

MEMORANDUM

EDHS
Agenda Item No. **1(E)2**

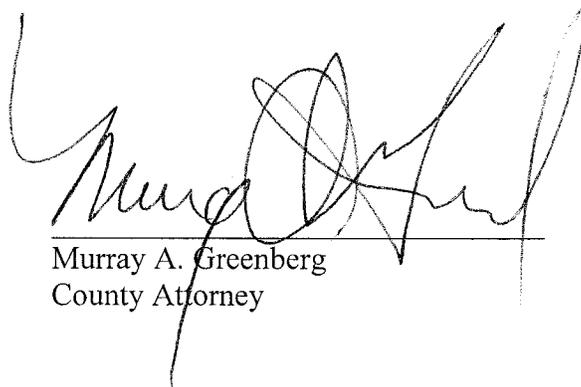
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: **June 19, 2007**

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance relating to
Affordable Housing Advisory
Board

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Audrey M. Edmonson.



Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



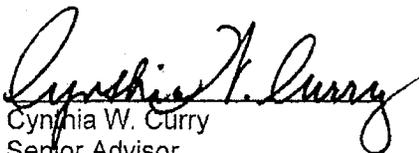
Date:

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

From: George M. Borges
County Manager

Subject: Ordinance relating to Affordable Housing Advisory Board

The ordinance relating to Affordable Housing Advisory Board will not have a fiscal impact on Miami-Dade County.


Cynthia W. Curry
Senior Advisor

Fis01007



MEMORANDUM

(Revised)

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

DATE: May 22, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 4(A)

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. 4(A)

5-22-07

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 17-106 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE AFFORDABLE HOUSING ADVISORY BOARD (AHAB) TO ELIMINATE THE REQUIREMENT THAT CERTAIN MEMBERS HAVE EXPERIENCE IN OR BE CONNECTED TO AFFORDABLE HOUSING; RESTRICTING AHAB MEMBERSHIP TO THOSE QUALIFIED PERSONS WHO ARE NOT EMPLOYED BY OR AN OFFICER OF ANY ENTITY THAT RECEIVES OR APPLIES FOR FUNDING FROM MIAMI-DADE COUNTY THROUGH THE AHAB; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the William E. Sadowski Affordable Housing Act (“Sadowski Act”) was signed into law on July 7, 1992, and subsequently incorporated into Chapter 420 of the Florida Statutes, which established a dedicated revenue source for local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing benefiting very low, low, and moderate income persons; and

WHEREAS, in order to receive an annual allocation through the, State Housing Initiatives Partnership Program (SHIP), which was created by the Sadowski Act, local governments are required to establish a local housing assistance program by Ordinance; and

WHEREAS, pursuant to the Sadowski Act, this Board adopted Section 17-106 of the Code creating the Affordable Housing Advisory Board (AHAB), and setting forth AHAB’s membership, composition, terms of office, qualifications, organization and procedure, applicability of County rules and procedures, powers and duties, reporting requirements and staff support; and

WHEREAS, AHAB serves as the County's affordable housing committee and consists of fifteen (15) members, thirteen (13) of which are appointed by the BCC, one (1) is appointed by the Mayor, and one (1) is appointed by the Overall Tenant Advisory Council; and

WHEREAS, §420.9076(2), Fla. Stat. requires and specifies that nine (9) of the thirteen (13) members of the AHAB have a connection with affordable housing; and

WHEREAS, §420.9076(2), Fla. Stat. provides that “[i]f a county or eligible municipality whether due to its small size, the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed;” and

WHEREAS, the Miami-Dade Grand Jury's final Spring 2006 report on the Miami Dade Housing Agency, made specific recommendations concerning the need to change the structure of the AHAB to avoid conflicting situations; and

WHEREAS, having members of AHAB that are connected to entities that receive AHAB funding undermines the public's confidence in the fairness of the process intended to support and fund affordable housing projects; and

WHEREAS, this Board desires to maintain the integrity of the structure of the AHAB, in light of its recommendations to this Board on affordable housing incentives,

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

Section 1. Section 17-106 of Article VI of the Code of Miami-Dade County, Florida,

5

is hereby amended to read as follows:¹

ARTICLE VI.

LOCAL HOUSING ASSISTANCE PROGRAM

* * *

Sec. 17-106(c). Composition.

The voting membership shall be ethnically, racially, geographically, and gender balanced and shall be composed of the following members:

- (1) The Board of County Commissioners shall appoint thirteen (13) members:
 - i. One (1) citizen actively engaged in the residential home building industry ~~[[in connection with affordable housing]]~~ as required by 420.9076(2), Florida Statutes.
 - ii. One (1) citizen actively engaged in the banking or mortgage banking industry ~~[[in connection with affordable housing]]~~ as required by 420.9076(2), Florida Statutes.
 - iii. One citizen representative of the areas of labor actively engaged in home building ~~[[in connection with affordable housing]]~~ as required by 420.9076(2), Florida Statutes.
 - iv. One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing as required by 420.9076(2), Florida Statutes.
 - v. One citizen who is actively engaged as a for-profit provider of ~~[[affordable]]~~ housing as required by Section 420.9076(2), Florida Statutes.

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

6

vi. One (1) citizen who is actively engaged as a not-for profit provider of affordable housing as required by 420.9076(2), Florida Statutes.

vii. One (1) citizen who is actively engaged as a real estate professional ~~[[in connection with affordable housing]]~~ as required by 420.9076(2), Florida Statutes.

viii. One (1) citizen who actively serves on the local planning agency pursuant to Section 163.3174, Florida Statutes as required by Section 420.9076(2), Florida Statutes.

ix. One (1) citizen who resides within the jurisdiction of the local governing body making the appointments as required by Section 420.9076(2), Florida Statutes.

x. For the remaining four (4) member positions, the Board of County Commissioners may consider the appointment of a member of the construction industry, a local community development corporation, attorney, architect, engineer, or planning professionals.

* * *

Sec. 17-106(e). Qualification.

Each member of the Affordable Housing Advisory Board shall comply with the requirements of Section 2-11.38 of the Code of Miami-Dade County. Furthermore, a citizen shall not be eligible to serve on the Affordable Housing Advisory Board if that citizen owns a financial interest in, ~~>>is employed by, or is an officer of<<~~ any entity that receives or applies for funding from Miami-Dade County through the Affordable Housing Advisory Board. ~~>>Additionally, pursuant to §420.9076(2), Fla. Stat., if, due to a presence of a conflict of interest by prospective appointees, or other reasonable factor, the Board is unable to appoint a citizen actively engaged in the fourth, sixth, eighth, ninth, or tenth statutorily required appointments in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.<<~~

Section 2. If any section, subsection, sentence, clause or provision of this ordinance



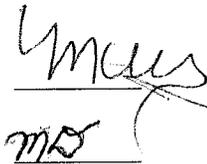
is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. 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 a 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 4. 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:

Mandana Dashtaki

Sponsored by Commissioner Audrey M. Edmonson

8