

# MEMORANDUM

Agenda Item No. 11(A)(24)

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

**DATE:** January 21, 2015

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

**SUBJECT:** Resolution urging the Florida  
Legislature to fully restore  
funding for affordable housing  
programs from the Sadowski Act  
Affordable Housing Trust Fund,  
and not divert any revenues to  
the state general revenue fund for  
other purposes

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



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R. A. Cuevas, Jr.  
County Attorney

RAC/smm



**MEMORANDUM**  
(Revised)

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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)(24)

1-21-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO FULLY RESTORE FUNDING FOR AFFORDABLE HOUSING PROGRAMS FROM THE SADOWSKI ACT AFFORDABLE HOUSING TRUST FUND, AND NOT DIVERT ANY REVENUES TO THE STATE GENERAL REVENUE FUND FOR OTHER PURPOSES

**WHEREAS**, there is a critical shortage of housing for low and moderate income families in Miami-Dade County and across the state; and

**WHEREAS**, for a period of time, Florida relied solely on federal funds to finance housing programs, but this proved difficult as the need for affordable housing assistance steadily outweighed the supply; and

**WHEREAS**, in 1992, the Florida Legislature responded to the growing need for affordable housing assistance by enacting the William E. Sadowski Act, which created a dedicated source of revenue for affordable housing; and

**WHEREAS**, this dedicated source of revenue consists of a 10-cent documentary stamp tax paid on the transfer of real estate, which began in August 1992, and a reallocation of 10 cents of existing documentary stamp tax revenues from general revenue to the Affordable Housing Trust Fund, which began in July 1995; and

**WHEREAS**, Sadowski Act Affordable Housing Trust Fund revenues are divided between state and local government housing trust funds, with 70 percent of the revenues going into the Local Government Housing Trust Fund and 30 percent going into the State Housing Trust Fund; and

**WHEREAS**, Affordable Housing Trust Fund revenues support various state and local housing assistance programs, including the State Housing Initiatives Partnership (SHIP) Program and the State Apartment Incentive Loan (SAIL) Program; and

**WHEREAS**, the SHIP Program serves 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-down, acquisition of property for affordable housing, homeownership counseling and matching dollars for federal housing grants and programs; 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 a 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 been successful in assisting Floridians with critical housing needs, including housing for 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 Affordable Housing Trust Fund revenues that could be used for affordable housing and diverted any amount above \$243 million to the state general revenue fund; and

**WHEREAS**, from the 2010 session through the 2013 session, the Florida Legislature swept Affordable Housing Trust Fund revenues from affordable housing programs to the state general revenue fund as part of its effort to address sizable budget deficits; and

**WHEREAS**, during the 2014 session, it was estimated that the Florida Legislature would have a significant overall state budget surplus; and

**WHEREAS**, affordable housing advocates saw the estimated overall budget surplus as an opportunity to end the sweeps of the Affordable Housing Trust Fund revenues during the 2014 session; and

**WHEREAS**, the total amount of revenues in the Affordable Housing Trust Fund estimated to be available for state fiscal year 2014-15 was approximately \$226 million; and

**WHEREAS**, during the 2014 session, the Florida Legislature restored most, but not all, of the \$226 million to affordable housing programs, sweeping roughly \$58 million of the \$226 million available in Affordable Housing Trust Fund revenues from affordable housing programs to the state general revenue fund for other purposes; and

**WHEREAS**, during the 2014 session, the Florida Legislature appropriated approximately \$168 million to fund the SHIP and SAIL programs through the General Appropriations Act; and

**WHEREAS**, the General Appropriations Act for state fiscal year 2014-15 appropriated \$100 million to the SHIP Program and approximately \$68 million to the SAIL Program, with such funds targeting the construction, rehabilitation and development of various housing units for homeless, elderly and disabled individuals and families; and

**WHEREAS**, current revenue estimates project that the Florida Legislature will again have surplus revenues available for the 2015 session in appropriating funds for the state fiscal year 2015-16 budget; and

**WHEREAS**, the Florida Legislature should fully restore funding for affordable housing programs from the Affordable Housing Trust Fund, and not divert any revenues to the state general revenue fund for other purposes,

**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 fully restore funding for affordable housing programs from the Sadowski Act Affordable Housing Trust Fund, and not divert any 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 legislative action set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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:

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Jean Monestime, Chairman  
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of January, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

APP

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