

MEMORANDUM

Agenda Item No. 7(F)


TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: (Second Reading 5-1-12)
March 20, 2012

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

SUBJECT: Ordinance amending Article
VII, Section 17-125 of the Code,
concerning the establishment of a
rental exception to the infill
housing initiative program

The accompanying ordinance was prepared by the Public Housing and Community Development and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

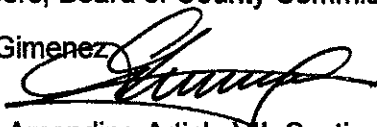
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Memorandum



Date: May 1, 2012

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Article VII, Section 17-125 Establishing Rental Exception to the Infill Housing Initiative Program

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance to amend Article VII, Section 17-125 of the Code of Miami-Dade County to extend the sunset provision set forth in Section 17-125 until April 16, 2014. The extension will allow developers participating in the Infill Housing Initiative Program (Infill Housing Program), that have made a good faith attempt to sell their properties, to rent their properties to families who are eligible participants in one of the County's or other local municipality's rental housing assistance programs.

Scope

This provision may affect all designated Targeted Infill Areas in the County as well as areas designated as Urban Infill Target Areas (UIA), as defined in Section 33G-3(26) of the Code, and the Targeted Urban Areas (TUA), as defined in Section 30A-129(2) of the Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA and any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

Fiscal Impact/Funding Source

The ordinance amending the code will not have a fiscal impact to Miami-Dade County.

Track Record/Monitor

This project will be monitored by Alan S. Eson, PHCD Real Estate Officer for the Infill Housing Program. The monitoring process will include reviewing changes in lease terms, updating the Infill Housing database, reviewing documentation for any rentals not previously submitted, and issuing non-compliance notifications to those developers who warrant them.

Background

The proposed amendment to the ordinance pertains to the Infill Housing Program that encourages developers to build single family homes for very low, low, and moderate income families in the Target areas of Miami-Dade County.

On April 16, 2010, the Board adopted Ordinance No. 10-25 to permit developers in the Infill Housing Program, to temporarily rent their eligible homes for a period of two years if the developer demonstrated a good faith effort to sell the homes but was unsuccessful. This Ordinance is scheduled to sunset April 15, 2012.

Since the economic conditions in the housing market have not yielded the expected sales price versus the construction loans obtained to build homes, the infill developers, rather than selling short, were allowed by the Board to temporarily rent the homes to eligible families. Staff recommends that the developers be permitted to continue to rent their properties for an additional two (2) years, with a sunset date of April 16, 2014.

Upon the County's approval, the developers are required to rent to families who are eligible participants in one of the County's or other local municipality's rental housing assistance programs, including but not limited to, the Section 8 Housing Choice Voucher (HCV) Program administered by Miami-Dade Public Housing and Community Development (PHCD) or the Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence programs administered by the Miami-Dade County Homeless Trust.

Currently, there are twenty-eight (28) homes rented in the Infill Housing Program and an additional twelve (12) that have been completed but remain vacant. The developers of these twelve (12) homes may request the County's approval to rent to income eligible families in the rental housing programs described herein.



Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 1, 2012

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

SUBJECT: Agenda Item No. 7 (F)

Please note any items checked.

- "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**
- Ordinance creating a new board requires detailed County Manager's report for public hearing**
- No committee review**
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor

Agenda Item No. 7(F)

Veto _____

5-1-12

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING ARTICLE VII, SECTION 17-125 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA CONCERNING THE ESTABLISHMENT OF A RENTAL EXCEPTION TO THE INFILL HOUSING INITIATIVE PROGRAM; 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 17-125 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 17-125.1 Rental of Property.

The County in its sole discretion may allow developers to rent eligible homes on a temporary basis if the developer can demonstrate to the County's satisfaction that they have made a good faith effort to sell the eligible home. The term "good faith effort" shall include but is not limited to marketing of the eligible home by listing the home on the multiple listing service for a minimum of three months, placing a "For Sale" sign on the property, and reducing the original asking price . In the event the developer is able to demonstrate that it has used good faith efforts to sell the eligible home and the County permits the rental of said home, the County shall require the developer to rent the eligible home to families who are eligible participants in one of the County's or other local municipality's rental housing assistance programs, including but not limited to, the Section 8 Housing Choice Voucher (HCV) Program administered by the Miami-Dade Public Housing ~~[[Agency—(MDPHA)]]~~ >>and Community Development, or its successor agency or department<< or the Household Exiting Emergency Shelter, Transitional Housing and Domestic Violence programs administered by the Miami-Dade

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.

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County Homeless Trust The County shall determine prior to authorizing a developer to rent an eligible home whether the rental of said home is consistent with all applicable state and federal laws and regulations.

Upon the County's approval to rent any eligible home, each developer shall be required to comply with all applicable federal and state housing laws and regulations. Developers shall also be required to rent the eligible homes for a minimum of one year and will not be permitted to sell said eligible home during the first year it is rented, unless it is sold to the existing tenant.

This section of the Code shall sunset ~~[[two years from the effective date of this ordinance]]~~ >>on April 16, 2014 unless extended by the Board of County Commissioners<<

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:



Terrence A. Smith

