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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(18)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	**DATE:**	October 6, 2015
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution creating Implementing Order No. 3-60 for the administration of the Workforce Housing Program; and authorizing the County Mayor to exercise rights contained therein and directing the County Mayor to prepare and submit reports in accordance with Implementing Order No. 3-60

Resolution No. R-890-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 6, 2015

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

SUBJECT: Agenda Item No. 11(A)(18)

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**

_____ **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)(18)
10-6-15

RESOLUTION NO. R-890-15

RESOLUTION CREATING IMPLEMENTING ORDER NO. 3-60 FOR THE ADMINISTRATION OF THE WORKFORCE HOUSING PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE RIGHTS CONTAINED THEREIN AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO PREPARE AND SUBMIT REPORTS IN ACCORDANCE WITH IMPLEMENTING ORDER NO. 3-60

WHEREAS, this Board enacted Ordinance No. 07-05, which is codified in Chapter 33, Article XIIA and Chapter 17, Article IX of the Code of Miami-Dade County, as amended, establishing the Workforce Housing Development Program and Workforce Housing Development Program Administration (the "Workforce Housing Ordinance"); and

WHEREAS, it is the policy of Miami-Dade County to implement the Workforce Housing Ordinance and to develop program guidelines and procedures; and

WHEREAS, in furtherance of that policy the Workforce Housing Ordinance requires, in part, that Miami-Dade Public Housing and Community Development Department or its successor agency or department will be responsible for administering the program, including but not limited to determining the eligibility of households who wish to purchase or rent workforce housing units developed as a result of this program; and

WHEREAS, the County Mayor recommends the approval of the attached Implementing Order, which is required to implement the provisions of the Workforce Housing Ordinance,

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.

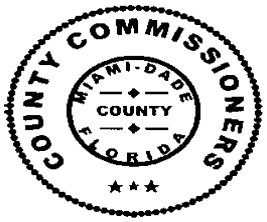
Section 2. This Board approves Implementing Order No. 3-60 for the administration of the Workforce Housing Development Program, in substantially the form attached hereto as Exhibit A and incorporated by reference.

Section 3. The Board authorizes the County Mayor or County Mayor's designee to exercise any and all rights contained in Implementing Order No. 3-60. Additionally, this Board directs the County Mayor or the County Mayor's designee to prepare and submit reports in accordance with Implementing Order No. 3-60 relating to the purchase of workforce housing units. The County Mayor or County Mayor's designee shall provide such reports to this Board at the next available Board meeting following the purchase of such workforce housing units and shall place the completed reports on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	**aye**		
Esteban L. Bovo, Jr., Vice Chairman	**aye**		
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of October, 2015. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith

I.O. No.: 3-60
Ordered:
Effective:

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

ADMINISTRATION OF THE WORKFORCE HOUSING
DEVELOPMENT PROGRAM

AUTHORITY:
Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, Ordinance No. 3-45.

POLICY:
It is the responsibility of the County Mayor or County Mayor's designee to implement the Workforce Housing Development Program enacted by the Board of County Commissioners and to develop program guidelines and plans. This Implementing Order establishes the process and procedures for administering the program, including determining eligibility for participation in the Workforce Housing Development Program and the sales and rental prices for workforce housing units.

APPLICABILITY:
The provisions of this article shall apply to all covered development subject to the provisions of Chapter 33, Article XIIA and Chapter 17, Article IX of the Code of Miami-Dade County.

PURPOSE:
The County Mayor or County Mayor's designee, through Miami-Dade Public Housing and Community Development, or its successor agency or department, shall oversee the administration of the Workforce Housing Development Program as established through this implementing order. This implementing order establishes eligibility criteria, maximum sales and rental prices, and unit specifications, along with provisions for sale and re-sale price controls, enforcement and appeals.

DEFINITIONS:
"Area median income" means the median income level for the Miami-Dade County Metropolitan Statistical Area, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, and adjusted for household size.

"Certificate of qualification" means a certificate issued by the Department establishing a qualified household's eligibility to purchase or rent a workforce housing unit ("WHU"). Certificates of qualification shall be valid for 6 months.

"Condominium" means that form of ownership of real property created pursuant to Chapter 718 of the Florida Statutes, which is comprised entirely of units that are owned by one or more persons, and which there is, appurtenant to each unit, an undivided share in common elements.

"Control period" means each 20-year period during which the affordability restrictions imposed by this article shall apply. The control period begins at the time of any sale or resale of the affected unit by every new WHU owner.

"***Covered development***" means all developments required to provide WHUs or monetary contributions in lieu thereof pursuant to Chapter 33, Article XIIA of the Code of Miami-Dade County.

"***Department***" means, unless otherwise indicated, the Miami-Dade Public Housing and Community Development or any successor agency or department.

"***Developer***" means any person, firm, corporation, partnership, limited liability company, association, joint venture, or any entity or combination of entities that apply for development orders or permits for residential dwelling units, but does not include the state or any county, municipality, or any governmental entity.

"Director" means, unless otherwise indicated, the Director of the Miami-Dade Public Housing and Community Development or designee.

"***Eligible household***" means a household whose total income is between 65% and 140% of Area Median Income.

"***Eligible household income***" means any income derived by any proposed occupants of a WHU who are 18 years of age or older and who will use the WHU as their primary residence.

"Household" means any natural person who occupies a WHU as his or her primary residence.

"***Market rate dwelling units***" means all dwelling units in a covered development that are not WHUs as defined herein.

"***Qualified household***" means an eligible household that has received a certificate of qualification from the Department.

"***Workforce housing unit rent***" **or "WHU *rent*"** means rents that do not exceed the maximum monthly Rent Limits as determined for Miami-Dade County by the U.S. Department of Housing and Urban Development in its annual Income Limits and Rent Limits and as used by Florida Housing Finance Corporation for its multifamily rental programs (published annually at http://www.floridahousing.org)

"***Workforce housing unit sales price"*** **or** ***"WHU sales price"*** shall mean up to $205,000.00 or such amount set by the Board of County Commissioners, not to exceed an amount affordable at the maximum workforce housing target income range, as defined in Chapter 33, Article XIIA of the Code of Miami-Dade County, taking into account (a) family size: (b) an annual fixed interest rate based on a thirty (30) year mortgage term; (c) payment of up to five percent (5%) down payment by a qualified household; and (d) an estimation of annual property taxes, assessments, loan insurance and financing fees, allowances for property maintenance and repairs, homeowners insurances, homeowner association fees, if any, and allowances for utilities. The WHU sales price set forth herein, i.e, $205,000.00, shall remain the maximum sales price for said units for a period of one (1) year from the effective date of this Implementing Order. The Director shall annually review the affordability of the WHU sales price, and, in the event the Director determines that it is necessary to increase or decrease said WHU sales price, the Director shall recommend a new WHU sales price for approval by the Board of County Commissioners. Any recommended increase in the WHU sales price by the Director shall be no more than three percent (3%) of the WHU sales price set forth herein.

INTRODUCTION:
The increasing demand for affordable housing for working families and individuals resulted in the development and passage of Miami-Dade County Ordinance No. 07-05, as amended: Workforce Housing Development Program Ordinance (WHU). To further the intent of the WHU ordinance, Miami-Dade County, through the Department, has developed these program guidelines.

The Department shall implement housing program opportunities for working families and individuals with incomes ranging between 65% and 140% of Miami-Dade County's area median income. The Department shall provide orientation on the administration of the WHU Development Program to developers, other property owners, and property managers, and shall provide assistance in determining the eligibility of each eligible household.

ELIGIBLE PROPERTIES:
Eligible units include single-family units, townhouses, condominiums, and apartments as approved by the Miami-Dade Department of Regulatory and Economic Resources or successor agency or department for workforce housing. Eligible properties to be acquired for homeownership must be owner-occupied and must be the owner's primary residence.

The Department of Regulatory and Economic Resources or successor agency or department shall submit notification of approved covered developments to the Department upon final approval of same. The notification shall include the number of and location of the WHUs within the covered development. The Department shall verify with the developer or other property owner the applicable sales price or rent of the WHUs. Applicable sales prices and rents shall be made available on the Department's website at http://www.miamidade.gov/housing.

INCOME RANGE OF APPLICANTS TO BE SERVED:
Each eligible household's income must meet the income limits at the time of receipt of a certificate of qualification. The income limit table located on the Department's website at www.miamidade.gov/housing shall be applied to determine eligibility. A list of required documents is included in the Homeownership and Rehabilitation Program Guidelines which is also located on the Department's website at www.miamidade.gov/housing.

Annual updates of the eligible household requirements, including without limitation the income limits, shall be made available on the Department's website.

OCCUPANCY REQUIREMENT:
All qualified households must use the WHU as their primary residence. WHUs sold to qualified households may not be rented and rental WHUs may not be sub-leased. WHUs that are for sale will be subject to a control period of 20-years for every new qualified household to ensure that the WHU remains affordable and available.

CERTIFICATION OF QUALIFIED HOUSEHOLDS:

A. WHU RENTALS:

Upon receipt of a developer or other property owner's written notification of the availability of a WHU for rent, the Department shall make such notice available to eligible households through its web site and shall post the listing in the Department's facilities and other designated locations throughout the County.

Prospective eligible households seeking to rent a WHU shall complete and execute the certificate of qualification as part of their unit lease application. Subject to payment by a developer or property owner to the Department of a portion of the application processing fee received by said developer or property owner, the Department shall work with each property manager and/or property owner to determine the eligibility of each prospective eligible household based upon the income limits table described herein and found on the Department's website at http://www.miamidade.gov/housing. Upon determination of eligibility the property manager shall certify by executing the certificate of qualification that the eligible household is a qualified household. The Director or designee shall sign the certificate of qualification. The property manager and/or property owner of each covered development shall retain the original certificate of qualification on site in the qualified household's file and shall forward a copy of the fully executed certificate of qualification to the Department. The property manager or property owner shall complete and execute the certificate of qualification as part of the initial WHU lease application and all subsequent WHU lease renewals.

In addition to the documentation required for the Certification of Qualification, all prospective Eligible Households seeking to rent a WHU will complete all rental application documentation and provide all documentation that is required by property manager and/or owner.

B. WHU SALES:

Upon receipt of a developer or other property owner's written notification of the availability of a WHU for sale, the Department shall make such notice available to eligible households through its web site and shall post the listing in the Department's facilities.

Prospective eligible households shall complete and execute the certificate of qualification as part of the process of purchasing the WHU, but no later than the execution of the sales contract. Subject to payment by a developer or property owner to the Department of a portion of the application processing fee received by said developer or property owner, each developer or other property owner will refer potential homebuyers to the Department for eligibility determination along with a copy of their proposed sales contract and any other documents required herein. The Department shall determine the eligibility of each prospective eligible household based upon the income limits table described at www.miamidade.gov/housing. Upon determination of eligibility, the Department shall execute the certificate of qualification that the prospective homebuyer is a qualified household. The Department shall forward a copy of the original certificate of qualification to the developer or other property owner.

The Department shall obtain from each eligible household or the developer the following documents, including but not limited to:

- Tax returns & W-2 for the previous two years
- Recent pay stubs for most current 30 day period
- Evidence of Miami-Dade County residency
- WHU proposed sales contract (for sales)
- Certificate of completion of Homebuyers Training Program

First mortgage must be obtained from a County certified lender (if subsidy is requested)

The Department shall determine each eligible household's eligibility within ten (10) business days (excluding holidays and weekends) of receiving the eligibility determination documentation.

Each qualified household purchasing a WHU shall be required to record a mortgage in favor of Miami-Dade County in an amount of $100.00 or such other amount that may be borrowed by a qualified household from the County. A promissory note shall be executed by each qualified household and secured by said mortgage. Said mortgage shall set forth the same covenants along with the refinancing and resale restrictions as those included in the restrictive covenants required by this section.

In the event that no qualified household is located to purchase a particular WHU within six (6) months from the date the WHU is first offered by the developer or other property owner, the Director shall recommend to the County Mayor or County Mayor's designee whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price within 30 days. If the County Mayor or County Mayor's designee concurs, the Director shall notify the developer or other property owner of the County's decision. The County Mayor or County Mayor's designee is authorized to purchase the WHU, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the Affordable Housing Trust Fund established pursuant to Section 17-129, et. seq. of the Code of Miami-Dade County or any other authorized source. The County Mayor or County Mayor's designee shall report each such purchase to the Board of County Commissioners at the next Board meeting following the month in which the WHU is purchased.

If any qualified household of a WHU defaults on his or her mortgage with the County and said default is not cured within the applicable time periods, then the whole debt secured by said mortgage, with all interest thereon, and all other amounts thereby secured shall, at the option of the County, become immediately due and payable. In the event any qualified household of a WHU fails to cure the default, the County shall have the right to legally enforce the term of the mortgage or collect the debt in any suit at law, including but not limited to a proceeding in foreclosure. Any proceeds, including any expenses or expenditures incurred and recovered by the County, shall be deposited in the Trust Fund.

In any suit, action or proceeding, including without limitation bankruptcy, probate or any other suit, action or proceeding affecting the WHU, any monies are recovered by the County shall be deposited into the Trust Fund.

Notwithstanding the foregoing, in the event of default by a qualified household on any senior mortgage associated with a WHU, the County Mayor or County Mayor's designee is authorized to pay off said senior mortgage and assume ownership of the WHU by using funds from the Trust Fund for resale to an eligible household. The defaulting qualified household shall be required to vacate the WHU. The County Mayor or County Mayor's designee is further authorized to purchase any WHU that is sold as a result of any suit, action or proceeding, including but not limited to foreclosure, bankruptcy, probate or any other suit, action or proceeding affecting the WHU. The County Mayor or County Mayor's designee shall report each such purchase to the Board of County Commissioners at the next Board meeting following the month in which the WHU is purchased.

MONITORING:

The Department shall be responsible for monitoring each covered development and qualified household to ensure compliance with the WHU ordinance and this administrative order. The Department may charge a fee in accordance with the approved fee schedule.

A. Rentals

All qualified households must be provided a lease with a minimum period of twelve (12) months. The lease must comply with all applicable federal and state laws. The lease shall include at a minimum provisions that specify the maximum household size allowed in the unit; a prohibition against subleasing; and a requirement that the qualified household shall report any changes in household size or income during his or her tenancy. Qualified households shall comply with all monitoring requirements established by the Department. If a qualified household's income increases above the maximum allowed income levels, the qualified household may choose to remain in the WHU for the remaining term of the lease. However, after the expiration of that lease, the qualified household may be subject to a revised WHU rent based upon their new income category.

Annually, the Department shall conduct an on-site inspection of each covered development to review client files for income verification. Should the rented WHU be found non-compliant, the property owner or manager shall make the next comparable vacant unit at the covered development available to an eligible household at the WHU rent.

B. Re-sales

Any qualified household that intends to sell his or her WHU prior to the expiration of the control period shall provide written notification to the Department. Upon receipt of said written notification, the Director shall determine the maximum WHU sales price for the WHU. The WHU shall be resold to an eligible household at no more than the pre-determined WHU sales price. Before closing a sale, the seller of the WHU shall submit to the Department for approval (which approval shall not be unreasonably withheld or delayed):

(a) a copy of the proposed sales contract;
(b) a signed copy of the buyer's certification of qualification (if not provided by the Department); and
(c) an affidavit signed by the seller and the buyer attesting to the accuracy of all documents and conditions of the sale.

No resale of a WHU shall be considered to be in compliance with the Code until all required documents and affidavits have been submitted to and approved by the Department.

The Department shall either approve or disapprove all required documents and affidavits in writing no later than ten (10) business days after they are submitted to the Department. The Department's failure to issue such approval or disapproval within the required time period shall result in such documents and affidavits being deemed approved. If the Department disapproves such documents or affidavits then the Director shall provide the seller, in writing, with reasons for such disapproval and an opportunity to correct any deficiencies.

In the event the qualified household does not execute a contract for purchase within six (6) months from the date the WHU is first offered for resale, the County shall have a right of first refusal to purchase the WHU. The Director shall recommend to the County Mayor or County Mayor's designee whether the County should exercise its right of first refusal to purchase the WHU at the WHU sales price. If the County Mayor or County Mayor's designee concurs, the Director shall notify the qualified household of the County's decision. The County Mayor or County Mayor's designee is authorized to purchase the WHU, without prior approval from the Miami-Dade Board of County Commissioners, from the funds earmarked in the Affordable Housing Trust Fund established pursuant to Section 17-129, et. seq. of the Code of Miami-Dade County or any other authorized source. The County Mayor or County Mayor's designee shall report each such purchase to the Board of County

Commissioners at the next available Board meeting following the date the WHU is purchased.

Notwithstanding the provisions set forth herein, any WHU that is owned for an entire 20 year control period by the same individual(s), shall be released from the sales price restrictions under the program. Upon the expiration of the control period the County shall record in the public records of Miami-Dade County an instrument or document releasing the WHU from the restrictive covenant required by this program.

ENFORCEMENT:

The Department on behalf of Miami-Dade County shall coordinate with the closing agent, the recording of a mortgage to enforce the WHU program requirements and to put on notice each qualified household of the resale and refinancing restrictions of each WHU for each unit sold. The Department and the Miami-Dade Regulatory and Economic Resources shall be responsible for enforcement consistent with Section 17-139 and Chapter 8CC of the Code of Miami-Dade County, respectively.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by the County Attorney as
to form and legal sufficiency _____