

WINTER 2007

IN THIS ISSUE

The Sadowski Act SHIP Program: What's Happening Now

Aging Out Of Foster Care: Sadowski State and Local Housing Trust Funds Provide Some Safety

Community Land Trusts: The Property Tax Issue 15

Community Workforce Housing Innovation Pilot Program: Successful Lift-Off 19

CWHIP: Intended to Complement, not Supplant, Programs for Lower Income Floridians 20

Florida Housing Coalition to Host **ELI Housing** Leadership Forum 21

THE ECONOMICS OF HOUSING Florida Housing Coalition's 2007 Statewide Annual Conference

Federal Update 26

SHIP Clips 28

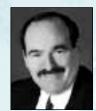
Florida Housing Coalition Recognizes Ben Haves for **Outstanding Pro** bono Assistance 30

Volume 23, Number 1 The Journal of the Florida Housing Coalition, Inc.

Florida Legislators Taking the Lead to Repeal the Cap



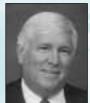




Senator Geller



Senator Wilson



Rep. Saunders



Rep. Fitzgerald



Rep. Bucher

Senator Jim King (Jacksonville) filed SB 144, Senator Steve Geller (Hallendale Beach) filed SB 180, and Senator Frederica Wilson (Miami) filed SB 368. Representative Ron Saunders (Key West) filed HB 367, Representative Keith Fitzgerald (Sarasota) filed HB 381, and Representative Susan Bucher (West Palm Beach) filed HB 477. Each bill repeals the cap on the state and local housing trust funds.

From the Editor - Jaimie Ross

Florida Housing Coalition Board President

Repeal of the Cap: Legislative Priority Number One for 2007

'n 2005, at the request of Governor Bush, the Florida Legislature enacted a cap on the amount of monies to be distributed into the state and local housing trust funds beginning July, 2007. If the cap is not repealed, the amount of monies distributed into the state and local housing trust funds will be \$243 million per year—with no meaningful increase over time. Florida's landmark legislation will cease to function as intended; the need for housing the elderly, the infirm, and the workforce will continue to rise while the funding to meet that need will stagnate. The following "Fact or Folly" is intended to dispel myths and aid the collective effort to "scrap the cap."

FOLLY I: The large amount of monies generated by the state and local housing trust funds are a "windfall."

FACT 1: The monies dedicated to the state and local housing trust funds were purposefully tied to documentary stamp taxes so the money distributed into the state and local housing trust funds would increase as real property prices increased and decrease as real property prices decreased. There is a direct nexus between high prices and greater need for subsidy.

FOLLY 2: The recent downturn in the housing market changes the need for full funding into and appropriation out of the state and local housing trust funds.

FACT 2: Although prices may have dropped in the past year, they have not come down anywhere close to the prices of 2002, the last year we had full funding into the state and local housing trust



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The Florida Housing Coalition is a nonprofit, statewide membership organization whose mission is to act as a catalyst to bring together housing advocates and resources so that Floridians have a safe and affordable home and suitable living environment.

The Housing News Network is published by the Florida Housing Coalition as a service to its members and for housing professionals and

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Email: info@flhousing.org, Web site: www.flhousing.org Florida Housing Coalition, Inc., Phone: (850) 878-4219, Fax: (850) 942-6312, 1367 E. Lafayette Street, Suite C, Tallahassee, FL 32301.

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fund programs (funded at \$249 million in 2002). Capping the funds at \$243 million would be to fund a level less than the monies generated by 2002 housing prices.

FOLLY 3: Florida's housing providers could not use all the state and local housing trust funds if they were made available.

FACT 3: Florida's state programs are continually oversubscribed; far more applicants than monies available. Florida's local programs have had to significantly reduce the number of families assisted in buying their first home as the gap between Floridian's income and Florida's housing prices increasingly can not be met with the reduced subsidy available (e.g. using subsidies based on an appropriation level from 2002 and housing prices that are double those of 2002).

FOLLY 4: The gap between income and housing prices can be closed by reducing government regulation.

FACT 4: While government regulation increases the cost of housing and significant improvements can be made in this area such as expedited permitting and density as of right, growth must be sustainable with concomitant infrastructure such as roads, schools, and parks. Regulatory reform is a critical tool in the affordable housing tool kit, but it cannot supplant the need for financial subsidy.

FOLLY 5: The Legislature needs to cap the trust funds so that the monies dedicated to affordable housing can be used to balance the budget.

FACT 5: The basic premise that is being used to justify the cap is that the money will be needed to balance the budget, and that repeal of the cap will somehow prevent the budget from being balanced. This is a false dilemma. The cap is on distributions INTO the housing trust funds—once in the trust funds, the legislature can appropriate them as needed. If they are indeed needed to balance the budget, they can be used accordingly. There is no need to cap distributions into

Repeal of the cap is universally supported in Florida as reflected by every major newspaper and constituent group, including the low income advocates and industry groups that participate in the Sadowski Workforce Housing Coalition as follows:

- AARP of Florida
- Associated Industries of Florida
- Florida Retail Federation
- Florida Coalition for the Homeless
- Florida Chamber of Commerce
- Florida United Way
- Florida Bankers Association
- Florida Home Builders Association
- Florida Association of Realtors
- Florida Catholic Conference
- Florida Impact
- Florida Legal Services
- Florida Housing Coalition
- 1000 Friends of Florida
- Florida League of Cities
- Florida Association of Counties
- Florida Association of Homes and Services for the Aging
- Coalition of Affordable Housing Providers
- Florida Association of Local Housing Finance Authorities
- Florida Association of Housing and Redevelopment Organizations

HOUSING NEWS NETWORK

the trust funds in order to respond to potential budget problems when and if they ever happen.

The monies which are statutorily dedicated to the state and local housing trust funds are derived from the documentary stamp tax which was increased for the sole purpose of funding the state and local housing trust funds. In the 14 years that the Sadowski Act has been enacted, there has been only one year when the monies from the state and local housing trust funds were needed to balance the budget—FY03-04—and in that year, a portion of the funds were diverted to general revenue. This proves conclusively that if the legislature needs the state or local housing trust funds for other purposes it is able to appropriate accordingly.

There is no reason to believe that Florida will now and forever after have a budget deficit. If that is indeed the projection, the Legislature needs to look at what the cause or causes of that deficit are and take corrective action. Designing a system for the unusual years when the trust funds will be needed to balance the budget is illogical— the system should be designed for the overwhelming majority of years when the money can be spent on housing.

FOLLY 6: Housing advocates are laying claim to too much money because only half the monies distributed into the state and local housing trust funds are from the increase in the documentary stamp tax.

FACT 6: When the tax was raised on the documentary stamp tax on real property transactions in 1992 it was agreed to by anti-tax industry groups on the condition that twenty cents per hundred would be dedicated to the housing industry- a dime from the increase in the documentary stamp tax effective in 1992 and an equivalent value of revenue beginning in 1995.

For additional information on the Sadowski Trust Funds go to www.flhousing.org or contact Jaimie Ross at jaimieross@aol.com



The Sadowski Act SHIP Program: What's Happening Now

he Sadowski Act Local Housing Trust Fund monies fund the local SHIP program in all 67 counties and 50 entitlement cities in Florida. Having a dedicated revenue source for locally administered affordable housing programs has created a housing delivery infrastructure in Florida like none other in the United States. And when that infrastructure of public private partnerships has the benefit of expert training and technical assistance, the success is unequivocal. Florida's communities are promoting home ownership, building quality rental housing, preserving existing housing through rehabilitation, preventing foreclosure, responding to hurricane

disasters, and developing creative strategies such as community land trusts to respond to changing economic environments.

These same communities remain aware that full funding of trust fund dollars would enable their programs to increase needed down payment assistance, develop additional multi and single-family units and increase their permanent stock of affordable housing units. This article highlights just a few of the SHIP programs that have an impressive story to tell about what they have been able to accomplish through the SHIP program and what they could accomplish with additional funds.



George Romagnoli, Manager PASCO COUNTY COMMUNITY DEVELOPMENT



Dade City's Bethany Apartments were the first permanent homeless rental apartments developed in Pasco County. Funding for the apartments came from HUD and Pasco County SHIP funds.

Current SHIP Funding: \$3,765,231

Current SHIP Strategy: down payment assistance, impact fee assistance, rehabilitation purchase assistance, homeowner rehabilitation, rental housing increases, foreclosure prevention, and disaster strategy

- Q. What SHIP funded program would you say is your most successful?
- **A.** Our most successful is probably homebuyer assistance. We have assisted over 2,500 families through SHIP.
- Q. What about this program makes it successful?

A. It is highly leveraged, the lenders do most of the work for us, and we have made it very easy for the lenders to use. There is always the need for the program, so when we need to spend more, we just open the spigot and the money moves.

Q. What would you be able to accomplish with full funding?

A. We would triple our homebuyer assistance, to around 600 families a year. We could replace one of the buildings of the worst public housing complex. And we would do more of a program that we are expanding, housing replacement (replacing substandard and dilapidated mobiles and homes with new homes).

When Pasco County wrote its new 3 year plan in May of 2006, Community Development staff went on a listening tour of people involved in the housing industry. We listened to lenders, realtors and builders, housing authorities, nonprofit agencies, homeless and domestic violence shelters. We talked not only to the staff, but also to the people being served.

We also were extremely aware of what was happening in the community. The insurance revolt in Florida started in Pasco County. Not because of windstorm like the rest of the state, but sinkholes. Sinkhole danger made Pasco a county to be avoided, and insurance companies pulled out of Pasco first. Citizens had exorbitant prices, and people were being forced out of their homes. The flexibility of the SHIP program enabled us to help save these homeowners from losing their homes. We beefed up our rehab and foreclosure prevention program and started a program to pay taxes and insurance for low income people on fixed incomes. We are now processing our first 30 applications.

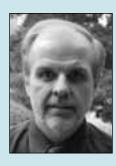
That is one of the great characteristics about the SHIP Program - local communities can look at the needs of their area and create their own plan to meet their area's needs.

George Romagnoli



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Randy Wilkerson, Executive Director NEIGHBORHOOD ENTERPRISE FOUNDATION, INC.



Four new homes were constructed on Guillemard Street in downtown Pensacola using SHIP funding.

Current SHIP Funding: \$2,809,133

Current SHIP Strategy: down payment assistance, new developments, special needs developments, disaster mitigation, and rehabilitation

- Q. What SHIP funded program would you say is your most successful?
- A. The Escambia/Pensacola SHIP First Time Homebuyers Program has directly enabled over 1,800 families to reach the goal of first time homeownership, with over 75 percent having total household incomes below 80 percent of median.

Q. What about this program makes it successful?

A. Strong community buy-in by lenders, realtors, builders and homebuyers. The program is well integrated into the local mortgage-lending arena and streamlined to minimize bureaucracy, client processing time, and paperwork duplication. It's also highly leveraged with private lender and builder participation, a proven success that is well known in the local market.

Full funding for your community would result in a SHIP allocation of \$10,349,477.

Continued on page 6

THE FLORIDA HOUSING COALITION PAGE 5

HOUSING NEWS NETWORK

Q. What would you be able to accomplish with this level of funding?

A. Funding estimates provided below reflect projected use of "additional/full funding" dollars on an annual basis and are provided for illustrative purposes only:

\$4.0 Million: New Affordable Homeownership Housing (with priority for infill sites)

(Production: 80-90 new single family homes annually)

Funds would be used to expand our successful Infill Housing Development Initiative. At present, SHIP funds for this targeted "neighborhood revitalization" initiative are exhausted within 6-8 months of the beginning of each SHIP Program Year, resulting in an inability to provide continuous funding commitments for homebuyers, participating builders and lenders.

\$750,000: Emergency Housing Repair Assistance for ELI, VLI and LI Owner Occupied Housing (Production: Code related repairs to 60-65 homes annually)

Funds are routinely exhausted for this strategy, resulting in long waiting lists for assistance. This strategy supports preservation of existing housing stock.

\$1.5 Million: Replacement Housing (Severely dilapidated owner occupied units)

(Production: 20-25 modest new replacement homes annually)

At current funding levels, given the extensive waiting list for the local HOME Replacement Housing Program, an applicant must wait approximately 3 years to receive funding for replacement of their severely substandard owner occupied home. Additional SHIP funding could effectively double the production of these homes on an annual basis.

\$1.0 Million: New Workforce Multi-Family Housing (Production: 100-125 new rental units annually)

Continual development of new quality rental units is critical to maintaining a diverse, adequate affordable housing stock. Escambia/Pensacola continues to need additional rental units, especially those targeting ELI and VLI families; affordable assisted living for the elderly; and persons with special needs. This level of additional annual funding would enable us to potentially secure at least 100 additional workforce rental units per year.

\$250,000: Special Needs: Transitional or Permanent Housing for the Homeless (Production: 4 new units or 12 new beds annually)

Since Hurricane Ivan we have witnessed a marked increase in demand for housing alternatives within the local consortium of agencies providing services to homeless families and individuals. There is a need to consistently increase the number of beds available for short and long term occupancy by the homeless. Additional SHIP funds would allow us to add at least 12 new beds annually.



Jill E. Minnen, Housing Coordinator CITY OF ST. PETERSBURG



This home in St.

Petersburg was purchased through the A+ Teacher Housing Program, a SHIP funded program designed to attract and retain teachers committed to teaching and living in their neighborhoods.

Current SHIP Funding: \$2,346,040

Current SHIP Strategy: loan guarantee program for newly constructed/newly rehabilitated housing, emergency

repair, rehabilitation assistance program, lead-based paint abatement program, barrier free program, housing replacement/reconstruction, purchase and teacher purchase assistance, bond and barrier free programs, acquisition and development program, multi-family rental, predatory lending, foreclosure prevention, post disaster housing recovery

Q. What SHIP funded program would you say is your most successful?

A. The SHIP funded program that is the City's most successful would have to be the purchase assistance program that assists low to moderate income households acquire a home, and the A+ Teacher Housing Program that enables Instructional Personnel to acquire homestead property in the City.

Q. What about this program makes it successful?

A. The Purchase Assistance Program has provided low-to moderate-income households who would otherwise, not have the ability to purchase a home, the opportunity to obtain the American dream and to raise their children in environments that provide a better qualify of life. For the period 2001-2005, \$4,903,839 was spent to leverage millions of dollars in private funding that enabled 481 households to purchase homes. In addition, the City expended \$225,000 and assisted 79 households to

purchase homes through a partnership between the City and Pinellas County with its First Time Homebuyers Bond Program, during the same period.

The A+ Teacher Housing Program has enabled the City to partner with the Pinellas County School Board to offer a recruitment incentive to prospective teachers who are considering teaching in the district. The program has been very successful and has resulted in the expenditure of \$460,800 that has been allocated over the past three years to assist 31 Teachers to purchase homes in the City.

Q. What would you be able to accomplish with full funding?

A. If the City were able to receive full funding of its SHIP allocation, it will enable us to provide more affordable housing single-family units, and to assist developers with the development of more large-scale multi-family affordable units. Additional funding would also make it possible for the City to partner with local nonprofit agencies to build affordable single-family and multi-family units throughout the City.



Don Hadsell,
Director
SARASOTA OFFICE
OF HOUSING &
COMMUNITY
DEVELOPMENT



The Grande Court apartments in Sarasota provide 128 new garden style rental units for families and individuals with incomes below 60 percent of the area median income. Sarasota SHIP funds ensured the projects completion.

Current SHIP Funding: \$3,402,100

Current SHIP Strategy: down payment assistance, impact fee assistance, housing partnership program, housing rehabilitation program, special needs housing, disaster mitigation

Q. What SHIP funded program would you say is your most successful?

A. The down payment assistance program. This year, 104 families received down payment assistance totaling \$4,735,859. The average purchase price was \$166,671. The funds leveraged \$13,219,760 in private financing. Another 19 families received loans to purchase homes in the Rosemary Park Condominiums developed by the Sarasota Public Housing Authority. The average purchase price of these homes was \$92,842.

Q. What about this program makes it successful?

Continued on page 8

THE FLORIDA HOUSING COALITION

Page 7

HOUSING NEWS NETWORK

A. The streamlined process with our local lenders - our process is very customer friendly and the lenders have little additional work to apply and receive our funds. More than 2,000 families have used our funding (both SHIP and HOME) to purchase their first home. However, this program is also out of funds. On July 5 (2006) at 8:00 (a.m.) we accepted applications for the FY 2007 SHIP funds. By noon, we had received 60 applications and again closed the program to new applications. We anticipate reopening the program in February (2007) with HOME funds and will assist another 33 families.



Q. What would you be able to accomplish with full funding?

A. We could assist an additional 320 families purchase a home next year.



Elizabeth Alpert, Community Development Administrator CITY OF DELRAY BEACH



SHIP funds were used to assist a first time homebuyer purchase this home in Delray Beach.

Current SHIP Funding: \$590,567

Current SHIP Strategy: purchase assistance, owneroccupied housing rehabilitation, land acquisition, disaster relief

Q. What SHIP funded program would you say is your most successful?

- A. Creating home ownership opportunities with SHIP down payment assistance funds has been the most successful SHIP program at the City of Delray Beach. The program's success began with a dynamic infill-housing program, which created ownership opportunities throughout the City. However, as land and construction prices raised, diminishing the stock of affordable units, the City partnered with the Delray Beach Community Land Trust (established in 2006), by subsidizing the cost of construction for land trust homes in order to create even more affordable prices.
- Q. What about this program makes it successful?

A. By partnering with the Community Land Trust not only is the land subsidized but the construction cost is as well. This leverages the dollars and maximizes the benefit to the homeowner by creating an affordable unit, not just an affordable payment. What makes the program so successful is that it creates an affordable housing stock in the City of Delray Beach in perpetuity.

Q. What would you be able to accomplish with full funding?

A. Additional SHIP dollars would allow Delray Beach to increase its permanent stock of affordable housing units. Funds would be utilized to purchase lots for the Community Land Trust program and buy down construction costs through the strategy mentioned above. Additionally, this would allow for construction of affordable rental, which would also remain a part of the Delray Beach Community Land Trust.

SHIP funds were used to assist a first time homebuyer purchase this home in Delray Beach.





Aging Out Of Foster Care: Sadowski State and Local Housing Trust Funds Provide Some Safety

BY LYDIA BELTRÁN FLORIDA HOUSING COALITION

"ages out" and also known as the "release from the child welfare system" of which these youth have depended on for most of their lives. Along with this reality is the full responsibility in finding their housing, employment, health care and support system. At 18 years of age, most pack their belongings in suitcases and trash bags and set off on their own.

ational experts estimate that of the 18 year olds that "age out" of foster care each year, up to 40% will face the cruel reality of homelessness, less than 45 percent will have completed high school and less than 50 percent will be employed. Without a support system, 41% will be on some type of public assistance by the time they are 22 years old. This is a national and statewide issue that is being addressed on

various public and private levels. As with many vulnerable populations, a comprehensive approach is needed to prepare foster youth with an alternative to the revolving door of delinquency, alcohol and substance abuse, homelessness and incarceration.



The Florida Housing Finance Corporation has joined the ranks in this comprehensive approach through its 2006 RFP Demonstration Loan – The Development of Transitional Housing for Youths Aging out of Foster Care. A total of five applicants were given preliminary funding commitments and are in the final commitment process for the housing development plans. The Florida Housing Coalition is providing technical assistance to assure that the

housing development plans are achieved as proposed. The technical assistance is critical as some of the awardees are supportive services based and have limited housing development background. A summary of the awardees is as follows:

Continued on page 10

The most recent legislation addressing foster care was "The Road to Independence Act" (Fla. Stat. Sec. 409.1451), enacted in 2002, requiring that young adults leave foster care at the age of 18. The Act allows for potential funds to be provided through the Department of Youth Children and their Families for pre-independent living (ages 13 - 15), life skills (ages 15 - 18) and subsidized living (18-23). The subsidized living allows for some financial assistance but is restricted to those who are enrolled in a community college and maintain a C average. But child advocates report that many youth with developmental disabilities and mental health problems do not meet the academic requirements and do not benefit from the program.

CAMILLUS HOUSE - MIAMI

Established in 1960 by the Little Brothers of the Good Shepherd, Camillus House, once an overnight shelter, has grown into a full service center offering a full "continuum of care" for the poor and homeless. Camillus House programs include emergency assistance with food, clothing and shelter, job training and placement, residential substance abuse treatment and aftercare, behavioral health and maintenance, health care access and disease prevention, and transitional and permanent housing.

Project: St. Jude will provide transitional housing for males out of foster care who are pursuing continuing education. Construction rehabilitation of an existing historic apartment building will provide eight — one bedroom/one bath units. Each unit will be fully renovated, furnished, and equipped with computers. The project is within walking distance to the Miami Dade Community College Downtown Campus and public transportation. A case manager will live



Camillus House, Lummus Park Historic District- Downtown Miami

on site and manage tenant services. The supportive services will be provided by "Our Kids" of Miami. The construction and operations will be the responsibility of Camillus House.

FHFC Demonstration Loan – Up to \$900,000

The rehabilitation of a historic building will be the future site of Camillus House's first adult foster youth housing.



CHILDREN'S HOME SOCIETY (CHS)

Established in 1902 as a Jacksonville orphanage, CHS is a statewide multi-service agency providing social services such as foster care, adoption, child abuse prevention, emergency shelters, group homes, case management and treatment for developmentally disabled children. There are two CHS projects associated with the Foster Youth Demonstration Loan:



Existing apartment building where youth are currently living.

Project: CHS Buckner Division, Transitional Housing

- will be built on CHS' currently owned property providing housing for nine teen girls and/or mothers ages 16-23. Six units will be located in a group home with common areas and four units will be located in two separate module style buildings each consisting of private entrances into two two bedroom apartments each with their own common kitchen areas. The project is located near the downtown area, with access to educational facilities. There will be a 24 hour on-site staff person and services will include job coaching, supportive counseling, mental health, education/ tutoring assistance, parenting classes, infant/child care, and transportation.

FHFC Demonstration Loan - \$249,000



Project: CHS Treasure Coast Division - Transitional Living Program provides housing and aftercare services promoting independence and preventing homelessness. Its current 12 bed program will be expanded to include 9 newly constructed units, consisting of 6 - one bedroom and 3 - two bedrooms, 2 of which will be provided for parenting youth and one for a case manager. The program is designed for youth aging out of foster care and continuing their academic pursuits through a GED program, college, technical

schools, and/or those being discharged from residential care such as mental health centers and/or juvenile justice placements.

FHFC Demonstration Loan \$750,000

The current youth Transitional Center (in Ft. Pierce) is located in an undesirable area with little opportunity for employment, education and enrichment. Daily exposure to crime, drugs and other negative influences is a strong concern.

The new location in Vero Beach (10th Avenue/6th Avenue) will provide a safe and secure setting as well as ample opportunities for employment and education. It will foster hope and convey to the youth a sense that people care.

"The Transitional Living Program is teaching me to become a responsible adult. It's a stepping stone, but the program gives me a chance to make it on my own, and get the help and advice I need from case managers who really care about me," said one youth involved with the program.



DANIEL - IMPROVING THE ODDS FOR KIDS - JACKSONVILLE

Established in 1884 as the Orphanage and Home for the Friendless, it was later established as the Daniel Memorial in 1893. Its foster care and family

counseling services were incorporated in 1956 followed by various program expansions throughout the years such as the Therapeutic Foster Care Program in 1981. The name was changed in 1999 to "daniel-Improving the Odds for Kids." In 2003, it attained foster care privatization and afterwards adoptive services were established. Its JaxBuild Program, designed to help youth learn a construction trade while obtaining a GED, was also added to its many services.



Project: daniel Project Prepare will consist of two rehabilitated buildings on the daniel campus resulting in 18 fully accessible and renovated apartments for homeless youth. Common areas such as the kitchen, staff office, community room and laundry will also be renovated. Staff will be on site at all times. Youth will participate in services to prepare them for entering adulthood with education, employment and social skills.

FHFC Demonstration Loan - \$300,000

"I barely glance at our well-worn building as I hurry through the doors to attend to my portion of what our agency does

THE FLORIDA HOUSING COALITION

Page 1 1



best...building. I've found daniel's mission models that of a construction foreman, yet on a humanitarian level."

- James D. Clark, LCSW, President.

Since moving into Project Prepare "I have learned to be more Independent and responsible. I pay my rent on time and I keep my apartment neat and clean" - Davesha 18 years old

Since moving into Project Prepare "I have obtained my High School Diploma through attending the Jax Build Program. I am looking forward to graduating in March. I am also planning to attend FCCJ this summer because I want to be and Architect." - Jean 17 years old



TURTLE NEST VILLAGE, INC. (TNV) - WEST PALM BEACH

Established in 2002 to assist former foster youth ages 18 to 21, TNV currently provides housing assistance with the requirement that the youth

achieve an educational goal (GED, college or vocational), find jobs, receive counseling and work with coaches on life-skills training. Youth participate in a 12 to 24 month program and graduate on an on-going basis depending on readiness based on the goals achieved. Upon graduating,

"Being born into an abusive home and then being raised in the foster care system had a huge impact on my life. I did not feel cared about and I did not feel safe and did not know who to trust. I began using drugs and alcohol and my attitude was that I did not care for my life or what became of it. At eighteen years old I had no education and no home. Soon after, God opened a door for me and guided me to Turtle Nest Village. There I was introduced to a clean and loving environment, where people actually took time to teach me life skills, money management and how to love myself. Through the Turtle Nest Program, I have completed my high school diploma and I am now attending Palm Beach Community College. I take good care of myself and do not do things that hurt me or anyone. The program inspired me so much that I now want to be involved working with children and making a change in the foster care system."

-TNV Graduate

TNV provides follow-up support and assists with emergency needs that may arise related to such issues as transportation and, health care.

Elizabeth Brown, TNV founder recalls the following:

"Walking on the beach, searching my mind for a name for this organization, I stumbled over a mound of sand with baby turtles crawling out. Some were heading toward the ocean, others toward the road. I cupped the misdirected babies in my hand, one at a time, and carried them to the ocean. Once in the water, they instinctively knew what to do.

I found myself overwhelmed by the parallels between the plight of sea turtles and foster youth leaving the system. With guidance and loving support, the chances of survival and success increase greatly."

Project: Turtle Nest Village will consist of 3 two-bedroom units and a community room equipped with a computer lab. The land was transferred to Lake Worth Community Development from the Community

Redevelopment Agency for the purpose of affordable housing. Lake Worth CDC and TNV have partnered toward this end with Lake Worth CDC to serve as the developer. Combined with a variety of pro bono services, major foundation and individual private contributions,

TNV will fulfill one of its goals to provide its own rental housing as opposed to depending on private market rate rental units. The project will be located near major transportation and public education facilities.

FHFC Demonstration Loan - \$400,000

"I believe that foster care should be improved 100%.

We don't get an education because we move around so much, and we're not stable because we move around so much. So by the time we're 18, they kick us out on our own and we're uneducated and unstable," *said a TNV graduate*.

"They help us be more independent, they give us a second chance . . . to be on our own with the support of people who care about us. TNV is a program that helps us through tough times," said another graduate.

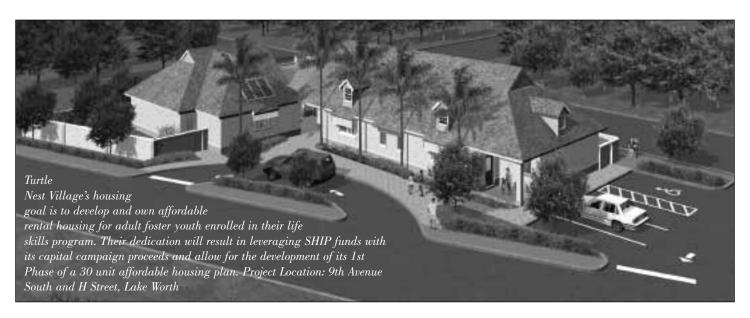
TNV RECEIVED A 2006 BANK OF AMERICA NEIGHBORHOOD BUILDERS AWARD. ALONG WITH THE RECOGNITION, TNV WILL RECEIVE \$200,000 IN GRANTS AND LEADERSHIP TRAINING THAT WILL BE PROVIDED EACH YEAR FOR A TWO-YEAR PERIOD FOR OPERATING EXPENSES AND BUILDING PROGRAM CAPACITY.

of the bad statistics that happen to black males," *said* another TNVgraduate.

"I was in and out of foster care since the age of 13 and it seemed that I changed living places about every six months. After being released from foster care at 18, I was able to find a place to live but it was a horrible living situation. I was referred to Liz Brown from TNV and was

given a great place to live and was in a program that changed my life. I am 24 years old, married, with two children and employed. Because of the TNV program, and where I am in my life now, I will always have a place I can call home," said another graduate.

Providing housing for youths aging out of foster care is critical to the young adult as well as the community at large. The failure to provide affordable housing opportunities



"I was in and out of my family's home and then given a one week notice to leave from foster care. I was on the streets, homeless with no idea in how to get my life together. TNV provided me with a studio unit to live in and taught me to be responsible in paying rent, finishing school and getting a job. I have a pressure cleaning side business in case something goes wrong with my first job, because I never want to be without resources for myself. I am 24 years old now. Without this program, I would have ended up like some

for youth aging out of foster care results in homelessness for the youth and a host of social ills for society. A comprehensive national, state, and local approach such as interconnecting entities representing education, health, and employer resources is key to a transition into responsible adulthood. For example, innovative training programs such as YouthBuild through the U.S. Department of Housing and Urban Development has provided thousands of youth with educational opportunities, counseling,

THE FLORIDA HOUSING COALITION PAGE 13

HOUSING NEWS NETWORK



leadership, and employment skills. Youth receive construction training and applied skills by rehabilitating and building housing for low-income and homeless people in their communities. At the local level, community college outreach to assist in educational needs starting with GED programs, and moving students into successive educational and training opportunities is vital. But first and foremost, youths aging out of foster care must have a stable home—this is where our state and local housing trust fund programs play the most important role.

As evidenced by the five Demonstration Loan projects highlighted in this article, the monies made available through the Florida Housing Finance Corporation at the state and local level are the cornerstone to these successful programs. These monies are coupled with training and technical assistance from the Florida Housing Coalition and leveraged by private donations and a vast number of volunteers. Florida must not abandon youth aging out of foster care. When asked what message she wanted the public to hear about adult foster youth, one youth stated, "You are our parent."

LYDIA BELTRÁN is a Technical Advisor with Florida Housing Coalition. She has approximately 15 years of community development experience. Lydia has a Masters in Urban Planning from the University of California, Los Angeles.

SOURCES/CONTACTS

The Annie E. Cassey Foundation, Essay – Kids Count 2004

www.kidscount.org

The Net, October/November 2005, Diocese of Southeast

South Florida Sun Sentinel, Delray Beach, January 19, 2006

The Palm Beach Post, November 2006

For additional program information or ways in which you can join the efforts in supporting adult foster youth, contact:

Camillus House

Karen Mahar, Director of Planning @ 305.374.1065 or e-mail at karen@camillus.org www.camillus.org

336 Northwest 5th Street Miami, Florida 33128

Turtle Nest Village

Elizabeth Brown, LCSW, Executive Director @ 561.586.8520 or e-mail ebrown@turtlenv.orgwww.turtlenv.org 900 Osceola Drive, Suite 222 West Palm Beach, FL 33409

daniel - Improving the Odds for Kids

Lesley Wells, Vice-President of Operations @ 904.296.1055 ext 2310 or lwells@daneilkids.org www.danielkids.org 1526 Parental Home Road, Jacksonville, Florida 32216

Children's Home Society of Florida, Liz Briggs, Program Director @ 772.489.5601 ext. 229 or e-mail at liz.briggs@chsfl.org www.chsfl.org Treasure Coast Division

415 Avenue A. Suite 100 Fort Pierce, Florida 34950

Children's Home Society - Buckner Division William Shelter, Executive Director @ 904.493.774 or e-mail at Bill.Shetler@chsfl.org www.chsfl.org (click Location - Buckner) 3027 San Diego Road Jacksonville, Florida 32247



Community Land Trusts: The Property Tax Issue

BY JAIMIE ROSS, ATTORNEY AT LAW

he Florida Housing Coalition is working with local governments and their nonprofit partners in developing and implementing community land trusts throughout the state. The public and private investment in community land trusts is growing steadily.

There are several questions to be addressed in regard to real property taxation in Florida. The first question is whether the 501(c)(3) that owns the land will be exempt from ad valorem taxes pursuant to Section 196.1978, Florida Statutes. It appears the answer to that question will be "no". Although the Community Land Trust ostensibly meets the criteria of Section 196.1978, Florida Statutes, as a 501(c)(3) providing housing to income qualified individuals, the CLT will most likely not be exempt from ad valorem taxes on the land. This is because the homeowner has a 99 year leasehold interest in the land, which the courts have held to be the functional equivalent of ownership. See Mikos v. King's Gate Club, Inc, 426 So.2d 74 (Fla.2nd DCA, 1983); Leon Co. Educational Facilities v. Hartsfield, 698 So. 2d 526 (Fla.1997). Fortunately, pursuant to a similar line of reasoning, as well as Section 222.05, Florida Statutes, the homeowner will enjoy homestead exemption on its leasehold property.



HOW WILL THE VALUE OF THE COMMUNITY LAND TRUST HOME BE ASSESSED?

This is the thorniest issue for community land trust homeowners. The fair market value of the community land trust home should clearly consider the resale formula which substantially restricts

the value of the home upon sale by the owner. The owner has bought the house subject to the terms of the resale restriction and is therefore unable to sell the community land trust home for a price similar to the selling price of an identical home next door, not subject to a resale restriction. While it makes a great deal of legal and common sense for appraisers to reduce the assessed value of the home based on the resale restriction, it is likely that some county appraisers will, and some appraisers will not. Because of this uncertainty in the law and the detrimental effect of an assessment that is not adjusted based on the resale restriction, this is an area that should be addressed in the law.

THE HOLLY RIDGE CASE

A recent Fifth District Court of Appeal case makes clear that the Legislature's role is to prescribe by general law what restrictions shall be recognized by property appraisers

Continued on page 17



The Florida Community Land Trust Institute

hile Florida's land values continue to climb, and as communities grapple with the complex issues of sustainable affordability, local governments and their nonprofit partners are examining alternative models for addressing the long term needs of residents least served by the prevailing market. A community land trust can benefit low-income families by providing access to affordable housing in high cost, serviceindustry dependent areas, while keeping housing affordable for future residents. Just as importantly, the CLT model can be used to capture the value of public investment for long-term community benefit.

WHAT IS A COMMUNITY LAND TRUST?

A community land trust refers to the vehicle of separating land from building (house) for the purpose of transferring title to the house without selling the land. It also denotes the nonprofit organization that holds title to the land and manages the ground leases on community land trust properties. Homeownership becomes more affordable because the transfer of title to the homeowner does not include a fee interest in the land; the sales price is based on the value of the improvements, without the value of the land. The land is owned by a 501(c)(3) corporation which provides a 99 year ground lease to the homeowner.

The ground lease has a resale provision which ensures the property will be affordable in perpetuity. The home must be sold to an income eligible buyer at an affordable price. The resale provision will typically provide a reasonable return to the homeowner but the appreciation may be far less than standard market appreciation. The resale provision will also typically provide a right of first refusal in favor of the CLT.

From the standpoint of the buyer, the CLT home provides homeownership in a market where the alternative is to rent or move away. From the standpoint of the local government, society, funders providing subsidy, and affordable housing advocates in general, the CLT provides a way of creating permanent housing stock with a single subsidy.

THE FLORIDA COMMUNITY LAND TRUST INSTITUTE PROVIDES ASSISTANCE WITH:

- Assessing whether a community land trust is appropriate for your community and, if so, which model makes the most sense for your community
- Understanding the terms of the ground lease and options for resale provisions
- Start up for the nonprofit community land trust
- Capacity building for the nonprofit community land trust
- Homebuyer counseling for community land trust purchasers
- Internal opperations and marketing for the community land trust
- Legal questions such as title and real property tax issues
- All manner of real property development and financing issues

The Florida Community Land Trust Institute is a collaboration between two statewide 501(c) (3) organizations, 1000 Friends of Florida and the Florida Housing Coalition. The Florida CLT Institute is headed by Jaimie Ross, Attorney at Law, and Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit growth management organization. The training and technical assistance team is comprised of the staff of the Florida Housing Coalition. For more information, call the Florida Housing Coalition at 850/878-4219, or email **jaimieross@aol.com**.

PAGE 16



The District Court of Appeal held that the land use restriction agreement, which set forth the substantial and long-term restrictions placed on the property are to be considered land use regulations which impact fair market value of the property. The District Court cites to Article VII, section 4 of the Florida Constitution which provides: "By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation...."

Just valuation has been determined by the Florida Supreme Court to be synonymous with fair market value, to-wit, the amount a purchase willing but not obliged to buy, would pay a seller who is willing but not obliged to sell. See Valencia Center, Inc, v. Bystrom, 53 So. 2sd 214, 216 (Fla. 1989); Walter v. Schuler, 176 So. 2d 81 (Fla. 1965). The framers of the Constitution delegated to the Legislature the responsibility for deciding the specifics of how "just valuation" would be secured. Sunset Harbor Condo. Ass'n v. Robbins, 914 So. 2d 925, 932 (Fla. 2005).

Section 193.011 sets forth various factors which a property appraiser is required to take into consideration in determining just valuation. Of particular significance in this case is subsection (2), which provides, in part, that a property appraiser shall consider the effect that any local or state land use regulation will have on the value of the assessed property.

Middle Keys CLT

· Habitat for Humanity

· Bahama Conch CLT of Key West, Inc.

The court found that the Land Use Restriction Agreement must be considered a land use regulation, and that the property appraiser did not comply with the clear dictates of section 420.5099, Florida Statutes, which states in part:

For the further purpose of implementing this program in Florida and in assessing the property for ad valorem taxation under s. 193.011, any extended low income housing agreement and all amendments and supplements thereto which are recorded and filed in the official public records of the county where the property is located shall be deemed a land use regulation during the term of any such agreement, amendment, or supplement. Section 420.5099 (6), Fla. Statutes.

Continued on page 18



PROPOSED STATUTORY AMENDMENT FOR COMMUNITY LAND TRUSTS

Based on the 5th District Court of Appeals decision in the Holly Ridge case, a new statute such as the language proposed below would provide guidance to property appraisers to facilitate the intent of using a community land trust to provide affordable homeownership.

193.018 Community Land Trusts. — Improvements used for permanently affordable housing subject to a 99 year ground lease shall be assessed under s. 193.011 pursuant to this section.

1. The amount a willing purchaser would pay a willing seller is limited to the restricted resale price permitted under the 99 year ground lease.

2. If a 99 year lease agreement or memorandum of such agreement containing a resale restriction for the purpose of providing permanently affordable housing is filed in the official records of the county in which the property is located, the lease agreement and any amendment or supplement thereto, shall be considered a land use regulation and a limitation on the highest and best use of the property during the term of the lease or lease renewal.

If the Florida Legislature also wants to provide exemption for the land that is owned by the community land trust, section 196.1978 on affordable housing property exemption could be amended to provide that the exemption is section 196.1978 extends to land that is owned by an exempt entity subject to a 99 year ground lease for the purpose of providing permanently affordable housing.

JAIMIE ROSS is the Affordable Housing Director at 1000 Friends of Florida, the President of the Florida Housing Coalition and the director of the Florida Community Land Trust Institute, a collaboration between 1000 Friends of Florida and the Florida Housing Coalition. She is the Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar.

COMMUNITY LAND TRUSTS IN FLORIDA				
REGION	Status			
NORTHEAST				
NORTHWEST				
Escambia County Community Land Trust, Inc.	Formed			
Gulf County Community Land Trust	Formed			
City of Destin	Exploring			
Bay County	Exploring			
CENTRAL				
Citrus County-Florida Low Income Housing Associates, Inc.	Formed			
Pinellas County	Exploring			
St. Petersburg Neighborhood Housing Services, Inc.	Formed			
Hannibal Square- Winter Park	Formed			
Brevard County	Exploring			
SOUTHEAST				
Palm Beach County-Northside Renaissance, Inc.	Formed			
Palm Beach County- Adopt-a-Family	Formed			
Palm Beach County- Housing Partnership, Inc.	Formed			
Palm Beach County	Exploring			
Palm Beach County- Delray Beach Community Land Trust	Formed			
Middle Keys Community Land Trust	Formed			
Bahama Conch Community Land Trust of Key West, Inc.	Formed			
Florida Keys Community Housing and Land Trust-Habitat				
for Humanity	Formed			
St. Lucie County	Exploring			
City of Hollywood	Exploring			
Martin County	Exploring			
Broward County	Exploring			
City of Homestead	Exploring			
SOUTHWEST				
Lee County	Formed			
Collier County	Exploring			
Lee County Housing Development Corp.	Formed			
Sanibel	Formed			
Charlotte County- Peace River Housing Trust, Inc.	Formed			
Punta Gorda- Hibiscus Housing Trust	Formed			
Goodhomes of Manasota, Inc./Community Housing Trust of Sarasota County	Formed			
Cape Coral Housing Development Corp.	Exploring			



Community Workforce Housing Innovation Pilot Program: Successful Lift-Off

BY MARK HENDRICKSON

he CWHIP (Community Workforce Housing Innovations Pilot Program) was quickly embraced as one of the most exciting initiatives from the 2006 Omnibus Housing Bill. As the 2007 session gets underway, the Florida Housing Finance Corporation is ready to report on the success of CWHIP in support of what seems like widespread enthusiasm for continuation of the program.



The 2006 Legislature appropriated \$50 million as a catalyst for public private partnerships to develop "workforce housing"; housing for "essential service personnel" earning up to \$140% of area median income targeted to high cost and high growth counties. Other important selection criteria include innovative strategies evidenced by the development, along with typical threshold and scoring criteria such as ability to proceed, set-asides and experience.

Creation of a public-private partnership as the CWHIP applicant is the cornerstone to the program. Typically or historically, Florida Housing Finance Corporation programs would require local government commitment in the form of letters of support or contributions to a project. But in the case of CWHIP, local government is expected to be a "partner" in the project. As consultant to a developer with a proposed CWHIP project, I found this partnership requirement awkward, in that it required local government to be a project "Applicant" and to execute an agreement to actively participate or facilitate the development of the project, something local government is not accustomed to doing. But in fact, it works. In the case of the Quillen Development, our successful CWHIP application in Martin County, the local government made a commitment to expedite the permitting of the project. The County is taking its role as a Partner so seriously that it began expediting the project even before the CWHIP application was approved.

THE VALUE OF CWHIP AND LOCAL GOVERNMENT PARTNERSHIP

The Quillen CWHIP application in Martin County involves a Development of Regional Impact, a large scale mixed use development. The owner of the Quillen project had never intended to include affordable housing within the DRI, and in fact

would have been required to include almost no units of affordable housing. Because of the expedited permitting incentive, the developer made a commitment to voluntarily include 20% affordable workforce housing within the DRI- amounting to approximately 450 units of affordable housing. This development will be a smart growth model for the state, providing affordable workforce housing in a mixed income, mixed use community, in the heart of a high cost region. The key to the developer's ability to provide 20% of its housing at affordable prices is the cost savings it will realize from expedited review and permitting of the Quillen DRI. This is the value of the partnership itself—the \$5 million of CWHIP funding will facilitate the sale of 50 of the units targeted to teachers on a site immediately adjacent to the school which will be constructed within the DRI.

The Quillen CWHIP development is not alone—the other 10 development selected for CWHIP funding also demonstrated that viable local partnerships had been created and proposed building workforce housing that meets the need of their communities. The CWHIP deals are not "cookiecutter." Each is different and reflects the needs of the various counties.

As a pilot program, CWHIP has been a great success. A wide variety of developments in nine different counties were

THE FLORIDA HOUSING COALITION PAGE 19

HOUSING NEWS NETWORK

selected for funding, and the money was oversubscribed by more than a 3-1 margin.

MARK HENDRICKSON is the immediate past Chair and serves as an Executive Committee member for the Florida Housing Coalition. He is the president of The Hendrickson Company, a private consulting firm specializing in all aspects of finance and legislative issues related to affordable housing. He served as Executive Director of the Florida Housing Finance Agency from its inception in 1981 to 1994. As its first Chief Executive Officer, he led the way in creation of the Sadowski Act.

THIRTY-THREE APPLICATIONS WERE RECEIVED FOR THE \$5MILLION CWHIP MONIES. ELEVEN WINNERS WERE CHOSEN:				
Boulevard of the Arts	City of Sarasota/Sarasota County			
Hatton Street Houses	City of Sarasota/Sarasota County			
Verde	Orlando/Orange County			
Ridgeview & Villages of Kenilworth	Sebring/Highlands County			
Homes of West Augustine	West Augustine/ St. Johns County			
Midtown Delray	Delray Beach/ Palm Beach County			
The Preservation	St. Cloud/Osceola County			
Village of Quillen	Indiantown/Martin County			
Wolf Creek Village	Freeport/Walton County			
Merry Place	West Palm Beach/Palm Beach County			
Westshore Landings	Tampa/Hillsborough County			

CWHIP: Intended to Complement, not Supplant, Programs for Lower Income Floridians

BY ANNETTA JENKINS

lorida enjoys the largest statewide housing trust fund in the country, with several oustanding programs like SHIP and SAIL. The newest of these, CWHIP, has been successful on many fronts by:

- responding to a need for housing the two income households that are over-income for most housing programs yet still unable to afford market rate housing;
- raising the affordable housing problem to a new level of public awareness;
- enlisting the public sector in more meaningful commitment to affordable development; and
- bringing large private sector employers such as hospitals and public sector employers, such as school boards to the table.

But while we are enjoying the success of the CWHIP program, it is important to remember that the point of the program is to create new units with new resources for an underserved higher income workforce. The intent of the CWHIP program is not to take housing resources away from the lower income workforce, the infirm, or the elderly.

There was at least one instance reported in the news about local government's willingness to shift local resources from the community's neediest residents in support of a CWHIP project that would serve those at 140% of area median income in a city that doesn't even qualify as high cost:



Tallahassee. There were letters to the editor against the use of local housing monies that were earmarked for the poor being used for the middle income, and a surplus editorial in favor of the shift in funds. Ultimately, the Tallahassee project was not one of the eleven CWHIP projects that were funded, but the policy issue is one that should be addressed.

In our fervor to house teachers, nurses, firefighters, and police officers, we must not forget the importance of housing the janitors, bus drivers, clerks, and caretakers that we need in our community, as well as the senior citizens, and persons with disabilities for whom help is critical. Housing monies are scarce-taking from the very low income to give to the middle income should not be the unintended consequence of this laudable program.

Housing champions should continue to advocate for diversified strategies while pushing for a larger pie. We must balance priorities, meet the full continuum of needs, and expand resources, while embracing new programs that complement existing efforts.

ANNETTA JENKINS, Senior Program Director, Local Initiatives Support Corporation (South Florida) has over twenty five years experience in real estate finance, planning, law, management and community development. At LISC, Annetta oversees the program development for 17 CDCs, numerous partnerships, and eighteen key comprehensive community initiatives. She serves as an Executive Committee member for the Florida Housing Coalition.

PAGE 20





The Colorado Coalition for the Homeless' Beacon Place, an 85 bed transitional housing community, provides room and board mostly for people with severe or persistent mental illness living in Denver.

Florida Housing Coalition to Host ELI Housing Leadership Forum

Featuring two of the Nation's Most Highly Acclaimed Developers of Housing for the Homeless and Extremely Low Income

he Florida Housing Coalition will present an "Extremely Low Income Housing Leadership Forum,"

March 27, 2007, in Saint Petersburg to discuss resources and challenges involved with housing the homeless and extremely low-income (ELI) populations in Florida. In addition to the forum, attendees are invited to participate in a roundtable ELI caucus on March 28.

The event will feature two of the nation's top low-income housing leaders, Sharon



Sharon Lee

Lee, Executive Director of the Low Income Housing Institute in Seattle and John Parvensky, Executive Director of the Colorado Coalition for the Homeless in Denver. **John Parvensky**, *President & CEO*, has led the Colorado Coalition for the Homeless (CCH) since 1985. Under his



John Parvensky

leadership, the Coalition has developed over 1,000 affordable housing units across eleven housing communities in the Denver Metro area. The units are developed to meet a variety of housing needs, ranging from families having access to schools and child care to individuals living in close proximity to college and university programs. In addition, John guides CCH in providing intensive

assistance to families experiencing homelessness through support services including transitional housing, hotel vouchers, food banks, clothing centers, domestic violence

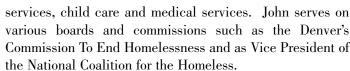
HOUSING NEWS NETWORK

The Low Income Housing Institute oversees seven units of permanent housing for homeless women at the Broadway House located in the Roanoke neighborhood of Seattle.





Denny Park, a newly constructed six story mixed-use building managed by the Low Income Housing Institute in Seattle, includes an on-site laundry facility, underground parking garage and computer lab for residents.



"Serving ELI families requires a deep commitment by all those involved," said Parvensky. "This forum will create an opportunity to share ideas and experiences that hopefully result in tangible projects down the line."

Parvensky's organization, the Colorado Coalition for the Homeless, works towards preventing homelessness for atrisk families, children and individuals. They have successfully established an ELI continuum of housing and services by linking together individuals, agencies, housing providers and leaders dedicated to fighting homelessness in Colorado.

Parvensky said he would share with attendees project details implemented by the Colorado Coalition to develop Renaissance at Blue Spruce, a 92-unit affordable housing development that includes 30 units of transitional housing for homeless families.

Sharon H. Lee, *Executive Director*, has an impressive history with the Low Income Housing Institute (LIHI) in Seattle by first establishing it in 1991, serving as a



Cabrini First Hill Apartments, managed by the Low Income Housing Institute, offers 50 independent living units for seniors 62 and older living in Seattle's First Hill neighborhood.



The Colorado Coalition for the Homeless secured the 92-unit Renaissance at Blue Spruce development through the McKinney Homeless Assistance Act. The residence, placed at the site of the former Lowry Air Force Base, offers 30 units for transitional housing for homeless families in Denver.

consultant for several years and serving as its Executive Director since 1994. Under her guidance, LIHI provides affordable housing through acquisition, ownership, renovation and ongoing operations of housing for low and very low-income individuals and families. The LIHI also strongly advocates for increasing affordable housing opportunities and ending homelessness. In addition to revitalizing neighborhoods and stabilizing communities, Sharon leads the LIHI in advocacy work to increase affordable housing opportunities and end homelessness. Sharon directs a staff of 110 employees throughout the LIHI's housing, finance, property management and resident services departments. Her individual honors include the James A. Johnson Community Fellowship in 2004 by the Fannie Mae Foundation and the 2002 Community Impact Award from the Washington Community Reinvestment Association.

The Low Income Housing Institute has developed over 3,000 units and raised over \$260 million in capital, operating and supportive services funding from private and public sources. It owns or manages approximately 48 properties consisting of approximately 1,600 units, including more than 500 designated for homeless persons. Seventy-five percent of the units are provided for families or individuals earning less than 30 percent of the area median income.

"I know that John and I are totally open to answering technical questions and talking about a full range of funding and implementation strategies for nonprofits," said Lee. "We're hoping this forum ensures the needs of the poorest of the poor are addressed in Florida."

Lee said extreme property values and lack of state funding are hindrances to affordable housing development by nonprofits in Seattle. She said ensuring affordable housing nonprofits are sustainable is a key to success and plans to address these concern during the forum.

Bill Aldinger, Support Housing Coordinator, recently joined Florida Housing to serve as its first Supportive Housing Coordinator. Bill comes to the Corporation from the



Aldinger

Department of Elder Affairs where he was the director of the Elderly Housing Unit and Coming Home Program. Bill has more than 23 years experience working in the fields of aging, mental health, long-term care, family care giving and supportive living.

Aldinger will also provide an overview of Florida's programs and funding for ELI during the forum.

To see a complete workshop agenda and register for the forum visit the Coalition website at *www.flhousing.org* or call the Coalition office at 850.878.4219.





FLORIDA HOUSING COALITION PRESENTS

March 27, 2007

EXTREMELY LOW INCOME HOUSING LEADERSHIP FORUM

First American Title Insurance Company • 140 Fountain Parkway • Saint Petersburg, FL 33716

Florida is fortunate to have far greater financial resources than other states for housing the homeless and extremely low-income populations due to our dedicated Sadowski Act revenue. We also have advocates from the nonprofit sector and within the Florida Housing Finance Corporation who have seen to it that monies are set aside specifically to serve these populations in a variety of programs. We have a number of excellent

nonprofits providing supportive housing and housing for the extremely low income, but too few able to produce the units that could and should be produced to meet the substantial need. We have the housing need and we have the housing resources. We need to ensure that when those resources are made available, we have developers with the capacity to access the funding and develop housing for the extremely low income.

PURPOSE:

- To provide training from extraordinarily successful mission based developers of ELI, homeless, and supportive housing
- To bring together leaders and potential leaders in the nonprofit sector in Florida with the ability to develop or assist in the development of ELI, homeless, and supportive housing
- To address the challenges of mission based nonprofits to develop housing for the homeless and extremely low income populations in Florida

FACILITATOR:

• **Jaimie Ross**, President of the Florida Housing Coalition in Tallahassee, Florida

PRESENTERS:

- Bill Aldinger, Supportive Housing Coordinator for the Florida Housing Finance Corporation in Tallahassee, Florida
- **Sharon Lee,** Executive Director of the Low Income Housing Institute (LIHI) in Seattle, Washington
- John Parvensky, Executive Director of the Colorado Coalition for the Homeless in Denver, Colorado

Go to the Florida Housing Coalition website www.flhousing.org and choose the top menu bar option workshops, training& technical assistance for on-line registration.

There is no charge for this forum; it has been developed and delivered pursuant to the Catalyst Program for Tranining and Technical Assistance administered by the Florida Housing Finance Corporation

THE FLORIDA HOUSING COALITION

Page 23

The Theme for the Florida Housing Coalition's 2007 Statewide Annual Conference is "THE ECONOMICS OF HOUSING"

In addition to our traditional sessions covering the nuts and bolts of how to finance and build affordable home ownership and rental housing in Florida, you will be engaged in workshops that specifically address the economic impact of a variety of cutting edge tools:

- The Economics of Inclusionary
 Housing Policies
- The Economics of Accessory

 Dwelling Units
- The Economics of Green Housing
- The Economics of Linkage Fee/Mitigation Policies
- The Economics of Housing the Homeless and the Extremely Low Income



The Economics of Factory and Systems Built Housing

- The Economics of Employer
 Assisted Housing
 - The Economics of Mixed Income Development
- The Economics of Smart Growth and Regulatory Reform
- The Economics of Mobile Home
 Park Closures



September 6th The Florida Community Land Trust Institute Networking Reception for Community Land Trusts from 5:30- 7:30 pm

In addition to our traditional expo showcasing a variety of financial resources for affordable housing, we will have a factory built and alternative systems and materials expo. Contact the Florida Housing Coalition at 850/878/4219 if you are interested in reserving an exhibit space.



THANK YOU

Our annual conference would not be possible without our Partners for Better Housing at all levels. We especially recognize our

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The Florida Housing Coalition's 20TH ANNUAL STATEWIDE AFFORDABLE HOUSING CONFERENCE September 5th - 7th, 2007 Omni Orlando Resort at ChampionsGate



FEATURING
State of the State
Address
by Tom Pelham,
Secretary, Florida
Department of
Community Affairs



and
Steve Auger,
Executive Director,
Florida Housing
Finance Corporation

The Florida Housing Coalition's 20th annual Statewide Affordable Housing Conference is the premier training and networking opportunity for affordable housing professionals in Florida, with more than 650 housing professionals in attendance.

WE WILL ALSO FEATURE:

Expo, Success Stories, Affordable Housing Study Commission, SHIP Breakfast Roundtable, and the fabulous Raffle!



ames H. Carr is Senior Vice President of Financial Innovation, Planning and Research for the Fannie Mae Foundation and a visiting professor of urban planning at Columbia University. Jim has served on research or policy advisory boards at numerous universities including Harvard University, University of California-Berkeley, and University of Pennsylvania. Jim is an Advisory Committee member of the Federal Reserve Bank of San Francisco Center for Community Development Investments. He is also a certified instructor for the Texas Real Estate Commission and former expert advisor

to the Organization for Economic Cooperation and Development (OECD) in Paris, France. lim has served as an international advisor on financial modernization and housing finance to China, Mexico, Turkey, and Colombia. He has also served on Congressional delegations to South Africa and Ghana on housing and economic development. Jim is editor of the scholarly journal Housing Policy Debate, which, in 2004, was rated the number one journal for impact on the field of urban studies by the Institute for Scientific Information Journal of Citation Reports. His books include Replicating Microfinance in the United States, 2003 and The New Imperative for Housing Equality: Economics, Demographics and America's Future, forthcoming. He is co-editor of the forthcoming article Cultural Authenticity in Urban Economic Development. Jim has been published in Vital Speeches of the Day and his remarks have been awarded the "Best of the Best" Award by the International Association of Business Communicators. Jim's research, and that of Fannie Mae Foundation research team he manages, has been cited in various major newspapers and media outlets including the Washington Post, USA Today, New York Times, Wall Street Journal, Los Angeles Times, Dallas Morning News, Associated Press and Reuters and dozens of other print outlets. Jim has earned numerous academic honors and awards and holds a Bachelor of Architecture degree with honors from Hampton University, a Master of Urban Planning degree from Columbia University, and a Master of City and Regional Planning from the University of Pennsylvania.

The Florida Housing Coalition ~ 850.878.4219 - Web: www.flhousing.org Email:- info@flhousing.org

THE FLORIDA HOUSING COALITION

Page 25



Federal Apalate

BY HANA ESKRA AND CHARLES ELSESSER

Representative Barney Frank



Representative Ron Klein



Representative Tim Mahoney

NATIONAL ELECTIONS

The national elections in November scrambled House and Senate leadership and committee assignments for the coming session and may garner more support for affordable housing Representative Barney Frank (D-Massachusetts) is now the Chair of the powerful House Committee on Financial Services. This Committee oversees all components of the nation's housing and financial services sectors including banking, insurance, real estate, public and assisted housing, and securities. It reviews all laws and programs related to the U.S. Department of Housing and Urban Development and also ensures the enforcement of housing laws such as the U.S. Housing Act, the Housing and Community Development Act and the Community Reinvestment Act. Representative Frank was recently asked on PBS' Nightly Business Report (November 30, 2006) what his top priority was now that it appeared he would be chair. He responded: "Affordable housing is the single biggest one. We have a terrible housing crisis in this country and I think we now understand that housing is not simply a social good, but it's an economic practice."

Florida lost Rep. Katherine Harris from the House Committee on Financial Services because she did not seek re-election; however, the two new Democratic representatives from Florida, Rep. Tim Mahoney and Rep. Ron Klein, have replaced her. With Rep. Mahoney and Rep. Klein, Florida now has a total of six members on this Committee, including Rep. Debbie Wasserman-Schultz (D), Rep. Tom Feeney (R), Rep. Ginny Brown-Waite (R), and Rep. Adam Putnam (R), giving this state a strong voice.

FEDERAL BUDGET

In December, incoming leaders of the House and Senate Appropriations Committees decided to continue funding government programs via a year-long funding resolution until the next fiscal year beginning October 1, 2007. Congress currently has nine appropriations bills that were not passed, including the Transportation, Treasury, HUD (TTHUD) bill. The measure will be called a "joint funding resolution" because unlike a continuing resolution, it will not adhere to the funding formula of the lowest of the House-passed, Senate-passed or FY-06 spending levels but will take into consideration the needs of individual programs.

While a joint funding resolution is not an ideal solution, it will allow HUD along with other agencies and organizations that receive federal funds to plan for this fiscal year and allows housing activist to advocate for increased spending for housing programs since funding is not fixed at the lowest levels. However, if HUD funding is capped at the FY-06 level, the National Low Income Housing Coalition claims that:

70,000 households will be at risk of losing their subsidies in the voucher program and HUD will not have enough resources to fund the renewal of 107,000 project-based Section 8 units in this fiscal year. Without increases above FY06 levels, public housing will continue to operate with only 75% of necessary funding. In addition, without a \$185 million increase to homeless assistance programs, 14,000 people will continue to be homeless who would otherwise become housed in FY07.

Democratic leadership plan to enact the joint funding resolution by February 15th so there is currently an intense focus by advocates on increasing spending for housing related programs in this resolution.

SECTION 8

The Section 8 Housing Choice Voucher program continues to garner attention in both the House and the Senate. Housing Choice Vouchers, or Section 8 tenant based assistance, allow eligible families to rent units from private landlords and will pay the difference between 30% of the family's income and the gross rent of the unit. Section 8 is usually administered by Public Housing Authorities and the PHA determines the maximum rent allowed for a unit. Since 1998, 75% of all new voucher holders must be allocated to families earning less that 30% MFI; the remaining vouchers can be used for families with incomes up to 80% MFI. In FY05, Congress cut funding to the Section 8 program by almost \$570 million so that 80,000 authorized vouchers for low-income families went unused because of this shortfall. In FY06, Congress authorized funding to renew 96.5% of the vouchers but because the funding formula is based on the FY05 Section 8 program with its shortfall, approximately 30,000 authorized vouchers were not fully funded.

Reforms to the Section 8 Housing Choice Voucher program, contained in H.R. 5443, the Section 8 Voucher Reform Act of 2006 (SEVRA), failed to pass the last Congress. The bill passed the House Financial Services Committee but was never considered by the full House. The House Bill contained a much improved funding formula as well as incentives to encourage housing agencies to serve as many families as their funding allows. The Senate included some but not all of the changes in its version that was incorporated in the Transportation, Treasury, HUD (TTHUD) appropriations bill which, as is mentioned above, also died at the end of the session. However, a similar package of reforms will likely be reintroduced in the new Congress and it provides an opportunity for Florida Public Housing Agencies and tenants to have input into the The National Low Income Housing Coalition (NLIHC), the Center for Budget and Policy Priorities (CBPP) and others have been taking the lead in insuring that any proposals guarantee the continued vitality of the Section 8 program. Both NLIHC and the CBPP have significant additional information on their websites (www.nlihc.org);(www.cbpp.org).

PRESERVATION

During the upcoming 110th Congress, Senator Gordon Smith (R-Oregon) plans to re-introduce "exit tax" legislation. A similar bill was introduced in the 109th Congress by members of both the House and the Senate but no action was taken. This legislation addresses the potential exit tax consequences associated with the sale of specific federally assisted affordable housing, including Section 8, Section 221(d)(3), Section 236 and USDA Section 515 programs. The bill will provide for exit tax relief if investors sell their federally assisted property to a "qualified preservation entity" who agrees to keep it affordable for an additional 30 years and who agrees to invest new capital into the property. Exit taxes upon sale of an affordable property can total hundreds of thousands of dollars and this legislation can provide an incentive to keep these properties affordable after the original restrictions have expired.

In addition, The National Housing Trust, a national non-profit committed to preserving affordable housing, is calling on the federal government to create a database of federally assisted properties whose owners have decided to pre-pay their federally assisted mortgages or opt-out of their Section 8 contracts. Currently the federal government is given notice by the owners but this information is not made public. The National Housing Trust wants to use this database as an "early warning system" so that purchasers committed to preservation have the opportunity to acquire these properties.

Both of these proposals could have a significant impact on preserving affordable housing in Florida. Currently, the Shimberg Center for Affordable Housing at the University of Florida estimates that there are more that 2,300 assisted housing developments in Florida providing over 300,000 units of affordable housing for low-income families. These units have received federal, state or local subsidies usually in exchange for restrictions for a set period of time on the income of the tenant and the rent that can be charged typically for 15 to 50 years. Providing exit tax relief for purchasers and a notification system listing properties that are planning to opt-out of federally subsidized programs will give Florida organizations interested in preservation additional information and financial incentives to keep these units affordable. For additional information on preserving affordable housing in Florida, please visit the Shimberg Center website at www.shimberg.ufl.edu and select "Fla Housing Data."

Charles Elsesser is an attorney with Florida Legal Services, specializing in affordable housing litigation and policy advocacy. Chuck serves on the board of the National Low-Income Housing Coalition and the Board of Directors for the Florida Housing Coalition. Hana Eskra is a Technical Advisor for the Florida Housing Coalition.

THE FLORIDA HOUSING COALITION

PAGE 27



SHIPCLIPS

STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM

Frequently Asked SHIP Questions

An applicant is applying for purchase assistance. I have signed his income certification form and have provided an award letter indicating that he is a moderateincome applicant with a household income of 81% of the area median income (AMI). We provide moderateincome homebuyers with a maximum of \$30,000 of purchase assistance, while low-income households may receive up to \$40,000. Before the date of his closing, I received the new income limits chart from Florida Housing. The area median income for my county has increased slightly, and the applicant earns 79% of the new area median income. This applicant's income has not increased or decreased at all since my initial intake and verification of income. However, should I now count him as a low-income household, and is he eligible for up to \$40,000 of down payment assistance?

Yes, the applicant's household is low-income on the day when you provide assistance, and is eligible for the higher level of down payment assistance. During the beginning months of each Florida Housing Finance Corporation distributes new income guidelines for purposes of determining income eligibility. You should use the new, updated income limits as soon as they are received, regardless of which allocation year the assistance comes from. The income limits charts are based on information on median family income provided by HUD. The latest estimates of median family income are

based on 2000 Census data on family incomes. This has been updated annually since 2005 using Census American Community Survey data from approximately three million households to identify changes in state median family incomes.

Remember that it is likely that this situation is uncommon. Comparing the two most recent years of income limits charts, the area median income generally increases slightly by less than \$2000 from year to year. In some unusual cases, AMI decreases. Because of the relatively small change in AMI, it should be uncommon for an applicant to be eligible for a different amount of assistance once the new income guidelines are received—even if your SHIP program offers a graduated series of maximum awards for different income categories.

The SHIP income limits establish the maximum income for households that can be assisted. Yet each jurisdiction must identify the level of income where the market fails to meet each citizen's need for affordable housing. If you believe that the income levels provided to you by Florida Housing do not adequately assist you in targeting assistance to those most in need, your commission can place additional restrictions on the local SHIP program. You may discover that even moderate-income households experience financial difficulty with housing They may not qualify for enough mortgage money to purchase an average priced home in your

community, for example. On the other hand, you may conclude that moderate-income households do not experience hardships, once you have considered the relationship between housing costs and income levels. Some communities have written their Local Housing Assistance Plans to indicate that SHIP assistance is only available to Low and Very Low-income households, not those with Moderate Incomes.

A husband and wife are applying for purchase assistance, and their scheduled closing is ten days from now. The wife has a regular job and the husband is starting up a business. He anticipates that the business will soon become profitable, but it is currently not earning income. How do I document this situation and how much income should I count from this business?

You should count no income from the business, since it is currently not earning a profit. On any given day when we work to complete the income qualification process, we are simply taking a 'snapshot in time' of household income. Income increases or decreases with some regularity—the wife may soon receive a raise, or may lose her job. The business may soon turn a profit, or may fail for lack of income. Your task is simply to document the current situation. Currently, you cannot estimate any particular income from the business in the next 12 months.

Have you got a question about the SHIP program? Free telephone technical assistance is available to help you successfully implement your SHIP funded work. Call the Florida Housing Coalition's SHIP telephone line at (800) 677-4548.



Michael Chaney

Consider a similar situation: an applicant's 18-year-old son has recently graduated and is looking for a job. Although he tells you that he anticipates locating a job earning \$25 an hour, he is currently unemployed and there is no guarantee that he will earn that anticipated wage. Guidance on this matter is provided in the definition of "annual gross income" in the SHIP Statute, which notes "counties and eligible municipalities shall calculate income by annualizing verified sources of income for the household." The son cannot verify income from a job that he does not yet have. Similarly, your applicant cannot verify business income based on the current documentation of the business. You cannot count any business income to be earned in the next 12 months.

In your situation, you should finish the income qualification process today and complete an income certification form. Count only the sources of household income that can be verified today, complete your income eligibility determination, and move on to preparing the applicants for their closing.

Every time we assist a homebuyer with purchase assistance, we confirm that the sales price of the purchased unit does not exceed our community's maximum purchase price. Our community is now one of several Florida communities beginning to build housing using the Community Land Trust (CLT) model. When checking the

DID YOU KNOW:

You will be required to provide additional information when your SHIP office next turns in its Annual Reports in September 2007. Reporting requirements have been updated as a result of a Rule Development workshop in November, 2006. The definition of "Annual Report" in the SHIP Rule (67-37 Florida Administrative Code) refers to "Form SHIP-AR/02-1." Florida Housing's staff has updated Form SHIP-AR/02-1 to include a final item on Form #4, which outlines a new requirement:

"Counties and eligible municipalities utilizing SHIP program funds must provide a list of recipients by strategy including names, addresses, and zip codes for each fiscal year reporting to Florida Housing Finance Corporation." In order to provide an accurate list of recipients, your SHIP jurisdiction must have a tracking system that properly accounts for SHIP activities during the past three years and before. SHIP Administrators are also required to begin tracking assistance to Extremely Low Income (ELI) households, starting with the 06/07 SHIP distribution.

- Are you prepared for these new SHIP requirements?
- Does your SHIP tracking system completely reconcile with the general ledger maintained by your city or county's Finance Department?
- Training is available to assist you—call the Coalition at (850) 878-4219 to learn more.

maximum purchase price, it does not seem fair to include the value of land for a CLT house, since the buyer does not purchase the land. That is one of the fundamental methods that CLTs use to keep home prices affordable. Do I count land value when confirming that the sales price of a CLT house does not exceed our community's maximum purchase price?

No, you do not count the value of land in the purchase price of a community land trust unit. The answer to this question may be found in the SHIP Rule. Section 67-37.005 addresses the details of the Local Housing

Assistance Plan. Subsection (5) outlines the information to be provided for each use of SHIP funds, including the maximum purchase price or value of a unit that may be considered eligible housing. This value "can be lower but may not exceed 90 percent of median area purchase price established by the U.S. Treasury Department, or as required by Section 420.9075(5)(c), F.S." This area of the SHIP Rule was expanded during a SHIP Rule Development workshop in November, 2006, to address the topic of community land trusts. Subsection (5)(d) now states, "for community land trust purposes the value of the land is not included in the purchase price."

THE FLORIDA HOUSING COALITION PAGE 29



COALITIONNEWS



Florida Housing Coalition Recognizes Ben Hayes for Outstanding Pro bono Assistance

partnership between the Florida Housing Coalition and the Pro bono committee of the Real Property, Probate & Trust Law Section of the Florida Bar makes available volunteer lawyers to assist nonprofit affordable housing developers throughout Florida.

This partnership, known as The Volunteer Lawyer Project and headed by Drew O'Malley, would not be a success without the commitment of lawyers throughout Florida. Drew has been working with the Florida Housing Coalition to provide free legal assistance from lawyers to nonprofits in need, including reviews of title searches and mortgage financing documents, environmental issues, help with real estate purchase and sale agreements, zoning and land use issues, nonprofit corporate law issues and predevelopment due diligence.

At this time the Florida Housing Coalition would like to honor one extraordinary lawyer in particular – **Ben J. Hayes**.

Hayes worked diligently to establish the Hibiscus Housing Trust, a community land trust (CLT) in Punta Gorda, by providing assistance with the CLT's nonprofit corporation formation and securing 501(c)(3) status from the Internal Revenue Service.

The newly formed CLT will separate land from houses built upon the property in order to transfer house titles to the owner without



Ben Hayes

A variety of assistance is available through the Volunteer Lawyer Project, including review of title searches and mortgage financing documents. environmental issues. help with real estate purchase and sale agreements, zoning and land use issues, nonprofit corporate law issues and predevelopment due diligence. Call the Florida **Housing Coalition at** 850/878/4219 for assistance.

selling the land, making the homes more affordable for owners.

"I offered my assistance because I saw the fireman and teachers in my own community unable to afford homes," said Hayes. "When I had an opportunity to offer my assistance, to support housing for this workforce in Punta Gorda, it seemed like the right thing to do."

Hayes offered 70 hours of pro bono assistance to the Hibiscus Housing Trust over the last year, after an initial planning meeting that included the Florida Housing Coalition.

Aside from his pro bono work, Hayes' civic duties include serving on the board for St. Anthony's hospital in St. Petersburg. His practice experience includes serving as Secretary and General Counsel for the National Association of Professional Baseball Leagues, Inc. and the Professional Baseball Promotion Corporation (1993-2000). He was named a Florida Super Lawyer (2006) and one of The Best Lawyers in America, Sports Law (2007). He graduated with honors from the University of Florida College of Law in 1992.

The Florida Housing Coalition joins these organizations and many others in recognizing Ben Hayes for his commitment to providing pro bono legal work and in furthering affordable housing in the Punta Gorda community through his assistance to the Volunteer Lawyers Project partnership with the Florida Housing Coalition.

PAGE 30 THE FLORIDA HOUSING COALITION

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Partners for Better Housing Membership is for those who wish to support the work of the Florida Housing Coalition by making a tax deductible donation of \$500 or more. Partners for Better Housing members receive subscriptions to *Housing News Network*, free job vacancy posting service on the Coalition's web page and unlimited membership rates for registration at the conference. Partners at the Patron Level or higher receive one or more complimentary conference registrations (comp, indicated below). Partners also receive recognition at the conference, in all conference-related publications, the Coalition's Web page and in each quarterly issue of *Housing News Network*.

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THE FLORIDA HOUSING COALITION PAGE 31



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