

ORDINANCE #94- 26

THIS ORDINANCE REPLACES IN ITS ENTIRETY ORDINANCE #93- 10 RELATING TO NASSAU COUNTY, FLORIDA; DECLARING IT TO BE A POLICY OF NASSAU COUNTY TO SUPPORT THE AVAILABILITY OF AFFORDABLE HOUSING; PROVIDING FOR THE ESTABLISHMENT OF A LOCAL SHIP PROGRAM; PROVIDING FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE SHIP PROGRAM; ESTABLISHING AN AFFORDABLE HOUSING TRUST FUND; CREATING AN AFFORDABLE HOUSING ADVISORY COMMITTEE; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, THE Board of County Commissioners of Nassau County, Florida and its citizenry recognize the necessity for provision of the opportunity for all persons to have access to safe, decent, and affordable housing; and

WHEREAS, in 1992 the Florida State Legislature approved the William E. Sadowski Affordable Housing Act, creating the State Housing Initiatives Partnership (SHIP) for the specific purpose of supporting and expanding the availability of affordable housing resources within the State; and

WHEREAS, Nassau County's local comprehensive plan requires the support of actions designed to enhance the access to and availability of affordable housing for lower income families within said jurisdiction; and

WHEREAS, a local housing partnership incorporating non-profit and for-profit agencies, homebuilders, realtors, financial institutions, and government organizations actively endorses activities to expand affordable housing opportunities for the local citizenry; and

WHEREAS, the Sadowski Affordable Housing Act provides a continuing financial resource for the support of affordable housing activities;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:

SECTION I. DECLARATION OF POLICY

It is hereby declared to be the policy of Nassau County, in the exercise of its policy power for the public safety, public health, and general welfare, to support and encourage the initiatives which enhance the availability of and accessibility to affordable housing for all citizens of Nassau County, Florida.

SECTION II. PURPOSE

This ordinance specifies the provisions statutorily required for the planning, implementation, and receipt of funds under the State Housing Initiatives Partnership (SHIP) Program as governed by Chapter 9I-37 of the Florida Administrative Code.

SECTION III. DEFINITIONS

The definitions enumerated in s. 420.9071, Florida Statutes and in Rule 9I-37.002, Florida Administrative Code of the State Housing Initiatives Partnership Program Rules shall apply to the terms used in this Ordinance.

SECTION IV. LOCAL SHIP PROGRAM ESTABLISHMENT

1. There shall be created within the official fiscal and accounting records of the Board of County Commissioners of Nassau County a specially designated and dedicated AFFORDABLE HOUSING TRUST FUND, hereinafter referred to as the "FUND." The FUND shall be created within thirty (30) days of the date of the approval of this Ordinance. Said FUND shall be solely reserved for the deposit and expenditure of funds in support of the Local Housing Assistance Program required by Rule 9I-37.004(1)(a) of the Florida Administrative Code. Said FUND shall be audited annually and the financial condition thereof shall be separately stated in the audited financial statements of the County. Copies of said audit shall be provided to the Florida Housing Finance Agency, the Florida Department of Community Affairs, and/or other agencies as designated by the State of Florida.
2. Concurrent with the adoption of this Ordinance, the Nassau County LOCAL HOUSING ASSISTANCE PROGRAM, hereinafter referred to as the "PROGRAM," shall be established and approved by the Board of County Commissioners designating the strategies, approaches, and plans associated with the utilization of SHIP funds in conformity with provisions of Rule 9I-37.007 of the Florida Administrative Code. The Board of County Commissioners shall create a Housing Assistance Partnership which shall be the vehicle for implementation of the SHIP PROGRAM, with Commission approval of their actions. The Partnership shall be comprised of not more than 19, nor less than 9 members representing the various interests delineated in Rule 9I-37.002(24) of the Florida Administrative Code. The members shall be appointed by the Board of County Commissioners. All meetings of the Partnerships shall be open to the public and should be held in accordance with the Public Participation Plan. The PROGRAM describing the utilization of SHIP funds shall be adopted by the Board of County Commissioner.

SECTION V. SHIP PROGRAM ADMINISTRATION

Responsibility for the administration of the PROGRAM, on behalf of Nassau County, for Fiscal Years 1992-93, 1993-94 and 1994-95, shall be provided under contract by: The Northeast Florida Regional Planning Council.

SECTION VI. AFFORDABLE HOUSING ADVISORY COMMITTEE

On the effective date of this Ordinance, the Nassau County Affordable Housing Advisory Committee shall be created, consisting of a total of nine (9) members meeting the approval of the Board of County Commissioners. Appointment of individuals to the Advisory Committee, their terms of ser-

vice, the Committee administrative structure, and frequency of Committee meetings shall be established by Resolution of the Board. A majority of the membership of said Committee shall be required for the conduct of membership of said Committee shall be required for the conduct of official business, and all Committee meetings shall be publicly advertised or noticed in the local print media having the largest community-wide circulation. The Committee shall serve in an advisory capacity and shall minimally perform the review functions stipulated in s.420.9076, Florida Statutes, including the development of recommendations to the Board regarding actions to address impediments, create incentives, or support expansion of affordable housing opportunities within the local area. Said recommendations shall be in the form of a Local Affordable Housing Incentive Plan which shall be presented to the Board by representatives of the Committee. Within ninety (90) days of official presentation of the Incentive Plan to said governing body, the Plan shall be adopted by Ordinance of the Board of County Commissioners. The Advisory Committee shall be comprised of one representative from each of the following interests, plus three (3) at-large members:

1. Labor engaged in homebuilding;
2. Advocacy for low-income persons;
3. Affordable housing providers;
4. Real estate professionals;
5. Residential homebuilders;
6. Banking or mortgage banking industry.

SECTION VII. DUTIES OF THE ADVISORY COMMITTEE

At a minimum the Advisory Committee shall make recommendations on affordable housing incentives in the following areas:

- a. The affordable housing definition in the appointing resolution.
- b. The expedited processing of permits for affordable housing projects.
- c. The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
- d. The allowance of increased density levels.
- e. The reservation of infrastructure capacity for housing for very low-income persons and low-income persons.
- f. The transfer of development rights as a financing mechanism for housing for very low-income persons and low-income persons.
- g. The reduction of parking and setback requirements.
- h. The allowance of zero-lot-line configurations.
- i. The modification of sidewalk and street requirements.

- j. The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that have a significant impact on the cost of housing.

The advisory committee recommendations must also include other affordable housing incentives identified by the advisory committee. To the maximum extent feasible, the approved affordable housing incentive recommendation submitted to the governing board of the appointing county or eligible municipality must quantify the affordable housing cost reduction anticipated from implementing the specific recommendation.

After the successful adoption of the Incentive Plan by the Board of County Commissioners, the Advisory Committee, at the pleasure of the Board of County Commissioners, will be dissolved and shall continue its oversight functions relating to encouraging affordable housing.

SECTION VIII. DUTIES OF THE NORTHEAST FLORIDA REGIONAL PLANNING COUNCIL

The Northeast Florida Regional Planning Council shall provide SHIP administrative support to the Advisory Committee and/or Board of County Commissioners through Fiscal Years 1993-93, 1993-94 and 1994-95.

SECTION IX. REPEALING CLAUSE

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

SECTION X. SEVERABILITY

If any section, subsection, sentence, or clause, or other provision of the Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

SECTION XI. EFFECTIVE DATE

This Ordinance shall take effect upon receipt of official acknowledgment that said Ordinance has been filed, or thirty (30) days after the date of enactment, whichever is later.

MOTIONED AND ADOPTED by the Board of County Commissioners of Nassau County, Florida this the 25th day of April, 1994.

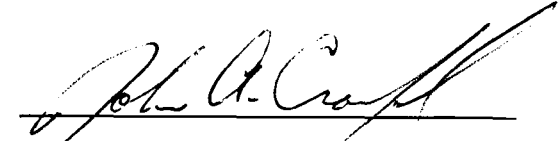
ATTEST:

BOARD OF COUNTY COMMISSIONERS
COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA

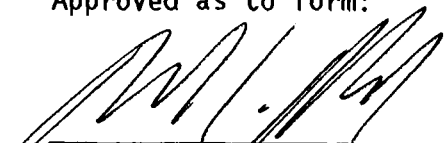
BY:


Clerk of the Court

BY:



Approved as to form:


County Attorney

First Reading 4-25-94

Second Reading _____