

BCC Meeting: June 5, 2018
Research Notes

Item No. 11A6
File No. 181082

Researcher: MF Reviewer: TD

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

ISSUE/REQUESTED ACTION

Whether the Board should direct the County Mayor or the County Mayor's designee to require, as a condition of receipt of State Housing Initiatives 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 in the proposed resolution.

Whether the Board should require 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.

Whether the Board should urge 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 in the proposed resolution.

Whether the Board should direct the County Mayor or the County Mayor's designee 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; and

Whether the Board should direct 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, within five years of the effective date of this resolution, and every five year thereafter.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 201.02, governs taxes on deeds and other instruments relating to real property or interests in real property.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0201/Sections/0201.02.html

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Florida Statutes, Section 201.031 governs discretionary surtax; administration and collection; Housing Assistance Loan Trust Fund; reporting requirements.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0201/Sections/0201.031.html

Ordinance No. 14-65, adopted by the Board on July 1, 2014, relates to zoning and other land development regulations.
<http://intra/gia/matter.asp?matter=140686&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: Audrey M. Edmonson, District 3

The proposed resolution was considered at the Housing and Social Services Committee meeting on May 7, 2018.

Chairwoman Edmonson noted she worked with all of the affordable housing developers and staff of the Public Housing and Community Development Department on the proposed resolution; and everyone was pleased with the item.

Commissioner Levine Cava thanked Chairwoman Edmonson for putting forth the item, which proved that governments were not solely responsible for resilience, as it was a combined effort of the entire community. She commended the community groups that were very active in highlighting the community's needs, and were developing a coordinated community-based resiliency plan.

The proposed resolution was forwarded to the BCC with a favorable recommendation.

FISCAL IMPACT

No Fiscal Impact Statement was attached to the proposed resolution.

ANALYSIS

The 2017 hurricane season was extremely busy and devastating for the Caribbean region and Florida. In particular, Hurricane Irma resulted in 73 fatalities statewide. Of those fatalities, 14 were elderly patients who resided in a nursing home located in Hollywood, Fl., who died after Hurricane Irma disabled the facility's air conditioning. The Rehabilitation Center at Hollywood Hills failed to evacuate residents from the sweltering heat in the days following the storm, and 14 elderly residents died from complications related to heat exhaustion.

<https://www.cnn.com/2017/10/09/health/florida-irma-nursing-home-deaths-wife/index.html>

Power outages are frequent during hurricanes and storms, and this may lead to disabled generators, which are necessary to power air conditioners and elevators in high rise buildings. This creates an unsafe environment for many vulnerable residents, and traps others on the upper floors. According to researchers from Colorado State University, the 2018 Atlantic hurricane season is forecast to have a slightly higher than historical average number of storms and hurricanes.
<https://weather.com/storms/hurricane/news/2018-04-04-hurricane-season-forecast-atlantic-colorado-state>

In preparation for the 2018 hurricane season, the proposed resolution seeks to ensure that all residents, especially the most vulnerable, enjoy decent, safe and sanitary housing before, during and after a natural disaster, such as a hurricane. In particular, the proposed resolution:

I. Directs the County Mayor or the County Mayor's designee to require, as a condition of receipt of State Housing Initiatives 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 in the proposed resolution.

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II. Requires 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 contain provisions require all developers, borrowers or grantees of such funds 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.

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III. 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 the proposed resolution.

IV. Directs the County Mayor or the County Mayor's designee 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; and

V. 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, within five years of the effective date of this resolution, and every five year thereafter. The completed reports shall be placed on an agenda of this Board pursuant to Ordinance No. 14-65.

The proposed resolution also provides the following exemptions:

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.

ADDITIONAL INFORMATION

The State Housing Initiatives Partnerships (SHIP) Program provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multi-family housing. The program was designed to serve very low, low and moderate income families.

<http://www.miamidade.gov/housing/ship-program.asp>

Under Sections 201.02 and 201.031 of the Florida Statutes, certain counties are authorized to levy a surtax on documents that transfer interest in Florida real property. Transfers of interest in single-family residences are exempt from this documentary surtax. In 1984, Miami-Dade County exercised this authority, and established a Housing Assistance Loan Trust Fund, and implemented the Documentary Surtax Program to benefit very low, low and moderate income families.

<http://www.miamidade.gov/housing/documentary-stamp-surtax-program.asp>

The Home Investment Partnerships program is designed to expand the supply of decent and affordable housing, particularly rental housing, for low and very low income individuals; strengthen the abilities of State and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing; provide both financial and technical assistance to participating jurisdictions, including the development of model programs of affordable housing for very low, and low income families; and expand and strengthen partnerships among all levels of government and private sector in the production and operation of affordable housing.

<http://www.miamidade.gov/housing/home-program.asp>

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Eligible activities for Community Development Block Grant (CDBG) funding must meet one or more of the national objectives set by HUD and benefit the low and moderate income persons of Miami-Dade County. CDBG funds are designed to support projects that benefit low and moderate income persons; are integrated in a long-range community strategy; leverage further private and public partnership; and enhance deteriorated residential and business districts.

<http://www.miamidade.gov/housing/community-development.asp>

On November 2, 2004, the voters of Miami-Dade County approved the \$2.9 billion Building Better Communities Bond Program, which allows the County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects to be completed over the next 15 years. For further information please see the link below.

<https://www.miamidade.gov/bondprogram/building-better-communities.asp>