



COUNCIL AGENDA STATEMENT

Meeting Date: November 18, 2025

To: Honorable Mayor and City Councilmembers

From: Steven Williams, City Attorney

Agenda Item: **Ordinance 2025-07**, Amending City of Marathon's Code of Ordinances Chapter 3, Article III, Section 3-42 Titled "Administration"; Providing For The Repeal Of All Ordinances Or Parts Thereof Found To Be In Conflict; Providing For Severability; And Providing An Effective Date.

BACKGROUND & JUSTIFICATION:

This Ordinance creates a subsection that allows the City to elect tertiary loan priority for the First Time Homebuyer Assistance Program in instances where an applicant seeks to utilize both the First Time Homebuyer Assistance Program and the State Housing Initiatives Partnership Program ("SHIP") loan. The County currently oversees the SHIP and, often, the monies received through the SHIP loan are more than the amount received through the City's First Time Home Buyers Assistance Program. As such, this amendment allows for the City to elect tertiary loan priority in these types of situations, which allows for first time home buyers to utilize both programs.

CONSISTENCY CHECKLIST:

	Yes	No
1. Comprehensive Plan	_____	_____
2. Other _____	_____	_____
3. Not Applicable	<u> X </u>	_____

FISCAL NOTE:

RECOMMENDATION:

Approval of Ordinance

Business Impact Estimate Form

This Business Impact Estimate Form is provided to document compliance with and exemption from the requirements of Sec. 166.041(4), Fla. Stat. If one or more boxes are checked below under “Applicable Exemptions”, this indicates that the City of Marathon has determined that Sec. 166.041(4), Fla. Stat., does not apply to the proposed ordinance and that a business impact estimate is not required by law. If no exemption is identified, a business impact estimate required by Sec. 166.041(4), Fla. Stat. will be provided in the “Business Impact Estimate” section below. In addition, even if one or more exemptions are identified, the City of Marathon may nevertheless choose to provide information concerning the proposed ordinance in the “Business Impact Estimate” section below. This Business Impact Estimate Form may be revised following its initial posting.

Proposed ordinance’s title/reference:

Proposed Ordinance 2025-07: An Ordinance of the City of Marathon, Florida, Amending City of Marathon’s Code of Ordinances Chapter 3, Article III, Section 3-42 Titled “Administration”; Providing for the Repeal of All Ordinances or Parts Thereof Found to be in Conflict; Providing for Severability; Providing for Inclusion in the Code of Ordinances; and Providing for an Effective Date.

Applicable Exemptions:

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - ☐ Development orders and development permits, as those terms are defined in s.163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243;
 - ☐ Comprehensive Plan Amendments and land development regulation amendments initiated by an application by a private party other than the municipality;
 - ☐ Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - ☐ Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - ☐ Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Business Impact Estimate:

The City of Marathon hereby publishes the following information:

- 1. A summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):**

Ordinance 2025-07 amends Section 3-42, under Chapter 3, Article III of the City of Marathon Code of Ordinances, to allow for the City to elect tertiary loan priority in instances where a First Time Homebuyer seeks to utilize both the First Time Homebuyer Assistance Program and the State Housing Initiatives Partnership Program ("SHIP").

- 2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the municipality, including the following, if any:**

- (a) An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted:**

Ordinance 2025-07 does not impose a direct compliance cost on businesses as the ordinance pertains to First Time Homebuyers seeking assistance through the City's First Time Home Buyers Assistance Program.

- (b) Identification of any new charge or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible:**

Ordinance 2025-07 does not impose a new charge or fee on businesses as the ordinance pertains to First Time Homebuyers seeking assistance through the City's First Time Home Buyers Assistance Program.

- (c) An estimate of the municipality's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs:**

None.

- 3. A good faith estimate of the number of businesses likely to be impacted by the ordinance:**

None.

4. Additional information the governing body determines may be useful (if any):

No additional information.

Note: *The City's provision of information in the Business Impact Estimate section above, notwithstanding an applicable exemption, shall not constitute a waiver of the exemption or an admission that a business impact estimate is required by law for the proposed ordinance. The City's failure to check one or more exemptions below shall not constitute a waiver of the omitted exemption or an admission that the omitted exemption does not apply to the proposed ordinance under Sec. 166.041(4), Fla. Stat., Sec. 166.0411, Fla. Stat., or any other relevant provision of law.*

Sponsored by: Council
Public Hearing Dates: October, 14, 2025
November 18, 2025
Enactment date: November 18, 2025

**CITY OF MARATHON, FLORIDA
ORDINANCE 2025-07**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING CITY OF MARATHON'S CODE OF ORDINANCES CHAPTER 3, ARTICLE III, SECTION 3-42 TITLED "ADMINISTRATION"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon ("City") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City has experienced a large disparity between the sales price of a single-family and multi-family dwelling units and the median family income in the City; and

WHEREAS, consequently, substantial savings for a down payment is required for a home purchase; and

WHEREAS, in Section 104.03 of the City's Land Development Regulations (the "LDRs"), the City has set forth the income requirements for affordable housing in the City; and

WHEREAS, families that meet the affordable housing income criteria set forth in the LDRs find it difficult to save money for a down payment; and

WHEREAS, the City Council has provided the ability for First Time Home Buyers to more affordably acquire a first home in the Florida Keys through the First Time Home Buyers Assistance Program; and

WHEREAS, the County oversees a similar program called the State Housing Initiatives Partnership ("SHIP") that assists First Time Home Buyers in acquiring a first home; and

WHEREAS, First Time Home Buyers may be eligible to receive assistance through both the SHIP program and the City's First Time Home Buyers Assistance Program; and

WHEREAS, the monies received through the SHIP program are often times more than the amount received through the City's First Time Home Buyers Assistance Program; and

WHEREAS, in circumstances where an applicant is eligible to receive a loan from both the SHIP program and the City's First Time Home Buyers Assistance Program, it is in the best interest for the City to have the option to elect tertiary priority behind the first mortgage and the SHIP loan; and

WHEREAS, the revision of the First Time Home Buyers Assistance Program is in the public interest as it will assist in expanding the privilege of home ownership to individuals of low and moderate income levels by allowing for a First Time Home Buyer to utilize both the SHIP program and the City's First Time Home Buyers Assistance Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the City Council as legislative findings and intent pertaining to this Ordinance.

Section 2. Chapter 3, Article III, of the Code of Ordinances, City of Marathon, Florida is hereby amended by amending Section 3-42 to read as follows:

Sec 3-42 Administration

- (a) The "First Time Homebuyer Assistance Program" is hereby established. The City Manager shall establish a separate account to record revenues and expenditures in furtherance of the program hereby established.
- (b) The City Council may in each fiscal year appropriate funds during the budget process to the First Time Homebuyer Assistance Program, including transferring funds from the City's Affordable Housing Program fund. In any given fiscal year of the City, the amount of down payment loans under this program shall not exceed the unused funds that have been allocated to the program.
- (c) The Director shall administer the program, or in the alternative, the City Council may enter into an agreement with a third party to implement and administer the program.
- (d) The Director may, subject to City Council approval, adopt administrative forms, applications and rules necessary to carry out the purpose of the program.
- (e) On or before September 1 of each year, the Director, or his designee, shall submit to the City Council a report on transactions involving the program for the preceding fiscal year, including, but not limited to, the following:
 - (1) Number of defaults; and
 - (2) Number of noncompliance incidents; and
 - (3) Number of participants refinancing first mortgage loans; and
 - (4) The sales price of housing units for the preceding fiscal year; and

- (5) The income and income category (very low, low median, and moderate) of each new participant; and
- (6) Any repayments of loans made pursuant to the program.
- (f) The Director shall also furnish to the City Council such other reports as the City Council may direct.
- (g) Loan repayment revenues are deemed appropriated upon receipt and are authorized to be expended for the purposes of the program.
- (h) **In the event an applicant seeks to utilize both the First Time Homebuyer Assistance Program and the State Housing Initiatives Partnership Program (“SHIP”) loan funds, the City may elect for the First Time Homebuyer Assistance Program funds to have tertiary loan priority.**

Section 3. **Conflicts.** In any case in which a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision that establishes the higher standards for promotion and protection of the health and safety of the people shall prevail.

Section 4. **Severability.** If any section, subsection, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 5. **Repeal.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

Section 6. **Effective Date.** This Ordinance shall be deemed to be effective after its approval upon second and final reading.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS XX DAY OF XXXXXX, 2025.

THE CITY OF MARATHON, FLORIDA

Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk
(City Seal)

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

Steven Williams, City Attorney