

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution establishing a Pilot Community Land Trust Program to be managed by a Community Land Trust organization with the goal of producing at least 50 units of affordable housing within a time period determined by the County Mayor to be feasible; authorizing and directing the County Mayor to select, or recommend the creation of, an organization to be the Community Land Trust for Miami-Dade County, to create program guidelines for the pilot program, and to identify funds and/or real property for inclusion in the pilot program; and directing the County Mayor to present written progress reports

This item was amended at the July 10, 2023 Housing, Recreation, Culture and Community Development Committee to add “Struggle for Miami’s Affordable and Sustainable Housing, Inc. (SMASH)” to the list of organizations in section 6 and to amend section 7 to require that the report to be provided by the County Mayor or designee shall also include recommendations for the Community Land Trust Pilot Program as well as results of the County’s current and past partnerships with Community Land Trust organizations.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Marleine Bastien.


Geri Bonzon-Keenan
County Attorney

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MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: September 6, 2023

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Gen Bonzon-Keenan
County Attorney

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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)(1)
9-6-23

RESOLUTION NO. _____

RESOLUTION ESTABLISHING A PILOT COMMUNITY LAND TRUST PROGRAM TO BE MANAGED BY A COMMUNITY LAND TRUST ORGANIZATION WITH THE GOAL OF PRODUCING AT LEAST 50 UNITS OF AFFORDABLE HOUSING WITHIN A TIME PERIOD DETERMINED BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO BE FEASIBLE; AUTHORIZING AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SELECT, OR RECOMMEND THE CREATION OF, AN ORGANIZATION TO BE THE COMMUNITY LAND TRUST FOR MIAMI-DADE COUNTY, TO CREATE PROGRAM GUIDELINES FOR THE PILOT PROGRAM, AND TO IDENTIFY FUNDS AND/OR REAL PROPERTY FOR INCLUSION IN THE PILOT PROGRAM; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PRESENT WRITTEN PROGRESS REPORTS

WHEREAS, the County suffers from a shortage of affordable housing, which means housing that costs no more than 30 percent of household income, particularly for residents whose household incomes are not greater than 30 percent of the area median income ("Extremely Low-Income"); and

WHEREAS, this shortage of housing also impacts households whose incomes are not greater than 80 percent of area median income ("Low Income") and households whose incomes are not greater than 140 percent of area median income ("Moderate-Income"); and

WHEREAS, this Board desires to provide opportunities for residents whose incomes are not greater than 140 percent of area median income ("Extremely Low- to Moderate-Income Households") to secure housing that is decent and affordable; and

WHEREAS, high land costs in Miami-Dade County drive up the cost of housing, often making decent housing too expensive for Extremely Low- to Moderate-Income Households; and

WHEREAS, a community land trust (“Community Land Trust”) is a mechanism that may be used to combat the inflation of housing prices due to high land costs; and

WHEREAS, a Community Land Trust is a non-profit organization whose primary purpose is to hold legal and equitable title to and/or lease land or units, including but not limited to condominium units, for the purpose of preserving the long-term affordability of housing created for Extremely Low- to Moderate-Income Households; and

WHEREAS, when a Community Land Trust does not own the underlying land in a setting such as a condominium unit, it shall maintain the affordability of resale restricted condominiums or other forms of affordable housing by means of an affordability covenant incorporated within or otherwise made a part of the deed to one or more dwelling units within the regime; and

WHEREAS, among the Community Land Trust’s purposes may be the ability to undertake neighborhood development of a nonresidential nature that is ancillary to and complements and supports affordable housing; and

WHEREAS, a Community Land Trust may also include among its purposes the acquisition of property for future development, as permitted by applicable law; and

WHEREAS, a Community Land Trust separates ownership of the land from ownership of the housing units in order to bring housing costs down and permanently preserve land for use as affordable housing; and

WHEREAS, a Community Land Trust sells or rents housing units to income-eligible households at an affordable price, while retaining ownership of the land; in homeownership, the land is then made available to the homeowner/renter through a long-term lease, such as a 99-year lease; and

WHEREAS, a Community Land Trust reduces the price of the homes, making them more affordable for Extremely Low- to Moderate-Income Households and ensures that the homes remain affordable in perpetuity; and

WHEREAS, other housing assistance from the County, municipalities, or other agencies and lenders may be used to further increase the affordability of the homes; and

WHEREAS, a homeowner who purchases a home from the Community Land Trust retains a long-term leasehold interest in the land and ownership of the improvements, which enables the homeowner to build equity in the home and to pass the home to heirs; and

WHEREAS, a renter who rents a home from the Community Land Trust will have access to quality, stable, affordable rental housing, which limits displacement due to rising housing costs and expands social and economic opportunity for the renters; and

WHEREAS, the structure used by the Community Land Trust is beneficial to the community because it ensures permanent affordability of rental and homeownership units, encourages investment into homes and the community, encourages maintenance by the homeowner of the property, and promotes economic opportunities for Extremely Low- to Moderate-Income Households, all of which have the effect of combating the deterioration and decline of neighborhoods; and

WHEREAS, on June 5, 2007, then-County Manager George Burgess submitted a report to the Board in response to Resolution No. R-1434-06 reviewing and making recommendations as to the implementation of a Community Land Trust (the “2007 Report”); and

WHEREAS, this Board desires to create or partner with a Community Land Trust organization in Miami-Dade County in order to create a Community Land Trust pilot program (“Community Land Trust Pilot Program”) which provides property and other support to the Community Land Trust organization; and

WHEREAS, this Board desires to direct the County Mayor or County Mayor's designee to develop the program described in this resolution and to report back to this Board with program guidelines and resources available,

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 adopts the policy that a Community Land Trust is necessary in Miami-Dade County in order to further the development of affordable housing. The Community Land Trust must be a non-profit organization, which may be a coalition of organizations, created to hold land for the benefit of the community and preserve affordability for individuals within the community. The Community Land Trust supported by the County must maintain affordability of its properties for the benefit of the community; develop, in accordance with law, land use plans for the properties owned by the Community Land Trust to determine their best long-term uses; and identify and incorporate mixed-income and mixed-use opportunities where possible to help the Community Land Trust serve the lowest income households -- those which are Extremely Low-to Low Income -- while still making the project feasible. Any real property conveyed by the County to the Community Land Trust shall be conveyed by a deed with restrictions and a reverter providing for the reversion, upon written notice by the County and at no cost to the County, of the property in the event it is not utilized as affordable housing.

Section 3. This Board hereby establishes a Community Land Trust Pilot Program with the goal of assisting in the production and retention of at least 50 units of affordable housing within such time period as determined by the County Mayor or County Mayor's designee to be feasible.

Section 4. The County Mayor or County Mayor's designee is directed to recommend to this Board an existing Community Land Trust organization, or the creation of a Community Land Trust organization by this Board, which will participate in the Community Land Trust Pilot Program.

Section 5. The County Mayor or County Mayor's designee is further directed to establish program guidelines for the Community Land Trust Pilot Program consistent with the parameters set forth in this resolution and to find seed funding and/or real property for the pilot program of an amount sufficient to accomplish the goal of the pilot program to be allocated or conveyed to the Community Land Trust participating in the Community Land Trust Pilot Program.

Section 6. The County Mayor or County Mayor's designee is directed to review the 2007 Report in developing the Community Land Trust Pilot Program and to consult with and/or partner with existing local Community Land Trust organizations, extremely low- to moderate-income residents and the community organizations that represent them, non-profit organizations, philanthropic foundations and local universities which specialize in housing policy including but not limited to South Florida Community Land Trust, Inc., Miami Homes for All, the South Florida Community Development Coalition, >>Struggle for Miami's Affordable and Sustainable Housing, Inc. (SMASH), <<¹ and the University of Miami Office of Civic Engagement, in order to develop Miami-Dade County's Community Land Trust Pilot Program.

Section 7. The County Mayor or County Mayor's designee shall return to this Board within 180 days of the effective date of this resolution with a report setting forth >>recommendations for<< the guidelines for the Community Land Trust Pilot Program and such other relevant information, including, but not limited to: >>results of the County's current and past

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

partnerships with Community Land Trust organizations,<< identification of the seed funding to be used and the real property to be conveyed, identification of a Community Land Trust organization with which the County will partner for the pilot program or recommendation of the creation of a Community Land Trust organization by the County, and identification of a feasible timeline for the completion of the Community Land Trust Pilot Program, which timeline may include phases. Thereafter, the County Mayor or County Mayor's designee is directed to provide this Board with progress reports every six months. The County Mayor or County Mayor's designee shall place all reports required by this resolution on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure.

The Prime Sponsor of the foregoing resolution is Commissioner Marleine Bastien. 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:

- | | |
|----------------------------------|----------------------|
| Oliver G. Gilbert, III, Chairman | |
| Anthony Rodríguez, Vice Chairman | |
| Marleine Bastien | Juan Carlos Bermudez |
| Kevin Marino Cabrera | Sen. René García |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Eileen Higgins |
| Kionne L. McGhee | Raquel A. Regalado |
| Micky Steinberg | |

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of September, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Shannon D. Summerset-Williams