

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2023-498

Introducer/Sponsor(s): Council Member Pittman

Date of Introduction: August 8, 2023

Committee(s) of Reference: F, NCSPHS, R

Date of Analysis: August 10, 2023

Type of Action: Ordinance Code amendment; authorizing extension of time limits for use of previously donated properties

Bill Summary: The bill amends Ordinance Code Chapter 122 – Public Property – in Section 122.432 – Disposition for affordable housing – to remove the authorization to convey surplus City properties to affordable housing developers for the purposes of “side lots for adjacent owners” and “pocket parks”. It clarifies that one of the criteria for determining if a property is appropriate for affordable housing is that it not be “allocated to” (rather than “within the jurisdiction of”) a City agency, board or commission. It clarifies language relating to the property’s proximity to water and sewer lines and requires confirmation of proximity by the JEA. It clarifies that the determination of whether a property is “buildable” shall be made by the Director of Planning and Development or his designee, adds language that the Director shall determine residential entitlements within a PUD, and adds a requirement that a property not be designated or located in Flood Zone A or AE.

The bill reduces the time period for “first come, first served” donation to developers from 90 to 30 days and provides that applicants in that initial 30-day period shall be small non-profit organizations as newly defined, which must have prior experience in constructing or rehabilitating affordable housing. In the succeeding 60 days the properties may be donated to either non-profit or for-profit organizations with prior experience in constructing or rehabilitating affordable housing. The bill extends the time period in which the recipient agency must develop the property from 2 to 3 years, and adds authorization for the Chief of the Housing and Community Development Division to extend that deadline by up to 2 additional years for good cause. It removes specific language regarding the definition of “affordable housing” and replaces it a reference to a definition in the *Florida Statutes*.

Language is added prohibiting an agency receiving a donated property from conveying it to another party without first having met the City’s donation performance requirements unless with prior City approval. Language is added providing that if the donee fails to comply with the donation restrictions, the City may pursue any and all available remedies under law, including a right of re-entry reverter on the property or invoicing the donee for the assessed value of the property. The bill provides that the Chief of the Housing and Community Development may promulgate additional rules and regulations to fulfill the intent of the section. It adds a requirement that the division must hold at least 4 educational workshops within 30 days of the Council’s adoption of the Affordable Housing Inventory List (either in-person or electronically, at least one of which must be in-person) to educate the general public the affordable housing property donation process.

Language is added prohibiting donation of surplus properties to any person, entity, organization, or affiliate of same if any of the following conditions exist at the time of the donation: 1) the entity is in non-compliance with a previous donation agreement; 2) the entity is on the Council Auditor’s grant non-compliance list or the Procurement Division’s vendor debarment list; 3) the entity is in non-compliance with any other City agreement; 4) the entity is delinquent on taxes or the payment of liens, including code enforcement or nuisance liens, on real

property owned by the entity and such taxes or liens incurred after the entity took ownership of the real property; or 5) the entity, or its affiliates, is in noncompliance with the conditions or requirements of a City grant award or program. A person, entity, organization or affiliate shall have 30 days in which to comply with these requirements or their property donation request shall be deemed forfeited.

The bill authorizes the Chief to grant time extensions to recipients of prior property donations to comply with all property donation requirements, provided such extensions shall only apply 1) to grantees who received donated properties pursuant to Section 122.423, Ordinance Code, after the effective date of Ordinance 2018-871-E and prior to the effective date of this ordinance; and 2) not exceed two (2) years from the effective date of this ordinance.

Background Information: The purpose of this legislation is to clarify the process for affordable housing surplus property donation, particularly identifying that donations to small non-profit entities receive first access to the properties during a 30-day period after the posting of the affordable housing inventory list, on a first come first served basis. The requirement for public workshops will serve to expand awareness of the donation process, and potentially increase participation leading to a larger affordable housing supply.

Policy Impact Area: Affordable housing surplus property donation procedures

Fiscal Impact: Anticipated to be minimal

Analyst: Clements