

RESOLUTION NO. 2024-05

A RESOLUTION OF THE CITY OF NEW PORT RICHEY, FLORIDA ESTABLISHING THE NEIGHBORHOOD IMPROVEMENT COMMUNITY ENHANCEMENT GRANT PROGRAM FOR ELIGIBLE HOMEOWNERS; PROVIDING FOR FUND ELIGIBILITY; PROVIDING FOR PROCEDURES NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR FUNDING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, city code violations exist on various residential properties within the City;

WHEREAS, outstanding code violations diminish the public health, safety and welfare of the community;

WHEREAS, many homeowners may be financially or physically unable to adequately correct outstanding code violations;

WHEREAS, the enforcement of uncorrected code violations may lead to financial hardships for some residential homeowners due to repair costs, or imposed fines or liens authorized by law;

WHEREAS, the City Council of the City of New Port Richey wishes to create a program to assist eligible residential homeowners in correcting code violations and bringing the violations into compliance with city codes;

WHEREAS, the City of New Port Richey wishes to encourage and assist eligible homeowners in bringing their property with existing code violations into compliance with the city codes;

WHEREAS, the City Council desires to establish this home improvement program to be known as the Neighborhood Improvement Community Enhancement (“NICE”) program as set forth in this resolution in order to assist eligible homeowners in the City of New Port Richey;

WHEREAS, the City Council has found that the use of public funds to support the Neighborhood Improvement program serves a public purpose by improving the overall quality of life in the City by improving properties which might otherwise remain in violation of city codes; and

WHEREAS, the City Council finds that establishing the Neighborhood Improvement Community Enhancement program promotes the public health, safety, and welfare of the citizens of the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY HEREBY RESOLVES:

SECTION 1. Establishment. There is hereby created within the City of New Port Richey a program to be known as the “Neighborhood Improvement Community Enhancement” (“NICE”) program in order to provide financial assistance to residential homeowners within the City having outstanding code violations on their property.

SECTION 2. Eligibility. In order to qualify for a grant award under this program, an applicant and property must meet the following qualifications:

- A. The property shall be owned by and titled in the name of a natural person or persons;
- B. The property shall be designated as the owner(s)’ homestead on the records of the Pasco County Property Appraiser and meet all criteria for such designation;
- C. The property shall contain only a single-family home, a mobile home or a manufactured home, titled to the owner of the land on which said home is located;
- D. The property shall have one or more of the following code violations in need of repair, as determined by the City’s Code Enforcement Officers or the Building Official:
 - 1. The dwelling roof, including all soffits and fascia, has curling, broken, missing or leaking shingles, tiles, other coverings or elements;
 - 2. The dwelling has broken or substantially damaged windows, entry doors, or garage doors;
 - 3. The dwelling has damaged, loose or falling gutters, siding or other treatments;
 - 4. The dwelling has substantially peeling, cracking, rotten or spauling paint, stucco, wood or other treatments;
 - 5. The yard contains a tree of at least 10 inches diameter at breast height that is dead or diseased, in danger of falling, which meets the criteria for removal by law as established by a certified arborist or landscape architect;
 - 6. A fence which is damaged, in disrepair, or has significant leaning or sagging of sections;
 - 7. A driveway with substantial cracking, rutting, unevenness, or otherwise in substantial disrepair;
 - 8. The property has a substantial amount of debris or items outdoors that would require a minimum ten (10) yard temporary dumpster to remove;
 - 9. Exterior landscaping is unmaintained, dead or dying, or otherwise in need of maintenance; or
 - 10. Any appurtenances in disrepair including walkways, porches, stairs, railings, sheds, carports, accessory buildings, chimneys, outdoor lighting fixtures or mailboxes.
- E. The property shall not be subject to or eligible for an order to demolish under the criteria provided by City Code;
- F. A City Code Enforcement Officer or the Building Official shall have designated the appropriate City Code or Building Code section which pertains to the eligible violation;

- G. The applicant(s) and all owners of the property shall each meet the federal poverty level guidelines for combined income from all sources and from all household members or owners as established annually by the U.S. Department of Health and Human Services;
- H. The just value of the property as established by the Pasco County Property Appraiser, less the outstanding balance of all mortgages against the property, shall be no more than \$100,000.00 or the amount established by the City Council from time to time;
- I. All ad valorem property taxes, non-ad valorem assessments, code enforcement liens, and all utility charges of the City pertaining to the property shall be paid in full or current, or the release of such charges must be provided for in an agreement with the City upon completion of the repair work associated therewith; and
- J. No mortgage or lien foreclosure action shall be pending pertaining to the property.

SECTION 3. Application. Each applicant for funding under the program shall provide the following:

- A. A completed application for funding on a form provided by the City;
- B. Complete tax returns or an affidavit of no income for each member of the household of the applicant, pertaining to the two (2) tax years immediately prior to the filing of the application;
- C. The identity, age and employment status of each member of the household of the applicant;
- D. The address of the property which is the subject of the application;
- E. An itemized estimate for completion of the work for which the funding is requested prepared by a qualified, and if required, licensed contractor and showing all labor, materials and costs for the performance of the work, along with a detailed description of the scope of work to be performed;
- F. Documents establishing proof of the applicant(s)' available funds to fully fund the completion of the work in excess of the amount of the funds applied for under the program;
- G. An acknowledgement signed by each applicant regarding the application of Florida's Public Records Act to all documents submitted by the applicant(s);
- H. An affidavit of eligibility for the program;
- I. Three (3) bids for the work provided by vendors on the City's vendor list; and
- J. Proof of homeowner's insurance on the property.

SECTION 4. Funding. Program funding shall be provided as follows:

- A. Funds for the grant program shall be limited to the amount budgeted by City Council each fiscal year from code enforcement fines received by the City equal to ten percent (10%) of the total prior year code enforcement fines collected;
- B. Each grant award shall be limited to no more than \$5,000.00 from the available budgeted grant funds, and any permit fees required shall be waived;
- C. Grant awards shall only be given to eligible applicants;
- D. Grant awards shall only be given for applications where the total project cost does not exceed the amount of grant funds available up to the maximum grant award, plus the applicant(s)' funds established by the proof of funds supplied with the application;
- E. Each applicant for a grant shall enter into a grant agreement in a form provided by the City prior to receiving any grant;
- F. Grant funds shall be paid directly to the applicant(s)' contractor upon completion of the work, unless the applicant(s) submits proof of prior payment to said contractor;
- G. Grant funds shall only be paid upon inspection by the City's Building Official or Code Enforcement Officer certifying proper completion of the work and remediation of the code violation; and
- H. All grant awards shall be made for each grant application until all grant funds for the subject fiscal year are exhausted for all applications received by the City in the prior ninety (90) day period, based upon the following rank order:
 - 1. Applications shall first be ranked by the scope of work in the order set forth in Section 2D of this resolution;
 - 2. Next, the applications shall be ranked by the percentage of the total work being funded by the grant, from highest to lowest;
 - 3. Next, the applications shall be ranked by the percentage by which the amount set forth in Section 2H of this resolution exceeds the value of the subject property after deducting outstanding mortgages, from highest to lowest;
 - 4. Next, the applications shall be ranked by the percentage by which the amount set forth in Section 2G of this resolution exceeds the combined income of the members of the household, from highest to lowest; and
 - 5. Finally, the applications shall be ranked by the date and time of receipt by the City.

SECTION 5. Administration. The city manager shall take any actions necessary to implement the program provided pursuant to this resolution and shall have final authority over all grants made under this program in accordance with the terms hereof. A project sign shall be placed on the

property by the city manager and the same shall remain thereon for a period of two (2) weeks after the completion of the project. Volunteers may be used to provide labor to assist in completion of the work at any property, including members of the household on said property. All improvements shall be maintained by the property owner after completion. The owner of the property shall execute a waiver of liability and hold harmless agreement relieving the city of any liability for the work performed on the property. The city manager may maintain a vendor list to assist homeowners in finding vendors to provide the services required, which list shall be open to any and all vendors requesting to be placed on said list that are qualified and licensed for the type of work provided by category of work. A contract for the work to be performed shall be executed by the property owner and the lowest, responsible bidder and provided to the city. The property owner and contractor shall each enter into an agreement with the City on the form provided by the City. Payment of the grant award shall be paid directly to the contractor on the terms approved by the City. The City may require any funds to be contributed by the property owner be placed in an escrow account at the time of the award of the grant. The contractor shall obtain all required city permits for the work to be performed and provide proof of worker's compensation insurance. If any dispute arises between the vendor and the property owner over the work performed, the city may withhold payment to the vendor until the dispute is resolved, but shall not be obligated to do so. At the conclusion of the work, the property owner shall execute an acknowledgement of the completion of the work and authorization to pay the vendor.

SECTION 6. Effective Date. This resolution shall take effect immediately upon adoption according to law.

DONE AND RESOLVED on the ____ day of _____, 2024.

ATTEST:

Judy Meyers, City Clerk

Alfred C. Davis, Mayor

Approved as to form:

Timothy P. Driscoll, City Attorney