

1 Introduced by Council Member Dennis:
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4 **ORDINANCE 2022-656-W**

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

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

19 **Section 1. Amending Section 122.423 (Disposition for affordable**
20 **housing), Subpart B (Real Property Dispositions and Exchanges), Part**
21 **4 (Real Property), Chapter 122 (Public Property), Ordinance Code.**

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

26 **CHAPTER 122. PUBLIC PROPERTY**

27 * * *

28 **PART 4. REAL PROPERTY**

29 * * *

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

31 * * *

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

2 (a) *Suitability for affordable housing.* Surplus property is
3 appropriate for affordable housing and shall be placed on the
4 affordable housing inventory list if it satisfies the criteria
5 below, and the Real Estate Division may sell or donate the property
6 for use as affordable housing. All sales proceeds of property for
7 use as affordable housing shall be deposited in the Affordable
8 Housing Special Revenue Fund at Section 111.940, Ordinance Code,
9 for affordable housing purposes. Surplus property that does not
10 satisfy the criteria below is not subject to the provisions of
11 this section. Affordable housing sales or donations may be made
12 for single family development, multi-family development, ~~side lots~~
13 ~~for adjacent owners, pocket parks,~~ neighborhood supported
14 commercial uses, and similar uses supportive of affordable
15 housing. For purposes of this section, "Affordable" with respect
16 to residential use has the meaning ascribed to it in F.S. §
17 420.0004, as amended from time to time. The criteria to determine
18 whether property is appropriate for affordable housing are:

19 (1) The property is not ~~within the jurisdiction of~~ allocated
20 pursuant to Section 122.415 of the Code to a City agency, board
21 or commission, including the Downtown Investment Authority or
22 the Office of Economic Development, other than the Real Estate
23 Division.

24 (2) The parcel has legal access to a public road; and

25 (3) The parcel is located within 500 feet of a ~~has~~ public water
26 and sewer line or an existing septic system ~~available within~~
27 ~~500 feet of the parcel~~ as confirmed by JEA; and

28 (4) The parcel is buildable as determined by the Director of the
29 Planning and Development Department or his designee; and

30 (5) Current or planned zoning of the parcel is AGR (Agricultural),
31 CRO (Commercial Residential Office), RHD (Residential High

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

10 * * *

11 (c) *Donation for affordable housing.* For a period of 90 days after
12 posting of the Council-approved affordable housing inventory list,
13 the properties on the list may be donated to entities with prior
14 experience, as determined by the Housing and Community Development
15 Division ("Division"), in constructing or rehabilitating affordable
16 housing or other uses supportive of affordable housing ("donee") on
17 a first come-first served basis. Any donation pursuant to this section
18 shall contain with a restriction that requires the development of the
19 property (i) as permanent affordable housing within ~~two~~ four years
20 after the donation as evidenced by receipt of a certificate of
21 occupancy; or (ii) for other uses supportive of affordable housing
22 (e.g., ~~side lots for adjacent owners, pocket parks, neighborhood~~
23 supported commercial uses, etc.). "Affordable housing" is that
24 housing affordable by a person or family whose then-current family
25 income does not exceed 140 percent of the then-current area median
26 gross income for the City of Jacksonville, Duval County, Florida
27 Standard Metropolitan Statistical Area as determined by the Secretary
28 of the United States Department of the Treasury, to be verified by
29 the Housing and Community Development Division at each conveyance of
30 the property. The donee shall execute any necessary transaction
31 documents required by the Division to effect the donation. The donee

1 shall also provide the Division with evidence verifying that housing
2 constructed or rehabilitated in accordance with this subsection is
3 "affordable" pursuant to F.S. § 420.0004, prior to the donee's
4 conveyance of the property to a qualifying individual homeowner.
5 Property donated to a donee pursuant to this subsection may not be
6 subsequently transferred by such donee prior to the donee's compliance
7 with the donation restriction. If the donee fails to comply with the
8 donation restriction in this subsection, the City, acting through the
9 Mayor or his designee, in addition to all other remedies available
10 at law, shall have the right, at its option, to either: (1) exercise
11 a right of re-entry reverter on the donated property; or (2) invoice
12 the donee for the current assessed value of the donated property as
13 shown on the tax rolls. Upon an election by the City to re-enter and
14 take possession of the donated property pursuant to a right of re-
15 entry reverter, the donee shall be required to convey the donated
16 property by warranty deed to the City free and clear of title and
17 survey defects, at no cost to the City. Upon an election by the City
18 to invoice the donee for the current assessed value of the donated
19 property, the donee shall be given a reasonable period of time to pay
20 the invoice. The Chief of Housing and Community Development Division
21 may promulgate additional rules and regulations not inconsistent with
22 this section to further protect the City's interest in properties
23 donated pursuant to this section. Donated properties ~~Properties~~
24 remaining on the affordable housing inventory list after the period
25 for donations has expired or reverting to the City pursuant to the
26 City's right of reentry reverter for failure to comply with a donation
27 restriction, may be offered for sale for affordable housing through
28 public auction or by accepting competitive bids. Properties on the
29 affordable housing inventory list remaining unsold 180 days after the
30 period for donations has expired or after a reversion has occurred
31 ~~are~~ shall be deemed ~~not appropriate~~ unsuitable for affordable housing
32 and may be disposed of by the Division in any manner authorized by

1 the provisions of this Code.

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

3 The Mayor, or his designee, is authorized to execute any documents
4 necessary to grant time extensions to grantees of prior donated
5 properties to comply with the donation restrictions in Section
6 122.423, *Ordinance Code*. Such extensions shall (i) only apply to
7 grantees who received donated properties pursuant to Section 122.423,
8 *Ordinance Code*, after the effective date of Ordinance 2018-871-E and
9 prior to the effective date of this ordinance; and (ii) not exceed
10 two (2) years from the initial two-year completion requirement date.

11 **Section 3. Codification Instructions.** The Codifier and the

12 Office of General Counsel are authorized to make all chapter and
13 division "tables of contents" consistent with the changes set forth
14 herein. Such editorial changes and any others necessary to make the
15 *Ordinance Code* consistent with the intent of this legislation are
16 approved and directed herein, and changes to the *Ordinance Code* shall
17 be made forthwith and when inconsistencies are discovered.

18 **Section 4. Effective Date.** This Ordinance shall become effective

19 upon signature by the Mayor or upon becoming effective without the
20 Mayor's signature.

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22 Form Approved:

23
24 /s/ Lawsikia J. Hodges

25 Office of General Counsel

26 Legislation Prepared by: Lawsikia J. Hodges

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