

1 Co-Introduced by the Council President at the request of the Mayor
2 and Council Member Diamond:

3
4
5 **ORDINANCE 2021-115-E**

6 AN ORDINANCE AMENDING CHAPTER 122 (PUBLIC
7 PROPERTY), PART 4 (REAL PROPERTY), SUBPART B
8 (REAL PROPERTY DISPOSITIONS AND EXCHANGES),
9 SECTIONS 122.422 (DETERMINATION OF NEED;
10 DECLARATION THAT PROPERTY IS SURPLUS TO THE
11 NEEDS OF THE PUBLIC) AND 122.423 (DISPOSITION
12 FOR AFFORDABLE HOUSING), *ORDINANCE CODE*;
13 PROVIDING FOR CODIFICATION INSTRUCTIONS;
14 PROVIDING AN EFFECTIVE DATE.

15
16 **BE IT ORDAINED** by the Council of the City of Jacksonville:

17 **Section 1. Amending Chapter 122 (Public Property), Part 4**
18 **(Real Property), Subpart B (Real Property Dispositions and**
19 **Exchanges), Sections 122.422 (Determination of need; declaration**
20 **that property is surplus to the needs of the public) and 122.423**
21 **(Disposition for affordable housing), *Ordinance Code*.** Chapter 122
22 (Public Property), Part 4 (Real Property), Subpart B (Real Property
23 Dispositions and Exchanges), Sections 122.422 (Determination of
24 need; declaration that property is surplus to the needs of the
25 public) and 122.423 (Disposition for affordable housing), *Ordinance*
26 *Code*, to is hereby amended as follows:

27 **CHAPTER 122. PUBLIC PROPERTY**

28 * * *

29 **PART 4. REAL PROPERTY**

30 * * *

31 **SUBPART B. REAL PROPERTY DISPOSITIONS AND EXCHANGES**

1 * * *

2 **Sec. 122.422. - Determination of need; declaration that**
3 **property is surplus to the needs of the public.**

4 * * *

5 (b) *Need determination.* Prior to the disposition of an interest in
6 any City-owned real property, the Real Estate Division shall
7 circulate a sufficiently detailed description of the property to
8 each City Agency departments, boards, authorities, and commissions
9 (including, if the property is more than 50 years old, the
10 Jacksonville Historic Preservation Commission), the independent
11 agencies, the appropriate community redevelopment agency, if any,
12 and, if determined by the Real Estate Division to be appropriate,
13 any other federal, state, or local governmental agency, all of
14 which are referred to as "agency" for purposes of this section, to
15 determine whether there is a need for the City to retain allocate
16 the property for public use or convey the property to a City Agency
17 for the agency's purposes. For purposes of this subsection (b)
18 only, the term "City Agency" shall refer to a City department,
19 board, council (other than the city council), authority, commission
20 (including, if the property is more than 50 years old, the
21 Jacksonville Historic Preservation Commission), independent agency,
22 community redevelopment agency established pursuant to Chapter 163,
23 Part III, Florida Statutes, or any non-profit community land trust
24 organization whose mission is to develop and preserve affordable
25 housing for residents, or, if determined by Real Estate Division to
26 be appropriate, any other federal, state, or local government
27 agency. The notified ~~agencies~~ City Agencies shall have ten business
28 days after receipt of notice from the Real Estate Division to
29 notify the Real Estate Division if the ~~agency~~ City Agency needs the
30 property for public purposes or, if the City's disposition is of
31 less than a fee interest, if the disposition will unreasonably

1 interfere with the notified ~~agency's~~ City Agency's use of the
 2 property. If ~~an agency~~ the City Agency fails to notify the Real
 3 Estate Division within the ten-day period of the ~~agency's~~ City
 4 Agency's need or conflicting use, the ~~agency~~ City Agency shall be
 5 deemed to have no need to use the property for public purposes or
 6 no conflicting uses of the property. The Council Member for the
 7 district in which the property is located shall be notified by the
 8 Real Estate Division that the property is being circulated for a
 9 determination of need prior to disposition.

10 (c) *Need declared.* If a notified agency expresses need for the
 11 property for public purposes or that it has a use of the property
 12 that conflicts with the proposed use, such as when the disposition
 13 of an easement interest is requested, the Real Estate Division
 14 shall allocate the property to ~~that agency~~ such City Agency for
 15 management as provided in Section 122.415, or convey the property
 16 to such City Agency, as applicable, subject to such conditions,
 17 restrictions, and covenants as deemed appropriate by the Real
 18 Estate Division for such conveyance and ~~the property will not be~~
 19 ~~disposed of.~~ A City Agency that declares a need for the
 20 property shall submit its plan of use and a schedule for
 21 implementing the planned use, and identify its funding source for
 22 implementation of the plan within two years from the date the
 23 property was allocated or conveyed to ~~it~~ such agency. In the case
 24 of a City Agency that has been allocated property to manage, The
 25 the Real Estate Division is authorized to dispose of the property
 26 if the managing ~~agency~~ City Agency fails to provide the required
 27 information within the time required under this subsection.

28 * * *

29 **Sec. 122.423. - Disposition for affordable housing.**

30 * * *

31 (c) *Donation for affordable housing.* For a period of 90 days after

1 posting of the Council-approved affordable housing inventory list,
2 the properties on the list may be donated on a first come-first
3 served basis with a restriction that requires the development of
4 the property (i) as permanent affordable housing within 2 years
5 after the donation as evidenced by receipt of a certificate of
6 occupancy; or (ii) for other uses supportive of affordable housing
7 (e.g., side lots for adjacent owners, pocket parks, neighborhood
8 supported commercial uses). "Affordable housing" is that housing
9 affordable by a person or family whose then-current family income
10 does not exceed 140% of the then-current area median gross income
11 for the City of Jacksonville, Duval County, Florida Standard
12 Metropolitan Statistical Area as determined by the Secretary of the
13 United States Department of the Treasury, to be verified by the
14 Housing and Community Development Division at each conveyance of
15 the property. Properties remaining on the affordable housing
16 inventory list after the period for donations has expired or
17 reverting to the City for failure to comply with a donation
18 restriction, may be offered for sale for affordable housing through
19 public auction or by accepting competitive bids. Properties on the
20 affordable housing inventory list remaining unsold 180 days after
21 the period for donations has expired or after a reversion occurred
22 are deemed not appropriate for affordable housing and may be
23 disposed of by the Division in any manner authorized by the
24 provisions of this Code.

25 * * *

26 **Section 2. Codification Instructions.** The Codifier and the
27 Office of General Counsel are authorized to make all chapter and
28 division "tables of contents" consistent with the changes set forth
29 herein. Such editorial changes and any others necessary to make
30 the *Ordinance Code* consistent with the intent of this legislation
31 are approved and directed herein, and changes to the *Ordinance Code*

1 shall be made forthwith and when inconsistencies are discovered.

2 **Section 3. Effective Date.** This Ordinance shall become
3 effective upon signature by the Mayor or upon becoming effective
4 without the Mayor's signature.

5 Form Approved:

6
7 /s/ Paige H. Johnston

8 Office of General Counsel

9 Legislation Prepared by: Lawsikia J. Hodges

10 GC-#1423405-v1-2021-115-E_Scriv_Corr.docx