BOARD POLICY SECTION NUMBER: 03.04.01.07

SUBJECT: RELIEF FROM MOBILITY FEE FOR AFFORDABLE HOUSING

EFFECTIVE DATE: January 1, 2017

SUPERCEDES: NEW

PURPOSE:
The purpose of this policy is to promote the construction of affordable housing in unincorporated Hillsborough County by establishing guidelines under which staff can administratively process applications for, and authorize, the relief of mobility fees on affordable housing projects and affordable single-family houses without approval by the Board of County Commissioners (BOCC).

POLICY:
It is the policy of the BOCC to expedite the relief of mobility fees for affordable housing by delegating authority to the County Administrator, or the County Administrator’s designee, to pay mobility fees on behalf of qualifying affordable housing projects and affordable housing single-family houses in unincorporated Hillsborough County, subject to annual appropriations by the Board, pursuant to the terms of this policy.

HOUSING ELIGIBLE FOR RELIEF:
Single family houses and rental units within multi-family housing projects are eligible for mobility fee relief pursuant to this policy where such housing is set aside for income eligible tenants or owners as follows:

1. **Income Maximum.** In order to be eligible for mobility fee relief, the maximum family income of the property owner or tenant, as applicable, shall not exceed 80% of the median income pursuant to the guidelines established by the United States Department of Housing and Urban Development (HUD) for the Housing Choice Voucher Program (Section 8), adjusted by family size and adjusted annually.

2. **Income Verification.** Income verification to determine whether property owners or tenants, as applicable, are eligible pursuant to this policy shall be performed by the Affordable Housing Services Department.

3. **Housing Type.** The types of housing units eligible for mobility fee relief pursuant to this policy include:
   a. Single-family detached and attached (separate lots), site-built or manufactured buildings (as defined by Chapter 553, Florida Statutes, as amended) used for residential purposes, including
mobile homes (as defined by Chapter 320, Florida Statutes, as amended), being purchased by applicants who qualify as eligible for mobility fee relief pursuant to this policy; and

b. Multi-family rental projects participating in other appropriate local, state, and/or federal low-income housing programs as determined by the number of unit(s) set aside for occupancy for eligible families.

c. Any of the above housing units set aside for persons transitioning out of homelessness.

d. In order to incentivize mixed income multi-family development, mobility fee relief exceeding the proportional relief provided for the percentage of units set aside for occupancy for eligible families may be provided as set forth in a binding agreement approved by the Board of County Commissioners and recorded in the County’s public records. Such agreement shall include covenants restricting the use, occupancy and maximum monthly rental price of the units set-aside for affordable housing as set forth in this Policy, and may require the imposition of a lien against the property and/or the extension of such restrictions for more than seven years.

4. **Locational Criteria.** The housing shall be located in unincorporated Hillsborough County.

5. **Maximum Price of Rental Units.** The maximum eligible monthly rental price of a rental unit which otherwise qualifies for mobility fee relief pursuant to this Subsection shall not exceed a flat 30% of monthly family income, using HUD Housing Choice Voucher Program (Section 8) guidelines.

**FUNDING PROGRAMS AND LIMITATIONS:**

Notwithstanding the eligibility standards set forth above, all mobility fee relief shall be subject to the funding program and limitations set forth as follows:

1. **Multi-Family Projects.** Mobility fees assessed against qualified affordable housing projects may be paid by the County on behalf of the project according to the following schedule: 25% shall be funded from Unincorporated Area General Fund reserves or appropriations in the first year after a project is approved for relief; 25% shall be funded from that Fund in the following year, and the remaining 50% shall be funded from that Fund in the third year.

   The maximum amount of relief available annually pursuant to this policy, as well as for relief available annually pursuant to Section O of the Consolidated Impact Assessment Program Ordinance for all eligible hereunder, collectively, shall not exceed $800,000. However, in the event that, without such a limit, a project would otherwise qualify for relief, the applicant may petition the Board of County Commissioners, which, upon a vote of a majority of its members may grant such relief in excess of the annual $800,000 maximum, after making the following findings:

   a. Sufficient additional funds are available in the Unincorporated Area General Fund to cover the additional requested relief; and

   b. The granting of the additional relief for the particular project will serve a public purpose.

Priority among multi-family rental projects otherwise eligible for relief pursuant to this policy shall be established on a “first come, first served” basis determined by the date upon which the developer provides the County with a valid letter of commitment from a qualified financial institution for its first mortgage for the project, in compliance with such procedures as may be established by the Affordable Housing Services Department.
Multi-family rental projects that otherwise qualify pursuant to this policy shall be afforded relief at 90% of the total relief available. Additional relief shall be allocated to projects providing qualifying amenities, in the following designated percentage increments; however, in no case shall the relief granted hereunder exceed 100%:

a. On-site daycare, 4%, or on-site licensed aftercare, 2.5%; and
b. Home ownership classes taught by qualified instructors, with curriculum including instruction in credit and debt management, home purchasing, and home maintenance, 2%; and
c. Owner-contributed down-payment assistance escrow program, 4%.

2. **Single-Family Projects.** Relief from mobility fees for single-family houses that otherwise qualify pursuant to this policy shall be funded from the Unincorporated Area General Fund and shall not be phased, but shall be paid in full when due pursuant to the mobility fee ordinance.

**RESTRICTIVE COVENANT:**

Mobility fee relief pursuant to this policy shall be granted only to property that is subject to a legally binding restrictive covenant in a format approved by the County Attorney’s Office and that is recorded in the public records of Hillsborough County. The covenant shall provide that for a period of seven years from the date the mobility fee relief application is approved in writing by the County, the property shall be owned by the income eligible applicant, as defined herein, or, in the case of multi-family rental projects, the affordable-unit set-asides approved in the application shall remain in place. During the duration of the restrictive covenant, any subsequent conveyance of the property to an owner or for a use that fails to qualify for mobility fee relief pursuant to the provisions of this policy shall nullify said mobility fee relief and shall immediately subject the property to all mobility fees that said development would owe if it were a new development application. The restrictive covenant shall also provide that if such fees are not paid within sixty days of such non-qualifying conveyance of the property, the County is authorized to lien the property for the amount of applicable mobility fees.

**RESPONSIBILITY:**

It is the responsibility of the Affordable Housing Services Department to implement this policy. The Department will obtain the qualifying, legally binding restrictive covenant that has been recorded in the public records of Hillsborough County prior to the final approval of mobility fee relief described in this policy. The Department will promulgate necessary forms, rules, regulations, procedures, and technical manuals to implement and administer this policy.