

# MEMORANDUM

Agenda Item No. 11(A)(6)

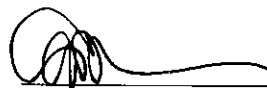

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** June 5, 2018

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

**SUBJECT:** Resolution directing the County Mayor to require as a condition of receipt of State Housing Initiative Partnership, Documentary Stamp Surtax, Home Investment Partnerships, Community Development Block Grant, Building Better Communities General Obligation Bond Programs, and other affordable housing funds for elderly housing, that all developers, borrowers, or grantees of such funds have a natural disaster plan and meet other requirements set forth herein; requiring that the County's Request for Applications, loan funding agreements or grant agreements for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing shall contain provisions requiring such natural disaster plan; urging all developers, borrowers or grantees who have received funds from such programs for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing prior to the effective date of this resolution to implement some or all of the requirements set forth herein; creating exceptions; directing the County Mayor to post or otherwise make available this resolution; and requiring a report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson, and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez and Commissioner Xavier L. Suarez.

  
\_\_\_\_\_  
Abigail Price-Williams  
County Attorney 

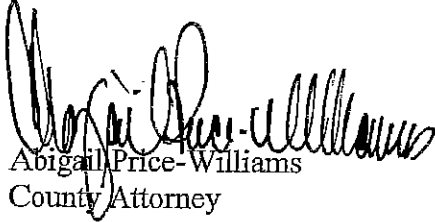
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**MEMORANDUM**  
(Revised)

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

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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
- 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)(6)

6-5-18

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

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REQUIRE AS A CONDITION OF RECEIPT OF STATE HOUSING INITIATIVE PARTNERSHIP, DOCUMENTARY STAMP SURTAX, HOME INVESTMENT PARTNERSHIPS, COMMUNITY DEVELOPMENT BLOCK GRANT, BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAMS, AND OTHER AFFORDABLE HOUSING FUNDS FOR ELDERLY HOUSING, THAT ALL DEVELOPERS, BORROWERS, OR GRANTEES OF SUCH FUNDS HAVE A NATURAL DISASTER PLAN AND MEET OTHER REQUIREMENTS SET FORTH HEREIN; REQUIRING THAT THE COUNTY'S REQUEST FOR APPLICATIONS, LOAN FUNDING AGREEMENTS OR GRANT AGREEMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND/OR REHABILITATING AFFORDABLE ELDERLY HOUSING SHALL CONTAIN PROVISIONS REQUIRING SUCH NATURAL DISASTER PLAN; URGING ALL DEVELOPERS, BORROWERS OR GRANTEES WHO HAVE RECEIVED FUNDS FROM SUCH PROGRAMS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND/OR REHABILITATING AFFORDABLE ELDERLY HOUSING PRIOR TO THE EFFECTIVE DATE OF THIS RESOLUTION TO IMPLEMENT SOME OR ALL OF THE REQUIREMENTS SET FORTH HEREIN; CREATING EXCEPTIONS; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO POST OR OTHERWISE MAKE AVAILABLE THIS RESOLUTION; AND REQUIRING A REPORT

**WHEREAS**, the Atlantic hurricane season, which is between June 1 and November 30 of each year, is a time when most tropical cyclones are expected to develop across the northern Atlantic Ocean; and

**WHEREAS**, from 2000 to 2014, Atlantic hurricanes, tropical storms and tropical depressions have killed 1,853 people in the United States, according to Edward N. Rappaport, former acting director of the National Hurricane Center; and

**WHEREAS**, according to an article in The Washington Post, dated September 12, 2017, “more than half of these deaths were caused not by wind, water or falling debris, but by ‘indirect’ factors, including fatalities during cleanup”; and

**WHEREAS**, the article further states “direct deaths, as defined by the National Weather Service, result from a product of the storm such as flooding, rip currents or the storm surge, and they tend to draw the big headlines during storm coverage”; and

**WHEREAS**, the article further states that “far more numerous, though, are the indirect deaths not caused by meteorological events”; and

**WHEREAS**, the article further states that “for the 10 deadliest hurricanes since 2000 (Katrina, Sandy, Rita, Ike, Frances, Irene, Isabel, Ivan, Charley and Gustav), indirect deaths outnumbered direct deaths for 7 of 10 storms”; and

**WHEREAS**, the article further states that “indirect deaths predominated overall, increasing in prevalence to account for 65 percent of all storm fatalities once wind speed at landfall exceeded 90 knots....”; and

**WHEREAS**, the article finally concludes that “a number of deaths occur well after the rain has stopped....”; and

**WHEREAS**, since 2000, 79 tropical cyclones, including most recently Hurricane Irma, have impacted Florida resulting in more than \$73 billion in damage, 145 direct fatalities and at least 93 indirect fatalities; and

**WHEREAS**, according to State estimates, Hurricane Irma resulted in 73 fatalities statewide, of which 14 were elderly patients that died from complications related to heat exhaustion when the air conditioning unit ceased to work in the nursing home and rehabilitation center in which they resided due to loss of power; and

**WHEREAS**, one of the direct results of a tropical cyclone and other types of storms is the loss of power; and

**WHEREAS**, depending on the damage caused by such storms, it may take more than a week to restore power; and

**WHEREAS**, during the time power is out, Miami-Dade County's most vulnerable residents, who are the poor, elderly, children, or disabled, face health and safety issues in the aftermath of a storm; and

**WHEREAS**, for example, after Hurricane Irma, many in the underprivileged communities in Miami-Dade County suffered loss of power for more than a week, which led to the loss of food for many residents; and

**WHEREAS**, many of the residents in the underlying areas had to rely on support from federal, state and local government and organizations to obtain food, water, ice and other essential goods and services; and

**WHEREAS**, the loss of power also resulted in many residents being left in high-rises without working or with faulty generators to power air conditioning units, thus creating an unsafe environment for many vulnerable residents; and

**WHEREAS**, the aftermath of Hurricane Irma highlighted that more can be done to ensure that all residents, especially those who are most vulnerable, are provided with decent, safe and sanitary housing before, during and after a natural disaster like a hurricane; and

**WHEREAS**, moreover, this Board has an obligation to protect the health, safety and welfare of all residents of Miami-Dade County before, during and after a natural disaster, especially the most vulnerable residents; and

**WHEREAS**, however, the County cannot do it all and must therefore rely on its partnerships with the federal, state and local governments, local organizations, businesses, and community groups; and

**WHEREAS**, for instance, the County relies heavily on its partnerships with the public and private sectors to acquire, construct and/or rehabilitate affordable housing developments through programs such as State Housing Initiative Partnership, Documentary Stamp Surtax, Home Investment Partnerships, Community Development Block Grant, Building Better Communities General Obligation Bond programs, and other affordable housing programs (“Affordable Housing Programs”); and

**WHEREAS**, without the private sector’s assistance and involvement, many residents of Miami-Dade County would not and could not afford housing in Miami-Dade County; and

**WHEREAS**, through this public/private partnership, this Board believes that it can guarantee that each developer of affordable housing that is funded through the Affordable Housing Programs will, as a condition of such funding, have a natural disaster plan in place that will address the concerns of their residents before, during and after a natural disaster like a hurricane; and

**WHEREAS**, accordingly, this Board wishes to make it mandatory that any developer, borrower or grantee of elderly affordable housing applying for or receiving funding through one or more of the Affordable Housing Programs must have a natural disaster plan and meet other requirements as set forth below; and

**WHEREAS**, this Board also wishes to urge all developers, borrowers or grantees who have received funds from one of the County’s Affordable Housing Programs prior to the effective date of this resolution to implement some or all of the requirements set forth herein,

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

**Section 1.** The foregoing recitals are incorporated in this resolution and are approved.

**Section 2.** This Board directs the County Mayor or the County Mayor's designee to require, as a condition of receipt of State Housing Initiative Partnership, Documentary Stamp Surtax, Home Investment Partnerships, Community Development Block Grant, Building Better Communities General Obligation Bond funds, and funds through any other affordable housing program ("Affordable Housing Program Funds") for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing, that all developers, borrowers, or grantees of such funds have a natural disaster plan and meet other related requirements set forth in Section 3 of this resolution.

**Section 3.** This Board directs the County Mayor or the County Mayor's designee to include in all of the County's Requests for Applications, loan funding agreements and/or grant agreements for elderly housing, provisions that require that all developers, borrowers or grantees of such funds shall be required to provide the following:

- a) A written natural disaster plan approved by the County Mayor or the County Mayor's designee for the affordable housing development. Such natural disaster plan shall be updated annually, be made available to the residents and first responders, and include at a minimum the following information:
  1. An evacuation plan for all residents of the affordable housing development;
  2. A contingency plan in the event the generators required herein are not operational before or after a natural disaster;
  3. Steps to be taken in order to identify all residents who evacuate from or choose to remain in an affordable housing development before and after a natural disaster;
  4. A refueling plan for generators;

5. A communication plan between the developer, borrower or grantee and their personnel before, during and after a natural disaster; and
  6. Any other requirements that the County Mayor or the County Mayor's designee, at their sole discretion, determines to be necessary for inclusion in the natural disaster plan.
- b) A kitchen on the first, second or third floor of the building that can be used to cook food for the residents after a natural disaster;
  - c) A community room on the first, second or third floor of the development that has air conditioning where residents can go during and after a natural disaster;
  - d) A kitchen and/or community room on the first, second or third floor of the development that has water supplied by a pump connected to a generator during and after a natural disaster;
  - e) A minimum of one generator to operate the lights, air conditioner and other appliances in a community room and kitchen after a natural disaster and throughout the duration of a power outage. Such generators shall be maintained in good working order and shall be inspected before and after a natural disaster;
  - f) A minimum of one trained personnel on site at the affordable housing development during and after the storm. This person must receive disaster training based on the Medicaid guidelines. Such training can be provided, at no cost to the County, by a County department designated by the County Mayor or the County Mayor's designee. Any cost associated with such training shall be borne solely by the developer, borrower, or grantee;
  - g) A minimum of one trained personnel or volunteer, which may include a resident, on-site at the affordable housing development to provide assistance after a natural disaster;
  - h) Working contact telephone numbers, including at least one land telephone line and one cellular telephone, that shall be provided to each resident and which shall be made available to such residents before, during, and after a natural disaster. Such telephone numbers shall be posted in common areas, including but not limited to community rooms and management offices; and
  - i) A list of community agencies furnished by the County that can provide services before and after a natural disaster, which shall be prominently posted in administrative offices and the common areas.



This Board authorizes the County Mayor or the County Mayor's designee to include the provisions set forth in this Section 3 in all Requests for Applications, loan funding agreements and grant agreements related to the Affordable Housing Program Funds. Further, this Board authorizes the County Mayor or the County Mayor's designee, at the County Mayor or the County Mayor's designee's sole option, to require as a condition of the County consenting to a subsequent loan or grant or subordination of such loan or grant, that each developer, borrower or grantee shall comply with the requirements of this resolution. Notwithstanding the foregoing, the requirements set forth in this Section 3 shall only apply to those elderly affordable housing developments that are funded through the Affordable Housing Program Funds after the effective date of this resolution.

**Section 4.** This Board urges all developers, borrowers or grantees who have received Affordable Housing Program Funds for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing prior to the effective date of this resolution to implement some or all of the requirements set forth in Section 3 of this resolution.

**Section 5.** Notwithstanding the requirements set forth in Section 2 and 3 of this resolution, the following exemptions shall apply:

1. All affordable housing developed in accordance with the County's Infill Housing Initiative Program shall be exempt from all requirements of this resolution;
2. All County-owned public housing and other affordable housing sites, including but not limited to those developed or rehabilitated in accordance with a mixed-finance development concept authorized by the United States Department of Housing and Urban Development shall be exempt from all requirements of this resolution;
3. All affordable housing sites with less than 40 units shall be exempt from the requirements set forth in Section 3, subsections (b) and (c) of this resolution; provided however, the developers, borrowers or grantees of such affordable housing sites shall include in their natural disaster plan alternative plans acceptable to the County Mayor or the County Mayor's designee to address the needs of their residents; and

4. All elderly affordable housing developments located in a mandatory evacuation area shall not be required to have any personnel on-site during a natural disaster.

**Section 6.** This Board directs the County Mayor or the County Mayor to post or otherwise make this resolution available on the County's website, including but not limited to the website maintained for the Miami-Dade Public Housing and Community Development Department.

**Section 7.** This Board directs the County Mayor or the County Mayor's designee to provide a written report detailing each developer, borrower or grantee's compliance with this resolution. The County Mayor or the County Mayor's designee shall provide the report to this Board within five years of the effective date of this resolution and every five years thereafter. The completed reports shall be placed on an agenda of this Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson, and the Co-Sponsors are Commissioner Daniella Levine Cava, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez and Commissioner Xavier L. Suarez. 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
District 5 - Vacant	

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of June, 2018. 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