

ALACHUA COUNTY  
BOARD OF COUNTY COMMISSIONERS

**ORDINANCE 2023-XX**  
(Administrative Code)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE ALACHUA COUNTY CODE OF ORDINANCES, TITLE THREE, RELATING TO THE REGULATION OF REVENUE AND FINANCE IN THE UNINCORPORATED ALACHUA COUNTY, FLORIDA; INCLUDING AMENDMENTS TO CHAPTER 39.5.07 HOUSING INITIATIVES PARTNERSHIP ADMINISTRATION AND IMPLEMENTATION; PROVIDING FOR MODIFICATIONS; A REPEALING CLAUSE; SEVERABILITY; INCLUSION IN THE CODE AND CORRECTION OF SCRIVENER'S ERRORS; LIBERAL CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE..

WHEREAS, the Board of County Commissioners of Alachua County, Florida, is authorized and empowered to adopt a code of ordinances for the purpose to expand production of and preserve affordable housing by Florida Statute §§ 420.907 through 420.9079 and to further the housing element of Alachua County's Comprehensive Plan specific to affordable housing; and

WHEREAS, the Board of County Commissioners has determined that the responsibility for the implementation and administration of the local housing assistance program is the Community Support Services Department; and

WHEREAS, the Board of County Commissioners of Alachua County, Florida, in recognition that wishes to make amendments to the Alachua County Code of Ordinances Part III, Administrative Code, relating to revenue and finance ordinances and certain of the administrative ordinances; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on September 26, 2023 by the Board of County Commissioners, with the hearing being held after 11:30 a.m.; and,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA:

Section 1. Legislative Findings of Fact. The Board of County Commissioners of Alachua County, Florida, finds and declares that all the statements set forth in the preamble of this ordinance are true and correct.

Section 2. Administrative Code. The Administrative Code of Alachua County Code of Ordinances Part II is hereby amended as shown in Exhibit A and attached hereto.

Section 4. Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

Section 4. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time as the Administrative Code of Alachua County are codified, the provisions of this ordinance shall become and be made part of the Administrative Code of Alachua County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors that do not affect the intent of the ordinance may be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

Section 6. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 7. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon filing with the Department of State.

DRAFT

DULY ADOPTED in regular session, this 26<sup>th</sup> day of September, A.D., 2023.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_

Anna Prizzia, Chair

ATTEST:

\_\_\_\_\_

J.K. “Jess” Irby, Esq. Clerk

APPROVED AS TO FORM

\_\_\_\_\_

(SEAL)

Alachua County Attorney

DEPARTMENT APPROVAL

AS TO CORRECTNESS

\_\_\_\_\_

Department of Growth Management

Authorized Designee

**EXHIBIT A**  
**Alachua County Code Revision Language**  
*CODE: Words ~~stricken~~ are deletions; words underlined are additions*

---

**ALACHUA COUNTY CODE**  
**CHAPTER 39.5. HOUSING INITIATIVES PARTNERSHIP**

**Sec. 39.5.07. Same -Administration and implementation.**

- (a) The Alachua County Department of Community Support Services, effective as of September 26, 2023, ~~Department of Growth Management~~ shall be responsible for implementation and administration of the local housing assistance program.
- (b) All or part of the administrative or other functions of the local housing assistance program may be contracted to a third person or entity, at the Board of County Commissioners' discretion, under the direct oversight of the ~~department of growth management~~ Alachua County Department of Community Support Services, effective as of September 26, 2023.
- (c) In administering the local housing assistance program, the responsibility of the ~~department of growth management~~ Alachua County Department of Community Support Services, effective as of September 26, 2023, shall include:
  - (1) Working with the local housing partnership to monitor the success of the local housing assistance program, and providing advice and suggestions as to whether and in what ways the local housing assistance program might be improved from year to year.
  - (2) Coordinating with the Florida Housing Finance Agency in facilitating the funding of State Apartment Incentive Loan (SAIL) Program loans and in setting up advertisements and workshops to advise potential homebuyers of the Homeownership Assistance Program (HAP) and inform nonprofit developers and other eligible local organizations of the Housing Predevelopment Trust Fund (HPTF) Program.
  - (3) Working with the local housing partnership to coordinate local programs, such as community loan funds, inclusionary housing programs and linkage programs, with state programs, such as the Housing Predevelopment Trust Fund, Homeownership Assistance Program (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 Program (HOME), Low-Income Housing Tax Credit (LIHTC) Program, and Section 8 Rental Assistance so as to maximize the production of eligible housing through the local housing assistance program.
  - (4) Selection of eligible persons and eligible sponsors for funding based on selection and eligibility criteria in the local housing assistance plan approved by the county.
- (d) The total amount paid for any administrative expenses in connection with the local housing assistance program shall not exceed ten percent of the proceeds of the local housing distribution; however, if the Board of County Commissioners or its designee wishes to spend more than five percent on administrative expenses, such expenditure must be approved by resolution of the Board of County Commissioners.
- (e) The county shall not treat as administrative expenses any costs previously borne by another funding source which could continue to be available at the time the local housing assistance plan is submitted.

- (f) In implementing the local housing assistance program, the Board of County Commissioners 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.
  - (2) Adopt a maximum award schedule or system of awards to comply with the following criteria:
    - a. At least 65 percent of the funds shall be reserved for homeownership for eligible persons.
    - b. At least 75 percent of the funds shall be reserved for construction, rehabilitation or emergency repair of eligible 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, as established by the United States Department of Treasury in accordance with section 3(b)(2) of the United States Housing Act of 1937.
    - d. All units constructed, rehabilitated or otherwise assisted with program funds shall be occupied by very low-income, low-income or moderate-income persons and persons who have special housing needs. At least 30 percent of units must be occupied by very low-income persons and at least another 30 percent by low-income persons. The remainder may be occupied by persons who have special housing needs, very low-income, low-income or moderate-income persons.
    - e. The amount of monthly mortgage payments or the amount of monthly rents charged by the eligible sponsor or its designee must be affordable to eligible persons.
    - f. 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 eligible persons.
    - g. Assistance to eligible owner-occupied housing constructed, rehabilitated, or otherwise assisted from proceeds provided from the local housing assistance program may be provided as a grant or may be subject to subsidy recapture provisions as specified in the local housing assistance plan approved by the county.
    - h. Eligible rental housing constructed, rehabilitated or otherwise assisted from proceeds provided from the local housing assistance program shall be reserved for eligible persons for the greater of 15 years or the term of the assistance. Eligible sponsors who offer eligible rental housing for sale before 15 years or that have remaining mortgages funded under the local housing assistance program must give a first right of refusal to eligible nonprofit organizations for purchase for continued occupancy by eligible persons.
    - i. 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.
    - j. 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.

- k. Annually monitor and determine tenant eligibility and amount of subsidy pursuant to the provisions of this Chapter, F.S. §§ 420.907—420.9079, and rule 9I-37.015, Florida Administrative Code.
- (3) The county, the local housing partnership 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 Florida 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 eligible sponsors shall enter into an agreement to comply with the affordable housing criteria provided under F.S. §§ 420.907—420.9079 and this Chapter. All eligible persons or eligible sponsors shall include in the deed transferring ownership of the property to the eligible person or eligible 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 may 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 requirements specified by the federal program in addition to SHIP requirements.