

1 Co-Introduced by the Council President at the request of the Mayor
2 and Council Member Diamond:

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5 **ORDINANCE 2021-115**

6 AN ORDINANCE AMENDING CHAPTER 122 (PUBLIC
7 PROPERTY), PART 4 (REAL PROPERTY), SUBPART B
8 (REAL PROPERTY DISPOSITIONS AND EXCHANGES),
9 SECTIONS 122.422 (DETERMINATION OF NEED;
10 DECLARATION THAT PROPERTY IS SURPLUS TO THE
11 NEEDS OF THE PUBLIC) AND 122.423 (DISPOSITION
12 FOR AFFORDABLE HOUSING), *ORDINANCE CODE*;
13 PROVIDING FOR CODIFICATION INSTRUCTIONS;
14 PROVIDING AN EFFECTIVE DATE.

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

17 **Section 1. Amending Chapter 122 (Public Property), Part 4**
18 **(Real Property), Subpart B (Real Property Dispositions and**
19 **Exchanges), Sections 122.422 (Determination of need; declaration**
20 **that property is surplus to the needs of the public) and 122.423**
21 **(Disposition for affordable housing), *Ordinance Code*.** Chapter 122
22 (Public Property), Part 4 (Real Property), Subpart B (Real Property
23 Dispositions and Exchanges), Sections 122.422 (Determination of
24 need; declaration that property is surplus to the needs of the
25 public) and 122.423 (Disposition for affordable housing), *Ordinance*
26 *Code*, to is hereby amended as follows:

27 **CHAPTER 122. PUBLIC PROPERTY**

28 * * *

29 **PART 4. REAL PROPERTY**

30 * * *

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

1 **Sec. 122.422. - Determination of need; declaration that property is**
2 **surplus to the needs of the public.**

3 * * *

4 (b) *Need determination.* Prior to the disposition of an interest in
5 any City-owned real property, the Real Estate Division shall
6 circulate a sufficiently detailed description of the property to
7 each City Agency departments, boards, authorities, and commissions
8 ~~(including, if the property is more than 50 years old, the~~
9 ~~Jacksonville Historic Preservation Commission), the independent~~
10 ~~agencies, the appropriate community redevelopment agency, if any,~~
11 ~~and, if determined by the Real Estate Division to be appropriate,~~
12 ~~any other federal, state, or local governmental agency, all of~~
13 ~~which are referred to as "agency" for purposes of this section, to~~
14 determine whether there is a need for the City to retain allocate
15 the property for public use or convey the property to a City Agency
16 for the agency's purposes. For purposes of this subsection (b)
17 only, the term "City Agency" shall refer to a City department,
18 board, council (other than the city council), authority, commission
19 (including, if the property is more than 50 years old, the
20 Jacksonville Historic Preservation Commission), independent agency,
21 community redevelopment agency established pursuant to Chapter 163,
22 Part III, Florida Statutes, or any non-profit community land trust
23 organization whose mission is to develop and preserve affordable
24 housing for residents, or, if determined by Real Estate Division to
25 be appropriate, any other federal, state, or local government
26 agency. The notified ~~agencies~~ City Agencies shall have ten business
27 days after receipt of notice from the Real Estate Division to
28 notify the Real Estate Division if the ~~agency~~ City Agency needs the
29 property for public purposes or, if the City's disposition is of
30 less than a fee interest, if the disposition will unreasonably
31 interfere with the notified ~~agency's~~ City Agency's use of the

1 property. If ~~an agency~~ the City Agency fails to notify the Real
2 Estate Division within the ten-day period of the ~~agency's~~ City
3 Agency's need or conflicting use, the ~~agency~~ City Agency shall be
4 deemed to have no need to use the property for public purposes or
5 no conflicting uses of the property. The Council Member for the
6 district in which the property is located shall be notified by the
7 Real Estate Division that the property is being circulated for a
8 determination of need prior to disposition.

9 (c) *Need declared.* If a notified agency expresses need for the
10 property for public purposes or that it has a use of the property
11 that conflicts with the proposed use, such as when the disposition
12 of an easement interest is requested, the Real Estate Division
13 shall allocate the property to ~~that agency~~ such City Agency for
14 management as provided in Section 122.415, or convey the property
15 to such City Agency, as applicable, subject to such conditions,
16 restrictions, and covenants as deemed appropriate by the Real
17 Estate Division for such conveyance ~~and the property will not be~~
18 ~~disposed of.~~ ~~An agency~~ A City Agency that declares a need for the
19 property shall submit its plan of use and a schedule for
20 implementing the planned use, and identify its funding source for
21 implementation of the plan within two years from the date the
22 property was allocated or conveyed to ~~it~~ such agency. In the case
23 of a City Agency that has been allocated property to manage, ~~The~~
24 the Real Estate Division is authorized to dispose of the property
25 if the managing ~~agency~~ City Agency fails to provide the required
26 information within the time required under this subsection.

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

29 * * *

30 (c) *Donation for affordable housing.* For a period of 90 days after
31 posting of the Council-approved affordable housing inventory list,

1 the properties on the list may be donated on a first come-first
2 served basis with a restriction that requires the development of
3 the property (i) as permanent affordable housing within 2 years
4 after the donation as evidenced by receipt of a certificate of
5 occupancy; or (ii) for other uses supportive of affordable housing
6 (e.g., side lots for adjacent owners, pocket parks, neighborhood
7 supported commercial uses). "Affordable housing" is that housing
8 affordable by a person or family whose then-current family income
9 does not exceed 140% of the then-current area median gross income
10 for the City of Jacksonville, Duval County, Florida Standard
11 Metropolitan Statistical Area as determined by the Secretary of the
12 United States Department of the Treasury, to be verified by the
13 Housing and Community Development Division at each conveyance of
14 the property. Properties remaining on the affordable housing
15 inventory list after the period for donations has expired or
16 reverting to the City for failure to comply with a donation
17 restriction, may be offered for sale for affordable housing through
18 public auction or by accepting competitive bids. Properties on the
19 affordable housing inventory list remaining unsold 180 days after
20 the period for donations has expired or after a reversion occurred
21 are deemed not appropriate for affordable housing and may be
22 disposed of by the Division in any manner authorized by the
23 provisions of this Code.

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25 **Section 2. Codification Instructions.** The Codifier and the
26 Office of General Counsel are authorized to make all chapter and
27 division "tables of contents" consistent with the changes set forth
28 herein. Such editorial changes and any others necessary to make
29 the *Ordinance Code* consistent with the intent of this legislation
30 are approved and directed herein, and changes to the *Ordinance Code*
31 shall be made forthwith and when inconsistencies are discovered.

