

# MEMORANDUM

Agenda Item No. 11(A)(7)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** October 5, 2021

**FROM:** Geri Bonzon-Keenan  
County Attorney

**SUBJECT:** Resolution directing the County Mayor to amend the Water and Sewer Department's rules and regulations, approved by the Board through Implementing Order 10-8, to allow certain new affordable and workforce housing developments to connect to existing water infrastructure in lieu of installing new water infrastructure

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**This item was amended at the 9-16-21 County Infrastructure, Operations and Innovations Committee and differs from the original in that, in addition to the other conditions imposed, in order to utilize the new Water and Sewer Department Rule allowing use of an existing 8-inch water main for a development in lieu of building a new 12-inch water main, a developer must provide the Department with an executed Covenant through which the developer commits to building affordable and/or workforce housing.**

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsors Commissioner Jean Monestime and Commissioner Raquel A. Regalado.



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Geri Bonzon-Keenan  
County Attorney

GBK/uw



**MEMORANDUM**  
(Revised)

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and Members, Board of County Commissioners

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Gen Bonzon-Keenan  
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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)(7)  
10-5-21

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

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AMEND THE WATER AND SEWER DEPARTMENT'S RULES AND REGULATIONS, APPROVED BY THE BOARD THROUGH IMPLEMENTING ORDER 10-8, TO ALLOW CERTAIN NEW AFFORDABLE AND WORKFORCE HOUSING DEVELOPMENTS TO CONNECT TO EXISTING WATER INFRASTRUCTURE IN LIEU OF INSTALLING NEW WATER INFRASTRUCTURE

**WHEREAS**, it is of great importance to this Board that an adequate stock of housing exists for the residents of Miami-Dade County (the "County") at sales prices and rents that are affordable and attainable; and

**WHEREAS**, there is currently a shortage of such housing available throughout the County; and

**WHEREAS**, to assist in the creation of more affordable and workforce housing, this Board wants to make the development of such properties as easy and economical as possible for those willing to develop affordable and workforce housing projects; and

**WHEREAS**, based on the Rules and Regulations of the County's Water and Sewer Department, developers who intend to build affordable and workforce housing projects with densities over 50 units per acre are often required to install new larger capacity water infrastructure in order to accommodate their new developments; and

**WHEREAS**, installation of such new water infrastructure can be cost-prohibitive for affordable and workforce housing projects, particularly for small developers and/or small parcels, and, as a result, may cause developers to abandon their efforts to build such housing; and

**WHEREAS**, in some instances, water infrastructure of eight inches in diameter may already exist in the vicinity of a new affordable or workforce housing development, which can accommodate the addition of the new development and, at the same time, continue to provide adequate water distribution and fire protection for all properties served by the existing water infrastructure; and

**WHEREAS**, in such cases, this Board desires to allow such new affordable or workforce housing developments with a maximum of 50 total units to connect to the existing 8-inch water infrastructure in lieu of being required to build new 12-inch diameter water infrastructure for the development; and

**WHEREAS**, to implement this Board’s wishes to allow new affordable or workforce housing projects with a maximum of 50 total units, when available, to connect to existing 8-inch diameter water infrastructure in lieu of building new 12-inch diameter water infrastructure, the Rules and Regulations of the County’s Water and Sewer Department must be amended to adopt this change in the Department’s standards,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board directs the County Mayor or County Mayor’s designee to amend the Rules and Regulations of the County’s Water and Sewer Department, which are set forth in Implementing Order 10-8, to allow new affordable and workforce housing developments with a maximum of 50 total units to utilize existing 8-inch diameter water infrastructure in lieu of building new 12-inch diameter water infrastructure so long as adequate water service can be provided >><sub>2</sub><<<sup>1</sup> ~~[[and]]~~ there is sufficient

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<sup>1</sup> Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

fire flow capacity available >>, and the developer has provided the Water and Sewer Department with a copy of a Covenant approved by the County or another governing jurisdiction that has been or will be recorded on its property, which commits the developer to building the required amount of affordable or workforce housing to obtain an incentive, bonus or benefit under the governing jurisdiction's Code or regulations. In the event a Covenant related to affordable or workforce housing is not required by a governing jurisdiction for a particular development, the Water and Sewer Department will require any developers that intend to utilize this new Rule to enter into a Covenant with the County that commits the developer to building affordable or workforce housing.<<

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins and the Co-Sponsors are Commissioner Jean Monestime and Commissioner Raquel A. Regalado. 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:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 5<sup>th</sup> day of October, 2021. 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.

SED

Sarah E. Davis