

MEMORANDUM

Agenda Item No. 11(A)(16)

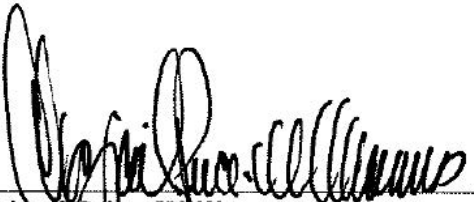
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: May 19, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to remove from
Florida law the requirement that
no less than 35 percent of
affordable housing surtax
revenues be used to provide
homeownership assistance

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Abigail Price-Williams
County Attorney

APW/uw



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(Revised)

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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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(16)
5-19-20

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REMOVE FROM FLORIDA LAW THE REQUIREMENT THAT NO LESS THAN 35 PERCENT OF AFFORDABLE HOUSING SURTAX REVENUES BE USED TO PROVIDE HOMEOWNERSHIP ASSISTANCE

WHEREAS, there is a longstanding critical shortage of rental housing for low and moderate income families in Miami-Dade County and across the state; and

WHEREAS, in 1983, the Florida Legislature, in response to the growing need for affordable housing assistance in the state, created the Documentary Stamp Surtax Program, codified in section 125.0167, Florida Statutes, which created a dedicated source of revenue for affordable housing; and

WHEREAS, the surtax program allows certain counties to collect a discretionary surtax and establish a Housing Trust Fund to finance the construction, rehabilitation, or purchase of housing for low and moderate-income families; and

WHEREAS, the surtax program allows a 45-cent surtax per \$100 on all commercial property that is transferred in the County and exempts all real property transactions involving single family residences; and

WHEREAS, the surtax program provides that surtax funds be used to finance the construction, rehabilitation or purchase of housing for low and moderate income families; and

WHEREAS, the surtax program further provides that no less than 35 percent of the revenues be used to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be used for construction, rehabilitation, and purchase of rental housing units, with the remaining amount available to be allocated to provide for homeownership assistance or rental housing units; and

WHEREAS, because the County is required to spend at least 35 percent of the annual surtax funds on homeownership assistance, the County cannot allocate those funds to eligible rental projects; and

WHEREAS, while all of the funds that may be used for rental housing has been allocated and there is a waiting list of eligible rental projects seeking funding, there is, as of December 1, 2019, \$12.9 million in surtax funds available for homeownership assistance that has not been allocated because of a lack of demand; and

WHEREAS, when it comes to renting a place to live, Miami-Dade County is one of the most expensive large counties in the nation, according to United States Census Bureau data; and

WHEREAS, in Miami-Dade County, more than 60 percent of renting households are considered “cost-burdened”, meaning that these households spend more than 30 percent of their gross income on housing; and

WHEREAS, removing the requirement that no less than 35 percent of surtax funds be used for homeownership assistance would allow the unallocated funds that are set aside for homeownership to be used to meet urgent needs for affordable rental housing in Miami-Dade County and other areas throughout the state, and ease the financial burden of families suffering from having to pay extremely high rents; and

WHEREAS, removing the requirement that no less than 35 percent of surtax funds be used for homeownership assistance would still allow surtax funds to be used to provide homeownership assistance should the need and demand arise,

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

Section 1. Approves the foregoing recitals, which are incorporated herein by reference.

Section 2. Urges the Florida Legislature to remove the requirement in Florida law that no less than 35 percent of affordable housing surtax funds be used for homeownership assistance.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade County State Legislative Delegation.

Section 4. Directs the County's state lobbyists to advocate for the legislative action set forth in section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item and to include this item in the 2021 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. 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:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of May, 2020. 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.



Shannon D. Summerset-Williams