

RESOLUTION

NUMBER 2014 - _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA; ~~REPLACING RESOLUTION NO. 95-138, WHICH ESTABLISHED A HARDSHIP PROGRAM FOR LOW INCOME HOMEOWNERS RESIDING WITHIN THE COUNTY'S WATER AND WASTEWATER EXPANSION PROGRAMS; REPLACING RESOLUTION 2014-101, WHICH AMENDED RESOLUTION 95-138 ESTABLISHING A HARDSHIP PROGRAM TO ASSIST QUALIFIED HOMEOWNERS RESIDING IN THE EAST AND WEST SPRING LAKE WASTEWATER MSBU AREA;~~ PROVIDING FOR FUNDING FOR SAID HARDSHIP PROGRAM ~~THROUGH A REVOLVING FUND LOAN FROM UTILIZING~~ GENERAL OR OTHER FUNDS; ADOPTING EXHIBIT "A," HARDSHIP ELIGIBILITY CRITERIA; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

~~WHEREAS, on July 18, 1995 the Board of County Commissioners of Charlotte County, Florida ("Board") adopted Resolution No. 95-138 which established a Hardship Program to assist qualified low income homeowners residing within the County's water and wastewater expansion programs in the payment of their annual assessments for central water and/or sewer; and~~

~~WHEREAS, the stated purpose of the Hardship Program was to provide a loan to qualified owners, with the loaned amount, plus interest, allowable to be repaid at any time, with any amount still remaining due, plus interest, becoming due and payable in full upon the conveyance of the homeowner's property; and~~

WHEREAS, on February 25, 2014 the Board adopted Resolution No. 2014-101 amending the County's existing Hardship Program by adding a new paragraph 5.a. to Resolution No. 95-138 to allow~~ing~~ the Board to fund ~~any~~ specific projects with either

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general funds or funds other than the proceeds of the water or sewer assessments, as a permanent grant and not a loan, and also ratifying the Board's previous funding of the Hardship Program for the East and West Spring Lake Wastewater MSBU through a budget amendment; and

WHEREAS, the Board now desires to ~~replace the foregoing Resolutions with a new~~ enact a Resolution that ~~applies exclusively to the East and West Spring Lake Wastewater MSBU and~~ adopts revised Hardship Eligibility Criteria ~~for that area.~~

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida as follows:

1. The Board hereby establishes a hardship program to assist qualified ~~low income~~ homeowners who reside ~~within the County's water and~~ East and West Spring Lake ~~Wastewater expansion~~MSBU area in payment of the annual ~~water and/or~~ wastewater assessment for their property.

2. The Board of County Commissioners hereby authorizes and approves the ~~establishment of a revolving fund loan from~~ appropriation of up to \$500,000 from general or other available County funds for the purpose of providing financial assistance in the payment of ~~water and/or~~ wastewater assessments to qualified ~~low income~~ homeowners ~~who reside in the East and West Spring Lake Wastewater MSBU area.~~ Proceeds of water and wastewater assessments may not be used to fund this program.

3. The Board of County Commissioners ~~shall~~has determined that, for ~~each specific water and~~ the East and West Spring Lake ~~Wastewater~~ MSBU assessment

project, ~~whether the hardship assistance program for that project will be a loan which must be repaid by the homeowner, or will be~~ a grant ~~which that~~ will not ~~be required~~ have to be repaid ~~or a combination of both loans and grants~~ to the County.

4. The Board of County Commissioners shall determine, each fiscal year, whether to appropriate funds for the East and West Spring Lake Wastewater MSBU hardship assistance program. If no funds are appropriated, then no hardship assistance will be available for that fiscal year.

5. Homeowners who have qualified for hardship assistance must apply for re-certification each subsequent year and will be required to pay the annual assessment for any year in which they fail to qualify.

6. Exhibit "A," Hardship Eligibility Criteria, which is attached hereto and incorporated herein by reference, is hereby adopted.

7. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2014.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio Clerk
to the Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: _____
Janette S. Knowlton, County Attorney

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LR# 2014 – 2964

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EXHIBIT A

HARDSHIP PROGRAM ELIGIBILITY CRITERIA FOR ~~CHARLOTTE COUNTY POTABLE WATER AND~~ EAST AND WEST SPRING LAKE WASTEWATER MUNICIPAL SERVICES BENEFIT UNIT (MSBU) EXPANSION ~~AREAS ONLY~~

I. Purpose

The purpose of this policy is to establish eligibility criteria for a Hardship Program for homeowners residing ~~within Charlotte County's Potable Water~~ and the East and West Spring Lake Wastewater MSBU ~~Expansion areas~~.

II. Eligibility

Each application for hardship consideration must meet the following provisions:

- A. Home Ownership. Home ownership means a single family residential dwelling ~~or one unit of a duplex~~, and all of the following must be true:
1. That the applicant's property is within the boundaries of the MSBU.
 2. That the applicant's property is not currently listed for sale and there are no pending contracts for sale (notarized statement).
 3. That the applicant's property ~~that includes the single family dwelling that is situated within the boundaries of the MSBU and to which this application is pertinent~~ is not included in a bankruptcy action and is not the subject of a pending foreclosure case.
 4. That the property is being assessed the annual non-ad valorem assessment for the project.
 5. That the applicant(s) are the ~~se~~ property owner(s) of record ~~that reside in the home, along with any legal dependents and any other adult who resides in the home~~, including all ~~former names~~ or aliases used by any of the applicants.
 6. That the applicant(s) has/have received a homestead exemption for the previous tax year and are qualified to receive a homestead exemption for the current year.
 - ~~7. That the applicant(s) has/have no outstanding judgments or unpaid liens (with the exception of mortgage liens that are paid current) against them.~~

- 8.7. That all property taxes are paid, or the owners have obtained a homestead tax deferral, and there are no tax certificates outstanding.
- 9.8. That applicant(s) who has/have any past due fees or charges owed to Charlotte County Utilities (CCU) for any active or inactive account, including those that have resulted in a lien(s) being placed on any property, have a payment plan approved by CCU and are complying with the plan.
- 10.9. That applicant(s) who has/have properties under a mandatory connection for potable water and/or wastewater connection services provided by CCU and who have not connected, have an approved payment plan for the connection fees and are complying with the payment plan and are actively making arrangements to connect to the system.
- 11.10. That the applicant(s)' total income does not exceed the current year's income limits.
- 12.11. That applicant(s) are only receiving a credit for the annual assessed amount for one single family residential lot with one dwelling unit, or a two-family residential lot consisting of a duplex where each unit is separately owned.

- B. Household. A "household," for purposes of [determining household size](#) ~~this hardship program~~, includes all persons who reside in the home; ~~including the property owner(s), their legal dependents, and any other person(s), regardless of whether they are related.~~
- C. Income. "Income," for purposes of this hardship program, includes all gross earned and unearned income received by or on behalf of all members of the household [and applicants](#), regardless of where the income originated.
- D. Income Limits. ~~Maximum Total~~ income for ~~each household~~ [all applicants and household members, combined](#), must be no greater than 80 percent of the median income (low-income threshold), ~~for each~~ [based on](#) household size, [as](#) established by [the United States Department of Housing and Urban Development for Charlotte County, Florida](#) for the current year of hardship funding and published by the United States Government Printing Office in the Federal Register, [which is attached hereto and incorporated herein as](#) ~~(see Exhibit B).~~
- E. Non-Exempt Asset Limits. The cash value of ~~a household's~~ [all applicants' and household members combined](#) non-exempt assets must be no greater than 150% of the 80 percent of the median income (low-income threshold) for each household size established by United States Housing

and Urban Development for Charlotte County, Florida for the current year of hardship funding (see Exhibit B). Total assets include, but are not limited to, both cash and non-cash items that can be converted to cash. Non-exempt assets include:

1. Current Assets: Cash, short term investments, accounts receivable, inventory, and any rebates provided by CCU for the subject MSBU project.
2. Long Term Assets: Investments at present market value, including defined contribution retirement accounts and IRAs, [provided, however, that only that portion of such accounts that is in excess of \\$250,000.00 shall be considered non-exempt](#). A “defined contribution retirement account” is a retirement account in which an employee and/or the employer contribute to the employee’s individual account under the plan. The amount in the account at distribution includes the contributions and investment gains or losses, minus any investment and administrative fees. Generally, the contributions and earnings are not taxed until distribution. The value of the account will change based on contributions and the value and performance of the investments. Examples of defined contribution retirement accounts include 401(k) plans, 403(b) plans, employee stock ownership plans and profit-sharing plans.
3. Fixed Assets: Recreational vehicles and automobiles, boats, equipment, machinery and land, at present market value; buildings less accumulated depreciation.
4. Other Assets: Short- and long-term prepaid expenses; intangible assets such as patents, trademarks, royalties, copyrights, goodwill, franchises or other non-physical assets; resource-related rights, such as mineral rights, land and air space rights.

F. [Exempt Assets.](#)

The following assets [of all persons who reside in the homesteaded property](#) are exempt:

1. The homesteaded single family residential property located within the boundaries of the MSBU that is the subject of the hardship application.
2. Two automobiles per household. Additional automobiles will be included in non-exempt assets [and the value shall be determined by taking an average of the total values of all exempt and non-exempt automobiles.](#)
3. Personal effects and household furnishings.
4. Life insurance.
5. Burial plots and prepaid funeral arrangements.
6. IRS-qualified defined benefit (i.e. pension) retirement plans, provided, however, that any payments currently received from such plans shall be included in income. An “IRS-qualified defined benefit plan,” also

known as a traditional pension plan, is a plan that promises the participant a specified monthly benefit at retirement. Typically, the monthly benefit is based on factors such as the participant's salary, age and the number of years he or she worked for the employer. The plan may state this promised benefit as an exact dollar amount, such as \$100 per month at retirement. Or, more commonly, it may calculate a benefit through a plan formula that considers such factors as salary and service.

6.7. Up to \$250,000.00 that is in one or more defined contribution retirement accounts or IRAs, provided, however, that any amounts in excess of \$250,000.00 shall be considered non-exempt.

G. Verification Period.

1. Regular Income: Income received on a regular basis will be verified for the three month period that is immediately prior to the date of the hardship application.
2. Irregular Income: Income received on an irregular basis, including seasonal work, will be verified for the calendar year prior to date of the hardship application, as well as for the current calendar year up to the date of application.

III. Benefits

Households that meet all requirements of the Hardship Program are eligible for a 100 percent payment, by the County, of the current year's assessment for their property that is included within the boundaries of the MSBU and that has been assessed the non-ad valorem assessment, up to a maximum of one occupied Equivalent Residential Unit (ERU) and one occupied Equivalent Residential Connection (ERC).

IV. Application Process

Applications for the Hardship Program will be accepted and reviewed by CCU staff and processed each year when there is a Board-approved and fully funded hardship program. A personal interview will be required of all applicants or their legally designated representative. Applications will not be accepted after ~~January 20~~February 13, 2015 for the Fiscal Year (FY) 2015 MSBU funding cycle or after September 15 for each subsequent year that the program is funded.

A letter, along with a list of pre-qualifying questions, will be mailed to each property owner within the boundaries of the MSBU by CCU. All applicants who choose to submit an application for hardship shall answer all pre-qualifying questions and submit them to CCU for review.

Applicants who meet the requirements of the initial review will then be mailed an application with a list of items needed for verification of income and assets.

Incomplete applications will not be accepted and will be returned to the applicant(s).

Eligible households must be recertified each year in order to qualify for the current year's Hardship Program.

V. Grievance Procedure

Applicants who disagree with the eligibility determination will have 10 business days from the date of the Notice of Eligibility to request in writing that the application be reviewed by the Utilities Director and/or his/her designee. The Utility will notify the applicant(s), in writing, of the re-determination decision within 15 business days, sent to the mailing address provided in the application.

If the applicant(s) disagree with the findings of the redetermination, the applicant(s) will have 5 business days from the date of receipt of the redetermination to request in writing a final review. The request for final review will be forwarded to the County Administrator. The applicant(s) will be notified in writing of the final review.

VI. PROCESS SCHEDULE

A. For FY 2015 the process is as follows:

- | December 10~~7~~, 2014 A letter with pre-qualifying questions to the property owners will be mailed by CCU.
- | ~~December 22~~ January 12, 2014⁵ Pre-qualifying questions answered by property owners and returned to CCU. CCU to mail application packets to the property owners who have met the requirements of the pre-qualifying questions.
- | ~~January 20~~ February 13, 2015 Completed applications returned to CCU.
- | ~~March 6~~ April 3, 2015 All reviews are complete and approval or denials mailed to property owners. Notification to Tax Collector. Grievance Procedure begins.
- | ~~March 24~~ April 17, 2015 Deadline (postmarked) for submission of Grievance Appeal to CCU Director.

| ~~April 14~~, May 8, 2015 CCU Director will respond in writing to all Grievance Appeals the findings of the redetermination.

| ~~April 24~~ May 22, 2015 Notification of approvals to Tax Collector. Any Applicant who disagrees with the findings of the re-determination will have 10 business days from the date of the re-determination letter to request in writing a final review. The request for final review will be forwarded to the County Administrator. The applicant(s) will be notified in writing of the final review. If this results in approval for hardship, a notification will be provided to the Tax Collector.

B. For Fiscal Year 2016 and all future years the process is as follows:

June 1, 2015 A letter with pre-qualifying questions to the property owners will be mailed by CCU.

June 30, 2015 Pre-qualifying questions answered by property owners and returned to CCU.

July 15, 2015 CCU to mail applications to the property owners who have met the requirements of the pre-qualifying questions.

August 14, 2015 Completed applications returned to CCU.

September 30, 2015 All reviews are complete and approval or denials mailed to property owners. Notification of approvals to Tax Collector. Grievance Procedure begins.

October 30, 2015 Deadline for submission of Grievance Appeal to CCU Director.

November 16, 2015 CCU Director will provide the re-determination decision, in writing, to all Grievance Appeals the findings of the redetermination.

December 1, 2015 Any Applicant who disagrees with the re-determination decision will have 10 business days from the date of the re-determination letter to request, in writing, a final review. The request for final review will be forwarded to the County Administrator. The applicant(s) will be notified in writing of the final review decision. If this results in approval of the

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hardship, a notification will be provided to the applicant and the Tax Collector.

EXHIBIT B

**HARDSHIP PROGRAM ELIGIBILITY CRITERIA
FOR
~~CHARLOTTE COUNTY POTABLE WATER AND EAST AND WEST SPRING LAKE~~
WASTEWATER MUNICIPAL SERVICES
BENEFIT UNIT (MSBU) EXPANSION AREAS ~~ONLY~~**

Income Limit for 2014 Adjusted Annually by US HUD						Non-Exempt Asset Limits for 2014
	30%	50%	80%	120%	140%	
1 Person	11,700	19,500	31,200	46,800	54,600	46,800
2 Person	13,400	22,300	35,650	53,520	62,440	53,475
3 Person	15,050	25,100	40,100	60,240	70,280	60,150
4 Person	16,700	27,850	44,550	66,840	77,980	66,825
5 Person	18,050	30,100	48,150	72,240	84,280	72,225
6 Person	19,400	32,350	51,700	77,640	90,580	77,550