

MEMORANDUM

EPC
Agenda Item No. 1(G)1

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 12, 2015

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

SUBJECT: Ordinance establishing elderly
housing set aside incentive for
County funded Affordable Rental
Housing and Homeownership
Projects; creating Chapter 17,
Article XII of the Code entitled
"Miami- Dade County
Affordable Housing Set
Aside Incentive for the Elderly"

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date:

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Ordinance Relating To Elderly Housing Set Aside Incentive

The proposed ordinance establishes the Elderly Housing Set Aside Incentive for County funded Affordable Rental Housing and Homeownership Projects, creating Chapter 17, Article XII of the Code, entitled "Miami-Dade County Affordable Housing Set Aside Incentive for the Elderly"

Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Russell Benford".

Russell Benford
Deputy Mayor

Fis02715



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: January 21, 2015

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

SUBJECT: Agenda Item No. 4(E)

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. 4(E)
1-21-15

ORDINANCE NO. _____

ORDINANCE ESTABLISHING ELDERLY HOUSING SET ASIDE INCENTIVE FOR COUNTY FUNDED AFFORDABLE RENTAL HOUSING AND HOMEOWNERSHIP PROJECTS; CREATING CHAPTER 17, ARTICLE XII OF THE CODE OF MIAMI-DADE COUNTY ENTITLED "MIAMI-DADE COUNTY AFFORDABLE HOUSING SET ASIDE INCENTIVE FOR THE ELDERLY"; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Florida Alliance for Retired Americans, Inc., a non-profit organization, which actively pursues and promotes legislation and public policies that are in the best interest of current and future retired Floridians, found that during the last century, the senior population increased from 3.1 million to 33.2 million and that by 2030 it is estimated that the senior population will increase to 80 million; and

WHEREAS, it is estimated that half the people 65 years and older live in nine (9) states with California, Florida and New York leading the way; and

WHEREAS, as the senior population continues to grow, the need for affordable, safe housing also grows; and

WHEREAS, in a 2002 United States congressional report written by the Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century it was estimated that the demand for rental housing for the elderly, for instance, would be upwards to 2.3 million additional units by the year 2020; and

WHEREAS, for senior Floridians to live self-sufficiently, one of their basic needs is suitable and affordable housing; and

WHEREAS, secure, affordable housing for seniors can mean the difference between anxiety and peace of mind, poverty and well-being and even illness and health; and

WHEREAS, the Board finds that through the County's partnership with private affordable housing developers, the County can, through its Surtax, State Housing Initiatives Partnership, Home Investment Partnerships Program, Community Development Block Grant, and other affordable housing programs, increase the supply of affordable housing units for elderly households by creating incentives for these developers who receive such public funds,

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

Section 1. Chapter 17, Article XII of the Code of Miami-Dade County, Florida is hereby created to read as follows:

**ARTICLE XII.
MIAMI-DADE COUNTY AFFORDABLE HOUSING SET
ASIDE INCENTIVE FOR ELDERLY HOUSEHOLDS**

Sec. 17-160. Short title.

This article shall be known as the Miami-Dade County Affordable Housing Set Aside Incentive for Elderly Households.

Sec. 17-161. Legislative intent and purpose.

It is the intent of the Board of County Commissioners to establish an incentive for private developers of affordable housing, who compete for funding through the County's Surtax, State Housing Initiatives Partnership (SHIP), Home Investment Partnerships (HOME), Community Development Block Grant (CDBG), or other similar affordable housing programs, to increase the supply of affordable and accessible rental and homeownership units for elderly households.

Sec. 17-162. Definitions

(1) *Elderly Household* means any moderate, low, very low (as these terms are defined in Section 420.9071 of the Florida Statutes) or extremely low income household (as this term is defined in Section 17-131 of the Code of Miami-Dade County) that has one or more persons who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides or other family members.

(2) *Rental Housing Project* or *Homeownership Project* means a housing development that has been funded through the County's Surtax, State Housing Initiatives Partnership (SHIP), Home Investment Partnerships Program (HOME), Community Development Block Grant (CDBG), or other affordable housing program. This definition does not include affordable housing projects funded through grants from the Building Better Communities General Obligation Bond Program.

(3) *Set aside unit* means a rental housing unit or homeownership unit which is set aside as affordable to an Elderly Household.

Sec. 17-163. Set-Aside Unit Requirement for Rental Housing Projects and Homeownership Projects

As part of any competitive process for the acquisition, construction or rehabilitation of Rental Housing Projects or Homeownership Projects, the County Mayor or the County Mayor's designee shall, as part of said competitive process, provide additional incentives, including, but not limited to allocating extra

qualitative points, to those developers and applicants who propose up to five percent (5%) additional set aside units for Elderly Households.

Sec. 17-164. Annual Reports.

The County Mayor or the County Mayor's designee shall provide an annual report to the Board of County Commissioners on the total number of set aside units acquired, constructed or rehabilitated pursuant to this article.

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

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsor: Commissioner Barbara J. Jordan