

1 Introduced by the Council President at the request of the Jacksonville
2 Housing Finance Authority and Co-Sponsored by Council Member Howland
3 and amended by the Finance Committee:
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6 **ORDINANCE 2023-492-E**

7 AN ORDINANCE REGARDING THE JACKSONVILLE HOUSING
8 FINANCE AUTHORITY ("JHFA"); AMENDING SECTIONS
9 52.107 (POWERS AND DUTIES), 52.108 (JHFA LOAN
10 FUNDS), AND 52.109 (JHFA MULTI-FAMILY
11 DEVELOPMENT LOAN CRITERIA), CHAPTER 52
12 (JACKSONVILLE HOUSING FINANCE AUTHORITY),
13 *ORDINANCE CODE*; CREATING A NEW SECTION 52.115
14 (PROCUREMENT), CHAPTER 52 (JACKSONVILLE HOUSING
15 FINANCE AUTHORITY), *ORDINANCE CODE*; DIRECTING
16 THE FINANCE AND ADMINISTRATION DEPARTMENT TO
17 TRANSFER FUNDS TO THE JHFA; AUTHORIZING THE
18 MAYOR, OR HER DESIGNEE, TO NEGOTIATE AND EXECUTE
19 AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF
20 JACKSONVILLE ("CITY") AND THE JHFA, AS NEEDED,
21 FOR THE JHFA TO RECEIVE CITY STAFF SUPPORT ON A
22 COST REIMBURSEMENT BASIS; PROVIDING FOR
23 OVERSIGHT BY THE FINANCE AND ADMINISTRATION
24 DEPARTMENT AS TO THE TRANSFER OF FUNDS;
25 PROVIDING FOR CODIFICATION INSTRUCTIONS;
26 PROVIDING AN EFFECTIVE DATE.

27
28 **WHEREAS**, the Jacksonville Housing Finance Authority ("JHFA")
29 desires to amend Chapter 52 (Jacksonville Housing Finance Authority),
30 *Ordinance Code*, consistent with the powers granted to Florida housing
31 finance authorities pursuant to Chapter 159 (Bond Financing), Part

1 IV (Housing Finance Authorities), *Florida Statutes*, to allow the JHFA
2 to adopt a procurement code and establish bank accounts with
3 commercial banks; and

4 **WHEREAS**, the JHFA, pursuant to the resolution **On File** with the
5 Legislative Services Division, has requested that the Council of the
6 City of Jacksonville (the "Council") approve the recommended
7 amendments to Chapter 52 (Jacksonville Housing Finance Authority),
8 *Ordinance Code*; now therefore

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

10 **Section 1. Recitals.** The recitals above are incorporated
11 herein by this reference.

12 **Section 2. Amending Sections 52.107 (Powers and duties),**
13 **52.108 (JHFA Loan Funds), and 52.109 (JHFA multi-family development**
14 **loan criteria), Chapter 52 (Jacksonville Housing Finance Authority),**
15 ***Ordinance Code*.** Sections 52.107 (Powers and duties), 52.108 (JHFA
16 loan funds), and 52.109 (JHFA multi-family development loan
17 criteria), Chapter 52 (Jacksonville Housing Finance Authority),
18 *Ordinance Code*, are amended to read as follows:

19 **CHAPTER 52 - JACKSONVILLE HOUSING FINANCE AUTHORITY**

20 * * *

21 **Sec. 52.107. - Powers and duties.**

22 The Authority shall have the following powers and duties:

23 (1) To operate with all the powers and authority of a housing
24 finance authority granted under Chapter 159, Part IV, Florida Statutes
25 (F.S. 159.601 et seq.), except the Authority shall not:

26 (i) Issue tax-exempt revenue bonds without first
27 obtaining the approval of the Council in compliance with
28 the applicable provisions of the United States Internal
29 Revenue Code and regulations promulgated thereunder;

30 (ii) Employ its own legal counsel and shall only utilize
31 the services of the City's Office of General Counsel except

1 as provided in this subsection. With the approval of the
2 General Counsel, and subject to available funding, the
3 Authority may employ specialized outside private counsel,
4 as set forth in Chapter 108 (Central Services), Part 5
5 (Legal Services), Ordinance Code; and
6 (iii) ~~Adopt its own procurement code and shall only utilize~~
7 ~~the City's procurement procedures set forth in Chapter 126,~~
8 ~~Ordinance Code, as may be amended; and~~
9 ~~(iv) Exercise any power otherwise prohibited by the Act.~~

10 * * *

11 **Sec. 52.108. - ~~JHFA loan funds~~ Annual independent financial audit.**

12 ~~(a) There is hereby created the Jacksonville Housing Finance~~
13 ~~Authority (JHFA) Loan Fund, a permanent, ongoing fund of the~~
14 ~~Authority, which shall carry forward each fiscal year. The fund is~~
15 ~~authorized to receive revenue from the activities of the Authority~~
16 ~~as may be designated from time to time by the Board of the Authority.~~
17 ~~Any such funds received by the Authority shall be deposited into the~~
18 ~~fund for the uses and purposes set forth in this Chapter subject to~~
19 ~~the multi-family development loan criteria set forth in Section 52.109~~
20 ~~herein. All such funds shall be accounted for separately within the~~
21 ~~fund and shall be administered by the Authority. All sums placed into~~
22 ~~the fund are hereby appropriated for distribution in accordance with~~
23 ~~the appropriate provisions of Florida Statutes Chapter 159. Any~~
24 ~~undistributed funds shall not lapse at the close of any fiscal year,~~
25 ~~but instead shall carry over to the next fiscal year. The Director~~
26 ~~of Finance, or his or her designee, is authorized and directed to~~
27 ~~make disbursements from the fund upon written requisition of the~~
28 ~~Authority, subject to the availability of funds in the fund.~~

29 ~~(b) The Authority is authorized to disburse funds from the~~
30 ~~Local Government Support Revolving Fund established by Ordinance~~
31 ~~2002-174-E, as amended by Ordinance 2008-497-E, for the uses and~~

~~purposes set forth in this Chapter subject to the multi-family development loan criteria set forth in Section 52.109 herein. The Authority shall annually obtain an independent financial audit of its operations prepared by a certified public accountant. The Authority shall submit a copy of the audit to the Council Auditor in accordance with Section 102.114 of the Code.~~

Sec. 52.109. - JHFA multi-family development loan criteria.

The Authority is authorized to disburse funds from ~~the JHFA Loan Fund and the Local Government Support Revolving Fund referenced in Section 52.108 above~~ its established accounts for any of the purposes set forth in this Chapter, provided that any such multi-family development loan shall be made:

- (1) In response to a Notice of Availability of Funds issued by the Authority;
- (2) In conformance with a third-party credit underwriter's report prepared for the Authority or the Florida Housing Finance Corporation;
- (3) Subject to repayment; and
- (4) In compliance with the loan application program, the Council approved loan policies enacted pursuant to Ordinance 2014-185 (the "Loan Policies") and any additional policies and procedures adopted by the Authority not inconsistent with this Chapter and the Loan Policies.

Additionally, any single-family loan made by the Authority shall be in accordance with the eligibility criteria as authorized for the bond issue or existing single-family loan program pursuant to Ordinance 2012-683-E, as amended by Ordinance 2013-255-E, or new single-family loan program established by the Authority pursuant to this Chapter, except that the Authority may adjust the maximum loan amount to borrowers in said loan programs as necessary without further Council approval.

* * *

Section 3. Creating a new Section 52.115 (Procurement), Chapter 52 (Jacksonville Housing Finance Authority), Ordinance Code.

A new Section 52.115 (Procurement), *Ordinance Code*, is hereby created and shall read as follows:

Chapter 52 - JACKSONVILLE HOUSING FINANCE AUTHORITY

* * *

Section 52.115. - Procurement.

The Authority, as an independent agency of the City, may establish its own procurement code with procedures for purchasing supplies, services, and capital improvements consistent with applicable laws. However, the Authority shall be required to use and procure supplies, services, and capital improvements in accordance with Chapter 126, Ordinance Code, until such time that the Authority establishes its own procurement code. The Authority's procurement code shall be subject to the Office of General Counsel's review for legal sufficiency and compliance with applicable laws. The Authority shall provide the Council Secretary with a copy of established procurement code within five (5) business days of initial adoption.

Section 4. Transfer of Funds Directive. The Finance and Administration Department ("Finance Department") is directed to transfer to JHFA all JHFA funds held by the City. The Finance Department transfer of funds to the JHFA shall include any funds belonging to the JHFA, including, without limitation, the funds deposited in the Jacksonville Housing Finance Authority (JHFA) Loan Fund and the Local Government Support Revolving Fund. The Finance Department shall transfer the funds to JHFA when JHFA notifies the Finance Department that appropriate bank accounts with commercial banks have been established.

Section 5. Approval and authorization. There is hereby approved, and the Mayor, or her designee, and Corporation Secretary

1 are hereby authorized to negotiate and execute and deliver, for and
2 on behalf of the City, an interlocal agreement between the City and
3 the JHFA, as needed, for JHFA to receive City staff support on a cost
4 reimbursement basis ("Interlocal Agreement"). The Mayor, or her
5 designee, and Corporation Secretary are hereby authorized to execute
6 any extensions, renewals, and amendments to the Interlocal Agreement,
7 and to otherwise take all action necessary to effectuate the intent
8 of this Ordinance, subject to appropriate review by the Office of
9 General Counsel and the Risk Management Division.

10 **Section 6. Oversight.** The Finance Department shall have
11 oversight as it pertains to the transfer of funds directive in Section
12 3 above.

13 **Section 7. Codification Instructions.** The Codifier and the
14 Office of General Counsel are authorized to make all chapter and
15 division "tables of contents" consistent with the changes set forth
16 herein. Such editorial changes and any others necessary to make the
17 *Ordinance Code* consistent with the intent of this legislation are
18 approved and directed herein, and changes to the *Ordinance Code* shall
19 be made forthwith and when inconsistencies are discovered.

20 **Section 8. Effective Date.** This Ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

23
24 Form Approved:

25
26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Lawsikia J. Hodges

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