RESOLUTION NO. 13-03-11

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING A SEWER CONNECTION SUBSIDY PROGRAM FOR DEED-RESTRICTED AFFORDABLE RESIDENTIAL DWELLING UNITS; AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE PROGRAM; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS AND USE COMMITTED FUND BALANCE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on September 27, 2007, the Village Council adopted Ordinance No. 07-23, which established the Affordable Housing Standards within Chapter 30, Article IV, Division 16 (the “Affordable Housing Standards”) of the Code of Ordinances (the “Code”) of Islamorada, Village of Islands, Florida (the “Village”); and

WHEREAS, the Affordable Housing Standards established an Affordable Housing Trust Account (the “Affordable Housing Special Revenue Fund”) for the purpose of ensuring that any in-lieu fees collected pursuant to subsection 30-639(e) of the Village Code are spent for the purposes of planning, subsidizing or developing affordable housing within the Village; and

WHEREAS, the Village Council desires to utilize funds from the Affordable Housing Special Revenue Fund to subsidize sewer utility connection costs for owner-occupied, deed-restricted affordable residential dwelling units (the “Sewer Connection Subsidy Program”); and

WHEREAS, the Village’s Workforce Affordable Housing Citizens Advisory Committee has reviewed the Sewer Connection Subsidy Program and recommends that the Village Council adopt the program as proposed; and

WHEREAS, the Village Council finds that the provisions of this Resolution are intended to advance the public health, safety, and welfare of the citizens of the Village; and
WHEREAS, the Village Council finds that approval of the Sewer Connection Subsidy Program is in the best interest of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA:

Section 1. Recitals. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Approval. The Village’s Sewer Connection Subsidy Program for owner-occupied, deed-restricted affordable residential dwelling units, attached as Exhibit “A,” is hereby approved.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Sewer Connection Subsidy Program.

Section 4. Authorization of Fund Expenditures and Use of Committed Fund Balance. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village’s Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the Sewer Connection Subsidy Program, and the Village Council approves the use of committed fund balance in the Affordable Housing Special Revenue Fund to fund the program as needed.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.
FINAL VOTE AT ADOPTION

Mayor Ken Philipson  YES
Vice Mayor Ted Blackburn  YES
Councilman Mike Forster  YES
Councilwoman Deb Gillis  YES
Councilman Dave Purdo  YES

PASSED AND ADOPTED on this 29th day of March, 2013.

KEN PHILIPSON, MAYOR

ATTEST:

ARIANA S. LAWSON, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY:

VILLAGE ATTORNEY
ISLAMORADA SEWER CONNECTION SUBSIDY PROGRAM FOR DEED-RESTRICTED AFFORDABLE RESIDENTIAL DWELLING UNITS

Sec. 1. – Administration.
Sec. 2. – Qualifying Standards.
Sec. 3. – Subsidy Program Requirements.

Sec. 1. – Administration.

(a) The Affordable Housing Sewer Connection Assistance Subsidy Program (the “Program”) is hereby established. The Village Manager shall establish a separate account to record revenues and expenditures in furtherance of the Program.

(b) The Village Council may in each fiscal year appropriate funds during the budget process to the Program by transferring funds from the Village's Affordable Housing Trust Account. In any given fiscal year of the Village, the amount of subsidies under this Program shall not exceed the unused funds that have been allocated to the Program.

(c) The Village Manager, or designee, shall administer the Program, or in the alternative, the Village Council may enter into an agreement with a third party to implement and administer the Program.

(d) The Village Manager, or designee, may adopt administrative forms, applications and rules necessary to implement the Program.

(e) Each year, the Village Manager, or designee, shall submit to the Village Council a report on transactions involving the Program for the preceding fiscal year, including, but not limited to, the following:

(1) Number of Program applications submitted; and

(2) Number of Program applications granted; and

(3) Total amount of assistance subsidy funds awarded.

(f) The Village Manager, or designee, shall also provide such other information as the Village Council may direct.

Sec. 2. – Qualifying Standards.

(a) An applicant for the Program shall meet all of the following requirements at the time the application is submitted:

(1) Be an owner of a deed-restricted affordable residential dwelling unit or units on property located within the Village; and

(2) Must currently occupy the deed-restricted affordable residential dwelling unit as the applicant’s principal residence as evidenced by virtue of having filed and maintained a homestead exemption on the property with the Monroe County property appraiser’s office; and
(3) Shall not have previously received a sewer connection subsidy under this Program for the same deed-restricted affordable residential dwelling unit.

(b) Eligible affordable residential dwelling units shall:

(1) Be an existing deed-restricted affordable residential dwelling unit as defined in Section 30-32 of the Village Code of Ordinances; and

(2) Have a minimum of five (5) years remaining on the affordable housing deed restriction at the time the application is submitted; and

(3) Not be currently connected to the Village wastewater system; and

(4) Have received a notice of mandatory connection to the Village wastewater system pursuant to Section 62-1(d) of the Village Code of Ordinances; and

(5) Provide a copy of the written proposal or price quotes from a licensed contractor.

Sec. 3. – Subsidy Program Requirements.

(a) The maximum sewer connection subsidy an applicant shall be eligible for under this Program is 90% of the actual costs of the eligible activities, up to $3,000.00, per eligible affordable residential dwelling unit. The subsidy shall be in the form of a direct payment from the village to the applicant’s contractor, as documented below.

(b) Program funds shall pay for eligible activities, which shall include sewer lateral connections, abandonment and decommissioning of existing septic systems, and associated construction costs. System development, impact fees and expenses for prior sewer connections shall not be eligible costs under the Program.

(c) The applicant shall submit a complete application for the Program to the Planning Department.

(d) The Planning Department shall review the application to verify that the applicant and property are eligible for participation in the Program. The Planning Department shall provide written notification to the applicant of approval or denial on the application eligibility.

(e) Upon receiving the Village’s written approval, the applicant shall then proceed with soliciting a written contract from a licensed contractor for the sewer connection eligible activities. The applicant shall submit the written contract to the Village for review to determine compliance with the Program criteria and eligible activities. Upon review and approval, the Village shall issue to the applicant an acknowledgement letter indicating the amount of the approved sewer connection subsidy funds eligible pursuant to the Program.

(f) All sewer connection work shall be subject to the Village’s building permit and inspection process. A final inspection by qualified entities for acceptance of the contractor’s final work shall be required. All construction contracts shall be between the property owner and the contractor.
(g) After the sewer connection work has been completed and all final inspections for the village building permit are approved, the contractor may submit a request for payment to the Village Finance Department.

(h) Prior to any disbursement of funds, the Village shall document the completion of construction by ensuring that each Program application file contains the following information:

a. A copy of the written proposal or price quotes from the contractor;

b. A copy of the executed written contract with the contractor for the authorized work;

c. A copy of the approved building permit for the sewer connection work;

d. A copy of the contractor’s invoice indicating the final amount due for the authorized work;

e. A certification from the contractor that all items on the contract documents (as modified through any change orders) have been satisfactorily completed and in accordance with the contract documents, per the applicable codes and in conformance with the manufacturer’s specifications;

f. An acknowledgement by the Village Building Official that the work meets the applicable codes as evidenced by the issuance of a building permit and approval of all final inspections; and

g. A signed acknowledgement by the property owner that the work has been completed based on the written contract and any change orders.