

Implementing Order

Implementing Order No.: 3-44

Title: Infill Housing Program Initiative

Ordered: 10/29/2019

Effective: November 9, 2019

AUTHORITY:

The Miami-Dade County Home Rule Amendment and Charter, including among others, Section 1.01 and 2.02 A and Article VII Section 17-121 thru 17-128.1 of the County Code, as amended.

SUPERSEDES:

This Implementing Order supersedes Implementing Order 3-44 approved February 7, 2017, effective as of February 17, 2017.

SCOPE:

This Implementing Order establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County whereby the procedures are established to carry out the goals of the Infill Program. Notwithstanding the foregoing, this Implementing Order may be supplemented by the Infill Program Guidelines established by Miami-Dade Public Housing and Community Development Department (the Department) and approved by the Board of County Commissioners (the Board). The County Mayor or the County Mayor's designee may amend the Program Guidelines, from time to time, provided that the amendments are not in conflict with the Code and this Implementing Order.

POLICY:

Article VII, Section 17-121 through 17-128.1, of the Code of Miami-Dade County creates a specific methodology for handling infill housing, including, but not limited to, the identification of property; acquisition, transfer and sale of property; reversion of title to the County in the event of non-performance; and forgiveness of liens. The various activities necessary to administer the Infill Program as well as the various agencies responsible for its implementation are outlined in this document. This Implementing Order also directs the creation of the Affordable Housing Review Committee (AHRC) and the Affordable Housing Selection Committee (AHSC) as defined herein.

The purpose of the Infill Program is to increase the availability of affordable homes for very low-, low- and moderate-income persons and households; maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties, equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Program encourages the sale or transfer of County-owned properties to developers. The developers shall be required to build affordable homes to be sold to very low-, low- and moderate-income persons. Although the Infill Program is primarily designed to create affordable homeownership of single family homes, the County, under limited circumstances may, at its sole discretion, allow developers to rent these homes to qualified very low-, low- or moderate-income families.

Except as otherwise specified, the Department, or its successor department is charged with the overall responsibility of administering the Infill Program under this Implementing Order. The Department and all applicable County departments shall work together to expedite the implementation of the Infill Program and to avoid any impediments that may delay the administration of the Program.

DEFINITIONS:

Affordable: Where the rental payment or mortgage payment (including taxes and insurance) does not exceed 30 percent of the amount which represents the percentage of the median annual gross income for very low-, low- and moderate-income households. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

Capital Improvements: Documented commercially reasonable cost of structural improvements made to the Property by the Owner which increase the total square footage of the home.

Certificate of Qualification: A certificate or other document issued by the Department, its successor department or any other County or non-County agency that has been authorized by the Department to qualify households, establishing that a household is qualified to purchase an affordable Dwelling Unit.

Control Period: The 20-year period during which the Eligible Home must remain affordable. The Control Period begins on the initial sale date of the Eligible Home and resets automatically every 20 years for a maximum of 60 years, except that in the event the home is owned by the same owner for an entire 20-year period, said home shall be released from the affordability restrictions.

County Property: Property that is owned by Miami-Dade County.

Department: Miami-Dade Public Housing and Community Development Department or any successor department.

Dwelling Unit: A single-family residential unit, whether detached or attached to another such unit, that houses a single family and that can be sold in fee simple ownership.

Eligible Housing or Eligible Home: Any Dwelling Unit that is: (i) located on an infill parcel; (ii) constructed in accordance with this Implementing Order and the attached guidelines; (iii) used as the primary residence of an Eligible Household; (iv) has an individual utility meter for each of the utility services; and (v) sold as a fee simple property.

Eligible Person or Eligible Household: One or more natural persons or a family that has not owned or had an interest in a home during the previous three years and that has been determined by the County to meet the eligibility requirement of a very low-, low- or moderate-income household according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development (HUD) based upon the annual gross income of the household. The terms Eligible Person or Eligible Household shall also include one or more natural persons or a family who participates in one of the County's and other municipalities' affordable rental programs, including but not limited to the Section 8 Housing Choice Voucher or the Miami-Dade Homeless Trust Continuum of Care's Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence programs and who has been determined by the County to meet the eligibility requirements of a very low-, low- or moderate-income household according to the income limits adjusted to family size published annually by HUD based upon the annual gross income of the household.

Impact Fees: Fees for Road, Fire and Emergency Services, Parks, Police and Educational Facilities that are paid as pre-development costs to help fund the additional expenses required for services for new development.

Infill Developer: Any person, firm, corporation, partnership, limited liability company, association, joint venture, community based organization, not-for-profit agency, or any entity or combination of entities, excluding any governmental entity, that builds, or has been accepted by County to build, affordable housing through the Infill Housing Initiative Program. For these purposes, a community-based organization shall have among its purposes the provision of affordable housing to persons who have special needs or have very low, low income, or moderate income within a designated area, which may include a municipality or more than one municipality or the County, and maintains, through a minimum of one-third representation on the organization's governing board, accountability to housing program beneficiaries and residents of the designated area.

Infill Guidelines: Guidelines established by the Department for the Infill Program and approved by the Board of County Commissioners and/or County Mayor or County Mayors designee.

Infill Parcel: A parcel of surplus County-owned land included on the County's affordable housing inventory list established in accordance with Section 125.379(1), Florida Statutes or privately owned land, which is located within any infill target area and is suitable for the development of no more than four single-family homes (attached or detached).

Infill Target Areas: The areas of the County designated as the Urban Infill Target Area (UITA), as defined in Section 33G-3(26) of the County Code, and the Targeted Urban Areas (TUA), as defined in Section 30A-129(2) of the County Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA. Any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

Liens: Encumbrances placed on property by the County or other municipality for failing to maintain property or pay for services rendered, i.e. lot clearing, trash pickup, demolition of unsafe structure, etc.

Low-Income Household: One or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households within Miami-Dade County. With respect to rental units, the low-income household's annual income at the time of initial occupancy may not exceed 80 percent of the area's median income adjusted for family size.

Maximum Sale Price: Up to \$205,000.00 for County-owned properties and \$215,000 for Private Properties or such other amount set by the Board of County Commissioners, not to exceed an amount affordable at the maximum target income range set forth in Chapter 17, Article VII of the County Code of Miami-Dade County, taking into account family size; an annual fixed interest rate based on a thirty (30) year mortgage term; payment of up to five percent (5%) down payment by a Eligible Household; and an estimation of annual property taxes, assessments, loan insurance and financing fees, allowances for property maintenance and repairs, homeowners insurances, homeowner association fees, if any, and allowances for utilities. The sales price set forth herein, i.e. \$205,000.00 for County-owned properties and \$215,000.00 for Private Properties, shall remain the maximum sales price for said units for a period of one (1) year from the

effective date of this Implementing Order. The Department Director shall annually review the affordability of the sales price, and, in the event the Department Director determines that it is necessary to increase or decrease said sales price, the Department Director shall recommend a new sales price for approval by the Board of County Commissioners.

Moderate-Income Household: One or more natural persons or a family that has a total annual gross household income that does not exceed 140 percent of the median annual income adjusted for family size for households within Miami-Dade County. With respect to rental units, the moderate-income household's annual income at the time of initial occupancy may not exceed 140 percent of the area's median income adjusted for family size.

Private Property or Private Properties: Property that is not owned by Miami-Dade County is located in the Target Area, and has been admitted into the Infill Program.

Private Property Owner: A person or an entity that is approved by the Department to develop private property for the Infill Program subject to the Program Guidelines, and this Implementing Order. A private property owner may be a not-for-profit or a for-profit corporation placing Private Property in the Infill Program for development.

Rental Price: Rents that do not exceed the monthly fair market rent by bedroom size as applicable for Miami-Dade County and published by HUD.

Request for Proposals (RFP): A competitive solicitation to developers to provide experience, qualifications and development proposals for County-owned properties. At the Department's discretion, the RFP solicitation is advertised in local newspaper and open to all County-registered vendors in the developer trades who will undergo review of their qualifications in the RFP solicitation's selection process.

Resale Price Multiplier: The number calculated by dividing a property's initial sale price from the developer to the first Eligible Household by Area Median Income, designated by HUD for the Metropolitan Area of Miami-Dade County at the time of sale.

Resale Price Multiplier Calculation Example:

Original Purchase Price	\$175,000.00 (divided by)
Current HUD Area Median Income	\$48,100.00
Resale Price Multiplier	3.6383.00

State Housing Initiative Partnership (SHIP): The affordable housing program established pursuant to Section 420.90 et seq. of the Florida Statutes for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

Surtax Funds: The discretionary documentary surtax, which the County is authorized by Section 125.0167, Florida Statutes, to levy, for the purpose of establishing and financing the County's Local Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation or purchasing of housing for very low-, low- and moderate-income families.

Very-Low-Income Household: One or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households within Miami-Dade County. With respect

to rental units, the very-low-income household's annual income at the time of initial occupancy may not exceed 50 percent of the area's median income adjusted for family size.

ROLES AND RESPONSIBILITIES:

Internal Services Department (ISD): As the County's official real property asset management agency, ISD shall identify County property that is not in use and prior to declaring the property surplus to County needs, provides notice to the Department of the availability of the property for the Infill Program for the Department to determine if suitable for Infill Housing.

Miami-Dade Public Housing and Community Development Department (Department): The Department is responsible for the administration of the Infill Program which includes: monitoring the construction, initial sale or rental (on a case by case basis) of homes constructed through the Infill Program. The Department is also responsible for administering the resale process during the Control Period and qualifying Eligible Households. The Department may provide second mortgage to qualified first time homebuyers.

Housing Finance Authority (HFA): HFA provides low interest rate mortgages and financial assistance to first-time very low-, low- and moderate-income homebuyers. In coordination with its non-profit partner, Miami Dade Affordable Housing Foundation, Inc., the HFA also provides homebuyer education and certification.

Miami-Dade Economic Advocacy Trust (MDEAT): MDEAT administers the Homeownership Assistance Program (HAP) which provides very low-, low-, and moderate-income families with down payment and closing cost assistance.

Miami-Dade County Homeless Trust (Homeless Trust): The Homeless Trust administers the Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence program.

Affordable Housing Review Committee (AHRC): ~~The Affordable Housing Review~~ AHRC's function is to review property to determine whether it is suitable for infill and/or affordable housing development.

Affordable Housing Selection Committee (AHSC): The AHSC's function is to evaluate and score proposals received in response to RFP solicitations from developers; and to recommend award to the County Mayor or County Mayor's designee of proposals received by the Department in response to RFP solicitations from developers.

PROGRAM INCENTIVES:

Availability of County Property: The County will make available buildable land to Infill Developers, free and clear of all liens, as provided in this Implementing Order.

Impact Fees: New homes constructed through the Infill Program may qualify to have impact fees for road, fire and emergency services, parks and police services, refunded once a restrictive covenant has been recorded on the property stating that the property will remain affordable during the Control Period, and the home has been completed and sold to a very low- or low-income household.

Building Permit Expedite Process: Building permit applications for homes being built in the Unincorporated Municipal Service Area (UMSA) through the Infill Program qualify for the Building Department's expedite process. The developer must provide the Regulatory and Economic Resources Department (RER), written proof that the home is being built through the Infill Program.

Financial Assistance: Various County departments including the Department, HFA and MDEAT offer financial assistance to qualified homebuyers in the form of low interest loans which may include Surtax, State Housing Initiative Program (SHIP), Community Development Block Grants, HOME Investment Partnership funds, and other applicable funds.

Lien Releases: County liens and citations placed on property prior to the Infill Developer acquiring the lot may be released, provided the Infill Developer proffers all of the required restrictive covenants and deed restrictions in the Warranty Deed or such other instrument conveying title to the Dwelling Unit, after the sale to an Eligible Household.

Reduced Real Estate Taxes: The assessed value of the homes constructed through the Infill Program will be adjusted during the Control Period once a declaration of restrictive covenants has been recorded in the public records stating that the home must remain affordable.

Municipal Liens: In accordance with Resolution No. R-1004-14, the County Mayor or the County Mayor's designee will negotiate to the extent possible, inter local cooperation agreements with those municipalities where Infill Parcels are located to ensure the timely waiver and/or release and satisfaction of municipal liens and shall present all such agreements to the Board for committee review for its consideration.

THE INFILL PROGRAM PROCESS:

Identifying and Circulating Lots:

ISD is responsible for identifying lots. The Department is responsible for circulating the inventory of County property located in the Infill Target Areas and are appropriately sized, residentially zoned, designated for residential use in the County's Land Use Map, or located adjacent to residential, to other County departments and municipalities.

Affordable Housing Review Committee (AHRC):

The AHRC reviews, at no cost to the Department, County property identified by the Department as having the potential of being developed with affordable housing. The

AHRC is chaired by the Department Director or designee, and is comprised of representatives from various County agencies, including ISD, Public Works Department, Water and Sewer Department, Finance Department, the Department, and any other departments deemed necessary by the County Mayor or the County Mayor's designee to review Infill parcels being considered for the Infill Program.

The AHRC will review each property to determine whether they generally meet the minimum requirements for potential development and shall make one of the following determinations:

1) Appropriate for Infill Housing Development:

A property or parcel in the Infill Target Areas which can generally be developed with four or less Dwelling Units. The Department will include these properties in a RFP solicitation process.

2) Not Appropriate for Infill nor Affordable Housing development:

Properties determined by AHRC as generally unsuitable for housing development. Such parcels are addressed through the surplus process as dictated by Administrative Order No. 8-4.

Developer's Experience, Qualifications and Request for Proposal (RFP) Solicitation:

Developers experience, qualifications and other evaluation criteria are reviewed as part of the RFP solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements include, but not be limited to the following:

- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;
- 3) Past performance on similar housing projects;
- 4) Financial strength and ability to provide start-up operations.
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;

- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens and other County fees when due.

Recommendation of RFP solicitation awards are made by the AHSC. The AHSC members are appointed by the County Mayor or the County Mayor's designee and is comprised of representatives from ISD, the Department, Public Works, Water and Sewer Department, RER and any other departments deemed necessary. The County Attorney's Office shall serve as legal advisor to the AHSC.

Proposals for additional work through the Infill Program will not be considered from developers (including Private lot owners) due to poor performance on any work issued or any other County award(s), failure to accept awarded lots, being in arrears in obligations to the County, (including but not limited to real estate taxes, County and municipal code violations or citations, etc.) and any other reason(s) specified by County Deeds, contracts, policies and procedures.

Availability of County Property:

County property that has been deemed to be generally suitable for Infill housing by AHRC is submitted to the Board of County Commissioners (the Board) for their approval and is included on the County's affordable housing inventory list established in accordance with Section 125.379, Florida Statutes. Once approved for infill housing, the property is offered to Proposers through a competitive Request for Proposals (RFP) solicitation process that encourages a mix of housing prices affordable to very low-, low- and moderate-income households. When applicable, consideration for award to an Infill Developer also takes into account the status of Infill Parcels previously awarded to the Infill Developer and the Infill Developer's past performance in the Infill Program, including but not limited to whether Infill Developer successfully and timely developed properties in accordance with the requirements of the Infill Program. The Proposals are evaluated and recommended for conveyance to the developer via Board Resolution then a County Deed(s) is executed by the Chairperson or Chairperson's designee of the Board.

Prior to submitting Proposals for RFP's, or prior to receipt of conveyed lots awarded through other means, Proposers/developers shall perform detailed reviews and evaluations to determine that lots are buildable for their intended use and within the maximum sale price. The Infill Program has no reimbursement provisions to assist Infill Developers with the costs to develop Infill homes: the costs are borne solely by the Infill Developers.

At the sole cost to the Infill Developer, County-owned lots conveyed to Infill Developers may require zoning hearings, Environmental Quality Control Board hearings, tree permits, water and sewer extensions (and possible upgrades to meet Water and Sewer permit requirements such as new water line sized for new development), Florida Department of Health approvals, (if septic tanks are required), right-of-way and other dedications, platting, unity of title, grading, fill, sidewalks, driveway aprons, etc. Further, the Infill Developer should perform a title search to ensure there are no easements that may place a cloud on title of the lot, mortgage(s), and other encumbrances on the land. The Infill Developer accepts all associated costs to clear title and develop the property. The County does not warrant title of the lots that it conveys to the Infill Developers and therefore, the Infill Developer is recommended to perform a quiet title action.

Municipalities or local governments may have unique zoning requirements and/or charrettes that may require additional requirements to be placed on the building plans. In other-words, a "cookie cutter" plan may work in one part of the County, but not in other parts. Code upgrades and site plans will require plan re-submissions.

Land surveys and underground radar investigation are recommended prior to development of the awarded lots to ensure that there are no encroachments that may delay or inhibit development. If the Infill Developer awarded County-owned lots discovers issues that make the development of the lot too expensive or too time consuming to cure, Infill Developers may return said lot(s) to the County; however there is no refund of any fees paid to the County that conveyed said lot(s) to the Infill Developer. Developers who elect to return Infill Lots will be required to provide an updated title search and provide proof that real estate taxes and other encumbrances such as open permits are closed out and paid in full.

After the County Mayor or the County Mayor's designee has approved the award recommendation by the Affordable Housing Selection Committee (AHSC), the properties shall be conveyed to the Infill Developer via Board Resolution and County Deed(s) executed by the Chairperson or Vice-Chairperson of the Board. At a minimum, the County Deed(s) shall include the following deed restrictions and reversionary provisions:

- 1) The property shall be developed with an affordable home within two years of the conveyance of such property or such other time as may be determined at the sole discretion of the Board of County Commissioners;
- 2) The Eligible Home(s) shall be sold to an Eligible Household;
- 3) The Eligible Home shall meet the Minimum Unit Space Requirements, defined herein;
- 4) The price of the Eligible Home shall not exceed the maximum sale price set herein or as may be set by the Board or the appraised value whichever is less;
- 5) The developer shall require that the Eligible Household purchasing the Eligible Home execute and record simultaneously with the deed of conveyance the County's Affordable Housing Restrictive Covenant;
- 6) The County, at its sole option, may exercise its reversionary interest in the event the developer does not comply with the deed restrictions;
- 7) In the event a developer obtains a construction loan or other financing in order to develop the property, such construction loan or other financing shall be subject to the County's deed restriction. Prior to closing on such construction loan or other financing, the developer, the lender and the County shall execute an agreement approved by the County Attorney's Office, that requires the lender or subsequent purchaser of a property to develop the property in accordance with this Implementing Order and the deed restrictions set forth in the County Deed. Notwithstanding any default, foreclosure by the lender, deed in lieu of foreclosure, or subsequent transfer of the property resulting from the foregoing, the restrictions set forth in the County Deed shall remain in full force and effect, and shall constitute a restrictive covenant which shall run with the land, notwithstanding any other term herein. In the event the developer applies for a loan from the County, the County Mayor or the County Mayor's designee shall ensure that such loan will be subject to the requirements of this Implementing Order.
- 8) The restrictive covenants required herein will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to or interest in the property. These covenants shall be senior to all instruments securing permanent financing and shall bind all assignees, mortgagees, purchasers and other successors in interest unless due to the requirements of such permanent financing, such as financing from the Federal Housing Administration, the Housing Director agrees to subordinate such covenants.

Upon satisfaction of the deed restrictions by the developer, the County shall record an instrument in the public records of Miami-Dade County, Florida, releasing the property from such deed restrictions.

If the Infill Developer is unable to complete the home within the prescribed timeline Infill Developer may submit a "Request for Extension" application to the Department, which shall review the request and make a determination as to whether the request meets criteria established to grant extensions. Extensions shall be approved only by the Board of County Commissioners, If the request is granted, then the County Mayor or the County Mayor's designee shall execute an instrument approved by the County Attorney's Office granting the extension. Such instrument shall be recorded in the public

records of Miami-Dade County, Florida. If the request is denied, the County, at its sole option, may exercise its reversionary interest in the property. Should the County exercise its reversionary interest, the Infill Developer shall forfeit all rights to the property, including any construction of any infrastructure or any improvements in, on, to, or under the land, without recourse to recover any costs of said construction. The Infill Developer shall be required to convey the property to the County by quit claim deed or other instrument. Failure to convey the property back will result in legal action against the developer.

MONITORING DEVELOPMENT:

Construction Loan:

In the event a developer requires a construction loan or other financing from a third party lender in order to develop the property, such construction loan or other financing shall be subject to the County's deed restriction. Prior to closing on such construction loan or other financing, the developer, the lender and the County shall execute a Tri-Party Agreement, approved by the County Attorney's Office, that requires the lender or subsequent purchaser of a property to develop the property in accordance with the County Code and the deed restrictions set forth in the County Deed. Notwithstanding any default, foreclosure by the third party lender, deed in lieu of foreclosure, or subsequent transfer of the property resulting from the foregoing, the restrictions set forth in the County Deed shall remain in full force and effect, and shall constitute a restrictive covenant which shall run with the land, notwithstanding any other term herein; provided however the covenants required herein shall not be senior to any instrument securing permanent financing from the Federal Housing Administration, Fannie Mae, Freddie Mac, or similar senior lender. In such covenants, the control period and other restrictions on the Eligible Home shall not survive any foreclosure in accordance with such senior lender's guidelines and restrictions. In the event the developer applies for a construction loan from the County, such as one funded through Surtax or other County affordable housing funding program, the County Mayor or the County Mayor's designee shall ensure that such loan will be subject to the requirements of the County Code.

The Department is responsible for monitoring the progress of development, and assisting developers, to the extent possible, with resolving problems that they encounter with the various regulatory agencies.

Monitoring Construction:

Regulatory and Economic Resources (RER) and other County departments (Public Works, Water and Sewer, etc.) will approve developers' building plans for compliance with Florida Building Code and other applicable Codes (Codes). Inspections to confirm Code compliance during construction will be provided by RER and other County Departments. RER inspects building components during construction at the property, such as structural, plumbing, electrical, mechanical, roofing etc. A Certificate of Occupancy (CO) is issued by the County when construction has been completed, inspected, and approved.

QUALIFYING ELIGIBLE HOUSEHOLDS:

Every Dwelling Unit created as a result of the Infill Program must be sold to an Eligible Household to be used as their own primary residence. A household is deemed qualified once the following requirements have been met:

- **Homeownership Counseling:**

The Eligible Household must complete a homeownership training course through a

participating counseling agency that provides financial management, credit counseling and other related technical services to participating families for the purpose of financing a single-family home and has received a certificate verifying that they have successfully completed the course.

- **First Time Homebuyer Requirements:**

The Eligible Household must be a first-time homebuyer. A first-time homebuyer is an individual who meets any one of the following criteria:

- 1) An individual who has had no ownership interest in a principal residence during the three year period ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers);
- 2) A single parent who has only owned a home with a former spouse while married;
- 2) An individual who is a displaced homemaker and has only owned with a spouse; or
- 4) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations.

Income Verification:

The Eligible Household must have obtained a loan commitment from the Department or other Miami-Dade County lending partner, stating the average median income of the household and their family size. The income level of the household shall be based on the income limits published annually by HUD, adjusted by family size.

Certification of Eligible Households:

The Department or other designated agency of the County will issue certificates of qualification to households that have completed the required homeownership training course and have been determined to meet the income limits of a very low-, low- or moderate-income household. Households that have received a certificate of qualification from other County or non- County agencies that have been authorized by the Department to qualify households are also eligible to purchase a Dwelling Unit through the Infill Program.

AFFORDABILITY CONTROLS:

Maximum Sale Price of Affordable Home:

The maximum sale price for an Eligible Home shall be published annually by the Department or other designated agency of the County on the County's website. The initial sale or resale price of all Eligible Homes constructed through the Infill Program shall not exceed the maximum affordable housing sale price or the appraised value, whichever is lower, at the time of sale.

Declaration of Restrictive Covenant:

Simultaneously with the recording of the deed on the initial sale or resale of the Eligible Home, the initial homebuyer shall be required to sign and record a declaration of

restrictive covenant running with the land, approved in form by the Director of the Department, the County Attorney's Office, and the Property Appraiser's office, and sufficient for recording in the public records of Miami-Dade County, Florida, encumbering the individual property specifying the restrictions on the property and shall include the following:

- 1) That the Declaration of Restrictive Covenants shall bind the buyer, mortgagor, and all other parties that receive title to or an interest in the property for a minimum of 20 years;
- 2) The Eligible Home shall be resold solely to Eligible Households or Eligible Persons who have obtained a certificate of qualification confirming that such households or persons meet the eligibility requirements of a very low-, low- or moderate-income household, as defined in the Miami-Dade County Code and in this Implementing Order;
- 3) Owners shall occupy the home as their primary residence and shall not lease the property or any portion thereof;
- 4) Prior to any resale or refinancing of the home, the owner of record shall obtain prior written approval from the Department;
- 5) The Eligible Home shall not be resold for more than the maximum resale price and where applicable, the maximum capital improvement cost, as defined herein;
- 6) The County reserves its right of first refusal to purchase the property prior to or at the end of the Control Period, if it becomes available for purchase and there are no Eligible Households or Eligible Persons to purchase said Eligible Home; and
- 7) That the Declaration of Restrictive Covenants shall be senior to all other liens or encumbrances on the property including all instruments securing permanent financing, except that tax and assessment liens shall be superior to these covenants. In the event of foreclosure by a first mortgagee, the County may satisfy any outstanding mortgages and take title to the home. The County may enter into an agreement with the lender and the developer to allow, under certain circumstances, the lender to complete the project in accordance to this Implementing Order.

Assessed Value Adjustments:

To ensure that the assessed value of the Eligible Home takes into account the aforementioned restrictions, the Department shall submit a copy of the recorded covenant to the Property Appraiser's Office after closing. Upon receiving said covenant, the Property Appraiser's Office shall make a notation in the records available to the public that the Eligible Home is subject to affordable housing restrictions and will adjust the assisted value accordingly.

Resale of Home:

Any Eligible Household that intends to sell their Dwelling Unit prior to the expiration of the Control Period shall provide written notification to the Department or other designated agency of the County. The Eligible Home can only be resold to another Eligible Household or Eligible Person. The resale price of said Eligible Home shall not exceed the maximum resale price which is calculated by multiplying the current area

median income by the resale price multiplier stated in the affordable housing restrictive covenant. Capital improvement costs for certain property capital improvements may also be added to the sales price, at the discretion of the Department. Any such improvements must be permanent and substantial in nature and not for decorative or maintenance purposes. Before closing a sale, the seller of the Eligible Home shall submit to the Department for approval.

- 1) A copy of the proposed sales contract;
- 2) A signed copy of the buyer's certificate of qualification;
- 3) An affidavit signed by the seller and the buyer attesting to the accuracy of all documents and conditions of the sale.
- 4) Documentation for any capital improvements.

No resale of a Eligible Home shall be considered to be in compliance with the County Code until all required documents and affidavits have been submitted to and approved by the Department. The Department shall either approve or disapprove all required documents and affidavits in writing, after receiving all required documents. Applicants that are denied shall be provided reasons for such disapproval in writing and an opportunity to correct any deficiencies.

Notwithstanding the provisions set forth herein, any Eligible Home that is owned for the entire Control Period by the same individual(s) is automatically released from the Declaration of Restrictive Covenants.

Further, no sale, transfer or foreclosure shall affect the validity of the covenants except as expressly set forth in the provisions of this article. Notwithstanding the foregoing, the covenants required herein shall not be senior to any instrument securing permanent financing from the Federal Housing Administration, Fannie Mae, Freddie Mac, or similar senior lender. In such covenants, the control period and other restrictions on the Eligible Home shall not survive any foreclosure in accordance with such senior lender's guidelines and restrictions.

Capital Improvements:

Costs for capital improvements that are eligible for consideration to be added to the allowed "Maximum Resale Price" limit shall be documented reasonable costs for major structural or building envelope improvements including a complete re-roofing, replacement of all existing windows and doors and increasing the total square footage of the home.

At the sole discretion of the Department, substantial rehabilitation including upgrades to kitchen, bathrooms and flooring such as new energy star appliances, replacement of kitchen cabinets to wood and granite tops, replacement of flooring to ceramic/porcelain tile and upgrades to electrical, plumbing and HVAC, including replacement of central air-conditioning with high SEER rating, may be considered as capital improvements.

Documentation of reasonable costs shall be in the form of paid receipts provided by the owner/developer to the Department, which documents the itemized cost and date of improvements made after sale of the home.

Exception for foreclosure or abandonment, only:

When an infill home:

- 1) is abandoned by original buyer or;
- 2) is foreclosed and;
- 3) is dilapidated and;
- 4) the receiver/new owner wishes to substantially rehabilitate the home;

- 5) the County may, at its sole discretion, allow some or all of the substantiated rehabilitation costs to be added to the resale amount, not to exceed the current sales cap or appraised value, whichever is less.

Prior to beginning any capital improvements/rehabilitation, the owner shall submit in writing to the Department, the intended scope of work for preliminary approval. All work shall be permitted through the appropriate agency having jurisdiction. Following the completion of the work, proof that the permit has been closed shall be provided to the Department with other required documentation.

PRIVATE PROPERTY:

The County may encourage private property owners to develop their properties in accordance with the requirements of the Infill Program through the forgiveness of liens and other incentives offered through the Infill Program.

In order to participate in the Infill Program each private property owner shall submit an application to be processed through the Department. The Department will review the Private Property and shall determine whether such property is located within the Infill Target Areas. Other factors, including, but not limited to, availability of second mortgage funds for Eligible Households and market conditions may be taken into consideration when determining whether to accept private lots into the Infill Program. In order to be accepted into the Infill Program, the Department will provide an approval letter stating the specific terms and conditions that must be met by the private property developer. The letter shall include at a minimum the following:

- 1) That the property shall be developed with an eligible home(s) within the time allowed by the Board from the date such agreement is executed by the County and the private property owner or such other time as may be determined at the sole discretion of the County Mayor or the County Mayor's designee;
- 2) That the Eligible Home(s) shall be sold to an Eligible Household;
- 3) That the Eligible Home shall meet the Minimum Infill Unit Space Requirements
- 4) That the sales price of the home shall not exceed the maximum sales price set by the County for affordable housing;
- 5) That the developer shall require that the qualified household purchasing the Eligible Home execute and record with the deed of conveyance the County's Affordable Housing Restrictive Covenant.
- 6) Other Infill Program requirements, as applicable.

Once all of the aforementioned requirements and other applicable requirements have been met, the Infill Developer shall qualify to have eligible County liens of record released. The Department will coordinate the releases of said liens with the issuing agency.

Failure to comply with these requirements and other applicable requirements will result in the removal of the private property from the Infill Program and forfeiture of any rights to have County liens released and/or other Infill Program benefits i.e. Impact Fee waivers.

RENTAL OF HOUSING UNITS:

The County Mayor or the County Mayor's designee in their sole discretion, such as a substantial downturn in the real estate market, may allow developers to rent Eligible Homes on a temporary basis if the developer can demonstrate to the County's

satisfaction that they have made a good faith effort to sell the Eligible Home. The term “good faith effort” shall include but is not limited to marketing of the Eligible Home by listing the home on the multiple listing service for a minimum of three months, placing a “For Sale” sign on the property, and reducing the original asking price by a minimum of 5 percent. In the event the developer is able to demonstrate that it has used good faith efforts to sell the Eligible Home and the County permits the rental of said home, the County shall require the developer to rent the Eligible Home to families who are eligible participants in one of the County’s or other local municipality’s rental housing assistance programs, including but not limited to, the Section 8 Housing Choice Voucher (HCV) Program administered by the Department or the Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence programs administered by the Homeless Trust. The County shall determine prior to authorizing a developer to rent an Eligible Home whether the rental of said home is consistent with all applicable state and federal laws and regulations.

Upon the County’s approval permitting an Infill Developer to rent an Eligible Home, each developer shall be required to comply with all applicable federal and state housing laws and regulations. Developers shall also be required to rent the Eligible Homes for a minimum of one year and will not be permitted to sell said Eligible Home during the first year it is rented, unless it is sold to the existing tenant.

In the event the County authorizes a developer to rent an Eligible Home, the County Mayor or the County Mayor’s designee shall record an instrument in the public record of Miami-Dade, Florida to extend the term of the deed restrictions contained in the County Deed.

Failure by the developer to seek and receive an approval from the County to rent an Eligible Home shall be deemed a violation of the program and the County Mayor or County Mayor’s designee, at their sole discretion, may take appropriate enforcement action, including but not limited to the exercise of the County’s reversionary interest.

PROGRAM FEE SCHEDULE:

A schedule of fees is hereby established to offset the costs of administering the Infill Program by the Department. The fees shall be as follows:

Closing Processing Fee (per lot): (Developer is responsible to pay public records recording fees, stamps and certified copy fees.)	\$ 1,000. For each conveyed lot
Private Lot Application:	\$250.
Temporary Rental Application:	\$200.
When the Board’s approval is required because Infill Developer missed the required completion deadline. Extension requests per folio:	\$ 60.

Infill Housing Program Release of County Liens and Citations:

Cumulative Value of County Liens & Citations	Fees for Private Lots	
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\$1 to \$9,999	\$300.	
\$10,000 to \$19,999	\$500.	
\$20,000 to \$29,999	\$700.	
\$30,000 to 49,999	\$900.	
\$50,000 and over	\$1,200.	

The Department Director shall annually review the schedule of fees, and, in the event the Department Director determines that it is necessary to increase or decrease such fees, the Department Director shall recommend a schedule of fees for approval by the Board of County Commissioners.

ENFORCEMENT ACTIONS:

In the event it is determined that any Infill Developer or Eligible Household participating in the Infill Program has violated any of the restrictions in the deed or covenant, the County Mayor or the County Mayor’s designee shall take appropriate action to enforce the restrictions set forth in the County Deed and the Affordable Housing Restrictive Covenant. In the event the County Mayor or the County Mayor’s designee is not successful in getting the Infill Developer or the Eligible Household to comply, the County Mayor or the County Mayor’s designee shall notify the County Attorney’s Office and request that they initiate civil action against the Infill Developer or Eligible Household.

REPORTING PROVISIONS:

The County Mayor or the County Mayor’s designee shall submit an annual report to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of the County Code. This annual report shall include but not be limited to (i) a list of lots made available to developers and private lots that were included in the Infill Housing Initiative Program, (ii) number of homes built and sold or rented to qualified households, (iv) a summary of the amount of liens released on County and private property and (v) legal actions taken against developers or Eligible Households who violate County Code. The completed report required by this section shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Additionally, in accordance with Resolution No. R-1004-14, if the County Mayor or the County Mayor’s designee is unable to successfully negotiate the terms of interlocal cooperation agreements with those municipalities where Infill Parcels are located, the County Mayor or the County Mayor’s designee prepare and submit a report to the Board of County Commissioners detailing the status of the negotiations.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Mayor