

RESOLUTION NO. 2009- 201

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA APPROVING THE LHAP FLORIDA HOMEBUYER OPPORTUNITY PROGRAM HOUSING STRATEGY FOR 2009-2010

RECITALS

WHEREAS, the Florida Housing Finance Corporation, Rule 67-37.006 requires that amendments to an approved Local Housing Assistance Plan require adoption by resolution; and

WHEREAS, the St. Johns County Board of Commissioners on April 29, 2008 reviewed and approved the Local Housing Assistance Plan for fiscal years 2008/2009, 2009/2010 and 2010/2011 by motion; and

WHEREAS, this strategy is in response to the legislative proviso requiring SHIP local governments to expend 2009-2010 funds to ensure that residents of the state derive the maximum possible economic benefit from the federal first time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009 by providing down payment assistance loans to first time homebuyers for owner occupied primary residences that can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit; and

WHEREAS, the state program shall be called the "Florida Homebuyer Opportunity Program"; **and**

WHEREAS, the fiscal years covered are 2009/2010 until the expiration of the Florida Homebuyer Opportunity Tax Credit; and

WHEREAS, the maximum award is the principal balance of the loans provided not to exceed 10% of the purchase price or \$8,000 whichever is less; and

WHEREAS, the recipient selection criteria, income limits, terms and conditions are included in the attached Florida Homebuyer Opportunity Program Strategy.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, that:

1. The above Recitals are incorporated into the body of this Resolution, and such Recitals are hereby adopted as legislative findings of fact.

2. The Board of County Commissioners adopts the attached and incorporated Florida Homebuyer Opportunity Program (FHOP), strategy, as an amendment/addition to the current Local Housing Assistance Program (LHAP).

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 21st day of July, 2009.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**



By: Cyndi Stevenson
Cyndi Stevenson, Chair

ATTEST: Cheryl Strickland, Clerk

By: Pam Halterman
Deputy Clerk

RENDITION DATE 7/23/09

LHAP HOUSING STRATEGY
For 2009-2010

Name of the Strategy: **Florida Homebuyer Opportunity Program**

a. Summary of the Strategy: This strategy is designed in response to the legislative proviso requiring SHIP local governments to expend 2009-2010 funds to ensure that residents of the state derive the maximum possible economic benefit from the federal first time homebuyer tax credit created through The American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first time homebuyers for owner occupied primary residences that can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be called the "Florida Homebuyer Opportunity Program."

b. Fiscal Years Covered: 2009/2010 until expiration of the Florida Homebuyer Opportunity Program Tax Credit.

c. Income Categories to be served: Up to \$75,000 for single taxpayers or \$150,000 for joint filers. There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of the funds for awards to low-income persons; and there is no requirement to expend 75% of funds for construction, rehabilitation or emergency repair.

d. Maximum award is the principal balance of the loans provided shall not exceed 10% of the purchase price or \$8,000 whichever is less.

e. Terms, Recapture and Default: If the county or eligible municipality receives repayment from the homebuyer within 18 months after the closing date of the loan the county or eligible municipality shall waive all interest charges. A homebuyer, who fails to fully repay the loan within 18 months or 10 days after the receipt of their federal income tax refund, will become subject to a due on sale loan repayment to include a penalty of 10% of the loan amount. In the event of a default (failure to make required payments on a loan secured by a first mortgage which leads to foreclosure and/or loss of property ownership), the loan, including any penalty, will be due at time of foreclosure. All funds repaid to a county or eligible municipality shall be considered "program income" as defined in s. 420.9071 (24).

f. Recipient Selection Criteria: Recipients must meet the requirements of the following: The maximum income limit shall be Adjusted Gross Income of \$75,000 for single taxpayer households or \$150,000 for joint-filing taxpayer households which is equal to that permitted by the American Recovery and Reinvestment Act of 2009.

Return to: SHIP (Florida Home Buyer Program)
St. Johns Co. Housing/Community Services
102 M.L. King Avenue
St. Augustine, FL 32084
(904) 827-6896 Fax 827-6899

MORTGAGE LIEN AGREEMENT

**UNDER ST. JOHNS COUNTY, FLORIDA
STATE HOUSING INITIATIVES PARTNERSHIP (SHIP)
FLORIDA HOMEBUYER OPPORTUNITY PROGRAM (FHOP)
(July 2009)**

THIS INDENTURE, made this _____ day of _____, _____, between _____, whose mailing address is or shall be _____, and whose street address of the property described below is or shall be _____, hereinafter called the "Owner" ("Owner" refers to singular or plural as the context requires), and St. Johns County, Florida, a political subdivision existing under the laws of the State of Florida (Federal ID No. 59-6000825), whose post office address is c/o Clerk of Circuit Court, 4010 Lewis Speedway, St. Augustine, FL 32084, hereinafter called "County";

WITNESSETH:

WHEREAS, the State of Florida, through the County has made available to Owner under the State Housing Initiatives Partnership Program, Chapter 420, Part VIII, Florida Statutes, and St. Johns County Ordinance No. 93-21, hereinafter referred to jointly as "SHIP," funds to be used for closing costs, down payment, or improvements on an existing house by very low, low, or moderate income home buyers; and

WHEREAS, in response to The American Recovery and Reinvestment Act of 2009, the "Florida Home Buyer Opportunity Program" was created. By providing subordinate down payment assistance loans to first time homebuyers for owner occupied primary residences that can be repaid by the income tax refund the homebuyer is entitled to under the First Time Home Buyer Credit.

NOW, THEREFORE, in consideration of the provision of financial (purchase) assistance to the Owner for closing costs/ down payment assistance on the property hereinafter

described subject to the terms and conditions hereinafter provided, the Owner has mortgaged, granted, and conveyed to County the following described land situate, lying and being in the County of St. Johns, State of Florida, to-wit:

(Add property description here or attach at end.)

altogether hereinafter referred to as "Property," together with all improvements, replacements and additions now or hereafter erected on the Property, and all easements, appurtenances and fixtures now or hereafter a part of the Property, the said Owner does hereby fully warrant the title to said Property and will defend the same against the lawful claims of all persons whomsoever.

SUBJECT, HOWEVER, to the following terms and conditions each of which the Owner hereby accepts and agrees to:

1. SHIP (Florida Home Buyer Opportunity Program) (funds in the amount of _____ Dollars (\$ _____) have been provided to or for the benefit of the Owner to assist in the purchase of the Property, the receipt whereof is hereby acknowledged by Owner.

2. Owner agrees that Owner occupies and will occupy the Property as his or her principal and primary place of residence.

3. A mortgage for the SHIP deferred loan will be executed and will stay in effect from the date of closing until repayment. If repayment is received within 18 months after the closing date of the loan the County shall waive all interest charges. A homebuyer, who fails to repay the loan within 18 months or 10 days after the receipt of their federal income tax refund, will become subject to a due on sale loan repayment to include a penalty of 10% of the loan amount. In the event of a default (failure to make required payments on a loan secured by a first mortgage which leads to foreclosure and/ or loss of property ownership), the loan including any penalty will be due at time of foreclosure. All funds repaid to the county shall be considered "program income" as defined in s. 420.9071 (24).

4. Owner understands and agrees that this agreement shall be recorded in the office of the Clerk of the Circuit Court in and for St. Johns County, Florida, and its obligations thereof shall run with title to the property and shall encumber and burden title to the property.

5. THE OWNER UNDERSTANDS AND AGREES THAT THIS INSTRUMENT SHALL PLACE A LIEN UPON OWNER'S PROPERTY DESCRIBED HEREIN ABOVE AND THIS AGREEMENT SHALL BE BINDING UPON THE HEIRS, DEVISEES, SUCCESSORS AND ASSIGNS OF THE OWNER.

6. All obligations and conditions herein that are applicable to Owner are secured by this mortgage lien.

PROVIDED that if the Owner shall pay all obligations described herein and shall comply with all conditions and perform all agreements set forth herein, then this mortgage and the estate hereby created shall cease and be null and void.

IN WITNESS WHEREOF, Owner has executed this instrument under seal on the day and year first above written.

Signed, sealed and delivered in the presence of:

_____ (Seal)

(Print or type witness's name)

_____ (Seal)

(Print or type witness's name)

STATE OF FLORIDA
COUNTY OF

The foregoing Lien Agreement was acknowledged before me this ____ day of _____, 200__, by who ____ is personally known to me or ____ has produced as identification the following: _____ and who ____ did or ____ did not take an oath.

(Notarial Seal) (Notary Signature)

(Print or type name of Notary Public)

Commission No.:

My Commission Expires:

(To reimburse St. Johns County for loan and to clear the title of this lien, contact the SHIP Home Buyer Program or the County Administrator's Office. Cashier's check, money order, or business check should be made payable to "St. Johns Co. BCC Local Housing Asst. Trust Fund" for "repayment of Participant's Name / FHOP SHIP lien".)

(ship.fhop.lien 7/09)