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ORDINANCE NO. 2017-02

AN ORDINANCE OF THE BOARD OF COUNTY
COMMISSIONERS OF LEON COUNTY, FLORIDA,
AMENDING CHAPTER 2, ARTICLE III, DIVISION 3 OF
THE CODE OF LAWS OF LEON COUNTY, FLORIDA,
REGARDING THE HOUSING FINANCE AUTHORITY;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on June 10, 1980, the Board adopted Ordinance No. 80-39, creating the Housing Finance Authority pursuant to Chapter 159, Part IV, Florida Statutes (the Florida Housing Finance Authority Law); and

WHEREAS, the provisions pertaining to the Housing Finance Authority are codified at Chapter 2, Article III, Division 3 of the Code of Laws of Leon County, Florida; and

WHEREAS, the Board desires to adopt an ordinance amending Chapter 2, Article III, Division 3 of the Code of Laws of Leon County, regarding the Housing Finance Authority; and

WHEREAS, the proposed ordinance amending Chapter 2, Article III, Division 3 of the Code of Laws of Leon County comports with the provisions set forth in the Florida Housing Finance Authority Law;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR LEON COUNTY, FLORIDA, that:

Section 1. Chapter 2, Article III, Division 3 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

DIVISION 3. HOUSING FINANCE AUTHORITY

Sec. 2-71. Findings and declaration of necessity.

The Board of County Commissioners hereby finds and declares that:

(a) Within this county, ~~the Board of County Commissioners hereby finds and declares that there is a shortage of housing, a shortage of~~ available at prices or rentals which many persons and families can afford, and a shortage of capital for investment in such housing. ~~in the county.~~ This shortage of housing is a threat to the health, safety, morals and welfare of the residents of the county, deprives the county of an adequate tax base, and causes the county to take excessive expenditures for crime prevention and control, ~~of~~ public health, welfare, and safety, fire and accident protection, and other public services and facilities.

1 (b) ~~The Board of County Commissioners further finds and declares that such~~ Such
2 shortage cannot be relieved except through the encouragement of investment by private
3 enterprise and the stimulation of construction and rehabilitation of housing through the use of
4 public financing and the provision of low-cost loans to purchase affordable housing.

5
6 (c) The financing, acquisition, construction, reconstruction, and rehabilitation of housing
7 and of the real and personal property and other facilities necessary, incidental, and appurtenant
8 thereto are exclusively public uses and purposes for which public money may be spent,
9 advanced, loaned, or granted and are governmental functions of public concern.

10
11 (de) The Congress of the United States has, by the enactment of amendments to the
12 Internal Revenue Code of 1954, found and determined that housing may be financed by means of
13 obligations issued by any state or local governmental unit, the interest on which obligations is
14 exempt from federal income taxation, and has thereby provided a method to aid state and local
15 governmental units to provide assistance to meet the need for housing.

16
17 (d) ~~The provisions of this division are found and declared to be necessary in the public~~
18 ~~interest.~~

19
20 (e) ~~The Board of County Commissioners hereby declares there to be~~ There is a need for
21 a housing finance authority to function in the county to alleviate the shortage of housing and
22 capital for investment in housing. in the county.

23
24 (f) The provisions of this division are found and declared to be necessary and in the
25 public interest as a matter of legislative determination.

26
27 **Sec. 2-72. Definitions.**

28
29 The following words, terms and phrases, when used in this division, shall have the
30 meanings ascribed to them in this division, except where the context clearly indicates a different
31 meaning.

32
33 Board shall mean the Board of County Commissioners of Leon County, Florida.

34
35 Florida Housing Finance Authority Law shall mean Chapter 159, Part IV, Florida
36 Statutes [F.S. § 159.601 et seq.], as may be amended from time to time.

37
38 Housing Finance Authority shall mean the Housing Finance Authority of Leon County,
39 Florida.

40
41 Uniform Special District Accountability Act shall mean Chapter 189, Florida Statutes, as
42 may be amended from time to time.
43

1 **Sec. 2-732. Creation.**

2
3 There is hereby created under the Florida Housing Finance Authority Law [~~F.S. §~~
4 ~~159.601 et seq.~~], a separate public body corporate and politic to be known as the Housing
5 Finance Authority of Leon County, Florida, the housing finance authority of the county, to
6 function and operate in the territorial boundaries of the county including both the incorporated
7 and unincorporated areas.
8

9 **Sec. 2-74. Amendment; termination.**

10
11 The Board may, at its sole discretion, and at any time, alter or change the structure,
12 organization, programs or activities of the Housing Finance Authority, and has the power to
13 terminate the Housing Finance Authority, subject to any limitation on the impairment of
14 contracts entered into by the Housing Finance Authority and subject to the limitations or
15 requirements of the Florida Housing Finance Authority Law.
16

17 **Sec. 2-75. Powers generally.**

18
19 The Housing Finance Authority is directed to carry out and exercise, without limitation,
20 all powers and public and governmental functions set forth in and contemplated by the Florida
21 Housing Finance Authority Law, except as may be expressly set forth in:
22

- 23 (a) the Florida Housing Finance Authority Law; or
24
25 (b) the Uniform Special District Accountability Act; or
26
27 (c) a resolution duly adopted by the Board; or
28
29 (c) other state or federal law as may be applicable.
30

31 **Sec. 2-76. Structure; organization.**

32
33 The structure, organization, membership, programs, or activities of the Housing Finance
34 Authority shall be as set forth in and contemplated by the Florida Housing Finance Authority
35 Law and as may be directed by a resolution duly adopted by the Board.
36

37 **Sec. 2-73. Membership; composition; terms; compensation, etc.**

38
39 ~~The authority shall be composed of seven members, one of whom shall be designated~~
40 ~~chairperson. Not less than four of the members shall be knowledgeable in one of the following~~
41 ~~fields: labor, finance or commerce. The terms of the members shall be four years each, except~~
42 ~~that the terms of the initial members shall be as follows: two members shall serve a term of one~~
43 ~~year; one member shall serve a term of two years; two members shall serve a term of three years;~~
44 ~~and two members shall serve a term of four years. Members shall hold office until his successor~~
45 ~~has been appointed and qualified. Each vacancy shall be filled for the remainder of the unexpired~~
46 ~~term. A certificate of the appointment or reappointment of any member shall be filed with the~~

1 clerk of the circuit court, and the certificate shall be conclusive evidence of the due and proper
2 appointment of the member. A member shall receive no compensation for his services, but shall
3 be entitled to necessary expenses, including traveling expenses, incurred in the discharge of his
4 duties.

5
6 **~~Sec. 2-74. General powers; administration of business generally.~~**
7

8 (a) ~~The powers of the authority granted by the act, subject to the limitations contained~~
9 ~~herein, shall be vested in the members of the authority in office from time to time. Three~~
10 ~~members shall constitute a quorum, and action may be taken by the authority upon a vote of a~~
11 ~~majority of the members present. The authority may employ such agents and employees as it~~
12 ~~deems necessary. The authority may delegate to an agent or employee such powers or duties as it~~
13 ~~may deem proper and may employ its own legal counsel.~~

14
15 (b) ~~The housing finance authority of the county hereby created may transact business~~
16 ~~and perform duties and exercise all the powers authorized and empowered by the Florida~~
17 ~~Housing Finance Authority Law subject to the limitations imposed herein.~~

18
19 (c) ~~Notwithstanding any authority granted herein, or in F.S. ch. 159, pt. IV (§ 159.601 et~~
20 ~~seq.), the housing finance authority of the county shall have authority to finance, or consider for~~
21 ~~financing, multifamily and owner-occupied single family housing units, including townhouses~~
22 ~~and condominiums.~~

23
24 **~~Sec. 2-75. Approval of bond issuance.~~**
25

26 Any bonds to be issued and sold by the housing finance authority on the negotiated basis
27 authorized in F.S. § 159.613(2) shall first be approved by resolution of the Board of County
28 Commissioners both as to the documents and the method of sale by the housing finance
29 authority.
30

31 **~~Sec. 2-76. Criteria for eligibility, etc., subject to approval.~~**
32

33 Any rules or regulations to be promulgated by the housing finance authority setting forth
34 standards or criteria for determining "eligible persons" in the program shall be submitted to and
35 approved by the Board of County Commissioners prior to implementation.
36

37 **~~Sec. 2-77. Approval of contracts.~~**
38

39 Contracts by the housing finance authority shall first be approved by resolution of the
40 Board of County Commissioners.
41

42 **~~Sec. 2-78. Approval of budget.~~**
43

44 The exercise of any of the powers hereby authorized or conferred is subject to the power
45 of the Board of County Commissioners to approve the budget of the housing finance authority.
46

1 **Sec. 2-79. Authorization to change or abolish authority.**

2
3 The Board of County Commissioners may, at its sole discretion, and at any time, alter or
4 change the structure, organizations, programs or activities of the housing finance authority,
5 including the power to terminate the housing finance authority, subject to any limitation on the
6 impairment of contracts entered into by the housing finance authority and subject to the
7 limitations or requirements of F.S. ch. 159, pt. IV [§ 159.601 et seq.].
8

9 **Section 2. Severability.** If any provisions or portion of this Ordinance is declared by
10 any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all
11 remaining provisions and portions of this Ordinance shall remain in full force and effect.
12

13 **Section 3. Conflicts.** All ordinances or parts of ordinances in conflict with the
14 provisions of this ordinance are hereby repealed to the extent of such conflict, except to the
15 extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended,
16 which provisions shall prevail over any parts of this ordinance which are inconsistent, either in
17 whole or in part, with the said Comprehensive Plan.
18

19 **Section 4. Effective Date.** This ordinance shall have effect upon becoming law.
20

21 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon
22 County, Florida this 7th day of February, 2017.
23

24 LEON COUNTY, FLORIDA



31 By: _____

32 John E. Dailey, Chairman
33 Board of County Commissioners
34

35 ATTESTED BY:

36 Gwendolyn Marshall, Clerk of Court
37 & Comptroller, Leon County, Florida
38

39 By: _____
40
41
42

43 APPROVED AS TO FORM:

44 Leon County Attorney's Office

45 By: _____
46

Herbert W. A. Thiele, Esq.
County Attorney