

**SPECIAL AD HOC COMMITTEE ON
Neighborhood Improvement and Community Enhancement**

AGENDA

Monday, January 5, 2015
4:00 p.m.
Lynwood Roberts Room,
1st Floor, City Hall

Tape No. _____

Dana Farris, Chief of Legislative Services

Garrett Dennis, Chair
Bill Gulliford, Vice Chair
John Crescimbeni
Al Ferraro
Tommy Hazouri
Joyce Morgan – *Excused Late Arrival*

Legislative Assistant: Crystal Shemwell
Research: Yvonne Mitchell
Attorney: Paige Johnston
Auditor: Robert Campbell
Administration: Ali Korman Shelton
Administration: E. Denise Lee

Meeting Convened: 4:03 P.M.

Meeting Adjourned: 5:16 P.M.

Attendance:

CM Anna Lopez Brosche
Joe Namey, Real Estate Division – 2015-519
Mary O'Brian, Advanced Disposal

1. **Introduction of Committee Members**
2. **Update on 2015-519 – Lawsikia Hodges, OGC**
3. **Update from Bill Gulliford**
4. **2016 City Wide Initiative**
5. **Public Comments**

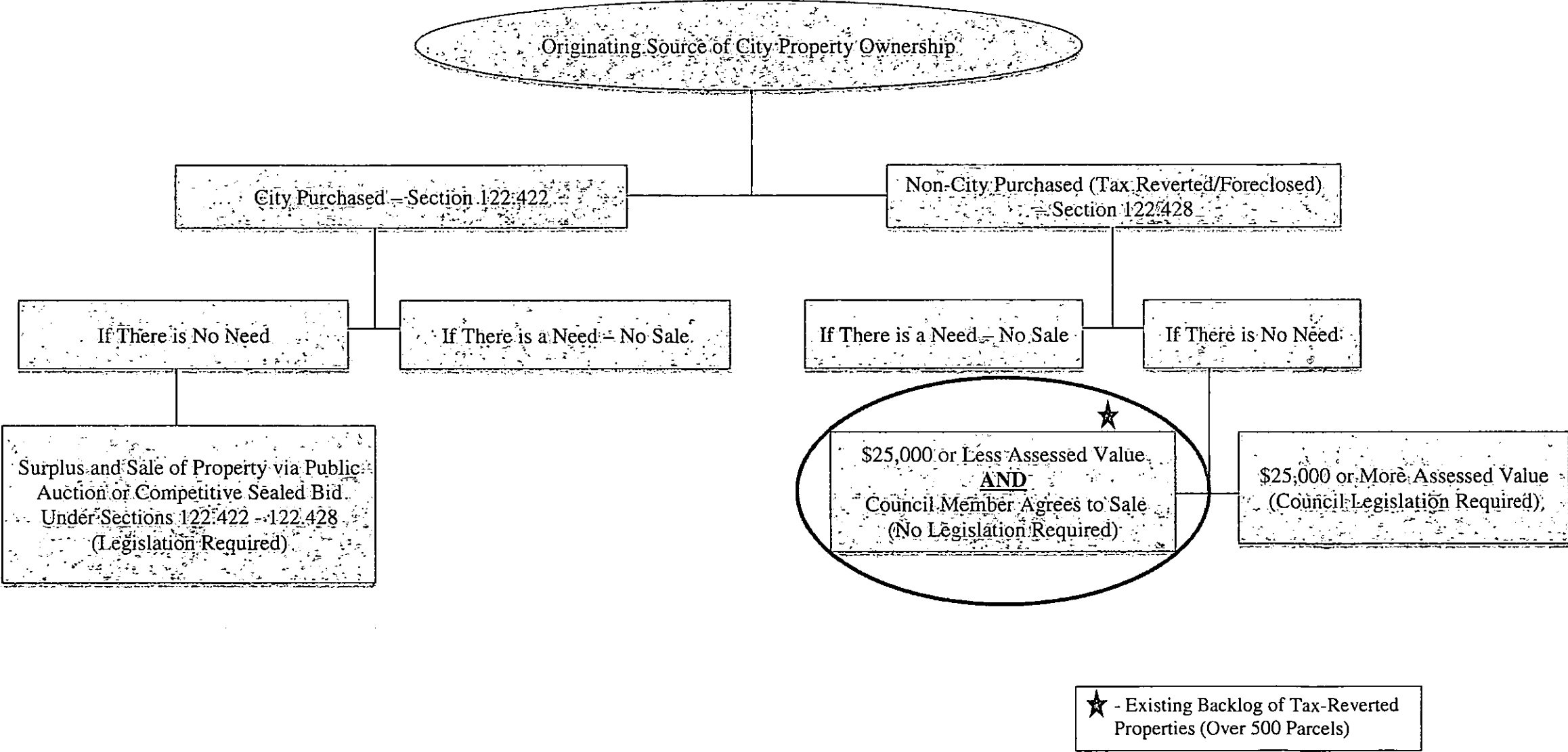
Other items may be added or deferred at the discretion of the Chair.

Note: The next regular meeting will be held on Monday, January 19, 2016 @ 4p.m., in Lynwood Roberts

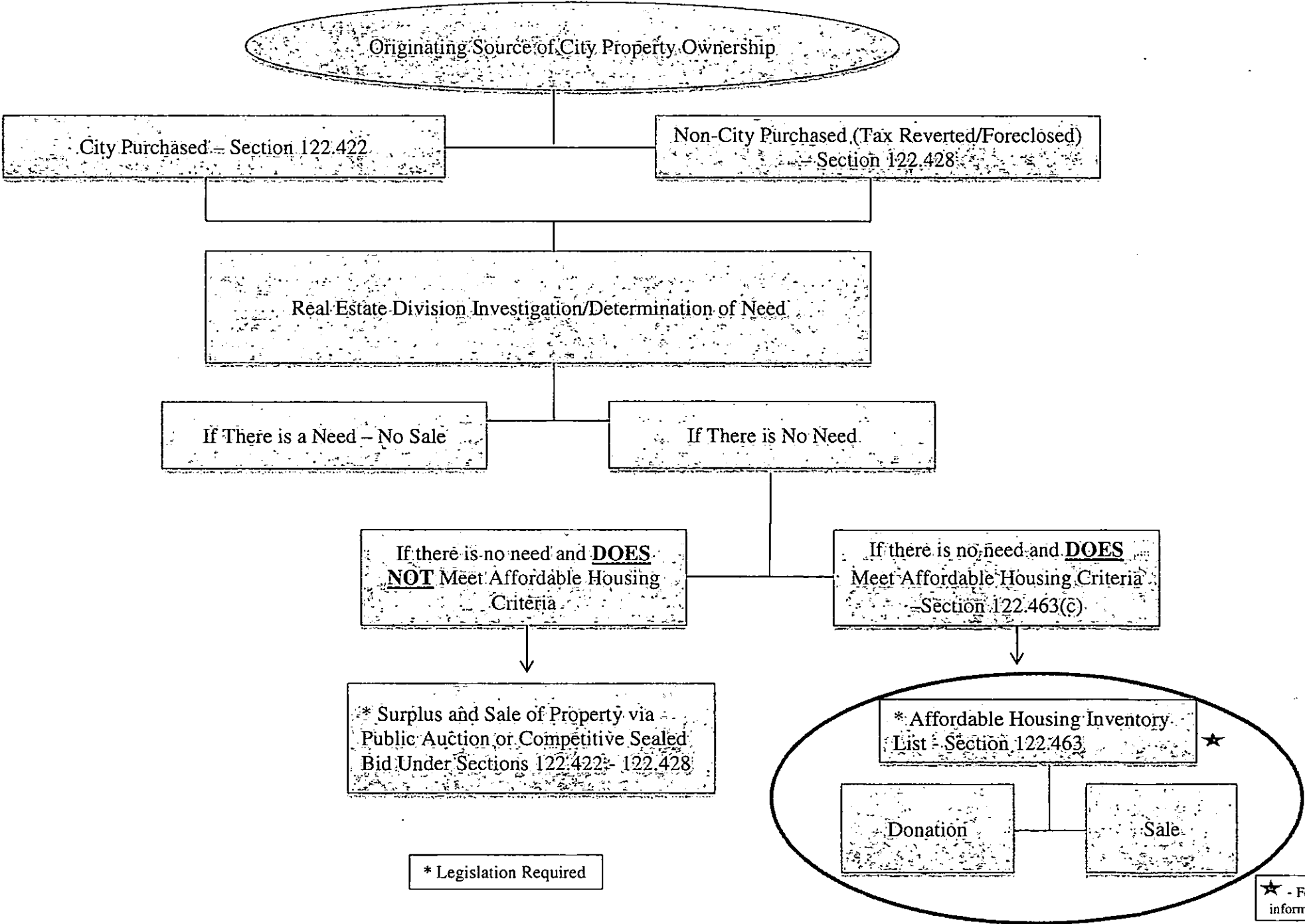
Ordinance 2015-519 (Legislation Introduced 7/18/15)
Original Committee Concerns

- ❖ Tax-reverted properties (i.e., backlog of properties not being declared surplus and sold by the Real Estate Division)
- ❖ Property maintenance by owners after the sale
- ❖ Adjacent property owners
- ❖ Section 122.461 Donation for Residential Housing (adopted by Council in 1997)
- ❖ Eligible entities to receive property donations (profit and non-profit in addition to Habitat for Humanity and CHDOs (community housing development organizations))
- ❖ Donation procedures under Section 122.461

OGC Handout No. 2
Current Code Provisions Under Sections 122.422 – 122.128



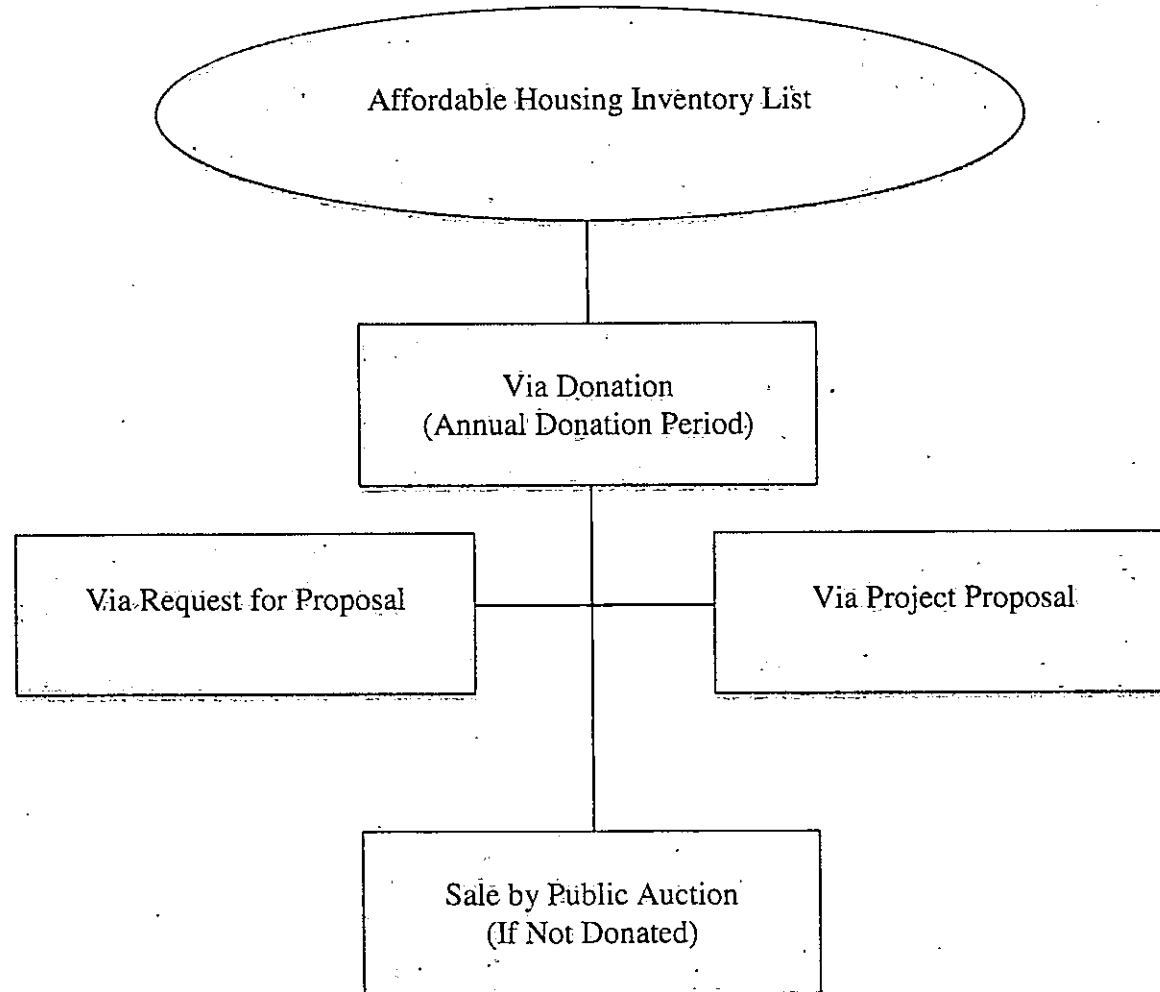
OGC Handout No. 3
SALE AND DONATION OF PROPERTY FOR AFFORDABLE HOUSING (CHAPTER 122 PART 4, SUBPART F)



★ - For more detailed information, see Handout No 4

OGC Handout No. 4

ADDITIONAL DETAIL REGARDING AFFORDABLE HOUSING INVENTORY LIST



OGC Handout No. 5

Summary Outline of Proposed Ordinance Changes

2015-519

(As of 1/4/15)

REVISIONS TO SUBPART B. REAL PROPERTY DISPOSITIONS

Section 122.421. General; exemptions.

- Clarified exemptions; following Subparts in Part 4, Real Property, Chapter 122 Public Property exempt:
 - Subpart C (Community Redevelopment Real Property Dispositions);
 - Subpart D (Sale of Unused Parcels of Land);
 - Subpart E (Permits for Communication Antennas and Towers on City Property); and
 - Subpart F (Sale and Donation of Property for Affordable Housing).

Section 122.422. Sale of property through Real Estate Division; investigation of need; Council action.

- Clarified Real Estate Division investigation of need procedures; City agency shall have 10 business days to notify the Real Estate Division of the agency's need to use the property for governmental purposes.
- Added new investigation outcome by the Real Estate Division: If there is no need for the property by a governmental agency or unit and the property meets the Affordable Housing Criteria in Section 122.463(c).

Section 122.423. Appraisal at or below \$25,000.

- Revised to require the disposal of property by public auction to the highest bidder

Section 122.424. Appraisal/assessed value over \$25,000.

- Revised to add in-person or on-line public auctions

Section 122.425. Procedure if no purchaser at minimum sale price.

- Corrected cross-reference from Section 122.423 to 122.424(b)

Section 122.428. Sale of lands sold, struck off or escheated to City for nonpayment of real property taxes or sold or conveyed to the City pursuant to any foreclosure proceedings.

- Added new investigation outcome by the Real Estate Division: If there is no need for the property by a governmental agency or unit and the property meets the Affordable Housing Criteria in Section 122.463(c).

Section 122.429. Uses of proceeds from surplus land sales.

- Excepted proceeds derived from Subpart F (Sale and Donation of Property for Affordable Housing) from being deposited into the Jacksonville Recreational Land Acquisition Capital Projects Fund

Section 122.430. Sale of Property to Adjacent Property Owners.

- Added language regarding certain surplus parcels of insufficient size, shape and character to be issued a building permit or that the value is \$15,000 or less, the Real Estate Officer may effect a private direct sale of the parcel by providing notice to adjacent property owners. If two or more owners notify Real Estate Officer of desire to purchase the parcel, the Real Estate Officer through the Procurement Chief shall accept sealed bids from such owners and award to the highest bidder. (See Section 125.35(2), Florida Statutes)

NEW PROPOSED SUBPART F. SALE AND DONATION OF PROPERTY FOR AFFORDABLE HOUSING

Section 122.461. Legislative Finding.

- Inserted legislative finding that Council finds affordable housing is vital to the health, safety, and welfare of the residents of the City.

Section 122.462. Definitions.

- Added definitions for the following terms:
 - Act
 - Affordable
 - Affordable Housing Inventory List
 - Annual Donation Period
 - Entity
 - Housing Chief
 - Housing Division
 - Procurement Chief

- Project
- Property or properties

Section 122.463. Affordable Housing Inventory List.

- Annual recommendation by Housing Division on or before December 1st of each year. Affordable Housing Inventory (AHI) List to include at a minimum:
 - Address (if available) and legal description;
 - Council district;
 - Zoning;
 - Lot dimensions;
 - Assessed value (as shown on the tax rolls); and
 - Whether each property is vacant or improved.
- Annual establishment of AHI List by Council on or before February 15th of each year. The Council shall at a minimum:
 - Adopt and attach the Affordable Housing Inventory List, as amended;
 - State that the City and the independent agencies have no need to retain the properties for governmental use and declare the properties to be surplus to the needs of the City;
 - Authorize the sale or donation of the properties in accordance with the disposition procedures in Sections 122.464-122.467 herein; and
 - As to property currently zoned for governmental use, authorize the Real Estate Officer to initiate a property rezoning in accordance with Section 122.427.
- Added Affordable Housing Criteria. Each property on the AHI List shall:
 - (1) have a current or planned zoning of AGR (Agricultural), CRO (Commercial Residential Office), RHD (Residential High Density) RLD (Residential Low Density), RMD (Residential Medium Density), or RR (Rural Residential);
 - (2) consist of less than 10 acres;
 - (3) have ingress and egress from and to a road; and
 - (4) have no prior public use as any of the following:
 - (i) park, fire station, library;
 - (ii) right-of-way;
 - (iii) wasteland; or

- (iv) retention pond.

Section 122.464. Disposition of Property by Donation.

- **Ineligible Entities**
 - The Entity is in noncompliance with a prior donation agreement executed by the Entity pursuant to this Subpart F;
 - The Entity is on the Council Auditor's noncompliance list pursuant to Chapter 118, or the Vendor Debarment List pursuant to Chapter 126, Ordinance Code;
 - The Entity is in noncompliance with another City agreement to which the Entity is a party; and
 - The Entity is delinquent on taxes or payment of liens, including code enforcement liens, on real property owned by the Entity and such taxes or liens incurred after the Entity took ownership of the real property.
- **Minimum Qualifications**
 - Be a registered Florida for profit or not for profit corporation in existence for two (2) years and in good standing with the State of Florida as evidenced by a current Good Standing Certificate issued from the Florida Division of Corporations.
 - Have completed at least two (2) affordable housing or real estate development construction and/or rehabilitation projects as evidenced by a certificate of occupancy or certificate of completion as issued by the City of Jacksonville Building Inspection Division for such projects.
- **Evaluation Criteria and Maximum Points (maximum 60 points must get an averaged evaluation score of 45 or higher)**
 - The Entity's competence and experience (10 maximum points);
 - The Entity's past, current, and projected work load (10 maximum points);
 - The Entity's financial responsibility and capacity to complete the Project (10 maximum points);
 - Project plans and specifications (10 maximum points);
 - Project timeline (10 maximum points); and

- Project marketing plan (10 maximum points).
- Revised Donation Agreement Terms

Section 122.465. Donation Procedures via Request for Proposal.

- Housing Division submits RFP memorandum to Procurement Chief
- Minimum properties in RFP – 20; Maximum assessed value \$200,000
- Contents of RFP
 - Description of the scope of the services;
 - The Minimum Qualifications set forth in Section 122.464(b);
 - The items required in Section 122.466(a) below as determined by the Procurement Chief; and
 - The Evaluation Criteria and assigned points to each criterion, as set forth in Section 122.464(c).
- Public Notice and Advertisement of RFP
- Evaluation by PSEC Evaluation Committee and Award to highest ranked proposal.

Section 122.466. Donation Procedures via Project Proposal.

- Entity submits Project Proposal. Project Proposal must contain:
 - A Cover Page containing the Entity's name, address, and the name and address of a person who may be contacted for additional information concerning the Project Proposal;
 - Evidence of the Minimum Qualifications contained in Section 122.464(b);
 - An affidavit in a form provided by the City executed by the president, vice president, or chief executive officer of the Entity stating that none of the conditions in Section 122.464(a) exists at the time of submittal.
 - A listing of properties (maximum 20 properties and combined assessed value of no more than \$200,000) by address on the Affordable Housing Inventory List to be used in the Project;
 - A description of the Project, including conceptual design, plans and specifications;
 - A Project timeline and schedule for the initiation and completion of the Project;
 - A description of the Entity's general plans for financing the Project, including the sources of the Entity's funds and a proposed pro forma Project budget; and
 - A description of the available programs, if any, to assist potential low income and moderate homebuyers in purchasing the affordable housing from the Entity.

- Procurement Chief determines Project Proposal conformity with ordinance requirements
- Public Notice and Advertisement for additional Project Proposals for same properties as original Project Proposal (i.e., notice in newspaper of general circulation at least once a week for two weeks)
- Evaluation by PSEC Evaluation Committee and Award to highest ranked proposal.

Section 122.467. Disposition of Property by Sale.

- Real Estate Officer sale all properties on AHI List not donated during the Annual Donation Period via competitive sealed bid or public auction
- Proceeds from sale deposited into affordable housing account

Section 122.468. Execution Authorization.

- Mayor/Real Estate Officer authorized to execute all deeds under Subpart F.
- Mayor/Housing Chief authorized to execute donation agreements.

OGC Handout No. 6

SUBSTITUTE TO 2015-519 – Finance and RCD Committees

Prepared by Office of General Counsel

CHAPTER 122 PUBLIC PROPERTY

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PART 4. REAL PROPERTY

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SUBPART B. REAL PROPERTY DISPOSTIONS

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Sec. 122.421. - General; exemptions. Except as provided in this Section, the sale, lease or other transfer (referred to in this Subpart B as "sale") of all real property and interests in real property (referred to in this Subpart B as "property") by the City shall be made in accordance with the procedures established by this Subpart B. With the exception of the continuing applicability of 122.422 (d), these procedures shall not apply to:

(a) ~~Property being sold as a part of a community redevelopment project under F.S. Ch. 163, Pt. III. Property being sold at the Cecil Commerce Center only when such sales are approved by an enacted ordinance;~~

(b) Property being sold to a federal, state or local governmental agency or instrumentality;

(c) ~~Cut or uncut timber being disposed of pursuant to Part 8 (Tangible Personal Property), Chapter 122;~~

(d) ~~Property being disposed of pursuant to Chapter 550-500 (Community Redevelopment - Policies and Procedures) of this Code;~~

(e) ~~Property being sold or permitted pursuant to the following Subparts D of this Part 4, Chapter 122:~~

~~(i) Subpart C (Community Redevelopment Real Property Dispositions);~~

~~(ii) Subpart D (Sale of Unused Parcels of Land);~~

~~(iii) Subpart E (Permits for Communication Antennas and Towers on City Property); and~~

~~(iv) Subpart F (Sale and Donation of Property for Affordable Housing).~~

(f) ~~Property being donated pursuant to Subpart E of Part 4, Chapter 122.~~

(g) ~~Property being sold at the Cecil Commerce Center only when such sales are approved by an enacted ordinance.~~

* * *

Sec. 122.422. - Sale of property through Real Estate Division; investigation of need; Council action.

* * *

(b) At the request of a prospective purchaser of a parcel of City property or upon determination by the Real Estate Officer of an apparent lack of need by the City to retain a parcel of City property, the Real Estate Division shall investigate whether or not there is a need by the City departments, boards, commissions, City Council or any independent agency or, if deemed appropriate by the Division, any other governmental agency or any unit of government; provided, that no written inquiry shall be necessary when the Division has been informed previously or otherwise is aware of a need or no need to retain the requested property for governmental use. In performing such investigation, the Real Estate Division shall circulate a property description to the City departments, boards, commissions, City Council and independent agencies (collectively and individually, "City agencies" or "City agency" for purposes of this subsection (b) only) to ascertain whether the property is needed by a City agency for governmental purposes. Such property description shall include the property's legal description or address, zoning, district council location, assessed value and whether the property is vacant or improved. Each City agency shall have ten (10) business days upon receipt of the property description from the Real Estate Division to notify the Real Estate Division of such City agency's need to use the property for governmental purposes. If a City agency fails to notify the Real Estate Division within said 10-day period of such City agency's need, the City agency shall be deemed to have no need to use the property for governmental purposes. If, as a result of its investigation, the Division determines that:

(1) There is a need for the subject property by a governmental agency or unit, the Division shall note that fact in its records, advise a party requesting the sale that there is a need for the property and shall not request legislation authorizing the sale of the property.

(2) There is no need for the subject property by a governmental agency or unit thereof, and the subject property meets the Affordable Housing Criteria in Section 122.463(c), the Division shall add the property to the next proposed Affordable Housing Inventory List to be declared surplus pursuant to Section 122.463(a).

(2)(3) There is no need for the subject property by a governmental agency or unit thereof, and the subject property does not meet the Affordable Housing Criteria in Section 122.463(c), the Division shall request legislation on the subject property for submission to the Council to accomplish the following simultaneously or in practical sequence:

- (i) To declare the property to be surplus to the needs of the City.
- (ii) To authorize the sale of the property. Requests for proposals (RFPs) for the sale and development of public property shall not be issued without the prior written notice to all Council Members.
- (iii) To rezone property currently zoned and classified for governmental use to a zoning classification other than governmental use as recommended to the Real Estate Officer by the Planning and Development

Department. The rezoning of the property shall be done according to the provisions of Section 122.427.

* * *

Sec. 122.423. - Appraisal at or below \$25,000.

(a) If the written appraisal or the assessed value as shown on the tax rolls of the property to be sold is \$25,000 or less, the Real Estate Officer, or his designee, may dispose of the property by public auction pursuant to negotiate with any and all prospective purchasers for the sale of the property without bid upon such terms as the Real Estate Officer may deem advisable provided, however, that when there is more than one prospective purchaser the property shall be disposed of in accordance with the provisions of Section 122.424. All sales shall be paid for by cash, certified check or cashier's check. In lieu of a negotiated sale without bid, the Real Estate Officer may direct that the sale of property valued at \$25,000 or less be sold by bid in accordance with Section 122.424 or Section 122.425.

(b) At the conclusion of the public auction in Upon compliance by the prospective purchaser with subsection (a), of this Section, the Mayor and the Corporation Secretary, in the name of and under the seal of the City, shall be authorized to execute and deliver to the prospective purchaser offering the highest price for the property most favorable terms to the City an appropriate instrument of transfer of title to the property.

* * *

Sec. 122.424. - Appraisal/assessed value over \$25,000.

(a) If the written appraisal values or the assessed value as shown on the tax rolls of the property to be sold is more than \$25,000, the Real Estate Officer, or his designee, may cause the Department of Intra-Governmental Services, Chief of Procurement, to solicit sealed competitive bids for the public sale of the property to the highest bidder with payment to be made by cash, certified check or cashier's check. Bids shall be returned to the Chief of Procurement at his main office or any place designated for bid opening, on or before a date at a time certain between the hours of 8:30 a.m. and 5:00 p.m., the date and time to be designated in public advertisement for bids published at least once in a newspaper of daily and general circulation in the City not less than ten days prior to the expiration of the time for submission of bids. In the alternative, the Real Estate Officer may dispose of the property by via an in-person or on-line public auction, pursuant to Section 122.425.

* * *

Sec. 122.425. - Procedure if no purchaser at minimum sale price.

(a) If no offer is received offering to purchase the requested property for at least the minimum sale price required by Section 122.424(b) +22.423 for property with an assessed value over \$25,000, the Real Estate Division may sell the property at the highest price actually offered after any unsuccessful negotiation, bid or rebid, but should first consider:

* * *

Sec. 122.428. - Sales of lands sold, struck off or escheated to City for nonpayment of real property taxes or sold or conveyed to the City pursuant to any foreclosure proceedings.

Lands offered for sale for nonpayment of taxes which have not been purchased by public bid of any private party and which have been sold, struck off or escheated to the City under any current or future provision of F.S. Chapter 197, and lands sold or conveyed to the City pursuant to any foreclosure proceedings may be disposed of as follows:

(a) At the request of a prospective purchaser of any such parcel of land or upon determination by the Real Estate Officer of an apparent lack of need by the City to retain said land, the Real Estate Division shall investigate whether or not there is a need by the City or any independent agency or, if deemed appropriate by the Division, any other governmental agency or any unit of government; provided, that no written inquiry shall be necessary when the Division has been informed previously or otherwise is aware of a need or no need to retain said land for governmental use. Such investigation shall be performed in accordance with Section 122.422 (b). If, as a result of its investigation, the Division determines that:

(1) There is a need for the land by a governmental agency or unit, the Division shall note that fact in its records and advise a party requesting the sale that there is a need for the land.

(2) There is no need for the subject property by a governmental agency or unit thereof, and the subject property meets the Affordable Housing Criteria in Section 122.463(c); the Division shall add the property to the next proposed Affordable Housing Inventory List to be declared surplus pursuant to Section 122.463(a).

(2)(3) There is no need for the land by a governmental agency or unit thereof, and the subject property does not meet the Affordable Housing Criteria in Section 122.463(c); the Division shall dispose of the land in accordance with subsections (b) and (c).

(b) Unless the land is retained for governmental use pursuant to subsection (1), a parcel of land which is assessed on the tax rolls at \$2550,000 or less is declared to be surplus to the City and it shall be disposed of by the Real Estate Officer in the same manner as prescribed in Section 122.423, wherein the assessed value as shown on the tax rolls shall be substituted for the appraised value, and no appraisal shall be necessary, ~~provided the Council Member of the Council district in which the parcel of land is located agrees to the disposition. If said Council Member does not agree to the disposition, the Real Estate Officer shall submit the parcel of land to the General Counsel with the request that legislation be drawn and submitted to the Council declaring the land to be surplus and directing disposition according to the provisions of Section 122.423 (the assessed value as shown on the tax rolls being deemed the appraised value-).~~

* * *

Sec. 122.429. - Uses of proceeds from surplus land sales. All proceeds from the sale of General Fund surplus City property pursuant to this Part, (except for proceeds derived from property sales under Subpart C (Community Redevelopment Real Property Dispositions) and Subpart F (Sale and Donation of Property for Affordable Housing), less all costs associated with

such sale, shall be deposited in the Jacksonville Recreational Land Acquisition Capital Projects Fund, as created in Section 111.130 and shall be expended specifically for the purpose of maintaining or acquiring land for recreation, park and conservation uses as set forth in such Section.

Sec. 122.430. Sale of Property to Adjacent Property Owners.

When any property declared surplus by the Council is found by the Real Estate Officer to be of insufficient size, shape and character to be issued a building permit for any type of development to be constructed on the property or that the value of a parcel of real property is \$15,000 or less, as determined by an appraisal or assessed value of the property as shown on the tax rolls, and when, due to the size, shape, character, location, and value of the parcel, it is determined by the Real Estate Officer that the parcel is of use only to one or more adjacent property owners, the Real Estate Officer may effect a private direct sale of the parcel. The Real Estate Officer may, after sending notice of its intended action to adjacent property owners by certified mail, effect a sale and conveyance of the parcel at private sale without receiving bids or publishing notice; however, if, within 10 business days after receiving such mailed notice, two or more adjacent property owners notify the Real Estate Officer of their desire to purchase the parcel, the Real Estate Officer, through the Procurement Chief, shall accept sealed bids for the parcel from such property owners and may convey such parcel to the highest bidder or may reject all offers.

SUBPART F. SALE AND DONATION OF PROPERTY FOR AFFORDABLE HOUSING

Sec. 122.461. Donation for Residential Housing.

~~(a) The Purchasing Division and Real Estate Division may donate property, which has a current fair market value of less than \$25,000, or any building that has been vacant, and/or boarded-up for 24 consecutive months without water or electricity, to a not for profit corporation, a private entity/corporation or the adjacent property owner. The not for profit corporation, the private entity/corporation or the adjacent property owner must be approved by the Planning and Development Department as an entity or person whose efforts at redevelopment or constructing housing for low or moderate income individuals meet reasonable standards as to the quality of construction and compliance with income standards. The following listed not for profit corporations are found to be qualified and may receive property donations pursuant to this Subpart:~~

~~(i) Habitat for Humanity of Jacksonville, Inc.~~

~~(ii) Community Housing Development Organizations (CHDO) as identified by the Planning and Development Department.~~

~~(b) Prior to any donation, the Real Estate Division shall investigate whether or not there is a need by the City or any independent agency or, if deemed appropriate by the Real Estate Division, any other governmental agency or unit of government; provided that no written inquiry shall be necessary when the Real Estate Division has been informed previously or otherwise is aware of a need or no need to retain the property for governmental use. If, as a result of its investigation, the~~

~~Real Estate Division determines there is a need for the subject property by a governmental agency or unit, then no donation shall be made.~~

~~(c) The Mayor and Corporation Secretary are authorized to execute and deliver all documents necessary to convey the property to the not for profit corporation.~~

~~(d) The Chief, Real Estate Division shall execute on behalf of the City an agreement, with the not for profit corporation, containing the following conditions: (i) The property be used solely for the construction of affordable housing for low or moderate income individuals; (ii) That construction of such housing begin within 12 months of the donation, unless such time is extended by the Chief, Real Estate Division; (iii) Construction completed within 18 months of donation; (iv) The not for profit corporation will assume full responsibility for construction of the homes in compliance with appropriate building codes; and (v) If construction is not feasible, the property will be conveyed to the City, at no cost to the City. The form of the agreement shall be approved by the Office of General Counsel.~~

Legislative Finding. The Florida Legislature requires each municipality and county under Sections 166.0451 and 125.379, Florida Statutes, to prepare an inventory list of real property within the municipality and county's jurisdiction owned by the municipality and county that is appropriate for use as affordable housing. The Council finds that affordable housing is vital to the health, safety, and welfare of the residents of the City. The Council by enacting this Subpart F of Part 4 (Real Property), Chapter 122 (Public Property), Ordinance Code, desires to establish competitive and open disposition procedures for City owned property deemed appropriate for use as affordable housing.

Sec. 122.462. Definitions. The following terms shall have the definitions given below:

- (a) "*Act*" shall collectively refer to Sections 166.0451 and 125.379, Florida Statutes, as amended.
- (b) "*affordable*" shall have the same meaning as given in Section 420.0004(3), Florida Statutes, as amended.
- (c) "*Affordable Housing Inventory List*" shall mean the Council approved inventory list of all City owned real property within the City's jurisdiction deemed appropriate for use as affordable housing pursuant to the affordable housing criteria in Section 122.463 (c).
- (d) "*Annual Donation Period*" the period commencing on the date that the Council resolution adopting the Affordable Housing Inventory List becomes effective and August 31st of each year.
- (e) "*Entity*" shall mean any corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, public or governmental agency or consortium of any of the aforementioned entities meeting the minimum qualifications in Section 122.464(b).
- (f) "*Housing Chief*" shall mean the Chief of the Housing Division.

- (g) "*Housing Division*" shall mean the Housing and Community Development Division or successor division or department responsible for administering the City's Affordable Housing Program under Chapter 555 and other housing activities under Section 30.701, Ordinance Code.
- (h) "*Procurement Chief*" means the Chief of the City's Procurement Division.
- (i) "*Project*" means the permitting, development and construction of affordable housing on one or more properties pursuant to Sections 122.464 and 122.465.
- (j) "*Project Proposal*" means a Project proposal initiated by an Entity in accordance with Section 122.466.
- (k) "*property*" or "*properties*" means a property or properties listed on the Affordable Housing Inventory List.

Sec. 122.463. Affordable Housing Inventory List.

(a) **Annual Recommendation.** On or before December 1st of each year, the Housing Division shall file legislation with the City Council's Legislative Services Division attaching a proposed Affordable Housing Inventory List provided by the Real Estate Officer. The Real Estate Officer shall certify to the Housing Chief that: (i) based on investigation the City and independent agencies have no need for the properties contained on such list; and (ii) each property on the list meets the affordable housing criteria set forth in subsection (c) below. The proposed Affordable Housing Inventory List shall include at a minimum the following regarding each property:

- (i) Address (if available) and legal description;
- (ii) Council district;
- (iii) Zoning;
- (iv) Lot dimensions;
- (v) Assessed value (as shown on the tax rolls); and
- (vi) Whether each property is vacant or improved.

(b) **Annual Establishment.** The Council shall review the proposed Affordable Housing Inventory List and hold a public hearing regarding the same. The Council may amend the list after the public hearing. On or before February 15th of each year, the Council shall adopt the Affordable Housing Inventory List, as amended, by Council resolution, which resolution shall at a minimum:

- (i) Adopt and attach the Affordable Housing Inventory List, as amended;

- (ii) State that the City and the independent agencies have no need to retain the properties for governmental use and declare the properties to be surplus to the needs of the City;
- (iii) Authorize the sale or donation of the properties in accordance with the disposition procedures in Sections 122.464-122.467 herein; and
- (iv) As to property currently zoned for governmental use, authorize the Real Estate Officer to initiate a property rezoning in accordance with Section 122.427.

The Housing Chief and Procurement Chief shall post the Affordable Housing Inventory List on the Housing Division and Procurement Division websites for the public's information, respectively, within three (3) business days of the Council resolution's effective date.

(c) **Affordable Housing Criteria.** Unless otherwise waived by the Council, each property on the Affordable Housing Inventory List shall:

- (1) have a current or planned zoning of AGR (Agricultural), CRO (Commercial Residential Office), RHD (Residential High Density), RLD (Residential Low Density), RMD (Residential Medium Density), or RR (Rural Residential);
- (2) consist of less than 10 acres;
- (3) have ingress and egress from and to a road; and
- (4) have no prior public use as any of the following:
 - (i) park, fire station, library;
 - (ii) right-of-way;
 - (iii) wasteland; or
 - (iv) retention pond.

Sec. 122.464. Disposition of Property by Donation. Prior to the sale of properties on the Affordable Housing Inventory List under Section 122.465 herein, the City may make property donation awards to Entities during the Annual Donation Period pursuant to the donation procedures outlined below. Properties on the Affordable Housing Inventory List shall be donated via a Request for Proposal or Project Proposal.

(a) **Ineligible Entities.** An entity shall be ineligible to submit a response to a Request for Proposal or submit a Project Proposal pursuant to this Section 122.464 if one or more of the following conditions exists at the time of the response or submittal:

- (i). The Entity is in noncompliance with a prior donation agreement executed by the Entity pursuant to this Subpart F;

- (ii). The Entity is on the Council Auditor's noncompliance list pursuant to Chapter 118, or the Vendor Debarment List pursuant to Chapter 126, Ordinance Code;
- (iii). The Entity is in noncompliance with another City agreement to which the Entity is a party; and
- (iv). The Entity is delinquent on taxes or payment of liens, including code enforcement liens, on real property owned by the Entity and such taxes or liens incurred after the Entity took ownership of the real property.

(b) **Minimum Qualifications.** In order to qualify to receive a donation via a Request for Proposal or a Project Proposal, an entity must meet the following minimum qualifications:

- (i). Be a registered Florida for profit or not for profit corporation in existence for two (2) years and in good standing with the State of Florida as evidenced by a current Good Standing Certificate issued from the Florida Division of Corporations.
- (ii). Have completed at least two (2) affordable housing or real estate development, construction and/or rehabilitation projects as evidenced by a certificate of occupancy or certificate of completion as issued by the City of Jacksonville Building Inspection Division for such projects.

The minimum qualifications set forth in this subsection may not be waived except by the Council.

(c) **Evaluation Criteria and Maximum Points.**

The Professional Services Evaluation Committee (PSEC), established pursuant to Chapter 126, Part 3, Ordinance Code, shall evaluate Request for Proposals and Project Proposals for property donations pursuant to this Section based upon the following evaluation criteria and maximum score of 60 points as allocated below:

- 1) The Entity's competence and experience (e.g., technical education, licensure and training, experience in the type of project to be undertaken) and availability of adequate personnel, equipment and facilities (10 maximum points);
- 2) The Entity's past, current, and projected work load and availability of adequate personnel, equipment and facilities to complete the Project (10 maximum points);

- 3) The Entity's financial responsibility and capacity to complete the Project. The Entity must document financial responsibility through the submission of audited financial statements or statements of revolving lines of credit, which identify the maximum amount and availability of credit on the line. Additionally, the Entity must document financial capacity to complete the Project via loan commitments, grants or other financing evidencing the same (10 maximum points);
- 4) Project plans and specifications (10 maximum points);
- 5) Project timeline, including but not limited to, either a rehabilitation or new construction timeline which details the proposed construction start and completion dates (10 maximum points); and
- 6) Project marketing plan which demonstrates how the Project will be marketed to homebuyers for residential use (10 maximum points).

Each evaluation criterion and maximum allocated points shall be indicated in the Request for Proposal or Project Proposal advertisement. The minimum averaged evaluation score that a Project must receive to be recommended by PSEC for a property donation is 45. The evaluation criteria set forth in this subsection may not be waived except by the Council.

(d) **Donation Procedures.** Property shall be donated pursuant to this Section 122.464 by the Request for Proposal procedures outlined in Sections 122.465 or the Project Proposal procedures outlined in Section 122.466. The Procurement Chief may promulgate rules and procedures, including protest procedures, and amendments thereto, subject to the approval of the Mayor and consistent with the provisions in Section 122.465 and 122.466. The purpose of such rules and procedures shall be to provide needed clarity only to the provisions in Sections 122.465 and 122.466 and shall not add or detract from such provisions.

(e) **Donation Agreement Terms.** All donations to Entities shall be made pursuant to a Donation Agreement, which agreement shall contain the following terms:

- i. An inspection period to enable the Entity to inspect the property prior to the donation;
- ii. A requirement that the Entity obtain a title examination and title insurance for the property at the Entity's sole expense;
- ii. The City's obligation to convey a deed in the form prescribed in Section 125.411, Florida Statutes, subject to the Donation Agreement terms;
- iii. A requirement that the Entity execute and provide to the City for recording in the public records of Duval County, a ten (10) year land use restriction on the property requiring that the property be used [*Housing Division to provide language insert*];

- iv. A requirement that the Entity commence construction of affordable housing on the property within six (6) months of the donation, unless such time is extended by the Chief for three (3) additional months (the "Commencement Date");
- v. A requirement that the Entity complete construction of the affordable housing in accordance with the Project plans and specifications submitted in the Entity's Project Proposal or response to Request for Proposal, as applicable, within six (6) months of the Commencement Date;
- vi. A requirement that the Entity maintain the property, including but not limited to, lawn maintenance, until such time that the property is conveyed to a low or moderate income individual for residential purposes;
- vii. The City's right to re-enter and take possession of the property if the Entity fails to comply with the terms of the donation agreement. Upon such election by the City, the Entity shall be required to convey the property to the City at no cost;
- viii. The City's right to terminate the donation agreement if the Entity fails to comply with the terms of the donation agreement and exercise all remedies available at law, including but not limited to, specific performance;
- ix. Any other terms approved by the Office of General Counsel to be in the best interest of the City.

Sec. 122.465. Donation Procedures via Request for Proposal. The Housing Chief may submit to the Procurement Chief Project requirements to procure the professional services of an Entity to develop properties on the Affordable Housing Inventory List using the Request for Proposal ("RFP") procedures set forth in subsections (a)-(f) below and Chapter 126, Part 3, as applicable.

(a) **Memorandum with Project Requirements.** The Housing Chief shall submit a memorandum to the Procurement Chief with the Project requirements and the scope of the professional services needed to complete the Project. Such memorandum shall include the following information:

- i. A description of the scope of services; and
- ii. A list of the properties contained on the Affordable Housing Inventory List to be developed by the Entity for affordable housing purposes.

The minimum number of properties in an RFP shall be three (3) and the maximum number of properties in an RFP shall be twenty (20). In no event shall the combined assessed value of properties to be awarded to one Entity in a single RFP be more than \$200,000 unless waived by

the Council.

(b) **Contents of the RFP.** An RFP issued pursuant to this Section 122.465 shall be approved by PSEC and include the following:

- i. Description of the scope of the services;
- ii. The Minimum Qualifications set forth in Section 122.464(b);
- iii. The items required in Section 122.466(a) below as determined by the Procurement Chief; and
- iv. The Evaluation Criteria and assigned points to each criterion, as set forth in Section 122.464(c).

(c) **Public Notice and Advertisement; Notice to Council Members.** The public notice and advertisement period for the RFP shall be approved by the PSEC at the recommendation of the Procurement Chief. The Procurement Chief shall concurrently with the public notice provide notice to all Council Members of any RFPs issued pursuant to this subpart.

(d) **Acceptance, Corrections, Withdrawal.** Issues regarding the acceptance, correction and withdrawal of proposals under this Section 122.465 shall be governed by Section 126.302, Ordinance Code.

(e) **Evaluation.** The responses to the RFP shall be evaluated by the PSEC evaluation committee, as set forth in Section 126.302, in accordance with the evaluation criteria set forth in Section 122.464(c). The PSEC evaluation committee shall conduct interviews with each Entity. For purposes of this subsection (e), two representatives from the Housing Division shall serve as the using agency representatives assigned to PSEC.

(f) **PSEC Rankings; Approval by Mayor; Donation Agreement Award.** Based on the evaluation, the PSEC shall rank the responses to the RFP in order of preference and recommend that a donation agreement is entered into with the highest ranked Entity with an averaged evaluation score of 45 or higher and provide the same to the Mayor for approval. If the Mayor approves the PSEC recommendation, the City shall enter into a donation agreement in the form prescribed in Section 122.464(e).

Sec. 122.466: Donation Procedures via Project Proposal. An Entity may submit an Project Proposal to the City in accordance with subsection (a) below.

(a) **Contents.** A Project Proposal shall be submitted to the Procurement Chief and must include the following items:

- i. A Cover Page containing the Entity's name, address, and the name and address of a person who may be contacted for additional information concerning the Project Proposal;
- ii. Evidence of the Minimum Qualifications contained in Section 122.464(b);

- iii. An affidavit in a form provided by the City executed by the president, vice president, or chief executive officer of the Entity stating that none of the conditions in Section 122.464(a) exists at the time of submittal.
- iv. A listing of properties (maximum 20 properties and combined assessed value of no more than \$200,000) by address on the Affordable Housing Inventory List to be used in the Project;
- v. A description of the Project, including conceptual design, plans and specifications;
- vi. A Project timeline and schedule for the initiation and completion of the Project;
- vii. A description of the Entity's general plans for financing the Project, including the sources of the Entity's funds and a proposed pro forma Project budget;
- viii. A description of the available programs, if any, to assist potential low income and moderate homebuyers in purchasing the affordable housing from the Entity.

The Project Proposal shall contain no more than fifteen (15) single-sided double-spaced 8½" by 11" pages and 1 inch margins. The font style shall be Times New Roman or Arial with a minimum font size of 11 points and a maximum font size of 12. The Cover Page in (a)(i) above will not be counted as part of the 15-page limit. The Project Proposal shall be submitted to the City's Procurement Division and to the attention of the Procurement Chief. The City reserves the right to request additional material or information from the Entity as needed.

(b) **Determination by Procurement Chief as to Conformity.** Upon receipt by the Procurement Chief of a Project Proposal, the Procurement Chief shall review the proposal to determine if it is in compliance with the requirements of subsection (a) above. If an Entity's Project Proposal fails to comply with the requirements of subsection (a) above, the Procurement Chief shall reject such Project Proposal due to non-conformity with the requirements of subsection (a) above. The Procurement Chief shall notify the Entity, the Housing Chief and the PSEC of any Project Proposals deemed by the Procurement Chief to be non-conforming. The Entity shall have 48 hours to protest the Procurement Chief's determination in accordance with the protest rules promulgated by the Procurement Chief.

(c) **Acceptance and Review; Initial Recommendation by PSEC.** Upon receipt of a Project Proposal in conformity with the requirements of subsection (a) above, the Procurement Chief shall notify the Entity that such proposal is in conformance and forward the same to the Housing Chief. Upon receipt of the proposal by the Housing Chief, the Housing Chief shall obtain a recommendation from PSEC, which PSEC recommendation shall authorize the Procurement Chief to issue a notice and advertisement for other Project Proposals for the subject properties. The Mayor may approve or reject PSEC's recommendation. If the Mayor approves of PSEC's recommendation, the Procurement Chief shall issue the notice and advertisement for other Project Proposals for the subject properties in accordance with said recommendation.

(d) **Public Notice and Advertisement for Other Project Proposals.** At such time

that the PSEC makes a recommendation pursuant to subsection (c) above and the Mayor approves of the same, the Procurement Chief shall publish notice in a newspaper of general circulation at least once a week for 2 weeks stating that the City has received a Project Proposal pursuant to this Subpart F and will accept other Project Proposals, in the form prescribed in Section 122.466(a) above, for the subject properties. The timeframe within which the City may accept other proposals shall be determined by the PSEC, at the recommendation of the Procurement Chief, on a project-by-project basis based upon the number of properties requested for donation. The timeframe for each notice shall be set forth in the initial PSEC recommendation pursuant to subsection (c) above.

(e) **Evaluation, Rankings; Award.**

i. **Evaluation and Interviews.** After the public notification period in subsection (d) above has expired and additional Project Proposals for the same properties have been received by the Procurement Chief, the PSEC evaluation committee, as set forth in Section 126.302, shall evaluate the Project Proposals in accordance with the evaluation criteria and assigned maximum points set forth in Section 122.464(c) and thereafter conduct interviews with each Entity. For purposes of this subsection (e), two representatives from the Housing Division shall serve as the using agency representatives assigned to PSEC. If no additional Project Proposals are received by the Procurement Chief, the Procurement Chief shall forward the original Project Proposal to the PSEC evaluation committee under 122.465(e) to evaluate the proposal. If the averaged evaluation score is 45 or higher, the Housing Chief shall obtain a PSEC recommendation to award a donation agreement to the Entity that submitted the original Project Proposal.

ii. **PSEC Rankings; Approval by Mayor; Donation Agreement Award.** Based on the evaluation, the PSEC shall rank the Project Proposals in order of preference and recommend that a donation agreement is entered into with the highest ranked Entity with an averaged evaluation score of 45 or higher and provide the same to the Mayor for approval. If the Mayor approves the PSEC recommendation, the City shall enter into a donation agreement in the form prescribed in Section 122.464(e).

Sec. 122.467. Disposition of Property by Sale. All properties on the Affordable Housing Inventory List that are not donated during the Annual Donation Period under Sections 122.464-122.466 shall be sold by the Real Estate Officer pursuant to the procedures outlined below.

(a) **Procedures.** Commencing on September 1st of each year, the Real Estate Officer shall initiate the sale of all properties on the Affordable Housing Inventory List that are not donated during the Annual Donation Period by either:

(1) Directing the Department of Intra-Governmental Services, Chief of Procurement, to solicit sealed competitive bids for the public sale of property on the Affordable Housing Inventory List to the highest bidder with payment to be made by cash, certified check or cashier's check. Bids shall be returned to the Chief of Procurement at the Procurement Division's main office or any place designated for bid opening. The bid opening date shall be on or before a date

at a time certain between the hours of 8:30 a.m. and 5:00 p.m. and designated in the public advertisement for bids. Such advertisement shall be published at least once in a newspaper of daily and general circulation in the City not less than ten days prior to the expiration of the time for submission of bids. No bid shall be accepted which is in an amount less than the sum of the appraised or assessed value, the appraisal cost, as applicable, advertisement cost, and all applicable closing costs. Sections 122.424(c)-(f) shall also apply to this subsection (a)(1); or

(2) Disposing of the property on the Affordable Housing Inventory List via an in-person or on-line public auction and sell the property to the highest bidder for cash, after publication of a notice of the auction in a newspaper of general circulation in the City, published at least ten days before the date of the auction, setting forth the date, time and place of the auction and the property's legal description and street address (if available).

The Real Estate Officer may use a combination of the procedures in (a)(1) and (2) to dispose of the property on the Affordable Housing Inventory List that are not donated until all such properties on the list are sold.

(b) **Appraisals.** Except for tax-reverted and foreclosure properties acquired by the City pursuant to Section 122.428, the Real Estate Officer shall order an appraisal from an appraiser on the list maintained pursuant to Section 126.308 with a professional designation issued by the American Institute of Real Estate Appraisers or the Society of Real Estate Appraisers and doing business in the City.

(c) **Property Use and Maintenance Restrictions.** All property sold under this Section 122.467, shall be sold subject to the following five (5) year property use and maintenance restrictions that the Owner shall maintain the property exterior, including the and front and back yard landscaping, until such time as the property is conveyed or leased to an individual for residential purposes. The property use and maintenance restrictions in this subsection (c) shall be stated in the deed and the successful bidder or owner shall execute the deed. The property use and maintenance restrictions herein shall be supplemental to all other applicable federal, state and local ordinances, rules and regulations governing the property.

(d) **Execution of Deeds.** As soon as practicable after the award of the sale or auction, and upon receipt of the purchase price in cash, certified or cashier's check, the Mayor and the Corporation Secretary, under the seal of the City, shall execute and deliver to the successful bidder a deed in the form prescribed in Section 125.411, Florida Statutes, as amended. The deed shall be executed by the City and the successful bidder and include the property use and maintenance restrictions required in subsection (c) above.

(e) **Sale Proceeds.** All proceeds from the sale of property pursuant to this Section shall be deposited into [account/trust fund], as created in [Ordinance _____ or Section 111.____, Chapter 111, Ordinance Code], and used for the affordable housing purposes described therein.

Sec. 122.468. Execution Authorization. The Mayor, or his or her designee, and the Corporation Secretary, or alternatively, the Real Estate Officer, are authorized to execute and

deliver all deeds necessary to convey property by sale or donation in accordance with this Subpart F. The Mayor, or his or her designee, and the Corporation Secretary, or alternatively, the Housing Chief, are authorized to execute the donation agreements in the form prescribed in Section 122.464(e). All documents executed by the City pursuant to this subpart shall be reviewed and approved by the Office of General Counsel.

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