# MEMORANDUM

Agenda Item No. 11(A)(27)

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| **TO:** | Honorable Chairman Joe A. Martinez<br>and Members, Board of County Commissioners | **DATE:** | September 12, 2006 |
| **FROM:** | Murray A. Greenberg<br>County Attorney | **SUBJECT:** | Resolution relating to creating an Emergency Affordable Housing Preservation Fund for District 5 |

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro.

Murray A. Greenberg
County Attorney

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# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

**DATE:** September 12, 2006

**FROM:** Murray A. Greenberg
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(27)

**Please note any items checked.**

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(27)
9-12-06

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MANAGER TO CREATE A COUNTYWIDE EMERGENCY AFFORDABLE HOUSING PRESERVATION FUND TO ACQUIRE, REHABILITATE OR PRESERVE SECTION 8 MODERATE REHABILITATION DEVELOPMENTS

**WHEREAS**, there is a severe housing shortage which exist within Miami-Dade County with respect to the supply of housing relative to the need for housing residents with low and moderate incomes; and

**WHEREAS,** the Housing Element of the Miami-Dade Comprehensive Plan sets as one of its goals that the County ensure the provision of affordable housing products that will meet the spatial and economic necessities of all current and future Miami-Dade County residents regardless of household type and income; and

**WHEREAS**, nationally public housing authorities, like the County, continue to face challenges, such as tight rental markets and landlords' apprehension to participate in subsidized housing programs such as the Section 8 Housing Choice Voucher and Section 8 Moderate Rehabilitation ("Mod Rehab") programs; and

**WHEREAS**, statistical estimates demonstrate that there is insufficient affordable housing for very low, low and moderate income households in the County; and

**WHEREAS**, the tight rental market and landlords' apprehension to participate in federally subsidized rental programs contributes to the lack of sufficient affordable rental housing units for very low, low and moderate income households in the County; and

**WHEREAS,** the housing crisis is further exacerbated by expiring Housing Assistance Payment contracts (HAP) in Mod Rehab and the unwillingness of some landlords to renew these contracts; and

**WHEREAS**, participation in Mod Rehab is no longer attractive to some landlords due to the federal requirement that the County must pay lower rents even though the price of housing has increased; and

**WHEREAS,** many of the Mod Rehab projects are distressed and in need of rehabilitation; and

**WHEREAS**, some of these landlords lack sufficient funds to rehabilitate these projects; and

**WHEREAS**, each of these factors results in many Miami-Dade County residents who participate in federally subsidized rental housing programs having difficulty in locating and leasing up affordable rental housing units, which are decent, safe, and which comply with federally mandated quality housing standards; and

**WHEREAS**, there are currently one thousand one hundred eighty five (1,185) active Mod Rehab units within District 5 administered by the Miami-Dade Housing Agency, the City of Miami and the City of Miami Beach; and

**WHEREAS,** these Mod Rehab units located within District 5 represent approximately forty percent (40%) of the total number of Mod Rehab units in Miami-Dade County; and

**WHEREAS,** of the seventeen (17) HAPs administered by the Miami-Dade Housing Agency, two (2) are expected to expire in the next fiscal year, which represents a total of thirty-seven (37) units that will be lost to the program; and

**WHEREAS,** during the last twelve (12) months, two (2) Mod Rehab owners within District 5 have opted not to renew their HAPs, which represents a net loss of twenty-six (26) units that are no longer available to assist Mod Rehab program participants in District 5; and

**WHEREAS**, the County relies heavily on its partnerships with the private sector to acquire, construct and/or rehabilitate affordable housing developments through programs such as SHIP, Surtax, HOME, and other affordable housing programs, which are administered through the County's Office of Community and Economic Development and Miami-Dade Housing Agency (MDHA); and

**WHEREAS**, without the private sectors' assistance and involvement in housing these participants, many of these households will not be housed; and

**WHEREAS,** there is a need in Miami-Dade County to provide a full range of housing choices, conveniently located in a suitable living environment, for all incomes, ages and family sizes,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that this Board directs:

Section 1. The County Manager to create a countywide Affordable Housing Preservation Fund ("Fund").

Section 2. Monies in the Fund shall be used to acquire, rehabilitate, subsidize or preserve Mod Rehab developments countywide and/or to assist other governmental entities, private organizations or individuals in the acquisition, rehabilitation, subsidization, or preservation of these developments.

Section 3. No more than five percent (5%) of the monies in the Fund may be used to cover reasonable administrative expenses not reimbursed through processing fees, including

reasonable consultant and legal expenses related to the establishment and/or administration of the Fund and reasonable expenses for administering the process of calculating, collecting, and accounting for any deferred County fees authorized by this section. No portion of the Trust Fund may be diverted to other purposes by way of loan or otherwise.

The foregoing resolution was sponsored by Commissioner Bruno A. Barreiro and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

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| Bruno A. Barreiro | Jose "Pepe" Diaz |
| Audrey M. Edmonson | Carlos A. Gimenez |
| Sally A. Heyman | Barbara J. Jordan |
| Dorrin D. Rolle | Natacha Seijas |
| Katy Sorenson | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 12th day of September, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.
Terrence A. Smith