MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 19, 2013

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

SUBJECT: Resolution urging the Florida Legislature to use Florida's Sadowski Act Affordable Housing Trust Fund revenues solely for affordable housing programs, and not continue to sweep such documentary stamp tax/affordable housing trust fund revenues to the state general revenue fund

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 19, 2013

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

SUBJECT: Agenda Item No. 11(A)(2).

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 Mayor'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
Veto _____
Override _____

Agenda Item No. 11(A)(2)
11-19-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO USE FLORIDA'S SADOWSKI ACT AFFORDABLE HOUSING TRUST FUND REVENUES SOLELY FOR AFFORDABLE HOUSING PROGRAMS, AND NOT CONTINUE TO SWEEP SUCH DOCUMENTARY STAMP TAX/AFFORDABLE HOUSING TRUST FUND REVENUES TO THE STATE GENERAL REVENUE FUND

WHEREAS, locating affordable housing continues to be difficult for low and moderate income families in Miami-Dade County and across the State of Florida; and

WHEREAS, federal housing programs, especially those that typically serve individuals with the lowest incomes, have experienced significant budget reductions over the last decade, placing increasing pressure on state and local governments to provide affordable housing assistance; and

WHEREAS, in 1992, the Florida Legislature enacted the William E. Sadowski Act, which created a dedicated source of revenue for affordable housing from a portion of documentary stamp tax revenues on transfers of real property; and

WHEREAS, the Sadowski Act provides that 70 percent of revenues are directed to all 67 counties in Florida and entitlement cities to fund the State Housing Initiatives Partnership (SHIP) Program, while 30 percent of funds are used by the Florida Housing Finance Corporation for state affordable housing programs, such as the State Apartment Incentive Loan (SAIL) Program; and

WHEREAS, the SHIP Program is designed to serve very low, low and moderate income families and provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing; and

WHEREAS, SHIP funding may be used for emergency repairs, new construction, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buy- downs, acquisition of property for affordable housing, matching dollars for federal housing grants and programs and homeownership counseling; and

WHEREAS, the SAIL program provides low-interest loans on a competitive basis to affordable housing developers, with SAIL funding often serving to bridge the gap between the development's primary financing and the total cost of the affordable housing development; and

WHEREAS, SAIL funds are available to individuals, public entities, not-for-profit and for-profit entities that propose the construction or substantial rehabilitation of multifamily units affordable to very low income individuals and families; and

WHEREAS, both the SHIP and SAIL Programs have a proven track record of success in assisting Floridians with critical housing needs, including housing the working poor, low-income seniors, persons with disabilities and children; and

WHEREAS, during the 2005 session, the Florida Legislature capped at $243 million the annual amount of documentary stamp tax/affordable housing trust fund revenues that could be used for affordable housing and diverted any amount above $243 million to the state's general revenue fund; and

WHEREAS, since the 2010 session, the Florida Legislature has swept documentary stamp tax/affordable housing trust fund revenues from affordable housing programs and diverted

these funds to the state's general revenue fund as part of the effort to address sizable budget deficits; and

WHEREAS, during the 2013 session, the Legislature saw a budget surplus for the first time in a number of years, but nonetheless swept all $204 million available in documentary stamp tax/affordable housing trust fund revenues from affordable housing programs and diverted these funds to the state's general revenue fund for other purposes; and

WHEREAS, the Legislature enacted Chapter 2013-106, Laws of Florida (SB 1852) during the 2013 session, which appropriated more than $200 million to various housing and foreclosure-related programs and services based on the national mortgage settlement involving the federal government, 49 state attorneys general and the five largest mortgage servicers in the United States; and

WHEREAS, among other appropriations, Chapter 2013-106 appropriated $70 million for the SHIP Program and $65 million for the SAIL Program; and

WHEREAS, but the appropriations from the national mortgage settlement included in Chapter 2013-106 were one-time, non-recurring appropriations, and will not be available for the 2014 session; and

WHEREAS, current revenue estimates project that the Florida Legislature will again have surplus revenues available for appropriation in the 2014 session; and

WHEREAS, the Florida Legislature should refrain from sweeping documentary stamp tax/affordable housing trust fund revenues to the state's general revenue fund during the 2014 session and use affordable housing trust fund revenues solely for much-needed affordable housing programs,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to use Florida's Sadowski Act Affordable Housing Trust Fund revenues solely for affordable housing programs, and not continue to sweep documentary stamp tax/affordable housing trust fund revenues to the state general revenue fund for other purposes.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2014 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Jean Monestime. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of November, 2013. 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.

Jess M. McCarty