



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE: 08/17/10

SUBJECT: RESOLUTION NO. 10- 62 ADOPTING INVENTORY LIST OF MUNICIPAL PROPERTY APPROPRIATE FOR USE AS AFFORDABLE HOUSING

DEPARTMENT: CITY MANAGER

RECOMMENDED MOTION:

To approve Resolution No. 10- 62 adopting an inventory list of municipal property appropriate for use as affordable housing as required by Florida Statute 116.0451.

SUMMARY:

Florida State Statute 116.0451 requires that every three years municipalities prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. "Affordable" is defined as meaning that monthly rents or monthly mortgage payments including taxes, insurance and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for households defined in F.S. 420.0004 as extremely-low-income, low-income, moderate-income or very-low income.

The City's inventory list of properties was reviewed by the SHIP/CDBG Program Administrator and Right-of-Way Agent and no properties were identified that met the State criteria for use as affordable housing. The attached resolution complies with State reporting requirements and staff recommends approval.

ATTACHMENTS: Ordinance Resolution Budget Resolution
 Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD

Shannon M. Lewis *Shannon M. Lewis* Date 07/20/2010

FINANCE DEPARTMENT *AAA* *SLG* Approved as to Budget Requirements Date 8/2/10

st **CITY ATTORNEY** *ACA* *M. J. ...* Approved as to Form and Legality Date 7/29/10

CITY MANAGER *[Signature]* Approved Agenda Item For: Date 8/17/10

COUNCIL ACTION: Approved as Recommended Disapproved Tabled Indefinitely
 Continued to Date Certain Approved with Modification:

RESOLUTION NO. 10-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, ADOPTING AN INVENTORY LIST OF MUNICIPAL PROPERTY APPROPRIATE FOR USE AS AFFORDABLE HOUSING AS REQUIRED BY FLORIDA STATUTE, SECTION 116.0451; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 116.0451 requires municipalities every three years to prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing; and

WHEREAS, the City's inventory list of real property was reviewed by the Administrator for the State Housing Initiatives Program and the Community Development Block Grant Program; and

WHEREAS, the City's inventory list of property was reviewed by the City's Right-of-Way Agent; and

WHEREAS, no real property held in fee simple by the City of Port Orange was identified that met the criteria established by the State of Florida for use as affordable housing.

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

Section 1. The City of Port Orange hereby adopts an inventory list of municipal property appropriate for use as affordable housing as required by Florida Statutes, Section 116.0451. The inventory list has no property appropriate for use as affordable housing.

Section 2. This resolution shall become effective upon adoption.

MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Adopted on the day of , 2010

Reviewed and Approved:


~~Asst.~~ City Attorney



To: Shannon Lewis, Assistant City Manager
Copy: Nancy Jewell, Senior Planner and Administrator for SHIP/CDBG Programs
From: Linda D Johnson RW-NAC
Date: 7/20/2010
Re: Inventory List of Real Property Appropriate for Affordable Housing

Message:

In compliance with Florida Statutes, Section 166.0451, Disposition of municipal property for affordable housing, Nancy Jewell and I have conferred on a review of inventory of real property held by the City and within its jurisdiction. After close scrutiny, no properties have been deemed suitable as meeting the established criteria for affordable housing.

Initially, the most suitable properties identified were residential lots located within the Cambridge Drainage Basin, properties within the Town Center CRA District, and several Park parcels in the Harbor Oaks area. However, further inquiry deemed all as inappropriate for long-term affordable housing prospects. For purposes of this memorandum, the lots in Cambridge were acquired through FEMA repetitive claims programs and are encumbered with permanent restrictions against future residential use; Town Center CRA properties have been designated for economic redevelopment (Riverwalk); and the several Park parcels were dedicated to the public in 1926 and serve a public purpose benefitting the neighboring Harbor Oaks residents.

I take this opportunity to offer my thanks to Nancy for her assistance in completing this effort.

/ldj

166.0451 Disposition of municipal property for affordable housing.—

(1) By July 1, 2007, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.

(2) The properties identified as appropriate for use as affordable housing on the inventory list adopted by the municipality may be offered for sale and the proceeds may be used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing. Alternatively, the municipality may otherwise make the property available for use for the production and preservation of permanent affordable housing. For purposes of this section, the term "affordable" has the same meaning as in s. 420.0004(3).

History.—s. 4, ch. 2006-69.

420.0004 Definitions.--As used in this part, unless the context otherwise indicates:

(1) "Adjusted for family size" means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four people, or higher for households with more than four people, than the base income eligibility determined as provided in subsection (8), subsection (10), subsection (11), or subsection (15), based upon a formula as established by the United States Department of Housing and Urban Development.

(2) "Adjusted gross income" means all wages, assets, regular cash or noncash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under s. 62 of the Internal Revenue Code.

(3) "Affordable" means that monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for the households as indicated in subsection (8), subsection (10), subsection (11), or subsection (15).

(4) "Corporation" means the Florida Housing Finance Corporation.

(5) "Community-based organization" or "nonprofit organization" means a private corporation organized under chapter 617 to assist in the provision of housing and related services on a not-for-profit basis and which is acceptable to federal and state agencies and financial institutions as a sponsor of low-income housing.

(6) "Department" means the Department of Community Affairs.

(7) "Elderly" describes persons 62 years of age or older.

(8) "Extremely-low-income persons" means one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state. The Florida Housing Finance Corporation may adjust this amount annually by rule to provide that in lower income counties, extremely low income may exceed 30 percent of area median income and that in higher income counties, extremely low income may be less than 30 percent of area median income.

(9) "Local public body" means any county, municipality, or other political subdivision, or any housing authority as provided by chapter 421, which is eligible to sponsor or develop housing for farmworkers and very-low-income and low-income persons within its jurisdiction.

(10) "Low-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which does not exceed 80 percent of the median annual adjusted gross income for households within the state, or 80 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(11) "Moderate-income persons" means one or more natural persons or a family, the total annual adjusted gross household income of which is less than 120 percent of the median annual adjusted

gross income for households within the state, or 120 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

(12) "Student" means any person not living with his or her parent or guardian who is eligible to be claimed by his or her parent or guardian as a dependent under the federal income tax code and who is enrolled on at least a half-time basis in a secondary school, career center, community college, college, or university.

(13) "Substandard" means:

(a) Any unit lacking complete plumbing or sanitary facilities for the exclusive use of the occupants;

(b) A unit which is in violation of one or more major sections of an applicable housing code and where such violation poses a serious threat to the health of the occupant; or

(c) A unit that has been declared unfit for human habitation but that could be rehabilitated for less than 50 percent of the property value.

(14) "Substantial rehabilitation" means repair or restoration of a dwelling unit where the value of such repair or restoration exceeds 40 percent of the value of the dwelling.

(15) "Very-low-income persons" means one or more natural persons or a family, not including students, the total annual adjusted gross household income of which does not exceed 50 percent of the median annual adjusted gross income for households within the state, or 50 percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within the county in which the person or family resides, whichever is greater.

History.--s. 2, ch. 88-376; s. 1, ch. 89-121; s. 13, ch. 90-275; s. 72, ch. 2000-153; s. 36, ch. 2004-357; ss. 44, 53, ch. 2006-26; s. 14, ch. 2006-69.