



**Section 19.1 Qualifying Official Government Action (QOGA) in General** - For purposes of this Chapter, a Qualifying Official Government Action (QOGA), is a determination of an application for land use change or any development order that would result in the removal or relocation of mobile home owners residing in a mobile home community other than a resident-owned mobile home community.

**19.1.1 Applicant Role and Responsibility**

**A. Applicability** - For purposes of this Chapter, the "Applicant" is defined as an applicant for a QOGA with respect to a property used as a mobile home community under Chapter 723, Florida Statutes as of April 11, 2006 or used as a mobile home community as of the effective date of the annexation of the property. The owner of record of the subject property shall sign such application. Resident-owned mobile home developments involved in legally sanctioned and voluntary applications for changes of land use are specifically excluded from the provisions of this Section.

**B. Applicant's responsibilities**

(1) Replacement housing profile - Consistent with this CDC, the application shall provide information specified in Section 19.1.3 to support the necessary determination that adequate mobile home

communities, or other suitable facilities, exist for the relocation of the mobile home owners being displaced under Section 723.083, Florida Statute (hereinafter referred to as the "determination"). For purposes of this Section, "Mobile Home Owners" shall be defined as those persons who own their mobile home but rent a lot space within the subject property and are subject to the provisions and protections provided for in Chapter 723, Florida Statutes.

(2) Supplementary information after preliminary staff review - If upon initial review of the application by City staff, it is determined that additional information is required to make the requisite finding, the City staff may grant the Applicant an additional thirty (30) days to supplement the record.

(3) Supplemental rental assistance payment funds - The applicant will provide the City, within fifteen (15) days of final approval of applicant's application for a QOGA, the Supplemental Rental Assistance Payment funds as specified in this Section to assure that the identified mobile home communities or other suitable facilities are affordable to mobile home owners within the subject property that will be displaced by the qualified official governmental action. The approval of Applicant's application

shall be conditional on and shall not take effect until the deposit is received by the City.

(4) Replacement unit identification - The Applicant will identify a replacement unit in a mobile home community or other suitable facility located within ten (10) miles of the subject property for each mobile home owner within the subject property who requests rental assistance payments. Replacement units must be decent, safe, and sanitary, and meet the City of Largo's Housing Quality Standards. Nothing herein shall prevent a mobile home owner from accepting a replacement unit outside the ten (10) mile radius if the mobile home owner so chooses.

(5) Eviction notice - No notice of eviction for change of use of property shall be given or effective unless the mobile home community owner has first paid to the City an amount equal to the City's actual out-of-pocket cost to qualify mobile home owners and provide initial counseling times the number of owner-occupied mobile homes located in the mobile home community. Such sum shall be used by the City or its assignees in determining whether mobile home owners qualify for rental assistance payments hereunder and shall be fully creditable against any sums payable pursuant to this CDC. The Applicant will notify mobile home owners of



their rights under this Section, including possible eligibility for rental assistance payments if affordable replacement or relocation facilities cannot be identified, no later than the date of the eviction notice for change of use is given to mobile home owners.

### ***19.1.2 Municipal Role and Responsibility***

**A. City Commission** - For all QOGA that requires action by the City Commission under this CDC, the City Commission shall make the determination during the second public hearing when the Future Land Use Map amendment is considered. The City Commission may continue the hearing should it request supplemental information to assist in making the determination.

**B. Development Control Officer (DCO)** - For all QOGA that requires approval of a development order by the Development Controls Officer (DCO) under this CDC, the DCO shall make the determination prior to approval of the application.

### **C. Final decision** -

(1) The City Commission or DCO shall review all information provided and shall make their decision based on substantial and competent evidence.

(2) If the City Commission or DCO is satisfied that the evidence indicates that adequate mobile home parks or other suitable facilities exist for the relocation of the eligible displaced mobile home owners, it shall make a finding of such and may approve the QOGA.

(3) If the City Commission or DCO finds that the evidence indicates that there does not exist adequate mobile home communities or other suitable facilities for the relocation of the eligible displaced mobile home owners, the QOGA will be disapproved, except as provided for in Section 19.1.4.

(4) The City Commission or City Staff may grant a conditional approval of the QOGA pursuant to Section 19.1.4.

### ***19.1.3 Conditional Final Decision***

**A. Conditional approval** - Upon determining that there is a lack of competent substantial evidence to support the Determination under Section 723.083, Florida Mobile Home Act, the City Commission or DCO may condition approval upon the Applicant's willingness to deposit monies into a Supplemental Rental Assistance Payment Fund for purposes of assuring that rental assistance is available for all eligible mobile home owners for

whom affordable mobile home communities or other suitable facilities cannot be identified.

**B. Required information** - To determine if the Applicant qualifies for a conditional final approval, the Applicant shall be required to provide sufficient information to establish a replacement housing profile for the mobile home owners residing in the community. Required information must include, but is not limited to, the following:

(1) The total number of mobile homes in the community that are owned by mobile home owners; and

(2) The monthly rent charged for each space occupied by a mobile home owner; and

(3) A list of the names and mailing addresses of the present mobile home owners within the subject property. This list should identify those units that are suitable for moving and for which only vacant replacement lots will be identified; and

d. Household profile for each owner-occupied mobile home within the park, including number of adults, number of children, ages of all occupants, and number of any pets, if allowed, in the community; and



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(5) A list of other mobile home communities or other suitable facilities with vacant units available at the time of application that are of a similar cost profile to which owners residing in the subject property could reasonably expect to relocate, and that are located within a ten (10) mile radius of the subject property, or other such location that is acceptable to the mobile home owners. This list will include, at a minimum, name and address of the park, park contact name and phone number, the number of vacant spaces available and the cost of those spaces, park guidelines on age and condition of acceptable units, number of rental units available and the cost of those rentals. All parks or other suitable facilities must be located within a ten (10) mile radius of the subject property and serve the same age, household, and occupancy profiles as the subject property.

**Section 19.2 Supplemental Rental Assistance Fund for Mobile Home Owners Displaced as a Result of a QOGA**

**19.2.1 Purpose** - The Supplemental Rental Assistance Payment Fund is intended as a resource to assure that affordable mobile home parks or other suitable facilities will be available for mobile home owners who are removed or relocated as a result of a Qualifying Official Government Action (QOGA). Payments from this fund do not provide a relocation payment or any other form of compensation to mobile home owners. If the Applicant for a QOGA

identify adequate mobile home communities, or other suitable facilities that are affordable to the impacted mobile home owners, the payment will be used to provide temporary rental assistance to qualified mobile home owners.

**19.2.2 Procedure**

**A. Calculation of deposits** - The amount deposited into the Supplemental Rental Assistance Payment Fund will be calculated by the City or its designee using the following methodology:

- (1) Identify the units occupied by mobile home owners and unit size based on number of bedrooms; and
- (2) Identify the weighted average lot rent for owners in the subject mobile home park; and
- (3) Identify the weighted average rents for similarly sized rental units in the City of Largo; and
- (4) The per-unit amount to be deposited is based on the gap between the weighted average monthly lot rent and the weighted average monthly rent for similarly sized apartments in the City of Largo; and

(5) The per-unit amount defined in Section 19.2.2(4) is multiplied by the number of owners on the subject property, who have not voluntarily signed a waiver of their Section 723.083, F.S. protections, and by the twenty-four (24) month maximum assistance period; and

(6) To determine the total deposit required, the amount calculated in Section 19.2.2.A.(5), above, is multiplied by a factor of 1.15 to meet administrative fee requirements.

**B. Administrative fee** - Funds deposited with the City to provide rental assistance payments are subject to a fifteen (15) percent non-refundable fee to cover the cost of program administration.

**C. Form of payment** - Deposits to the Supplemental Rental Assistance Payment Fund, ("the Fund") will be made payable to City of Largo or its designee. The City or its designee will calculate the deposit amount required based on an economic profile derived from information provided by the Applicant as described in this Section. The full Supplemental Rental Assistance Payment amount must be deposited prior to issuance of any permits or development orders for the site.



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The deposit may be cash or an irrevocable letter of credit, or a combination thereof equaling the total amount of the required deposit. Any letter of credit shall be issued by a major financial institution licensed to do business in the State of Florida with a location in Pinellas County Florida, in favor of the City of Largo, in a form approved by the City or its designee and from which solely the City is authorized to draw upon for rental assistance as provided herein. Any cash deposits shall be deposited by the City in an interest-bearing account, with the interest accruing to the benefit of the Applicant. Any letters of credit shall have an expiration date of two (2) years from the date of issuance, issued for the account of the City of Largo, to be drawn on sight, upon presentation to the bank of the original; letter of credit any documentation reasonably called for in the letter of credit. The effective period of the letter of credit shall be automatically renewed for additional six (6) month terms when and until fully drawn on by the City, the Applicant's obligations under this section to maintain the deposit with the City expire or the letter of credit is replaced with cash in the full amount of the letter of credit not drawn on. The Applicant may substitute cash, in whole or in part, for the letter of credit. The letter of credit shall be reduced in an amount to the extent that the Applicant substitutes cash therefor.

**D. Supplemental rental assistance payments -** Rental assistance payments from the Fund are available for qualified mobile home owners for whom affordable replacement housing has not been identified. The amount of the rental assistance payment shall be sufficient to cover the gap between the rent of the identified eligible unit and the mobile home owner's affordability. Affordability will be based on gross household income, adjusted for household size as defined by the State Housing Initiatives Partnership Program (SHIP), Section 420.907, Florida Statutes, using the rents published annually for the SHIP program, adjusted for utilities.

**E. Applications for supplemental rental assistance -** Mobile home owners requesting rental assistance will be required to complete an Application for Rental Assistance in a form acceptable to the City or its designee within ninety (90) days following receipt of notice to vacate the property or final approval of the QOGA, whichever is later. Information contained in the application will be used to determine household affordability and housing need, and should include, but not be limited to, the following:

- a. Name, age, total gross household income, places of employment, sources of income, household assets, number of persons in the household, dates of birth, and social security numbers; and
- b. Mailing address, residency status, number of bedrooms in the current mobile home; and
- c. Documentation establishing the applicant as an owner of record for the mobile home per Chapter 723, Florida Statutes; and
- d. Monthly or weekly costs of pad rental, park utility fees, and other charges collected by the park owner from the mobile home owner; and
- e. Any special needs of the residents of the unit relating to handicapped accessibility; and
- f. Signed forms authorizing verification of income/asset information provided.

**F. Application review -** Applications will be reviewed by City staff or its designee to determine the affordability and housing needs of the mobile home owners. Failure of mobile home owners to provide timely, accurate, and complete information will make it impossible to determine housing needs and affordability and may render them ineligible for rental assistance.



**G. Housing counseling as a prerequisite** - Mobile home owners requesting rental assistance must agree to receive housing counseling services as a prerequisite to receipt of any assistance. The City or its designee will provide individual housing counseling services to determine the housing needs and level of affordability of the mobile home owner. Rental assistance payments will be used as a resource only when affordable mobile home parks or other suitable facilities have not been identified by other means. Affordable replacement housing may be located for the mobile home owner without the need for rental assistance. Every attempt will be made to place mobile home owners onto suitable waiting lists and identify other strategies that will remove them from the rental assistance program as expeditiously as practicable.

**H. Rental assistance payments are made to the lessor** - Rental assistance payments will be made directly to the lessor on behalf of the mobile home owner. No payment will be made directly to any mobile home owner, guardian, or family member of a mobile home owner.

**I. Term of rental assistance payments** - The rental assistance payment benefit period must be consecutive and cannot exceed twenty-four (24) months.

**J. Eligibility for rental assistance payments** - In order to be eligible for rental assistance payments, mobile home owners must meet the following criteria:

(1) Be an eligible owner of a mobile home as defined in Chapter 723 F.S., who was renting a space in the subject property prior to initiation of the land use change request, and continuing to rent such space from such date to the filing of a complete application for assistance.

(2) Has not been offered an affordable replacement unit, as defined herein, in another mobile home community or other suitable facility.

(3) Has an affordability gap, using the criteria defined herein, between the cost of the identified replacement unit and the affordable rent as published by the SHIP Program for the mobile home owner's household income category.

(4) Is a full-time resident of the mobile home community, in good standing, as evidenced by being current in rents and other fees due to the park owner, unless such rents and other fees are being withheld due to a bona fide order by a court pending resolution of a pending legal action.

(5) Has provided complete and accurate information in the Application for Rental Assistance described herein.

(6) Has completed the housing counseling prerequisite and complied with all recommendations provided by the housing counselors.

**K. Advance of rental assistance payments** - If Applicant posts a letter of credit pursuant to this Section, the City shall provide Applicant with a good faith written estimate twenty (20) days prior to commencement of each calendar quarter of the total amount of rental assistance payments and administrative costs anticipated to be required for such quarter, less any funds remaining from prior payments by Applicant. The Applicant shall advance such estimated amount to the City within ten (10) days of receipt of such estimate, failing which the City may draw such amount under the letter of credit. If within the ten (10) day period, Applicant objects in writing to the City's estimate, Applicant and City shall meet to try to resolve the matter within thirty (30) days after Applicant's objection, failing which the City may draw on the letter of credit.



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**L. Refund to applicant** - All rental assistance monies provided by the Applicant not used as rental assistance payments and any interest earned thereon, less the administrative fee, will be returned to the Applicant within ninety (90) days following the end of the rental assistance period. The administrative fee is not refundable.

**19.2.3 Alternative Mitigation** - An Applicant may provide an alternative means of meeting the requirements of Section 723.083, F.S. by addressing, in a manner acceptable to the City, any affordability gap, using the criteria defined herein, between the cost of the identified replacement unit and the affordable rent as published by the SHIP Program for the mobile home owner's household income category. Any such alternative means shall meet the spirit and intent of this Section, as determined by the City Commission.