



PALM BEACH COUNTY WORKFORCE HOUSING PROGRAM (WHP) Restrictive Covenant Requirements

Buyers are purchasing a for-sale housing unit pursuant to the Workforce Housing Program (WHP), as outlined in the Palm Beach County Unified Land Development Code (ULDC) Article 5.G.1.

- This WHP Unit has an affordability restriction for a period of fifteen (15) years from the date title is transferred. This affordability restriction is in the form of a recorded deed restriction that states:

“This property is to be sold to and occupied by an Eligible Household, in accordance with the Declaration of Restrictive Covenants for Workforce Housing recorded in the Public Records of Palm Beach County, Florida, as it may be amended from time to time. **Said Covenant requires prior verification and certification by Palm Beach County of the Eligible Household prior to transfer or occupancy of the unit.** This restriction shall be in effect for fifteen (15) years from the date title to the Required Workforce Housing Unit is first transferred by Declarant to an Eligible Household. In the event of resale of a Required Workforce Housing Unit by Owner prior to expiration of the Compliance Period, a new fifteen (15) year affordability period shall take effect on the date of resale of the Required Workforce Housing Unit in accordance with this Covenant.”

- During the fifteen (15) year affordability period, **the owner of the WHP unit shall submit an annual report to the Planning Division**, on a form provided by Planning Division staff, to demonstrate continued compliance occupancy requirements of with the WHP. The County may conduct site visits at reasonable times, to verify continued compliance with the WHP.
- In the event the WHP unit is resold before the end of the fifteen (15) year affordability period, a new fifteen (15) year affordability period shall take effect on the date of resale of the unit. In addition, **the unit is required to be sold to a WHP income eligible buyer. The unit must not be sold for a price greater than the WHP price that is determined by the Department of Planning, Zoning and Building prior to such sale.**
- Should a resale occur within the fifteen (15) year affordability period, the following steps are required:

Step 1. The seller must contact the Palm Beach County Planning Division at 561-233-5300 to determine the WHP unit maximum resale price. The unit resale price cannot exceed the same price category of the unit's previous sale.

Step 2. HED staff will add the WHP unit to the listing of available for-sale WHP units on the appropriate County websites, and provide the seller with the resale requirements.

Step 3. The seller is encouraged to contact the Department of Housing and Economic Development (HED) at 561-233-3600 and request assistance in identifying WHP income eligible buyers. The seller can refer potential buyers to HED for more information about the WHP and the income qualification process.

Step 4. The seller must inform all potential buyers that the unit is a WHP unit, subject to all the requirements for WHP.

Step 5. At least 30 days prior to resale the seller shall provide to the Planning, Zoning and Building Department the necessary sales information for review of the proposed resale in order to determine compliance with the WHP.

Step 6. Following resale of a WHP unit a new WHP 15-year affordability period will begin on the new purchaser of that WHP unit. The closing agent for the sale (as specified in the sales contract) shall be responsible for recording the new WHP deed restriction with the 15-year affordability restrictions as part of the acquisition and closing process.

- Should a WHP unit purchaser reside in the unit beyond the 15-year affordability period, the owner may sell the unit at market price.