

Affordable Housing Statute

Reconciling the Options available under F.S. 166.0451 with the City's Charter

F.S. 166.0451 (1) requires a municipality to create a detailed inventory of real property owned in fee simple every three years. Only property deemed appropriate for affordable housing is included in the inventory. The statute further requires the City Commission to review the inventory at a public hearing during which time the inventory may be revised. Thereafter, the City Commission shall adopt the inventory by resolution.

F.S. 166.0451 (2) delegates discretionary authority to a municipality to select from five (5) options to facilitate the development of affordable housing.

First Option. The City may offer the property for sale and deposit the proceeds in an Affordable Housing Trust Fund. I assume no restrictions would be placed on the sale. Sales under this option would occur under Section 8.04 of our charter.

Second Option. The City may offer the property for sale with restrictions requiring the development of the property as “permanent” affordable housing. Again, Section 8.04 is the appropriate charter provision.

Third Option. The City may donate the property for sale to a non-profit for construction of “permanent” affordable housing. This option is not permitted under our charter. However, it should be noted that under Section 8.02 the City may “give” or “grant” real property to public bodies for public purposes (i.e. affordable housing).

Fourth Option. The City may make property available for use for production and preservation of “permanent” affordable housing. It is uncertain how this option would be accomplished since a municipality typically does not serve as a developer of housing or a property manager of rentals.

Fifth Option. The City may sell or convey city-owned property within a Community Redevelopment Area and dispose of the properties in accordance with Fla Stat Chapter 163.380, Part III