

CHAPTER 7.00: BUSINESS SERVICES

EDUCATIONAL IMPACT FEES PROCEDURES

7.81

- I. Purpose. The purpose of this policy is to establish procedures to govern (a) the filing and disposition of requests for exemption from Educational Facilities Impact Fees (“Impact Fees”) imposed as provided in Ordinance No. 2020-01 (“Impact Fee Ordinance”) enacted by the Board of County Commissioners of Santa Rosa County, Florida, and (b) appeals from decisions made by the County Administrator or the Superintendent in the course of administering the provisions of the Impact Fee Ordinance, and (c) periodic review of the Public Educational Facility Funding analysis, dated December 2, 2019, prepared by Building Livable Communities, Inc. (as may be amended and supplemented, the “Impact Fee Study”).
- II. Definitions. The following words, terms, and phrases, when used in this policy, shall have the meanings ascribed to them in this section and in the Impact Fee Ordinance:
- A. *Affordable housing* means a residential unit that is offered for sale or rent to low-income persons or very-low-income persons and for which monthly rent or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed thirty percent (30%) of the amount that represents the percentage of the median adjusted gross income for low-income persons and very-low-income persons.
- B. *Building permit* means the permit required for new construction, additions, and renovations pursuant to the land development regulations of Santa Rosa County, Florida, including a tie-down or similar permit for the establishment of a mobile home or similar structure.
- C. *County* means Santa Rosa County, a political subdivision of the State of Florida.
- D. *County Administrator* means the County Administrator of the County, or the County official that the County Administrator may designate to administer the various provisions of the Impact Fee Ordinance.
- E. *Feepayer* means a person commencing occupancy of residential construction by applying for the issuance of a building permit for a residential unit or a mobile home.

F. *Housing for older persons* shall mean residential units that:

1. Are within a community or subdivision that is operated as housing for older persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Acts of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C. § 3601-19; and
2. Prohibit any person under the age of eighteen (18) years of age from residing within any residential unit on the property as a permanent resident, as evidenced by a recorded declaration of covenants and restrictions that runs with the land and is not subject to revocation or amendment for a period of at least thirty (30) years from the date of recording.

G. *Low-income persons* means one or more natural persons, the total adjusted gross household income of whom does not exceed eighty percent (80%) of the median adjusted gross income for households within the metropolitan statistical area covering the County, as reported by the United States Department of Housing and Urban Development or its governmental successor in function.

H. *Owner* means the natural person, corporation, partnership, incorporated association, or other similar entity holding legal title to the real property upon which a residential unit is to be built or installed.

I. *Residential construction* shall mean land development designed or intended to permit more residential units than the existing use or non-use of land contains.

J. *Residential unit* means any building or structure or portion thereof, or any mobile home, that is designed for or used for residential purposes by a single housekeeping unit.

K. *Superintendent* means the Superintendent of Schools for the School District of Santa Rosa County, Florida, elected in accordance with the provisions of Article IX, Section 5, of the State Constitution, or the School District official that the Superintendent may designate to administer the various provisions of the Impact Fee Ordinance.

L. *Very-low-income persons* means one or more natural persons, the total adjusted gross household income of whom does not exceed fifty percent (50%) of the median adjusted gross income for households within the

metropolitan statistical area covering the County, as reported by the United States Department of Housing and Urban Development or its governmental successor in function.

III. Exemption Requests. An exemption from Impact Fees must be claimed by the feepayer at the time of the issuance of a building permit for the residential construction. Any exemption not so claimed shall be deemed waived by the feepayer. The following are exempt from payment of Impact Fees:

A. Housing for older persons. The construction of residential units meeting the requirements as Housing for Older Persons in compliance with the terms and provisions of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 and the Housing for Older Persons Act of 1995, 42 U.S.C., Sections 3601 through 3619.

1. This restriction must be evidenced by a recorded declaration of enforceable covenants and restrictions that is (a) filed with the Superintendent for review prior to receiving a building permit, (b) not subject to revocation or amendment for a period of at least thirty (30) years from the date of recording, and (c) runs with the land.

2. If the residential units meet the requirements for a housing for older persons exemption, the Superintendent shall issue a written exemption to the feepayer. The exemption shall be presented to the County upon application for a building permit for the residential unit and in lieu of payment of the educational facilities impact fee.

B. Affordable housing. Subject to the availability of School Board funds to pay for each exemption, any residential unit that qualifies as affordable housing and meets the following requirements:

1. Any feepayer seeking an affordable housing exemption shall file with the Superintendent an application for exemption prior to receiving a building permit for the proposed residential unit. The application for exemption shall contain the following:

(a) The name and address of the owner;

(b) The legal description of the residential unit;

(c) The proposed selling price or the proposed rental price, as applicable, of the residential unit; and

(d) Evidence that the residential unit shall be occupied by low-income persons or very-low-income persons, including the form of restrictions to be contained within the deed as required by Section 9(a)(6)B of the Impact Fee Ordinance.

2. For a residential unit to receive an affordable housing exemption, it must meet all of the restrictions of affordable housing as provided in the Impact Fee Ordinance and these restrictions must continue for a period of at least eight (8) years from the date of issuance of a building permit for the residential unit. Such restrictions must be contained within the deed for the residential unit.

3. If the residential unit meets the requirements for an affordable housing exemption, the Superintendent shall issue a written exemption to the feepayer. The exemption shall be presented to the County upon application for a building permit for the residential unit and in lieu of payment of the educational facilities impact fee.

4. The amount of the educational facilities impact fee shall not be increased to replace any revenue lost due to the affordable housing exemption.

5. In the event the residential unit fails to meet the restrictions of affordable housing as provided in the Impact Fee Ordinance at any time within the eight (8) year period following issuance of the building permit such that the property no longer qualifies as affordable housing and is no longer occupied by low-income persons or very-low-income persons, the educational facilities impact fee in effect at the time of the change in circumstances shall be due and the provisions of Section 6(f) of the Impact Fee Ordinance shall apply.

C. Development order subject to a prior extension. The construction of residential units for which a development order, permit, or other authorization (i) was extended in accordance with Section 252.363(1), Florida Statutes, or other lawfully adopted statute or ordinance prior to the effective date of the Impact Fee Ordinance, and (ii) has not expired prior to the owner or feepayer seeking a building permit to construct such units.

1. Prior to receiving a building permit, an applicant for this exemption must present to the Superintendent for review evidence

demonstrating that a prior extension was granted and that the development order, permit, or other authorization has not expired.

2. If the residential units meet the requirements for a prior extension exemption, the Superintendent shall issue a written exemption to the feepayer. The exemption shall be presented to the County upon application for a building permit for the residential unit and in lieu of payment of the educational facilities impact fee.

IV. Appeals.

A. Any decision made by the County Administrator or the Superintendent in the course of administering the provisions of the Impact Fee Ordinance may be appealed to the School Board by filing a petition of appeal within thirty (30) calendar days of the date of the rendition of the decision. Failure to request a hearing within the time provided shall be deemed a waiver of any right for consideration of administrative relief. The appeal shall contain the following:

1. The name and address of the feepayer and owner;
2. The address and legal description of the property in question;
3. If issued, the date the building permit was issued;
4. A brief description of the nature of the construction;
5. If paid, the date the Impact Fees were paid; and
6. A statement of the reasons for the appeal.

B. The School Board shall review the petition at a public meeting within thirty (30) calendar days from the date of appeal of the County Administrator's or Superintendent's decision. The petitioner shall be provided reasonable notice of the time, date, and place of the public meeting by certified mail, return receipt requested, and invited to attend. Testimony at the public meeting shall be limited to ten (10) minutes per side, unless an extension of time is granted by the School Board. The School Board's decision shall be final for the purpose of administrative appeals.

C. The School Board shall revoke the decision of the County Administrator or the Superintendent only if there is competent, substantial evidence in the record that the decision fails to comply with the provisions of the Impact Fee Ordinance.

V. Periodic Review of Impact Fee Study. At least once every five (5) years, the School Board, in consultation with the County, shall review the Impact Fee Study to evaluate Impact Fees and to propose any appropriate adjustment. The School Board shall initiate an earlier review if it determines that a substantial increase in revenues or new revenue sources warrants such action. Each review shall

consider but not be limited to all components of the Impact Fee Study and shall be for the purpose of demonstrating that the Impact Fees do not exceed reasonably anticipated costs associated with growth-necessitated capital improvements. In the event such review alters or changes the assumptions, conclusions, and findings of the Impact Fee Study, then the Study shall be amended and supplemented to reflect the assumptions, conclusions, and findings of the review, and the School Board shall request that the County amend the Impact Fees in accordance with such findings.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAWS IMPLEMENTED: 163.31801, 1001.32, 1001.43, 1001.51
Santa Rosa Co, Fla. Ord. No. 2020-01

HISTORY: ADOPTED: April 9, 2020
FORMERLY: NEW