

BCC Mtg. Date: March 24, 2020

Effective Date: March 27, 2020

ORDINANCE NO. 2020-09

AN ORDINANCE PERTAINING TO AFFORDABLE HOUSING; AMENDING ARTICLE VIII OF CHAPTER 2, ORANGE COUNTY CODE, BY CREATING DIVISION 2; PROVIDING A TITLE; DECLARING THE INTENT, PURPOSE AND FINDINGS; PROVIDING DEFINITIONS; ESTABLISHING THE ORANGE COUNTY AFFORDABLE HOUSING TRUST FUND PROGRAM AND DESCRIBING THE PURPOSE THEREOF; ESTABLISHING THE ORANGE COUNTY AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR ADOPTION OF AN AFFORDABLE HOUSING TRUST FUND PLAN; PROVIDING FOR ADMINISTRATION OF THE PROGRAM; PROVIDING FOR ANNUAL BUDGET REQUIREMENTS; PROVIDING FOR THE ALLOCATION AND USE OF PROGRAM FUNDS; PROVIDING FOR DONOR CONTRIBUTIONS; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amendments to Chapter 2, Article VIII. Chapter 2, Article VIII, (“Local Housing Assistance Program”), of the Orange County Code is amended to read as follows, with underlines showing additions and strike-throughs showing deletions:

**ARTICLE VIII. ~~LOCAL HOUSING ASSISTANCE PROGRAM~~
HOUSING PROGRAMS**

DIVISION 1. LOCAL HOUSING ASSISTANCE PROGRAM

Secs. 2-287 – 2-~~300~~288. Reserved.

Section 2. Creation of Division 2 of Article VIII, Chapter 2. Article VIII of Chapter 2, Orange County Code, is hereby amended by creating a new Division 2 therein, entitled “Affordable Housing Program,” to read as follows:

DIVISION 2. AFFORDABLE HOUSING PROGRAM

Sec. 2-289. Title.

This Ordinance shall be known as the “Affordable Housing Program.”

Sec. 2-290. Intent and Purpose; Findings.

(a) The Board of County Commissioners (“Board”) finds that the County has experienced rapid population growth and that these growth trends are predicted to continue.

(b) The Board further finds that a large portion of households in Orange County are considered cost-burdened because they pay more than 30% of their household income for housing expenses, such as mortgage and rent costs. Cost-burdened households have less available income to spend on basic needs such as food, transportation, education and medical care.

(c) The Board acknowledges that the adequate supply of safe, decent and affordable housing at all income levels is critical to fostering healthy families, helps create and maintain jobs, and improves the quality of life and economic prosperity of the community.

(d) It is the intent and purpose of the Board to increase the supply of affordable and attainable housing within the County.

(e) Recognizing that the currently available Federal and State funds received by the County for preserving and creating affordable housing are insufficient to meet community needs, the Board desires to expand the County’s local program for preserving and developing affordable housing.

(f) The Housing for All Task Force was established to develop solutions for the growing housing crisis and to expand housing options for County residents.

(g) The Housing for All Task Force made its recommendations to the Board by way of a 10-Year Action Plan that was adopted by the Board on December 17, 2019.

(h) The Housing for All 10-Year Action Plan recommendations included the creation of new financial resources, such as the establishment of an Affordable Housing Trust Fund as a local funding source for affordable housing and as a vehicle for public-private partnership opportunities.

(i) The Board finds that a local housing trust fund would incentivize the construction of new affordable housing and the preservation of existing affordable housing; encourage missing middle housing types; and meet other affordable housing needs identified in the Housing for All 10-Year Action Plan.

(j) It is also the intent of the Board that revenue sources for this affordable housing program be identified during the County's annual budgeting process. Private individuals as well as corporations, foundations and other entities should also be permitted to make charitable cash and non-cash contributions to be used exclusively for the public purpose of the County's affordable housing program and trust fund.

Sec. 2-291. Definitions.

The following words, terms, and phrases, when used in this section or in any County policy or regulation adopted pursuant to this section, whether capitalized or not, shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning.

Affordable means housing units that will serve households with incomes between 30 – 120% of the median annual income.

Affordable Housing Trust Fund Account (“Trust Account”) means the account designated as the repository for Affordable Housing Trust Fund monies.

Affordable Housing Trust Fund (“Trust Fund”) means the fund established pursuant to this article/division.

Affordable Housing Trust Fund Program (“Program”) means the program established pursuant to this article/division for the purpose of promoting the preservation and creation of

affordable housing for very-low-, low- and moderate-income households in Orange County.

Attainable (workforce) means housing units that will serve households with incomes between 120 – 140% of the median annual income.

Donor Contribution means a gift, donation or contribution of cash or check, or real property to the Trust Fund from a donor for the public purpose of supporting the Program and the County's efforts to expand affordable housing.

Donor means any individual, corporation, foundation or other person or entity which makes a gift, donation or contribution to the Program.

Low-income person or low-income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 80% of the median annual income, as published by U.S. Department of Housing and Urban Development ("HUD") and adjusted for family size for households within the Orlando-Kissimmee-Sanford metropolitan statistical area.

Missing middle means housing that aims to create diverse housing types that are compatible with existing neighborhoods. Missing middle housing types include duplexes/ triplexes/ fourplexes, bungalow courts, small homes/lots, townhouses, live-work units and accessory dwelling units.

Moderate-income person or moderate-income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 120% of the median annual income, as published by HUD and adjusted for family size for households within the Orlando-Kissimmee-Sanford metropolitan statistical area.

Very-low-income person or very-low-income household means one or more natural persons or a family that has a total annual gross household income that does not exceed 50% of the median annual income, as published by HUD and adjusted for family size for households within the Orlando-Kissimmee-Sanford metropolitan statistical area.

Sec. 2-292. Establishment of the Affordable Housing Trust Fund Program; Purpose.

There is hereby established the Program. The Program is established for the purpose of creating and preserving affordable rental and ownership housing for moderate-income, low-income and very-low-income persons and households in Orange County.

Sec. 2-293. Establishment of the Affordable Housing Trust Fund.

(a) The Trust Fund is established for the purpose of providing the financial resources and the leverage necessary to create and preserve affordable housing units in Orange County.

(b) All Donor Contributions shall, in the case of cash or check, be deposited in the Trust Fund, or if real property, conveyed to the County as set forth in Sec. 2-298(c) below. Any interest, earnings or other accruals on cash contributions shall be used solely for the Program.

(c) The Comptroller, as the chief financial officer for the County, is hereby directed to establish and maintain a fund known as the Affordable Housing Trust Fund within the accounts of the Board.

(d) The Trust Fund shall be separately stated as an individual revenue fund in the County's audited financial statements.

(e) The amount of the County's annual contribution to the Trust Fund shall be identified as part of the County's annual budgeting process.

(f) The Trust Fund shall be self-perpetuating from year-to-year unless or until specifically terminated by the Board.

(g) The Trust Fund and the Program shall be administered by the Orange County Housing and Community Development Division (the "Housing Division").

Sec. 2-294. Affordable Housing Trust Fund Plan.

(a) Not later than June 24, 2020, the Housing Division shall submit a recommended Affordable Housing Trust Fund Plan (the "Plan") to the Board for consideration. The Plan shall be

prepared by the Housing Division after input from and recommendations by the County's Affordable Housing Advisory Board ("Advisory Board"). A new Plan shall be prepared and submitted to the Board every three (3) years thereafter. Changes to any Plan adopted by the Board may be made by the Housing Division in its discretion on an "as needed" basis after input from the Advisory Board, but shall not require Board approval, as long as any such changes are not inconsistent with the Plan.

(b) The contents of the Plan shall, at a minimum, include the Strategies and Priorities of the Plan, with a description of each strategy and corresponding sub-strategy of the Plan. In addition, the Plan may set forth one or more of the following, as applicable, for each of the proposed strategies and sub-strategies:

(1) Income Categories to be Served: a description of the income groups targeted by each adopted strategy.

(2) Affordability Terms: a description of the affordability restrictions and requirements for each adopted strategy or sub-strategy.

(3) Loan Terms/ Interest Rate/ Repayment: a description for each adopted strategy involving a lending component.

(4) Recipient Selection Criteria: a description of how eligibility is determined to ensure that a project or Program beneficiary meets the established criteria in the Plan.

(5) Public-Private Partnership Selection Criteria: a description of the criteria and process for entering into public-private partnerships and selecting projects to receive funding under the Program for such partnerships.

(c) The Plan shall also include annual reporting requirements to include the sources and uses of all Program funds and the progress made toward the goals for affordable housing set forth in the Housing for All 10-Year Action Plan.

(d) The Board may consider the Plan for adoption following notice in accordance with Section 125.66(2)(a) of the Florida Statutes, and a public hearing. The Plan shall be adopted not later than September 24, 2020. The Plan shall become effective when adopted by the Board. The Plan shall remain in effect for three (3) years, and a new Plan shall be adopted by the Board every

three (3) years thereafter, unless a new or amended Plan is adopted by the Board during the interim period of time.

Sec. 2-295. Program Administration.

(a) The Program shall be administered by the Housing Division on behalf of the Board consistent with the adopted Plan. It shall be the responsibility of the Housing Division to develop and implement the necessary operational procedures to implement the Program.

(b) The Division shall disburse and utilize Program funds and any other assets consistent with the Plan and its adopted policies and procedures, and shall monitor the use of Program funds and other assets for compliance with the purposes of the Program and the conditions pursuant to which the funds were granted or loaned.

(c) All projects to be awarded Program funding shall be consistent with the Plan.

Sec. 2-296. Annual Budget Requirements.

In preparing the County's proposed annual budget for the next ten (10) fiscal years for submission to the Board, the Office of Management and Budget shall ensure that beginning in fiscal year 1 (fiscal year 2019-2020) such budget includes an allocation of at least TEN MILLION DOLLARS (\$10,000,000) in general revenue fund monies for the Program, and that each fiscal year thereafter (fiscal years 2 – 10) such amount shall increase by 10% over the immediately preceding fiscal year budgeted amount; provided, however the Board in its discretion may decide to change the amount of any such annual budgeted amounts. Therefore, in fiscal year 10, absent any changes in the foregoing amounts, the aggregate amount deposited shall total approximately ONE HUNDRED AND SIXTY MILLION DOLLARS (\$160,000,000).

Sec. 2-297. Allocation and Use of Program Funds.

(a) All monies allocated by the Board for the Program shall be deposited in the Trust Fund along with Donor Contributions in the form of cash or check. Monies deposited in the Trust Fund, including any interest earnings on such monies, shall be used solely for the purposes of the Program as provided in this article/division, except that the Board may determine that monies in the Trust Fund, but not yet committed or expended, may be

reallocated to meet other more urgent community affordable housing needs.

(b) No monies in the Trust Fund may be used for administrative expenses.

(c) Funds deposited to the Trust Fund and not expended by the close of any County fiscal year shall be carried forward to the next succeeding fiscal year.

(d) The books and records of the Trust Fund and the Program shall be subject to the "Public Records Law," and shall also be subject to County and State audit as required by law.

Sec. 2-298. Donor Contributions.

(a) Donor Contributions in the form of cash or check shall be deposited into the Trust Account and shall at all times be accounted for separately from the County's other monies. Such Trust Funds shall be expended, utilized and disbursed for the public purpose of increasing the affordable housing in the County, consistent with the Affordable Housing Plan adopted by the Board under Sec. 2-294(b).

(b) The County Administrator shall designate a person or persons to accept Donor Contributions on behalf of the County and to provide a written receipt to each Donor. Such Donor Contributions in the form of cash or check shall then be promptly delivered to the Comptroller to be deposited into the Trust Account. The Housing Division shall receive notification of all contributions.

(c) Donor Contributions of real property shall be subject to review and acceptance by the County's Real Estate Management Division, in accordance with such Division's policies and procedures.

(d) Donor Contributions in the form of cash or check not immediately used may be invested and reinvested to earn interest in such investments and securities as may be permitted by law and County policy.

(e) With the permission of the County Administrator, Donor Contributions may be solicited for specific, approved projects consistent with the Plan.

Secs. 2-299 – 2-300. Reserved.

Section 3. Effective Date. This Ordinance shall be become effective pursuant to general law.

ADOPTED THIS 24TH DAY OF MARCH, 2020.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Jerry L. Demings
for Jerry L. Demings,
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: Katie Smith
Deputy Clerk

