Memorandum

MIAMI-DADE COUNTY

Date:	May 6, 2008
To:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Resolution regarding temporary moratorium, as ordered by Resolutions R-1161-07 and R-167-08 for properties being utilized as mobile home parks in unincorporated Miami-Dade County; directing the implementation of the strategies as recommended.

Substitute
Agenda Item No. 5(L)

This substitute clarifies the financial recommendations contained herein to state that all financial support for programs will be to the extent allowable by available funding.

Recommendation

It is recommended that the Board of County Commissioners adopt the proposed resolution dissolving the temporary moratorium and directing the implementation of the strategies outlined below.

Scope

This item will have impact within unincorporated Miami-Dade County.

Fiscal Impact

Fiscal impacts for some of the recommended strategies are noted with the respective strategies.

Track Record/Monitor

N/A

Background

After public hearing on October 16, 2007, the Board of County Commissioners adopted Resolution R-1161-07, which imposed a temporary moratorium on the issuance of building permits for properties in the unincorporated area of Miami-Dade County being utilized as mobile home parks. The resolution directed the County Manager to study and make a recommendation as to what zoning districts are most appropriate for the particular parcels on which mobile home parks lie, taking into account the surrounding development, the availability of public facilities and resources, and the availability of alternative mobile home parks or affordable housing for the residents of the mobile home park should the mobile home park site be proposed for redevelopment. The moratorium applies to a total of 40 mobile home park sites that are located in the unincorporated Miami-Dade County. The estimated number of units in these parks is approximately 8,000. A report was presented to and reviewed by the Board on February 19, 2008. At the public hearing on that date, the Board heard testimony from interested parties. Based on the information received and testimony heard, the Board adopted Resolution R-167-08, ordering the extension of the moratorium for an additional period of ninety

(90) days and directing staff to analyze in greater detail the appropriateness of existing zoning districts and the possibility of creating a new zoning district for mobile home parks.
Based on this directive, staff has prepared the following to implement the key recommendations.

1. Amnesty Program:

Ordinance No. 02-44, patterned after Ordinance No. 97-107 (Amnesty Ordinance, codified at Section8-11(g) of the Code of Miami-Dade County), provides the Building Official with a mechanism to issue building permits for existing construction using the requirements of the South Florida Building Code in effect at the time the structure was built or permitted, while also maintaining certain life-safety requirements of the present code. These amnesty procedures have proven to be very useful in the past to close compliance cases for the benefit of the community. This program can be used to assist mobile home owners in bringing into compliance structures built without proper permits prior to March 1, 2002, by establishing a procedure that permits the Building Department to process the certain permit applications and plans per code requirements in effect at the time of the original construction. To expedite the process the Building Department reviews the plans within a 24 to 48 hour turn around time. A project manager is assigned to coordinate the review process and to act as a single point of contact for the applicant, in this case a mobile home owner. This will establish a process for the applicant to legalize the structure and to correct code violations in a simplified manner and will help to avoid expensive enforcement procedures and the sometimes adversarial relationship between the County and mobile home park residents. The existing ordinance applies to those structures built prior to the adoption of the current building code, the Florida Building Code. Violation of structures built after March 1, 2002 would require a new ordinance to permit those structures and owners to take advantage of this program.

In order to make the existing program more accessible to a greater number of mobile home owners and to provide some initial technical assistance, it is recommended that the County, through the Department of Human Services (DHS), set up a Technical Assistance Program (TAP). The purpose of TAP will be to assist the mobile home owners with assessing the violation, developing a course of corrective actions and developing a range of cost estimates for the corrective work. This initial assistance will provide the necessary guidance and direction to a mobile home owner to take the necessary steps to take corrective action in a systematic and effective manner. DHS can retain several teams of architects and engineers pre-selected through Equitable Distribution Program (EDP), a program managed by the Office of Capital Improvements. These teams could be assigned by rotation to provide this initial technical assistance valued up to a maximum of $2,500 per mobile homeowner.

It is recommended that funds be allocated to the extent allowable by available funding for administering this Technical Assistance Program. DHS will report to the Board of County Commissioners on the program's effectiveness within six months after initiating the program.

2. Supplementing currently available County services:

The Department of Human Services (DHS) along with Team Metro, Building, Planning & Zoning, Community Action Agency and Housing have created outreach task force teams of multilingual workers to provide mobile home park residents with information about housing and relocation assistance when a park is being closed. DHS has contacted the Department of Children and Families (DCF) to request assistance in providing staff to act as permanent members of the outreach team, since many of the residents could also benefit from DCF services. DCF has agreed to be a part of the team and DHS will add non-County members as deemed necessary in an attempt to offer a continuum of services to displaced individuals.

The team conducts a comprehensive needs assessment with each affected individual/family and makes referrals to support services such as medical care, mental health services, medical detoxification, educational and vocational programs, and employment. The team also assists with placement in available shelter(s). Throughout the closure process, the team remains involved and in close communication with the residents, managers, park owners, and other agencies to ensure that the residents are relocated safely. State of Florida information regarding relocation assistance is also provided, and County staff works with the residents to complete the necessary documentation.

The outreach team coordinates all public meetings at affected parks to encourage and assist residents in developing a relocation plan. While the County offers an array of social services, it has been the experience of outreach team staff that the majority of individuals residing in a mobile home park do not want to relocate, regardless of the services offered. The reasons are varied, but many of the residents state that they simply cannot afford the increased monthly rent if forced to move. Other reasons include a reluctance to leave the mobile home park to live in the confines of an apartment. The outreach team seeks to help residents address these issues.

In addition to the outreach team, DHS provides assistance through a network of ten (10) neighborhood multi-purpose service centers from Florida City to the Broward County line. Services include financial assistance to the medically disabled, boarding home placement, utility assistance and information and referrals.

Limited emergency housing assistance is available to eligible Miami-Dade County families with dependant children or individuals 55 years or older who are experiencing housing displacement as a result of a formal eviction (five-day summons or 24-hour notice), facing imminent eviction, foreclosure, having been the victim of a fire or a natural disaster or governmental action. Eligible clients in need of emergency housing placement are referred to one of the two DHS Emergency Housing Centers strategically located in the North and South areas of the County. Additionally, another facility (Jack Orr Plaza) located in the downtown area is utilized for placement of seniors age 55 and older. The clients are allowed to reside at the centers for a period of 120 days. While in a Center, the clients are provided services to assist them with acquiring and sustaining permanent housing.

Through DHS and the Housing Department, Housing Assistance Grant (HAG) monies were used to assist the residents of Blue Lakes Trailer Park with relocation costs when it was being closed in 2007. HAG was a grant made available this fiscal year by the BCC offering one-time assistance to homeowners or renters to address the affordable housing issue. HAG was designed to enable residents who were behind in their rental or mortgage payments because of a mitigating circumstance to stay in their current housing. Residents who met the criteria and wanted to relocate to better or more permanent housing could qualify for assistance as well. DHS used part of this fund to offer assistance to the residents of the Blue Lakes Mobile Home Park. Due to the special circumstances surrounding the Blue Lakes Mobile Home Park, the assistance was increased from $750 to up to $2500 per individual family. This additional aid was provided primarily to those who rented trailers since they did not qualify for any assistance from the state. As part of the HAG requirements, a resident must find a new place and be able to sustain monthly rent payments. Many individuals in trailer parks pay low monthly rents and have difficulty finding another place at the rate they are accustomed to paying. A limited amount of HAG funds are available at the current time.

The Office of Miami Dade County Homeless Trust provides The Housing 1st Placement Program via a contractual relationship with Lutheran Services. Homeless families are assessed and offered housing placement services wherein they select and are matched with suitable rental properties. Families are provided with first and last months rent, security deposit and utility deposits as needed. All funding allocations are individualized. Additionally furniture, pots, pans, sheets, towels, etc., are provided if necessary.

A sliding scale rent subsidy is provided for three months and additional rental assistance when needed is provided for up to 12 months to ensure success. Case management and linkages to community services (e.g. Child Care) is provided. Average cost of this service is approximately $4,000 per family.

It is recommended that the HAG program be continued for another year and funded to the extent allowable by available funding.

3. Exit Plan:

By state law, local governments cannot approve rezonings that will result in the removal of mobile home owners without adequate relocation options. The purpose of an Exit Plan would be to provide one means by which an applicant for redevelopment of a mobile home park could demonstrate that adequate alternative sites exist. An Exit Plan would work in conjunction with the zoning requirement, described below, to allow applicants to proffer prescribed alternatives or contributions as a means of demonstrating the availability of relocation options.

4. Rezoning Options and Zoning Overlay:

To alleviate the mobile home park situation, the Department recommends that a set of criteria be added within the existing zoning code standards. Those criteria would require a determination whether the proposed zoning action would result in the removal or relocation of mobile home owners residing in a mobile home park and that there would

be adequate existing alternative mobile home parks or other suitable facilities for relocation of the mobile home owners.

The Department also recommends the creation of a mobile/modular housing district option within the zoning code. The mobile/modular home ordinance will provide regulations for the redevelopment of certain mobile home parks within unincorporated Miami-Dade County to provide affordable, owner-occupied, traditional single-family residences, within a high quality park-like setting. For the appropriate sites, this zoning district will allow replacement of mobile homes with permanent structures. Staff has drafted an ordinance and will work with the County Attorney's Office to ensure that it is deemed to be legally sufficient prior to Board consideration.

Simultaneously, any amendments to the Comprehensive Development Master Plan (CDMP) would need to be filed to enable the new district to be consistent with the CDMP provisions and the land use plan map designations to allow this kind of development. Each existing mobile home park site would be reviewed and a site-specific rezoning application to the mobile/modular housing district could be filed.

It is recommended that the Board support staff's filing of any necessary Comprehensive Development Master Plan amendment applications and the preparation and submission of a County zoning/overlay district and redevelopment approval process.

5. Imposing a voluntary restriction to limit the use of the property of an existing Mobile Home Park site only to mobile home use:

This program allows for imposing a voluntary restriction on an existing mobile home park to restrict its use for an extended length of time to a mobile home use. This may allow for the property to be assessed at a lower rate commensurate with the actual use on the property rather than the best and highest use of the property, thus maintaining the land's property taxes at a lower rate. In order to take advantage of the lower tax rate from the revised assessment, the property owner would voluntarily record a declaration of restrictive covenant requiring the property to be maintained with the mobile home use for at least a period of 20 years. Similar declarations of restrictions are used for Infill Housing Initiative and Affordable Housing Restrictive Covenants.

It is recommended that the option to voluntarily restrict the use to Mobile Home Park be made available to the mobile home park owners.

6. Inclusionary Zoning (IZ) Ordinance:

The initial report dated February 19, 2008 recommended consideration of a mandatory IZ ordinance as a way of increasing the overall supply of workforce housing throughout the County. With the help of OCED and its consultant, the Department of Planning & Zoning has undertaken additional research with respect to questions such as voluntary vs mandatory, percentage of set aside units, rental vs ownership, appropriate time for imposing IZ: weak housing market vs strong housing market, in-lieu payment requirements, affordability period and other critical issues affecting the effectiveness of IZ. Based on initial information and general wisdom among the people involved in

developing affordable housing, it is believed that imposing a mandatory IZ in a weak residential market is not only ineffective, it may even act as a disincentive for any other housing development.

It is recommended that the voluntary IZ be reviewed in eighteen months from its adoption date, if adopted, for the purpose of evaluating the appropriateness of making IZ a mandatory requirement.

7. Resident Owned Communities:

Resident owned communities provide one of the few viable options that would ease the problem of potential dislocation for mobile home residents by offering a long-term solution. These types of communities empower residents through ownership of the land and as members of the cooperative. The key to successful conversion of mobile home parks to resident owned communities is ability to obtain high loan-to-value (LTV) loans for purchase of the land. This is a model that has been successfully employed in New Hampshire, both in terms of obtaining the needed financing and developing of local capacity to guide the process.

The New Hampshire Community Loan Fund was the entity that spearheaded the conversion of 86 mobile home parks in New Hampshire to resident owned communities over a twenty-year period. The success of the Loan Fund was based on its ability to convince financial institutions to offer loans at rates closer to that for single family homes and to provide technical assistance necessary to organize mobile home parks under a cooperative form of ownership. In addition, the Loan Fund has been able to secure assistance with financing needed for infrastructure upgrades.

In 2004, the Loan Fund decided to share their accumulated expertise and access to their major funding sources nationally. ROC USA was formed to accomplish this goal. The Loan Fund fostered the development of ROC USA believing that the experience and expertise in New Hampshire can be extended to the national level through the new ROC USA organization. ROC USA is in the process of building a national network with non-profit organizations to help develop resident owned communities. This national network that will provide technical and financing assistance will make resident ownership of mobile home parks a viable option for low-income households.

In evaluating the situation in Miami-Dade County, 7 of the 40 existing mobile home parks in unincorporated Miami-Dade have zoning classifications (AU and GU) that essentially discourage alternate use without rezoning based on economic considerations. Mobile home parks in this category are likely to offer the best opportunity for resident ownership conversion. These seven mobile home parks have a considerably lower average market value per acre than other parks. These mobile home parks have an average market value, as reported by the Miami-Dade Property Appraiser, of $71,593 per acre compared to $166,626 for the other parks. Given limited funding sources, this lower per acre value makes acquisition more feasible. An effective partnering of ROC USA or other similar organizations with local organizations in Miami-Dade County, and potentially County government as well, is one feasible approach to maintaining mobile home parks as a housing alternative for low-income residents through resident ownership.

An alternative to conversion of existing mobile home parks to resident owned communities is the development of mobile home parks or modular homes on County owned vacant sites.

It is recommended that the feasibility of partnering with other organizations to find ways to maintain mobile home parks as a housing alternative for low-income residents through resident ownership be explored.

8. Seed funding to existing Affordable Housing Trust Fund:

The Board of County Commissioners through Ordinance 07-15 created an Affordable Housing Trust Fund of Miami-Dade County, Florida for the express purpose of providing a "permanent, renewable source of revenue to meet, in part, the housing needs of the residents of Miami-Dade County." This seed funding can also be used to provide financial incentives through low interest loans, grants, etc. to Mobile Home Park owners to help them maintain the mobile home use for an extended period of time.

Any contributions from the future applicants who are included in the re-designated Enterprise Zone, which is currently under review, will be allocated to this trust fund. Additionally, any future funding received through money in lieu of providing any mandatory or voluntary workforce housing units should be deposited to this trust fund. There may be other funding sources, identified from time to time, that can be designated to this trust fund as well. These funds can be utilized to provide necessary assistance, such as low interest loans to park residents and to park owners in order for them to upgrade existing conditions as an incentive to maintaining the supply of affordable mobile homes.

It is recommended that an assessment be done to identify an amount for this seed funding.

Pilot project:

The County is currently evaluating a number of pre-fabricated and or pre-manufactured housing prototypes to be built on several county owned infill lots. The purpose of these pilot projects would be to evaluate the acceptability of the products, the actual cost of construction and the feasibility of using such units as an additional option for the provision of affordable housing.

Attachments

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: May 6, 2008

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

SUBJECT: Substitute Agenda Item No. 5(L)

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 _____

Substitute
Agenda Item No. 5(L)
5-6-08

RESOLUTION NO. _____

RESOLUTION PERTAINING TO TEMPORARY MORATORIUM FOR PROPERTIES BEING UTILIZED AS MOBILE HOME PARKS IN UNINCORPORATED MIAMI-DADE COUNTY; DETERMINING WHETHER OR NOT THE MORATORIUM SHOULD BE TERMINATED; DIRECTING THE IMPLEMENTATION OF THE STRATEGIES RECOMMENDED IN THE MOBILE HOME PARK REPORTS DATED FEBRUARY 19, 2008 AS ORDERED BY RESOLUTION R-1161-07 AND MAY 6, 2008 AS ORDERED BY RESOLUTION R-167-08 TO MITIGATE THE IMPACT OF REDEVELOPMENT ON PROPERTIES IN THE STUDY AREA DESCRIBED IN RESOLUTION R-1161-07

WHEREAS, on October 16, 2007, this Board adopted Resolution R-1161-07 ordering a temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in Miami-Dade County for the study area described in that Resolution, finding that a detailed comprehensive zoning analysis of the study area was reasonably necessary to study and make a recommendation as to what zoning district is most appropriate for the particular parcel on which a mobile home park lies, taking into account the surrounding development, the availability of public facilities and resources, and the availability of alternative mobile home parks or affordable housing for the residents of the mobile home park should an application for rezoning be filed, and directing the County Manager to prepare a comprehensive report and recommendation relating to appropriate zoning districts for the study area as soon as reasonably possible within a one hundred twenty (120) day period; and

WHEREAS, the County Manager's report titled "Mobile Home Report dated February 19, 2008 as ordered by Resolution R-1161-07" was presented to and reviewed by this Board; and

WHEREAS, on February 19, 2008 the Board directed the County Manager to immediately implement the recommendations contained in the Report, including, without limitation, the recommendation for an appropriate "exit plan" applicable to all properties

in unincorporated Miami-Dade County being utilized as mobile home parks and to submit for this Board's approval such ordinances or resolutions as necessary to implement the recommendations; and the continuation of the temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in unincorporated Miami-Dade County for the study area described in Resolution R-1161-07 for a period not to exceed 90 days, and directed the County Manager to analyze in greater detail the appropriateness of existing zoning districts of the creation of new zoning districts for mobile home parks in unincorporated Miami-Dade County and to report to the Board within 90 days; and

WHEREAS, the County Manager was further directed by the Board to submit within 90 days for the Board's consideration a report on the feasibility of acquisition of mobile home parks by Miami-Dade County, such report to address all funding sources available for this purpose, and the County Manager was directed to invite the Secretary of the Department of Community Affairs or his representative to come to Miami-Dade County for a public meeting to discuss the housing crisis in Miami-Dade County, particularly as it pertains to persons residing in mobile home parks; and

WHEREAS, the County Manager's report titled "Report regarding temporary moratorium, as ordered by Resolutions R-1161-07 and R-167-08 for properties being utilized as mobile home parks in unincorporated Miami-Dade County" dated May 6, 2008 as ordered by Resolution R-167-08 (the "May 6 Report") has been presented to and reviewed by this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby orders the County Manager to implement the recommendations contained in the May 6 Report, and further orders the _____ of the temporary moratorium on the issuance of building permits for properties being utilized as mobile home parks in Miami-Dade County for the study area described in Resolution R-1161-07.

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz
Carlos A. Gimenez
Joe A. Martinez
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Dennis C. Moss
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2008. 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. JAC/JM

Joni Armstrong Coffey and
John McInnis