

MEMORANDUM

Agenda Item No. 7(D)

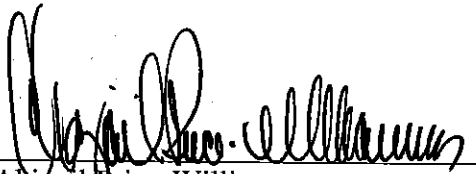
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: (Second Reading 3-7-17)
January 24, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance related to the
Affordable Housing Trust Fund;
amending section 17-132 of the
Code; increasing administrative
costs cap

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Vice Chairwoman Audrey M. Edmonson.




Abigail Price-Williams
County Attorney

APW/smm

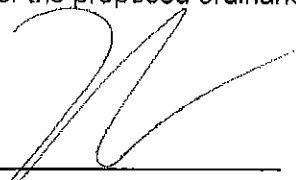
Memorandum



Date: March 7, 2017
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez
Mayor 
Subject: Fiscal Impact Statement for Ordinance Relating to the Affordable Housing Trust Fund

The proposed ordinance relating to the Affordable Housing Trust Fund (Trust) amends Section 17-132 of the Code of Miami-Dade County by increasing the current administrative costs cap from five percent (5%) to ten percent (10%). These funds 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.

As additional resources are required to support the Affordable Housing Trust Fund Board and to appropriately administer the funds deposited into the Trust, the proposed ordinance will allow for these eligible expenditures to be covered by the Trust rather than being absorbed by the County, and impacting funding sources that have been otherwise allocated for other activities. Therefore, implementation of the proposed ordinance will have a positive fiscal impact to the County.



Russell Benford
Deputy Mayor

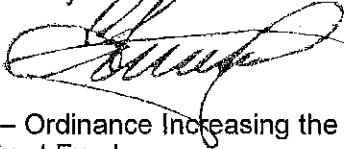
FIs01917 170064

Memorandum



Date: March 7, 2017

To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement – Ordinance Increasing the Administrative Costs Cap to the Affordable Housing Trust Fund

The proposed ordinance amends Section 17-132 of the Code of Miami-Dade County, increasing the administrative costs cap for the Affordable Housing Trust Fund from five (5) percent to 10 percent, consistent with the administrative costs cap for other affordable housing programs. The Trust Fund will provide a permanent, renewable source of revenue to meet some of our housing needs and foster a housing supply accessible to a range of incomes for the residents of Miami-Dade County.



Russell Benford
Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: March 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(D)

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. 7(D)
3-7-17

ORDINANCE NO. _____

ORDINANCE RELATED TO THE AFFORDABLE HOUSING TRUST FUND; AMENDING SECTION 17-132 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCREASING ADMINISTRATIVE COSTS CAP; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board enacted Ordinance No. 07-15, which is codified at sections 17-129 *et seq.*, of the Code of Miami-Dade County (the “Code”), to establish 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 presently provides that “[n]o more than five percent of the monies in the Trust [Fund] 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 [Fund] and reasonable expenses for administering the process of calculating, collecting, and accounting for any deferred County fees authorized by this section”; and

WHEREAS, this limitation on administrative cost is not consistent with other affordable housing programs that are administered by the Miami-Dade Public Housing and Community Development Department (the “Department”); and

WHEREAS, for instance, section 125.0167(4), Florida Statutes, and section 29-7(E)(3)(h) of the Code, authorize the County to use no more than 10 percent of the documentary surtax (“Surtax”) designated for affordable housing programs for administrative costs; and

WHEREAS, additionally, section 17-103 of the Code pertaining to the County’s State Housing Initiatives Programs (“SHIP”) funds states “the cost of administering Miami-Dade County’s Local Housing Assistance Program with SHIP Program funds shall not exceed ten percent of the local housing distribution of SHIP Program funds deposited into the Local Housing Assistance Trust Fund”; and

WHEREAS, this Board believes that like Surtax and SHIP, the allowable administrative costs that can be used from the monies deposited into the Trust Fund should be increased from five percent to 10 percent; and

WHEREAS, this Board believes that by increasing the administrative costs, the Department will be provided with the much needed resources to cover their reasonable administrative expenses associated with the administration of the Trust Fund,

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

Sec. 17-132. - Affordable Housing Trust Fund.

* * *

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.

- (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%)]]~~ >> 10 percent<< 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.

* * *

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:

APW
AS

Prepared by:

Terrence A. Smith

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Vice Chairwoman Audrey M. Edmonson