

## **BOARD OF COUNTY COMMISSIONERS**

### **Agenda Request**

**Date of Meeting:** December 17, 2013

**Date Submitted:** November 14, 2013

**To:** Honorable Chairperson and Members of the Board

**From:** Robert M. Presnell, County Manager  
Allara Mills Gutcher, Director of Planning and Community Development  
Phyllis R. Moore, SHIP Administrator

**Subject:** **PUBLIC HEARING** - Amendment of Chapter 66, Article II, Housing Initiatives Partnership (SHIP) by Adoption of Ordinance 2013-009

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#### **Statement of Issue:**

Board of County Commissioners (BOCC) approval to amend Chapter 66, Article II of the Gadsden County Code of Ordinances, Housing Initiatives Partnership, to better reflect current statutory requirements, and to reestablish the makeup of the housing advisory committee. This amendment will also combine the purpose of the housing advisory committee with that of the Community Development Block Grant Citizen's Advisory Task Force.

#### **Background:**

Ordinance 1993-01 adopted the Housing Initiatives Partnership regulations into the Gadsden County Code of Ordinances, which is guided by §420.9075, Florida Statutes. Currently, Chapter 66, Article II contains the language which was adopted by that ordinance.

#### **Analysis:**

Chapter 420, Part VII, Florida Statutes and Rule Chapter 67-37, Florida Administrative Code provide the legislative authority and requirement for the local housing initiatives partnership program which administers the SHIP program monies as distributed. The requirements include the establishment of a local housing assistance program and submittal of a report of the local government's affordable housing programs and accomplishments. Much of the language within this Ordinance is derived from Chapter 420, Part VII, Florida Statutes.

Gadsden County is one which receives the minimum allocation of SHIP funds. Due to our population numbers, we are able to have less than the statutorily required eleven (11) members. In order to become more efficient and to streamline our activities, this ordinance will reduce the current number stipulated in the Code from nine to seven members, and combine the purpose of

the committee from solely SHIP initiatives to Community Development Block Grant (CDBG) programs as well. This committee is required for CDBG funding.

The proposal also adopts several definitions by reference to the Florida Statute, updates Florida Administrative Code references, updates terminology, and reflects current statutory language.

This request accompanies the hearing for Resolution 2013-031, under separate agenda item.

**Fiscal Impact:**

The County must have an ordinance enacted to program CDBG funds.

**Options:**

1. Adopt Ordinance 2013-009 and authorize the Chair to execute ordinance.
2. Do not adopt Ordinance 2013-009.
3. Board Direction.

**Recommendation:**

Option 1

**Attachments:**

1. Ordinance 2013-009
2. Exhibit "A" Clean Copy
3. Exhibit "A" Markup Copy
4. Public Notice

**ORDINANCE NO. 2013-009**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 66, ARTICLE II, HOUSING INITIATIVES PARTNERSHIP; CREATION OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC), WHICH WILL SERVE AS THE AFFORDABLE HOUSING ADVISORY COMMITTEE, (AHAC) AND SHALL OPERATE IN A DUAL-ROLE OF CITIZENS ADVISORY TASK FORCE (CATF); AND TO CHANGE THE MEMBERSHIP ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE FROM THE ELEVEN (11) MEMBERS TO SEVEN (7) MEMBERS, IN ACCORDANCE WITH THE PROVISIONS OF F.S. 420.9076; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Gadsden County has established the Gadsden Affordable Housing Advisory Committee (AHAC), as required pursuant to §420.9076(2), Florida Statutes; and

**WHEREAS**, §420.9076, Florida Statutes required that the County appoint members to adopt the Local Housing Assistance Program (LHAP); and,

**WHEREAS**, Florida Statutes requires that these appointed members make specific recommendations to encourage or facilitate affordable housing while protecting the ability of the property to increase in values that will be the basis for the County to adopt the local housing assistance program, and amendments thereto;

**WHEREAS**, §290.046(6) Florida Statutes requires a Citizen’s Advisory Task Force be appointed “to provide input relative to all phases of the project process” for Community Development Block Grant Funds; and

**WHEREAS**, this ordinance repeals all prior ordinances in conflict with the terms set out herein and dissolves any previously appointed AHAC and the Citizens Advisory Task Force for CDBG funds;

Now therefore, be it ordained by the Board of County Commissioners of Gadsden County, Florida as follows:

**SECTION I: Approval of Amendment.**

We, the Board of County Commissioners of Gadsden County, hereby adopt the amendment to Chapter 66, Article II of the Gadsden County Code of Ordinances, as hereby included as Exhibit “A”.

**Section II: Repeal**

All parts of Chapter 66, Article II of the Gadsden County Code of Ordinances in existence prior to the adoption of this ordinance and in conflict herewith are hereby repealed and shall have no further effect whatsoever.

**Section III: Severability**

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

**Section IV. Effective Date**

This Ordinance shall become effective upon filing with the Department of State.

The above and foregoing Ordinance was read and approved at a duly convened regular meeting of the Board of County Commissioners of Gadsden County, Florida, this 17th day of December, 2013.

**APPROVED AS TO FORM & CORRECTIONS:**

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**Eric F. Hinson, BOCC Chairman**

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**Nicholas Thomas, Clerk of Courts**

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**County Attorney**

**COUNTY SEAL**

## EXHIBIT A

### ARTICLE II. - HOUSING INITIATIVES

[Sec. 66-31. - Definitions.](#)

[Sec. 66-32. - Establishment of the local housing assistance program.](#)

[Sec. 66-33. - Creation of the local housing assistance trust fund.](#)

[Sec. 66-34. - Intent and purpose of the local housing assistance program.](#)

[Sec. 66-35. - Establishment of the local housing assistance program.](#)

[Sec. 66-36. - Designation of responsibility for administration and implementation of the local housing assistance program.](#)

[Sec. 66-37. - Membership and Operations of the Community Development Advisory Committee.](#)

[Responsibilities and Duties of the Community Development Advisory Committee.](#)

Sec. 66-31. - Definitions.

Except as included below, the definitions contained in §420.0004, Florida Statutes and Rule 37-37.002, F.A.C., are adopted herein by reference.

*Administrative expenses* means those expenses directly related to the implementation of the local housing assistance plan and local housing assistance program and shall not include the reimbursement of costs which were previously borne by another funding source which could continue to be available at the time the local housing assistance plan is submitted.

*Award* means a loan, grant, or subsidy funded wholly or partially by the local housing distribution.

*Eligible housing* means any real and personal property located within the county or the eligible municipality which is designated and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of F.S. ch. 553 for homeownership or rental for eligible persons as designated by such county or eligible municipality participating in the local housing assistance program.

*Eligible municipality* means a municipality that is eligible for Federal Community Development Block Grants as an entitlement community identified in 24 CFR 570-D, entitlement grants.

*Eligible person* means one or more natural persons or a family determined by the county or eligible municipality to have special housing needs or to have very low-income, or moderate income according to the adjusted gross income of the resident with adjustment made for family size.

*Eligible sponsor* means a community-based organization, a person or a private or public for profit or nonprofit entity that applies for assistance under the local housing assistance program for the purpose of providing eligible housing for eligible persons.

*Grant* means a distribution of a portion of a local housing distribution to an eligible sponsor or eligible person to provide assistance under the local housing assistance program.

*Home ownership* means a distribution of a portion of a local housing distribution to an eligible person or eligible sponsor for construction, rehabilitation, purchase, or lease-purchase financing for owner-occupied eligible housing.

*Interlocal entity* means any entity created pursuant to the provisions of F.S. ch. 163, pt. I (F.S. § 163.01 et seq.) for the purpose of a joint local housing assistance program pursuant to the provisions of F.S. § 420.9075(5), or for the purpose of a joint affordable housing incentive plan pursuant to the provisions of F.S. § 420.9076(2).

*Loan* means a pledge of the local housing distribution monies to an eligible sponsor or eligible person to finance the acquisition, construction or rehabilitation of eligible housing.

*Local housing assistance plan* means a concise description of the local housing assistance program adopted by this article with an explanation of the way in which the Local Housing Assistance Program meets the requirements of this article and F.S. §§ 420.907—420.9079 and F.A.C. ch. 9I-37.

*Local housing distribution* means the proceeds of the taxes collected under F.S. ch. 201 deposited into the Local Government Housing Trust and distributed to counties and eligible municipalities participating in the State Housing Initiatives Partnership Program pursuant to F.S. § 420.9073.

*Local housing partnership* means the implementation of the Local Housing Assistance Program in a manner that involves, but is not limited to, the county/city, community-based organizations for profit housing developers, lending institutions, providers of professional services relating to affordable housing and service organizations working on behalf of persons with special housing needs. The term "local housing partnership" includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of home ownership, counseling of tenants, and the establishment of support services such as day care, health care and transportation.

*Personal property* means movable property, belongings exclusive of land and buildings.

*Persons who have special housing needs* means persons who have incomes not exceeding moderate-income and who because of particular social, economic, or health related circumstances have greater difficulty acquiring or maintaining affordable housing. Such persons may, for example, encounter resistance to their residing in particular communities, increased housing cost resulting from unique needs, and high risk of institutionalization. As set out in the State of Florida Comprehensive Housing Affordability Strategy (1991) these individuals include: persons with developmental disabilities; persons with mental illness/chemical dependency; persons with AIDS and HIV disease; runaway and abandoned youth; single-parent families; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; and the elderly and disabled adults.

(Ord. No. 93-001, § I)

**Cross reference**— Definitions generally, § 1-2.

**State law reference**— Similar provisions, F.S. § 420.9071.

**Sec. 66-32. Establishment of the local housing assistance program.**

(a) The Local Housing Assistance Program is hereby created and established to implement the requirements of §420.907, F.S., and Rule 67-37, Florida Administrative Code (F.A.C.)

(b) The County shall implement the program within the unincorporated boundaries of Gadsden County and may enter into an interlocal agreement with municipalities. The strategies of the program will be set forth in the County's State Housing Initiative Partnership (SHIP) Program local housing assistance plan.

**Sec. 66-33. - Creation of the local housing assistance trust fund.** The Local Housing Assistance Trust Fund is hereby created and established.

(a) All monies received from the state pursuant to the State Housing Initiative Partnership Act and any other funds received or budgeted to provide funding for the local housing assistance program shall be deposited into the Local Housing Assistance Trust Fund. Administration of the local housing assistance trust fund shall comply with 37-37.007, F.A.C and §420.9075, Florida Statutes, and shall be the responsibility of the Gadsden County Director of Planning and Community Development, or their designee.

(b) Expenditures other than for the administration and implementation of the local housing assistance program shall not be made from the local housing assistance trust fund.

(c) Amounts of deposit in the local housing assistance trust fund shall be retained in a special escrow account designated as the local housing assistance trust fund and used for the purposes thereof.

(d) Until utilized for the purposes thereof, monies in the local housing assistance trust fund shall be held in trust by the County solely for use pursuant to the local housing assistance program. All local housing assistance program income, including investment savings, shall be retained in the local housing assistance trust fund and used for the purposes thereof.

(e) The local housing assistance trust fund shall be separately stated as a special revenue fund in the County's audited financial statements. Copies of such audited financial statements shall be forwarded to the Florida Housing Finance Corporation as soon as such statements are available.

(Ord. No. 93-001, § II; Ord. No. 94-002)

**State law reference**— Local housing distributions, F.S. § 420.9073.

**Sec. 66-34. - Intent and purpose of the local housing assistance program.**

(a) The intent of the local housing assistance program is to:

(1) Increase the availability of affordable housing units by combining local resources and cost-saving measures.

(2) Assist in achieving the growth management goals contained in the adopted local comprehensive plan by allowing more efficient use of land so as to provide housing units that are affordable to persons who have special housing needs, very low-income, low-income or moderate income.

(3) Promote cost savings through innovation design, flexible design options for housing developments , and positive design features such asstreet and pedestrian access (4) Promote mixed-income housing within urban, suburban, and rural areas of Gadsden County so as to provide increased housing and economic opportunities for persons who have special housing needs, very low-income, low-income, or moderate income.

(5) Build and maintain the organizational and technical capacity of community based organizations so as to optimize the role of community based organizations in the production of affordable housing.

(b) The purpose of this article is to implement the intent of the local housing assistance program while providing for:

(1) Protection of natural resources;

(2) Enhancement of the viability of public transit, pedestrian circulation and non-motorized mode of transportation;

(3) Community development and economic growth; and

(4) A strong sense of community involvement through increased social and economic wellbeing.

(Ord. No. 93-001, § IV)

**Sec. 66-35. - Establishment of the local housing assistance program.** The local housing assistance program is hereby created and established.

(a) Funds received from the state pursuant to the State Housing Initiative Partnership Act shall be used pursuant to §§420.9072 – 420.9079, Florida Statutes.:

(b) The county hereby specifically finds the cost of administering the local housing assistance program shall not exceed ten percent of the funding received from the state pursuant to its resolution and the State Housing Initiative Partnership Act.

(c) The local housing assistance program shall include all other lawful objectives not previously listed if such objectives have been adopted in the local housing assistance plan in the manner provided for by F.S. §§ 420.907—420.9079 and 67-37, F.A.C.

(Ord. No. 93-001, § V; Ord. No. 93-003)

**State law reference**— Local housing assistance plans, F.S. § 420.9075.

**Sec. 66-36. - Designation of responsibility for administration and implementation of the local housing assistance program.**

(a) Gadsden County hereby designates the Community Development division to implement and administer this program. . The responsibilities of the division shall be:

(1) To work with the Community Development Advisory Committee to monitor the success of the local housing assistance program, and provide advice and suggestions for the improvement thereof.

(2) To coordinate its efforts with the Florida Housing Finance Corporation in facilitating the funding of its programs that are appropriate in the County and to set up workshops with appropriate advertisements to advise potential homebuyers of the Home Ownership Assistance Program (HAP) and inform nonprofit developers and community based organizations of the Housing Predevelopment Trust Fund (HPTF) Program.

(3) To work with the Community Development Advisory Committee to coordinate local programs such as community loan funds, inclusionary housing programs, and linkage programs, with state programs such as the HPTF, the HAP, Single-Family Mortgage Revenue Bond (MRB) Program, and State Apartment Incentive Loan (SAIL) Program, and with federal programs such as the Community Development Block Grant (CDBG) Program, Home Investment Partnership (HOME) Program, Low Income Rental Tax Credit (LRTC) Program, and section 8 Rental Assistance so as to maximize the production of eligible housing through the local housing assistance program.

(4) To prepare and revise the local housing assistance program (LHAP) as required by law or as otherwise considered necessary, but consistent with applicable legal requirements.

(b) The total amount paid for any administrative expenses in connection with the SHIP Program, will not exceed ten percent of the funds deposited into the local trust fund.

(c) The County shall not treat as administrative expense any costs previously borne by another funding source which could continue to be available at the time the local housing assistance plan is submitted.

(d) In implementing the local housing assistance program, the Community Development Advisory Committee shall:

(1) Advertise the availability of a housing assistance program in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of any application period. If no funding is available due to a waiting list, no notice of funding availability is required.

(2) Adopt a maximum award schedule or system of awards to comply with the following criteria:

a. Sixty-five percent of the funds shall be reserved for home ownership for eligible persons.

b. Seventy-five percent of the funds shall be reserved for construction, rehabilitation, or emergency repair of eligible housing.

Not more than twenty percent of the funds may be used for manufactured housing.

c. The sales price of new or existing eligible housing shall not exceed 90 percent of the median area purchase price in Gadsden County. Such median area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

d. All units constructed, rehabilitated or otherwise assisted with program funds received from the local housing assistance trust fund shall be occupied by very low-income, low-income or moderate income persons, and persons who have special housing needs.

e. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very low-income persons or eligible sponsors who will serve very-low-income persons and at least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons.

f. The amount of monthly mortgage payments or the amount of monthly rent charged by the eligible sponsor or its designee must be affordable to eligible persons.

g. Loans shall be provided for periods not exceeding 30 years except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.

h. Loans or grants for eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance trust fund shall be subject to recapture requirements as provided by Gadsden County in the local housing assistance plan.

i. The maximum sales price or value per unit and the maximum award per unit for eligible housing benefiting from awards made pursuant to this section must be established in the local housing assistance plan.

(3) The county, the Community Development Advisory Committee, and all eligible sponsors shall not discriminate in the loan application process of eligible persons for eligible housing on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin or handicap.

(4) The county shall comply with all rules and regulations of the state housing finance agency in connection with required reporting by the county of compliance with its local housing assistance program.

(5) Prior to receiving an award, all eligible persons or sponsors shall enter into an agreement to comply with the affordable housing criteria provided under F.S. §§ 420.907—420.9079 and this article. All eligible persons or sponsors shall include in the deed transferring ownership of the property to the eligible person or sponsor a covenant agreeing to comply with the terms of the above-described laws, which covenant will run with the land or in the alternative, the agreement shall be made a part of the mortgage agreement. Failure to comply with the covenant in the mortgage shall result in a default of the mortgage with all remedies and rights for enforcement inuring to the benefit of the County.

(6) Eligible sponsors receiving assistance from both the State Housing Initiative Partnership (SHIP) Program and the Low Income Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability, and other LIHTC requirements. Similarly, any eligible housing receiving assistance from SHIP and other federal programs shall be required to comply with any requirement specified by the federal program in addition to SHIP requirements.

(Ord. No. 93-001, § VI)

**Sec. 66-37. - Membership and Operations of the Community Development Advisory Committee.**

(a) The Community Development Advisory Committee (CDAC) is created and established. The initial members of the CDAC shall be appointed by resolution of the Board of County Commissioners. Thereafter, all appointments shall be made by the BOCC after review of applications as submitted to the Planning and Community Development Department in a regularly scheduled public hearing.

(b) The Community Development Advisory Committee shall consist of no more than seven (7) members. All members shall be appointed by the BOCC for three-year terms. No member shall serve more than three consecutive terms. Elected officials are ineligible to serve on the CDAC. The CDAC representation shall be chosen from the following categories, and at least two (2) members should be low or moderate income persons, when possible:

(1) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(2) A citizen who is actively engaged in the banking or mortgage industry in connection with affordable housing.

(3) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(4) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(5) A citizen who is actively engaged as a for-profit provider of affordable housing, who either lives or works within Gadsden County.

(6) A citizen who is actively engaged as a not-for-profit provider of affordable housing, who either lives or works within Gadsden County.

(7) A citizen who is actively engaged as a real estate professional, in connection with affordable housing.

(8) A citizen who actively serves on the local planning agency pursuant to 163.3174, F.S.

(9) A citizen of Gadsden County.

(10) A residential building contractor.

(11) A citizen who represents employers within the County.

(12) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

(c) The CDAC shall comply with the government in the Sunshine Law, §286.011, Florida Statutes, the public records law, and the special provisions regarding notice of affordable housing incentive plan considerations found in F.S. § 420.907. Minutes of the meeting shall be kept by the clerk of the Board of County Commissioners.

(d) The CDAC shall annually elect a Chairperson and Vice-chairperson, and such other officers as it deems necessary. The Chairperson is charged with the duty of conducting meetings in a manner consistent with law.

(e) A majority of the CDAC membership positions filled shall constitute a quorum. Recommendations and decision of the CDAC must be made by a majority vote of those present and voting.

(f) Any CDAC member whose attendance is less than fifty (50) percent at adjourned meetings during a twelve (12) month period shall automatically be removed from the CDAC.

(g) Members of the CDAC shall receive no compensation from the performance of their duties and responsibilities.

(Ord. No. 93-001, § VII)

**State law reference**— Affordable housing advisory committee, F.S. § 420.9076(2).

**Sec. 66-38. Responsibilities and Duties of the CDAC.** Responsibilities and duties of the CDAC shall be:

- (a) To elect a Chairperson and Vice-Chairperson to the CDAC.
- (b) Review established policies and procedures, ordinances, land development regulations and adopted comprehensive plan goals, objectives, and policies and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value, as determined necessary by the CDAC.
- (c) To review amendments to the Local Housing Assistance Program (LHAP), and make recommendations to the BOCC regarding such.
- (d) The CDAC shall assume the following responsibilities of the Gadsden County Community Development Block Grant (CDBG) Program:
  - 1) Act as the Citizen’s Advisory Task Force pursuant to §290.046(6), Florida Statutes.
  - 2) Conduct periodic evaluations of the policies and standards for the operation of the CDBG Program.
  - 3) Advise the County on the County’s physical community development needs.
  - 4) Propose and/or review projects to meet the County’s community development needs.
  - 5) Assistance to the County in promoting community awareness through citizen participation for community development projects that are being considered by the County.
  - 6) Review and provide input on the CDBG Action Plan, Consolidated Plan, citizen Participation Plan, and Analysis of Impediments to Fair Housing.
- (e) To review expenditure of other grant monies as it applies to affordable housing, as deemed necessary.

**EXHIBIT A**

**ARTICLE II. - HOUSING INITIATIVES ~~PARTNERSHIP (SHIP)~~<sup>1481</sup>**

Sec. 66-31. - Definitions.

Sec. 66-32. - ~~Creation Establishment of the local housing assistance trust fund program.~~

Sec. 66-33. - ~~Creation of the local housing partnership assistance trust fund.~~

Sec. 66-34. - ~~Intent and purpose of the local housing assistance program.~~

Sec. 66-35. - ~~Establishment of the local housing assistance program.~~

Sec. 66-36. - ~~Designation of responsibility for administration and implementation of the local housing assistance program.~~

Sec. 66-37. - ~~Creation of the affordable housing Membership and Operations of the Community Development aAdvisory eCommittee.~~

Sec. 66-38. - ~~Adoption of the affordable housing incentive plan.Responsibilities and Duties of the Community Development Advisory Committee.~~

Sec. 66-31. - Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as included below, the definitions contained in §420.0004, Florida Statutes and Rule 37-37.002, F.A.C., are adopted herein by reference.~~

~~*Adjusted for family size* means adjusted in manner which results in an income eligibility level that is lower for households having fewer than four people or higher for households having more than four people, than the base income eligibility determined as provided in the definitions of the terms "low income person," "moderate income person" and "very low income person", based upon a formula established by the United States Department of Housing and Urban Development. The term "students," as defined in this section, are to be included in the calculation of family size.~~

~~*Adjusted gross income* means wages, income from assets, regular cash or noncash contributions, and any other resources and benefits determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, minus the deductions allowable under section 61 of the Internal Revenue Code of 1986, as amended.~~

*Administrative expenses* means those expenses directly related to the implementation of the local housing assistance plan and local housing assistance program and shall not include the reimbursement of costs which were previously borne by another funding source which could continue to be available at the time the local housing assistance plan is submitted.

~~*Affordable* means that contract rent and utilities or mortgage payments, insurance, property taxes and homeowner's association fees, where applicable, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross income for households qualifying under the definitions of the terms "low income person," "moderate income person" and "very low income person."~~

*Award* means a loan, grant, or subsidy funded wholly or partially by the local housing distribution.

~~*Community-based organization* means a nonprofit organization that has among its purposes the provision of affordable housing to persons who have special housing needs or very low income, low income or moderate income within a designated area, which may include a municipality, a county, or more than one municipality or county and maintains, through at least one-third representation on the organization's governing board, accountability to housing program beneficiaries and residents of the designated area.~~

*Eligible housing* means any real and personal property located within the county or the eligible municipality which is designated and intended for the primary purpose of providing decent, safe and sanitary residential units that are designed to meet the standards of F.S. ch. 553 for homeownership or rental for eligible persons as designated by such county or eligible municipality participating in the local housing assistance program.

*Eligible municipality* means a municipality that is eligible for Federal Community Development Block Grants as an entitlement community identified in 24 CFR 570-D, entitlement grants.

*Eligible person* means one or more natural persons or a family determined by the county or eligible municipality to have special housing needs or to have very low-income, or moderate income according to the adjusted gross income of the resident with adjustment made for family size.

*Eligible sponsor* means a community-based organization, a person or a private or public for profit or nonprofit entity that applies for assistance under the local housing assistance program for the purpose of providing eligible housing for eligible persons.

*Grant* means a distribution of a portion of a local housing distribution to an eligible sponsor or eligible person to provide assistance under the local housing assistance program.

*Home ownership* means a distribution of a portion of a local housing distribution to an eligible person or eligible sponsor for construction, rehabilitation, purchase, or lease-purchase financing for owner-occupied eligible housing.

*Interlocal entity* means any entity created pursuant to the provisions of F.S. ch. 163, pt. I (F.S. § 163.01 et seq.) for the purpose of a joint local housing assistance program pursuant to the provisions of F.S. § 420.9075(5), or for the purpose of a joint affordable housing incentive plan pursuant to the provisions of F.S. § 420.9076(2).

*Loan* means a pledge of the local housing distribution monies to an eligible sponsor or eligible person to finance the acquisition, construction or rehabilitation of eligible housing.

*Local housing assistance plan* means a concise description of the local housing assistance program adopted by this article with an explanation of the way in which the Local Housing Assistance Program meets the requirements of this article and F.S. §§ 420.907—420.9079 and F.A.C. ch. 9I-37.

*Local housing distribution* means the proceeds of the taxes collected under F.S. ch. 201 deposited into the Local Government Housing Trust and distributed to counties and eligible municipalities participating in the State Housing Initiatives Partnership Program pursuant to F.S. § 420.9073.

*Local housing partnership* means the implementation of the Local Housing Assistance Program in a manner that involves, but is not limited to, the county/city, community-based organizations for profit housing developers, lending institutions, providers of professional services relating to affordable housing and service organizations working on behalf of persons with special housing needs. The term "local housing partnership" includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of home ownership, counseling of tenants, and the establishment of support services such as day care, health care and transportation.

~~*Low-income person* means one or more natural persons or a family, not including students, that has a total annual adjusted gross income for the household that does not exceed 80 percent of the median annual adjusted gross income for households within the county. With respect to rental units, the low-income household's annual adjusted gross income at the time of initial occupancy may not exceed 80 percent of area median income adjusted for family size. While occupying the rental unit, a low-income household's annual adjusted gross income may increase to an amount not to exceed 140 percent of 80 percent of area median income adjusted for family size.~~

~~*Moderate-income person* means one or more natural persons or a family, not including students, that has a total annual adjusted gross income for the household that does not exceed 120 percent of the median annual adjusted gross income for households within the county. With respect to rental units, the moderate-income household's annual adjusted gross income at the time of initial occupancy may not exceed 120 percent of area median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual adjusted gross income may increase to an amount not to exceed 140 percent of 120 percent of area median income adjusted for family size.~~

*Personal property* means ~~major appliances, including a freestanding refrigerator or stove, to be identified on the encumbering documents~~ movable property, belongings exclusive of land and buildings.

*Persons who have special housing needs* means persons who have incomes not exceeding moderate-income and who because of particular social, economic, or health related circumstances have greater difficulty acquiring or maintaining affordable housing. Such persons may, for example, encounter resistance to their residing in particular communities, increased housing cost resulting from unique needs, and high risk of institutionalization. As set out in the State of Florida Comprehensive Housing Affordability Strategy (1991) these individuals include: persons with developmental disabilities; persons with mental illness/chemical dependency; persons with AIDS and HIV disease; runaway and abandoned youth; single-parent families; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; and the elderly and disabled adults.

*Student* means ~~a person not living with his parent or guardian who is eligible to be claimed by the person's parent or guardian under the Federal Income Tax Code and who is enrolled at least half time in a secondary school, vocational technical school, community college, or university. The term "student" does not include a person participating in a job training program approved by the county or eligible municipality.~~

*Very low income person* means ~~one or more natural persons or a family, not including students, that has a total adjusted gross income for the household that does not exceed 50 percent of the median annual adjusted gross income for households within the county. with respect to rental units, the very low income household's annual adjusted gross income at the time of initial occupancy may not exceed 50 percent of area median income adjusted for family size. While occupying the rental unit, a very low income household's annual adjusted gross income may increase to an amount not to exceed 140 percent of area median income adjusted for family size.~~

(Ord. No. 93-001, § I)

**Cross reference**— Definitions generally, § 1-2.

**State law reference**— Similar provisions, F.S. § 420.9071.

### **Sec. 66-32. Establishment of the local housing assistance program.**

(a) The Local Housing Assistance Program is hereby created and established to implement the requirements of §420.907, F.S., and Rule 67-37, Florida Administrative Code (F.A.C.)

(b) The County shall implement the program within the unincorporated boundaries of Gadsden County and may enter into an interlocal agreement with municipalities. The strategies of the program will be set forth in the County's State Housing Initiative Partnership (SHIP) Program local housing assistance plan.

**Sec. 66-323. - Creation of the local housing assistance trust fund.** ~~—~~ The Local Housing Assistance Trust Fund is hereby created and established.

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~~(a) The Local Housing Assistance Trust Fund is hereby created and established.~~

~~(b)~~ All monies received from the state pursuant to the State Housing Initiative Partnership Act and any other funds received or budgeted to provide funding for the local housing assistance program shall be deposited into the Local Housing Assistance Trust Fund. Administration of the local housing assistance trust fund shall comply with ~~F.A.C. 91-37.007~~37-37.007, F.A.C and §420.9075, Florida Statutes, and shall be the responsibility of the Gadsden County Director of Planning and Community Development, or their designee.

~~(c)~~ Expenditures other than for the administration and implementation of the local housing assistance program shall not be made from the local housing assistance trust fund.

~~(d)~~ Amounts of deposit in the local housing assistance trust fund shall be retained in a special escrow account designated as the local housing assistance trust fund and used for the purposes thereof.

~~(e)~~ Until utilized for the purposes thereof, monies in the local housing assistance trust fund shall be held in trust by the County solely for use pursuant to the local housing assistance program. All local housing assistance program income, including investment savings, shall be retained in the local housing assistance trust fund and used for the purposes thereof.

~~(f)~~ ~~The County agrees that t~~The local housing assistance trust fund shall be separately stated as a special revenue fund in the County's audited financial statements. Copies of such audited financial statements shall be forwarded to the ~~state housing finance agency~~Florida Housing Finance Corporation as soon as such statements are available.

(Ord. No. 93-001, § II; Ord. No. 94-002)

**State law reference**— Local housing distributions, F.S. § 420.9073.

~~Sec. 66-33.—Creation of the local housing partnership.~~

~~(a) The Local Housing Partnership is hereby created and established. The members of the Local Housing Partnership shall be appointed by resolution of the board of county commissioners.~~

~~(b) The Local Housing Partnership shall include, but is not limited to, the county, community-based organizations, municipalities, for-profit housing developers, lending institutions, providers of professional services relating to affordable housing, and service organizations working on behalf of persons with special housing needs.~~

~~(c) The local housing partnership shall implement the local housing assistance program in a manner that provides support services for housing program beneficiaries such as: training to prepare persons for the responsibility of home ownership, counseling of tenants, and the establishment of support services such as: day care, health care and transportation. Such implementation shall be consistent with this article, F.S. §§ 420.907—420.9079, and F.A.C. ch. 91-37.~~

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~~(Ord. No. 93-001, § III)~~

~~State law reference—Local housing assistance plans and partnerships, F.S. § 420.9075.~~

**Sec. 66-34. - Intent and purpose of the local housing assistance program.**

(a) The intent of the local housing assistance program is to:

(1) Increase the availability of affordable housing units by combining local resources and cost-saving measures ~~into a local housing partnership and using private and public funds to reduce the cost of housing.~~

(2) ~~Promote more compact urban development and a~~ Assist in achieving the growth management goals contained in the adopted local comprehensive plan; by allowing more efficient use of land so as to provide housing units that are affordable to persons who have special housing needs, very low-income, low-income or moderate income.

(3) Promote ~~cost savings through~~ innovation design, ~~of eligible housing that provides cost savings; flexible design options for housing and developments such as: the combination of architectural styles, building forms and development requirements;~~ and positive design features such as: ~~street and pedestrian access orientation towards the street and pedestrian access, without compromising the quality of eligible housing.~~

(4) Promote mixed-income housing ~~with~~in urban, suburban, and rural areas ~~of Gadsden County~~ so as to provide increased housing and economic opportunities for persons who have special housing needs, very low-income, low-income, or moderate income.

(5) Build ~~and maintain~~ the organizational and technical capacity of community based organizations so as to optimize the role of community based organizations in the production of affordable housing.

(b) The purpose of this article is to ~~aid in achieving~~ implement the intent of the local housing assistance program while providing for:

(1) Protection of natural resources;

(2) Enhancement of the viability of public transit, pedestrian circulation and non-motorized mode of transportation;

(3) Community development and economic growth; and

(4) A strong sense of community involvement through increased social and economic ~~integration~~ wellbeing.

(Ord. No. 93-001, § IV)

**Sec. 66-35. - Establishment of the local housing assistance program.** ~~The local housing assistance program is hereby created and established.~~

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~~(a) The local housing assistance program is hereby created and established.~~

~~(b) The Local Housing Partnership shall use the funds received from the state pursuant to the State Housing Initiative Partnership Act shall be used pursuant to §§420.9072 – 420.9079, Florida Statutes, to implement the local housing assistance program. The funds shall be distributed in the following manner:~~

~~(1) One hundred percent of the funds shall be used by the Local Housing Partnership to implement the following locally designed strategies:~~

~~(2) Seventy five percent of this distribution shall be reserved for construction and rehabilitation assistance for the affordable housing preservation and production:~~

~~a. Eligible persons who own and occupy substandard housing units shall be awarded funds to renovate such units as eligible housing.~~

~~b. New construction to provide homeownership for eligible persons and emergency repair.~~

~~c. Purchase assistance ownership opportunities that include but is not limited to funding the cost of the lot and the closing costs for eligible persons.~~

~~(c) Five percent of this distribution shall be used to provide for support services in the following manner for housing program applicants: home ownership counseling to include timeliness of payments, care and maintenance.~~

~~(d) The Local Housing Partnership shall work with banks and other lending institutions to meet their obligations under the Community Reinvestment Act (CRA) to affirmatively address the credit needs of the entire community. In meeting their obligations, banks and other lending institutions shall be encouraged to engage in activities that include, but are not limited to: increased efforts to make loans for home mortgages and home improvements in conjunction with government insured lending programs such as FMHA, FHA and VA, and to make loans with high loan to value ratios when there is private mortgage insurance; provide assistance to existing community based housing development programs or to emergency community based organizations; extend lines of credit and other financing to community based organizations; and provide a secondary market for community based organizations development loans. The local housing partnership shall seek lending institutions to work with it and other eligible sponsors or eligible persons in providing low cost loans, interest point buy down programs and other cost saving mechanisms in order to facilitate home ownership for very low income, low income, or moderate income persons and those persons with special needs.~~

~~(e) Ten percent of the distribution shall be used to provide construction loans to eligible contractors to facilitate and enhance their abilities to provide affordable housing for eligible persons.~~

(fb) The county hereby specifically finds the cost of administering the local housing assistance program shall not exceed ten percent of the funding received from the state pursuant to its resolution and the State Housing Initiative Partnership Act.

(gc) The local housing assistance program shall include all other lawful objectives not previously listed if such objectives have been adopted in the local housing assistance plan in the manner provided for by F.S. §§ 420.907—420.9079 and ~~F.A.C. ch. 9I-3767-37, F.A.C.~~

(Ord. No. 93-001, § V; Ord. No. 93-003)

**State law reference**— Local housing assistance plans, F.S. § 420.9075.

**Sec. 66-36. - Designation of responsibility for administration and implementation of the local housing assistance program.**

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(a) ~~The Local Housing Partnership~~ Gadsden County hereby designates the Community Development division to implement and administer this program. shall be responsible for the implementation and administration of the local housing assistance program. The responsibilities of the division shall be:

(b) ~~The county shall designate a full time county employee whose responsibility shall be:~~

(1) To work with the ~~Local Housing Partnership~~ Community Development Advisory Committee to monitor the success of the local housing assistance program, and provide advice and suggestions ~~as to whether and in what ways the local housing assistance program might be improved from year to year~~ for the improvement thereof.

(2) To coordinate ~~its efforts~~ with the state housing finance agency Florida Housing Finance Corporation in facilitating the funding of its programs that are appropriate in the County and to set up workshops with appropriate advertisements to advise potential homebuyers of the Home Ownership Assistance Program (HAP) and inform nonprofit developers and community based organizations of the Housing Predevelopment Trust Fund (HPTF) Program.

(3) To work with the ~~Local Housing Partnership~~ Community Development Advisory Committee to coordinate local programs such as community loan funds, inclusionary housing programs, and linkage programs, with state programs such as the HPTF, the HAP, Single-Family Mortgage Revenue Bond (MRB) Program, and State Apartment Incentive Loan (SAIL) Program, and with federal programs such as the Community Development Block Grant (CDBG) Program, Home Investment Partnership (HOME) Program, Low Income Rental Tax Credit (LRTC) Program, and section ~~9-8 #Rental #A~~ Assistance so as to maximize the production of eligible housing through the local housing assistance program.

(4) To prepare and revise the local housing assistance program (LHAP) as required by law or as otherwise considered necessary, but consistent with applicable legal requirements.

(~~eb~~) The total amount paid for any administrative expenses in connection with the ~~local housing assistance program SHIP Program~~, will not exceed ten percent of the ~~proceeds of the local housing distribution funds deposited into the local trust fund~~.

(~~ec~~) The County shall not treat as administrative expense any costs previously borne by another funding source which could continue to be available at the time the local housing assistance plan is submitted.

(~~ed~~) In implementing the local housing assistance program, the ~~Local Housing Partnership Community Development Advisory Committee~~ shall:

(1) Advertise the availability of a housing assistance program in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of any application period. If no funding is available due to a waiting list, no notice of funding availability is required.

(2) Adopt a maximum award schedule or system of awards to comply with the following criteria:

a. Sixty-five percent of the funds shall be reserved for home ownership for eligible persons.

b. Seventy-five percent of the funds shall be reserved for construction, rehabilitation, or emergency repair of eligible housing.

Not more than twenty percent of the funds may be used for manufactured housing.

c. The sales price of new or existing eligible housing shall not exceed 90 percent of the median area purchase price in ~~the area where the eligible housing is located~~ Gadsden County, as established by the United States Department of Treasury in accordance with section 3(b)2 of the United States Housing Act of 1937. Such median area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs or as otherwise established by the United States Department of the Treasury.

d. All units constructed, rehabilitated or otherwise assisted with program funds received from the local housing assistance trust fund shall be occupied by very low-income, low-income or moderate income persons, and persons who have special housing needs.

e. At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to ~~of units must be occupied by~~ very low-income persons or eligible sponsors who will serve very-low-income persons and at least ~~another~~ additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to ~~by~~ low-income persons or eligible sponsors who will serve low-income persons. The remainder shall be occupied by persons who have special housing needs, very low-income, low-income or moderate income persons.

~~ef.~~ The amount of monthly mortgage payments or the amount of ~~eligible-monthly rents~~ charged by the eligible sponsor or its designee must be affordable to eligible persons.

~~fg.~~ Loans shall be provided for periods not exceeding 30 years except for deferred payment loans or loans that extend beyond 30 years which continue to ~~provide-eligible housing-for~~serve eligible persons.

~~gh.~~ Loans or grants for Eeligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance ~~program trust fund~~ shall be subject to ~~subsidy recapture provisions-requirements which are identical to those specified in section 143(m) of the Internal Revenue Code of 1986~~as provided by Gadsden County in the local housing assistance plan.

~~hi.~~ The cost per unit and the maximum cost per unit for eligible housing benefiting from awards made pursuant to the local housing assistance program shall be established by resolution. The maximum sales price or value per unit and the maximum award per unit for eligible housing benefiting from awards made pursuant to this section must be established in the local housing assistance plan.

~~i.~~ A qualification system for applicants for awards consistent with the intent of the local housing assistance program and F.S. §§ 420.907—420.9079 shall be established by the local housing partnership.

(3) The county, the ~~local housing partnership~~Community Development Advisory Committee, and all eligible sponsors shall not discriminate in the loan application process of eligible persons for eligible housing on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin or handicap.

(4) The county shall comply with all rules and regulations of the state housing finance agency in connection with required reporting by the county of compliance with its local housing assistance program.

(5) ~~Prior to receiving an award, all eligible persons or sponsors shall enter into an agreement to comply with the affordable housing criteria provided under F.S. §§ 420.907—420.9079 and this article. All eligible persons or sponsors shall include in the deed transferring ownership of the property to the eligible person or sponsor a covenant agreeing to comply with the terms of the above-described laws, which covenant will run with the land or in the alternative, the agreement shall be made a part of the mortgage agreement. Failure to comply with the covenant in the mortgage shall result in a default of the mortgage with all remedies and rights for enforcement inuring to the benefit of the County.~~

(6) Eligible sponsors receiving assistance from both the State Housing Initiative Partnership (SHIP) Program and the Low Income Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability, and other LIHTC requirements. Similarly, any eligible housing receiving assistance from SHIP and other federal programs shall be

required to comply with any requirement specified by the federal program in addition to SHIP requirements.

(Ord. No. 93-001, § VI)

**Sec. 66-37. - Creation of the affordable housing advisory committee, Membership and Operations of the Community Development Advisory Committee.**

(a) ~~The affordable housing Community Development a~~ Advisory ~~e~~ Committee (CDAC) is created and established. The ~~initial~~ members of the ~~advisory committee~~ CDAC shall be appointed by resolution of the Board of County Commissioners. Thereafter, all appointments shall be made by the BOCC after review of applications as submitted to the Planning and Community Development Department in a regularly scheduled public hearing.

~~(b) The resolution appointing the affordable housing advisory committee shall define affordable housing as applicable to the county in a way that is consistent with the adopted local comprehensive plan.~~

~~(e) The Affordable Housing Community Development Advisory Committee shall consist of no more than nine seven (7) members. Five members shall constitute a quorum. All members shall be appointed by the BOCC for three-year terms. No member shall serve more than three consecutive terms. Elected officials are ineligible to serve on the CDAC. The CDAC representation shall be chosen from the following categories, and at least two (2) members should be low or moderate income persons, when possible: The committee may not take formal actions unless a quorum is present, but may meet to hear presentations if duly noticed. The Affordable Housing Advisory Committee shall include the following, which individuals may overlap or be part of the local housing partnership:~~

- ~~(1) One A~~ citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- ~~(2) One A~~ citizen who is actively engaged in the banking or mortgage industry in connection with affordable housing.
- ~~(3) One A~~ citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- ~~(4) One A~~ citizen who is designated actively engaged as an advocate for low-income persons in connection with affordable housing.
- ~~(5) One A~~ citizen who is actively engaged as a for-profit provider of affordable housing, who either lives or works within Gadsden County.
- ~~(6) A~~ citizen who is actively engaged as a not-for-profit provider of affordable housing, who either lives or works within Gadsden County.

~~(67) One~~A citizen who is actively engaged as a real estate professional, in connection with affordable housing.

~~(8) A citizen who actively serves on the local planning agency pursuant to 163.3174, F.S.~~

~~(9) A citizen of Gadsden County.~~

~~(10) A residential building contractor.~~

~~(711) One~~A citizen who is a housing program beneficiary~~represents employers within the County.~~

~~(812) One~~A citizen who is a representative of persons with special housing needs~~represents essential services personnel, as defined in the local housing assistance plan.~~

~~(9) One citizen who is a human services professional.~~

~~(d) Members shall serve for two-year terms and may be reappointed for subsequent terms.~~

~~(e) Meetings shall be held monthly for the first year of committee existence and quarterly, or more frequently thereafter.~~

~~(f)~~ The ~~Affordable Housing Advisory Committee~~CDAC shall comply with the government in the Sunshine Law, §286.011, Florida Statutes, the public records law, and the special provisions regarding notice of affordable housing incentive plan considerations found in F.S. § 420.907. Minutes of the meeting shall be kept by the clerk of the Board of County Commissioners.

~~(g)~~ The ~~Affordable Housing Advisory Committee~~CDAC shall annually elect a ~~e~~Chairperson, ~~and V~~ice-chairperson, and such other officers as it deems necessary. The ~~C~~hairperson is charged with the duty of conducting meetings in a manner consistent with law.

~~(e) A majority of the CDAC membership positions filled shall constitute a quorum. Recommendations and decision of the CDAC must be made by a majority vote of those present and voting.~~

~~(f) Any CDAC member whose attendance is less than fifty (50) percent at adjourned meetings during a twelve (12) month period shall automatically be removed from the CDAC.~~

~~(g) Members of the CDAC shall receive no compensation from the performance of their duties and responsibilities.~~

~~(h) Staff, administrative, and facility support for the Affordable Housing Advisory Committee shall be provided by the Board of County Commissioners.~~

~~(i) The Affordable Housing Advisory Committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local comprehensive plan of~~

~~the county and shall recommend specific initiatives to encourage or facilitate housing while protecting the ability of the property to appreciate in value.~~

~~(j) Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations or plan provisions. At a minimum, the committee shall make recommendations on affordable housing incentives in the following areas:~~

- ~~(1) The affordable housing definition in the appointing resolution.~~
- ~~(2) The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment.~~
- ~~(3) The expedited processing of permits for affordable housing projects.~~
- ~~(4) The allowance of increased density levels.~~
- ~~(5) The reservation of infrastructure capacity for housing for very low income and low income persons.~~
- ~~(6) The transfer of development rights as a financing mechanism for housing for very low income and low income persons.~~
- ~~(7) The reduction of parking and setback requirements.~~
- ~~(8) The allowance of zero lot line configurations.~~
- ~~(9) The modifications of sidewalk and street requirements.~~
- ~~(10) The establishment of a process by which the county considers, before adoption, procedures and policies that have a significant impact on the cost of housing.~~

~~(k) The Affordable Housing Advisory Committee recommendations shall also include other affordable housing incentives identified by the committee.~~

~~(l) To the maximum extent feasible, the approved affordable housing incentive recommendations submitted to the Board of County Commissioners must quantify the affordable housing cost reduction anticipated from implementing the specific recommendation.~~

~~(m) Within nine months from February 16, 1993, the affordable housing advisory committee shall make recommendations approved by a majority of its membership at a public hearing. Notice of the time, date, and place of the public hearing of the affordable housing advisory committee to adopt final affordable housing incentive recommendations shall be published in a newspaper of general paid circulation in the county. Such notice shall contain a short and concise summary of the affordable housing incentive recommendations to be considered by the affordable housing advisory committee. The notice shall also state the public place where a copy of the tentative recommendations can be obtained by interested persons.~~

(Ord. No. 93-001, § VII)

**State law reference**— Affordable housing advisory committee, F.S. § 420.9076(2).

~~Sec. 66-38.—Adoption of the affordable housing incentive plan.~~

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~~(a) Within 90 days after the date of the receipt of the affordable housing incentive recommendations from the Affordable Housing Advisory Committee, the Board of County Commissioners shall adopt the Affordable Housing Incentive Plan. The Plan shall consist of the adoption of specific initiatives to encourage or facilitate affordable housing and a schedule for implementation and must include:~~

~~(1) A schedule for implementation of expedited permit processing for affordable housing projects; and~~

~~(2) An ongoing process for review of local policies, ordinances, regulations, and comprehensive plan provisions that significantly impact the cost of housing.~~

~~(b) Upon adoption of the affordable housing incentive plan, the board of county commissioners shall so notify the state housing finance agency by certified mail. The notice shall include a copy of the approved affordable housing incentive plan.~~

~~(Ord. No. 93-001, § VIII)~~

~~**State law reference**— Similar provisions, F.S. § 420.9076(6), (7).~~

~~**Sec. 66-38. Responsibilities and Duties of the CDAC.** Responsibilities and duties of the CDAC shall be:~~

~~(a) To elect a Chairperson and Vice-Chairperson to the CDAC.~~

~~(b) Review established policies and procedures, ordinances, land development regulations and adopted comprehensive plan goals, objectives, and policies and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value, as determined necessary by the CDAC.~~

~~(c) To review amendments to the Local Housing Assistance Program (LHAP), and make recommendations to the BOCC regarding such.~~

~~(d) The CDAC shall assume the following responsibilities of the Gadsden County Community Development Block Grant (CDBG) Program:~~

~~1) Act as the Citizen's Advisory Task Force pursuant to §290.046(6), Florida Statutes.~~

~~2) Conduct periodic evaluations of the policies and standards for the operation of the CDBG Program.~~

~~3) Advise the County on the County's physical community development needs.~~

~~4) Propose and/or review projects to meet the County's community development needs.~~

~~5) Assistance to the County in promoting community awareness through citizen participation for community development projects that are being considered by the County.~~

6) Review and provide input on the CDBG Action Plan, Consolidated Plan, citizen Participation Plan, and Analysis of Impediments to Fair Housing.

(e) To review expenditure of other grant monies as it applies to affordable housing, as deemed necessary.

## **NOTICE OF INTENT**

NOTICE IS HEREBY GIVEN to all concerned that the Board of County Commissioners (BOCC) of Gadsden County, Florida, intends at its regularly scheduled meeting, at 6:00 P.M. at the Edward J. Butler Governmental Complex Building, 9 East Jefferson Street, Quincy, Florida, on the 17th day of December 2013, to consider enactment of the following:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF GADSDEN COUNTY, FLORIDA AMENDING THE CODE OF ORDINANCES CHAPTER 66, ARTICLE II, HOUSING INITIATIVES PARTNERSHIP; CREATION OF THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC), WHICH WILL SERVE AS THE AFFORDABLE HOUSING ADVISORY COMMITTEE, (AHAC) AND SHALL OPERATE IN A DUAL-ROLE OF CITIZENS ADVISORY TASK FORCE (CATF); AND TO CHANGE THE MEMBERSHIP ON THE AFFORDABLE HOUSING ADVISORY COMMITTEE FROM THE ELEVEN (11) MEMBERS TO SEVEN (7) MEMBERS, IN ACCORDANCE WITH THE PROVISIONS OF F.S. 420.9076; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE.**

INTERESTED PARTIES MAY APPEAR AT THE MEETING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO THIS MATTER, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSE, HE MAY NEED TO ASSURE THAT A VERBATIM RECORDING OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act, persons needing assistance in obtaining any information from the County or attending the public hearing should contact the County by communication with the Community Development Administration Office, at (850) 875-8659 at least 48 hours prior to the hearing.

The proposed ordinance is available for public inspection at the Office of the Clerk, Gadsden County Courthouse, 10 E. Jefferson Street, Quincy, Florida.

PUBLICATION: DECEMBER 7, 2013