Memorandum

MIAMI-DADE COUNTY

(Second Reading 07-10-07)

Date: May 8, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 7(H)

From: George M. Burgess
County Manager

Subject: Ordinance amending Sections 17-103 and 17-105 of the Code of Miami-Dade County pertaining to the administration and implementation of the Local Housing Assistance Program and Local Housing Partnership

---

Recommendation

It is recommended that the Board of County Commissioners approve the accompanying ordinance pertaining to affordable housing programs, which amends Sections 17-103 and 17-105 of the Code of Miami-Dade County (the "Code") to include the Office of Community and Economic Development ("OCED") as part of the administration and implementation of the Local Housing Assistance Program ("LHAP") and Local Housing Partnership ("LHP").

Scope

This item has no particular impact to any Commission District. LHAP and LHP funded projects, such as single-family homeownership and rehabilitation loans, and construction lending activities are Countywide.

Background

The Development and Loan Administration Division ("DLAD") of the Miami-Dade Housing Agency ("MDHA") was put under the direct supervision of the Finance Director and Deputy Director in July 2006. This additional layer of supervision and review by Finance Department staff helped ensure the proper administration of the various single-family homeownership, rehabilitation, and construction-lending loan activities in DLAD.

Subsequently, the Board adopted Ordinance No. 07-18, which amended various sections of the Code pertaining to the LHAP and LHP. More specifically, the adopted ordinance amended Sections 17-103 and 17-105 of the Code to include the Housing Finance Authority ("HFA"), along with MDHA, as entities responsible for the implementation and administration of the LHAP and LHP. On February 6, 2007, the Board also adopted Resolution No. R-135-07, which approved a Memorandum of Understanding ("MOU") between MDHA and HFA. The MOU allows for HFA to temporarily manage and administer the Documentary Surtax ("Surtax") and State Housing Initiatives Partnership ("SHIP") single-family homeownership and rehabilitation programs while MDHA institutes and implements the necessary controls and procedures to administer these and other programs in the future.

As a result of the Board adopting Ordinance No. 07-18 and Resolution No. R-135-07, only construction-lending activities funded by Surtax and SHIP remained in DLAD under the supervision of the Finance Department; however OCED staff has recently begun to provide operational guidance. By further amending Sections 17-103 and 17-105 of the Code to include OCED, this department will be able to, along with MDHA, and HFA, implement and administer the LHAP and LHP.

OCED has already begun to provide supervisory and administrative support to DLAD and will continue to do so on an interim basis until such time as determined by staff that the transfer of the Division to OCED is

appropriate. At that point, the OCED Director will manage the day-to-day operations of that office. This will enable MDHA staff to focus all of its resources and attention to restructuring the operations of all federally-funded United States Department of Housing and Urban Development (US HUD) programs.

The work of DLAD will continue, concurrent with the ongoing review and implementation of new policies and procedures to ensure that proper controls are in place to ensure timely delivery of affordable homes and rental units. Affordable housing development is very much a part of the core mission of OCED and within the targeted goals of many of the funding sources (i.e. HOME and Community Development Block Grants) under the department's supervision. Staff has recently received a forensic review of the Surtax program from KPMG that will be instructive as we continue to make improvements in DLAD.

Fiscal Impact/Funding Source

This particular ordinance amending the Code will not have a negative fiscal impact to the County. Staff at DLAD required for the proper administration and monitoring of all construction lending activities will be receiving administrative and supervisory support and County resources are not needed to effectuate the transfer.

Cynthia W. Curry
Senior Advisor to the County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: July 10, 2007

FROM: R.A. Cuevas, Jr. Acting County Attorney

SUBJECT: Agenda Item No. 7(H)

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. 7(H)

07-10-07

ORDINANCE NO._____

ORDINANCE PERTAINING TO AFFORDABLE HOUSING PROGRAMS; AMENDING SECTION 17-103, PERTAINING TO ADMINISTRATION AND IMPLEMENTATION OF MIAMI-DADE COUNTY'S LOCAL HOUSING ASSISTANCE PROGRAM; AMENDING SECTION 17-105, PERTAINING TO LOCAL HOUSING PARTNERSHIP; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 17-103 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 17-103. Administration and implementation of Miami-Dade County's Local Housing Assistance Program.

(a) The Housing Finance Authority of Miami-Dade County, >>Office of Community and Economic Development ("OCED"), <<Miami-Dade Housing Agency ("MDHA") or its successor department shall be responsible for implementation and administration of the Local Housing Assistance Program and will implement the Local Housing Assistance Program in conjunction with a Local Housing Partnership which is defined in Section 17-105 of this article. At a minimum, the Housing Finance Authority of Miami-Dade County, >>OCED, <<or Miami-Dade Housing Agency shall be responsible for the following:

(1) Overseeing the receipt and expenditure of SHIP Program and other housing program funds assigned by the County Manager in accordance with applicable guidelines including the State Housing Initiatives Partnership Act and the Miami-Dade County Affordable Housing Program Guidelines;

(2) coordinating with state agencies, municipalities within Miami-Dade County and other public and private entities to promote the construction

and development of affordable housing; and

(3) evaluating the effectiveness of the County's Local Housing Assistance Program and providing recommendations to the County Manager on an annual basis as to the performance of the program.

(b) The cost of administering Miami-Dade County's Local Housing Assistance Program with SHIP Program funds shall not exceed ten (10) percent of the local housing distribution of SHIP Program funds deposited into the Local Housing Assistance Trust Fund.

(c) The revised affordable housing program will operate in conjunction with and as an integral part of the housing plans and strategies contained in the new Consolidated Plan required to receive and expend funds from Community Development block Grant, HOME Investment Partnership, and Emergency Shelter Grant from the United States Department of Housing and Urban Development.

Section 2. Section 17-105 of the Code of Miami-Dade County, Florida is hereby amended as follows:

Sec. 17-105. Local housing partnership.

The Housing Finance Authority of Miami-Dade County, >>Office of Community and Economic Development, << Miami-Dade Housing Agency or its successor department may develop a local housing partnership so that the implementation of the local housing assistance program involves other appropriate County agencies, local governments, lending institutions, housing developers, community based housing and service organizations, providers of professional services relating to affordable housing and any other persons or entities who can assist in providing housing or related support services. The partnership should encourage the use of combined resources to reduce housing costs for the targeted population.

Section 3. 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 4 It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:
David Stephen Hope

Sponsored by Vice-Chairwoman Barbara J. Jordan