

MEMORANDUM

Agenda Item No. 7(E)

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

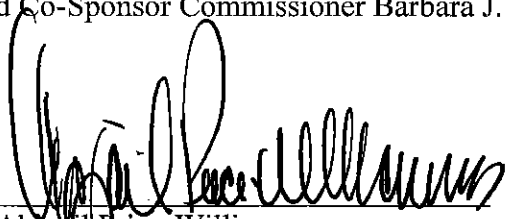
DATE:

(Second Reading 3-6-18)
January 23, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to Infill Housing; creating section 17-124.3 of the Code; creating an Infill Housing Initiative Multifamily Homeownership Demonstration Program; directing the County Mayor to develop and implement guidelines for the program and to identify infill parcels suitable for the program; requiring restrictive covenants; providing sunset provision; requiring a report

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

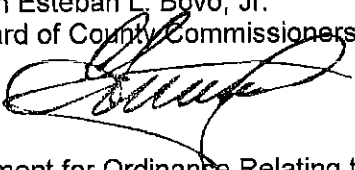


Abigail Price-Williams
County Attorney

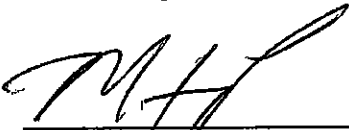
APW/smm

Memorandum



Date: March 6, 2018
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 an Infill Housing Initiative
Multifamily Homeownership Demonstration Program

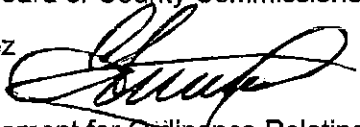
The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs. The Infill Housing Initiative Multifamily Homeownership Demonstration Program will be incorporated into the current Infill Program administered by Public Housing and Community Development. Current Infill Guidelines will be revised to include the demonstration program. The current Infill staff will be responsible for assisting in the development and implementation of the demonstration program.


Maurice L. Kemp
Deputy Mayor

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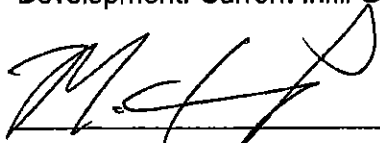
Memorandum



Date: March 6, 2018
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners
From: Carlos A. Gimenez 
Mayor
Subject: Social Equity Statement for Ordinance Relating to an Infill Housing Initiative
Multifamily Homeownership Demonstration Program

The implementation of this ordinance will provide a financial benefit and incentive to qualified first-time homebuyers as this program will permit the purchase of a property with multiple units to allow the homebuyer to live in one of the units while renting out the other; to use the additional income from the rental unit to defray the homebuyer's mortgage; to qualify for a more expensive home; and pursue financing options. In summary, Infill Housing Initiative Multifamily Homeownership Demonstration Program would potentially expand the range of potential homebuyers and provide additional affordable housing in the community.

The Infill Housing Initiative Multifamily Homeownership Demonstration Program will be incorporated into the current Infill Program administered by Public Housing and Community Development. Current Infill Guidelines will be revised to include the demonstration program.



Maurice L. Kemp
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: March 6, 2018

FROM: Abigail Price-Williams
County Attorney

A handwritten signature in black ink, appearing to read "Abigail Price-Williams", is written over the printed name of the County Attorney.

SUBJECT: Agenda Item No. 7(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
- ☐ 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(E)
3-6-18

ORDINANCE NO. _____

ORDINANCE RELATING TO INFILL HOUSING; CREATING SECTION 17-124.3 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING AN INFILL HOUSING INITIATIVE MULTIFAMILY HOMEOWNERSHIP DEMONSTRATION PROGRAM; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP AND IMPLEMENT GUIDELINES FOR THE PROGRAM AND TO IDENTIFY INFILL PARCELS SUITABLE FOR THE PROGRAM; REQUIRING RESTRICTIVE COVENANTS; PROVIDING SUNSET PROVISION; REQUIRING A REPORT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners ("Board") created the Miami-Dade County Infill Housing Initiative Program pursuant to Ordinance No. 01-47, as amended and codified in Chapter 17, Article VII of the Code of Miami-Dade County ("Infill Housing Program"); and

WHEREAS, the purpose of the Infill Housing Program is to increase the availability of affordable homes for very low, low and moderate income persons ("Qualified Households"), maintaining a stock of affordable housing, redeveloping urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, equitably distributing homeownership opportunities within the Infill Target Areas, and generating payment of ad valorem taxes; and

WHEREAS, the Infill Housing Program also encourages the redevelopment of vacant, dilapidated or abandoned property through the sale or transfer of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties; and

WHEREAS, the Infill Housing Program requires each qualified developer construct single family homes, which are either attached or detached from another unit on the properties, and to sell such homes to Qualified Households; and

WHEREAS, the Infill Housing Program currently allows developers to construct duplexes, which consist of a single building with separate units and entrances, and to sell each unit within the duplex to a Qualified Household; and

WHEREAS, according to the National Association of Realtors duplexes are among the least popular homes to buy in the United States with only two percent of first-time homebuyers purchasing them in 2016 compared to 82 percent of those who bought a detached single-family home; and

WHEREAS, research has shown that there are some advantages for first-time homebuyers who wish to purchase a home with multiple units, including but not limited to: (1) the homebuyer can live in one of the units while renting out the other; (2) the homebuyer can use the additional income derived from the rental unit to defray the cost of the homebuyer's mortgage; (3) the homebuyer may qualify for a more expensive home; and (4) the homebuyer may only be required by a lender to come up with a 3 to 3½ percent down payment on the home; and

WHEREAS, moreover, homebuyers who intend to reside in one of the units can choose between Federal Housing Administration ("FHA"), Veterans Affairs or conventional financing, with FHA financing being the best option because the homebuyer only has to make a 3½ percent down payment; and

WHEREAS, homebuyers purchasing a duplex can sometimes use the rental income from the additional units to qualify for a loan, but in general, the renters must have already signed a lease so that the rental payments can be verified; and

WHEREAS, this Board wishes to establish a demonstration project wherein Qualified Households can purchase a duplex in which such Qualified Households would be required to live in one of the units while renting the other unit in order to realize the benefits stated herein,

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

Section 1. Section 17-124.3 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

>>Section 17-124.3. Infill Housing Initiative Multifamily Homeownership Demonstration Program.

(a) Notwithstanding any contrary provision of this code, a demonstration program for multifamily homeownership is hereby created, subject to the terms and conditions of this section. The program shall be referred to in this section as the Infill Housing Initiative Multifamily Homeownership Program (hereinafter referred to as the "Program").

(1) The Program shall be limited to the construction or rehabilitation and sale of duplexes to qualified households found eligible to purchase such duplexes in accordance with section 17-124.1 and Implementing Order No. 3-44, as amended. For purpose of this section the term duplex shall mean a single building with two dwelling units with separate entrances and which meets the requirements of section 33-201.1.

(2) The County Mayor or the County Mayor's designee shall develop and implement guidelines for the Program, subject to the Board of County Commissioner's approval. The County Mayor or the County Mayor's designee shall also develop or shall request the Miami-Dade Housing Finance Authority to develop a first-time landlord course which each qualified household shall be required to attend prior to purchasing a duplex under the Program.

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) The County Mayor or the County Mayor's designee shall identify those infill parcels which are suitable and zoned for the construction or rehabilitation of duplexes and shall make such properties available to qualified developers through a competitive process as set forth in Implementing Order No. 3-44, as amended. The conveyance of such properties to qualified developers shall be subject to the approval of the Board of County Commissioners. Alternatively, the Board of County Commissioners may authorize the conveyance of infill parcels without a competitive process in accordance with Section 125.379, Florida Statutes, and the Program.
- (4) In accordance with section 17-124.1(d) and Implementing Order No. 3-44, as amended, each qualified household that purchases a duplex shall be required to record in the Public Records one or more restrictive covenant that requires that the dwelling unit in which the qualified household resides shall remain affordable during the term of the control period. Such restrictive covenant shall also authorize the qualified household to rent the other unit in the duplex to very-low, low or moderate income households.
- (b) All provisions of this article shall pertain to the Program.
- (c) This section shall sunset on June 30, 2019 unless extended by the Board of County Commissioners.<<

Section 2. Section 17-128.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

The County Mayor or the County Mayor's designee shall submit an annual report to the Miami-Dade Board of County Commissioners concerning compliance with the provisions of this article. This annual report shall include but not be limited to (i) a list of lots made available to qualified developers and private lots that were included in the Infill Housing Initiative Program, (ii) number of homes built and sold or rented to qualified households, (iv) a summary of the amount of liens released on County and private property and (v) legal actions taken against violators of this ~~[[Article]]~~>>article<< ~~[[of the Code]]~~. >>In addition to the before-mentioned report, the County Mayor or the County Mayor's designee shall also submit a report to the Board related to the Infill Housing Initiative Multifamily Homeownership Demonstration Program established pursuant to section 17-124.3. The Infill Housing Initiative

Multifamily Homeownership Demonstration Program report shall include but not be limited to (i) the total number of duplexes constructed or rehabilitated and sold to qualified households; (ii) the location of and County Commission Districts in which such duplexes are located; (iii) a list of impediments, if any, that may delay or frustrate the implementation of the program; and (iv) a recommendation related to whether the Board should consider extending the sunset date of the program. The Infill Housing Initiative Multifamily Homeownership Demonstration Program report shall be submitted to the Board no later than February 28, 2019.<< The completed [[report]]>>reports<< required by this section shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

Section 3. 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 4. 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.

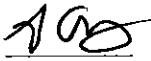
Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

A handwritten signature, likely of the County Attorney, written in dark ink and underlined.

Prepared by:

A handwritten signature, likely of Terrence A. Smith, written in dark ink and underlined.

Terrence A. Smith

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