MEMORANDUM

EDHS
Agenda Item No. **1(D)1**

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

DATE: **July 18, 2007**

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance relating to Affordable Housing Advisory Board

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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

MIAMI-DADE COUNTY

Date:

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

From: George M. Burgess
County Manager

Subject: Ordinance relating to Affordable Housing Advisory Board

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

Cynthia W. Curry
Senior Advisor

fis01907

MEMORANDUM

(Revised)

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

DATE: June 26, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 4(O)

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(O)
6-26-07

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 17-106 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE AFFORDABLE HOUSING ADVISORY BOARD (AHAB) TO CODIFY THE RECENT AMENDMENTS TO FLORIDA STATUTE SECTION 420.9076, INCLUDING THE ADDITION OF TWO AHAB COMMITTEE MEMBERS AND REQUIRING AHAB TO REVIEW, AMONG OTHER THINGS, THE RESERVATION OF INFRASTRUCTURE CAPACITY FOR HOUSING FOR MODERATE-INCOME PERSONS AND FORMULATING RECOMMENDATIONS TO THE BOARD OF COUNTY COMMISSIONERS ACCORDINGLY; ELIMINATING THE REQUIREMENT THAT CERTAIN MEMBERS HAVE EXPERIENCE IN OR BE CONNECTED TO AFFORDABLE HOUSING WHEN, DUE TO A CONFLICT OF INTEREST OR OTHER REASONABLE FACTOR, THE BOARD IS UNABLE TO APPOINT SUCH A MEMBER; RESTRICTING AHAB MEMBERSHIP TO THOSE QUALIFIED PERSONS WHO DO NOT OWN A FINANCIAL INTEREST IN, ARE NOT EMPLOYED BY OR SERVE AS AN OFFICER OF ANY ENTITY THAT RECEIVES OR APPLIES FOR FUNDING FROM MIAMI-DADE COUNTY THROUGH THE AHAB; ADOPTING IN ITS ENTIRETY THE PROVISIONS OF FLORIDA STATUTE SECTION 420.9076 OF THE STATE HOUSING INITIATIVE PARTNERSHIP PROGRAM, AS AMENDED OR AS MAY BE AMENDED OR RENUMBERED FROM TIME-TO-TIME; 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 Fla. Stat. §420.9076, this Board adopted Section 17-106, *et seq.* 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, currently, 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. has been recently amended to include two additional members: one citizen who represents employers within the jurisdiction and one citizen who represents essential services personnel, as defined in the local housing assistance plan; and

WHEREAS, §420.9076(4), Fla. Stat. has been recently amended, thereby requiring an amendment to section 17-106(g) of the Miami-Dade County Ordinance, which outlines the powers and duties of AHAB; 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,

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

Section 1. This Board hereby adopts in its entirety the provisions of Florida Statute section 420.9076, of the State Housing Initiatives Partnership Program, as amended or as may be amended or renumbered from time-to-time.

Section 2. Section 17-106 of Article VI of the Code of Miami-Dade County, Florida, is hereby amended to read as follows[1]

ARTICLE VI.

LOCAL HOUSING ASSISTANCE PROGRAM

* * *

(b) *Membership; compensation.* The Affordable Housing Advisory Board shall consist of [[~~fifteen (15)~~]] >>seventeen (17)<< members. Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

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[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.

(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)~~]] >>fifteen (15)<< members:

(2)

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.

* * *

v. One citizen who is actively engaged as a for-profit provider of [[~~affordable~~]] housing as required by Section 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.

* * *

>>x. One (1) citizen who represents employers within the jurisdiction.

xi. One (1) citizen who represents essential services personnel, as defined in the local housing assistance plan.<<

[[~~x~~]]>>xii.<< 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.

* * *

(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. >>If, at any time, a member is found to violate this qualification, the member shall automatically forfeit his or her position on the Affordable Housing Advisory Board without action of any body or person. 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 or in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.<<

(f) *Organization and Procedure.*

* * *

>>(6) *Statutory Requirements.* Pursuant to §420.9076(5), Fla. Stat., the approval by the Affordable Housing Advisory Board of its local housing incentive strategies recommendations and its review of the local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the Affordable Housing Advisory Board taken at a public hearing. Notice of the time, date, and place of the public hearing of the Affordable Housing Advisory Board to adopt its final local housing incentive

strategies recommendations must be published in a newspaper of general paid circulation in Miami-Dade County. The notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the advisory committee. The notice must state the public place where a copy of the tentative advisory committee recommendations can be obtained by interested persons.<<

(g) *Powers and Duties.* The Affordable Housing Advisory Board as the affordable housing advisory committee shall review Miami-Dade County's established policies and procedures, ordinances, land development regulations and adopted comprehensive plan and shall make recommendations to the Board of County Commissioners regarding specific >>actions or<< initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions, the creation of exceptions applicable to affordable housing, or the adoption of new policies, procedures, regulations, ordinances, or plan provisions>>, including recommendations to amend the adopted comprehensive plan and corresponding regulations, ordinances, and other policies.<< At a minimum, the Affordable Housing Advisory Board shall >>submit a report that includes<< [[~~make~~]] recommendations to the Board of County Commissioners on affordable housing incentives in the following areas:

* * *

(3) The modification of impact fee requirements, including reduction >>or waiver of<< [[~~of labor~~]] fees and alternative methods of fee payment.

(4) The allowance of >>flexibility in densities<< [[~~increased density levels~~]].

(5) The reservation of infrastructure capacity for housing of very-low-income>>,<< [[~~and~~]] low-income>>, and moderate-income<< persons.

(6) The transfer of development rights as a financing mechanism for housing of very-low-income>>,<< [[~~and~~]] low-income>>, and moderate-income<< persons.

* * *

(8) The allowance of >>flexible lot configurations, including<< zero-lot-line configurations.

* * *

>>(14) The allowance of affordable accessory residential units in residential zoning districts.

(15) The support of development near transportation hubs and major employment centers and mixed-use developments.<<

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 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 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: _____

Mandana Dashtaki

Sponsored by Commissioner Audrey M. Edmonson