

# MEMORANDUM

Agenda Item No. 11(A)(12)

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

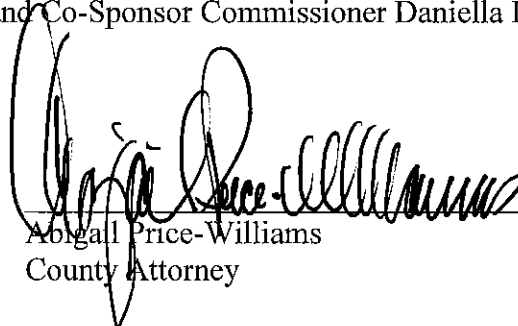
**DATE:** February 2, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to deposit a minimum of 25 percent of the proceeds from the sales of County-owned properties into the Miami-Dade Affordable Housing Trust Fund; except for proceeds from the sales of County-owned properties, which are sold under the County's Infill Housing Initiative Program, public housing mixed-finance development concept, funded through the County's affordable housing funding programs

**This item was amended at the 1-14-16 Economic Prosperity Committee to remove the words "leased" and "leasing" and to provide an exemption for the proceeds received by the County from the sales of County-owned properties where the use of such proceeds is restricted by federal or state laws, grants or agreements. The title has changed to reflect this amendment.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams  
County Attorney

APW/smm

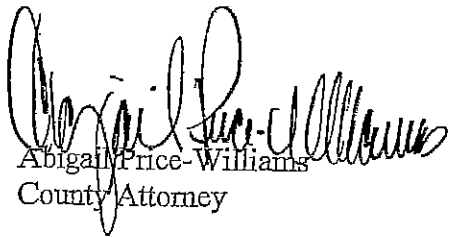


# MEMORANDUM

(Revised)

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Abigail Price-Williams  
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**SUBJECT:** Agenda Item No. 11(A)(12)

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
- Statement of social equity 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)(12)  
2-2-16

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

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO DEPOSIT A MINIMUM OF 25 PERCENT OF THE PROCEEDS FROM THE SALES OF COUNTY-OWNED PROPERTIES INTO THE MIAMI-DADE AFFORDABLE HOUSING TRUST FUND; EXCEPT FOR PROCEEDS FROM THE SALES OF COUNTY-OWNED PROPERTIES, WHICH ARE SOLD UNDER THE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM, PUBLIC HOUSING MIXED-FINANCE DEVELOPMENT CONCEPT, FUNDED THROUGH THE COUNTY'S AFFORDABLE HOUSING FUNDING PROGRAMS SUCH AS DOCUMENTARY SURTAX, STATE HOUSING INITIATIVES PARTNERSHIP, HOME INVESTMENT PARTNERSHIPS, COMMUNITY DEVELOPMENT BLOCK GRANTS, GENERAL OBLIGATION BOND PROGRAMS OR SIMILAR AFFORDABLE HOUSING PROGRAMS OR RESTRICTED BY FEDERAL OR STATE LAWS, GRANTS OR AGREEMENTS

**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 (the "Code"), 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**, the Code provides that "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;" and

**WHEREAS**, the Trust Fund currently has \$1,828,014.90 deposited into it; and

**WHEREAS**, when the Trust Fund was created it was contemplated that the main source of monies deposited into it would come from the monetary contributions from developers seeking incentives from the County, such as density bonuses, in lieu of building workforce housing under the County's Workforce Housing Development Program; and

**WHEREAS**, since the creation of the Trust Fund six developers have made such monetary contributions; and

**WHEREAS**, the current funds deposited into the Trust Fund are insufficient to assist in a significant way increasing the supply of affordable housing in Miami-Dade County; and

**WHEREAS**, this Board desires to explore other ways to increase the monies in the Trust Fund; and

**WHEREAS**, the County is the owner of properties located throughout Miami-Dade County, which oftentimes are declared surplus and sold ~~[[or leased]]~~<sup>1</sup> through a variety of methods, including but not limited to through both competitive and noncompetitive processes in accordance with Sections 125.35, 125.379 and 125.38, Florida Statutes; and

**WHEREAS**, this Board desires to require that a minimum of 25 percent of the proceeds from sales ~~[[or the leasing]]~~ of County-owned properties be deposited into the Trust Fund and that such funds be used to increase and improve the supply of affordable housing to households in the affordable target income groups, including, but not limited to acquisition of property and

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<sup>1</sup> Committee amendments are indicated as follows: Words stricken through and/or ~~[[double bracketed]]~~ are deleted, words underscored and/or >>double arrowed<< are added.

property rights, covering the 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; and

**WHEREAS**, however, this Board desires to provide an exception to this requirement and not require deposit of funds from the sales ~~[[or leasing]]~~ of County-owned properties, which are sold ~~[[or leased]]~~ for the purpose of constructing, acquiring, or rehabilitating affordable housing, such as through the County's Infill Housing Initiative Program and the public housing mixed-finance development concept; and

**WHEREAS**, this Board also desires to exempt the proceeds received by the County from the sales ~~[[or leasing]]~~ of County-owned properties, which are funded through the County's affordable housing funding programs, such as Documentary Surtax, State Housing Initiatives Partnership, HOME Investment Partnerships, Community Development Block Grant, General Obligation Bond programs, or other similar programs~~[[;]]>>~~; and

**WHEREAS**, this Board also desires to exempt the proceeds received by the County from the sales of County-owned properties where the use of such proceeds is restricted by federal or state laws, grants or agreements.<<

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

**Section 1.** This Board adopts the foregoing recitals incorporated as if fully set forth herein.

**Section 2.** This Board directs the County Mayor or the County Mayor's designee to deposit a minimum of 25 percent of the proceeds from the sales ~~[[or leasing]]~~ of County-owned properties into the Trust Fund for the purpose of increasing and improving the supply of

affordable housing to households in the affordable target income groups, including, but not limited to acquisition of property and property rights, covering the 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. Notwithstanding the foregoing, the proceeds from the sales ~~[[or leasing]]~~ of County-owned properties for the purpose of constructing, acquiring, or rehabilitating affordable housing, such as through the County's Infill Housing Initiative and the public housing mixed-finance development concept programs are exempt from the requirements of this resolution.

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Additionally, the proceeds from the sales ~~[[or leasing]]~~ of County-owned properties, which are funded through the County's affordable housing funding programs, such as Documentary Surtax, State Housing Initiatives Partnership, HOME Investment Partnerships, Community Development Block Grant, General Obligation Bond programs, or other similar programs, are also exempt from the requirements of this resolution. >>Additionally, the proceeds received by the County from the sales of County-owned properties, where the use of such proceeds is restricted by federal or state laws, grants or agreements, are exempt from the requirements of this resolution.<<

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Commissioner Daniella Levine Cava. 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of February, 2016. 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.



Terrence A. Smith