

**ORDINANCE NO.: 2024-\_\_**

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE III (HOUSING ASSISTANCE PROGRAM AND TRUST FUND), OF THE HERNANDO COUNTY CODE OF ORDINANCES TO DESIGNATE RESPONSIBILITY FOR IMPLEMENTING AND ADMINISTERING THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM TO THE COUNTY; PROVIDING FOR FEE-FOR-SERVICE PAYMENT TO THE HERNANDO COUNTY HOUSING AUTHORITY FOR CERTAIN ADMINISTRATIVE SERVICES; REDUCING THE CAP ON STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ADMINISTRATIVE EXPENSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, it is in Hernando County’s best interests to assume responsibility for implementing and administering the State Housing Initiatives Partnership (“SHIP”) Program pursuant to Chapter 420, Part VII, Florida Statutes; and

**WHEREAS**, the County desires the Hernando County Housing Authority (“Housing Authority”) to perform certain administrative services in furtherance of the SHIP Program, at the

1 request of the County, for which the Housing Authority will invoice the County for payment of those  
2 certain services; and

3           **WHEREAS**, the County desires to pay the Housing Authority for said administrative  
4 services on a fee-for-service basis, maintaining the limitation for such costs in compliance with  
5 Section 420.9075(7), Florida Statutes; and

6           **WHEREAS**, the County desires to update and amend certain provisions of Chapter 16,  
7 Article III, of the Hernando County Code of Ordinances ("Code") to provide for designating  
8 responsibility for implementing and administering the SHIP Program to the County, and paying the  
9 Housing Authority for administrative services in furtherance of the SHIP Program on a fee-for-  
10 service basis.

11           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
12 **COMMISSIONERS OF HERNANDO COUNTY:**

13           **Section 1. Amending Chapter 16 (Housing), Article III (Housing Assistance Program**  
14 **and Trust Fund).** Sections 16.52 (Definitions), 16.53 (Purposes and Objectives), 16.55  
15 (Designation of Responsibility for Implementation of the Program), and 16.56 (County housing  
16 assistance trust fund), of Chapter 16 (Housing), Article IV (Housing Assistance Program and Trust  
17 Fund), are amended to read as follows, with underlined matter added and struck-through matter  
18 deleted:

1                   **Sec. 16.52. Definitions.**

2                   As used in this article, the terms:

3                   *Adjusted for family size* means adjusted in a manner which results in an income  
4                   eligibility level that is lower for households having fewer than four (4) people, or higher for  
5                   households having more than four (4) people, than the base income eligibility determined as  
6                   provided in Florida Statutes, based upon a formula established by the United States  
7                   Department of Housing and Urban Development.

8                   *Adjusted gross income* means wages, income from assets, regular cash or non-cash  
9                   contributions, and any other resources and benefits determined to be income by the United  
10                  States Department of Housing and Urban Development, adjusted for family size, minus the  
11                  deductions under Section 61 of the Internal Revenue Code of 1986, as amended.

12                  *Affordable* means that monthly rents or monthly mortgage payments including taxes  
13                  and insurance do not exceed thirty (30) percent of that amount which represents the  
14                  percentage of the median annual gross income for the households as indicated in the  
15                  definitions of "low-income person", "moderate income person" or "very low income person".  
16                  However, it is not the intent to limit an individual household's ability to devote more than  
17                  thirty (30) percent of its income for housing, and housing for which a household devotes  
18                  more than thirty (30) percent of its income shall be deemed affordable if the first institutional

1 mortgage lender is satisfied that the household can afford mortgage payments in excess of  
2 the thirty (30) percent benchmark.

3 *Eligible housing* means any real and personal property located within the county  
4 which is designed and intended for the primary purpose of providing decent, safe and  
5 sanitary residential units that are designed to meet the standards of Chapter 8, County's Code  
6 of Ordinances and Chapter 553, Florida Statutes, for home ownership or rental for eligible  
7 persons as designated by the County.

8 *Eligible person* means one or more natural persons or a family determined by the  
9 county to be of very low-income, low-income or moderate-income according to the adjusted  
10 gross income of the resident with adjustment made for family size.

11 *Eligible sponsor* means a person or a private or public for-profit or not-for-profit  
12 entity that applies for a loan under the Hernando County Housing Assistance Program for the  
13 purpose of providing eligible housing for eligible persons.

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

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

5            *Hernando County Housing Assistance* means a concise description of the Hernando  
6 County Housing Assistance Program adopted by this article with an explanation of the way  
7 in which the program meets the requirements of this article and F.S. §§ 420.907 through  
8 420.9079.

9            *Local housing partnership* means the implementation of the Hernando County  
10 Housing Assistance Plan in a manner that involves the County, and may involve lending  
11 institutions, housing builders and developers, real estate professionals, advocates for low-  
12 income persons, community-based housing and service organizations, and providers of  
13 professional services relating to affordable housing. The term includes initiatives to provide  
14 support services for housing program beneficiaries such as training to prepare persons for the  
15 responsibility of homeownership, and counseling of tenants.

16            *Low-income person* means one (1) or more natural persons or a family, not including  
17 students, that has a total annual adjusted gross household income that does not exceed eighty  
18 (80) percent of the median annual adjusted gross income for households within the state or  
19 eighty (80) percent of the median annual adjusted gross income for households within the

1 metropolitan statistical area or, if not within a metropolitan statistical area within the county,  
2 whichever amount is greater. With respect to rental units, the low-income person's annual  
3 income at the time of initial occupancy may not exceed eighty (80) percent of the state's  
4 median income adjusted for family size. While occupying the rental unit, a low-income  
5 person's annual income may increase to an amount not to exceed one hundred forty (140)  
6 percent of eighty (80) percent of the state's median income adjusted for family size.

7 *Moderate income person* means one (1) or more natural persons or a family, not  
8 including students, that has a total annual adjusted gross household income that is less than  
9 one hundred twenty (120) percent of the median annual adjusted gross income for  
10 households within the state or one hundred twenty (120) percent of the median annual  
11 adjusted gross income for households within a metropolitan statistical area or, if not within  
12 a metropolitan statistical area, within the County, whichever is greater. With respect to rental  
13 units, the moderate-income person's annual income at the time of initial occupancy may not  
14 exceed one hundred twenty (120) percent of the state's median income adjusted for family  
15 size. While occupying the rental unit, a moderate income person's annual income may  
16 increase to an amount not to exceed one hundred forty (140) percent of one hundred twenty  
17 (120) percent of the state's median income adjusted for family size.

18 *Persons who have special housing needs* means individuals who have incomes not  
19 exceeding moderate income and because of particular social, economic or health-related

1           circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such  
2           persons may have, for example, encountered resistance to their residing in particular  
3           communities, and may have suffered increased housing costs resulting from their unique  
4           needs and high risk of institutionalization. Such persons may include, but are not limited to,  
5           persons with developmental disabilities; persons with mental illnesses or chemical  
6           dependency; persons with Acquired Immune Deficiency Syndrome (AIDS) and Human  
7           Immunodeficiency Virus (HIV) disease; runaway and abandoned youth; public assistance  
8           recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and  
9           disabled adults.

10                    *SHIP or SHIP program* means the State Housing Initiatives Partnership Program  
11           created pursuant to the State Housing Initiative Partnership Act, F.S. §§ 420.907 through  
12           420.9079.

13                    *Very low income person* means one (1) or more natural persons or a family, not  
14           including students, that has a total annual adjusted gross household income that does not  
15           exceed fifty (50) percent of the median annual adjusted gross income for households within  
16           the state or fifty (50) percent of the median annual adjusted gross income for households  
17           within the metropolitan statistical area or, if not within a metropolitan statistical area, within  
18           the county, whichever is greater. With respect to rental units, the very low-income person's  
19           annual income at the time of initial occupancy may not exceed fifty (50) percent of the state's

1 median income adjusted for family size. While occupying the rental unit, a very low-income  
2 person's annual income may increase to an amount not to exceed one hundred forty (140)  
3 percent of fifty (50) percent of the state's median income adjusted for family size.

4 **Sec. 16.53. Purposes and Objectives.**

5 The purpose of the Hernando County Housing Assistance Program is to make  
6 affordable residential units available to persons for very low-income, low-income or  
7 moderate income and persons who have special housing needs, including, but not limited to,  
8 homeless people, migrant farm works and persons with developmental disabilities. The  
9 Hernando County Housing Assistance Program shall combine local resources and cost saving  
10 measures into a partnership by using private and public funds in order to reduce the cost of  
11 housing. Implementation of the housing assistance program shall: (1) involve to the greatest  
12 extent possible, local government, lending institutions, housing developers, community  
13 based housing and service organizations, and providers of professional services relating to  
14 affordable housing, ~~The Hernando County Housing Assistance Program; through and~~ the  
15 Hernando County Housing Authority ~~as the administrative coordinator;~~ (2) enlist the support  
16 of local lending institutions for innovative financing techniques designed to meet the special  
17 needs of eligible persons or eligible sponsors; (3) encourage developers to construct low-cost  
18 housing; and (4) otherwise encourage local organizations to construct or assist in  
19 construction of affordable housing using creative and innovative techniques designed to



1 provide affordable homes to eligible persons. Inclusive in the ~~administrator's responsibilities~~  
2 Hernando County Housing Assistance Program's mission will be the securing of professional  
3 services to provide training to prepare persons for the responsibility of home ownership, and  
4 to counsel tenants who are beneficiaries of the program.

5 **Sec. 16-55. ~~Designation of responsibility for implementation~~Implementation and**  
6 **Administration of the programProgram.**

7 The Hernando County Board of County Commissioners hereby ~~designates the~~  
8 ~~Hernando County Housing Authority as the agency whose~~ assumes responsibility ~~will be the~~  
9 ~~development and for the~~ implementation and administration of the Hernando County  
10 Housing Assistance Program. ~~The county's housing authority shall be responsible for~~  
11 ~~coordinating with the agency in facilitating the funding of SHIP loans and in setting up~~  
12 ~~advertisements and workshops to advise potential home buyers of the down payment~~  
13 ~~assistance program.~~ The ~~Hernando~~ County ~~Housing Authority~~ will work with the Local  
14 Housing Partnership to monitor the success of the program, and provide advice and  
15 suggestions as to whether and in what ways the program might be improved from year to  
16 year. The Hernando County Housing Authority ("Housing Authority") shall provide  
17 administrative services to the County in connection with the SHIP Program, as agreed in  
18 writing between the County and the Housing Authority. The Housing Authority will submit  
19 itemized invoices to the County for such administrative services, pursuant to an agreed-upon

1 fee schedule. ~~The total amount paid for administrative expenses in connection with such~~  
2 ~~program, including any costs of employee's salary and benefits, shall not exceed ten (10)~~  
3 ~~percent of the proceeds of the SHIP funds. The county will not treat as an administrative~~  
4 ~~expense any costs previously borne by another funding source which continue to be available~~  
5 ~~at the time the agency's local housing assistance plan is submitted.~~

6 **Sec. 16-56. County housing assistance trust fund.**

7 There is hereby established a separate trust fund to be known as the Hernando County  
8 Housing Authority Assistance Trust Fund. All monies received from the state pursuant to the  
9 State Housing Initiative Partnership Act or the federal government and any local or private  
10 monies contributed for the purposes established by the Hernando County Housing Assistance  
11 Program shall be deposited into this trust fund. The assets in the trust fund may be deposited  
12 or invested as provided by law. No expenditure, other than for the administration and  
13 implementation of the Hernando County Housing Assistance Program, may be made from  
14 this trust fund. ~~Expenditures other than for administrative expenses and implementation of~~  
15 ~~the Hernando County Housing Assistance Program may not be made from the Hernando~~  
16 ~~County Assistance Trust Fund.~~ Until utilized for the purposes thereof, monies in the trust  
17 fund shall be held in trust by the county County solely for usage pursuant to the program. All  
18 program income, including investment earnings, shall be retained in the Hernando County  
19 Assistance Trust Fund and used for the purposes hereof. The county County agrees that the

1           ~~local~~ administrative expenses paid to the Housing Authority (as described in Section 16.55  
2           herein) in connection with the SHIP ~~such~~ program ~~including any costs of employee's salary~~  
3           ~~and benefits~~; shall not exceed ~~ten (10)~~ five (5) percent of the proceeds of the SHIP funds. ~~The~~  
4           ~~county feels that the five (5) percent is not sufficient to administer and implement the SHIP~~  
5           ~~program in the initial year.~~The ~~county~~ County will not treat as ~~an~~ administrative expenses  
6           any costs previously borne by another funding source which continue to be available at the  
7           time the Hernando County Local Housing Assistance Plan is submitted.

8           **Section 2. Severability.** It is declared to be the intent of the Board of County  
9           Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this  
10          ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the  
11          validity of the remaining portions of this ordinance.

12          **Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners  
13          of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall  
14          become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the  
15          sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that  
16          the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

17          **Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in  
18          conflict with the provisions of this ordinance are hereby repealed.

19          **Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of  
20          official acknowledgment from the office of the Secretary of State of Florida that this ordinance has

1 been filed with said office.

2 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**

3 **HERNANDO COUNTY** in Regular Session this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

4  
5 **BOARD OF COUNTY COMMISSIONERS**  
6 **HERNANDO COUNTY, FLORIDA**  
7

8  
9 Attest: \_\_\_\_\_  
10 DOUGLAS CHORVAT, JR.  
11 Clerk and Comptroller

By: \_\_\_\_\_  
ELIZABETH NARVERUD  
Chair

12  
13 Approved for Form and Legal Sufficiency  
14  
15 \_\_\_\_\_  
16 County Attorney

1 been filed with said office.

2 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**  
3 **HERNANDO COUNTY** in Regular Session this \_\_\_\_ day of \_\_\_\_\_ 2024.

4  
5 **BOARD OF COUNTY COMMISSIONERS**  
6 **HERNANDO COUNTY, FLORIDA**  
7

8  
9 Attest: \_\_\_\_\_  
10 DOUGLAS CHORVAT, JR.  
11 Clerk and Comptroller

By: \_\_\_\_\_  
ELIZABETH NARVERUD  
Chair

12  
13 Approved for Form and Legal Sufficiency

14  
15 \_\_\_\_\_  
16 County Attorney

