

# **ORDINANCE**

**19-19**

FINAL

09/05/19

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**ORDINANCE NO. 19- 19**

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES PART A, CHAPTER 40, CREATING A NEW ARTICLE IV TITLED THE HOPE AFFORDABLE HOUSING ACT; PROVIDING DEFINITIONS; ESTABLISHING THE HILLSBOROUGH COUNTY LOCAL AFFORDABLE HOUSING PROGRAM AND DESCRIBING THE PURPOSE THEREOF; ESTABLISHING THE HILLSBOROUGH COUNTY AFFORDABLE HOUSING TRUST FUND; PROVIDING FOR ALLOCATION OF FUNDS FOR THE PROGRAM; PROVIDING FOR ADOPTION OF A LOCAL AFFORDABLE HOUSING FUND BIENNIAL PLAN; PROVIDING FOR THE USE OF PROGRAM FUNDS; PROVIDING FOR ADMINISTRATION OF THE PROGRAM; PROVIDING FOR INCLUSION IN THE HILLSBOROUGH COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hillsborough County recognizes that Hillsborough County has experienced rapid population growth over the past five years and that these growth trends are predicted to continue; and

WHEREAS, such growth places pressure on the housing market and causes an increase in rents and home prices; and

WHEREAS, approximately 40% of households in Hillsborough County are considered cost-burdened because they pay more than 30% of household income for rent or mortgage costs; and

WHEREAS, cost-burdened households have less income to spend on basic needs such as food, transportation, education and medical care; and

WHEREAS, an adequate supply of safe, decent and affordable housing at all income levels is critical to healthy families, helps create and maintain jobs, and impacts the quality of life and economic prosperity of the community; and

WHEREAS, the Board of County Commissioners of Hillsborough County finds that the Federal and State funds received by the County for preserving and producing affordable housing are insufficient to meet community needs; and

WHEREAS, the Board of County Commissioners desires to establish a local program for preserving and developing affordable housing that is sufficiently flexible to meet varied and evolving housing needs and priorities while providing housing that is safe, sound, and financially viable; and

WHEREAS, it is the intent of the Board of County Commissioners that revenue sources for this local affordable housing program be identified during the County's annual budgeting process; and

WHEREAS, on April 17, 2019, the Board of County Commissioners approved a motion directing the drafting of an ordinance establishing an affordable housing trust fund; and

WHEREAS, a duly noticed public hearing was held by the Board of County Commissioners of Hillsborough County, at which public hearing all interested persons were given an opportunity to be heard.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS 5TH DAY OF SEPTEMBER, 2019, AS FOLLOWS:

**SECTION 1.** The recitations above are true and correct and are incorporated herein by reference.

**SECTION 2.** The Hillsborough County Code of Laws and Ordinances, Part A, Chapter 40, is hereby amended to create a new article to be numbered Article IV and entitled the “HOPE Affordable Housing Act”, which shall hereafter read as follows:

**Article IV. HOPE AFFORDABLE HOUSING ACT**

**Sec. - 40-93. Definitions**

For the purposes of this article, the following definitions apply:

*Hillsborough County Affordable Housing Trust Fund or Fund* means the fund established pursuant to this article.

*Hillsborough County Local Affordable Housing Fund Program or Program* means the program established pursuant to this article for the purpose of promoting the preservation and production of affordable housing for very low, low and moderate income households in Hillsborough County.

*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 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

*Moderate income household* means one or more natural persons or a family that has a total annual gross household income that does not exceed 100 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

*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 percent of the median annual income adjusted for family size for households in Hillsborough County within the Tampa-St. Petersburg-Clearwater metropolitan statistical area, as published by the U.S. Department of Housing and Urban Development.

**Sec. - 40-94. Establishment of Hillsborough County Local Affordable Housing Fund Program; Purpose**

There is hereby established the Hillsborough County Local Affordable Housing Fund Program (the “Program”). The Program is established for the purpose of promoting the preservation and production of affordable housing for very low, low and moderate income households in Hillsborough County.

**Sec. 40-95. – Establishment of Hillsborough County Affordable Housing Trust Fund**

The Clerk, as accountant for the Board of County Commissioners, is hereby directed to establish and maintain a fund known as the Hillsborough County Affordable Housing Trust Fund within the accounts of the Board of County Commissioners.

**Sec. 40-96. - Allocation and Use of Funds for Program; Annual Budget Preparation**



(a) All monies allocated by the Board of County Commissioners for the Program shall be appropriated in the Fund. Monies deposited in the Fund, including any interest earnings on such monies and repayments of loans made from such monies, shall be used solely for the purposes of the Program as provided in this article, except that the Board of County Commissioners may determine in a public hearing, by majority vote plus one, that monies allocated to the Program but not committed or expended may be reallocated to meet another urgent community need.

(b) In preparing the proposed annual budget for each fiscal year for submission to the Board of County Commissioners, the County's Budget Officer shall insure that each such budget includes an allocation of at least \$10,000,000 in new Countywide General Fund monies for the Program and the inclusion in the Fund as an account balance of any monies previously allocated to the Program and interest earned on such monies which were not expended for the Program within the prior fiscal year.

**Sec. 40-97. – Hillsborough County Local Affordable Housing Fund Biennial Plan**

(a) Within three months of the adoption of this Ordinance and then biennially thereafter, the Affordable Housing Services Department shall submit a recommended Local Affordable Housing Fund Biennial Plan, which, for purposes of this article, shall be referred to as the "Plan", to the Board of County Commissioners for consideration. The recommended Plan shall be prepared by the Affordable Housing Services Department with the approval of the County's Affordable Housing Advisory Board.

(b) The Board of County Commissioners shall adopt a Local Affordable Housing Fund Biennial Plan following a public hearing. The first such Plan shall be adopted within six months of the adoption of this Ordinance, and a new Plan shall be adopted every two years thereafter

addressing the approved strategies for and uses of allocated funds. The Board of County Commissioners may consider more frequent updates to the Plan as necessary.

(c) The Plan shall include:

- (1) The priorities for the expenditure of funds allocated to the Program.
- (2) The strategies which will be eligible for assistance under the Program.
- (3) A description of the affordability restrictions and requirements and loan and grant terms applicable for each adopted strategy.
- (4) A description of how funds from the Program will be distributed among very low income, low income and moderate income households.
- (6) A description of the procedure for selecting projects receiving funding under the Program.
- (7) A summary of the use of the Program funds in the immediately preceding two-year period.

#### **Sec. 40-98. - Use of Program Funds**

- (a) Funds allocated to the Program shall be used to provide loans and grants for projects to create and sustain affordable housing for very low, low or moderate income households in Hillsborough County.
- (b) The Program shall include, without limitation, providing assistance through production, acquisition, rehabilitation and preservation of land and/or housing units for rental and homeownership activities. Program funds shall not be used for supportive housing services such as daycare or job training.

(c) Not more than 5 percent of the funds allocated to the Program may be used to cover administrative expenses.

(d) Not less than 30 percent of the funds allocated to the Program shall be spent on affordable housing for very low income households.

(e) Not less than 30 percent of the funds allocated to the Program shall be spent on affordable housing for low income households.

**Sec. - 40-99. Program Administration**

(a) The Program shall be administered by the Affordable Housing Services Department on behalf of the Board of County Commissioners and consistent with the adopted Plan. It shall be the responsibility of the Affordable Housing Services Department to develop and implement policies and procedures necessary for operation of the Program.

(b) The Affordable Housing Services Department shall disburse Program funds consistent with the Plan and its adopted policies and procedures, and shall monitor the use of Program funds for compliance with the purposes of the Program and the conditions pursuant to which the funds were granted or loaned. The Affordable Housing Services Department shall also maintain the financial and other records of the Program.

(c) All projects to be awarded Program funding shall be approved by the Board of County Commissioners.

**SECTION 3. INCLUSION IN THE HILLSBOROUGH COUNTY CODE**



The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code.

**SECTION 4. SEVERABILITY**

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 5. FILING OF ORDINANCE AND EFFECTIVE DATE**

This Ordinance shall be effective immediately upon receipt of acknowledgement that a copy of this Ordinance has been filed with the Secretary of State.

STATE OF FLORIDA

COUNTY OF HILLSBOROUGH

I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners at its regular meeting of September 5, 2019, as the same appears of record in Minute Book 520 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 10th day of September, 2019.

PAT FRANK, CLERK

By: Minda O.K. Ditt  
Deputy Clerk



APPROVED BY COUNTY ATTORNEY

By: [Signature]  
Approved as to Form and Legal Sufficiency



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 10, 2019

Honorable Pat Frank  
Clerk of the Circuit Court  
Hillsborough County  
419 Pierce Street, Room 140  
Tampa, Florida 33601

Attention: Midge Dixon

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 19-19, which was filed in this office on September 10, 2019.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb