



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.3.

5/23/2023

Subject:

Public Hearing, Re: Ordinance Amending Chapter 90-Social Services, Creating a New Article IV, "Workforce and Supportive Housing Trust Fund."

Fiscal Impact:

None

Dept/Office:

Housing and Human Services

Requested Action:

It is requested that the Board of County Commissioners conduct a public hearing and adopt the proposed ordinance Amending Chapter 90-Social Services, Creating a New Article IV, "Workforce and Supportive Housing Trust Fund."

Summary Explanation and Background:

On May 9th, 2023, the Board of County Commissioners approved legislative intent and permission to advertise amendments to Chapter 62, Article XVII, "Workforce Housing Incentives," Brevard County Code of Ordinances, in order to implement a Brevard County Workforce and Supportive Housing Trust Fund as required by a Charter amendment approved by the voters in November 2022. Subsequently, the County Attorney recommended that it would be more fitting to accomplish this purpose by adding a new article to Chapter 90 - Social Services, rather than amending Chapter 62 - Land Development Regulations, as initially proposed. This change only affects how the ordinance will be codified. It does not materially alter the purpose or substance of the ordinance.

The purpose of the proposed amendment is to align the Code of Ordinances with the Home Rule Charter. The change to the Brevard County Home Rule Charter was approved by voters and added Section 1.9, Workforce and Supportive Housing Trust Fund to the Charter. This new section reads:

"Section 1.9. Brevard County Workforce and Supportive Housing Trust Fund.

(a) The Brevard County Workforce and Supportive Housing Trust Fund is hereby established.

(b) Purpose of Trust Fund. The purpose of the trust fund is to provide a continuing, non-lapsing fund for Brevard County to use to address the need for affordable housing within Brevard County. The trust fund shall be used to create and sustain affordable housing throughout Brevard County for renters and homeowners and to increase workforce housing opportunities.

(c) Revenue sources. The trust fund shall be funded as directed from time to time by the county

commission and may be comprised of the following sources:

- (1) Funds from the sale of county surplus real property, the funds which are not otherwise legally committed to other sources; and*
- (2) Other sources as established from time to time by ordinance.*
- (d) Continuing nature of trust fund. Unless otherwise provided by ordinance or resolution or required by applicable law, unspent portions of the trust fund, repayments of principal and interest on loans provided from the trust fund, and interest earned from the deposit or investment of monies from the trust fund:*
 - (1) Shall remain in the trust fund to be used exclusively for the purposes of the trust fund;*
 - (2) Shall not revert to the general revenues or other funds of the county; and*
 - (3) Any appropriations shall not lapse.*
- (e) Implementation. Not later than July 1, 2023, the county commission shall adopt one or more ordinances implementing the provisions of this section, which ordinances may be amended from time to time.*

Newly Adopted 11/08/2022."

The attached ordinance would add a new Chapter 90, Article IV-Workforce and Supportive Housing Trust Fund to the Brevard County Code of Ordinances.

Clerk to the Board Instructions:

Once the ordinance is filed with the State, please return two copies to Housing and Human Services.



May 24, 2023

M E M O R A N D U M

TO: Ian Golden, Housing and Human Services Director

RE: Item G.3., Public Hearing for Ordinance Amending Chapter 90 - Social Services, Creating a New Article IV, "Workforce and Supportive Housing Trust Fund"

The Board of County Commissioners, in regular session on May 23, 2023, held a public hearing and adopted Ordinance No. 23-12, amending Chapter 90-Social Services, creating a new Article IV, "Workforce and Supportive Housing Trust Fund." Enclosed are two fully-executed Ordinances.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for: Senna Scott
Kimberly Powell, Clerk to the Board

Encls. (2)



FLORIDA DEPARTMENT of STATE

RON DESANTIS

Governor

CORD BYRD

Secretary of State

May 25, 2023

Honorable Rachel M. Sadoff
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, FL 32781-0999

Attention: Helen Seaman

Dear Honorable Rachel Sadoff,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2023-12, which was filed in this office on May 25, 2023.

Sincerely,

Anya Owens
Administrative Code and Register Director

ACO/wlh

ORDINANCE 2023- 12

AN ORDINANCE AMENDING CHAPTER 90 – SOCIAL SERVICES, OF THE BREVARD COUNTY CODE OF ORDINANCES; CREATING A NEW ARTICLE IV. – WORKFORCE AND SUPPORTIVE HOUSING TRUST FUND; PROVIDING FOR PURPOSE AND INTENT, DEFINITIONS, AND ESTABLISHING THE BREVARD COUNTY WORKFORCE AND SUPPORTIVE HOUSING TRUST FUND; AND PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 7.4 of the Brevard County Home Rule Charter, every six years the Board of County Commissioners shall appoint a Charter Review Commission to review the Charter; and

WHEREAS, the 2021-2022 Brevard County Charter Review Commission considered 24 proposed amendments to the Charter, of which six were approved by the Charter Review Commission for presentation to the voters;

WHEREAS, one of the proposed Charter amendments called for the creation of a new Section 1.9 of the Charter, establishing the Brevard County Workforce and Supportive Housing Trust Fund for the purpose of providing a continuing, non-lapsing fund for Brevard County to use to address the need for affordable housing within Brevard County; and

WHEREAS, on August 16, 2022, the Board of County Commissioners adopted Resolution No. 22-093, calling a special election on the question of whether a new Section 1.9 of the Charter should be created to establish an affordable housing trust fund to assist in establishing affordable housing for renters and homeowners to create and increase workforce housing opportunity throughout the county, and to be funded as directed by the County Commission; and

WHEREAS, Brevard County Charter Proposal No. 6 – Workforce and Supportive Housing was approved by the electors of Brevard County, Florida on November 8, 2022 creating Section 1.9 of the Charter;

WHEREAS, Section 1.9 of the Charter requires the Board of County Commissioners to adopt one or more ordinances implementing its provisions on or before July 1, 2023, which ordinances may be amended from time to time.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. RECITALS. The foregoing recitals are true and correct and are incorporated by reference into this Ordinance.

SECTION 2. NEW ARTICLE. Chapter 90 – Social Services of the Code of Ordinances of Brevard County, Florida, is hereby amended to create a new Article IV. – Workforce and Supportive Housing Incentives, which article shall read as follows:

Officially filed with the Secretary of State on May 25, 2023.

ARTICLE IV. – WORKFORCE AND SUPPORTIVE HOUSING TRUST FUND

Sec. 90- 75. – Purpose and intent.

The purpose of Brevard County Workforce and Supportive Housing Trust Fund is to provide a continuing, non-lapsing fund for Brevard County to use to address the need for affordable housing within Brevard County, which fund shall be used to create and sustain affordable housing throughout Brevard County for renters and homeowners and to increase workforce housing opportunities. This article is intended to implement Section 1.9. Brevard County Workforce and Housing Trust Fund, of the Brevard County Home Rule Charter.

Sec. 90-76. – Definitions.

Supportive (Affordable) housing means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed a percentage of that amount which represents the percentage of the median annual gross income for the households as established by the written policies and procedures adopted by the Board of County Commissioners pursuant to this article.

Workforce means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed a percentage of that amount which represents the percentage of the median annual gross income for the households as indicated in the definition of workforce persons or households as listed below. The percentage shall be that established by the written policies and procedures adopted by the Board of County Commissioners pursuant to this article.

Workforce person or households means one or more natural persons or a family that has a total annual gross household income that does not exceed a percentage of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest. The percentage shall be that established by the written policies and procedures adopted by the Board of County Commissioners pursuant to this article.

Workforce housing means a single-family owner occupied, or multi-family owner occupied, or rental unit, that has a mortgage or rental payment, including utilities, not exceeding a percentage of the annual gross income of households at or below a percentage of the area median income (AMI), as adjusted for family size. The percentage shall be that established by the written policies and procedures adopted by the Board of County Commissioners pursuant to this article.

Workforce housing developments (WFHD) mean single-family or multi-family owner occupied or rental developments in which a minimum percentage of the total units are available to households with an income no higher than a percentage of AMI. The percentage of total units available, and the percentage of AMI, shall be established by the written policies and procedures adopted by the Board of County Commissioners pursuant to this article.

Sec. 90-77. – Brevard County Workforce and Supportive Housing Trust Fund.

- (a) *Created.* There is hereby created, pursuant to this article, a Brevard County Workforce and Supportive Housing Trust Fund.
- (b) *Revenue sources.* The trust fund shall be funded as directed from time to time by the county commission and may be comprised of the following sources:
 - (1) Funds from the sale of county surplus real property, the funds of which are not otherwise legally committed to other sources; and
 - (2) Other sources as established from time to time by ordinance.
- (c) *Dispersion of funds.* The board of county commissioners shall establish and adopt written policies and procedures for the use of the trust funds. Dispersion of funds shall be limited by fund availability and shall be in accordance with the written policies and procedures established by the board of county commissioners for the use of such funds.
- (d) *Continuing nature of trust fund.* Unless otherwise provided by ordinance or resolution or required by applicable law, unspent portions of the trust fund, repayments of principal and interest on loans provided from the trust fund, and interest earned from the deposit or investment of monies from the trust fund:
 - (1) Shall remain in the trust fund to be used exclusively for the purposes of the trust fund;
 - (2) Shall not revert to the general revenues or other funds of the county; and
 - (3) Any appropriations shall not lapse.

SECTION 3. CONFLICTING PROVISIONS. In the case of direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 4. SEVERABILITY. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, clause, or phrase herein, is, for any reason, held to be invalid or unconstitutional, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, paragraphs, sentences, clauses, or phrases. Such remaining sections shall remain in effect, it being the intent that this ordinance shall remain in effect notwithstanding the invalidity of any part.

SECTION 5. INCLUSION IN THE CODE. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Brevard County Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. EFFECTIVE DATE. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. Unless specified otherwise, this ordinance shall take effect immediately upon adoption and filing as provided by law.

DONE, ORDERED AND ADOPTED, in regular session, this 23rd day of May, 2023.

Attest:

BY:

Rachel Sadoff, Clerk

(SEAL)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY:

Rita Pritchett, Chair

(as approved by the Board on 5/23/2023)