

CITY OF SANIBEL

ORDINANCE 19-005

AN ORDINANCE PERTAINING TO SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 102 OF THE SANIBEL CODE OF ORDINANCES ENTITLED “HOUSING”, ARTICLE II, BELOW MARKET RATE HOUSING, DIVISION 1 - GENERALLY; AMENDING SECTION 102-33 “RESPONSIBILITIES OF HOUSING FOUNDATION” TO UPDATE THE ELIGIBILITY CRITERIA FOR BELOW MARKET RATE HOUSING RENTAL APPLICANTS; PROVIDING FOR CODIFICATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 102-33 “Responsibilities of housing foundation” pertains to Below Market Rate Housing (“BMRH”); and

WHEREAS, the BMRH Subcommittee to the Planning Commission made the recommendation to update the income eligibility criteria for BMRH applicants, from 120 percent of the area median income to 160 percent of the area median income, for the purpose of broadening the potential pool of worthy BMRH applicants; and

WHEREAS, City Council concurs with the BMRH Subcommittee recommendation and finds it necessary to amend the Sanibel Code to update the eligibility criteria for BMRH rental applicants, to better serve the needs of the community and the City of Sanibel;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Sanibel, Florida:

SECTION 1. CHAPTER 102, entitled “HOUSING”, Article II, Below Market Rate Housing, Division 1 – Generally, “Responsibilities of Housing Foundation”, of the Sanibel Code of Ordinances is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by ~~strikeout~~, to read as follows:

Sec. 102-33. - Responsibilities of housing foundation.

The housing foundation's responsibilities shall be:

- (7) To administer a below market rate housing program within the city, pursuant to the guidelines of this article, including the following:
 - b. To establish and update, at least annually, eligibility criteria for below market rate housing rental applicants, in terms of maximum income, taking into account family composition and total income of all family members, such criteria to be generally based upon the latest available data from the United States Department of Housing and Urban Development, using ~~120~~ up to 160 percent of the median income for the county as a guide for families of three persons.

SECTION 2. Codification. This ordinance shall be deemed an amendment to the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment. The City Clerk is hereby authorized and directed to instruct as part of the codification that all section numbers amended by this Ordinance are updated and corrected throughout the Code of Ordinances in the event such section numbers are referenced.

SECTION 3. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

SECTION 5. Effective Date. This ordinance shall be effective immediately upon adoption.

DULY PASSED AND ORDAINED by the Council of the City of Sanibel, Florida, this 9th day of September, 2019.

First Reading: August 20, 2019
Publication: August 28, 2019
Second Reading: September 9, 2019



Kevin Ruane, Mayor

AUTHENTICATION:



Scotty Lynn Kelly, Acting City Clerk

APPROVED AS TO FORM:  _____ 9/9/19
John D. Agnew, City Attorney Date

Vote of Council Members:

Ruane yea
Denham yea
Johnson yea
Maughan yea
Smith yea

Date Filed with City Clerk: September 9, 2019