4)(a)1., Florida Statutes, authorizes the custodian to charge a fee of up to 15 cents per one-sided copy for copies that are 14 inches by 8 ½ inches or less. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy.
- The courts have upheld an agency's requirement of a reasonable deposit or advance payment of the applicable statutory fees in cases where a large number of records have been requested. In such cases, the fee should be communicated to the requestor before the work is undertaken.

D. Penalties

- A person who has been denied the right to inspect and/or copy public records under the Public Records Act may bring a civil action against the agency to enforce the terms of Ch. 119.
- In addition to judicial remedies, section 119.10(1)(b), Florida Statutes, provides that a public officer who knowingly violates the provisions of section 119.07(1), Florida Statutes, is subject to suspension and removal or impeachment and is guilty of a misdemeanor of the first degree, punishable by possible criminal penalties of one year in prison, or \$1,000 fine, or both.

Practical Tips for Agencies

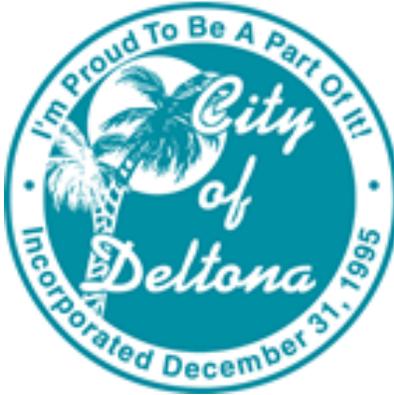
Here are some examples of things that should be avoided when processing Ch. 119 requests:

1. A reporter makes a request for copies of several letters and is told, "It is 3 o' clock and we close at 5, and all requests must go through the general counsel."
2. We cannot process your request unless you put it in writing.
3. We cannot process your request until you fill out this form.
4. We cannot process your request unless you first show us your driver's license.
5. Why do you want these records?
6. You can look at the records, but we are not going to make copies.
7. You have asked for the email you requested to be placed on a disc, but we are not going to do that; you can only get a written transcript.
8. You cannot have these records because the document you have requested is a draft and has not yet been approved by management.
9. You cannot have these records because you filed a lawsuit against this agency, and you must use the discovery process to obtain any records from this agency.
10. You cannot have these records because the employee who drafted them has stored them in his locked office, and he won't be back for 6 months.

Additional Resources

1. Office of Attorney General Pam Bondi www.myfloridalegal.com
2. First Amendment Foundation www.floridafaf.org
3. Office of Governor Rick Scott Open Government Office www.flgov.com

March 16, 2014



CITY OF DELTONA, FLORIDA

SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

AMENDED DECEMBER 15, 2014 (OWNER OCCUPIED REHABILITATION)

FISCAL YEARS COVERED

2013/2014, 2014/2015, 2015/2016

I. PROGRAM DESCRIPTION

A. Name of the participating local government and Interlocal if Applicable:

City of Deltona, Florida_____

Inter-local: Yes _____ No X

B. Purpose of the Program:

Creation of the LHAP Plan (Plan) is for the purpose of meeting the housing needs of the very low, low, and moderate income households, to expand production of and to preserve affordable housing, and to further the housing element of the local government Comprehensive Plan that is specific to affordable housing.

C. Fiscal Years Covered by the Plan:

2013/2014
2014/2015
2015/2016

D. Governance:

The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes (F.S.) and Chapter 67-37 Florida Administrative Code (F.A.C.). The City of Deltona’s Affordable Housing Assistance Program was enacted by the passage of Ordinance 08-2001 on May 1, 2001, and was signed into law on May 7, 2001. Thus, the SHIP Program furthers the Housing Element of the local government Comprehensive Plan.

E. Local Housing Partnership:

The City’s SHIP Program encourages building active partnerships between government, lenders, builders, developers, real estate professionals, and advocates for low-income persons and community groups.

F. Leveraging:

The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing.

SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs to provide a local match to obtain housing grants or programs.

G. Public Input:

Public input was solicited through in-person meetings with housing providers, social service providers, local lenders, and neighborhood associations. Public input was solicited through the local newspaper through the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability.

H. Advertising and Outreach:

The City shall advertise the Notice of Funding Availability in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

I. Discrimination:

In accordance with the provisions of ss.760.20-760.37, it is unlawful to discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin, or handicap in the award application process for eligible housing.

J. Support Services and Counseling:

Support services are available from various sources. Available support services may include but are not limited to homeownership counseling (pre and post), credit counseling, tenant counseling, and transportation modes.

K. Purchase Price Limits:

The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning no earlier than the fourth (4th) calendar year prior to the year in which the award occurs. The sales price of new and existing units, may be lower, but may not be 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

Independent Study (copy attached)

U.S. Treasury Department

Local HFA Numbers

The purchase price limit for new and existing homes is shown on the Housing Delivery Goals Charts:

Maximum Sales Price: \$280,384.00

L. Income Limits, Rent Limits and Affordability:

The Income and Rent Limits used in the SHIP Program are updated annually from the HUD and distributed by the Florida Housing Finance Corporation. The term “affordable” means that monthly rents or mortgage payments, including taxes and insurance, do not exceed 30% of that amount which represents the percentage of the median annual gross income for the households, as indicated in Sections 420.9071 (19), (20) and (28), F.S. The intent is not to limit an individual household’s ability to devote more than 30% of its income for housing. Housing for a household that devotes more than 30% of its income shall be deemed affordable when the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and, in the case of rental housing, for rents that do not exceed those rental limits adjusted for bedroom size.

M. Welfare Transition Program:

Should an eligible sponsor be used, the City has developed a qualification system and selection criteria for applications for awards to eligible sponsors. This includes a description that demonstrates how eligible sponsors, including those employed personnel from the Florida Welfare Transition Program, will be given preference in the selection process.

N. Monitoring and First Right of Refusal:

In the case of rental housing, the staff or entity that has administrative authority for implementing the local housing assistance plan for rental developments shall annually monitor and determine tenant eligibility or, to the extent that another governmental entity provides the same monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in

the original amount of \$3,000 or less shall not be subject to annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored on an annual basis for a minimum of 15 years or the term of assistance; whichever is longer, unless as specified above.

O. Sponsors:

As an option and for the continued occupancy of eligible persons, eligible sponsors that offer rental housing before the 15-year period of the loan, or have a remaining mortgage funded under this program, must give a right of first refusal to an eligible nonprofit organization for home purchase at the current market value.

P. Administrative Budget:

A detailed listing, including a line-item budget of proposed Administrative Expenditures, is attached as Exhibit A. These are presented on an annual basis for each State fiscal year submitted. The City of Deltona finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the Local Housing Assistance Plan.

A county or an eligible municipality may not exceed the 5% limitation on administrative costs, unless its governing body finds by resolution that 5% of the local housing distribution, plus 5% of program income, is insufficient to adequately pay the necessary costs of administering the Local Housing Assistance Plan. The cost of administering the program may not exceed 10 percent of the local housing distribution, plus 5% of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(17) and eligible municipalities receiving a local housing distribution of up to \$350,000, may use up to 10% of program income for administrative costs.

The City of Deltona has adopted the above findings in the attached resolution. Please see Exhibit E.

Q. Program Administration:

Administration of the local housing assistance plan is the responsibility of the City of Deltona. Should a third party entity or consultant contract for all or part of the administrative or other functions of the program, detail of the duties, and the qualification and selection criteria will be made available.

R. Essential Service Personnel:

The City will operate as defined in accordance with Rule Chapter 67-37.002(8) F.A.C. and Chapter 67-37.005(10), F.A.C. and Section 420.9075(3) F.S.

S. Section 420.9075(3)(d), F.S.:

Green techniques for energy conservation and water conservation include careful use of salvage/recycling processes, preservation of wildlife habitat, healthy environmental provisions, and the usage of durable and sustainable products. This includes the incorporation of high-energy products and materials. Green building techniques, such as those previously mentioned and those described in the City of Deltona's Ordinance No. 42-2008, will be incorporated into the various Deltona SHIP strategies that involve construction/rehabilitation.

T. Homebuyer Education and Counseling:

Homebuyer education and counseling is a service provided by a HUD certified housing counselor in conjunction with the City's Purchase Assistance strategies to assist households in learning about how to purchase a home, maintain a home after purchase, and to prevent future foreclosures. As part of the qualification process, all applicants will be required to attend homebuyer education and maintenance classes. Homebuyer counseling for credit issues and other matters will be provided, as needed, in order to prepare an eligible applicant for homeownership. A minimum of \$2,500 has been set aside in each grant year for this activity to hire outside counselors and other contractors, as deemed necessary.

II. LHAP HOUSING STRATEGIES

A. Purchase Assistance with Potential Rehabilitation Program:

a. Summary of the Strategy:

This strategy assists eligible first time homebuyers with a deferred payment loan to be applied as gap-financing, based on need, towards down payment, closing costs, interest rate buy-down, and/or principal reduction and rehabilitation for the purchase of eligible housing; which includes single family homes, townhouses, condominiums, villas, or State approved manufactured buildings (pursuant to Chapter 553.35 F.S). Eligible housing types under this strategy include existing and newly constructed homes.

b. **Fiscal Years Covered:**
2013/2014; 2014/1015; 2015/2016

c. **Income Categories to be Served:**
Household incomes that are at or below 120% of the area median income adjusted for household size are eligible to be served in the program. For the purposes of the SHIP Program, very low, low and moderate income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and distributed by the Florida Housing Finance Corporation. Preference will be given to applicants that are below 50% level.

d. **Maximum Award:**

| <u>Income Limit</u> | <u>Max DPA</u> | + | <u>Max Rehab</u> | = | <u>Max Award/ Per Unit</u> |
|---------------------|----------------|---|------------------|---|----------------------------|
| Very Low | \$40,000 | | \$10,000 | = | \$50,000 |
| Low | \$30,000 | | \$10,000 | = | \$40,000 |
| Moderate | \$20,000 | | \$10,000 | = | \$30,000 |

- e. **Terms, Recapture, and Default:**
- The maximum Down Payment Assistance for this strategy will be provided in the form of a second subordinate mortgage to the first mortgage that has a zero (0%) interest deferred payment, forgivable loan for a term of 30 years. The loan term is 30 years. At the end of 30 years, the loan is forgiven.
 - If a default occurs during a 30-year loan term, the entire balance of the loan is due and payable.
 - When SHIP funds are combined with Florida Housing Finance Corporation Programs for purchase assistance, the SHIP Administrator has the option of allowing the City’s SHIP funds to be awarded as a third mortgage.
 - Mortgage payments, including taxes and insurance, may not exceed 30% of an amount representing the percentage of the annual gross income for the household. No more than 45% of the combined mortgage payment shall include taxes insurance and overall debt.
 - Repairs to the home, if applicable, may not begin until after the closing. Therefore, City SHIP funds will be provided as a subordinate mortgage to the City SHIP funds at zero (0%) interest, deferred

payment, for a forgivable loan upon the five (5) year event.

- The deferred payment forgivable loans shall immediately become due and payable to the City, if any of the following occurs:
 1. Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, or deed in lieu of foreclosure;
 2. Homeowner no longer occupies the unit as their principal residence;
 3. Homeowner dies, or if married couple, the survivor dies; or
 4. Homeowner refinances their first mortgage or requires subordination for a new second mortgage.
 5. An heir may assume the debt as long as they are income eligible and become the owner-occupant.
- Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County.

f. **Recipient Selection Criteria:**

Funds will be made available on a first come, first qualified, first served basis while funds are available;

- All dwelling units will be within the Deltona city limits;
- HUD defined manufactured homes (mobile homes) are not eligible for assistance;
- Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, and other eligibility and qualification parameters; and
- A first time homebuyer is defined as an eligible applicant who has not owned a home within the last three (3) years preceding the application for SHIP assistance. However, someone who has lost his or her home as a result of divorce within the last three years, a single parent, or a very low or low income person living in a substandard dwelling that cannot be brought into compliance with local building codes for less than the cost of constructing a permanent structure, meets the first-time homebuyer definition.
- Applicants must be credit ready and have sufficient income required to obtain mortgage financing from participating lenders;

- Applicants must attend and complete a Homebuyer Education Counseling course provided by or approved by the City.
- A Home Quality Standards (HQS) inspection must be conducted by the applicant's certified housing inspector or the City Housing Program's designated HQS inspector.
- Mortgage payments, including taxes and insurance, may not exceed 30% of an amount representing the percentage of the annual gross income for the household and no more than 45% combined mortgage payment, including taxes, insurance, and overall debt.
- Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines and City of Deltona requirements, recapture provisions, and certify that the unit assisted will be their principal residence.
- Per Section 420.9075(1)(a), F.S., preference will be given to those eligible recipients with special housing needs, including but not limited to, homeless people, the elderly, migrant farm workers, and person with disabilities; if in accordance with all applicable Federal or State laws.

g. Sponsor Selection Criteria, if applicable:

The City of Deltona may choose a sponsor to assist in the administration of this strategy by advertising Deltona's purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation, or a community-based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. Additional Information:

- Lender Participation Guidelines;
- Institutional first mortgage lender with no private owner financing;
- First mortgages shall be at a fixed rate. The rate may not exceed two (2) points above the current 60-day Fannie Mae par pricing;
- The term of the loan shall be for 30 years;
- Loan origination and broker fees as combined, may not exceed 2% of the sales price;
- The purchase price may not exceed the sales price of the home;
- There is no pre-payment penalty;
- There is "No Cash Back" to the borrower on the HUD-1 Settlement

Statement;

- Funds will be encumbered for eligible applicants whose contracted homes are deemed repairable according to program guidelines; and
- The City or its designee will facilitate the work write up on inspections to ensure that all work is performed by a licensed and insured contractor.

B. Acquisition and Rehabilitation of Homes Program:

a. Summary of the Strategy:

SHIP funds, if consistent with FHFC expenditure guidelines, may be used by the City (not a developer) to acquire and rehabilitate existing homes for low or very low income households. This strategy would be analogous to the City's HUD-funded Neighborhood Stabilization Program (NSP).

Similar to the NSP, the City would buy, rehabilitate, and then sell the homes to qualified applicants. The City would use licensed general contractors that have been selected through the City procurement process to perform the rehabilitation work.

b. Fiscal Years Covered:

2013/2014; 2014/1015; 2015/2016

c. Income Categories to be Served:

Household incomes at or below 80% of the area median income adjusted for household size. For the purposes of the SHIP Program, very low, low and moderate income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and distributed by the Florida Housing Finance Corporation. Preference will be given to applicants below 50% level.

d. Maximum Award:

Very Low Income: \$150,000
Low Income: \$150,000

e. Terms, Recapture and Default:

The City of Deltona will provide a forgivable second mortgage, at 0% interest, and a deferred loan for a term of up to 30 years.

Minimum affordability period is:

- 5 Years Assistance: \$0 - \$14,999
- 10 Years Assistance: \$15,000- \$25,000
- 30 Years Assistance: \$25,001 and up

The 0% interest and deferred payment forgivable loans shall immediately become due and payable to the City if any of the following occurs:

- Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, or deed in lieu of foreclosure;
- Homeowner no longer occupies the unit as their principal residence;
- Homeowner dies, or if married couple, the survivor dies; or
- Homeowner refinances their first mortgage or requires subordination for a new second mortgage.
- An heir may assume the debt as long as they are income eligible and become the owner-occupant.
- Mortgage payments, including taxes and insurance may not exceed 30% of an amount representing the percentage of the annual gross income for household; and no more than 45% combined mortgage payment, including taxes insurance and overall debt.
- Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County.

f. **Recipient Selection Criteria:**

Funds will be made available on a first come, first qualified, first served basis while funds are available;

- All dwelling units will be within the Deltona city limits;
- HUD defined manufactured homes (mobile homes) are not eligible for assistance;
- Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, and other eligibility and qualification parameters; and;
- Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, City of Deltona requirements, including recapture provisions and certify that the unit assisted is their principal

residence.

g. **Sponsor Selection Criteria, if applicable:**

The City of Deltona may choose a sponsor to assist in the administration of this strategy by advertising using the City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. **Additional Information:**

- Applicants must be credit ready and have sufficient income required to obtain maximum first mortgage financing from participating lenders;
- Applicants must attend and complete a Homebuyer Education Counseling course provided by or approved by the City.
- A Home Quality Standards (HQS) inspection must be conducted by the applicant's certified housing inspector or the City Housing Program's designated HQS inspector.
- Lender Participation Guidelines:
 1. Institutional first mortgage lender; no private owner financing. First mortgages shall be at a fixed rate.
 2. The interest rate may not exceed two (2) points above the current Fannie Mae par pricing at time of first mortgage closing.
 3. The term of the loan shall be 30 year fixed rate.
 4. Loan origination and broker fees combined, may not exceed more than 2% of the sales price
 5. The purchase price may not exceed the sales price of the home.
 6. No pre-payment penalty;
 7. No Cash Back to borrower on the HUD-1 Settlement Statement.

C. **Owner Occupied Rehabilitation Assistance Program:**

a. **Summary of the Strategy:**

This strategy offers eligible homeowners assistance with needed and program verifiable repairs, and possible alterations to improve their health and safety. Assistance to make a home barrier free for special needs households is also eligible.

b. **Fiscal Years Covered;**
2013/2014; 2014/1015; 2015/2016

c. **Income Categories to be Served:**
Serviceable categories are for household incomes that are at or below 80% of the area median income adjusted for household size. For the purposes of the SHIP program, very low, and low income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and distributed by the Florida Housing Finance Corporation. Preference will be given to applicants below the 50% level. Further, per Section 420.9075(1)(a), F.S., preference will be given to those verified eligible recipients with special housing needs, including but not limited to, the elderly, migrant farm workers, and person with disabilities and in accordance with all applicable Federal or State laws.

d. **Maximum Award:**
Maximum award is as follows:

| <u>Income Limit</u> | <u>Maximum</u> |
|---------------------|----------------|
| Very Low | \$30,000 |
| Low | \$30,000 |

e. **Terms, Recapture, and Default:**
The City of Deltona will provide a second mortgage deferred payment, zero interest (0%), forgivable loan for a term of up to 15 years. However, the Owner Occupied Repair strategy is need based and applicants are only entitled to the least amount of possible award for which they are qualified for.

Minimum affordability period is:
15 Years Assistance \$0 - \$30,000

The deferred payment forgivable loan shall immediately be due and payable to the City if any of the following occurs:

- Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, short sale, or deed in lieu of foreclosure;

- Homeowner no longer occupies the unit as their principal residence;
- Homeowner dies, or if a married couple, the survivor dies;
- Homeowner refinances their first mortgage or requires subordination for a new second mortgage or reverse mortgage;
- An heir may assume the debt, as long as they are income eligible and become the owner-occupant;
- Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County; and
- Legal fees associated with dispute shall be the responsibility of the homeowner or successor in title.

f. **Recipient Selection Criteria:**

Funds will be made available on a first come, first complete, first served basis, while funds are available:

- All dwelling units will be within the Deltona city limits;
- HUD defined manufactured homes (mobile homes) are not eligible for assistance;
- Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, and other eligibility and qualification parameters;
- Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, City of Deltona requirements, including recapture provisions and certify that the assisted unit is their principal and only residence/dwelling. Applicants must attend and complete a Homebuyer Education Counseling course provided by or approved by the City; and
- A Home Quality Standards (HQS) inspection must be conducted by the applicant's certified housing inspector or the City Housing Program's designated HQS inspector.

g. **Sponsor Selection Criteria, if applicable:**

The City of Deltona may choose a sponsor to assist in the administration of this strategy by using the City's purchasing and procurement guidelines. The sponsors may be a private corporation, a not for profit

corporation, or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. Additional Information:

If it is determined by the City of Deltona SHIP program that the applicant meets income eligibility guidelines, a home inspection and work write-up will be completed by the City or its designee.

- Funds will be encumbered for eligible applicants whose homes are deemed repairable according to program guidelines;
- The City or its designee will perform a work write up and conduct inspections. All construction will be performed by a licensed and insured contractor;
- All insurance, mortgages, taxes, and special assessments must be current and paid;
- All homes eligible for rehabilitation must be owner-occupied with fee simple title encumbered with a first mortgage only. Applicants with second or third mortgages or reverse mortgages will not be eligible;
- The City, or its designee, will manage the contractor bid process and inspections to ensure that all work is performed by a licensed and insured contractor.
- If there is a determination that a dwelling will require more than the \$30,000 award to rehabilitate, the applicant will be considered ineligible for Owner Occupied Rehabilitation.
- In no instances shall a client be able to contribute any funds to upgrade materials, work, etc. as part of this strategy.

i. Rehabilitation Prioritization and Standards:

Rehabilitation activities will be prioritized. The first rehabilitation activity shall be the priority with subsequent actions, if warranted, taken as award amounts allow.

- 1) Code Compliance. With regard to unpermitted construction, including unpermitted rooms, porches, etc. restoration back to original condition or demolition of these improvements will be the method of which to address complying with applicable code.
- 2) Roof Work or Replacement. Roofing will be replaced with code

compliant asphalt shingles. Metal, tile, etc. will not be an option even if originally constructed with such material.

- 3) Septic Tank/Drain-field. Drain-field repair will not cover the costs of non-code complaint turf and/or landscaping replacement or the costs to repair/replace irrigation systems and/or fences disrupted as a result of septic work. Finally, drain-field repair cannot be used to upsize a septic system as a result of unpermitted room addition(s).
- 4) Heating, ventilation and air conditioning.

Owner Occupied Repair awards shall not be used to fund the following activities: kitchen replacement (cabinets, counter tops, appliances, etc.), interior paint, carpet, fences or other non-structural, non-code related, items.

D. Multi-Family Rental Units, New Construction, & Rehabilitation:

a. Summary of the Strategy:

SHIP funds may be used as part of the local contribution when participating in programs such as, the Low Income Housing Tax Credit (LIHTC) program, State Apartment Incentive Loan (SAIL) program, the State HOME program and other programs, as applicable, when they are used to perform new construction and/or rehabilitation of multi-family rental housing developments. Eligible activities include payment of impact fees, infrastructure expenses, and soft/hard costs.

b. Fiscal Years Covered:

2013/2014; 2014/1015; 2015/2016

c. Income Categories to be served:

Household incomes that are at or below 80% of the area median income adjusted for household size. For the purposes of the SHIP Program, very low, low and moderate income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and distributed by the Florida Housing Finance Corporation. Per Section 420.9075(1)(a), F.S., preference will be given to those eligible recipients with special housing needs, including, but not limited to, homeless people, the elderly, migrant farm workers, and person with disabilities, in accordance with all applicable Federal or State laws.

d. **Maximum Award:**

Maximum award of \$50,000 per unit.

e. **Terms, Recapture, and Default:**

Assistance is provided to an eligible developer/sponsor through payment of impact fees, infrastructure expenses, and construction hard/soft costs. The assistance shall be provided in the form of a loan. All properties are subject to recapture of funds through a lien placed on the property to recapture funds, if the property is sold. The loan is a 15-year term, with a zero (0%) percent interest rate. No payments are due until the end of the 15-year term. For the purpose of the Agreement between the City and the property owner, "sold" shall mean the property is sold in a fee-simple arms-length transaction, and the title transferred. Rental units receiving SHIP funds shall be monitored annually for compliance with tenant income and affordability requirements by the City for 15 years, as required by the SHIP program. The development will be monitored for compliance with an FHFC funding source that meets or exceeds this requirement and that compliance is acceptable for SHIP compliance.

f. **Recipient Selection Criteria:**

An eligible recipient shall be assisted on a first come, first ready basis. The beneficiary shall have a household income at or below 80% of the area median income that is adjusted for household size and shall meet all eligibility requirements of the SHIP Program.

g. **Sponsor Selection Criteria, if applicable:**

An eligible developer/sponsor may submit applications at any time for assistance. Eligible costs include payment of impact fees, infrastructure expenses, and/or construction soft/hard costs. Applicants will be evaluated and awarded based upon the following criteria: the financial strength of the developer/sponsor; capacity; features of the proposed development; marketing plan for the proposed project; site control; affordability of the development; previous similar work experience; and whether or not personnel from the Florida Welfare Transition Program will be employed. Eligible developers/sponsors must contractually commit to follow the guidelines of the SHIP Program.

h. **Additional Information:**

In the case of rental housing, there will be monitoring and first right of refusal for the City's SHIP Program. Staff or entity that has administrative authority for implementing the LHAP in assisting rental developments shall annually monitor and determine tenant eligibility. However, any loan or grant in the original amount of \$3,000 or less shall not be subject to annual monitoring and the determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for at least 15 years or the term of assistance; whichever is longer, unless as specified otherwise.

E. **Foreclosure Prevention Assistance Program:**

a. **Summary of the Strategy:**

This strategy is used to provide homeowners who have previously received City SHIP or HHR assistance the opportunity to avoid foreclosure and retain their homes. This is a one-time per household assistance strategy.

b. **Fiscal Years Covered:**

2013/2014; 2014/1015; 2015/2016

c. **Income Categories to be Served:**

Household incomes at or below 120% of the area median income adjusted for household size. For the purposes of the SHIP Program, very low, low and moderate income households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by HUD and

distributed by the Florida Housing Finance Corporation.

Per Section 420.9075(1)(a), F.S., preference will be given to those eligible recipients with special housing needs, including, but not limited to, the elderly, migrant farm worker, and persons with disabilities; in accordance with all applicable Federal or State laws.

d. **Maximum Award:**

Income Limits

- Very Low \$7,500
- Low \$7,500
- Moderate \$7,500

e. **Terms, Recapture, and Default:**

The City of Deltona will provide a 0% interest forgivable deferred payment loan for 5 years. The deferred payment forgivable loan shall immediately become due and payable to the City if any of the following occurs:

- Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, or deed in lieu of foreclosure;
- Homeowner no longer occupies the unit as their principal residence;
- Homeowner dies, or if married couple, the survivor dies;
- Homeowner refinances their first mortgage or requires subordination for a new second mortgage; and
- An heir may assume the debt as long as they are income eligible and become the owner-occupant.

Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County.

f. **Recipient Selection Criteria:**

- Funds will be made available on a first come, first complete, first served basis while funds are available;
- All dwelling units will be within the Deltona city limits. HUD defined manufactured homes (mobile homes) are not eligible for assistance;

- Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, and other eligibility and qualifications parameters;
- All assisted applicants still residing in the same dwellings must have previously received SHIP or HHRP homeownership assistance, such as purchase, rehabilitation, or disaster assistance;
- Applicants must be at least 2 months arrears in mortgage payments and have received notification in writing from their lender that foreclosure proceedings will begin;
- Applicants who apply for assistance and who need more than the foreclosure assistance that is offered in this strategy must have the additional funds to pay all the remaining unpaid delinquency;
- Applicants must be income qualified and have sufficient income required to maintain their SHIP mortgage after foreclosure assistance is received;
- Applicants may receive the foreclosure strategy one time only;
- Applicants must demonstrate through documentary evidence that non-payment of their mortgage is due to one of the following reasons:
 1. Sudden Loss of Income;
 2. Sudden Medical Expenses;
 3. Divorce or Separation;
 4. Death in Family; and
 5. Unforeseen home repair bills.
- Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, and City of Deltona requirements, including recapture provisions and certify that the unit assisted is their principal residence.

g. **Sponsor Selection Criteria, if applicable:**

The City of Deltona may choose a sponsor to assist in the administration of this strategy by advertising using the City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

F. **Disaster Mitigation/Recovery Assistance Program:**

a. **Summary of the Strategy:**

In the event of a Federal or State declared disaster affecting all or part of the City of Deltona, the City Commission reserves the right to utilize unencumbered SHIP funds to support this contingency strategy. Regulations require that the disaster be declared by Executive Order.

SHIP disaster mitigation/recovery funds may be used to provide assistance to eligible persons occupying affordable housing. Funds will be leveraged, when feasible, with the homeowner's flood insurance policy, FEMA Hazard Mitigation Grant Program and/or other disaster funds. SHIP disaster awards must be directly related to assisting disaster victims. SHIP disaster funds may be used for items such as, but not limited to:

- Purchase of emergency supplies for eligible households to weatherproof damaged homes;
- Interim repairs to avoid further damage; tree and debris removal required to make the individual housing unit habitable;
- Construction of wells or repair of existing wells where public water is not available;
- Payment of insurance deductibles for rehabilitation of homes covered under homeowners insurance policies;
- Security deposit, rental assistance for the duration of Florida Office of the Governor Executive Order No. 04-182, for eligible recipients that have been displaced from their homes due to damage from the storm; and
- Owner occupied rehabilitation; for eligible recipients with storm damages in need of repairs to improve their health, safety and well-being or contribute to structural integrity and preservation of their owner occupied home.

b. **Fiscal Years Covered:**

2013/2014; 2014/2015; 2015/2016

c. **Income Categories to be Served:**

Household incomes at or below 120% as defined by the U.S. Department of Housing (HUD) and adopted by the State of Florida and distributed by the Florida Housing Finance Corporation for the use in the SHIP Program. Preference will be given to applicants below 50%.

d. **Maximum Award:**

Income Limit Maximum

| | |
|----------|----------|
| Very Low | \$40,000 |
| Low | \$30,000 |
| Moderate | \$20,000 |

e. **Terms, Recapture and Default:**

SHIP funds for this activity will be in the form of a grant and shall not be subject to recapture, in the form zero (0%) deferred payment forgivable loan, for a term of 10 years. On each of the first ten (10) anniversaries of the date of conveyance of title, ten (10%) of the amount owed will automatically be forgiven and will not have to be repaid. Minimum affordability period is:

| <u>Term</u> | <u>Amount</u> |
|--------------------|--------------------|
| Grant No Recapture | \$0 - \$14,999 |
| 10 Years | \$15,000- \$40,000 |

The deferred payment forgivable loan shall immediately become due and payable to the City if any of the following occurs:

- Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, or deed in lieu of foreclosure;
- Homeowner no longer occupies the unit as their principal residence;
- Homeowner dies, or if married couple, the survivor dies;
- Homeowner refinances their first mortgage or requires subordination for a new second mortgage; or
- An heir may assume the debt as long as they are income eligible and become the owner-occupant.

Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of the Circuit Court for Volusia County.

f. **Recipient Selection Criteria:**

- Funds will be made available on a first come, first complete, first served basis while funds are available;
- All dwellings will be within the Deltona city limits;
- HUD defined manufactured homes (mobile homes) are not eligible

for assistance;

- Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested including income, eligibility and qualification-parameters;
- Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, City of Deltona requirements, including recapture provisions and certify that the unit assisted is their principal residence;
- Applicants must attend and complete a Homebuyer Education Counseling course provided by or approved by the City; and
- A Home Quality Standards (HQS) inspection must be conducted by the applicant's certified housing inspector or the City Housing Program's designated HQS inspector.

g. **Sponsor Selection Criteria, if applicable:**

The City of Deltona may choose a sponsor to assist in the administration of this strategy by advertising using the City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation, or a community based organization. Selection is based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. **Additional Information:**

- Applicants for disaster mitigation/recovery will be given priority above others on the waiting lists for other strategies.
- Funds will not be allocated to this strategy except in the case of a Federal or State declared disaster.

III. LHAP INCENTIVE STRATEGIES:

In addition to Strategy A and Strategy B listed below, list all incentives as provided in 420.9076 (4) F.S.

A. Name of the Strategy: Expedited Permitting

Permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects.

a. Established Policy and Procedures:

The City of Deltona has instituted a policy that affordable housing projects

can be placed ahead of other projects to prevent delays. All SHIP-funded projects requiring a permit or any designated affordable housing project, which have been coordinated with the Department of Planning and Development Services will receive expedited permit processing. All such applications will be put on colored paper in order to easily identify them from other permit requests.

B. Name of the Strategy: Ongoing Review Process

There is an on-going review process for local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.

a. Established Policy and Procedures:

For established policy and procedures, when any local policies, ordinances, regulations, and plans are prepared that would increase the cost of housing, the City shall provide a draft of said policies, ordinances, regulation, and plans to the Community Development Division for their review. Analysis and comments on how such initiative(s) may impact the cost of housing for lower income households. A memorandum from the Community Development Division will be included in the packets for consideration by the Planning and Zoning Board and/or the City Commission to assist them when they make their recommendations/decisions.

IV. EXHIBITS:

- A. Administrative Budget for each fiscal year covered in the Plan, Exhibit A.
- B. Timeline for Encumbrance and Expenditure: Chapter 67-37.005(6)(d) and F.A.C. A separate timeline for each fiscal year covered in this plan is attached as Exhibit B.
- C. Housing Delivery goals Chart (HDGC) For Each Fiscal Year Covered in the Plan. Completed HDGC for each fiscal year is attached as Exhibit C.
- D. Certification Page: Signed Certification will be submitted with the final document.
- E. Adopting Resolution: A Resolution will be submitted with the final document.
- F. Program Information Sheet: The completed Program Information Sheet is attached as Exhibit F.
- G. Ordinance: N/A
- H. Interlocal Agreement: N/A

| Fiscal Year 2013/2014 | |
|-------------------------------|------------------|
| Salaries and Benefits | \$ 250.00 |
| Office Supplies and Equipment | \$ - |
| Travel Perdiem Workshops, etc | \$ - |
| Advertising | \$ - |
| | <u>\$ 250.00</u> |

| Fiscal Year 2014/2015 | |
|-------------------------------|------------------|
| Salaries and Benefits | \$ 250.00 |
| Office Supplies and Equipment | \$ - |
| Travel Perdiem Workshops, etc | \$ - |
| Advertising | \$ - |
| | <u>\$ 250.00</u> |

| Fiscal Year 2015/2016 | |
|-------------------------------|------------------|
| Salaries and Benefits | \$ 250.00 |
| Office Supplies and Equipment | \$ - |
| Travel Perdiem Workshops, etc | \$ - |
| Advertising | \$ - |
| | <u>\$ 250.00</u> |

Based on a distribution of \$0
Admin from program income

FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 2013/2014

Please check applicable box

New Plan: X
 Amendment:
 Fiscal Yr. Closeout:

Name of Local Government: _____ Estimated Funds: \$5,000.00

| Strategy # | HOME OWNERSHIP | VLI | Max. SHIP | LI | Max. SHIP | MI | Max. SHIP | A | B | C | D | E | F |
|------------|--|---|-----------|-------|-----------|-------|-----------|---|--|--------------------------------------|--------------------------------------|---------------------|----------------|
| | | Units | Award | Units | Award | Units | Award | New Construction SHIP Dollars | Rehab/Repair SHIP Dollars | Without Construction SHIP Dollars | Total SHIP Dollars | Total Percentage | Total Units |
| III. A. | Purchase Assistance | | \$50,000 | | \$40,000 | | \$30,000 | | | | \$0.00 | 0.00% | 0 |
| III. B. | Acquisition & Rehabilitation of Homes | | \$150,000 | | \$150,000 | | | | | | \$0.00 | 0.00% | 0 |
| III. C. | Owner Occupied Rehabilitation of Homes | 1 | \$25,000 | | \$25,000 | | | | \$5,000.00 | | \$5,000.00 | 100.00% | 1 |
| III. E. | Foreclosure Prevention Assistance | | \$7,500 | | \$7,500 | | \$7,500 | | | | \$0.00 | 0.00% | 0 |
| III. F. | Disaster Mitigation/Recovery Assistance | | \$50,000 | | \$50,000 | | \$50,000 | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | Subtotal 1 (Home Ownership) | 1 | | 0 | | 0 | | \$0.00 | \$5,000.00 | \$0.00 | \$5,000.00 | 100.00% | 1 |
| | | | | | | | | | | | | | |
| | RENTAL STRATEGIES | VLI | Max. SHIP | LI | Max. SHIP | MI | Max. SHIP | A <td>B <td>C <td>D <td>E <td>F </td></td></td></td></td> | B <td>C <td>D <td>E <td>F </td></td></td></td> | C <td>D <td>E <td>F </td></td></td> | D <td>E <td>F </td></td> | E <td>F </td> | F |
| | | Units | Award | Units | Award | Units | Award | New Construction SHIP Dollars | Rehab/Repair SHIP Dollars | Without Construction SHIP Dollars | Total SHIP Dollars | Total Percentage | Total Units |
| III. D. | Multi-Family Rental Units - New Constr/Rehab | | \$50,000 | | \$50,000 | | 50000 | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | Subtotal 2 (Non-Home Ownership) | 0 | | 0 | | 0 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.00% | 0 |
| | Administration Fees | | | | | | | | | | | 0.00% | |
| | Admin. From Program Income | | | | | | | | | | | 0.00% | |
| | Home Ownership Counseling | | | | | | | | | | | 0.00% | |
| | GRAND TOTAL | | | | | | | | | | | | |
| | Add Subtotals 1 & 2, plus all Admin. & HO Counseling | 1 | | 0 | | 0 | | \$0.00 | \$5,000.00 | \$0.00 | \$5,000.00 | 100.00% | 1 |
| | Percentage Construction/Rehab | Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt. | | | | | | | | | | #DIV/0! | |
| | Maximum Allowable | | | | | | | | | | | | |
| | Purchase Price: | | | | | | | New | \$280,384 | Existing | \$230,177 | | |
| | Allocation Breakdown | Amount | % | | | | | Projected Program Income: | | \$5,000.00 | Max Amount Program Income For Admin: | | \$250.00 |
| | Very-Low Income | \$5,000.00 | 100.0% | | | | | Projected Recaptured Funds: | | | | | |
| | Low Income | | 0.0% | | | | | Distribution: | | | | | |
| | Moderate Income | | 0.0% | | | | | Total Available Funds: | | \$5,000.00 | | | |
| | TOTAL | | | | 100.0% | | | | | | | | 17-Dec-14 |

| FLORIDA HOUSING FINANCE CORPORATION | | | | | | | | | | | Please check applicable box | | | | | |
|---|--|---|-----------|--------|-----------|-----------------------------|-----------|------------------|--------------------------------------|----------------------|-----------------------------|------------|----------------------|---|---|---|
| HOUSING DELIVERY GOALS CHART | | | | | | | | | | | New Plan: | | X | | | |
| STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 2014/2015 | | | | | | | | | | | Amendment: | | | | | |
| Name of Local Government: | | | | | | | | | | | Estimated Funds: | \$5,000.00 | Fiscal Yr. Closeout: | | | |
| | | | | | | | | | | | A | B | C | D | E | F |
| Strategy # | HOME OWNERSHIP | VLI | Max. SHIP | LI | Max. SHIP | MI | Max. SHIP | New Construction | Rehab/Repair | Without Construction | Total | Total | Total | | | |
| From Plan Text | STRATEGIES (strategy title must be same as the title used in plan text.) | Units | Award | Units | Award | Units | Award | SHIP Dollars | SHIP Dollars | SHIP Dollars | SHIP Dollars | Percentage | Units | | | |
| III. A. | Purchase Assistance | | \$50,000 | | \$40,000 | | \$30,000 | | | | \$0.00 | 0.00% | 0 | | | |
| III. B. | Acquisition & Rehabilitation of Homes | | \$150,000 | | \$150,000 | | | | | | \$0.00 | 0.00% | 0 | | | |
| III. C. | Owner Occupied Rehabilitation of Homes | 1 | \$30,000 | | \$30,000 | | | | \$5,000.00 | | \$5,000.00 | 100.00% | 1 | | | |
| III. E. | Foreclosure Prevention Assistance | | \$7,500 | | \$7,500 | | \$7,500 | | | | \$0.00 | 0.00% | 0 | | | |
| III. F. | Disaster Mitigation/Recovery Assistance | | \$50,000 | | \$50,000 | | \$50,000 | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | Subtotal 1 (Home Ownership) | 1 | | 0 | | 0 | | \$0.00 | \$5,000.00 | \$0.00 | \$5,000.00 | 100.00% | 1 | | | |
| | | | | | | | | | | | | | | | | |
| | RENTAL STRATEGIES | VLI | Max. SHIP | LI | Max. SHIP | MI | Max. SHIP | New Construction | Rehab/Repair | Without Construction | Total | Total | Total | | | |
| | | Units | Award | Units | Award | Units | Award | SHIP Dollars | SHIP Dollars | SHIP Dollars | SHIP Dollars | Percentage | Units | | | |
| III. D. | Multi-Family Rental Units - New Constr/Rehab | | \$50,000 | | \$50,000 | | 50000 | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 | | | |
| | Subtotal 2 (Non-Home Ownership) | 0 | | 0 | | 0 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.00% | 0 | | | |
| | Administration Fees | | | | | | | | | | | 0.00% | | | | |
| | Admin. From Program Income | | | | | | | | | | | 0.00% | | | | |
| | Home Ownership Counseling | | | | | | | | | | | 0.00% | | | | |
| | | | | | | | | | | | | | | | | |
| | GRAND TOTAL | | | | | | | | | | | | | | | |
| | Add Subtotals 1 & 2, plus all Admin. & HO Counseling | 1 | | 0 | | 0 | | \$0.00 | \$5,000.00 | \$0.00 | \$5,000.00 | 100.00% | 1 | | | |
| | | | | | | | | | | | | | | | | |
| | Percentage Construction/Rehab | Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt. | | | | | | | | | | #DIV/0! | | | | |
| | Maximum Allowable | | | | | | | | | | | | | | | |
| | Purchase Price: | | | | | | | New | \$280,384 | Existing | \$230,177 | | | | | |
| | | | | | | | | | | | | | | | | |
| | Allocation Breakdown | Amount | | % | | Projected Program Income: | | \$5,000.00 | Max Amount Program Income For Admin: | | \$250.00 | | | | | |
| | Very-Low Income | \$5,000.00 | | 100.0% | | Projected Recaptured Funds: | | | | | | | | | | |
| | Low Income | | | 0.0% | | Distribution: | | | | | | | | | | |
| | Moderate Income | | | 0.0% | | Total Available Funds | | \$5,000.00 | | | | | | | | |
| | TOTAL | | | 100.0% | | | | | | | | 17-Dec-14 | | | | |

FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

STRATEGIES FOR THE LOCAL HOUSING ASSISTANCE PLAN FOR STATE FISCAL YEAR: 2015/2016

Please check applicable box

New Plan: X
 Amendment:
 Fiscal Yr. Closeout:

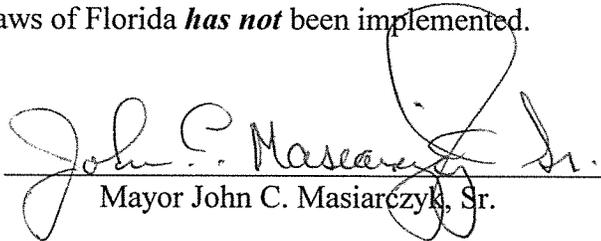
| Name of Local Government: | | | | | | | | Estimated Funds: | \$5,000.00 | | | | |
|-------------------------------|--|------------|-----------|-----------------------------|-----------|------------|--------------------------------------|-------------------------------|---------------------------|-----------------------------------|---|------------------|-------------|
| Strategy # | HOME OWNERSHIP | VLI | Max. SHIP | LI | Max. SHIP | MI | Max. SHIP | A | B | C | D | E | F |
| From Plan Text | STRATEGIES (strategy title must be same as the title used in plan text.) | Units | Award | Units | Award | Units | Award | New Construction SHIP Dollars | Rehab/Repair SHIP Dollars | Without Construction SHIP Dollars | Total SHIP Dollars | Total Percentage | Total Units |
| III. A. | Purchase Assistance | | \$50,000 | | \$40,000 | | \$30,000 | | | | \$0.00 | 0.00% | 0 |
| III. B. | Acquisition & Rehabilitation of Homes | | \$150,000 | | \$150,000 | | | | | | \$0.00 | 0.00% | 0 |
| III. C. | Owner Occupied Rehabilitation of Homes | 1 | \$30,000 | | \$30,000 | | | | \$5,000.00 | | \$5,000.00 | 100.00% | 1 |
| III. E. | Foreclosure Prevention Assistance | | \$7,500 | | \$7,500 | | \$7,500 | | | | \$0.00 | 0.00% | 0 |
| III. F. | Disaster Mitigation/Recovery Assistance | | \$50,000 | | \$50,000 | | \$50,000 | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | Subtotal 1 (Home Ownership) | 1 | | 0 | | 0 | | \$0.00 | \$5,000.00 | \$0.00 | \$5,000.00 | 100.00% | 1 |
| RENTAL STRATEGIES | | VLI | Max. SHIP | LI | Max. SHIP | MI | Max. SHIP | A | B | C | D | E | F |
| From Plan Text | STRATEGIES | Units | Award | Units | Award | Units | Award | New Construction SHIP Dollars | Rehab/Repair SHIP Dollars | Without Construction SHIP Dollars | Total SHIP Dollars | Total Percentage | Total Units |
| III. D. | Multi-Family Rental Units - New Constr/Rehab | | \$50,000 | | \$50,000 | | 50000 | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | | | | | | | | | | | \$0.00 | 0.00% | 0 |
| | Subtotal 2 (Non-Home Ownership) | 0 | | 0 | | 0 | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | 0.00% | 0 |
| | Administration Fees | | | | | | | | | | | 0.00% | |
| | Admin. From Program Income | | | | | | | | | | | 0.00% | |
| | Home Ownership Counseling | | | | | | | | | | | 0.00% | |
| GRAND TOTAL | | VLI | Max. SHIP | LI | Max. SHIP | MI | Max. SHIP | A | B | C | D | E | F |
| | Add Subtotals 1 & 2, plus all Admin. & HO Counseling | 1 | | 0 | | 0 | | \$0.00 | \$5,000.00 | \$0.00 | \$5,000.00 | 100.00% | 1 |
| Percentage Construction/Rehab | | | | | | | | | | | Calculate Constr./Rehab Percent. by adding Grand Total Columns A&B, then divide by Annual Allocation Amt. | | #DIV/0! |
| Maximum Allowable | | | | | | | | | | | | | |
| Purchase Price: | | | | | | | | New | \$280,384 | Existing | \$230,177 | | |
| Allocation Breakdown | | Amount | % | Projected Program Income: | | \$5,000.00 | Max Amount Program Income For Admin: | | \$250.00 | | | | |
| Very-Low Income | | \$5,000.00 | 100.0% | Projected Recaptured Funds: | | | | | | | | | |
| Low Income | | | 0.0% | Distribution: | | | | | | | | | |
| Moderate Income | | | 0.0% | Total Available Funds: | | \$5,000.00 | | | | | | | |
| TOTAL | | | 100.0% | | | | | | | | | | |

CERTIFICATION TO
FLORIDA HOUSING FINANCE CORPORATION
City of Deltona, Florida

- (1) The local government will advertise the availability of SHIP funds, if available, pursuant to Florida Statutes.
- (2) All SHIP funds will be expended in a manner which will insure that there will be no discrimination on the basis of race, creed, religion, color, age, sex, familial or marital status, handicap, or national origin.
- (3) A process for selection of recipients for funds has been developed.
- (4) The eligible municipality or county has developed a qualification system for applications for assistance.
- (5) Recipients of funds will be required to contractually commit to program guidelines.
- (6) The Florida Housing Finance Corporation will be notified promptly if, at any time, the local government (or interlocal entity) will be unable to comply with the provisions the plan.
- (7) The Local Housing Assistance Plan shall provide for the expenditure of SHIP funds within 24 months following the end of the State fiscal year in which they are received.
- (8) The plan conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the Local Housing Assistance Plan.
- (9) Amendments and Technical Revisions to the approved Local Housing Assistance Plan shall be provided to the Corporation within 21 days after adoption.
- (10) The trust fund shall be established with a qualified depository for all SHIP funds as well as moneys generated from activities as program income.
- (11) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.
- (12) The local housing assistance trust fund shall be separately stated as a special revenue fund in the local governments audited financial statements, copies of the audits will be forwarded to the Corporation by June 30 of each calendar year.

- 13) An interlocal entity shall have its local housing assistance trust fund separately audited for each state fiscal year, and the audit forwarded to the Corporation by June 30.
- 14) SHIP funds will not be pledged for debt service on bonds or as rent subsidies.
- 15) Developers receiving assistance from both SHIP and the Low Income Housing Tax Credit (LIHTC) Program shall comply with the income, affordability and other LIHTC requirements. Similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements.
- 16) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to service eligible persons.
- 17) Rental units constructed or rehabilitated with SHIP funds shall be monitored annually for 15 years for compliance with tenant income requirements and affordability requirements or as required in Section 420.9075 (3)(e)
- 18) The Plan meets the requirements of Section 420-907-9079 FS, and Rule Chapter 67-37 FAC, and how each of those requirements shall be met.
- 19) The provisions of Chapter 83-220, Laws of Florida *has not* been implemented.
(except for Miami Dade County)

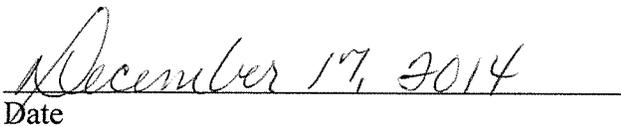
Witness



Mayor John C. Masiarczyk, Sr.

Witness

Type Name and Title

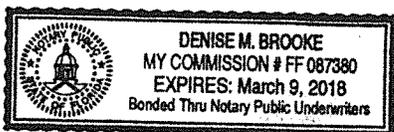


Date

OR



Attest:
(Seal)



RESOLUTION NO. 2014-41

A RESOLUTION OF THE CITY COMMISSION OF DELTONA, FLORIDA, APPROVING TECHNICAL REVISIONS TO THE LOCAL HOUSING ASSISTANCE PLAN FOR PROGRAM YEAR 2013/2014, 2014/2015 AND 2015/2016; AUTHORIZING SUBMITTAL OF TECHNICAL REVISIONS TO THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Deltona, Florida, is a State Housing Initiatives Partnership (SHIP) Entitlement City; and

WHEREAS, the City of Deltona intends to make revisions to the Local Housing Assistance Plan (LHAP); and

WHEREAS, the City Commission of the City of Deltona created a new Affordable Housing Advisory Committee (AHAC) on June 17, 2013, to review the LHAP, as well as to provide recommendations on each of the City's affordable housing programs; and

WHEREAS, the City of Deltona's AHAC has reviewed the current LHAP Owner-Occupied Rehabilitation strategy and finds it to be an acceptable strategy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. The City Commission has reviewed and approved the technical revisions to the LHAP for Program Years 2013-2014, 2014-2015 and 2015-2016, attached hereto.

Section 2. The City Manager is hereby authorized to submit the revised LHAP to the Florida Housing Finance Corporation for review and approval.

Section 3. Effective Date. This Resolution shall take effect immediately upon its final adoption by the City Commission.

Certified

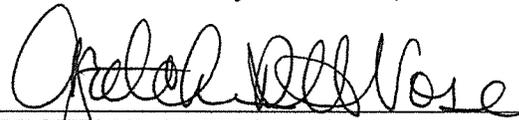
PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS 15th DAY OF December 2014.

BY: 
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:


JOYCE RAFTERY, CMC, City Clerk

Approved as to form and legality for use
and reliance of the City of Deltona, Florida


GRETCHEN R. H. VOSE, City Attorney

| NAME | YES | NO |
|------------|-----|----|
| BARNABY | ✓ | |
| HONAKER | ✓ | |
| HERZBERG | ✓ | |
| SOUKOP | ✓ | |
| MASIARCZYK | ✓ | |
| NABICHT | ✓ | |
| SCHLEICHER | ✓ | |

STATE OF FLORIDA
COUNTY OF VOLUSIA
This is to certify that the
foregoing is a true and correct copy of
Resolution No. 2014-41
witness my hand and official Seal this
16th day of December 20 14


Joyce Raftery, CMC
City Clerk, City of Deltona, Florida

**STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM
PROGRAM INFORMATION SHEET**

The following information must be furnished to the Corporation before any funds can be disbursed.

| | |
|--|---|
| Local Government | City of Deltona, Florida |
| Chief Elected Official | Mayor John C. Masiarczyk, Sr. |
| Address | 2345 Providence Blvd., Deltona, FL 32725 |
| SHIP Administrator | Mari Leisen, Financial Analyst |
| Address | 2345 Providence Blvd., Deltona, FL 32725 |
| Telephone | 386-878-8603 |
| EMAIL | mleisen@deltonafl.gov |
| Alternate SHIP Contact | Ron Paradise, Assistant Director Planning and Development |
| Telephone | 386-878-8610 |
| EMAIL | rparadise@deltonafl.gov |
| Interlocal Agreement (list other local governments in interlocal) | N/A |
| Local Government Employer Federal ID # | 59-3348668 |
| Disbursement (list bank account information if changed from previous) | N/A |
| Other Information | |

Please attach this form as Exhibit F and submit along with your completed LHAP.