

1 Introduced by Council Member Pittman and Co-Sponsored by Council
2 Members Clark-Murray and Peluso and amended by the Finance Committee:

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5 **ORDINANCE 2023-498-E**

6 AN ORDINANCE CONCERNING THE DISPOSITION OF
7 AFFORDABLE HOUSING; AMENDING SECTION 122.423
8 (DISPOSITION FOR AFFORDABLE HOUSING), SUBPART B
9 (REAL PROPERTY DISPOSITIONS AND EXCHANGES), PART
10 4 (REAL PROPERTY), CHAPTER 122 (PUBLIC
11 PROPERTY), *ORDINANCE CODE*; AUTHORIZING TIME
12 EXTENSIONS FOR CERTAIN GRANTEES OF DONATED
13 PROPERTIES TO COMPLY WITH THE DONATION
14 RESTRICTIONS IN SECTION 122.423(C), *ORDINANCE*
15 *CODE*, TO CONSTRUCT OR REHABILITATE AFFORDABLE
16 HOUSING; PROVIDING FOR CODIFICATION
17 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

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19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Amending Section 122.423 (Disposition for affordable**
21 **housing), Subpart B (Real Property Dispositions and Exchanges), Part**
22 **4 (Real Property), Chapter 122 (Public Property), Ordinance Code.**
23 Section 122.423 (Disposition for affordable housing), Subpart B (Real
24 Property Dispositions and Exchanges), Part 4 (Real Property), Chapter
25 122 (Public Property), *Ordinance Code*, is hereby amended as follows:

26
27 **CHAPTER 122. PUBLIC PROPERTY**

28 * * *

29 **PART 4. REAL PROPERTY**

30 * * *

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

* * *

Sec. 122.423. - Disposition for affordable housing.

(a) *Suitability for affordable housing.* Surplus property is appropriate for affordable housing and shall be placed on the affordable housing inventory list if it satisfies the criteria below, and the Real Estate Division may sell or donate the property for use as affordable housing. All sales proceeds of property for use as affordable housing shall be deposited in the Affordable Housing Special Revenue Fund at Section 111.940, Ordinance Code, for affordable housing purposes. Surplus property that does not satisfy the criteria below is not subject to the provisions of this section. Affordable housing sales or donations may be made for single family development, multi-family development, ~~side lots for adjacent owners, pocket parks,~~ neighborhood supported commercial uses, and similar uses supportive of affordable housing. For purposes of this section, "Affordable" with respect to residential use has the meaning ascribed to it in F.S. § 420.0004, as amended from time to time. The criteria to determine whether property is appropriate for affordable housing are:

- (1) The property is not ~~within the jurisdiction of~~ allocated pursuant to Section 122.415 of the Code to a City agency, board or commission, including the Downtown Investment Authority or the Office of Economic Development, other than the Real Estate Division.
- (2) The parcel has legal access to a public road; and
- (3) The parcel is located within 500 feet of a ~~has~~ public water and sewer line or an existing septic system ~~available within 500 feet of the parcel~~ as confirmed by JEA; and
- (4) The parcel is buildable as determined by the Director of the Planning and Development Department or his designee; and
- (5) Current or planned zoning of the parcel is AGR (Agricultural),

1 CRO (Commercial Residential Office), RHD (Residential High
2 Density) RLD (Residential Low Density), RMD (Residential
3 Medium Density), RR (Rural Residential), RO
4 (Residential/Office), or ~~a~~ within a Planned Unit Development
5 with residential entitlements as determined by the Director of
6 the Planning and Development Department or his designee; and
7 (6) The parcel has not previously been used for a right-of-way,
8 wasteland, or retention pond; and
9 (7) The parcel is not designated or located in Flood Zones "A" or
10 "AE".

11 * * *

12 (c) *Donation for affordable housing.* For a period of thirty(930) days
13 after posting of the Council-approved affordable housing inventory
14 list, the Housing and Community Development Division ("Division") may
15 donate properties on the list ~~may be donated~~ exclusively to non-
16 profit entities with prior experience in constructing or
17 rehabilitating affordable housing or other uses supportive of
18 affordable housing, as determined by the Division, on a first come-
19 first served basis. Thereafter, for a period of sixty (60) days, the
20 Division may donate properties on the list to any entity, both non-
21 profit and for profit, with prior experience in constructing or
22 rehabilitating affordable housing or other uses supportive of
23 affordable housing, as determined by the Division. For purposes of
24 this section, a "donee" is an entity donated property by the Division
25 pursuant to this section. Any donation pursuant to this section shall
26 contain ~~with~~ a restriction that requires the development of the
27 property (i) as permanent affordable housing within ~~two~~ three years
28 after the donation as evidenced by receipt of a certificate of
29 occupancy; or (ii) for other uses supportive of affordable housing
30 (e.g., ~~side lots for adjacent owners, pocket parks,~~ neighborhood
31 supported commercial uses). The Chief of the Division is authorized

1 to extend for good cause the three-year requirement for a donee to
2 develop affordable housing by up to two years. "Affordable housing"
3 is that housing affordable by a person or family whose then-current
4 family income does not exceed 140 percent of the then-current area
5 median gross income for the City of Jacksonville, Duval County,
6 Florida Standard Metropolitan Statistical Area as determined by the
7 Secretary of the United States Department of the Treasury, to be
8 verified by the Housing and Community Development Division at each
9 conveyance of the property. The donee shall execute any necessary
10 transaction documents required by the Division to effectuate the
11 donation. The donee shall also provide the Division with evidence
12 verifying that housing constructed or rehabilitated in accordance
13 with this subsection is "affordable" pursuant to F.S. § 420.0004,
14 prior to the donee's conveyance of the property to a qualifying
15 individual homeowner.

16 (d) *Transfer restrictions; failure to comply with donation*
17 *restrictions; remedies.* Property donated to a donee pursuant to this
18 subsection may not be subsequently transferred by such donee prior
19 to the donee's compliance with the donation restriction without prior
20 City approval. If the donee fails to comply with the donation
21 restriction in this subsection, the City, acting through the Mayor
22 or the Mayor's designee, in addition to all other remedies available
23 at law, shall have the right, at its option, to either: (1) exercise
24 a right of re-entry reverter on the donated property; or (2) invoice
25 the donee for the current assessed value of the donated property as
26 shown on the tax rolls. Upon an election by the City to re-enter and
27 take possession of the donated property pursuant to a right of re-
28 entry reverter, the donee shall be required, at no cost to the City,
29 to convey the donated property to the City by deed subject only to
30 City permitted encumbrances. Upon an election by the City to invoice
31 the donee for the current assessed value of the donated property, the

1 donee shall be given a reasonable period of time to pay the invoice.
2 Donated properties ~~Properties~~ remaining on the affordable housing
3 inventory list after the period for donations has expired or reverting
4 to the City pursuant to the City's right of reentry reverter for
5 failure to comply with a donation restriction, may be offered for
6 sale for affordable housing through public auction or by accepting
7 competitive bids. Properties on the affordable housing inventory list
8 remaining unsold 180 days after the period for donations has expired
9 or after a reversion has occurred ~~are~~ shall be deemed not appropriate
10 unsuitable for affordable housing and may be disposed of by the
11 Division in any manner authorized by the provisions of this Code.

12 (e) Chief authorized to promulgate additional rules and regulations.

13 The Division Chief may promulgate additional rules and regulations
14 regarding properties donated pursuant to this section provided that
15 such rules and regulations are not inconsistent with this section.

16 (f) Educational workshops required. The Division shall conduct a
17 minimum of four educational workshops electronically or in-person for
18 the public within thirty (30) days of the Council's adoption of the
19 Affordable Housing Inventory List. At least one educational workshop
20 shall be conducted in person. Such workshops shall be advertised on
21 the Division's website, in a newspaper of general circulation, Citizen
22 Planning Advisory Committee distribution lists, and in City owned
23 community centers a minimum fourteen (14) days in advance of the
24 scheduled workshop date. The purpose of the workshop shall be to
25 educate the general public on the donation procedures set forth in
26 this section.

27 (g) Prohibited donation of property to certain entities. Property
28 donated pursuant to this section shall not be conveyed to any person,
29 entity, or organization and any affiliates thereof, including, but
30 not limited to, a for profit or non-profit corporation, partnership,
31 limited liability company, joint venture, business trust, or

1 consortium (collectively, "Entity"), if one or more of the following
2 conditions exist at the time of the property donation or conveyance
3 by the City: (1) The Entity, or its affiliates, is in noncompliance
4 with a donation agreement executed by the Entity pursuant to this
5 section; (2) The Entity, or its affiliates, is on the Council
6 Auditor's noncompliance list pursuant to Chapter 118, or the Vendor
7 Debarment List pursuant to Chapter 126, Ordinance Code; (3) The
8 Entity, or its affiliates, is in noncompliance with a City agreement
9 to which the Entity is a party; (4) The Entity, or an affiliate of
10 the Entity, is delinquent on taxes or the payment of liens, including
11 code enforcement or nuisance liens, on real property owned by the
12 Entity and such taxes or liens incurred after the Entity took
13 ownership of the real property; and (5) The Entity, or its affiliates,
14 is in noncompliance with the conditions or requirements of a City
15 grant award or program. Donated property shall not be conveyed to an
16 Entity until the Entity, or its affiliates, is in compliance with
17 this section. An Entity, or its affiliates, shall have thirty (30)
18 days to comply with this section. If an Entity fails to comply with
19 this section within such time period, the Entity's donated property
20 request shall be deemed forfeited.

21 **Section 2. Extensions authorized for prior donated properties.**

22 The Chief of the Housing and Community Development Division ("Chief")
23 is authorized to execute any documents necessary to grant time
24 extensions to grantees of prior donated properties to comply with the
25 donation restrictions in Section 122.423, *Ordinance Code*. Such
26 extensions shall (i) only apply to grantees who received donated
27 properties pursuant to Section 122.423, *Ordinance Code*, after the
28 effective date of Ordinance 2018-871-E and prior to the effective
29 date of this ordinance; and (ii) not exceed two (2) years from the
30 effective date of this Ordinance. The Chief is authorized to
31 promulgate rules and regulations regarding the extensions granted

1 pursuant to this Section 2.

2 **Section 3. Codification Instructions.** The Codifier and the
3 Office of General Counsel are authorized to make all chapter and
4 division "tables of contents" consistent with the changes set forth
5 herein. Such editorial changes and any others necessary to make the
6 *Ordinance Code* consistent with the intent of this legislation are
7 approved and directed herein, and changes to the *Ordinance Code* shall
8 be made forthwith and when inconsistencies are discovered.

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

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13 Form Approved:

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15 /s/ Mary E. Staffopoulos

16 Office of General Counsel

17 Legislation Prepared By: Lawsikia J. Hodges

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