

ORDINANCE NO. 79- 09

AN ORDINANCE CREATING THE BREVARD COUNTY HOUSING FINANCE AUTHORITY; PROVIDING A DECLARATION OF NEED; PROVIDING FOR THE EXERCISE OF ALL POWERS AUTHORIZED BY THE FLORIDA HOUSING FINANCE AUTHORITY LAW; PROVIDING FOR OPERATIONS WITHIN BOTH THE INCORPORATED AND UNINCORPORATED AREAS OF BREVARD COUNTY, FLORIDA; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS; PROVIDING FOR THE ORGANIZATION OF THE AUTHORITY; PROVIDING FOR THE APPOINTMENT OF MEMBERS; PROVIDING FOR THE ALTERATION OF THE AUTHORITY'S ACTIVITIES BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA; REQUIRING THE PRIOR APPROVAL OF CERTAIN ACTIONS OF THE BREVARD COUNTY HOUSING FINANCE AUTHORITY BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida enacted the "Florida Housing Finance Authority Law", Chapter 78-89, Laws of Florida, codified as Chapter 159, Part IV, Section 159.601 through Section 159.623, Florida Statutes, inclusive, during the 1978 Legislative Session in which Act the Legislature found and declared that:

- (1) Within this state there is a shortage of housing available at prices or rentals which many persons and families can afford and a shortage of capital for investment in such housing. This shortage constitutes a threat to the health, safety, morals, and welfare of the residents of the state, deprives the state of an adequate tax base, and causes the state to make excessive expenditures for crime prevention and control, public health, welfare and safety, fire and accident protection, and other public services and facilities.
- (2) Such shortage cannot be relieved except through the encouragement of investment by private enterprise and the stimulation of construction and rehabilitation of housing through the use of public financing.
- (3) The financing, acquisition, construction, reconstruction, and rehabilitation of housing and of the real and personal property and other facilities necessary, incidental, and appurtenant thereto are exclusively public uses and purposes for which public money may be spent, advanced, loaned, or granted and are governmental functions of public concern.; and

WHEREAS, such Act authorizes each county in the state to create by ordinance a separate public body corporate and politic to be known as the "Housing Finance Authority" of the county for which it was created; and

WHEREAS, pursuant to such Act, a housing finance authority may not transact any business or exercise any powers under the Act until the governing body of the county for which such housing finance authority is created passes a resolution declaring the need for a housing finance authority to function to alleviate a shortage of housing and capital for investment in housing in its area of operation; and

WHEREAS, the Board of County Commissioners of Brevard County, Florida adopted such resolution of need this date, prior to the adoption of this Ordinance, declaring that the aforesaid shortages of housing and of capital for investment in housing exist in Brevard County, and that further, the elimination of such shortages and the provision of adequate housing would prevent the recurrence of slum conditions, stimulate employment and commerce, and be consistent with sound planning in Brevard County, and that there is a need for a housing finance authority to alleviate and remedy the aforementioned housing and investment capital shortages.

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

SECTION 1. A new Ordinance of the Brevard County Code to be designated Chapter 1, Article VIII, Sections 1-174 through 1-181 of said Code is hereby adopted to read as follows:

Article VIII. Brevard County Housing Finance Authority.

Section 1-174. Authority: This Ordinance is enacted pursuant to the Florida Housing Finance Authority Law, Chapter 78-89, Laws of Florida, codified as Chapter 159, Part IV, Section 159.601 through Section 159.623, Florida Statutes, inclusive, such statutory authority being hereinafter referred to in this Ordinance as the "Act". The provisions of said Act are hereby incorporated in this Ordinance by reference to the full extent as if such provisions were set forth herein in their entirety. In the event of a conflict between the provisions of the Act and the provisions of this Ordinance, the provisions of this Ordinance shall be deemed to control to the extent of such conflict.

Section 1-175. Legislative Findings: It is hereby ascertained and found that there are shortages of housing and of capital for investment in housing in Brevard County, Florida (the "County"), and declared that there is a need for a housing finance authority in the County to alleviate and remedy the aforementioned housing and investment capital shortages.

Section 1-176. Creation of Authority; Powers: There is hereby created a separate public body corporate and politic to be known as the Brevard County Housing Finance Authority, hereinafter referred to in this Ordinance as the "Authority", which is directed to carry out and exercise, without limitation except as is herein expressly stated, all powers and public and governmental functions set forth in and contemplated by the Act. The Authority shall have the power to make and issue such regulations, bylaws and rules as it deems necessary to implement its powers and functions.

Section 1-177. Territorial Boundaries of Authority: The Authority shall have the power and is hereby directed to operate within the territorial boundaries of the County, including both the incorporated and unincorporated areas.

Section 1-178. Membership of the Authority: The Authority shall be composed of five (5) members, one (1) of whom shall be designated Chairman. Not less than three (3) of the members shall be knowledgeable in one of the following fields: labor, finance or commerce. The terms of the members shall be four (4) years each, except that the terms of the initial members shall be as follows: two (2) members shall serve a term of one (1) year; one (1) member shall serve a term of two (2) years; one (1) member shall serve a term of three (3) years; and one (1) member shall serve a term of four (4) years. A member shall hold office until his successor has been appointed and has qualified. Each vacancy shall be filled for the remainder of the unexpired term. A certificate of the appointment or reappointment of any member shall be filed with the Clerk of the Circuit Court of Brevard County, Florida, and the certificate shall be conclusive evidence of the due and proper appointment of the member. A

member shall receive no compensation for his services, but shall be entitled to necessary expenses, including traveling expenses, incurred in the discharge of his duties.

Section 1-179. Conflicts of Interest; Disclosure: No member or employee of the Authority shall acquire any interest, direct or indirect, in any qualifying housing development or in any property included or planned to be included in such a development, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used in connection with any qualifying housing development. If any member or employee of the Authority owns or controls an interest, in any property included or planned to be included in any qualifying housing project, he shall immediately disclose the same in writing to the housing finance authority. Such disclosure shall be entered upon the minutes of the Authority. Failure to so disclose such interest shall constitute misconduct in office.

Section 1-180. Powers of County Commissioners: The County may, at its sole discretion, and at any time, alter or change the structure, organization, programs or activities of the Authority, including the power to terminate the Authority, subject to any limitation on the impairment of contracts entered into by the Authority and subject to the limitations or requirements of the Act.

Section 1-181. Approval of County Commission: The following actions of the Authority shall first be approved by resolution of the Board of County Commissioners of Brevard County, Florida as a prior condition to such actions becoming effective:

(a) Any rules or regulations to be promulgated by the Authority setting forth standards or criteria for determining "eligible persons" or "qualifying housing development".

(b) Any resolution authorizing the issuance of revenue bonds as authorized in the Act.

(c) All contracts or agreements of the Authority.

(d) Any sale of bonds, whether by public or private sale, authorized in the Act.

(e) Any other action in which the Board of County Commissioners of Brevard County, Florida has by resolution required to be first approved by resolution of such Board.

SECTION 2. Severability: If any section, subparagraph, sentence, clause or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 3. Effective Date: This Ordinance shall take effective immediately upon adoption and filing with the Secretary of State as provided by law.

DONE and ADOPTED in regular session, this 15th day of March, A.D., 1979.

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: *D. Gene Roberts*  
D. Gene Roberts, Chairman

ATTEST:

*R. C. Winstead, Jr.*  
R. C. Winstead, Jr., Clerk



STATE OF FLORIDA  
COUNTY OF BREVARD

This is to certify that the foregoing is a  
true & correct copy of \_\_\_\_\_  
Ordinance witness my hand  
and official seal this 14<sup>th</sup> day of

June 1985  
R. C. WINSTEAD, JR.  
Clerk Circuit Court

BY *E. McElroy* D.C.