MEMORANDUM

Amended
Agenda Item No. 11(A)(27)

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

R#961-06

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro, Commissioner Barbara J. Jordan and Sen. Javier D. Souto

Murray A. Greenberg
County Attorney

MAG/jls

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: Amended
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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 _____

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

RESOLUTION NO. **961-06**

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, these statistics from one district that is representative of the entire County demonstrate a countywide need to retain the Mod Rehab program and prevent the loss of additional Mod Rehab owners throughout Miami-Dade County; 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, Commissioner Barbara J. Jordan and Sen. Javier D. Souto 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:

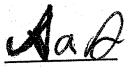
Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

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