

MEMORANDUM

Agenda Item No. 7(F)

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

DATE: May 3, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to
requirement of competitive
process for allocation of
documentary surtax funds;
amending section 29-7 of the
Code; providing exceptions for
homeownership developments;
creating an open and rolling
application process for all
homeownership developments

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 4-14-22 Public Housing and Community Services Committee. This substitute differs from the original item in that it clarifies that funding recommendations for homeownership developments do not require committee review.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime and Co-Sponsor Commissioner Eileen Higgins.


Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: May 3, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for the Ordinance Relating to a Rolling Process for all Homeownership Developments – File No. 220498

This item is not expected to have a fiscal impact on the County’s general operating fund. If this amendment is approved, the program will also be administered within existing staff levels.

There are sufficient Surtax funds for homeownership purposes to support increases in loan activity generated by this amendment to allow for an open and rolling application process.



Morris Copeland
Chief Community Services Officer

Memorandum



Date: May 3, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for the Ordinance Relating to a Rolling Process for all Homeownership Developments – File No. 220498

The proposed Ordinance seeks to amend Section 29-7 of the Code in order to provide an open and rolling application process for all homeownership developments. The purpose of creating an open and rolling application process is to expedite the development of much needed affordable housing, specifically opportunities for affordable homeownership. Currently, an open and rolling application process is only available to projects which involve land that is associated with the County. The proposed open and rolling application process in this item will ensure an easily accessible, accelerated, and inviting procedure for all developments of affordable housing for homeownership.

The proposed amendment is expected to provide a social benefit to residents of Miami-Dade County by reducing the time and cost to develop properties for homeownership. PHCD has the capacity to effectively initiate funding of projects in a timely manner which is especially important in a period of quickly escalating construction costs due to supply chain disruptions and labor shortages.

Increasing and preserving the supply of affordable and workforce housing is critical to ensuring equitable access to safe and healthy living environments for all residents of Miami-Dade, and especially for those of low and moderate incomes.



Morris Copeland
Chief Community Services Officer



MEMORANDUM
(Revised)

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

DATE: May 3, 2022

FROM: 
Gen. Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(F)

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 _____

ORDINANCE NO. _____

ORDINANCE RELATING TO REQUIREMENT OF COMPETITIVE PROCESS FOR ALLOCATION OF DOCUMENTARY SURTAX FUNDS; AMENDING SECTION 29-7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING EXCEPTIONS FOR HOMEOWNERSHIP DEVELOPMENTS; CREATING AN OPEN AND ROLLING APPLICATION PROCESS FOR ALL HOMEOWNERSHIP DEVELOPMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, on February 6, 2007, this Board adopted Ordinance No. 07-18, codified at section 29-7(G) and (H) of the Code of Miami-Dade County; and

WHEREAS, section 29-7(G) requires that no allocation of documentary surtax funds shall be made except as part of a competitive Request for Applications (RFA) process and subject to limited exceptions for certain types of developments; and

WHEREAS, these limited exceptions were created by this Board via Ordinance No. 19-121 which permits allocation of documentary surtax funds outside of the RFA process for Transit Oriented Developments (TOD), County land developments, and Naturally Occurring Affordable Housing (NOAH) developments, and which also created an open and rolling application process for certain developments; and

WHEREAS, one purpose for creating the exceptions to the competitive RFA process and an open and rolling application process for certain developments was to expedite the development of much needed affordable housing, including opportunities for affordable homeownership; and

WHEREAS, while some homeownership developments fall into the exceptions created by Ordinance No. 19-121, many others do not; and

WHEREAS, offering an open and rolling application process for all homeownership developments will ensure an easily accessible, accelerated, and inviting procedure for developers of affordable housing for homeownership; and

WHEREAS, the County is in great need of affordable housing for homeownership as the County's rate of homeownership lags behind that of the rest of the state of Florida; and

WHEREAS, the County desires to increase the opportunities for affordable homeownership within the County and has taken certain actions, including adopting Ordinance No. 21-80 on July 20, 2021, which adjusted the maximum sales price for homes purchased under Miami-Dade County's Affordable Housing programs in order to expand the number of housing units available to families seeking affordable homeownership opportunities; and

WHEREAS, creating an exception to the competitive RFA process and an open and rolling application process for all homeownership developments will increase the availability of affordable homeownership opportunities for the residents of Miami-Dade County,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 29-7 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:¹

Sec. 29-7. – Documentary Stamps

* * *

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

- (G) *Competitive Request for Applications process.* No allocation of documentary surtax funds shall be made except as part of a RFA process. Notwithstanding the foregoing, a TOD development, a County land development, ~~[[and]]~~ a NOAH Development ~~>>~~or any other homeownership development~~<<~~ may be allocated documentary surtax funds outside of the RFA process so long as they have gone through a government-sponsored competitive process. Documentary surtax funds loaned directly to homeowners by Miami-Dade County may be allocated without the necessity of a competitive process.

* * *

- (I) *Award of funds for County land developments* ~~[[and]]~~ ~~>>~~NOAH developments ~~>>~~, and other homeownership developments~~<<~~. The County Mayor or the County Mayor's designee shall administer an open and rolling applications process for County land developments ~~[[and]]~~ ~~>>~~NOAH developments ~~>>~~, and any other homeownership developments~~<<~~. To be eligible to receive funding allocations, the development must successfully complete the application process. The application process shall consist of meeting specific criteria set forth by the County Mayor or County Mayor's designee. The County Mayor or the County Mayor's designee shall bring the recommendations for funding of County Land Developments ~~>>~~NOAH developments ~~>>~~, and any other homeownership developments~~<<~~ directly to the full Board of County Commissioners for approval. The County Mayor's funding recommendations for County land developments ~~[[and]]~~² ~~>>~~NOAH developments ~~>>~~, and other homeownership developments~~<<~~ shall not require committee review.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or ~~>>~~double arrowed~~<<~~ are added.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK

Prepared by:



Shannon D. Summerset-Williams

Prime Sponsor: Commissioner Jean Monestime
Co-Sponsor: Commissioner Eileen Higgins