



Live Local Compliance and Monitoring Agreement

This agreement is between St. Johns County, referred to here as “LOCAL GOVERNMENT,” and (Property owner of preemption project) _____, referred to here as the “Owner”. It outlines rules and responsibilities related to rental housing developed in accordance with the Live Local Act's land use preemption tool found in Florida Statute Sec. 125.01055(7).

The Live Local Act prescribes certain development standards for eligible affordable housing developments in eligible zoning districts. Eligible projects (referred to here as “preemption projects”) are entitled to certain use, density, height, and administrative approval standards. At least **40 percent** of the residential units in a preemption project must be affordable as defined in s. 420.0004 for at least **30 years**. For mixed-use residential projects, at least 65 percent of the total square footage must be for residential purposes.

SCOPE OF SERVICES

The Owner will construct rental housing units at (Property Name) _____, a preemption project in which at least 40 percent of residential units will be affordable as defined in F.S. 420.0004.

(Property Name) _____

Total Number of Residential Units: ____ Number of Affordable Residential Units: ____

Anticipated Completion Date (fully constructed and leased): (Date)_____.

For the first 30 years after this property’s initial lease up, the affordable residential units (40% of the units) must be rented to tenants whose income is at or below 120 percent of the area median income (AMI) according to the income limits chart that is current at the time of lease up or annual recertification. This agreement references the income and rent limits chart annually generated by the Florida Housing Finance Corporation for its rental programs.

Utility costs are part of the rent affordability determination. The amount of the tenant’s utility bills plus lease rent must be equal to or less than the rent limits. St. Johns County defines utilities to include electric, water, and gas services. The Owner must remain in contact with St. Johns County Housing and Community Development during the affordability period and must remain in compliance with income eligibility and rent affordability requirements. The Owner must stay updated on income qualification training by completing re-training at least once every three years.

Collect Tenant Information: The Owner must collect the names, annual income, and number of household members of tenants in affordable residential units. Since utility costs are part of rent affordability, the Owner must collect a bill for each of the defined utilities above not included in the rent. This information must be provided to St. Johns County at the time of required compliance monitoring reporting. Here is the utility bill amount that the Owner must use in the following scenarios:

1. When First Leasing Units: Use the following amount per unit size for total utilities not included in the rent: 1 Bedroom \$90, 2 Bedroom \$110, 3 Bedroom \$130, 4 Bedroom \$140.
2. Upon Annual Renewal of Lease: The Owner must obtain the most recent utility bills not included in the rent. Do not take an average of many months' bills.

3. New Tenant after Initial Lease-Up: In this scenario, the new tenant does not yet have utility bills to provide. Property manager staff must use a utility bill that another tenant has already provided for another unit with a comparable number of bedrooms and family members.

TERMS OF ASSISTANCE

This agreement is for a term of 30 years as required by section 125.01055(7) F.S. If the Owner offers this rental housing for sale before the end of this affordability period, the new owner must continue to honor the remainder of the 30-year affordability period and other details in this agreement. Any change of rental housing ownership must be communicated in writing to St. Johns County within 30 days of closing.

COMPLIANCE MONITORING

Monitoring Master File: A master file will be maintained on each rental housing preemption project. This includes a copy of the contract between the Owner and St. Johns County, all reports provided by the Owner which detail tenant eligibility, and all monitoring reports.

Documentation from Property Owner: St. Johns County will notify the Owner about the monitoring visit 60 days in advance. No less than 30 days prior to this monitoring visit, the Owner must provide the following:

- A completed annual re-certification of income eligibility for each tenant in an affordable residential unit using the attached Tenant Income Certification (TIC) form and including required verification of household income and assets.
- The current lease for each tenant in an affordable residential unit.

Income Eligibility Determination: All projects must be in compliance with the income determination rules and regulations of 24 CFR Part 5 and the HUD Handbook 4350.3, Chapters 3 and 5.

Income limits: Staff completing the monitoring must reference the income and rent limits chart annually generated by the Florida Housing Finance Corporations for its rental programs, found here: <https://www.floridahousing.org/owners-and-managers/compliance/income-limits>.

Rent Affordability Determination: At least 40 percent of the residential units in a preemption project must be affordable to tenants at or below 120 percent of the area median income.

Definition of Affordable: “Affordable” means that monthly rents including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the annual median Adjusted Gross Income for an Eligible Household.

Eligible Households: An “eligible household” is one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual Adjusted Gross Income for households within St. Johns County.

Maximum Rent: Staff completing the monitoring must reference the income and rent limits chart annually generated by the Florida Housing Finance Corporations for its rental programs, found here: <https://www.floridahousing.org/owners-and-managers/compliance/income-limits>.

Frequency of Monitoring: St. Johns County Housing and Community Services Staff will complete monitor responsibilities including a monitoring visit to review income compliance and affordability of affordable residential units at least once every three years starting one year after the property has been fully leased.

STEPS TO ADDRESS NONCOMPLIANCE

St. Johns County will write a report provided to the Owner documenting the noncompliance and reference what has been violated in this agreement. St. Johns County will provide written notification of the beginning of a three-year probationary period.

Noncompliance during the Probationary Period: Any further noncompliance identified during a three-year probationary period will result in a \$5000 fine to the Owner for each instance of noncompliance.

Addressing Types of Noncompliance:

- *The income of a household increases-* Once a household in a current income-restricted unit experiences an increase in income, the next available unit anywhere in the property must be rented to an income-eligible household. The landlord may raise the rent on the original unit with higher income tenant and this unit will no longer be counted among the affordable residential units.
- *Income calculations are incorrect, but the household is still income eligible-* Correct the tenant income certification form to show accurate information about household income. Briefly train property managers on the specifics of why this was incorrectly done. Consider scheduling a general income calculation training for the Owner.
- *Rent is Too High-* If the rent for an affordable residential unit is discovered to exceed the rent limits, the Owner must refund the amount of the overpayment to the tenant. This may be done with a check written to the tenant for the amount that exceeded all past rent payments or may be addressed by reducing the rents in future months not to exceed 12 months.

ATTACHMENTS:

1. Authorization for Release of Information
2. Live Local Tenant Income Certification
3. Sample Notice of Rental Monitoring

SIGNATURES

LOCAL GOVERNMENT

Owner

AUTHORIZATION FOR RELEASE OF INFORMATION

I _____, the undersigned, hereby authorize _____ to release without liability, information regarding my employment, income, and/or assets to _____, for the purposes of verifying information provided as part of determining initial and/or continued income qualification eligibility for rental programs under F.S. 125.01055(2). I understand that only information necessary for determining eligibility can be requested.

Types of Information to be verified:

I understand that previous or current information regarding me may be required. Verifications that may be requested are, but not limited to: employment history, hours worked, salary and payment frequency, commissions, raises, bonuses, and tips; cash held in checking/savings accounts, stocks, bonds, certificated of deposits, Individual Retirement Accounts, interest, dividends; payments from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, unemployment, disability or worker's compensation, welfare assistance, net income from the operation of a business, and alimony or child support payments.

Organizations/Individuals that may be asked to provide written/oral verifications are, but not limited to:

Past/Present Employers	Alimony/Child Support Providers
Banks, Financial or Retirement Institutions	Social Security Administration
State Unemployment Agency	Veteran's Administration
Welfare Agency	Other: _____

Agreement to Conditions:

I agree that a photocopy of this authorization may be used for the purposes stated above. I understand that I have the right to review this file and correct any information found to be incorrect.

Signature of Applicant	Printed Name	Date
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Signature of Co-Applicant	Printed Name	Date
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Note: This general consent may not be used to request a copy of a tax return. If one is needed, contact your local IRS office for Form 4506, "Request for Copy of Tax Return" and prepare and sign separately.

LIVE LOCAL TENANT INCOME CERTIFICATION

Preemption Property

A. Tenant Information (select one)

	Tenant for multiple years	Initial Lease Date:	
	First Year Tenant	Lease Date:	

B. Certification Information (select one)

	Initial Certification (IC)	Effective Date:	
	Annual Recertification (AR)	Effective Date:	

C. Household Information: Include all household members

Member	Full Name	Relationship to Head	Age
1		HEAD	
2			
3			
4			
5			
6			
7			
8			

D. Assets: All household members including assets owned by minors

Member	Asset Description	Cash Value	Actual Income from Asset
1			
2			
3			
4			
5			
6			
7			
8			
Total Cash Value of Assets		D(a) \$	
Total Income from Assets		D(b)	\$
If line D(a) is greater than \$50,000, add the actual income from any assets for which actual income can be calculated, then calculate the imputed income for the assets where actual income cannot be calculated by multiplying the amount of assets where actual income cannot be calculated by the HUD rate (.40%). Add amounts and enter results in D(c), which must be counted on page two alongside other sources of household income.		D(c)	\$

E. **Annual Income:** Includes unearned income and support paid on behalf of minors.

Member					Asset Income
1					Enter the greater of box D(b) or box D(c) above in box E(e) below
2					
3					
4					
5					
6					
7					
8					
Totals	(a)	(b)	(c)	(d)	(e)
Enter total of items E(a) through E(e). This is the annual household income.					\$

F. **Recipient Statement:** The information on this form is to be used to determine maximum income for eligibility. I/we certify that the statements are true and complete to the best of my/our knowledge and belief and are given under penalty of perjury. **WARNING:** Florida Statute 817 provides that willful false statements or misrepresentation concerning income and assets relating to financial condition is a misdemeanor of the first degree and is punishable by fines and imprisonment provided under S 775.082 or 775.83.

Signature of Head of Household	Date _____
Signature of Spouse or Co-Head of Household	Date _____
Signature of Household Member (over 18 years)	Date _____
Signature of Household Member (over 18 years)	Date _____
Signature of Household Member (over 18 years)	Date _____
Signature of Household Member (over 18 years)	Date _____

G. **Property Management Staff Statement:** Based on the representations herein, and upon the proofs and documentation submitted, the family or individual(s) named in item C of this Resident Income Certification is/are eligible under the provisions of Chapter 420, Part V, Florida Statutes, the family or individual(s) constitute(s) a: (check one)

Extremely Low Income (ELI) Household means individuals or families whose annual income does not exceed 30% of the area median income as determined by the U.S. Department of Housing and Urban Development with adjustments for household size.

Maximum Income Limit: _____

Very Low Income (VLI) Household means individuals or families whose annual income does not exceed 50% of the area median income as determined by the U.S. Department of Housing and Urban Development with adjustments for household size.

Maximum Income Limit: _____

Low Income (LI) Household means individuals or families whose annual income does not exceed 80% of the area median income as determined by the U.S. Department of Housing and Urban Development with adjustments for household size.

Maximum Income Limit: _____

Moderate Income (MI) Household means individuals or families whose annual income does not exceed 120% of the area median income as determined by the U.S. Department of Housing and Urban Development with adjustments for household size.

Maximum Income Limit: _____

Based upon the _____ (year) income limits for _____ (Metropolitan Statistical Area (MSA) or County), Florida

Signature of the Property Management Staff:

Signature _____ Date _____
 Name _____ Title _____
 (print or type) _____

H. **Household Data** (to be completed by Head of Household only)

Household elects to not participate.						_____	(Initials of Household Head)			
Head of Household Data										
By Race / Ethnicity						By Age				
White	Black	Hispanic	Asian	American Indian	Other	0 - 25	26 - 40	41 - 61	62 +	
Household Members Data										
Special Target / Special Needs (Check all that apply to any member)										
Farm worker	Developmentally Disabled	Homeless	Elderly	Special Needs (define)	Special Needs (define)					

NOTE: Information in Section H is being gathered for statistical use. No resident is required to provide this information. Refusal to provide this information will not affect eligibility.



Notice of Rental Monitoring

DATE
CONTACT NAME
ORGANIZATION NAME
ADDRESS
CITY, ST ZIP

RE: Notice of Rental Monitoring

Dear CONTACT NAME,

You have developed rental housing that is entitled to certain use, density, and height standards regarding administrative approval. As a condition of development, you were required to reserve at least 40 percent of the residential units in this 'preemption project' as affordable rental housing as defined in s. 420.0004 for 30 years.

Certain requirements were outlined in a written signed agreement with St. Johns County regarding a 30-year term of affordability, the income limits for tenants living in the affordable residential units, and rent affordability. The St. Johns County Housing and Community Services Department is responsible for monitoring compliance. The property at (Address) _____, for which you are the identified Owner, is scheduled for monitoring, to be completed 60 days from now. Please accept this Notice of Rental Monitoring and respond to me within thirty (30) calendar days of receipt via telephone _____ or email _____ to set up an meeting to review the agreement between the Owner and St. Johns County and discuss the monitoring process.

Within the next 30 days, please provide in scanned electronic form, the following:

- A completed annual re-certification of income eligibility for each tenant in an affordable residential unit using the attached tenant income certification (TIC) form and including required verification of household income and assets.
- The current lease for each tenant in an affordable residential unit.

I look forward to hearing from you.

Respectfully,

Current Income and Rent Limits Chart

<https://www.floridahousing.org/owners-and-managers/compliance/income-limits>

Note: The general hold harmless provisions of IRC Section 142(d)(2)(E) mean that projects with at least one building placed in service on or before the end of the 45-day transition period for newly-released limits use whichever limits are greater, the current-year limits or the limits in use the preceding year.

HUD release: 5/15/2023

Effective: 5/15/2023

Implement on/before: 6/28/2023

2023 Income Limits and Rent Limits Florida Housing Finance Corporation Multifamily Rental Programs and CWHIP Homeownership Program

NOTE: Does not pertain to CDBG-DR, HHRP, HOME, NHTF or SHIP

County (Metro)	Percentage Category	Income Limit by Number of Persons in Household										Rent Limit by Number of Bedrooms in Unit					
		1	2	3	4	5	6	7	8	9	10	0	1	2	3	4	5
Saint Johns County (Jacksonville HMFA)	20%	12,400	14,160	15,940	17,700	19,120	20,540	21,960	23,380	24,780	26,196	310	332	398	460	513	566
	25%	15,500	17,700	19,925	22,125	23,900	25,675	27,450	29,225	30,975	32,745	387	415	498	575	641	708
	28%	17,360	19,824	22,316	24,780	26,768	28,756	30,744	32,732	34,692	36,674	434	464	557	644	718	793
	30%	18,600	21,240	23,910	26,550	28,680	30,810	32,940	35,070	37,170	39,294	465	498	597	690	770	850
	33%	20,460	23,364	26,301	29,205	31,548	33,891	36,234	38,577	40,887	43,223	511	547	657	759	847	935
	35%	21,700	24,780	27,895	30,975	33,460	35,945	38,430	40,915	43,365	45,843	542	581	697	805	898	991
	40%	24,800	28,320	31,880	35,400	38,240	41,080	43,920	46,760	49,560	52,392	620	664	797	920	1,027	1,133
	45%	27,900	31,860	35,865	39,825	43,020	46,215	49,410	52,605	55,755	58,941	697	747	896	1,035	1,155	1,275
	50%	31,000	35,400	39,850	44,250	47,800	51,350	54,900	58,450	61,950	65,490	775	830	996	1,150	1,283	1,416
	60%	37,200	42,480	47,820	53,100	57,360	61,620	65,880	70,140	74,340	78,588	930	996	1,195	1,380	1,540	1,700
	70%	43,400	49,560	55,790	61,950	66,920	71,890	76,860	81,830	86,730	91,686	1,085	1,162	1,394	1,610	1,797	1,983
	80%	49,600	56,640	63,760	70,800	76,480	82,160	87,840	93,520	99,120	104,784	1,240	1,328	1,594	1,841	2,054	2,267
	Median: 93,300	120%	74,400	84,960	95,640	106,200	114,720	123,240	131,760	140,280	148,680	1,860	1,992	2,391	2,761	3,081	3,400
		140%	86,800	99,120	111,580	123,900	133,840	143,780	153,720	163,660	173,460	2,170	2,324	2,789	3,221	3,594	3,967
HERA Special Limits per Section 142(d)(2)(E) (Est. 2021) <i>For use by projects that placed in service at least one building on or before 12/31/2008</i>	25% - HS	16,350	18,675	21,000	23,325	25,200	27,075	28,925	30,800	32,655	34,521	408	437	525	606	676	746
	28% - HS	18,312	20,916	23,520	26,124	28,224	30,324	32,396	34,496	36,574	38,664	457	490	588	679	758	836
	30% - HS	19,620	22,410	25,200	27,990	30,240	32,490	34,710	36,960	39,186	41,425	490	525	630	727	812	895
	33% - HS	21,582	24,651	27,720	30,789	33,264	35,739	38,181	40,656	43,105	45,568	539	577	693	800	893	985
	35% - HS	22,890	26,145	29,400	32,655	35,280	37,905	40,495	43,120	45,717	48,329	572	612	735	849	947	1,045
	40% - HS	26,160	29,880	33,600	37,320	40,320	43,320	46,280	49,280	52,248	55,234	654	700	840	970	1,083	1,194
	45% - HS	29,430	33,615	37,800	41,985	45,360	48,735	52,065	55,440	58,779	62,138	735	788	945	1,091	1,218	1,343
50% - HS	32,700	37,350	42,000	46,650	50,400	54,150	57,850	61,600	65,310	69,042	817	875	1,050	1,213	1,353	1,493	
60% - HS	39,240	44,820	50,400	55,980	60,480	64,980	69,420	73,920	78,372	82,850	981	1,050	1,260	1,455	1,624	1,791	

Florida Housing Finance Corporation (FHFC) income and rent limits are based upon figures provided by the United States Department of Housing and Urban Development (HUD) and are subject to change. Updated schedules will be provided when changes occur.