

ORDINANCE NO. 2013 - 27

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING THE COLLIER COUNTY SHIP LOCAL HOUSING ASSISTANCE PROGRAM ORDINANCE; PROVIDING FOR TITLE AND CITATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE PROGRAM; PROVIDING FOR ESTABLISHMENT OF A LOCAL HOUSING ASSISTANCE TRUST FUND; PROVIDING FOR DESIGNATION OF RESPONSIBILITY FOR IMPLEMENTATION; PROVIDING FOR ESTABLISHMENT OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR REPEAL OF ORDINANCE NO. 93-19, AS AMENDED; PROVIDING FOR THE REPEAL OF ORDINANCE NO. 91-65, AS AMENDED; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1992, the Legislature of the State of Florida approved the Affordable Housing Act creating the State Housing Initiatives Partnership ("SHIP") for the specific purpose of supporting and expanding the availability of affordable housing resources within the State; and

WHEREAS, the Collier County Board of County Commissioners (Board) adopted Ordinance No. 93-19 on April 13, 1993, creating a local housing assistance trust fund, establishing a local housing assistance program, designating responsibility for the program, and creating an Affordable Housing Advisory Committee; and

WHEREAS, on July 23, 1991, the Board of County Commissioners adopted Ordinance No. 91-65, establishing the Collier County Affordable Housing Commission (now known as the Affordable Housing Advisory Committee), which Ordinance was subsequently amended by Ordinance Nos. 04-77, 05-69, 08-17, and 09-50; and

WHEREAS, the Board has determined that it is in the best interest of the County to repeal Ordinance No. 93-19, as amended, and Ordinance No. 91-65, as amended, in order to adopt a single consolidated Ordinance to comply with the requirements set forth in Florida Statutes, Sections 420.907- 420.9070 and Chapter 67-37, Florida Administrative Code.

FILED
2013 APR 25 PM 3:05
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: Title and Citation.

This Ordinance shall be known and cited as the “Collier County SHIP Local Housing Assistance Program Ordinance”.

SECTION TWO: Definitions.

For the purposes of this Ordinance, the definitions contained in Florida Statutes, Chapter 420.9071 and Rule 67-37.002, Florida Administrative Code, as they may be amended or replaced from time to time, are adopted herein by reference.

SECTION THREE: Establishment of the Local Housing Assistance Program.

The Local Housing Assistance Program is hereby created and established to implement the requirements of *Florida Statutes, Section 420.907* and *Rule 67-37, Florida Administrative Code*, adopted herein by reference, as they may be amended or replaced from time to time.

The County shall implement the program within the unincorporated boundaries of Collier County and may enter into an interlocal agreement with municipalities. The strategies of the program will be set forth in the County's SHIP local housing assistance plan.

SECTION FOUR: Establishment of a Local Housing Assistance Trust Fund.

Pursuant to the requirements *Section 420.907 Florida Statutes*, the County hereby reaffirms establishment of a Local Housing Assistance Trust Fund within the official and fiscal accounting office of the County as originally established on April 13, 1993, by Ordinance No. 93-19. The County's local housing assistance trust fund shall be separately stated as a special revenue fund in the county's audited financial statements. Copies of such audited financial statements shall be forwarded to the Florida Housing Finance Agency.

All moneys received from the state pursuant to the State Housing Initiative Partnership (SHIP) Program and any other funds received or budgeted to provide funding for the Local Housing Assistance Program shall be deposited into the Collier County Local Housing Assistance Trust Fund.

SECTION FIVE: Designation of responsibility for implementation.

The Director of the County's Department of Housing, Human and Veterans Services shall be primarily responsible for implementation and administration of the local housing assistance program.

SECTION SIX: Establishment of an Affordable Housing Advisory Committee.

The Affordable Housing Advisory Committee is created and established in accordance with *Florida Statutes, Section 420.9076* and County Ordinance No. 01-55, Standards for The Creation and Review of Boards. In the event of a conflict, the provisions of *Florida Statutes, Section 420.9076* shall apply.

Duties of the advisory committee are provided in *Florida Statutes, Section 420.9076(2)(a) - (k)* adopted herein by reference, as they may be amended or replaced from time to time.

Appointments to the Affordable Housing Advisory Committee will be made in accordance with the membership requirements of *Florida Statutes, Section 420.9076*, including joint appointments to prepare a joint plan when a participating municipality enters into an interlocal agreement to administer its program.

The committee shall consist of eleven (11) members as required by *Florida Statutes 420.9076 (2)(a)-(k)*, appointed by Resolution of the Board of County Commissioners no later than March 2, prior to the year the Local Housing Assistance Plan is due. The term of service shall be for three (3) years or at the discretion of the Board. Terms may be extended for one additional three (3) year term.

Six (6) members shall constitute a quorum sufficient to permit the committee to take any formal action. However, if formal action is not taken, the committee may meet to hear presentations with less than a quorum in attendance, if the meeting is duly noticed.

A majority of concurring votes of the entire membership of the committee shall be necessary for a decision or recommendation by the committee.

The committee may elect a chairperson or presiding officer.

The committee members serving immediately prior to this Ordinance's adoption shall fulfill the remainder of their appointed terms.

The committee shall meet at least triennially and submit a report to the local governing body that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives as required by *Florida Statutes, Section 420.9076(4)(a) - (k)*.

The Board of County Commissioners may sunset or suspend meetings of the committee upon submission of the triennial Incentive Report and reconvene no later than March 2 of the year the Incentive Report is due. The committee will be cooperatively staffed by Housing, Human and Veterans Services Department and Planning and Zoning Department staff in accordance with *Florida Statutes, Section 420.9076(9)*.

SECTION SEVEN: Repeal of Ordinance No. 93-19, as amended.

Ordinance No. 93-19, pertaining to the Collier County Housing Initiatives Partnership Program, and all amendments thereto, is hereby repealed in its entirety.

SECTION EIGHT: Repeal of Ordinance No. 91-65, as amended.

Ordinance No. 91-65, pertaining to the Affordable Housing Committee, and all amendments thereto, is hereby repealed in its entirety.

SECTION NINE: Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Collier County, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and that the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase necessary to accomplish such intentions.

SECTION TEN: Conflict and Severability.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION ELEVEN: Effective date.

This Ordinance shall become effective thirty (30) days after its adoption by the Board of County Commissioners.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 9th day of April, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
Deputy Clerk

By: [Signature]
Georgia A. Hiller, Esq.
Chairwoman

Attest as to Chairman's signature only.

Approved as to form and legal sufficiency:

[Signature]
Jennifer B. White
Assistant County Attorney

*JBW
3/5/13*

This ordinance filed with the Secretary of State's Office the 10th day of April, 2013 and acknowledgement of that filing received this 9th day of April, 2013.
By: [Signature]
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

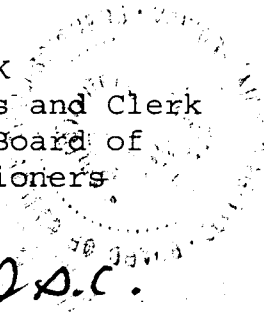
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2013-27

which was adopted by the Board of County Commissioners on the 9th day of April, 2013, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 15th day of April, 2013.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



Ann Jennejohn

By: Ann Jennejohn,
Deputy Clerk