

**ORDINANCE NO. 2020 - 27**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 2013-27, WHICH CONSOLIDATED THE COLLIER COUNTY STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PROGRAM ORDINANCE PROVISIONS; BY AMENDING SECTION 5, DESIGNATION OF RESPONSIBILITY FOR IMPLEMENTATION AND AMENDING SECTION 6, ESTABLISHMENT OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE, CONSISTENT WITH AMENDMENTS TO SECTION 420.9076, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE OF OCTOBER 1, 2020.**

**WHEREAS**, in 1992, the Legislature of the State of Florida approved the Sadowski Affordable Housing Act creating the State Housing Initiatives Partnership (“SHIP”) Program 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**, on April 9, 2013, the Board of County Commissioners adopted a single consolidated Ordinance No. 2013-27 repealing Ordinance No. 93-19, as amended, and Ordinance No. 91-65, as amended, to comply with the requirements set forth in *Florida Statutes, Sections 420.907- 420.9070* and Chapter 67-37, Florida Administrative Code; and



**WHEREAS**, on Chapter 2020-27, Laws of Florida adopted changes to Section 420.9076, Florida Statutes, related to the composition of the Affordable Housing Advisory Committee and the frequency of its reporting requirements; and

**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 County's Department of Housing, Human and Veterans Services~~ Division of Community and Human Services Division 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 one locally elected official from the county or municipality participating in the State Housing Initiates Partnership and up to ten (10) other 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~~ on an as needed basis. The locally elected official shall comply with requirements set forth in Section 420.9076, Florida Statutes. The term of service for all members



shall be for three (3) years or at the discretion of the Board. ~~Terms may be extended for one additional three (3) year term.~~ Appointment and removal of members from the Affordable Housing Advisory Committee shall be in accordance with the provisions of the Collier County Ordinance No. 2001-55, as it may be amended, or its successor ordinance.

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~~ annually and submit a report to the local governing body that includes recommendations on, and ~~triennially~~ annually 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~~ annual Incentive Report and reconvene no later than March 2 of ~~the each~~ year the Incentive Report is due. The committee will be ~~cooperatively~~ staffed by ~~Housing, Human and Veterans Services Department~~ Community and Human Services Division and ~~Planning and Zoning Department~~ staff in accordance with *Florida Statutes, Section 420.9076(9)*.

**SECTION SEVEN: 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 EIGHT: 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 NINE: Effective date.**

This Ordinance shall become effective October 1, 2020.

**PASSED AND DULY ADOPTED** by the Board of County Commissioners of Collier County, Florida, this 22<sup>nd</sup> day of September, 2020.

ATTEST:  
CRYSTAL K. KINZEL, CLERK

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

By: [Signature]  
DEPUTY CLERK

By: [Signature]  
BURT L. SAUNDERS, CHAIRMAN

Attest as to Chairman's signature only.

Approved as to form and legality:

[Signature]  
Jennifer A. Belpedio  
Assistant County Attorney

2020  
8/21/2020

This ordinance filed with the Secretary of State's Office the 30<sup>th</sup> day of September 2020 and acknowledgement of that filing received this 30<sup>th</sup> day of September 2020  
By: [Signature]  
Deputy Clerk





## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**LAUREL M. LEE**  
Secretary of State

September 30, 2020

Ms. Teresa Cannon, BMR Senior Clerk II  
Office of the Clerk of the Circuit Court  
& Comptroller of Collier County  
3329 Tamiami Trail E, Suite #401  
Naples, Florida 34112

Dear Ms. Cannon:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2020-27, which was filed in this office on September 30, 2020.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb