

1 The Neighborhoods, Community Services, Public Health and Safety
2 Committee offers the following Substitute to File No. 2023-441:

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4 Introduced by the Council President at the request of the Mayor:
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7 **ORDINANCE 2023-441**

8 AN ORDINANCE APPROPRIATING \$2,392,309.57 IN
9 REALLOCATED EMERGENCY RENTAL ASSISTANCE PROGRAM
10 (ROUND TWO) GRANT FUNDS FROM THE U.S. DEPARTMENT
11 OF THE TREASURY TO THE COMMUNITY DEVELOPMENT
12 FUND MISCELLANEOUS GRANTS AND AIDS ACCOUNT TO
13 PROVIDE \$1,000,000 TO ABILITY HOUSING, INC. FOR
14 DEVELOPMENT AND CONSTRUCTION OF A 90 UNIT
15 APARTMENT COMMUNITY, \$1,000,000 TO THE
16 JACKSONVILLE HOUSING AUTHORITY FOR THE
17 CONSTRUCTION OF FIVE NEW SINGLE-FAMILY HOMES,
18 AND \$392,309.57 TO JACKSONVILLE COMMUNITY LAND
19 TRUST, INC. FOR THE CONSTRUCTION OF TWO NEW
20 SINGLE-FAMILY HOMES, TO BE ADMINISTERED BY THE
21 HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF
22 THE NEIGHBORHOODS DEPARTMENT IN ACCORDANCE WITH
23 THE EMERGENCY RENTAL ASSISTANCE PROGRAM
24 ESTABLISHED BY SECTION 501, DIVISION N, OF THE
25 CONSOLIDATED APPROPRIATIONS ACT, 2021, AS
26 INITIATED BY B.T. 23-102; APPROVING, AND
27 AUTHORIZING THE MAYOR, OR HER DESIGNEE, AND THE
28 CORPORATION SECRETARY TO EXECUTE AN AGREEMENT
29 WITH ABILITY HOUSING, INC. ("ABILITY HOUSING")
30 FOR THE DEVELOPMENT OF AFFORDABLE RENTAL
31 HOUSING; WAIVING SECTION 118.107 (NONPROFITS TO

1 RECEIVE FUNDING THROUGH A COMPETITIVE EVALUATED
2 AWARD PROCESS), PART 1 (GENERAL PROVISIONS),
3 CHAPTER 118 (CITY GRANTS), *ORDINANCE CODE*, TO
4 ALLOW A DIRECT CONTRACT WITH ABILITY HOUSING;
5 APPROVING, AND AUTHORIZING THE MAYOR, OR HER
6 DESIGNEE, AND THE CORPORATION SECRETARY TO
7 EXECUTE AN AGREEMENT WITH THE JACKSONVILLE
8 HOUSING AUTHORITY FOR THE DEVELOPMENT OF
9 AFFORDABLE RENTAL HOUSING; APPROVING, AND
10 AUTHORIZING THE MAYOR, OR HER DESIGNEE, AND THE
11 CORPORATION SECRETARY TO EXECUTE AN AGREEMENT
12 WITH JACKSONVILLE COMMUNITY LAND TRUST, INC.
13 ("JCLT") FOR THE DEVELOPMENT OF AFFORDABLE
14 RENTAL HOUSING; WAIVING SECTION 118.107
15 (NONPROFITS TO RECEIVE FUNDING THROUGH A
16 COMPETITIVE EVALUATED AWARD PROCESS), PART 1
17 (GENERAL PROVISIONS), CHAPTER 118 (CITY GRANTS),
18 *ORDINANCE CODE*, TO ALLOW A DIRECT CONTRACT WITH
19 JCLT; INVOKING THE EXEMPTION IN SECTION
20 126.107(G) (EXEMPTIONS), PART 1 (GENERAL
21 REGULATIONS) CHAPTER 126 (PROCUREMENT CODE),
22 *ORDINANCE CODE*, TO ALLOW FOR DIRECT CONTRACTS
23 WITH ABILITY HOUSING AND JCLT; PROVIDING FOR
24 OVERSIGHT; PROVIDING AN EFFECTIVE DATE.

25
26 **BE IT ORDAINED** by the Council of the City of Jacksonville:

27 **Section 1. Appropriation.** For the 2023-2024 fiscal year,
28 within the City's budget, there are hereby appropriated the indicated
29 sum(s) from the account(s) listed in subsection (a) to the account(s)
30 listed in subsection (b):

31 (B.T. 23-102 attached hereto as **Exhibit 1** and incorporated herein by

1 this reference):

2 (a) Appropriated from:

3 See B.T. 23-102 \$2,392,309.57

4 (b) Appropriated to:

5 See B.T. 23-102 \$2,392,309.57

6 (c) Explanation of Appropriation

7 The funding above is an appropriation of additional
8 Emergency Rental Assistance Program (Round Two) ("ERAP2")
9 grant funds, made available to the City through a
10 reallocation of ERAP2 grant funds by the U.S. Department
11 of the Treasury under Section 501(d), Division N, of the
12 Consolidated Appropriations Act, 2021 (the "Act"), in the
13 amount of \$2,392,309.57 (the "ERAP2 Funds"), to the
14 Community Development Fund Miscellaneous Grants and Aids
15 Account for development of affordable rental housing,
16 including \$1,000,000 to Ability Housing, Inc. ("Ability
17 Housing") for construction of a 90 unit apartment
18 community, \$1,000,000 to the Jacksonville Housing
19 Authority ("JHA") for construction of five new single-
20 family homes, and \$392,309.57 to Jacksonville Community
21 Land Trust, Inc. (the "CLT") for construction of two new
22 single-family homes. No local match is required.

23 **Section 2. Purpose.** The purpose of the appropriation in
24 Section 1 is to allocate additional ERAP2 Funds from the U.S.
25 Department of the Treasury to provide funding for development and
26 construction of affordable housing in Duval County that will be made
27 available for rent to qualified households. Distribution and
28 expenditure of the ERAP2 Funds shall be conducted in compliance with
29 the Act for eligible expenses incurred by Ability Housing, JHA and
30 JCLT for the construction of affordable rental housing through
31 September 30, 2025. Affordable housing developed in accordance

1 herewith shall be rental housing and remain affordable until the
2 later of 20 years after issuance of a Certificate of Occupancy for a
3 given project or September 30, 2045. A copy of the award notification
4 from the U.S. Department of the Treasury is attached hereto as **Exhibit**
5 **2** and incorporated herein by this reference.

6 **Section 3. Approval and Authorization to Execute Agreement**
7 **with Ability Housing, Inc.** The Mayor, or her designee, and the
8 Corporation Secretary are hereby authorized to execute and deliver
9 an agreement between the City of Jacksonville and Ability Housing,
10 Inc. ("Ability Housing") in a not-to-exceed amount of \$1,000,000 for
11 development by Ability Housing of a 90 unit apartment (rental)
12 community known as "Village at Cedar Hills", subject to the terms and
13 conditions of the Term Sheet attached hereto as **Exhibit 3** and
14 incorporated herein by this reference. The agreement may include such
15 additions, deletions and changes as may be reasonable, necessary and
16 incidental for carrying out the purposes thereof, as may be acceptable
17 to the Mayor, or her designee, with such inclusion and acceptance
18 being evidenced by execution of the agreement by the Mayor, or her
19 designee; provided however, no modifications to the agreement may
20 increase the financial obligations of the City to an amount in excess
21 of the amount stated in the agreement or decrease the duties and
22 obligations of Ability Housing, and any such modifications shall be
23 technical only and shall be subject to appropriate legal review and
24 approval by the Office of General Counsel and the Office of Risk
25 Management for appropriate insurance and indemnification terms.

26 For the purposes of this Ordinance, the term "technical changes"
27 is defined as those changes having no financial impact to the City,
28 changes required for compliance with the terms and conditions of the
29 ERAP2 grant and/or applicable federal rules, regulations or policies,
30 and any other non-substantive changes that do not substantively
31 increase the duties and responsibilities of the City under the

1 provisions of the agreement.

2 **Section 4. Waiver of Section 118.107 (Nonprofits to receive**
3 **funding through a competitive evaluated award process), Part 1**
4 **(General Provisions), Chapter 118 (City Grants), Ordinance Code.** The
5 provisions of Section 118.107 (Nonprofits to receive funding through
6 a competitive evaluated award process), Part 1 (General Provisions),
7 Chapter 118 (City Grants), *Ordinance Code*, are hereby waived to allow
8 for a direct contract between the City of Jacksonville and Ability
9 Housing, Inc. The City finds that the direct contract approved herein
10 is justified because there is an extreme need for affordable housing
11 in Duval County. Ability Housing is a well-established non-profit
12 with a proven record of building quality affordable housing, including
13 apartment communities such as the project to be funded through this
14 legislation.

15 **Section 5. Approval and Authorization to Execute Agreement**
16 **with the Jacksonville Housing Authority.** The Mayor, or her designee,
17 and the Corporation Secretary are hereby authorized to execute and
18 deliver an agreement between the City of Jacksonville and the
19 Jacksonville Housing Authority ("JHA") in a not-to-exceed amount of
20 \$1,000,000 for construction of five new single-family homes on parcels
21 owned by JHA to be made available for rent to qualified households,
22 subject to the terms and conditions of the Term Sheet attached hereto
23 as **Exhibit 4** and incorporated herein by this reference. The agreement
24 may include such additions, deletions and changes as may be
25 reasonable, necessary and incidental for carrying out the purposes
26 thereof, as may be acceptable to the Mayor, or her designee, with
27 such inclusion and acceptance being evidenced by execution of the
28 agreement by the Mayor, or her designee; provided however, no
29 modifications to the agreement may increase the financial obligations
30 of the City to an amount in excess of the amount stated in the
31 agreement or decrease the duties and obligations of JHA, and any such

1 modifications shall be technical only and shall be subject to
2 appropriate legal review and approval by the Office of General Counsel
3 and the Office of Risk Management for appropriate insurance and
4 indemnification terms.

5 For the purposes of this Ordinance, the term "technical changes"
6 is defined as those changes having no financial impact to the City,
7 changes required for compliance with the terms and conditions of the
8 ERAP2 grant and/or applicable federal rules, regulations or policies,
9 and any other non-substantive changes that do not substantively
10 increase the duties and responsibilities of the City under the
11 provisions of the agreement.

12 **Section 6. Approval and Authorization to Execute Agreement**
13 **with Jacksonville Community Land Trust, Inc.** The Mayor, or her
14 designee, and the Corporation Secretary are hereby authorized to
15 execute and deliver an agreement between the City of Jacksonville and
16 Jacksonville Community Land Trust, Inc., in a not-to-exceed amount
17 of \$329,309.57 for construction of two new single-family homes to be
18 made available for rent to qualified households, subject to the terms
19 and conditions of the Term Sheet attached hereto as **Exhibit 5** and
20 incorporated herein by this reference. The agreement may include such
21 additions, deletions and changes as may be reasonable, necessary and
22 incidental for carrying out the purposes thereof, as may be acceptable
23 to the Mayor, or her designee, with such inclusion and acceptance
24 being evidenced by execution of the agreement by the Mayor, or her
25 designee; provided however, no modifications to the agreement may
26 increase the financial obligations of the City to an amount in excess
27 of the amount stated in the agreement or decrease the duties and
28 obligations of JCLT, and any such modifications shall be technical
29 only and shall be subject to appropriate legal review and approval
30 by the Office of General Counsel and the Office of Risk Management
31 for appropriate insurance and indemnification terms.

1 For the purposes of this Ordinance, the term "technical changes"
2 is defined as those changes having no financial impact to the City,
3 changes required for compliance with the terms and conditions of the
4 ERAP2 grant and/or applicable federal rules, regulations or policies,
5 and any other non-substantive changes that do not substantively
6 increase the duties and responsibilities of the City under the
7 provisions of the agreement.

8 **Section 7. Waiver of Section 118.107 (Nonprofits to receive**
9 **funding through a competitive evaluated award process), Part 1**
10 **(General Provisions), Chapter 118 (City Grants), Ordinance Code.** The
11 provisions of Section 118.107 (Nonprofits to receive funding through
12 a competitive evaluated award process), Part 1 (General Provisions),
13 Chapter 118 (City Grants), *Ordinance Code*, are hereby waived to allow
14 for a direct contract between the City of Jacksonville and
15 Jacksonville Community Land Trust, Inc. The City finds that the direct
16 contract approved herein is justified because there is an extreme
17 need for affordable housing in Duval County. JCLT is a non-profit
18 whose mission is to create home ownership options for low- and
19 moderate-income individuals and families in Jacksonville. Since the
20 creation of the JCLT, the City and JCLT have worked together to
21 identify and assist with projects that will increase the affordable
22 housing stock in Duval County and the addition of the project
23 contemplated herein will further this mutual goal.

24 **Section 8. Invoking the Exemption in Section 126.107(g),**
25 **Ordinance Code.** The City is hereby authorized to procure the use of
26 the professional services of Ability Housing and JCLT for development
27 of affordable housing in Duval County, subject to the terms and
28 conditions outlined in this legislation and any and all federal terms,
29 conditions, policies, or rules applicable to receipt and expenditure
30 of the ERAP2 Funds. Pursuant to Section 126.107(g) (Exemptions), Part
31 1 (General Regulations), Chapter 126 (Procurement Code), *Ordinance*

1 Code, such procurement is exempted from competitive solicitation
2 because the supplies or services are to be provided by those
3 specifically prescribed within authorizing legislation that
4 appropriates the same. With the exception of the foregoing, all other
5 provisions of Chapter 126, *Ordinance Code*, shall remain in full force
6 and effect.

7 **Section 9. Oversight Department.** The Housing and Community
8 Development Division of the Neighborhoods Department shall oversee
9 the administration and distribution of ERAP2 Funds appropriated
10 herein in accordance with the Act.

11 **Section 10. Effective Date.** This Ordinance shall become
12 effective upon signature by the Mayor or upon becoming effective
13 without the Mayor's signature.

14
15 Form Approved:

16
17 /s/ Mary E. Staffopoulos

18 Office of General Counsel

19 Legislation Prepared By: Mary E. Staffopoulos

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