

ORDINANCE NO. 2026-___

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 13, "LAND DEVELOPMENT CODE," ARTICLE I, "ADMINISTRATION, REGULATIONS AND PROCEDURES," DIVISION 3, "IMPLEMENTATION PROCEDURES," BY CREATING SECTION 13-43, "WORKFORCE HOMEBUYER PURCHASE ASSISTANCE PROGRAM," PROVIDING A PURPOSE, DEFINITIONS, CRITERIA, AND METHODOLOGY FOR PROVIDING FUNDS TO ASSIST QUALIFIED PURCHASERS IN THE WORKFORCE TARGET INCOME GROUP WITH THE PURCHASE OF RESIDENTIAL DWELLING UNITS WITHIN THE CITY OF COCONUT CREEK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, there is an ever-increasing need for housing to support the workforce target income group with less than one hundred and forty percent (140%) of median family income; and

WHEREAS, the workforce target income group includes many types of public service employees, such as police officers, firefighters, teachers, nurses, and medical personnel who are essential to the local economy and a functioning community; and

WHEREAS, the rising cost and limited availability of housing affordable to individuals and families of moderate income levels have created a shortage of housing that is economically attainable by the workforce target income group; and

WHEREAS, the uneven distribution of moderately priced housing has contributed to increased economic and housing stratification within the community; and

WHEREAS, the City's Affordable Housing Trust Fund, created by Section 13-117, "Trust Fund Established," of the City of Coconut Creek Code of Ordinances, provides

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funds to improve the availability of housing and provides for the use of the funds to provide housing assistance through various programs as established by the City Commission; and

WHEREAS, it is in the best interests of the public health, safety, and welfare of the current and future residents of the City of Coconut Creek to reduce economic stratification and encourage home ownership across a broader economic spectrum by developing programs that integrate housing for individuals and families in the workforce target income group into new, expanding, or redeveloping neighborhoods.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: Amendment. That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 13, “Land Development Code,” Article I, “Administration, Regulations and Procedures,” Division 3, “Implementation Procedures,” by creating a new Section 13-43, “Workforce Homebuyer Purchase Assistance Program,” to read as follows:

Section 13-43. - Workforce Homebuyer Purchase Assistance Program.

(a) Purpose.

- (1) The Workforce Homebuyer Purchase Assistance Program is intended to provide a mechanism to offer Homebuyer Purchase Assistance to workforce target income individuals and families purchasing properties within the City. Such programs may be implemented directly by the City or may be implemented in partnership with a Developer building, renovating, or redeveloping residential units within the City.**
- (2) The implementation of this Workforce Homebuyer Purchase Assistance Program will, among other things, provide down payment assistance for workforce target income households in order to meet the existing and anticipated housing needs of such persons and to maintain a broad socio-**

economic mixture in the community; and support and improve the public health, safety, and general welfare.

(b) Definitions. The following words, terms, and phrases, when used in this section, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Developer means a person or entity undertaking residential or mixed-use building construction, reconstruction, alteration, or material change, that has entered into a written agreement with the City pursuant to this section, to implement a specific Workforce Homebuyer Program.

Down Payment Funding means the total amount of funding dedicated to a specified Workforce Homebuyer Program by the City and the Developer combined. This amount may include the relevant Developer's housing Linkage Fee payment(s) made pursuant to section 13-113, "Assessment," if any are due, as well as any supplemental funds allocated by the City or a Developer implementing a Workforce Homebuyer Program.

Fund means the Affordable Housing Trust Fund created by Section 13-117, "Trust Fund Established," of the City of Coconut Creek Code of Ordinances.

Purchase Assistance means the monetary funds awarded to a Qualified Purchaser as a contribution towards the down payment on a Unit within the City.

Qualified Purchaser means a potential property owner(s) earning less than one hundred and forty percent (140%) of the most recently published Area Median Income (AMI) for Broward County based on the United States Department of Housing and Urban Development data, adjusted for household size.

Unit means a residential dwelling unit located within the City of Coconut Creek, and within the area designated for the applicable Workforce Homebuyer Program, purchased or to be purchased by a Qualified Purchaser, with Purchase Assistance through a Workforce Homebuyer Program.

Workforce Homebuyer Program means a specific workforce housing homebuyer assistance effort adopted by the City by resolution or by written agreement with a Developer approved by resolution, for a specific development or area of the City.

(c) Down Payment Funding.

(1) Designation of Funds. The City will designate amounts from the Fund to a specified Workforce Homebuyer Program to assist with purchases of Units by Qualified Purchasers. In addition, any required housing Linkage Fee payments associated with any non-residential development in a

development project by a Developer implementing a Workforce Homebuyer Program, if any, may also be directed to that Workforce Homebuyer Program. The total amount designated from the Fund by the City, together with any additional funds a Developer may independently choose to contribute to a Workforce Homebuyer Program, will constitute the "Down Payment Funding" available for a specific Workforce Homebuyer Program.

- (2) Use of Funds. There will be a specific amount designated in the Resolution or a Developer's written agreement creating a Workforce Homebuyer Program made available to a Qualified Purchaser awarded Purchase Assistance as a contribution towards the down payment for the purchase of a single Unit within the City of Coconut Creek.

(d) Program Availability.

- (1) Opening Lottery. To ensure equitable and non-discriminatory access, at such times as a new Workforce Homebuyer Program or funding cycle within a Workforce Homebuyer Program is initiated, the City, or a Developer, if applicable, will administer a publicly advertised lottery process. The lottery must be advertised thirty (30) days in advance and be accessible across various platforms. The advertisement should publish the eligibility criteria and application deadlines. The lottery must be open to applicants who have submitted a lottery application. The City or Developer must conduct the selection using a random and impartial process and must maintain all records of the lottery, including outreach efforts, applicant lists, selection results, and waitlists, for a minimum of five (5) years. If such records are maintained by a Developer, Developer must make such records available to the City within ten (10) days upon request. The City reserves the right to review and approve all lottery-related materials and procedures prior to implementation and may observe the lottery drawing to ensure fairness and compliance with this section. The City or, if applicable, subject to prior review and written approval by the City, a Developer, may engage a qualified third-party agency to administer or audit the lottery process.

- (2) Lottery Administration. The lottery will randomly select applicants to create a list of all applicants in the order drawn in the lottery. All names will be drawn to create a master order of eligibility list that includes all lottery applicants. The first group of drawn applicants, up to the number of awards available, will be notified and provided three (3) months from the date of notice in which to submit a complete pre-qualification package pursuant to Section 13-43 (e), "Pre-qualification." All applicants must be notified of their position in the lottery drawing and that additional applicants from the lottery drawing list will be considered for award as

funds become available. If any applicant for an award does not pre-qualify for any reason or fails to close within the prescribed time, that applicant will be removed from the lottery list and the next person on the lottery list will be notified that their application is under review for award and will be provided three (3) months in which to submit a complete pre-qualification package. The lottery list will remain active until all Down Payment Funding for the relevant Workforce Homebuyer Program has been disbursed. Pre-qualification will be completed by the City or, if applicable, the Developer, pursuant to Section 13-43 (e), "Pre-qualification."

(3) Additional awards. If a lottery does not generate sufficient eligible applicants, the Workforce Homebuyer Program will be offered on a first-come, first-served basis from the date and time of the filing of a complete application, until all funds designated for the specified Workforce Homebuyer Program are expended.

(4) Program Publicity. The City and/or a Developer implementing a Workforce Homebuyer Program may advertise and/or market the Workforce Homebuyer Program as a potential funding source to Qualified Purchasers. All publicity, public relations, advertisements, and signs must recognize the City for the support of the Program and be approved by the City prior to use. The use of the official City logo is permissible for the sole purpose of promoting the Workforce Homebuyer Program, however, all materials displaying the City logo must be reviewed and approved by the City prior to any use or printing. All media representatives, when inquiring about the Workforce Homebuyer Program, must be informed that the City is the funding source.

(e) Pre-qualification. The City or the Developer, if applicable, will pre-qualify each Workforce Homebuyer Program applicant at no cost to the applicant. An applicant must submit a complete pre-qualification package within three (3) months of notification they are under consideration for award.

(1) A complete pre-qualification package must include submission by the applicant of the following materials:

a. conditional/pre-approval from lender; and

b. recipient income certification.

(2) The City or the Developer, if applicable, will review the submitted pre-qualification package and forward a notice of completeness or incompleteness to the applicant within ten (10) business days of submittal. A notice of incompleteness must specify the deficiencies or data missing from the application, and the application will not be reviewed in whole or in part until deemed complete. Subsequently, the applicant must submit

the required information to the applicable reviewing entity, which will then review the amended application for completeness. This process will continue until a complete pre-qualification package is received or the three (3) month deadline for submission of a complete pre-qualification package has passed. Any pre-qualification package materials submitted prior to the end of the three (3) month period must be reviewed for completeness even if the reviewer is unable to complete the review before the end of the three (3) month period. If the final submission, submitted before the deadline, is deemed complete, even if the determination is made after the deadline, the pre-qualification package will remain in the program and be reviewed for potential pre-qualification and designation of the applicant as a Qualified Purchaser. If a complete pre-qualification package is not received prior to the end of the three (3) month deadline, the application will be withdrawn from the program and the applicant will not be eligible for the program.

- (3) Once a complete pre-qualification package has been received, a pre-qualification review will be completed by the City or, if applicable, the Developer, to determine if the applicant(s) household income is less than one hundred and forty percent (140%) of the most recently published Area Median Income (AMI) for Broward County based on the United States Department of Housing and Urban Development data, adjusted for household size.
- (4) An applicant(s) who has submitted a complete pre-qualification package and who meets the income thresholds will be designated as a Qualified Purchaser.

(f) Award Requirements and Procedures.

- (1) Qualified Purchasers will be eligible for Purchase Assistance in the amount designated by the applicable Workforce Homebuyer Program for a period of one (1) year after notification of Qualified Purchaser status as long as Down Payment Funding remains available for the specific Workforce Homebuyer Program. Failure to close on a Unit within one (1) year of notification of Qualified Purchaser status will terminate the Qualified Purchaser status. The City Manager, or his or her designee, may give one (1), six (6) month extension if, in the City Manager or designee's sole discretion, the failure to meet the deadline is beyond the control of the Qualified Purchaser. Funds will be awarded to Qualified Purchasers in the order drawn in the lottery, and if applicable, subsequently, on a first come, first served basis, based on the date and time of the receipt of a complete application.
- (2) The City, or if applicable, the Developer, will collect all application, pre-qualification materials, and closing documentation, which will include at a

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minimum the purchase agreement, appraisal, home inspection, HUD1 form, title search, and notice of pre-qualification under the Workforce Homebuyer Program for each Qualified Purchaser, which must be provided to the City no less than thirty (30) days prior to the expected closing date.

(g) Purchase Assistance Documentation and Disbursement.

- (1) Promissory Note and Mortgage. Each Qualified Purchaser receiving Purchase Assistance from the City in accordance with a Workforce Homebuyer Program must sign a promissory note that will bear no interest (the "Note") and must also sign a second mortgage on the property in favor of the City (the "Mortgage"), which Mortgage will secure the repayment of the Purchase Assistance, subject to the terms of the Mortgage, this Section, and the applicable Workforce Homebuyer Program.
- (2) Purchase Assistance Terms. The terms of the Note and Mortgage for each Qualified Purchaser will be as follows and such documentation will be provided by the City. Once a Unit is sold, the City will be solely responsible for enforcing the terms of its loan closing documents, which terms must include:
 - a. The maturity date of the Note and Mortgage will be ten (10) years from the date of closing ("Initial Ten (10) Years").
 - b. The Note, which is secured by the Mortgage, will bear no interest within the initial ten (10) years of ownership.
 - c. In the event the Unit encumbered by the Mortgage is sold, foreclosed, or if title to the Unit is otherwise transferred or conveyed by the Qualified Purchaser to a third party at any time within the Initial Ten (10) Years of ownership, then and in that event, except as provided in this subsection, the total amount of the Note must be paid by the Qualified Purchaser in full to the City simultaneously with the completion of such third party closing. Transfers under the following circumstances will be allowed and are not subject to the payoff requirement of this subsection:
 1. Transfers by inheritance to the purchase-owner's spouse or descendant(s);
 2. Transfers of title to a spouse as part of a divorce dissolution proceeding if the spouse receiving the transfer was a party to the mortgage and promissory note; or

3. Acquisition of title or interest therein in conjunction with marriage.

- d. In the event the Unit encumbered by the Mortgage ceases to be the homestead property of the Qualified Purchaser within the Initial Ten (10) Years, the Note will be deemed immediately due in full and all such sums must be paid to the City and, if not paid, the City may foreclose on said Note and Mortgage.
- e. In the event the Note and/or Mortgage becomes due for any reason on any Unit, then the Assistance for such Qualified Purchaser secured by the Mortgage must be returned by the Purchaser to the Fund for use by the City in accordance with the provisions of the Fund. Such Note, Mortgage and any later subordination or release documents will be prepared by the City.
- f. Mortgage Satisfaction and Release. In the event that title to the Unit encumbered by the Mortgage is continuously held by the Qualified Purchaser for the full term of ten (10) years from the date of closing, then and in that event, the Note will be deemed satisfied without the requirement of any repayment by the Qualified Purchaser to the City and the Mortgage will be deemed fully satisfied and released of record.
- g. Nothing requires a Qualified Purchaser who has closed on and is occupying a Unit to sell a Unit if the Qualified Purchaser's income later exceeds the income threshold for a Qualified Purchaser.

(3) Purchase Assistance Disbursement. The City will award the Purchase Assistance amount as designated in the Workforce Homebuyer Program, to be disbursed from the Fund directly to the title company to be held in escrow until closing to provide direct down payment assistance towards a Unit purchase for a Qualified Purchaser. The City will disburse Purchase Assistance on a per-transaction basis, drawing down from the funds allocated to the specified Workforce Homebuyer Program as individual qualified applications are approved, until the full amount of the Down Payment Funding is expended or the relevant Workforce Homebuyer Program is terminated, whichever is earlier.

(4) Allocation of Repaid Funds. Any funds returned due to early payoff must be returned to the Fund for use for other future affordable housing projects in accordance with the rules of the Fund. Returned funds will not automatically be reallocated to the Workforce Homebuyer Program from which the returned funds were disbursed unless so designated by the City Commission for the individual Workforce Homebuyer Program.

(h) Contract Requirements for Developer Implementing a Workforce Homebuyer Program. A Developer that desires to partner with the City to implement a

Workforce Homebuyer Program within an area in which the Developer is working, must enter into a written agreement with the City, in a form approved by the City Attorney, or his or her designee, to implement the requirements of this section. The Developer will be responsible for the following Workforce Homebuyer Program components, consistent with the requirements of this section:

(1) Lottery;

(2) Program publicity;

(3) Pre-qualification;

(4) Retention of Records; and

(5) City Audit. Developer must agree to provide reasonable access to its applicable records regarding Qualified Purchasers for a period of five (5) years following the expiration of the last mortgage issued under the Workforce Homebuyer Program upon ten (10) days notice, allowing the City to inspect, examine, and review the records of the Developer in relation to the Workforce Homebuyer Program during normal business hours, as may be necessary to facilitate review by the City regarding the approval of Qualified Purchasers under the Workforce Homebuyer Program and, when deemed necessary by the City, to ensure compliance with applicable accounting and financial standards in connection with the Fund.

(i) Termination. The City may terminate a Workforce Homebuyer Program at any time by providing thirty (30) days prior written notice to any participating Developer, unless a participating developer agreement provides otherwise. In the event there is still Down Payment Funding available in the Fund for a Qualified Purchaser who is already approved by the City for the Workforce Homebuyer Program as of the effective date of termination of the applicable Workforce Homebuyer Program, and such Qualified Purchaser closes on the Unit within one (1) year of the effective date of the termination of the applicable Program, then and in that event only, the Purchase Assistance amount approved by the City for the Qualified Purchaser(s) will be provided to such Qualified Purchaser by the City in its sole discretion. The City Manager, or his or her designee, may provide one (1) extension to the one (1) year deadline, not exceeding six (6) months if the delay is for causes outside the control of the Qualified Purchaser.

(j) Governmental Functions. Notwithstanding anything to the contrary contained within any Workforce Homebuyer Program or written agreement with a Developer to implement a Workforce Homebuyer Program:

- (1) All parties must at all times comply with all applicable local, State, and federal governmental regulations, rules, laws, and ordinances;
- (2) To the extent approval or permission must be obtained from the City, such approval or permission will be granted or denied in accordance with applicable local, State, and federal governmental regulations, rules, laws, and ordinances, and no person will have any vested rights;
- (3) The City does not, through the implementation of this section, a related Workforce Homebuyer Program, or any written agreement with a Developer implementing a Workforce Homebuyer Program, waive its common law rights or waive its sovereign immunity under Section 768.28, Florida Statutes;
- (4) This action by the City will be without prejudice to, and will not constitute a limit on, impairment or waiver of, or otherwise affect the City's right to exercise its discretion in connection with its governmental or quasi-governmental functions; and
- (5) No administrative officer or elected official of the City nor an administrative officer or elected official's spouse, will be eligible for participation in a Workforce Homebuyer Program. A City employee who is not an administrative officer, meets all eligibility requirements as a Qualified Purchaser, and is selected through the standard lottery process or on a first-come, first-served basis after a lottery process has been completed, may participate in a Workforce Homebuyer Program the same as the general public.

Section 3: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Codification. That the provisions of this ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

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PASSED FIRST READING THIS ____ DAY OF _____, 2026.

PASSED SECOND READING THIS ____ DAY OF _____, 2026.

Jeffrey R. Wasserman, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

	<u>1st</u>	<u>2nd</u>
Wasserman	_____	_____
Brodie	_____	_____
Welch	_____	_____
Rydell	_____	_____
Railey	_____	_____

File Path:
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Date:

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