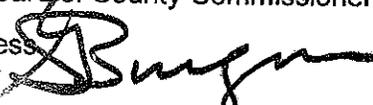


Date: April 7, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Resolution Amending LHAP to Incorporate the AHAB Recommendations

Amended
Agenda Item No. 8(K)(1)(A)

Resolution No. R-347-09

This item was amended at the April 7, 2009 meeting of the Board of County Commissioners to include a fifth recommendation regarding the Building Department's expedited building permit review process.

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution which amends the County's Local Housing Assistance Plan (LHAP) to incorporate five Affordable Housing Advisory Board (AHAB) recommendations that encourage, facilitate and identify impediments to the development of affordable housing as required by Section 420.9076 of the Florida Statutes.

Scope

The impact of the amended LHAP is countywide.

Fiscal Impact

Approval of this item will not create a fiscal impact to the County. However, failure to timely amend the LHAP will result in termination of the County's share of State Housing Initiative Program (SHIP) funds.

Background

Section 420.9076 of the Florida Statutes requires that the BCC amend its LHAP for its allocation of SHIP funds by incorporating the AHAB recommendations that it has chosen to implement within 90 days of the receipt of the AHAB's initial report. Immediately thereafter, notice of the amendment to the LHAP and the amended LHAP itself must be submitted to the State of Florida. While state law requires SHIP recipients to re-submit LHAP plans every three years to describe the use of its SHIP allocations, the LHAP may be amended from time to time to incorporate additional incentives to encourage affordable housing development.

Pursuant to Section 17-106 of the Miami-Dade County Code of Ordinances, AHAB serves as the BCC's Affordable Housing Advisory Committee as required in Section 420.9072 and Section 420.9076 of the Florida Statutes.

AHAB is charged with reviewing Miami-Dade County's established policies and procedures, ordinances, land development regulations and adopted comprehensive plan and making recommendations to the BCC regarding specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions, the creation of exceptions applicable to affordable housing, or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the adopted comprehensive plan and corresponding regulations, ordinances, and other policies.

On January 14, 2009, AHAB's 2008 Affordable Housing Development Incentive Review and Recommendations Report (Report) was transmitted to the BCC. In the Report, AHAB describes its review of existing County incentives for, and impediments to, the development of affordable housing and includes formal recommendations for BCC consideration that would encourage or facilitate affordable housing development. The Report contains 14 recommendations for BCC consideration.

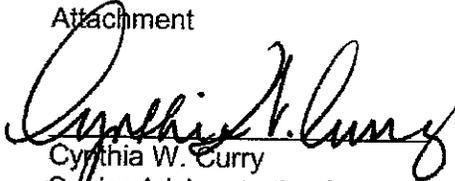
AHAB also identified additional strategies related to facilitation of affordable housing development through land use policies; however, such strategies require further research and deliberation prior to making formal recommendation. These potential strategies are noted in the Report. AHAB will forward additional recommendations to the BCC as they are formulated.

Staff has reviewed and identified the AHAB recommendations that can be readily implemented, which are as follows:

1. An affordable housing cost impact review for legislation that relates to land development and infrastructure in connection with housing development must be performed and the Board be notified of the cost impact at first reading or public hearing, as required.
2. AHAB and Community Affordable Housing Strategies Alliance (CAHSA) should be provided a list of locally owned public lands suitable for affordable housing development and the status of development on those lands on an annual basis. Under State law, the County is required to maintain an inventory of locally owned public lands suitable for affordable housing development. The Office of Community and Economic Development (OCED) and General Services Administration (GSA) are responsible for tracking and monitoring the development of sites listed in this inventory for which the County has committed funding.
3. Promote objectives contained in the Housing Element of the County's Comprehensive Development Master Plan (CDMP) by:
 - Ensuring that there are County funding processes which give preference to affordable housing projects (whether on County-owned land or not) located within transit corridors or designated employment centers.
 - To the extent possible, giving priority to the development of affordable rental housing on County-owned parcels suitable for multi-family housing development and located within transit corridors or designated employment centers. Units should be affordable to a mix of household incomes (i.e. ELI, VL, low- and moderate-income households).
4. AHAB should review any current and future Comprehensive Development Master Plan (CDMP) amendments or zoning code changes that may impact affordable housing and provide recommendations, as it deems necessary.
5. The Building Department's expedited building permit review process for affordable housing must be formalized through legislative action as required and adoption of, or an amendment to, an Administrative Order. Such expedited process shall be incorporated into the Department's standard operating procedures and the County's LHAP.

The balance of AHAB recommendations are under review by multiple County departments such as the Building Department, Department of Planning and Zoning, Fire Department, Department of Environmental Resources Management, Public Works Department, and the Water and Sewer Department. The departments should have the opportunity to review and consider how the implementation of this recommendation may effect staffing, process time, and what changes in procedures may be necessary to carry out the recommendation, if any.

Attachment


Cynthia W. Curry
Senior Advisor to the County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: April 7, 2009

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended
Agenda Item No. 8(K)(1)(A)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 8(K)(1)(A)
4-7-09

RESOLUTION NO. R-347-09

RESOLUTION ADOPTING AMENDMENT TO LOCAL HOUSING ASSISTANCE PLAN INCORPORATING THE AFFORDABLE HOUSING ADVISORY BOARD'S RECOMMENDATIONS TO ENCOURAGE OR FACILITATE THE DEVELOPMENT OF AFFORDABLE HOUSING

WHEREAS, the Board of County Commission ("BCC") created the Miami-Dade County Affordable Housing Advisory Board ("AHAB") as required in Section 420.9072 and Section 420.9076 of the Florida Statutes; and

WHEREAS, AHAB is charged with reviewing Miami-Dade County's established policies and procedures, ordinances, land development regulations and adopted comprehensive plan; making recommendations to the BCC regarding specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value ("Local Housing Incentive Strategies Recommendations" or "Recommendations"); and

WHEREAS, AHAB's Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions, the creation of exceptions applicable to affordable housing, or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the adopted comprehensive plan and corresponding regulations, ordinances, and other policies; and

WHEREAS, Section 420.9076 of the Florida Statutes requires that within ninety days of the receipt of the AHAB's Local Housing Strategies Incentive Strategies Recommendations that the BCC amend and submit its amended Local Housing Assistance Plan ("Plan") for its allocation of State Housing Initiative Program (SHIP) funds incorporating those AHAB Recommendations that it has chosen to implement,

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

Section 1: Adopts the AHAB's Local Housing Strategies Incentive Strategies Recommendations as set forth in the accompanying County Manager's Memorandum.

Section 2: Amends the County's Plan to incorporate the AHAB Recommendations.

Section 3: The Mayor or the Mayor's designee is hereby authorized to execute any documents and certifications required by the Florida Housing Finance Corporation as related to the Plan, and to do all things necessary and proper to carry out the requirements of Section 420.9076 of the Florida Statutes.

Section 4: Authorizes the Mayor or the Mayor's designee to implement the four AHAB Recommendations from the accompanying County's Manager memorandum.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz** who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	absent	Joe A. Martinez	aye
Dorrin D. Rolle	absent	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of April, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS



HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "SS", written over a horizontal line.

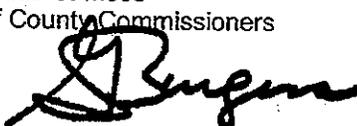
Shannon D. Summerset

Memorandum



Date: January 14, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Local Housing Incentive Strategies and Recommendations

This brief memorandum serves to update the Board of County Commissioners (BCC) on the Affordable Housing Advisory Board's (AHAB's) recommendations and the County's requirement to select recommendations for implementation and incorporation into the Local Housing Assistance Plan (LHAP).

Background

The BCC re-established the Affordable Housing Advisory Board (AHAB) to serve as the County's Affordable Housing Advisory Committee as required in Section 420.9072 and Section 420.9076 of the Florida Statutes on September 4, 2007 through Ordinance 07-122.

AHAB is charged with a) reviewing Miami-Dade County's established policies and procedures, ordinances, land development regulations and adopted comprehensive plan and b) making recommendations to the BCC regarding specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value.

AHAB has completed its first set of local housing incentive strategies and recommendations to encourage affordable housing development as required by Section 17.106 of the Code of Miami-Dade County. Attached are AHAB's strategies and recommendations.

Within 90 days of receipt of these recommendations, the BCC is required to identify the recommendations that it will implement and then subsequently amend the County's State Housing Initiative Partnership (SHIP) LHAP to incorporate those strategies. Immediately thereafter, the amended LHAP must be submitted to the state by no later than May 2, 2009.

Staff will continue to work with the AHAB in prioritizing the attached recommendations and return to the BCC with implementation schedules.

If you have any questions or concerns, please feel free to contact Cynthia W. Curry, Senior Advisor to the County Manager, at 305-375-4126.

- c: Honorable Carlos Alvarez, Mayor
Denis Morales, Chief of Staff
Cynthia W. Curry, Senior Advisor to the County Manager
Jennifer Glazer-Moon, Special Assistant/Director, Office of Strategic Business Management
Shalley Jones-Horn, Director, Office of Community and Economic Development
Affordable Housing Advisory Board Members

7

**Affordable Housing Advisory Board
2008 Affordable Housing Development Incentive
Review and Recommendations**

BACKGROUND

Creation of Miami-Dade Affordable Housing Advisory Board

The Miami-Dade County Board of Commissioners (BCC) created the Miami-Dade County Affordable Housing Advisory Board (AHAB) to serve as the County's Affordable Housing Advisory Committee as required in Section 420.9072 and Section 420.9076 of the Florida Statutes.

AHAB is charged with reviewing Miami-Dade County's established policies and procedures, ordinances, land development regulations and adopted comprehensive plan and making recommendations to the BCC regarding specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions, the creation of exceptions applicable to affordable housing, or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the adopted comprehensive plan and corresponding regulations, ordinances, and other policies.

AHAB Reporting Requirements

At a minimum, the AHAB is to submit to BCC a report that includes recommendations on, and triennially thereafter evaluates the implementation of, affordable housing incentives in the following areas:

- (A) The definition of affordable housing.
- (B) The expedited processing of permits for affordable housing projects.
- (C) The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
- (D) The allowance of flexibility in densities.
- (E) The reservation of infrastructure capacity for housing of very-low-income, low-income, and moderate-income persons.
- (F) The transfer of development rights as a financing mechanism for housing of very-low-income, low-income, and moderate-income persons.
- (G) The reduction of parking and setback requirements.
- (H) The allowance of flexible lot configurations, including zero-lot-line configurations.
- (I) The modification of sidewalk and street requirements.
- (J) The establishment of a process by which the local government considers, before adoption, policies, procedures, ordinances, regulations or plan provisions that have a significant impact on the cost of housing.
- (K) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

- (L) The identification of other affordable housing incentives.
- (M) To the maximum extent feasible, the quantification of the affordable housing costs reduction anticipated from implementing the specific recommendation.
- (N) The allowance of affordable accessory residential units in residential zoning districts.
- (O) The support of development near transportation hubs and major employment centers and mixed-use developments.

Timeline for AHAB Report and Action by the Board of County Commissioners

Pursuant to state law, AHAB must submit its first report to the BCC by December 31, 2008 following a public hearing. Within ninety days of the report's receipt, the BCC must formally amend the County's plan for the use of SHIP funds allocated by the State of Florida to the County (known as the Local Housing Assistance Plan or LHAP) to incorporate those strategies that the BCC has decided to implement. This LHAP amendment should occur sometime in the month of March 2009. Immediately thereafter, the amended LHAP must be submitted to the state. No later than May 2, 2009, but after amendment of the LHAP, the AHAB report that was submitted to the BCC for consideration must be transmitted electronically to the state.

AHAB REVIEW OF EXISTING POLICIES AND RECOMMENDATIONS

A. Definition of Affordable Housing:

- *Affordable Housing* is defined as housing that is affordable to persons or families whose total household income is at or below 140 percent of the area median income (AMI). This definition is inclusive of households with incomes as follows:
 - Extremely low income (ELI) 30% or less of area median income (AMI)
 - Very low income (VL) 31% to 50% of AMI
 - Low-income 80% or less of AMI
 - Moderate-income 120% or less of AMI
- *Housing Affordability* is defined as the capacity of households to pay for housing while also meeting other basic needs and, specifically, the relationship between household incomes and prevailing housing prices and rents. Households should spend no more than 30 percent of their income on housing costs.

B. The processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects.

Existing Incentives

1. Application to Modify a Zoning Condition or Restrictive Covenant:

Under Section 33-311 of the Code of Miami-Dade County, the Community Zoning Appeals Board must approve an application to modify or eliminate a zoning

condition or part thereof, or a restrictive covenant or part thereof, where approval of the application will result in the provision of public benefits in two or more categories set forth in the code section. One public benefit is:

"Improvements to the supply of affordable housing, by (a) development of affordable housing for the very low, low and moderate income households in a location where the need for such housing has been identified in the Comprehensive Development Master Housing Plan or other adopted affordable housing initiatives; or (b) rehabilitation or redevelopment of substandard housing units resulting in an increase in the number of very low, low, and moderate income units provided on the site of the rehabilitation or redevelopment."

To be approved, the application would have to result in a second public benefit. Additional categories of public benefit as set forth in the code section include: (a) a substantial improvement to the character of the immediate vicinity by eliminating or rehabilitating blighted buildings or other blighting influences; or (b) direct and specific implementation of adopted land use or community development plans of Miami-Dade County, including implementation of a portion of the Adopted Action Plan of the Office of Community Development's Consolidated Plan or implementation of the guidelines for urban form in the Land Use Element of the Comprehensive Development Master Plan (CDMP).

2. Building Permits:

a. *Fee-Based Optional Expedited Plan Review Program:*

By Administrative Order 4-120, an optional expedited plan review program is offered by the Building Department for additional fees.

b. *Expedited Plan Review Program for Green Buildings (No Expediting Fees):*

Administrative Order 4-120 also implements an expedited plan review program for green buildings (those with designs certified or registered as green with the Florida Green Building Coalition or the United States Green Building Council) without any additional fees for expediting.

c. *Infill Housing Programs:*

By Administrative Order 3-44, homes built under the Infill Housing Program qualify for the Building Department's expedited review without any additional fees.

d. *Voluntary Workforce Housing Program:*

By Ordinance 08-51 establishing the voluntary Workforce Housing Program, the Building Department is to implement an expedited permitting program for projects in which workforce housing units will be developed. The expedited permit program is to be implemented through an administrative order approved by the Board of County Commissioners.

e. *Other Affordable Housing Development:*

The Building Department has implemented an informal process to expedite review of other affordable housing development plans. If the party submitting the plans identifies the construction project as affordable housing, the plans will be given priority review by each of the disciplines that review and approve the plans within the Building Department (i.e. structural, electrical, plumbing, fire, etc.).

Recommendations

The CDMP's Housing Element contains the objective of reviewing, evaluating and streamlining those aspects of planning, zoning, permitting and building codes that may unduly restrict or increase the cost of housing. To that end:

- Zoning: Multi-Family rental housing development incorporating units for formerly homeless and/or persons with special needs that otherwise are properly zoned should not also come under institutional use designation, triggering conditions requiring special variances, due to these resident receiving on-site case management or housing specialist services, but no on-site medical, substance or mental health treatment greater than any other person living independently in a multi-family rental property.
- Construction Permitting:
 - A formal expedited building permit review process should be established for affordable housing projects just as is provided to infill housing pursuant to Administrative Order 3-44 and to Workforce Housing. This expedited building permit process for affordable housing projects, whether new construction, major or minor rehabilitation, should be established through an administrative order approved by the Board of County Commissioners by resolution. This expedited review process would apply to housing projects offering units affordable to households at or below 140% of median area income (ELI, EL, Low and Moderate-income households).

The Administrative Order for affordable housing expedited building permit review should set maximum time limits for initial plan review as well as review of re-worked plans. A walk-through, expedited review process specific to minor rehabilitation should be included. All departments responsible for review of the plans must be subject to such administrative order (Building Department, Department of Planning and Zoning, Fire Department, Department of Environmental Resources Management, Department of Public Works and Water and Sewer Department).

- Designate a Building Department expeditor to assist affordable housing developers on a as-needed basis.
- Consider proto-type unit design for faster permit approvals.

C. *The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.*

Existing Incentives

1. Impact Fees:

Under Chapter 33 of the Code of Miami-Dade County, a development is exempt from impact fees as long as the Department of Planning and Zoning makes a determination that the development is consistent with the CDMP and that any portion of the residential development activity provides affordable housing for very low or low income households as defined in Section 420.602(3)(a) or (b), Florida Statutes. More specifically, these developments are exempt from road, park, police services, and fire and emergency medical services impact fees (collectively referred to hereafter as "Impact Fee Ordinances").

The Department of Planning and Zoning collects these impact fees upfront. Affordable housing developers must make application for refund of these fees. Under the Infill Housing Program, impact fees will not be refunded until a restrictive covenant has been recorded on the property stating that the property is subject to an affordability period and other conditions established under the Infill Housing Program.

2. Utility Fees/Charges:

Houses developed under the Infill Housing Program qualify for a refund of water and sewer connection charges once a restrictive covenant has been recorded on the property.

3. Case-by-Case Waiver of Infrastructure Improvements in Urban Renewal Areas:

As part of the Miami-Dade County In-Fill Development Initiative, Miami-Dade County Water and Sewer Department established an Infill Development Review Committee. This committee is charged with and has been analyzing the water service needs of each project located in urban renewal areas (typically redevelopment of previously built on properties) individually and ensuring that system improvements are made in areas where they are truly needed. The review process allows owners to develop their properties without the prohibitive costs of extensive system improvements. This process allows for waivers of current county rules and regulations that were primarily written to deal with system extensions serving large vacant suburban tracts.

Recommendations:

Ordinances and established policies and procedures remain subject to further review in consultation with the Department of Planning and Zoning and county departments responsible for roads, parks, police services, and fire and emergency medical services. However, AHAB has identified the following concerns:

- Impact fee manuals established by ordinance should be reviewed and updated to reflect current affordable housing development policies. Further, any inconsistencies between the Impact Fee Ordinances and the manuals should be addressed.
- The Impact Fee Ordinances state in part that "any portion of a residential development activity, which provides affordable housing as defined in the "Florida Affordable Housing Act of 1986," Section 420.602(3)(a) (Very Low Income) and/or (b) (Low Income), Florida Statutes, 1987, as the same may be amended from time to time and as further defined in the impact fee manual," as long as the development activity is consistent with the CDMP, is exempt from impact fees. The AHAB would recommend amendment to the ordinances to require a minimum threshold of units affordable to ELI, VLI, low income and moderate income households would have to be reserved for a certain affordability period in order to qualify for an impact fee exemption.
- Further, the current Impact Fee Ordinances do not require that projects that do receive exemptions be subject to a recorded restrictive covenant imposing an affordability period. AHAB would recommend that the Impact Fee Ordinances be amended to include this requirement as well as establish an affordability period.
- Remove cost burden of paying fees upfront and requesting refunds after construction by applying the code that allows for exemption, not refunds or waivers. Department determinations can be made in advance of construction by recordation of a restrictive covenant against the property at time of permitting stating that a portion of the development must house very low and low income households. Community development corporations, but not other not-for-profit or for-profit affordable housing developers, currently receive upfront waivers per the Impact Fee Ordinances.
- In addition to impact fee exemption incentives, AHAB intends to explore full or partial waiver of utility charges for affordable housing projects as implemented in other Florida counties.

D. *The allowance of flexibility in densities for affordable housing.*

Existing Incentives

1. Density Bonus Program for Non-Profit Affordable Housing Developers:

Pursuant to the CDMP's Land Use Element, the Board of County Commissioners, or the appropriate Community Zoning Appeals Board, may approve residential development at a density up to 17 percent above the maximums provided below where the developer is a not-for-profit housing provider and it is certified that no less than 30 percent of the units in the development will be priced to be affordable to low and very-low income households.

2. Voluntary Workforce Housing Development Program:

The Workforce Housing Development Program became effective on February 4, 2007 pursuant to Ordinance No. 07-05, however, the ordinance contained a sunset provision calling for it to expire after one year. The BCC re-adopted the Ordinance on March 4, 2008. The County's Workforce Housing Development Program is a voluntary zoning program which provides density bonuses to private developers if they commit to making five to 12.5 percent of the units in a residential development available for workforce housing, or if they make a monetary contribution to the Affordable Housing Trust Fund in lieu of constructing the workforce units. Workforce housing is defined in the WH Ordinance as housing affordable to households between 65 and 140 percent of median family income.

3. Pending Amendment to CDMP – Expanding Density Bonuses:

The Department of Planning and Zoning is seeking amendment to the County's CDMP to:

- (a) allow residential developers to also receive a 17% density bonus if 30% of the housing units will be made affordable to low income households; and
- (b) add a 30% density bonus for affordable/workforce multi-family infill housing or a 60% density bonus for not-for-profit or government/public sponsored affordable housing providers where at least 30% of the total residential units will be affordable to households at 140% or less of AMI and no less than 20% of the total units will be affordable to households at or below 80% for a period of thirty years.

Recommendations

AHAB supports the CDMP Amendment as it proceeds through state review. However, the state's comments following review must be presented to AHAB prior to the County's formal response. Once the Amendment is approved by the state, AHAB will: (1) review its implementation through zoning code changes and administrative application and (2) make further recommendations as it finds necessary.

E. *The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.*

Current Incentives

There is no formal policy of reserving infrastructure capacity specifically for housing for very-low-income persons, low-income persons, and moderate-income persons.

Recommendations

Reservation of infrastructure capacity for affordable housing remains subject to further AHAB review. No recommendations at this time.

F. *The transfer of development rights as a financing mechanism for housing of very-low-income, low-income, and moderate-income persons.*

Current Incentives

There is no policy of development rights as a financing mechanism for housing of very-low-income, low-income, and moderate-income persons.

Recommendations

Transfer of development rights as a financing mechanism for development of affordable housing remains subject to further AHAB review. No recommendations at this time.

G. *The reduction of parking and setback requirements for affordable housing.*

Current Zoning Policy

The County's Zoning Code contains various provisions allowing for reduction of parking or set-back requirements if certain conditions are met. *Section 33-124*

The only zoning provisions that directly address reduction in parking requirements for affordable housing are directed at housing for low and/or moderate-income elderly and/or persons with disabilities. These provisions only apply to: (a) publicly owned or non-profit apartment buildings exceeding four units providing housing to elderly or disabled persons that are developed and financially assisted under the United States Housing Act of 1937 and (b) any apartment building exceeding four units providing low and/or moderate income housing for older persons as defined under the Fair Housing Act.

Recommendations

Parking Requirements

Expand zoning code to allow reduction of parking for affordable housing for ELI, VLI and Low Income households without requiring variances or other administrative or public hearing processes.

Part (b) should be amended as followed: (b) any apartment building exceeding four units providing low and/or moderate income housing for older or handicapped* persons as defined under the Fair Housing Act.

* The Fair Housing Act uses the term "handicapped" to describe persons with disability.

Reduction in parking should also be linked to development in transit corridors and/or shared use of transit station parking as these lots are empty or underutilized at night.

15

Setback Requirements

Zoning ordinances, policies and procedures related to setback requirements are subject to further review by AHAB. No recommendations at this time.

H. The allowance of flexible lot configurations, including zero-lot line configurations for affordable housing.

Current Zoning Policy

Zero Lot-Line Configurations:

The Miami-Dade County Zoning Code allows for zero-lot-line configurations to allow for more efficient use of land and make available needed housing at a more affordable cost. Article XXXIIIF under the County's zoning code governs zero lot line developments.

Recommendations

No changes to zoning code regarding lot configurations is required.

I. The modification of sidewalk and street requirements for affordable housing.

Current Zoning Policy

There are no County code provisions in place that specifically address modification of sidewalk and street requirements for affordable housing.

Recommendations

Review of County ordinances, policies and procedures governing modifications of sidewalk and street requirements remains subject AHAB review. No recommendations at this time.

J. The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Current Process

The Rules of Procedures of the County Commission Governing the County Commission provide the following:

Rule 4.01(s) Statements of fiscal impact required for ordinances; exceptions. Prior to the public hearing of any ordinance, the county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance. No public hearing on any ordinance shall be held, if the statement of fiscal impact is not submitted with the ordinance as part of the agenda. The provision of this rule shall not apply to any emergency ordinance

16

or any budget ordinance.

Rule 5.08 Statement of private business sector impact required for ordinance

At the request of any commissioner at the first reading of any ordinance that regulates private business, land development or building code standards, the county manager shall prepare a written statement setting forth the fiscal impact, if any, of the proposed ordinance on the private business sector. No ordinance regulating private business, land development or building code standards shall be considered on second reading if the requested statement of fiscal impact on private business is not submitted with the ordinance as part of the agenda.

The County currently does not have a process in place specific to impact on the cost of housing.

Recommendations

Implement a rule that would require an affordable housing cost impact statement prior to first reading of any ordinance that regulates and/or relates to land development and infrastructure in connection with housing development.

K. The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Current Status

A printed inventory of Miami-Dade County-owned lands suitable for affordable housing has been prepared. This inventory was included as an exhibit to the County's Workforce Housing Plan. This Plan was approved by the Board of County Commission on July 1, 2008 as required under Section 163.317, Florida Statutes, and submitted to the Florida Department of Community Affairs immediately thereafter.

The Plan includes language stating that the inventory will be updated on an on-going basis.

Recommendation

As stated in the County Manager's July 1st Memorandum to the Board of County Commissioners regarding the Plan, OCED and General Services Administration (GSA) will be responsible for tracking and monitoring the development of sites listed in this inventory for which the County has committed funding. A report listing these committed parcels should be provided to both the Affordable Housing Advisory Board and Community Affordable Housing Strategies Alliance (CAHSA) on an annual basis.

L. Identification of Other Affordable Housing Incentives

As a permanent advisory board established by ordinance and required to meet a minimum of six times a year, AHAB will continue to identify other affordable housing incentives and make recommendations to the BCC.

AHAB intends to study the following areas of concern:

17

1. Review of property tax deferral program for affordable rental housing properties subject to recorded governmental rental regulatory agreements and restrictive covenants.
2. Measures to control property insurance costs that adversely impact rental property owners' ability to maintain affordable rents.
3. Review bond requirements at time of platting to cover off-site development work.
4. Incentives to incorporate green practices to promote long-term cost-savings in operations and maintenance, while ensuring financial feasibility of affordable housing construction.

M. *To the maximum extent feasible, the quantification of the affordable housing costs reduction anticipated from implementing the specific recommendation.*

The AHAB members were not appointed until mid-June and members were required to undergo certification with the Clerk of the Board. The first AHAB meeting was held in September. Given the time constraints in which to produce this report in accordance with state deadlines, AHAB has been unable to quantify cost reductions anticipated from recommendations set forth herein. The majority of the recommendations, however, were identified by CAHSA in its 2007 report to the BCC as means of reducing the cost of affordable housing development.

AHAB has requested that County staff produce quantitative analysis of costs reductions resulting from recommendations contained in this report.

N. *The allowance of affordable accessory residential units in residential zoning districts.*

Current Zoning Policy

The CDMP's Land Use Element allows for accessory dwelling units ranging from 400 to 800 square feet of habitable area are authorized on single family lots with a minimum area of 7,500 square feet located within the Urban Development Boundary. Accessory dwelling units provided in accordance with this section of the Land Use Element will not count toward the Land Use Plan (LUP) map residential density maximum which governs the subject property. (See page I-33)

The CDMP's Housing Element also includes the objective of promoting zoning code changes to allow accessory apartments.

The Miami-Dade County Zoning Code provisions governing single-family districts (RU-1) do not allow accessory apartments as-of-right nor as a conditional use (though servant quarters are permitted upon approval after public hearing). See Sec. 33-199. Accessory apartments are allowed as of-right in two-family residential districts (RU-2). See Sec. 33-201(3).

Recommendations

Amend County's zoning code to allow accessory dwelling units as permitted under the Land Use Element of the CDMP.

O. *The support of development near transportation hubs and major employment centers and mixed-use developments.*

Current Land Use Policy

Pursuant to the CDMP's Land Use Element, property located in a transit corridor, meeting County urban design principles, and addressing in a development agreement or site plan the urban design concerns of identifying civic areas, defining open spaces and streets, incorporating any historic theme and providing a pedestrian-friendly environment along roadways, is eligible for increased density.

Transit corridors are land areas located within 660 feet of planned Major Roadways identified on the CDMP LUP map, and within one-quarter mile from existing rail transit stations, express busway stops, future transit corridors and planned transit centers identified in the CDMP.

The County's CDMP also encourages mixed-use development within designated Urban Centers.

Recommendations

To further accomplish CDMP's goals, including the Housing Element's objective of promoting cooperation with County agencies which provide lower income affordable housing:

- Institute and/or maintain County housing development funding processes that give preference to affordable housing projects located within transit corridors or designated employment centers.
- To the extent possible, give priority to development of affordable rental housing on County-owned parcels suitable for multi-family housing development and located within transit corridors or designated employment centers. Units should be affordable to a mix of household incomes (i.e. ELI, VL, low and moderate-income households).