

1 Introduced by Council Member Pittman:
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4 **ORDINANCE 2023-498**

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 up to 500 feet of a ~~has~~ public
26 water and sewer line or an existing septic system ~~available~~
27 ~~within 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".

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11 (c) *Donation for affordable housing.* For a period of thirty(930) days
12 after posting of the Council-approved affordable housing inventory
13 list, the Housing and Community Development Division ("Division") may
14 donate properties on the list ~~may be donated~~ exclusively to small
15 non-profit entities with (i) an operating budget not to exceed
16 \$500,000 averaged over a three-year period immediately preceding the
17 donation request and (ii) prior experience in constructing or
18 rehabilitating affordable housing or other uses supportive of
19 affordable housing, as determined by the Division, on a first come-
20 first served basis. Thereafter, for a period of sixty (60) days, the
21 Division may donate properties on the list to any entity, both non-
22 profit and for profit, with prior experience in constructing or
23 rehabilitation affordable housing or other uses supportive of
24 affordable housing, as determined by the Division. For purposes of
25 this section, a "donee" is an entity donated property by the Division
26 pursuant to this section. Any donation pursuant to this section shall
27 contain with a restriction that requires the development of the
28 property (i) as permanent affordable housing within ~~two~~ three years
29 after the donation as evidenced by receipt of a certificate of
30 occupancy; or (ii) for other uses supportive of affordable housing
31 (e.g., ~~side lots for adjacent owners, pocket parks,~~ neighborhood

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

17 (d) *Transfer restrictions; failure to comply with donation*
18 *restrictions; remedies.* Property donated to a donee pursuant to this
19 subsection may not be subsequently transferred by such donee prior
20 to the donee's compliance with the donation restriction without prior
21 City approval. If the donee fails to comply with the donation
22 restriction in this subsection, the City, acting through the Mayor
23 or his designee, in addition to all other remedies available at law,
24 shall have the right, at its option, to either: (1) exercise a right
25 of re-entry reverter on the donated property; or (2) invoice the
26 donee for the current assessed value of the donated property as shown
27 on the tax rolls. Upon an election by the City to re-enter and take
28 possession of the donated property pursuant to a right of re-entry
29 reverter, the donee shall be required, at no cost to the City, to
30 convey the donated property to the City by deed subject only to City
31 permitted encumbrances. Upon an election by the City to invoice the
32 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

