

Leon County Board of County Commissioners

Cover Sheet for Agenda #15

October 18, 2016

To: Honorable Chairman and Members of the Board

From: Vincent S. Long, County Administrator
Herbert W.A. Thiele, County Attorney

Title: First and Only Public Hearing to Consider the Adoption of an Ordinance Amending Chapter 8, Article V of the Code of Laws of Leon County, Florida, Regarding Affordable Housing Assistance

County Administrator Review and Approval:	Vincent S. Long, County Administrator
County Attorney Review and Approval	Herbert W.A. Thiele, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator Wanda Hunter, Assistant County Administrator Shington Lamy, Director, Office of Human Services & Community Partnerships
Lead Staff/ Project Team:	Lamarr Kemp, Director, Housing Services Dan Rigo, Assistant County Attorney

Fiscal Impact:

This item has no fiscal impact to the County.

Staff Recommendation:

Option #1: Adopt Ordinance amending Chapter 8, Article V of the Code of Laws of Leon County, Florida, regarding Affordable Housing Assistance.

Report and Discussion

Background:

This item is being brought to the Board to amend a county ordinance to conform with the recently amended State Law requiring the inclusion of the new committee membership criteria in the ordinance. During the 2016 Legislative Session, the Florida Legislature amended portions of Chapter 420, Part VII, Sections 420.907 through 420.9079, Florida Statutes, which is known as the “State Housing Initiatives Partnership Act.” Accordingly, at the Board meeting of September 13, 2016, the Board approved the scheduling of the first and only public hearing to consider the adoption of a proposed Ordinance (Attachment #1) to align Chapter 8, Article V of the Code of Laws of Leon County, Florida (“Affordable Housing Assistance”), with the State Housing Initiatives Partnership Act. Notice of the public hearing (Attachment #2) was duly published as required by law.

Analysis:

Pursuant to Section 420.9072(2)(b), Florida Statutes, ordinances shall be amended as needed to conform to new provisions in the State Housing Initiatives Partnership Act. The proposed Ordinance will amend Section 8-152 of the Code, entitled “Purpose,” to set forth the specific statutory provisions governing Leon County as a participant in the State’s Housing Initiatives Partnership (SHIP) Program. Secondly, Section 8-154 of the Code will be amended to provide that the County’s local housing assistance trust fund will be operated in accordance with Sections 420.9075(6)-(7), Florida Statutes. Section 8-154 of the Code will also be amended to state that the Leon County Local Housing Assistance Plan (the “LHAP”) will be developed and implemented in accordance with Section 420.9075, Florida Statutes. Pursuant to Section 420.9072(2)(b), Florida Statutes, a new subparagraph (c) will be added to Section 8-154, which will replace Section 8-155, and will designate the responsibility for the administration of the LHAP to the County Administrator, or designee.

Finally, Section 8-156 of the Code, which pertains to the requirements for membership on the Affordable Housing Advisory Committee (the “AHAC”), will be amended to comport with the Legislative amendments to Section 420.9076, Florida Statutes. In accordance with the amended statute, the term and categories of membership on the AHAC will be specified in the ordinance. The AHAC will consist of at least eight but not more than eleven committee members and must consist of one representative from at least six particular categories or industries, including, for example, the residential home building industry, banking or mortgage banking industry, real estate professionals, and several others. The proposed Ordinance will also provide that the members will serve three-year terms.

Options:

1. Adopt Ordinance amending Chapter 8, Article V of the Code of Laws of Leon County, Florida, regarding Affordable Housing Assistance.
2. Do not adopt Ordinance amending Chapter 8, Article V of the Code of Laws of Leon County, Florida, regarding Affordable Housing Assistance.
3. Board direction.

Recommendation:

Option #1.

Attachments:

1. Proposed Ordinance amending Chapter 8, Article V of the Code of Laws of Leon County, Florida, regarding Affordable Housing Assistance.
2. Notice of public hearing.

ORDINANCE NO. 16-____

**AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF LEON COUNTY, FLORIDA,
AMENDING CHAPTER 8, ARTICLE V OF THE CODE OF
LAWS OF LEON COUNTY, FLORIDA, REGARDING
AFFORDABLE HOUSING ASSISTANCE; PROVIDING
FOR SEVERABILITY; PROVIDING FOR CONFLICTS;
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapter 420, Part VII, Sections 420.907 through 420.9079, Florida Statutes, is known as the “State Housing Initiatives Partnership Act”; and

WHEREAS, in 1993, the Board of County Commissioners adopted Ordinance No. 93-2, to establish a local State Housing Initiatives Partnership (SHIP) Program (said Ordinance being codified at Chapter 8, Article V of the Code of Laws of Leon County); and

WHEREAS, in 2008, and pursuant to Section 420.9076, Florida Statutes, the Board adopted Ordinance No. 08-10, to establish the Affordable Housing Advisory Committee (said Ordinance being codified at Chapter 8, Article V, Section 8-156 of the Code of Laws of Leon County); and

WHEREAS, during the 2016 Legislative Session, the Florida Legislature adopted Senate Bill 1534, which was signed into law by the Governor (Chapter 2016-210, Laws of Florida), amending the requirements for membership on the Affordable Housing Advisory Committee; and

WHEREAS, pursuant to Section 420.9072(2)(b), Florida Statutes, ordinances shall be amended as needed to conform to new provisions in the State Housing Initiatives Partnership Act; and

1 **WHEREAS**, the Board desires to adopt an ordinance amending Chapter 8, Article V of
2 the Code of Laws of Leon County, to align its provisions with the State Housing Initiatives
3 Partnership Act;

4 **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR**
5 **LEON COUNTY, FLORIDA**, that:

6 **Section 1.** Chapter 8, Article V of the Code of Laws of Leon County, Florida, is hereby
7 amended to read as follows:

8 **ARTICLE V. AFFORDABLE HOUSING ASSISTANCE**

9 **Sec. 8-151. Declaration of policy.**

10 It is hereby declared to be the policy of Leon County, in the exercise of its police power
11 for the public safety, public health, and general welfare, to support and encourage the initiatives
12 which enhance the availability of and accessibility to affordable housing for all citizens of Leon
13 County, Florida.

14 **Sec. 8-152. Purpose.**

15 This article specifies the provisions statutorily required for Leon County, as a participant
16 in the State Housing Initiatives Partnership (SHIP) Program pursuant to F.S. §§ 420.907 through
17 420.9079, Florida Statutes, as amended (the “State Housing Initiatives Partnership Act”), to
18 receive its share of local housing distributions from the Local Government Housing Trust Fund
19 as defined by F.S. § 420.9071(17), as amended. ~~planning, implementation, and receipt of funds~~
20 ~~under the State Housing Initiatives Partnership (SHIP) Program as governed by Chapter 91-37 of~~
21 ~~the Florida Administrative Code and the State of Florida HOME Program.~~

22 **Sec. 8-153. Definitions.**

The definitions enumerated in F.S. § 420.9071, as amended, ~~and in Rule 9I-37.002, Florida Administrative Code, of the State Housing Initiatives Partnership Program Rules~~ shall apply to the terms used in this article.

Sec. 8-154. Local housing assistance trust fund; local housing assistance plan; responsibility for administration.
~~SHHP program establishment.~~

(a) There shall be created within the official fiscal and accounting records of the Board of County Commissioners of Leon County a specifically designated and dedicated local housing assistance trust fund (hereinafter referred to as the “Trust Fund”), which shall be implemented and operated in accordance with F.S. §§ 420.9075(6)-(7), as amended. The Trust Fund shall be solely reserved for the deposit and expenditure of funds in support of the local housing assistance plan. ~~Affordable Housing Trust Fund, hereinafter referred to as the “Fund.” The “Fund” shall be created within 30 days of the date of the approval of this article. The Fund shall be solely reserved for the deposit and expenditure of funds in support of the Local Housing Assistance Program required by Rule 9I-37.004(1)(a) of the Florida Administrative Code. Said Fund shall be audited annually and the financial condition thereof shall be separately stated in the audited financial statements of the county. Copies of said audit shall be provided to the Florida Housing Finance Agency, the Florida Department of Community Affairs, and/or other agencies as designated by the State of Florida.~~

(b) The Leon County Local Housing Assistance Plan, hereinafter referred to as the “LHAP,” shall be adopted by resolution of the Board of County Commissioners and implemented through a local housing partnership as defined in F.S. § 420.9071(18), as amended. The LHAP shall be developed and implemented in accordance with F.S. § 420.9075, as

1 ~~amended. Concurrent with the adoption of this article, the Leon County Local Housing~~
2 ~~Assistance Program, hereinafter referred to as the “program,” shall be established and approved~~
3 ~~by the Board of County Commissioners designating the strategies, approaches, and plans~~
4 ~~associated with the utilization of SHIP funds in conformity with provisions of 91-37 of the~~
5 ~~Florida Administrative Code. The Board of County Commissioners shall designate an expanded~~
6 ~~Leon County Housing Finance Authority as the Housing Assistance Partnership which shall be~~
7 ~~the vehicle for implementation of the SHIP Program, with Commission approval of their actions.~~
8 ~~The expanded Housing Finance Authority shall be comprised of seven members representing the~~
9 ~~various interests delineated in Rule 91-37.002(24) of the Florida Administrative Code. The~~
10 ~~members shall be appointed by the Board of County Commissioners. All meetings of the~~
11 ~~partnership shall be open to the public and shall be held in accordance with the public~~
12 ~~participation plan. The Program describing the utilization of SHIP funds shall be adopted by the~~
13 ~~Board of County Commissioners. Likewise, the Housing Finance Authority shall be responsible~~
14 ~~for determining the utilization and distribution of any HOME funds received.~~

15 (c) Responsibility for the administration of the LHAP shall be vested in the county
16 administrator or his or her designee.

17 **Sec. 8-155. Reserved. SHIP program administration.**

18 ~~Responsibility for the administration of the program shall be vested in the county~~
19 ~~administrator or his designee.~~

20 **Sec. 8-156. Affordable housing advisory committee.**

21 There is hereby created the affordable housing advisory committee, hereinafter referred
22 to as the “AHAC.” The AHAC membership shall be composed of at least eight (8) members but

1 not more than eleven (11) members. The members shall serve three-year terms. The AHAC
2 shall consist of one representative from at least six of the categories below:

3 (a) A citizen who is actively engaged in the residential home building industry in
4 connection with affordable housing.

5 (b) A citizen who is actively engaged in the banking or mortgage banking industry in
6 connection with affordable housing.

7 (c) A citizen who is a representative of those areas of labor actively engaged in home
8 building in connection with affordable housing.

9 (d) A citizen who is actively engaged as an advocate for low-income persons in
10 connection with affordable housing.

11 (e) A citizen who is actively engaged as a for-profit provider of affordable housing.

12 (f) A citizen who is actively engaged as a not-for-profit provider of affordable
13 housing.

14 (g) A citizen who is actively engaged as a real estate professional in connection with
15 affordable housing.

16 (h) A citizen who actively serves on the local planning agency pursuant to F.S. §
17 163.3174. If the local planning agency is comprised of the governing board of the county or
18 municipality, the governing board may appoint a designee who is knowledgeable in the local
19 planning process.

20 (i) A citizen who resides within the jurisdiction of the local governing body making
21 the appointments.

22 (j) A citizen who represents employers within the jurisdiction.

(k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

~~The criteria for membership, the required number of members, and the duties and responsibilities of the AHAC shall be as provided by resolution of the Board of County Commissioners and shall be in accordance with F. S. § 420.9076 and as said section may be hereafter amended from time to time.~~

Section 2. Severability. If any provisions or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 4. Effective Date. This ordinance shall have effect upon becoming law.

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DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
County, Florida this 18th day of October, 2016.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

ATTESTED BY:
Bob Inzer, Clerk of Court & Comptroller
Leon County, Florida

By: _____

APPROVED AS TO FORM:
Leon County Attorney's Office

By: _____
Herbert W. A. Thiele, Esq.
County Attorney

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of County Commissioners of Leon County, Florida (the "County") will conduct a public hearing on Tuesday, October 18, 2016, at 6:00 p.m., or as soon thereafter as such matter may be heard, at the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 8, ARTICLE V OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA, REGARDING AFFORDABLE HOUSING ASSISTANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact Mathieu Cavell or Facilities Management, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301, by written request at least 48 hours prior to the proceeding. Telephone: 850-606-5300 or 850-606-5000; 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of the ordinance may be inspected at the following locations during regular business hours:

Leon County Courthouse
301 S. Monroe St., 5th Floor Reception Desk
Tallahassee, FL 32301

and

Leon County Clerk's Office
315 S. Calhoun Street, Room 750
Tallahassee, Florida 32301

Advertise: October 7, 2016

F93-00154