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SPECIAL ASSESSMENT HARDSHIP ORDINANCE**

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FILED FOR RECORD
G. B. SHARP
CLERK CIRCUIT COURT
MANATEE CO. FLORIDA

FEB 22 9 52 AM '66

COUNTY CLERK
 MANATEE COUNTY
 FLORIDA
 FEB 22 1966

ORDINANCE 88-04

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, ESTABLISHING A HOUSING ASSISTANCE PROGRAM BY PROVIDING AID AND ASSISTANCE FOR CERTAIN QUALIFIED HOMEOWNERS WHO ARE RESIDENTS OF MANATEE COUNTY WITH ASSISTANCE IN PAYMENT OF ANNUAL CHARGES DUE ON AD VALOREM TAX BILLS FOR SPECIAL ASSESSMENT LIENS FOR CAPITAL IMPROVEMENTS ESTABLISHED UNDER CHAPTER 63-1582, LAWS OF FLORIDA, AS AMENDED; AUTHORIZING THE EXPENDITURE OF COUNTY FUNDS FOR A SPECIAL ASSESSMENT HARDSHIP PROGRAM; ESTABLISHING CRITERIA FOR THE DEVELOPMENT OF ELIGIBILITY REQUIREMENTS; AUTHORIZING THE ESTABLISHMENT OF RULES AND IMPLEMENTING PROCEDURES TO BE ADOPTED BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS; ESTABLISHING LIMITATIONS; REQUIRING THAT APPLICATIONS BE FILED AND PROVIDING FOR NOTICE TO PROPERTY OWNERS; PROVIDING FOR ADMINISTRATIVE DETERMINATIONS OF ELIGIBILITY FOR COUNTY ASSISTANCE; PROVIDING FOR AN APPEAL FROM A DETERMINATION OF INELIGIBILITY FOR COUNTY ASSISTANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Manatee County has the power pursuant to Section 125.01(1)(e), Florida Statutes, to provide health and welfare programs to the extent not inconsistent with general or special law; and

WHEREAS, pursuant to Section 125.01(1)(j), Florida Statutes, the Board of County Commissioners have the power to establish and administer programs of housing, slum clearance and community redevelopment; and

WHEREAS, pursuant to Section 125.01(1)(k) and (m), Florida Statutes, the Board of County Commissioners has the power to provide and regulate waste and sewage collection and disposal and water supply programs, and the power to provide and regulate roads; and

WHEREAS, pursuant to Chapter 63-1582, Laws of Florida, as amended, and other applicable provisions of law, the Board of County Commissioners of Manatee County has established a Special Assessment Program and undertaken an extensive program of providing road, drainage and sewer improvements in residential areas and particularly in subdivisions developed prior to requirements for reasonable mandatory improvements; and

WHEREAS, the special assessment program has provided for the funding of such improvements through the establishment of special assessment charges and liens in accordance with the benefit received by each lot or parcel of land in the subdivision or neighborhood; and

WHEREAS, special assessment liens have been and will continue to be established by an equitable allocation of all or a portion of the costs of necessary road, drainage and sewer system improvements and the special benefit derived by each lot or parcel that will be benefited by the improvement; and

WHEREAS, the funds to build such improvements will be acquired by the issuance of bonds secured by a pledge of the special assessment liens; and

WHEREAS, in order to market the special assessment bonds and provide for the efficient administration of a program for collecting such special assessment liens, the Board of County Commissioners has authorized the collection of special assessment liens in the manner provided for ad valorem taxes as provided in Section 197.363, Florida Statutes; and

WHEREAS, pursuant to Chapter 63-1582, Laws of Florida, as amended, the Board of County Commissioners has provided for the payment of special assessment liens for certain capital improvements in equal annual installments; and

WHEREAS, the Board of County Commissioners of Manatee County has determined that a limited program offering assistance to low income homeowners who may risk losing title to their home due to the inability to pay special assessment charges when due would relieve the public from the demand and burdensome costs associated with such displaced families and homeowners; and

WHEREAS, the Board of County Commissioners of Manatee County has determined that the allocation of funds for the establishment of the Special Assessment Hardship Program and that the Special Assessment Hardship Program as authorized herein constitutes a valid public purpose; and

WHEREAS, to the extent funds may be allocated, it is the intent of this Ordinance to provide relief to certain qualified homeowners who may be at risk of losing title to their home due to the inability to pay a special assessment lien.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, as follows:

Section 1: Title. This Ordinance shall be known and may be cited as the Special Assessment Hardship Ordinance.

Section 2: Policy and Intent. The intent of this Ordinance is to provide a program of assistance to permanent

residents of Manatee County who are living below or close to poverty level and are at risk of losing title to their homes as the result of neighborhood improvement programs funded in whole or in part by special assessment liens imposed by Manatee County. It is the policy of this Board of County Commissioners that this Ordinance be interpreted broadly in order to effectuate this intent.

Section 3: Definitions.

- A. Disabled as used herein means that a person has a physical or mental impairment which substantially limits the persons ability to obtain employment and that the person has a record of having such an impairment as certified by at least one physician or where the applicant has obtained tax exempt status for totally and permanently disabled persons under §196.101, Fla.Stat., or been found eligible under any State or Federal program applying similar criteria.
- B. Earnings or Family Earnings as used herein means gross earnings and support from all sources received by all family members, including rental revenue, less documented medical expenses including health insurance and child care expenses.
- C. Elderly means a person who will be sixty-five (65) or older prior to January 1, of the year in which assistance is granted.

- D. Family as used herein includes husband, wife and minors and related or unrelated individual residing in a household who receive more than 50% of their support from the Family Earnings.
- E. Owner means a) one who holds legal or beneficial title in equity to real property in Manatee County; or b) one who is the relative of a decedent who held legal title or beneficial title to such real property and has paid all ad valorem taxes on the property in the prior year.
- F. Relative means one who is related to the owner as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

Section 4: Expenditures of Funds Authorized. The expenditure of County funds for all or part of the annual payments due on ad valorem tax bills for special assessment liens for capital improvements established in accordance with the terms of this Ordinance as it may from time to time be implemented by resolutions establishing rules and procedures is hereby authorized. Assistance shall be based upon a sliding scale with highest levels of assistance granted to owners whose total family income and assets, as adjusted to reflect family size, are the lowest, and assistance levels increased where the owner is disabled or elderly.

Section 5: Eligibility Requirements. Eligibility requirements shall include the following minimal criteria and such additional criteria as may from time to time be established by Resolution of the Board of County Commissioners:

- a) The occupant is the owner of the property and is entitled to claim homestead tax exemption under the Constitution and Laws of Florida. Proof of obtaining homestead tax exemption or certification of eligibility for homestead tax exemption by the Property Appraiser for Manatee County shall establish fulfillment of this requirement, but shall not preclude the establishment of criteria by the Board of County Commissioners that would permit the granting of assistance where the occupant is the elderly parent of the owner, a relative of the owner who is disabled or an heir or relative of a deceased owner. The Board of County Commissioners may also establish by resolution criteria authorizing the waiver of the owner/occupancy requirement provided however that such criteria would only apply to residents of Manatee County who can establish proof of residency substantially in accordance with the provisions of 196.015, Florida Statutes, and who can establish that the property against which a special assessment lien has been imposed is leased or rented in an arms length transaction for fair market value, and that the loss of the specially assessed property would deprive the owner of all reasonable means of supporting the owner's household.

- b) All ad valorem taxes on the property have been paid or the owner has obtained a homestead tax deferral.
- c) The owner is prepared to pay, or qualified to obtain a homestead tax deferral for the current ad valorem taxes when due and able to pay any balance due on the annual special assessment charges not funded under the Special Assessment Hardship Program.
- d) The property is not the subject of a pending or threatened foreclosure action and that no mortgage or other encumbrance creating a lien against the property is in default.
- e) A sworn statement of the owners intent to remain qualified for homestead exemption except where the homestead exemption requirement is not applicable and that the property is not encumbered by a contract for sale at the time of the application, and that the owner has no present intent to sell the property during the life of the lien.
- f) Allowable family earnings and assets criteria shall be at or below the levels established from time to time, based upon the poverty level guidelines published by the Federal Government. A sliding scale showing the family earnings based upon family size and the maximum percentage of the assessment the County would

consider funding shall be adopted by the Board of County Commissioners. Such criteria shall be used as guidelines and for the initial determination of eligibility provided however, any such determination shall be subject to the limitations set forth in this Ordinance. Until amended by the Board of County Commissioners the earnings criteria shall be as established in Exhibit "A" attached hereto.

g) An owner whose family assets are in excess of the annual poverty level earnings permitted for a family of one under the Federal poverty guidelines will not be eligible for assistance under this Ordinance provided however, that the following assets shall not be considered:

- (1) Property qualified for homestead exemption under the Laws of Florida
- (2) Life Insurance
- (3) Burial Plots
- (4) Unbuildable Lots (even after sewer installation)
- (5) One car per family
- (6) Rental property, when revenue combined with all other earnings is within the allowable earnings criteria for the following situations:
 - (a) when the renter is an elderly parent of the applicant;
 - (b) when the renter is a relative of the applicant and is disabled;
 - (c) when the applicant is unable to work due to advanced age or physical impairment.

Section 6: Additional Implementing Rules and Procedures may be Established by Resolution. Administrative rules and standards and procedures for determining eligibility for assistance under the Special Assessment Hardship Ordinance may from time to time be developed and propose by the County Administrator or his designee. Such rules and standards shall be consistent with this Ordinance and adopted by resolution of the Board of County Commissioners

Section 7: Limitations. The Board of County Commissioners, in its sole discretion, shall determine and designate the funds available to fulfill the purposes of this Ordinance on an annual basis. The provision of assistance in any one year shall in no way establish a right or entitlement to such assistance in any subsequent year and the provision of funds in any year may be limited to the extent funds are available and appropriated by the Board of County Commissioners. As soon as possible after the deadline for submission of applications and filing appeals, the County Administrator shall advise the Board of County Commissioners of the approximate total funding necessary. The Board shall annually, at a public meeting determine and by resolution establish the amount of funds that will be allocated to the Special Assessment Hardship program. If the funds allocated are insufficient to provide assistance to all owners who are eligible, assistance shall be granted first to the eligible owners with the lowest earnings based upon consideration of family size.

Section 8: Submission of Application Required and Deadlines Established.

A. Submissions Required:

A homeowner wishing to obtain assistance under the Special Assessment Hardship Ordinance must submit an application in accordance with the deadlines and other rules and procedures established by the Board of County Commissioners. The application shall be on a form prescribed by the County and furnished by the County Administrator. The application form shall be signed upon oath by the applicant before an officer authorized by the state to administer oaths. The applicant shall be required to provide such other evidence and documentation as deemed necessary by the County Administrator or his designee in considering the application. The submission of false, misleading or incomplete applications and the failure to provide appropriate documentary evidence in support of an application prior to the deadline for the submission of an application shall constitute grounds for denial of the application.

B. Notice of Program:

Notice of the Special Assessment Hardship Program shall be included in the notice to owners of the public hearing to consider the Preliminary Special Assessment roll under §4 of Chapter 63-1582, Laws of Florida (as codified under §2-2-53 of the Code of Laws of Manatee

County), except that reasonable efforts shall be made to provide notice of the establishment of this Program to the public generally and to the owners of property where, prior to the date of adoption of this Ordinance, a special assessment lien has been imposed .

C. Application Deadlines:

- 1) Homeowners seeking assistance in paying Special Assessment Payments due without penalty before April 1, 1988, must submit a complete application and all documentation on or before March 15, 1988.
- 2) Homeowners seeking assistance where the deadline for the first partial payment without penalty occurs in 1989 or any year thereafter, must submit a complete application and documentation within thirty (30) days after the public hearing at which a special assessment lien has been imposed against the homeowner's property.
- 3) Homeowners seeking assistance with a second or any subsequent special assessment payment must submit complete applications and documentation in accordance with paragraph 1 above for assistance in 1988 or by such date as may be directed by the County Administrator with respect to a homeowner who has applied for assistance in a prior year provided that written notice

has been mailed to the owner at least sixty (60) days prior to the application deadline.

- 4) With respect to homeowners seeking assistance with payments other than the first payment, who have not obtained or applied for assistance in the preceding year and have not been notified of an earlier deadline, complete applications and documentation must be submitted by April 1, of the year preceding the year in which assistance is sought.

- 5) The County Administrator or his designee may waive the application deadline, provided that the last date for payment of taxes without penalty has not passed, upon a showing that the owner could not reasonably have applied by the deadline.

Section 9: Administrative Determination of Eligibility. The County Administrator shall assign the responsibility for reviewing applications to appropriate staff; who shall be responsible for advising applicants of the need for additional evidence and documentation and providing applicants with notice of the final staff determination of the applicants eligibility status and the right to appeal the determination.

Section 10: Right of Homeowner to Appeal Staff
Determination of Ineligibility.

A. Administrative Review Panel.

An applicant may appeal the staff determination of ineligibility to an administrative review panel consisting of three (3) Manatee County employees appointed by the County Administrator. The appeal shall be initiated by letter to the County Administrator submitted within fifteen (15) days after issuance of the staff determination of ineligibility. The applicant may submit such additional documentation and evidence in support of the appeal as may not have reasonably been produced prior to the deadline, due the unavailability of such documentation or the amount of time available for providing such documentation. The administrative review panel may allow the applicant to appear and offer under oath any relevant testimony that may assist the panel in making its determination. The administrative review panel shall promptly notify the applicant of its final determination of the applicant's eligibility status.

B. Final Appeal Before the Board of County Commissioners.

Anyone wishing to appeal a determination of the administrative review panel may do so by requesting a hearing before the Board of County Commissioners within fifteen (15) days after a notice of the determination of the

administrative review panel. An applicant will be notified of a time and date at which their appeal will be considered by the Board of County Commissioners which date shall be no sooner than seven (7) days after the filing of an appeal. The Board of County Commissioners shall not be required to consider any evidence or documents not presented for review by staff or the administrative review panel but may, in order to fulfill the purposes of this Ordinance, request and receive additional evidence and testimony in order effectuate the purposes of this Ordinance.

Section 11: Violations and Penalties. The submission of a false or fraudulent application or false or fraudulent documentation in support of an application shall constitute a violation of this Ordinance. Upon finding that assistance has been granted based upon a fraudulent application or an application containing fraudulent, false or misleading information, the Board of County Commissioners may act to reimpose a special assessment lien for the amount of the assistance granted under this program in the manner provided for correcting errors in the special assessment rolls under Chapter 63-1582, Laws of Florida, as amended. Nothing herein shall prohibit Manatee County from exercising other remedies available under the Laws of Florida. Additionally, violations of this Ordinance may be prosecuted in the manner provided by law for the violation of County Ordinances and subject to the penalties provided therein.

Section 12: Severability. If any part, section, subsection, or other portion of this Ordinance, or any application thereof to any person or circumstances is declared

to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

Section 13: Effective Date. This Ordinance shall become effective upon receipt of notice that it has been filed with the Secretary of State of the State of Florida and shall not apply to any Special Assessment payments due prior to January 1, 1988.

PASSED AND DULY ADOPTED with a quorum present and voting this, the 9th day of February, 1987.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: K. G. Chello
Chairman

ATTEST: R. B. SHORE

[Signature]
Clerk of the Circuit Court

Ordinance 87-14

EXHIBIT A
ANNUAL POVERTY LEVEL GUIDELINES TO 200%

FAMILY SIZE	A 100%	B 120%	C 140%	D 160%	E 180%	F 200%
1	\$ 5,496	\$ 6,595	\$ 7,694	\$ 8,794	\$ 9,893	\$10,992
2	\$ 7,404	\$ 8,885	\$10,366	\$11,846	\$13,327	\$14,808
3	\$ 9,300	\$11,160	\$13,020	\$14,880	\$16,740	\$18,600
4	\$11,196	\$13,435	\$15,674	\$17,914	\$20,153	\$22,392
5	\$13,104	\$15,725	\$18,346	\$20,966	\$23,587	\$26,208
6	\$15,000	\$18,000	\$21,000	\$24,000	\$27,000	\$30,000
7	\$16,896	\$20,275	\$23,654	\$27,034	\$30,413	\$33,792
8	\$18,804	\$22,565	\$26,326	\$30,086	\$33,847	\$37,608
Each Add'l Add	\$ 1,896	\$ 2,275	\$ 2,654	\$ 3,034	\$ 3,413	\$ 3,792
County * Share of Assessment	100%	90%	70%	50%	30%	10%
Owner's Share of Assessment	0	10%	30%	50%	70%	90%

* County's share of the annual special assessment charge will be limited to the percentage shown on this line under the appropriate column indicating the maximum family income after a determination of family size.

Example: A family of two receiving \$8,887.00 annually would be eligible for assistance qual to

HSD-10/87 70% of the annual special assessment charge.

STATE OF FLORIDA, COUNTY OF INDIANTEE
 I hereby certify that the foregoing is a true
 copy of ORDINANCE NO. 88-07 adopted by the
 Board of County Commissioners of said County on
 the 9th day of Feb., 1988, this 6
 of Feb., 1988 in Bradenton, Florida.

R. B. Shore
 Clerk of Circuit Court
 By: *[Signature]*