



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 01/27/09

**SUBJECT:** Approve Ordinance No. 2009-2 which amends Ordinance 2006-13, to increase appointed membership in State Housing Initiatives Partnership (SHIP) Program Affordable Housing Advisory Committee

**DEPARTMENT:** COMMUNITY DEVELOPMENT

**RECOMMENDED MOTION:**

Approve Ordinance No. 2009-2.

**SUMMARY**

In April 2006, the City Council approved Ordinance 2006-13 establishing the Local Housing Assistance Program under the State Initiatives Partnership (SHIP) Program. This comprehensive Ordinance also included establishment of the City's Local Housing Trust Fund for collection of annual SHIP allocations, and the establishment of the Affordable Housing Advisory Committee.

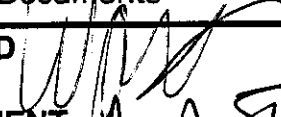
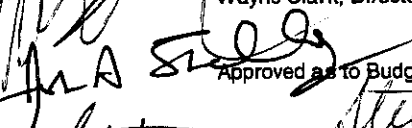
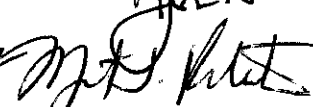

Effective February 21, 2008, Florida Statute 420.9076 and Rule 67-37.010 were amended to require cities and counties receiving SHIP funds to appoint (or re-appoint) an affordable housing advisory committee.

The City's Ordinance 2006-13 indicates the previous required membership of nine (9) members. The amended Statute and Rule now require membership of eleven (11) members.

At the January 6, 2008 City Council meeting, the City Council appointed sixteen (16) members to the Affordable Housing Advisory Committee. One member seat remains vacant but is required to be filled.

**ATTACHMENTS:**  Ordinance     Resolution     Budget Resolution

Other     Support Documents

<b>DEPARTMENT HEAD</b>		Wayne Clark, Director	Date	1/19/09
<b>FINANCE DEPARTMENT</b>		Approved as to Budget Requirements	Date	1/19/09
<b>CITY ATTORNEY</b>		Approved as to Form and Legality	Date	1-19-09
<b>CITY MANAGER</b>		Approved Agenda Item For:		1/27/09

**COUNCIL ACTION:**  Approved as Recommended     Disapproved

Tabled Indefinitely     Continued to Date Certain

Approved with Modification:

*Second Reading - 2/17/09*

ORDINANCE NO. 2009- 2

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF A LOCAL HOUSING ASSISTANCE PROGRAM PURSUANT TO THE REQUIREMENTS OF THE STATE HOUSING INITIATIVES PARTNERSHIP ACT; PROVIDING FOR THE ESTABLISHMENT OF A LOCAL HOUSING ASSISTANCE PROGRAM TO BE ADMINISTERED BY THE CITY OF PORT ORANGE; PROVIDING FOR THE IMPLEMENTATION AND ADMINISTRATION OF THE PROGRAM AND PROVIDING FOR THE CREATION OF AN AFFORDABLE HOUSING ASSISTANCE TRUST FUND; PROVIDING FOR THE CREATION OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO SERVE AS AN AFFORDABLE HOUSING ADVISORY COMMITTEE, PURSUANT TO THE REQUIREMENTS OF THE ACT; PROVIDING FOR GUIDELINES TO BE UTILIZED BY THE LOCAL ADVISORY COMMITTEE IN ADOPTION OF RECOMMENDATIONS FOR THE LOCAL HOUSING ASSISTANCE INCENTIVE PLAN; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State Housing Initiatives Partnership Act ("Act") provides for the establishment of local housing assistance programs; and

WHEREAS, the City of Port Orange, Florida ("City") wishes to provide for the housing needs of its citizens, and to promote the efficient location, design, and provision of affordable housing; and

WHEREAS, the City desires to establish a local housing assistance program; and

WHEREAS, in June 2005 the City of Port Orange made a decision to pursue entitlement status under the US government's Community Development Block Grant Program (CDBG). An entitlement status became available to Port Orange last year since we had passed the 50,000 population mark established under Federal guidelines; and

WHEREAS, obtaining entitlement status would provide the City a greater opportunity for securing additional Federal & State funding dollars; and

WHEREAS, the City desires more local control of available housing dollars from the Federal and State government; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2.

1. Definitions:

For the purposes of this Ordinance, the definitions contained in the Act, and Chapter 67-37, Florida Administrative Code, as they may be amended from time to time, are adopted herein by reference.

2. Legislative Intent:

The purpose of this Ordinance is to implement the Act, including, without limitation, the following:

- (a) To increase the availability of affordable housing by combining local resources and cost saving measures, as applicable, and by using private and public resources to reduce the cost of housing;
- (b) To promote more compact urban development, and to assist in achieving the growth management goals contained in the adopted local compressive plan by allowing more efficient use of land so as to provide housing units that are more affordable;
- (c) To establish a strong sense of community through increased social and economic integration;
- (d) To build 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;
- (e) To promote innovative design of eligible housing, and its supporting infrastructures, to provide for cost savings in the provision of such housing; and
- (f) To promote expedited permit processing systems for affordable housing.

3. Establishment of Local Housing Assistance Program

- (a) There is hereby created and established a local housing assistance program ("Program") by the City, to be implemented and administered by the City.
- (b) The City shall implement the Program, within the City, consistently with the requirements of the Act. The strategies of the program will be outlined in the City's SHIP Housing Assistance Plan.

4. Establishment of Affordable Housing Assistance Trust Fund

- (a) Pursuant to the requirements of the Act, the City agrees to establish an affordable housing trust fund ("Fund") within the official and fiscal accounting records of the City. All monies deposited in the fund shall be subject to the requirements of the Act and the City Ordinance establishing the fund.
- (b) The City shall cause the Fund to be audited, and shall report the results of such audit as required by the Act.

5. Establishment of Affordable Housing Advisory Committee

- (a) There is hereby established the City of Port Orange Affordable Housing Advisory Committee, whose members shall be appointed by resolution of the City Council.
- (b) The committee appointed in 2009 shall consist of seventeen (17) members. Upon a vacancy, the City Council shall reappoint and maintain only one Statutory Member for each position as defined herein and until only eleven (11) Statutory Members remain on the committee, whereupon the committee shall consist of eleven (11) members. The committee members shall possess the following qualifications, hereinafter the Statutory Members:
  - (1) One (1) citizen who is actively engaged in the residential home building industry;
  - (2) One (1) citizen who is actively engaged in the banking or mortgage banking industry;
  - (3) One (1) citizen who is a representative of those areas of labor engaged in home building;
  - (4) One (1) citizen who is designated as an advocate for low-income persons;
  - (5) One (1) citizen who is actively engaged as a for-profit provider of affordable housing;
  - (6) One (1) citizen who is actively engaged as a not-for-profit provider of affordable housing;

- (7) One (1) citizen who is a real estate professional;
  - (8) One (1) citizen who serves on the City Planning Commission;
  - (9) The remaining member shall be from the community at large to represent other interests as deemed appropriate by the City Council.
  - (10) One (1) citizen who represents employers within the jurisdiction.
  - (11) One (1) citizen who represents Essential Services Personal, as defined in the local housing assistance plan.
- (c) The Affordable Housing Advisory Committee shall be a member of the Local Housing Partnership, and/or its members may overlap with the Partnership.
  - (d) The Affordable Housing Advisory Committee shall be established for a two year period, commencing with the 2009 effective date of this ordinance. Members shall be appointed for said two year period.
  - (e) Meetings shall be held monthly for the first year of committee existence and quarterly, or more frequently as necessary thereafter.
  - (f) The Affordable Housing Advisory Committee shall comply with the Government in the Sunshine Law, the public records law and the special provisions regarding notice of Plan considerations found in Chapter 420, Florida Statutes.
  - (g) The Committee shall annually elect a Chairman, Vice-Chairman and such other offices as it deems necessary. The Chairman is charged with the duty of conducting the meetings in a manner consistent with law.
  - (h) Staff, administrative and facility support for the Advisory Committee shall be provided by the City Council with SHIP administrative funds.
  - (i) The Advisory Committee shall have the following duties:
    - (1) Reviewing established policies and procedures, ordinances, land development regulations, and the adopted local comprehensive plan of the City Council;
    - (2) Recommending specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value.

- (j) The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances or plan provisions. At a minimum, the Advisory Committee shall make recommendations on affordable housing incentives in the following areas:
  - (1) The expedited processing of permits for affordable housing projects.
  - (2) The modification of impact fee requirements, including reduction of or waiver and alternative methods of fee payment.
  - (3) The allowance of increased density levels.
  - (4) The reservation of infrastructure capacity for housing of very low-income and low-income persons.
  - (5) The allowance of affordable accessory residential units in residential zoning districts.
  - (6) The reduction of parking and setback requirements.
  - (7) The allowance of zero-lot line configurations.
  - (8) The modification of sidewalk and street requirements.
  - (9) The establishment of a process by which the City considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.
  - (10) The Advisory Committee may also make recommendations on other affordable housing incentives.
  
- (k) The 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 Advisory Committee to adopt a final affordable housing incentive recommendation shall be advertised in a newspaper of general circulation in the City before the scheduled hearing. The notice of the public meeting must contain a short, concise summary of the affordable housing initiative recommendations to be considered by the Advisory Committee. The notice shall also state the place where a copy of the tentative Advisory Committee recommendations can be obtained.

- (l) The Advisory Committee shall make available its recommendations to the Local Housing Partnership.

6. Local Housing Incentive Plan Adoption.

The City Council shall review the recommendations of the Advisory Committee and consider them in developing a Port Orange Affordable Housing Incentive Plan. Within ninety (90) days after the date of the receipt of the affordable housing incentive recommendations from the Advisory Committee, the City Council may adopt by ordinance, the City of Port Orange Affordable Housing Incentive Plan (HIP). The City of Port Orange Affordable Housing Incentive Plan is intended to facilitate the provision of a safe, diverse and affordable housing stock which is adequate to serve the needs of the population of Port Orange.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective immediately upon adoption by the City Council.

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MAYOR ALLEN GREEN

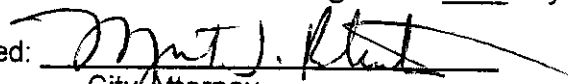
ATTEST:

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Kenneth W. Parker, City Manager

Passed on first reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2009

Passed and adopted on second and final reading on the \_\_\_\_ day of \_\_\_\_\_, 2009

Reviewed and Approved:

  
\_\_\_\_\_  
City Attorney