MEMORANDUM

EPC
Agenda Item No. 1(G)2

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

DATE: August 27, 2015

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

SUBJECT: Ordinance amending Article VIII, section 17-132 of the Code relating to the Affordable Housing Trust Fund; establishing a total set-aside of 50 percent of the money deposited in the Trust Fund to be used to meet the housing needs of very low income and extremely low income persons or households; requiring 30 percent of such set-aside funds to be used to meet the housing needs of very low income persons or households and 20 percent to be used to meet the housing needs of extremely low income persons or households; updating terminology

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan, and Co-Sponsors Commissioner Daniella Levine Cava and Commissioner Dennis C. Moss.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date:

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

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating to the Affordable Housing Trust Fund

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The proposed ordinance relating to the Affordable Housing Trust Fund establishes a set-aside of 50 percent of the money deposited in the Trust Fund to be used to meet certain housing needs, requiring that 30 percent of such set-aside funds to be used to meet the housing needs of very low income persons or households and 20 percent to be used to meet the housing needs of extremely low income persons or households.

Implementation of this ordinance would not require any additional personnel or operating resources for the tracking and monitoring of such set-aside. Therefore, it is anticipated that the implementation of this ordinance would have no additional fiscal impact.

Russell Benford
Deputy Mayor

fis08715

MEMORANDUM

(Revised)

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

DATE: July 14, 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)
7-14-15

ORDINANCE NO. _____

ORDINANCE AMENDING ARTICLE VIII, SECTION 17-132 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE AFFORDABLE HOUSING TRUST FUND; ESTABLISHING A TOTAL SET-ASIDE OF 50 PERCENT OF THE MONEY DEPOSITED IN THE TRUST FUND TO BE USED TO MEET THE HOUSING NEEDS OF VERY LOW INCOME AND EXTREMELY LOW INCOME PERSONS OR HOUSEHOLDS; REQUIRING 30 PERCENT OF SUCH SET-ASIDE FUNDS TO BE USED TO MEET THE HOUSING NEEDS OF VERY LOW INCOME PERSONS OR HOUSEHOLDS AND 20 PERCENT TO BE USED TO MEET THE HOUSING NEEDS OF EXTREMELY LOW INCOME PERSONS OR HOUSEHOLDS; UPDATING TERMINOLOGY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board has enacted Ordinance No. 07-15, which is codified at Article VIII, Sections 17-129 et seq. of the Code of Miami-Dade County, establishing the Affordable Housing Trust Fund of Miami-Dade County, Florida (the "Trust Fund"); and

WHEREAS, the purpose of the Trust Fund is (1) to establish a permanent, renewable source of revenue to meet, in part, the housing needs of the residents of Miami-Dade County; (2) to foster a housing supply accessible to a range of incomes in developments assisted by the Trust Fund; and (3) to disperse affordable housing units throughout the County; and

WHEREAS, there continues to be a great need for affordable housing for extremely low and very low income persons and households in Miami-Dade County; and

WHEREAS, the Code defines an extremely low income person or household as "one or more natural persons or a family whose total annual household income does not exceed 30 percent of the median annual adjusted gross income for households within the state"; and

WHEREAS, the Code further defines a very low income person or household as "one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households within Miami-Dade County"; and

WHEREAS, this Board desires to set-aside a total of 50 percent of the money in the Trust Fund of which 30 percent will be set-aside to assist and meet the housing needs of very low income persons or households and 20 percent will be set-aside to assist and meet the housing needs of extremely low income persons or households living in the County,

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

Section 1. Section 17-132 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

ARTICLE VIII.
AFFORDABLE HOUSING TRUST FUND OF MIAMI-DADE COUNTY, FLORIDA

Sec. 17-132. Affordable Housing Trust Fund.

(1) There is hereby established the Affordable Housing Trust Fund (the "Trust"). Separate accounts within such Trust may be created from time to time to avoid commingling as required by law or as deemed appropriate to further the purposes of the Trust. Investment earnings, if any, from the moneys on deposit in the Trust shall be retained and shall be used for the purposes provided herein. The Trust shall be separately stated as a special revenue fund in the County's audited financial statements. Copies of such audited financial statements shall be forwarded to the

[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.

Board of County Commissioners as part of the report required by Section 17-135 of this article.

(2) The Trust shall be administered by a board of trustees, which shall have the authority to govern the Trust Fund consistent with this article and to prescribe procedures for said purpose, subject to necessary approvals by the Board of County Commissioners.

(3) Monies deposited in the Trust along with any interest earnings on such monies shall be used solely to increase and improve the supply of affordable housing to households in the affordable target income group, including, but not limited to acquisition of property and property rights, cost of construction including costs associated with planning, administration, design, building or installation, as well as any other costs associated with the construction or financing of affordable housing, and reimbursement to the County for such costs if funds were advanced by the County from other sources. To the maximum extent possible, all monies should be used to provide for additional affordable housing and services.

(a) No more than five percent (5%) of the monies in the Trust may be used to cover reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the Trust and reasonable expenses for administering the process of calculating, collecting, and accounting for any deferred County fees authorized by this section. No portion of the Trust may be diverted to other purposes by way of loan or otherwise.

(b) Monies in the Trust shall be used to construct, acquire, rehabilitate or subsidize affordable housing and/or to assist other governmental entities, private organizations or individuals in the construction, acquisition, rehabilitation, reimbursement of County advanced funds, location or subsidy of affordable housing. Monies in the Trust may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the Board of County Commissioners determine is appropriate to

accomplish the purposes of the Trust. These uses include, but are not limited to, assistance for equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public/private partnership arrangements. The [[~~Trust~~]] >>board of trustees established pursuant to Section 17-133 of the Code of Miami-Dade County<< shall recommend an appropriate annual allocation for the exercise by the County [[~~Manager~~]] >>Mayor or the County Mayor's designee<< of any and all rights of first refusal held by the County or all rights to pay off any senior lenders seeking to foreclose upon or take any other action against an affordable housing dwelling unit, and when the exercise of said rights is for the direct and exclusive purpose of providing affordable housing for those households which are intended to benefit from the Trust. The Trust monies may be [[~~extended~~]]>>expended<< for the benefit of rental or owner occupied housing.

>>(c) A total of 50 percent of the monies deposited in the Trust shall be set-aside for very low income and extremely low income persons or households. The monies set-aside herein for very low income and extremely low income persons or households shall be divided as follows: 30 percent of the monies in the Trust shall be set-aside to assist and meet the housing needs of very low income persons or households and 20 percent of said monies shall be set-aside to assist and meet the housing needs of extremely low income persons or households.<<

[[~~(c)~~]]>>(d)<< Except where Federal and State laws or regulations or the Miami-Dade Code mandate to the contrary, monies deposited in the Trust that are used to construct, acquire, rehabilitate or subsidize affordable housing and/or to assist other governmental entities, private organizations or individuals in the construction, acquisition, rehabilitation, reimbursement of County advanced funds, location or subsidy of affordable housing shall, whenever feasible, be disbursed in a manner to assure that the housing supply created with these monies is accessible to a range of family whose

incomes do not exceed the U.S. Department of Housing and Urban Development's published standards for moderate income households, adjusted for family size.

[[~~(d)~~]]>>(e)<< [[~~In accordance with the requirements of subsection (c) of this Section, the~~]] >>The<< affordable rental housing units that are constructed, acquired rehabilitated or subsidized either by the County or other governmental entities, private organizations or individuals >>, pursuant to subsection (d) of this Section,<< shall be offered at affordable rents exclusively to households whose income does not exceed the U.S. Department of Housing and Urban Development's published standard for moderate income households, adjusted for family size. Of these affordable units in rental projects, (1) forty percent (40%) of the total units in the project shall be offered at an affordable rent to households whose income does not exceeds the published standard for extremely low income and very low income households, adjusted for family size; (2) thirty percent (30%) of the total units in the project shall be offered at an affordable rent to households whose income does not exceeds the published standard for low income households, adjusted for family size; and (3) thirty percent (30%) of the total units in the project shall be offered at an affordable rent to households whose income does not exceeds the published standard for moderate income households, adjusted for family size. In the event there are insufficient eligible households within an income target range to be offered affordable housing units within a project, then the percentage of the unused units within that target income range shall be added to the next target income range up to an additional ten percent (10%). Any amounts in excess of ten percent (10%) shall be equitably distributed among the remaining households in the remaining target income ranges.

[[~~(e)~~]]>>(f)<< [[~~In accordance with the requirements of subsection (c) of this Section, the~~]] >>The<< affordable housing units in for-sale projects that are constructed, acquired rehabilitated or subsidized

either by the County or other governmental entities, private organizations or individuals>>, pursuant to subsection (d) of this Section,<< shall be sold at affordable housing cost for owner occupancy to households whose income does not exceed one hundred and forty percent (140%) of the area median income. Of these affordable units to be sold, (1) twenty percent (20%) of the total units in the project shall be offered at an affordable sales price to households whose income does not exceed the published standard for extremely low income and very low income households, adjusted for family size; (2) thirty percent (30%) of the total units in the project shall be offered at an affordable sales price to households whose income does not exceed the published standard for low income households, adjusted for family size; and (3) fifty percent (50%) of the total units in the project shall be offered at an affordable sales price to households whose income does not exceed the published standard for moderate income households, adjusted for family size. In the event there are insufficient eligible households within an income target range to be offered affordable housing units within a project, then the percentage of the unused units within that target income range shall be added to the next target income range up to an additional ten percent (10%). Any amounts in excess of ten percent (10%) shall be equitably distributed among the remaining households in the remaining target income ranges.

(4) Funds allocated to Miami-Dade County by the United States Department of Housing and Urban Development for the administration of federally subsidized housing programs, such as the public housing and the Section 8 Housing Choice Voucher programs, and the Surtax and SHIP program funds and other funds received or budgeted for Miami-Dade County's Local Housing Assistance program and deposited into the Local Housing Assistance Trust Fund established pursuant to Section 17-104 of the Code shall not be deposited into the Trust established herein.

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 Barbara J. Jordan
Co-Sponsors: Commissioner Daniella Levine Cava
Commissioner Dennis C. Moss