

RESOLUTION NO. 2017-34

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ESTABLISHING A PROGRAM FOR CERTAIN RESIDENTIAL PROPERTY OWNERS WITHIN THE CITY TO OBTAIN PARTIAL RELIEF FROM PAYMENT OF STORMWATER SERVICE ASSESSMENTS; EXTENDING THE DEADLINE FOR FILING STORMWATER SERVICE ASSESSMENT MITIGATION CREDIT APPLICATIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on July 6, 2017, the City Council (the "Council") of City of Palm Bay, Florida (the "City"), enacted Resolution No. 2017-28, confirming the Amended and Restated Initial Assessment Resolution for Stormwater Management Services, as amended, authorizing the imposition of Stormwater Service Assessments and Stormwater Service Fees against real property benefited by the City's Stormwater Management Services, and

WHEREAS, the Council hereby ascertains, determines, and declares that imposition of the Stormwater Service Assessments on very low income owners of homesteaded residential property within the Stormwater Service Area may create a financial burden on such property owners, and

WHEREAS, the Council finds that a public purpose is served by assisting very low income owners of homesteaded residential property within the Stormwater Service Area with the financial burden created by imposition of a Stormwater Service Assessment, and

WHEREAS, the Council wishes to extend the deadline for property owners to submit Mitigation Credit Applications to allow property owners within the Stormwater Service Area additional time in which to prepare the information necessary to submit an application for Stormwater Service Assessment Mitigation Credits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF PALM BAY, FLORIDA, as follows:

SECTION 1. DEFINITIONS.

(A) All capitalized terms in this resolution shall have the meanings defined in Ordinance No. 2017-35 (the "Ordinance"), Resolution No. 2017-19 (the "Initial Assessment Resolution"), and Resolution No. 2017-28 (the "Final Assessment Resolution").

(B) As used in this resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Residential Hardship Assistance" means a program pursuant to which some or all of a Stormwater Service Assessment imposed on Residential Property, which property is homesteaded and owned by a person meeting certain household income requirements, may be paid for by the City from legally available funds other than revenues derived from imposition of the Stormwater Service Assessments.

"**Very Low-Income Persons**" shall mean one or more natural persons, the total gross household income of which does not exceed 50% of the median adjusted gross income for the preceding calendar year for households within the metropolitan statistical area covering the City as reported by the U.S. Department of Housing and Urban Development or its governmental successor in function.

SECTION 2. ESTABLISHMENT OF RESIDENTIAL HARDSHIP ASSISTANCE.

(A) It is hereby ascertained, determined, and declared that it is in the best interest of the citizens of the City to assist Very Low Income Persons who are Owners of

homesteaded Residential Property with the potential financial burden created by the imposition of a Stormwater Service Assessment.

(B) Accordingly, there is hereby created A Residential Hardship Assistance Program to assist Residential Property owners who meet the definition of Very Low Income Persons as established herein. An owner of Residential Property who meets very low income level and asset guidelines specified by the City shall be eligible to receive payment of a Stormwater Service Assessment by the City. Applicants for this Residential Hardship Assistance Program shall provide written documentation satisfactory to the City in order to qualify for such assistance. Any amounts provided for hardship assistance shall be paid by the City from funds other than those generated by the Stormwater Service Assessment.

(C) To qualify for Residential Hardship Assistance, an applicant must:

(1) Be the owner of Residential Property within the Stormwater Service Area that constituted the homestead property, pursuant to chapter 196, Florida Statutes, of the applicant on January 1 of the year for which the Stormwater Service Assessment was imposed.

(2) Qualify as Very Low Income Persons for the year in which the Stormwater Service Assessment was imposed.

(D) On or before September 1, 2017, and on or before May 1 of each subsequent year, the applicant shall submit a sworn application containing the following information to the Stormwater Management Utility Director:

(1) The name, address, age, relationship status, and employment information for all Owners and legal residents of the property, including dependents.

(2) The physical address and Tax Parcel Identification Number of the Residential Property as assigned by the Brevard County Property Appraiser.

(3) Proof of total household income from all sources and documentation required to demonstrate qualification a Very Low Income Persons. Substantive documentation may include, but is not limited to: social security income statements, IRS income tax returns, W2s, and such other information as may be reasonably requested by the Stormwater Management Utility Director or his/her designee.

(E) The Stormwater Management Utility Director, or his/her designee, shall within fifteen (15) days after the filing of an application for Residential Hardship Assistance, review the application and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required in order to determine if the applicant meets the criteria to receive Residential Hardship Assistance as established herein.

(F) The Stormwater Management Utility Director, or his/her designee, shall furnish his/her written decision to such applicant by mail, to the address stated on the application on or before the expiration of twenty (20) days following the filing of the application. If the Stormwater Management Utility Director, or his/her designee, should determine that the applicant is entitled to Residential Hardship Assistance, then the applicant shall only be responsible for paying the first \$53.64 of the Stormwater Service Assessment imposed on the homesteaded Residential Property. The remainder of the

Stormwater Service Assessment shall be paid by the City from legally available funds other than revenues derived from imposition of the Stormwater Service Assessments.

(G) Any shortfall in the expected Stormwater Service Assessment proceeds due to any hardship assistance provided herein shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Stormwater Service Assessments. In the event a court of competent jurisdiction determines any assistance provided by the City Council is improper or otherwise adversely affects the validity of the Stormwater Service Assessment imposed for any Fiscal Year, the sole and exclusive remedy shall be the imposition of a Stormwater Service Assessment upon each affected Tax Parcel in the amount of the Stormwater Service Assessment that would have been otherwise imposed save for such assistance afforded to such Tax Parcel.

(H) The City Council may adopt by separate resolution, guidelines and directives to the Stormwater Management Utility Director, or other designated City employee, for the administration of the Residential Hardship Assistance Program authorized by this Section.

SECTION 3. DEADLINE FOR SUBMISSION OF MITIGATION CREDIT APPLICATIONS. For Fiscal Year 2017-18, the deadline for submission of Stormwater Service Assessment Mitigation Credit applications, as established in Resolution No. 2017-35, is hereby amended such that all Mitigation Credit applications shall be due on or before August 18, 2017.

SECTION 4. EFFECTIVE DATE. The provisions within this resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting No. 2017- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2017.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK

City of Palm Bay, Florida
Resolution No. 2017-34

EXHIBIT A

APPLICATION FOR HARDSHIP ASSISTANCE

**CITY OF PALM BAY
APPLICATION FOR HARDSHIP ASSISTANCE
FISCAL YEAR 2017-18
STORMWATER SERVICES ASSESSMENT**

DRAFT

PLEASE READ THE ENTIRE APPLICATION FORM CAREFULLY BEFORE SIGNING APPLICATION)

AUTHORITY

In accordance with Resolution _____, the City of Palm Bay has created a Hardship Assistance Program to assist residential property owners, who meet the eligibility criteria, with the financial burden created by the imposition of the stormwater services assessment.

REQUIRED INFORMATION

In order to apply for hardship assistance under the Fiscal Year 2017-18 Stormwater Services Assessment Program, the applicant shall file with the City this application, under oath, which provides the following required information necessary to demonstrate entitlement to hardship assistance (PLEASE PRINT CLEARLY):

To qualify for Economic Hardship Assistance:

- (1) The applicant must be the owner of residential property that constituted the homestead property, pursuant to chapter 196, Florida Statutes, of the applicant as of January 1 of the year for which the Assessment was imposed.
- (2) The total household Income of all lawful occupants of the property shall be less than or equal to 50% of the 2017 Income Limits Documentation System established by the U.S. Department of Housing and Urban Development, as adjusted for family size (see chart below):

Very Low (50%) Income Limits	1 Person \$21,600	2 Person \$24,700	3 Person \$27,800	4 Person \$30,850	5 Person \$33,350	6 Person \$35,800	7 Person \$38,300	8 Person \$40,750
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- (3) Prior to September 1, 2017 and prior to May 1 each year thereafter, the applicant shall file with the City (insert who will be responsible for reviewing applications) an application under oath demonstrating entitlement to hardship assistance. Such application shall include the following:

1. Name and address of all Owners of the Property:

Owner Name: _____ Owner Address: _____

Owner Name: _____ Owner Name: _____

2. Property Physical Address and Tax Parcel ID Number of the Property:

Telephone Number: _____

Property Physical Address: _____

Tax Parcel ID #: _____

3. Name of all occupants of the residential property, including all dependents giving their names, addresses, ages, relationships and employment:

Occupant 1: _____

Occupant 2: _____

Occupant 3: _____

Occupant 4: _____

Occupant 5: _____

- 4. Proof of the total household income of all occupants of the residential property from all sources and other documentation required to demonstrate qualification as a Very Low Income Person. Substantive documentation may include: Social Security Income Statements, IRS Income Tax Returns, and W2s. Applications submitted without proper documentation may be denied.
- 5. By signing below, owners indicate that they are entitled to the hardship assistance and that they have the present intent to maintain such residential property as their permanent residence for the remainder of the Fiscal Year.
- 6. The applicant shall furnish such other information relating to the application as may be reasonably requested.

APPROVAL PROCEDURE

Eligibility for hardship assistance will be submitted to the _____ and a determination will be based upon the attached information. The _____ may adjust any Stormwater Assessment imposed for the Fiscal Year beginning October 1, 2017 upon a parcel of residential property whose Owner timely and satisfactorily demonstrates by affidavit that the criteria is met and reducing the assessment.

The _____ shall, within fifteen (15) days after the filing of such application, review the application and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required in order to determine if the applicant is qualified for hardship assistance pursuant to Section _____ of Resolution _____, and shall furnish a written decision to the applicant within twenty (20) days from the filing of the application. If deemed qualified for the hardship assistance outlined in _____, the applicant shall be required to pay the first \$53.64 of the Stormwater Assessment imposed on the qualified homesteaded property and the City shall pay the remainder of the Stormwater Assessment on said property.

AFFIDAVIT

I hereby swear or affirm that the information I have provided in this application, and in any accompanying paperwork, is true and correct.

Owner Signature

Date

State of Florida
County of Brevard

Before me, the undersigned officer, personally appeared, _____, who being duly sworn, deposes and says that the foregoing is true and correct. _____ is known to me personally or produced _____ as identification.

Notary Public: _____
My Commission Expires: _____

SUBMIT COMPLETED APPLICATION and SUPPORTING DOCUMENTS TO:

City of Palm Bay

Attn: _____

120 Malabar Road SE

Palm Bay, Florida 32907

(321) _____

Or by email to _____ at _____