

FLORIDA HOUSING FINANCE CORPORATION
CHAPTER 67-37 FLORIDA ADMINISTRATIVE CODE
STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM

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67-37.002 Definitions.

As used in this rule chapter, the following definitions shall apply:

(1) “Administrative Expenditures” means those expenditures directly related to implementation of the Local Housing Assistance Plans incurred by the local government or a third-party administrator.

(2) “Annual Gross Income” means Annual Gross Income as defined in Section 420.9071(4), F.S.

(3) “Annual Report” means a report required to be completed and submitted to the Corporation by September 15 of each year pursuant to Section 420.9075(10), F.S.

(4) “Assisted Housing” or “Assisted Housing Development” means Assisted Housing as defined in Section 420.9071(295), F.S.

(5) “Catalyst” means the Affordable Housing Catalyst Program as described in Section 420.531, F.S.

(6) “Debt Service” means the amount required in any fiscal year to pay the principal of, redemption premium, if any, and interest on bonds and any amounts required by the terms of the documents authorizing, securing, or providing liquidity for bonds necessary to maintain in effect any such liquidity or security arrangements.

~~(7) “Default” means the failure to make required payments on a financial loan secured by a mortgage that may lead to foreclosure and loss of property ownership.~~

~~(78)~~ “Deferred Payment Loan” means funds provided to a borrower under terms that calls for repayment to be delayed for a certain length of time, until certain circumstances change, or a certain threshold is met.

~~(89)~~ “Eligible Housing” means as defined in Section 420.9071(89), F.S.

~~(940)~~ “Encumbered” means that deposits made to the local affordable housing trust fund have been committed by contract, ~~or~~ purchase order, letter of commitment or award in a manner that obligates the county, eligible municipality, or Interlocal Entity to expend the amount upon delivery of goods, the rendering of services, or the conveyance of real property by a vendor, supplier, contractor, or owner.

~~(104)~~ “Essential Service Personnel” means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential service personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to Section 420.9075(3)(a), F.S.

~~(112)~~ “Expended” means the affordable housing activity is complete and funds deposited to the local affordable housing trust fund have been transferred from the local housing assistance trust fund account to pay for the cost of the activity.

~~(123)~~ “Extremely Low Income Household” or “ELI” means one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

~~(134)~~ “Foreclosure” means the legal action by a mortgage holder to require repayment of a Loan through the sale of the subject property.

~~(145)~~ “Forgivable Loan” means a loan with no repayment obligation if requirements of the loan are met for a specified period of time.

~~(156)~~ “Grant” means Grant as defined in Section 420.9071(~~4213~~), F.S.

~~(167)~~ “Home Ownership Activities” means the use of the local affordable housing trust fund moneys for the purpose of providing owner-occupied housing. Such uses include construction, rehabilitation, purchase assistance, lot rent assistance, and lease-purchase financing where the primary purpose is the eventual purchase of the housing by the occupant within twenty-four months from initial execution of a lease agreement or within twenty-four (24) months of the applicable fiscal year, whichever occurs first.

~~(178)~~ “Interlocal Entity” means an entity created pursuant to the provisions of Chapter 163, Part I, F.S., for the purpose of establishing a joint local housing assistance plan between two or more SHIP eligible local governments pursuant to the provisions of Section 420.9072(5), F.S.

(189) “Loan” means Loan as defined in Section 420.9071(13), F.S.

~~(20) “Local Housing Incentive Strategies” means Local Housing Incentive Strategies as defined in Section 420.9071(16), F.S.~~

(1924) “Persons With Special Needs” means Persons with Special Needs as defined in 420.0004 (13).

(202) “Preservation” means Preservation as defined in Section 420.9071(3025), F.S.

(213) “Program Income” means Program Income as defined in Section 420.9071(2426), F.S.

(224) “Project Delivery Costs” means those costs related to the delivery of housing related services to an eligible applicant that are not included as part of Administrative Expenditures.

(235) “Recaptured Funds” means Recaptured Funds as defined in Section 420.9071(2527), F.S.

(246) “Rehabilitation” means repairs or improvements which are needed for safe or sanitary habitation, correction of substantial code violations, or the creation of additional living space.

(257) “Review Committee” means the committee established pursuant to Section 420.9072(3)(a), F.S.

(268) “SHIP” or “SHIP Program” means the State Housing Initiatives Partnership Program created pursuant to the State Housing Initiative Partnership Act, Sections 420.907-.9079, F.S.

(279) “Sponsor” means eligible sponsor as defined in 420.9071 (4412)., F.S.

(2834) “State” means the State of Florida.

(2934) “Sub Recipient” means a person or non-state organization contracted by a SHIP eligible local government and compensated with SHIP funds to provide administration of any portion of the SHIP program.

(302) “Welfare Transition Program” means a program pursuant to the provisions of Section 445.006, F.S.

Rulemaking Authority 420.9072(9) FS., Ch. 2000-69, Laws of Florida. Law Implemented 420.9072 FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 91-37.002, Amended 12-26-99, 9-22-03, 1-30-05, 11-5-06, 2-24-08, 11-22-09, 5-23-17.

67-37.005 Local Housing Assistance Plans (LHAP).

- (1) General Requirements:
 - (a) To be eligible for SHIP funding for a state fiscal year, a county or eligible municipality shall submit and receive approval of its local housing assistance plan and amendments thereto as provided in Rule 67-37.006, F.A.C. Plans must be submitted to the Corporation by May 2 preceding the end of the fiscal year in which the current plan expires. New Plans must be submitted using the current LHAP Template 2016-001, effective October 1, 2016, including all required exhibits, ~~which is adopted and incorporated herein by reference. A copy of the LHAP Template 2016-001 and required exhibits may be obtained at <http://www.floridahousing.org> or by contacting the Corporation.~~ In the case of new eligible municipalities, plans must be submitted to the Corporation by May 2 of the state fiscal year prior to the state fiscal year they seek to become eligible for funding. No SHIP local housing distribution funds shall be distributed in a fiscal year to a county or eligible municipality unless and until an approved LHAP is in place with respect to applicable fiscal year.
 - (b) The effective period of an LHAP ~~shall may be up to three state fiscal years. Counties or eligible municipalities that receive LHAP approval for more than one fiscal year shall not be required to resubmit a new plan until May 2 of the year in which the approved plan expires.~~
 - (c) A copy of the local housing assistance plan shall be submitted to the Corporation, via electronic submission. The local housing assistance plan’s certification and resolution, which are part of the LHAP Template 2016-001, shall be submitted and shall bear the original signature of the authorized official which includes: Mayor, Commissioner, County Manager or City Manager or the authorized official’s designee and a certification that the document being submitted is the county’s, eligible municipality’s or Interlocal eEntity’s local housing assistance plan and that all provisions of the plan conform to the requirements of Section 420.9072, F.S., et seq., and Rule Chapter 67-37, F.A.C.
 - (d) Within ~~two weeks~~ 45 days after receipt of final approval of the LHAP from the Corporation, the local government shall provide, via electronic submission, a complete clean copy (no strike through or underline) including all required exhibits to the Corporation.
 - (e) The Corporation shall be notified by a county or eligible municipality of any recently hired staff or any new entity employed or contracted to administer any portion of the SHIP program having no previous experience with the SHIP program. Those staff or entity shall be required to receive technical assistance and training through the Affordable Housing Catalyst Program.
 - (f) The funds deposited to the local housing assistance trust fund must be expended ~~spent~~ within twenty-four months from the

end of the applicable State fiscal year. Exceptions to this time frame must be approved by the Corporation ~~SHIP Program Administrator~~ on a case-by-case basis. ~~Exceptions will only be granted for good cause. Such as Examples of good cause are natural disasters, requirements of other State agencies, adverse market conditions, and unavoidable development delays.~~ Adequate explanation of the reasons for the requested extension as well as a timeline for completing the expenditure of funds must be submitted to the Corporation before an extension will be approved, e.g., project status, work plan and completion schedule, commitment of funds, etc. The Corporation may require a local government requesting an expenditure extension to receive technical assistance through the Catalyst program to evaluate the need for an extension.

(g) Each LHAP must include a disaster strategy describing activities to be undertaken in the event of an emergency or disaster that has been declared by executive order. ~~A copy of a sample Disaster Strategy is available on the Corporation's website at <http://www.floridahousing.org> or by contacting the Corporation.~~ Local governments may use unencumbered SHIP funds to carry out activities of disaster relief. Recipients of SHIP funds under a local government's disaster strategy shall be required to verify income using certifications, pay check stubs or other forms of proof. Documentation required for SHIP income qualification may be waived ~~if unavailable~~ by the Corporation. The county or eligible municipality shall make every effort reasonable to ensure that the recipients of SHIP funds are income qualified.

(h) Each LHAP must include a strategy that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park and must include a strategy for providing program funds to mobile home owners, as defined in s. 723.003, which must include lot rental assistance.

(i) Each LHAP must describe initiatives to encourage or require innovative design, green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

(2) A county or eligible municipality is permitted to:

(a) ~~Include within~~ Develop a strategy in its local housing assistance plan strategies that emphasizes priority in funding the recruitment and retention of Essential Service Personnel, ~~pursuant to Section 420.9075(3)(ba), F.S.~~

(b) Use SHIP funds for persons or families whose total annual household income does not exceed one hundred forty percent of the area median income, adjusted for family size; this use of funds does not relieve the local government from meeting the requirements of Section 420.9075(5)(g) 2., F.S.

(c) ~~Develop~~ Include a strategy within its local housing assistance plan strategies that addresses the needs of persons who are deprived of affordable housing due to the ~~closure of a mobile home park or the~~ conversion of affordable rental units to condominiums pursuant to Section 420.9075(3)(c), F.S.

(d) ~~Include~~ Develop a strategy within its local housing assistance plan for the Preservation of -assisted rental housing.

(e) Include a strategy which provides program funds for reducing homelessness.

(3) Notice of Funding Availability.

(a) Each county or eligible municipality shall advertise a notice of funding availability of SHIP funds at least 30 days before the beginning of the application period ~~in a newspaper of general circulation and periodicals serving~~ pursuant to Section 420.9075(4)(b), F.S., ~~ethnically and racially diverse populations~~ unless a waiting list of applicants exists that will exhaust all allocated funding.

1. The advertisement shall:

a. Identify the amount of the distribution projected to be received from the state for the fiscal year;

b. List the ~~beginning and end~~ dates of the application period;

c. Provide the name or staff position of the local plan contact person and other pertinent information, including where applicants may apply for assistance.

2. The advertisement may also include information that the local governments deem necessary, such as:

a. An estimated amount of SHIP local housing distribution per strategy;

b. Income set asides for each strategy along with applicable income limits;

c. A description of the selection criteria for each strategy;

d. The maximum housing value limitation for each strategy;

(4) Each local housing assistance plan shall be submitted on the LHAP template and include:

~~(a).~~ A description of the local housing strategies and incentive strategies;

~~(b).~~ A statement that monthly rents or monthly mortgage payments, including taxes and insurance, do not exceed 30 percent of an amount representing the percentage of the area's median Annual Gross Income for the household as indicated in Section

420.9071(1920), (2021) or (2830), F.S. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing. Housing for which a household devotes more than 30 percent of its income shall be deemed affordable if it is determined ~~the first institutional mortgage lender is satisfied~~ that the household can afford mortgage payments in excess of the 30 percent benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size established by the Corporation;

(c) A description of the extent to which a strategy is implemented by combining resources through a partnership in order to leverage the cost of housing;

(d) A description of the support services that will be made available to the residents of the housing; and

(e) A description of the initiatives that will be used to conduct outreach and to attract applicants for assistance;

(f) A statement that strategies further the housing element, goals, policies, and objectives of the local government's comprehensive plan.

(g) A policy stating that once a waiting list has been exhausted and funds remain unencumbered, the local government will advertise as instructed in Section 420.9075(4)(b), F.S.

(h) A statement that the staff or entity that has administrative authority for implementing a local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility throughout the 15 year compliance period as described at subsection 67-37.007(15), F.A.C.

(i) A definition of essential service personnel for the county or eligible municipality. Such definition ~~shall~~ may include teachers and educators; other school district, community college, and university employees; police and fire personnel; health care personnel; skilled building trades personnel; and other specifically defined job categories as required by Section 420.9075(3)(a), F.S.

(j) A description of initiatives identifying current and emerging green building and design techniques and explain how these techniques are to be integrated into its housing strategies both for sustainability and promote greater affordability pursuant to Section 420.9075(3)(d), F.S.

(k) A complete description of all strategies and activities to be undertaken as described in this section.

(l) A description of the qualification system and selection criteria for applications for awards to ~~eligible~~ Sponsors, which includes a description that demonstrates how ~~eligible~~ Sponsors that employed personnel from the Welfare Transition Program will be given preference in the selection process,

(m) A description of the criteria for selection of eligible persons,

(n) Maximum Award amounts which include Project Delivery Costs for each strategy listed in the local housing assistance plan,

(o) A timeline for the expenditure of SHIP local housing distribution funds in sufficient detail to allow for a comparison of such plan with actual expenditures. The information submitted must be presented separately for each State fiscal year;

(p) A detailed line-item budget of proposed Administrative Expenditures. These must be presented on an annual basis for each State fiscal year submitted;

(q) A copy of the ordinance and its amendments, if the original ordinance has been amended from its original submission, as required by Section 420.9072(2)(b), F.S.; and

(r) A housing delivery goals chart hereby incorporated by reference as an exhibit to the LHAP template for each fiscal year, which includes the following information for each strategy being funded:

1. The proposed dollar amount of the local housing distribution to be used for each strategy, stated for each State fiscal year in a multi-year plan;

2. The estimated number of households proposed to be served for each strategy and income category;

3. The maximum amount of funding per unit for each strategy, and the estimated amount of funding for new construction, ~~Rehabilitation~~ or non-construction activities. On a multi-year plan, this information must be stated separately for each State fiscal year;

4. The maximum sales price of new and existing units. For community land trust purposes the value of the land is not included in the purchase price. The maximum sales price for each fiscal year is adjusted. The LHAP is not required to be amended to address these changes.

(5) Each LHAP shall contain a certification form, ~~which is included as an exhibit to LHAP Template 2016-001~~, which requires the county or eligible municipality to certify to all statements on said form, including that:

(a) There is an established procedure for the tracking and expenditure of ~~Program~~ Income and Recaptured Funds from loan repayments, reimbursements, Foreclosures or other repayments, and interest earnings on the local housing distribution funds.

(b) There is a plan to Encumber the local housing distribution funds deposited into the local housing assistance trust fund for each State fiscal year by June 30 one year following the end of the applicable State fiscal year;

(c) There is a plan for the local housing distribution deposited into the local housing assistance trust fund to be Expended for eligible persons or ~~eligible~~ Sponsor within 24 months of the end of the applicable State fiscal year. The expenditure of funds can be evidenced by one of the following: ~~Expended is defined as:~~

1. The project is completed as evidenced by documentation of final payment to the contractor and release of all lien waivers;
2. Issuance of the certificate of occupancy by the local building department in the case of a new home or proof of the final building inspection for housing rehabilitation, and occupancy by an eligible person or eligible household;
3. For assistance to tenants of rental housing or foreclosure assistance payments, funds are Expended upon transfer of funds to a tenant, resident, lending institution, utility provider or landlord; ~~and~~
4. In the case of a loan guarantee strategy, the deposits to the local housing assistance trust fund will be considered expended when they are deposited from the local housing assistance trust fund into the guarantee fund; or
5. For assistance to developers of affordable rental units, funds are considered expended when construction of the assisted units is complete and eligible for SHIP funded units are occupied by eligible tenants.

Rulemaking Authority 420.9072(9) FS.. Law Implemented 420.9072(2), 420.9075 FS. History--New 11-26-92, Amended 5-2-93, 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.005, Amended 12-26-99, 9-22-03, 1-30-05, 11-5-06, 2-24-08, 11-22-09, 5-23-17.

67-37.006 Review of Local Housing Assistance Plans and Amendments.

(1) Local housing assistance plans and amendments shall be reviewed and approved by a Review Committee of Corporation employees appointed by the Executive Director.

(2) Any county or eligible municipality desiring review of a new plan or plan amendment prior to adoption by the local government body may submit it for review to the Corporation. The plan or amendment will be reviewed by the Corporation, which will recommend it for conditional approval pending local approval and submission of all required documents and/or correction of any ~~identify~~ inconsistencies with the requirements of the SHIP program Rule Chapter 67-37, F.A.C., and Sections 420.907-.9079, F.S., within 45 days after receipt.

(3) Amendments to an approved local housing assistance plan must be adopted by resolution and the county or eligible municipality must provide a copy to the Corporation within ~~45~~ 21 days after adoption. A county or eligible municipality must amend its plan if at any time a strategy will be deleted or a new strategy will be added. Amendments that do not add or delete ~~or significantly alter~~ a strategy are considered technical and are not subject to the amendment review process.

(4) A county or eligible municipality which has adopted a Plan or an amendment that has been determined by the Corporation to be inconsistent with the requirements of the SHIP program, shall make necessary revisions identified within 45 days of receipt of the Committee's comments.

Rulemaking Authority 420.9072(9) FS. Law Implemented 420.9072(2) FS. History--New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.006, Amended 12-26-99, 9-22-03, 2-24-08, 11-22-09, 5-23-17.

67-37.007 Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans.

(1) SHIP local housing distribution funds shall be used to implement the local housing assistance plan. The benefit of assistance provided through the SHIP program must accrue to eligible persons occupying Eligible Housing. This provision shall not be construed to prohibit use of the local housing distribution deposited into the local housing assistance trust fund for a ~~mixed income~~ rental development. ~~SHIP local housing distribution funds may be used:~~

(a) All local housing distribution funds shall be Encumbered by June 30 of the State fiscal year following the end of the applicable State fiscal year unless an extension is granted by the Corporation.

(b) The funds deposited to the local housing assistance trust fund must be Expended within 24 months from the end of the applicable State fiscal year. Requests for extensions for good cause must be submitted by the local government to the Corporation and will be reviewed and approved or denied by the Corporation on a case-by-case basis. ~~Examples of good cause include disasters, requirements of other State agencies or housing programs, adverse market conditions, and unavoidable development delays. The Corporation may require a local government requesting an expenditure extension to receive technical assistance through the Catalyst program.~~

(c) If funds remain unexpended after the original or extended deadline and, the County or eligible municipality ~~is~~ will be deemed

to be in non-compliance; ~~the funds may~~will be subject to recapture by the Corporation.

(d) SHIP local Housing distributions may be used:

1. To implement the local housing assistance plan and incentive strategies that create or preserve affordable housing;
2. To supplement Corporation programs, for example: the State Apartment Incentive Loan Program established under Section 420.5087, F.S., ~~the Community Workforce Housing Innovation Pilot Program~~ and Home Ownership Assistance Program (HAP) established under Section 420.5088, F.S., with the SHIP local housing distribution funds directed to uses within the local government jurisdiction;
3. To provide local match to obtain federal housing grants or programs, such as HOME, established by 24 CFR, Part 92; and
4. To further the housing element of the local government comprehensive plan adopted pursuant to Section 163.3184, F.S., specific to affordable housing.

(2) At least sixty-five percent of each local government's local housing distributions must be used for Home Ownership Activities. The expenditure of ~~P~~program ~~I~~Income is exempt from this requirement.

(3) At least seventy-five percent of each local government's local housing distributions must be used for construction, ~~R~~rehabilitation or emergency repairs of affordable, Eligible Housing. The expenditure of ~~P~~program ~~I~~Income is exempt from this requirement. Construction, ~~R~~rehabilitation, or emergency repairs must be completed either within one year immediately preceding the date of conveyance of title (i.e., closing) or within 24 months of the close of the applicable State fiscal year to satisfy the Expenditure requirement, unless otherwise extended by the Corporation. For purposes of this rule, SHIP recipients may rely on the following expenditures to be considered construction, ~~R~~rehabilitation or emergency repair costs:

- (a) Those hard costs which are typically or customarily treated as construction costs by institutional lenders;
- (b) Payment of impact fees;
- (c) Infrastructure expenses typically paid by the developer;
- (d) Construction soft costs such as engineering studies and appraisals, if directly related to housing construction, ~~R~~rehabilitation or emergency repairs;
- (e) Relocation costs associated with ~~R~~rehabilitation of the residence usually occupied by a tenant or home owner; and
- (f) Financing, or "buy-down" costs, if directly attributable to assisting eligible persons to own a home or obtain rental occupancy (e.g., security and utility deposit assistance) in a home or unit that has obtained a certificate of occupancy in the 12-month period immediately preceding the contract for sale and purchase or has never been occupied or lease of the premises. When used to purchase an existing housing unit, closing costs and down payment assistance will be considered toward fulfilling the 75 percent construction requirement only if the housing unit receives rehabilitation required to ensure the home is safe, decent and liveable. Any other costs may be submitted to the Corporation for review and approval.

(4) At least 20 percent of each local government's local housing distribution must be used to serve ~~P~~persons ~~w~~With ~~s~~Special ~~n~~Needs as defined in Section 420.0004 (13), F.S. A local government must meet this requirement through existing approved strategies in the local housing assistance plan or submit a new local housing assistance plan strategy for this purpose. The first priority of these special needs funds must be to serve persons with developmental disabilities as defined in Section 393.063, F.S., with an emphasis on home modifications, including technological enhancements and devices, which will allow homeowners to remain independent in their own homes and maintain their homeownership. The expenditure of Program Income is exempt from this requirement.

~~(5) A county or eligible municipality may spend up to 20 percent of the funds made available in each county and eligible municipality from the local housing distribution for manufactured housing as referenced in Section 420.9075(5)(c), F.S.~~

(6) A county or eligible municipality may spend funds to provide ongoing rent subsidies for:

- (a) Security and utility deposit assistance;
- (b) Eviction prevention not to exceed 6 months' rent; and-
- (c) A rent subsidy program for very-low-income households with at least one adult who is a person with special needs as defined in Section 420.0004 (13), F.S. or is homeless as defined in Section 420.621, F.S. The period of rental assistance may not exceed 12 months for any eligible household.

(7) The Corporation shall review and approve expenditures for the following categories as Administrative Expenditures:

(a) Salaries of persons directly responsible for preparation of the plans or reporting required as part of the administration of the local SHIP program. The salary allocated to SHIP Administrative Expenditures of any employee shall reflect activities involving administration of the SHIP program, ~~but n~~No SHIP program funds are permitted to be expended for the administration of activities not involving SHIP funds.

(b) Office expenditures affiliated with the administration of the local SHIP program;

(c) Studies conducted by the county or eligible municipality or by consultants selected by the county or eligible municipality to provide data on affordable housing need and demand in the area; and

(d) Expenditures related to travel, training, education, and public information initiatives necessary for the administration of the SHIP program.

(8) Additional Expenditures detailed in the local housing assistance plan that do not fit in these categories shall be ~~reviewed and analyzed~~ by the Corporation, which shall make a determination as to whether the proposed expenditures shall be approved as Administrative Expenditures or Project Delivery Costs.

(9) Small ~~C~~counties, as defined in Section 120.52, F.S., and eligible municipalities receiving a local housing distribution of up to \$350,000, may use up to 10 percent of ~~p~~Program ~~i~~Income for ~~a~~Administrative ~~e~~Expenditures.

(10) The balance of the local housing distribution funds and other funds deposited into the local housing assistance trust fund must be used for housing production and finance activities, including: financing preconstruction activities, financing the purchase of existing units, providing rental housing, and providing home ownership ~~training or counseling through a HUD approved agency to~~ prospective home buyers and owners of homes assisted through the local housing assistance plan.

(11) The sales price or value of new or existing homes which are sold or rehabilitated under the SHIP ~~p~~Program shall not exceed 90 percent of the average area purchase price in the statistical area in which the housing is located. The local government at its discretion may set the sales price or value below the 90 percent benchmark. The maximum area purchase price shall not exceed the limit established by the United States Department of Treasury or that calculated in accordance with Section 420.9075(5)(~~d~~), F.S.

(12) Loans issued using local housing distribution funds deposited to the local housing assistance trust fund may not have terms exceeding 30 years, ~~except for Deferred Payment Loans or Forgivable Loans that extend beyond 30 years which continue to serve eligible persons.~~

(13) All units constructed, rehabilitated, or otherwise assisted with local housing distributions provided from the local housing assistance trust fund must ~~benefit occupied by~~ eligible persons as required by Section 420.9071 (10), F.S. The remainder may be reserved for ~~eligible s~~Sponsors that will serve eligible persons.

(14) Monthly mortgage payments, including taxes and insurance, and monthly rental payments must be affordable for very low, low- and moderate-income persons and households.

(15) All SHIP assisted rRental units constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund must be monitored annually ~~by the local government, or to the extent another government entity or Corporation program provides periodic monitoring, the local government may rely on that entity's monitoring for 15 years or the term of assistance, whichever is longer,~~ for compliance with tenant income and affordability requirements, except as referenced in Section 420.9075(4)(e), F.S. In determining the maximum allowable rents, 30 percent of the applicable income category divided by 12 months shall be used based on the number of bedrooms. A one-person household shall be used for an efficiency unit, and for units with separate bedrooms, one and one-half persons per bedroom shall be used. A rental limit chart based on the above calculation adjusted for bedroom size will be provided to the local governments by the Corporation annually.

(16) All Loans ~~and~~ Grants for units constructed, rehabilitated or otherwise assisted from the local housing assistance trust fund shall be subject to recapture requirements as described by the county or eligible municipality in its local housing assistance plan. Any strategy proposed that will award funds as a Grant without any recapture requirements shall be submitted to the Corporation denoted as a Grant as part of the local housing assistance plan for approval by the Review Committee.

(17) Developers receiving assistance from both SHIP and the Low-Income Rental Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability and other LIHTC requirements. Similarly, any units receiving assistance from SHIP and other federal, State or local programs shall be required to comply with any requirements specified by the other program in addition to SHIP program requirements. In the event both programs have restrictions on the same issue, the more restrictive regulation shall take precedence. If one program is silent on an issue, the program with a regulation on the issue shall apply.

(18) The local government may require that housing units receiving assistance from local housing distribution funds deposited to the local housing assistance trust fund be located within the boundaries of the local government's jurisdiction which has been approved for receipt of local housing distribution funds.

(19) Local housing distribution funds deposited to the local housing assistance trust fund shall not be used as a pledge of the Debt Service on bonds.

(20) Pursuant to Section 420.9073(5), F.S., in the event of a disaster declared by an Executive Order of the President or Governor, counties and eligible municipalities impacted by the disaster and included in the Executive Order may request funding for activities described in their local housing assistance plans or under the disaster strategy. Requests for additional funds shall be submitted in

writing and shall include the name of the local government and amount of funds requested and a schedule of when the funds being requested are to be expended. The request shall also include the number of households to be assisted, addresses, damage assessment performed by FEMA, the Department of Emergency Management, or other local agency performing disaster assessments and dollar estimate of repairs. Disaster funds shall be disbursed to local governments based on demonstrated need pending availability of funds. Counties and eligible municipalities receiving additional funds for disaster that have unencumbered funds shall expend the unencumbered funds before requesting disaster funds. Disaster activities shall be included in the Annual Report submitted by local jurisdictions by September 15 following the close of the fiscal year.

(21) Pursuant to Section 420.9073(6), F.S., counties and eligible municipalities may request funds to be used for the purchase of properties subject to a SHIP lien on which foreclosure proceedings have been initiated. Counties and eligible municipalities receiving these funds shall repay these funds to the Corporation no later than the expenditure deadline for the fiscal year in which the funds were expended. Any funds not repaid shall be withheld from the subsequent year's distribution. Requests for these funds shall be submitted in writing and shall include the name of the local government, amount of funds requested, address of property(ies) being acquired, cost of purchase, amount of existing SHIP subsidy and a schedule of when the funds being requested are to be expended. These funds will be disbursed to local governments on a first come, first served basis pending availability of funds.

Rulemaking Authority 420.9072(9) FS. Law Implemented 420.9072 FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.007, Amended 12-26-99, 9-22-03, 11-5-06, 2-24-08, 11-22-09. 5-23-17.

67-37.008 Local Housing Assistance Trust Fund.

(1) Amounts on deposit in each local housing assistance trust fund shall be invested as permitted by law for the local housing distribution funds of the applicable local government(s). All investment earnings shall be retained in such fund and used for the purposes thereof.

(2) The local housing assistance trust fund for all local governments including interlocal entities shall present all SHIP revenues, expenditures, encumbrances, and balances in a separately stated special revenue fund in a county's or eligible municipality's audited financial statements, regardless of the fund balance classification or other reporting conventions. Reporting SHIP activity within the General Fund or any other combined fund structure is prohibited and constitutes non-compliance. If a local government is found to be in non-compliance, Corporation staff will require a written statement of corrective action be submitted. If continued non-compliance occurs, the Corporation may withhold future SHIP disbursements until corrected reporting is provided. ~~be separately stated as a special revenue fund in a county's or eligible municipality's audited financial statements.~~ Electronic copies of such audited financial statements or a hyperlink to the website where the report is posted shall be transmitted annually to the Corporation no later than June 30th of the following state fiscal year. In addition to providing audited financial statements, all participating jurisdictions must provide evidence ~~of to document~~ compliance with the Florida Single Audit Act, as referenced in Section 215.97(7) and (8), F.S. In any audited fiscal year where the threshold for the Florida Single Audit Act is not met, a statement from the local government shall be transmitted to the Corporation along with the audited financial statements.

(3) All ~~Expended~~ funds reported on the SHIP Annual Report shall be reconciled to the general ledger for each State fiscal year prior to submission of the SHIP Annual Report.

(4) In addition to the Annual Report requirements outlined in Section 420.9075(10), F.S., local governments shall submit information as required by the Corporation on the ~~a~~Annual ~~R~~Report for:

- (a) Foreclosure rates on SHIP loans;
- (b) Administrative Expenditures separately stated for the costs of the local government and any Sub Recipients administering the program;
- (c) Total Recaptured Funds and ~~p~~Program ~~i~~Income separately stated for event type (Foreclosure, sale of property, refinance);
- (d) Total amount of unexpended funds that will be carried forward to the next SHIP fiscal year;
- (e) A list of Sub Recipients that administer any portion of the SHIP program. The list shall include name of person or organization, business type, a description of the strategies and responsibilities for each ~~S~~sub ~~R~~recipient or consultant;
- (f) Tracking of Persons ~~w~~With Special Needs; and
- (g) Responses to requests for information from the Legislature or Governor's office.

(5) Annual Reports and certifications shall be submitted to the Corporation electronically using the SHIP Annual Report system. The SHIP Annual Report system can be accessed at www.floridahousing.org.

(6) Local governments that have had an audit, review or investigation involving SHIP funds shall send the Corporation a copy of

any related report within 10 days of the issuance of such report.

Rulemaking Authority 420.9072(9) FS. Law Implemented 420.9075(5) FS. History—New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 9I-37.008, Repromulgated 12-26-99, Amended 9-22-03, 1-30-05, 11-5-06, 2-24-08, 11-22-09, 5-23-17.

67-37.011 Interlocal Entities.

(1) The interlocal agreement shall specify whether a single report for all jurisdictions or individual reports for each participating local government shall be submitted pursuant to Section 420.9075(10), F.S.

(2) Eligible municipalities that intend to become a member of an established ~~I~~interlocal ~~e~~Entity must:

(a) Adopt an ordinance that creates the affordable housing advisory committee, establishes responsibility for plan administration and, if applicable, establishes the local affordable housing trust fund.

(b) Adopt by resolution one local housing assistance plan and adopt by resolution the appointments to the advisory committee.

(3) All members of the existing ~~I~~interlocal ~~E~~Entity must adopt by resolution an amendment to the local housing assistance plan to include the new eligible municipality.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072(5) FS. History—New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 9I-37.011, Amended 12-26-99, 9-22-03, 2-24-08, 5-23-17.

67-37.019 Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds.

(1) The local government staff or entity with administrative authority for a local housing assistance plan shall maintain a financial tracking system that ensures that the local housing distribution funds disbursed from the local housing trust fund are expended in accordance with the set-aside requirements in Rule 67-37.007, F.A.C., within deadlines established in subsection 67-37.005(5) (b) and (c), F.A.C. and in compliance with Section 420.9075, F.S. Failure by the local government staff or entity with administrative authority to properly track SHIP funds or reconcile the funds to the general ledger shall result in the local government being deemed in non-compliance with the SHIP program. In this circumstance, the local government or administrative entity shall be required to receive technical assistance through the Catalyst program.

(2) The combined household Annual Gross Income of an applicant who is applying as an owner/occupant of a residence shall be verified and certified by the SHIP program administrator or designee using one of the following methods:

(a) Section 8 housing assistance payments programs in 24 C.F.R. part 5; or

(b) Adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes.

(3) Income shall be calculated by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination. Whichever income verification and certification method is used, the Annual Gross Income, as defined in Section 420.9071(4), F.S., must be used and the SHIP ~~p~~Program ~~I~~income limits cannot be exceeded. SHIP funds Expended on households that are determined to not be income qualified through a compliance monitoring or audit shall be repaid in full to the local housing trust fund from non-SHIP funds to be reallocated to an eligible SHIP activity. In this circumstance, the local government or administrative entity may be required to receive technical assistance through the ~~Affordable Housing~~ Catalyst ~~P~~program.

(4) The local government staff or entity with authority for administering any part of the local housing assistance plan assisting rental developments shall monitor annually, or to the extent another government entity or Corporation program provides periodic monitoring, the local government may rely on that entity's monitoring to determine tenant eligibility and the amount of subsidy using the same guidelines as specified at subsection (2) above, at least annually for 15 years or the term of assistance, whichever is longer. The Corporation shall monitor the activities of the local governments to determine compliance with program requirements as defined in Section 420.9075(4)(e), F.S.

(5) The local government staff or entity with administrative authority for a local housing assistance plan shall provide documentation to the Corporation upon request that details:

(a) Permits, as defined in Sections 163.3164(15) and (16), F.S., for affordable housing projects are expedited to a greater degree than other projects; and

(b) There is an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.

(6) The Corporation, or any duly authorized representative shall be permitted to inspect the local housing assistance plan, advertisements, applications, income verifications and certifications, plan participation contracts, financial records, tracking system records, construction cost verification including receipts and contracts, rental development annual reviews, ~~Eligible Sponsor and Sub Recipient reviews, Eligible Sponsor and Sub Recipient award lists, SHIP fund recipient lists, and any other applicable documents at any reasonable time with or without notice. Such records shall be maintained within the participating county or eligible municipality for a minimum period of seven years beyond closeout of the fiscal year. at a place accessible.~~ All documentation shall be transmitted electronically to the Corporation staff or its designated monitoring agent upon request.

(7) Subsequent to a local government SHIP program being monitored by the Corporation ~~or its designated agent and receiving a copy of the compliance monitoring report,~~ the local government shall submit a written response to any findings or observations documented in the monitoring report to the Corporation and the designated monitoring agent. The required response shall be submitted within 30 days of report issuance and shall include an explanation and/or remedy for each item in the compliance monitoring review, including:

(a) An explanation of the plan for correcting the issue including changes in policies, procedures, staff responsibilities, technical assistance and training;

(b) For physical inspection findings or deficiencies, an explanation of the corrective work that will be completed to remedy the finding or deficiencies;

(c) A timeline for correcting any observed deficiencies.; and

(d) A plan for repayment of ineligible expenses, if any is required.

(8) If the Corporation issues a written report pursuant to Section 420.9075 (13) (a), F.S., finding that an eligible jurisdiction has violated program criteria, the Corporation shall:

(a) Submit such report to the Executive Office of the Governor at which time the distribution of program funds to the county or eligible municipality shall be suspended; or

(b) Require the local government to work with the technical assistance provider through the Catalyst program, to develop a corrective action plan (CAP).

1. The CAP shall be submitted to the Corporation within 60 days of the date of the letter from the Corporation notifying the eligible jurisdiction of the pattern of violation.

2. The CAP must describe the proposed corrective action for each violation and how the correction actions will be implemented within 3 months of an approval of the CAP by the Corporation.

3. The Corporation shall have 30 days to review and approve or recommend changes to the CAP. Upon approval of the CAP, any undisbursed funds due to the local government shall be distributed.

(9) Projects receiving assistance from the local housing assistance plan and from other State or federal programs that may have conflicting verification and certification, shall comply with requirements of the most restrictive program.

(10) Any local government receiving SHIP funds that administers any portion of the SHIP program through a contracted Sub Recipient shall bear responsibility for actions of the Sub ~~#~~Recipient and shall monitor all ~~s~~Sub ~~#~~Recipients to ensure compliance is maintained on all SHIP funded activities. The required contract between the local government and Sub ~~#~~Recipient shall detail the policies and procedures that shall be adhered to in the management of the SHIP activities.

(11) Any contract or document establishing the relationship between a SHIP eligible local government and an organization that is a Sub Recipient receiving SHIP funds shall contain the standard audit language on ~~Form DFS A2-CL (Effective 7/05)~~ as required by the Florida Single Audit Act, Section 215.97, F.S.

Rulemaking Authority 420.9072(9) FS. Law Implemented 420.907, 420.9075(3)(e) FS. History—New 2-24-08, Amended 11-22-09, 5-23-17.