Approved _____ Mayor

Veto _____

Override _____

Amended
Subs e
Agenda Item No. 8(F)(1)(D)
01-25-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-117-07

RESOLUTION AUTHORIZING APPROVAL OF ADMINISTRATIVE ORDER 3-44: ESTABLISHING THE INFILL HOUSING INITIATIVE; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves Administrative Order 3-44 which establishes the Infill Housing Initiative, in substantially the form attached hereto and made a part hereof; and authorizes the County Manager to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner Barbara J. Jordan , who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of January, 2007. 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: KAY SULLIVAN
Deputy Clerk

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

Terrence A. Smith

Memorandum

MIAMI-DADE COUNTY

Date:	January 25, 2007
To:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners
From:	George M. Burgess County Manager
Subject:	Administrative Order Pertaining to the Infill Housing Initiative

Amended
Substitute
Agenda Item No. 8(F)(1)(D)

R-117-07

This item was deferred from the November 28, 2006 Board of County Commissioners meeting at the request of the Commissioner Jordan in order to give the new Miami-Dade Housing Agency director an opportunity to review the legislation and provide input into the process. Some of the changes resulting from this review include modifying the definition for "control period," "first-time homebuyer," and "low and moderate income households;" adding the definition for water and sewer connection charges; removing the definition for "Escheat or Escheatment"; modifying the incentives to include refunding charges for both impact fees and water and sewer connection charges; changing the procedures for granting extensions to developers; and modifying the formula used to determine resale prices.

The General Services Administration (GSA) and MDHA will continue working closely together to ensure the success of the Infill Program.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution establishing Administrative Order No. 3-44 for the administration of the Infill Housing Initiative Program.

BACKGROUND

In May of 2001, the Board adopted Miami-Dade County Ordinance No. 01-47, creating the Infill Housing Initiative (the Initiative). The purpose of the Initiative is to increase the availability of affordable homes for low and moderate income persons, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. An amendment to the Ordinance, which is also on today's agenda for your consideration, is being proposed to more clearly define the controls and enforcement provisions of the Initiative.

On June 5, 2006, the Infill Housing Program was officially transferred to the General Services Administration (GSA) for the simple reason that GSA has the real estate expertise that is needed to ensure a more effective, efficient and legally proper implementation of the Program. In addition, the transfer enables GSA to take a more comprehensive approach to managing the County's land inventory. Since the transition, GSA has focused its efforts on evaluating the problems that plagued the Program, creating new processes and procedures

and thoroughly reviewing the current status of lots previously sold or conveyed. Based on staff's review of the previous practices used to implement the Program, as well as feedback gathered from the affordable housing development industry, it is clear that major changes are necessary to: (1) expedite the process of building and selling homes; (2) ensure that the homes are sold to qualified buyers; and (3) infuse integrity and accountability into the process.

CURRENT STATUS OF BID AND CONVEYED LOTS

GSA has thoroughly reviewed all of the parcels that have been awarded via competitive bid or nominal conveyance through the Program. As of January 1, 2007, 151 homes have been completed on the 467 lots that have been sold or conveyed. Of the remaining 316 lots without completed homes, 23 lots are under construction, 13 lots have been returned, 46 lots are being recommended for reversion and 234 lots are in the predevelopment stage.

Over the course of a six-week period (from late June to early August), staff met individually with each entity granted County-owned land on which a home has not yet been completed and sold, providing them with an opportunity to detail their efforts to develop the lots, and to justify their lack of progress, on a lot-by-lot basis. In reaching a judgment on whether or not to move to seek return of property title to the County for those lots without completed homes, staff attempted to balance fairness against the Program's ultimate goal, which is to build quality affordable homes as expeditiously as possible.

Ultimately, staff concluded that the majority of these developers made good faith efforts to develop these parcels, but that the underlying problems associated with the conveyed lots were extraordinarily difficult to overcome. It was determined that staff 's time would be much better spent implementing process improvements, and working with these developers to overcome title, zoning, and building permitting problems than it would be in trying to enforce title reversions, reallocating lots, and starting from scratch with new developers.

Notwithstanding, staff identified 59 lots that had made very little or no progress and determined that they should be returned to the County. Developers of these 59 lots were given until October 16, 2007 to file an application to appeal that decision or return the lots. Thirteen (13) lots were voluntarily returned and applications for appeal were received on 29 lots. Staff is working with the County Attorney's Office to take back title on the 17 lots that did not respond.

On September 29, 2006 staff sent letters to the developers of the 234 lots that were not being recommended for reversion, along with a very aggressive schedule of established due dates that they must meet. Staff is working closely with these developers to make sure they stay on schedule.

The proposed administrative order establishes the procedures for the Infill Housing Program as follows:

ROLES AND RESPONSIBILITIES

The GSA will be responsible for identifying suitable lots, coordinating the process to review the lots to determine whether they are suitable for infill housing; administering the process to

select the pool of qualified developers and bid the lots amongst the pool; and monitoring the construction and initial sale of the home. The Miami-Dade Housing Agency (MDHA), or other designated department of the County, will be responsible for qualifying eligible homebuyers and providing funding assistance in the form of second mortgages to eligible homebuyers as well as monitoring the resale process of the affordable homes. Other agencies that may provide funding assistance include the Housing Finance Authority (HFA), the Office of Community and Economic Development (OCED) and the Metro Miami Action Plan (MMAP).

This administrative order also establishes the Affordable Housing Review Committee (AHRC) and the Affordable Housing Selection Committee (AHSC). The AHRC will be comprised of representatives from various County departments including Planning and Zoning, Building, Public Works, DERM, WASD as well as OCED, GSA and Team Metro. Their role of the AHRC will be to review County property to determine whether it is suitable for infill housing development and make recommendations on how to correct problems with the lots.

The functions of the Affordable Housing Selection Committee (AHSC) will be to select the pool of qualified developers through a "Request for Qualifications" process and award the lots through a competitive selection process. Developers will be selected based on 1) their experience building housing; 2) past performance on similar housing projects; and 3) financial capacity to build the homes. The selected developer pool will be presented to the Board for approval. Lots will then be made available to the developer pool through a Work Order Proposal Request (WOPR) which will establish the selection criteria. The responses to the WOPR will also be evaluated and selected by the AHSC.

PROGRAM INCENTIVES

Several Program incentives will be offered to qualified developers including:

- Providing buildable land free and clear of all liens, at below market rates.
- Paying impact fees paid for fire and emergency services, parks and police services and water and sewer connection charges for homes built through the Program.
- Expediting building permit applications for homes being built through the Program.
- Releasing County liens on private property that is accepted into the Program.
- Reduced real estate taxes as a result of the affordability restriction.

THE INFILL HOUSING PROGRAM PROCESS

GSA will be responsible for identifying County property that may be suitable for infill housing and presenting it to the AHRC for their review. The AHRC shall determine whether the property is:

1) **Appropriate for Infill Housing Development**
   A property or parcel located in the infill target areas which can be developed with four units or less. These properties will be bid out amongst the established pool of qualified Infill Housing Developers via a work order proposal process.

2) **Appropriate for Affordable Housing Development**
A property or parcel that can be developed with more than four units, regardless of its location. These properties will be put out to bid via a Request for Proposal or other competitive process.

3) **Not Appropriate for Infill nor Affordable Housing development**
Properties determined by AHRC as unsuitable for housing development. Such parcels will be addressed through the surplus process as dictated by Administrative Order 8-4. Said A-O establishes the procedures for declaring County property surplus and making it available for purchase.

Properties that are deemed appropriate for infill development, but may require corrective action will be forwarded to the appropriate agency for said correction. GSA will initiate such requests for corrective action and report back to AHRC on their progress. Additionally, GSA will initiate any required quiet title action suits and the removal of County liens on property approved for infill housing.

Lots that are ready to be developed will be made available to the qualified developer pool via a "Work Order Proposal Process." Said process will encourage a mix of housing prices to ensure that the homes are equitably distributed amongst low and moderate income households. Proposals will be evaluated by the AHSC based on the home's proposed price, size and amenities. The selected developer will be awarded the County property either through a County deed or through a developer agreement. Said agreement shall require that

1) the property shall be developed with an affordable home(s);
2) the home(s) shall be sold to an eligible homebuyer;
3) the home shall be built within a specified period of time;
4) the home must meet the Minimum Infill Architectural and Space Requirements;
5) the sales price of the home may not exceed the maximum sales price set by the County.
6) the developer shall forfeit all rights and monetary investments in the property if the restrictions are not complied with.

GSA will closely monitor the progress of the home by setting milestones for the various phases of development.

QUALIFYING ELIGIBLE HOUSEHOLDS

To be eligible to purchase an infill home, the buyer must not have owned or had an interest in a home during the previous three yearsand be within the low to moderate income bracket (120% or less of the area median income) according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development. MDHA will be responsible for qualifying buyers and issuing certificates of qualification to eligible households. Certificates of qualification issued by agencies that have been authorized by MDHA to qualify households are also valid. MDHA will maintain a list of eligible households and make the list available to developers.

AFFORDABILITY CONTROLS

To ensure that the County is able to maintain a stock of affordable housing units for a significant period of time, the control period has been set at 30-years and automatically renews upon each resale for an additional 30-year period for a maximum of 90 years. However, if the homeowner stays in the home for an entire 30-year period, the affordability restrictions shall be released. Developers will be required to record a Declaration of Restrictive Covenants running with the land prior to closing on the sale of the home which will bind all future homebuyers. Said covenant will also include resale requirements and provisions for civil and criminal penalties in the event the covenants and restrictions are violated. Additionally, a mortgage will be recorded on the property in favor of the County to further ensure that the home remains affordable during the control period.

PRIVATE PROPERTY

Although there is concern that some of the homes, which were built on private lots and had had liens released, were not sold to qualified low or moderate income households, staff believes that the goal of the Infill Housing Initiative cannot be fully accomplished without the participation of privately owned lots. For this reason, staff is recommending that the privately owned lots continue to be included in the Program provided that the owners agree to build the homes under the same conditions as the County-owned lots. It should be noted, however, that staff will not be accepting any new private lots into the Program until the Inspector General has concluded his investigation of the private lot transactions.

Owners will be required to enter into a developer agreement and execute and record the aforementioned Declaration of Restrictive Covenants that will run with the land. Once the agreement has been executed and the declaration of restrictive covenants has been recorded, the owner shall qualify to have any County liens of record released. GSA will coordinate the releases of said liens with the issuing agency. Failure to comply with either the agreement or restrictive covenant will result in the liens being reinstated.

ANNUAL REPORTING

The Board will be provided an annual report on the Program's progress to include the number of lots made available and homes completed, liens that have been released and pending litigation.

Assistant County Manager

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Amended Substitute Agenda Item No. 8(F)(1)(D)

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 Manager'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**

MIAMI-DADE COUNTY
ADMINISTRATIVE ORDER

INFILL HOUSING INITIATIVE

AUTHORITY:

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, Article VII Section 17-121 thru 17-127 of the County Code.

SCOPE:

This Administrative Order establishes the process for implementation and management of the Infill Housing Initiative for Miami-Dade County. The procedures established to carry out the goals of the Infill Housing Initiative shall be referred to as the Infill Housing Program.

POLICY:

Article VII Section 17-121 through 17-128.1, of the Code of Miami-Dade County creates a specific methodology for handling infill housing, including, but not limited to, the identification of property; acquisition, transfer and sale of property; reversion of title to the County in the event of non-performance; forgiveness of liens; and construction and rehabilitation loan provisions. The various activities necessary to administer the Infill Housing Program as well as the various agencies responsible for its implementation are outlined in this document. This Administrative Order also directs the creation of the Affordable Housing Review Committee (AHRC) and the Affordable Housing Selection Committee (AHSC).

The purpose of the Infill Housing Program is to increase the availability of affordable homes for low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties, equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Housing Program shall encourage the sale or transfer of County-owned properties to qualified developers. The developers shall be required to build affordable homes to be sold to low and moderate income persons

Except as otherwise specified, the General Services Administration is charged with the overall responsibility of administering the Infill Housing Initiative under this Administrative Order.

DEFINITIONS:

Affordable: Where the mortgage payment, including taxes and insurance, does not exceed 30 percent of the amount which represents the percentage of the median annual gross income for low and moderate income households. However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark.

Certificate of Qualification: A certificate issued by MDHA or any other County or non-County agency that has been authorized by MDHA to qualify households, establishing that a household is qualified to purchase an affordable dwelling unit. Certificates of Qualification shall be valid for 12 months.

Control Period: The 20-year period during which the eligible home must remain affordable. The control period begins on the initial sale date of the eligible home and resets automatically every 20 years for a maximum of 60 years, except that in the event the home is owned by the same owner for an entire 20-year period, said home shall be released from the affordability restrictions.

County Property: Property that is owned by Miami-Dade County.

Dwelling Unit: A unit, whether detached or attached to another such unit, that houses a single family and that can be sold in fee simple ownership.

Eligible Housing or Eligible Home: Any dwelling unit that is: (i) located on an infill parcel; (ii) constructed or rehabilitated in accordance with this article; and (iii) used as the primary residence of a qualified household.

Eligible Person or Eligible Household: One or more natural persons or a family that has not owned or had an interest in a home during the previous three years and that has been determined by the County to meet the eligibility requirement of a low income or moderate income household according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

Impact Fees: Fees for Road, Fire and Emergency Services, Parks, Police and Educational Facilities that are paid as pre-development costs to help fund the additional expenses required for services for new development.

Infill Parcel: A parcel of land that is located within the infill target areas and is suitable for residential development of four (4) dwelling units or less.

Infill Target Areas: The areas of the County designated as the Urban Infill Target Area (UIA), as defined in Section 33G-3(26) of the Code, and the Targeted Urban Areas (TUA), as defined in Section 30A-129(2) of the Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA; and any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

Liens: Encumbrances placed on property by the County or other municipality for failing to maintain property or pay for services rendered, i.e. lot clearing, trash pick up, demolition of unsafe structure, etc.

Low Income Household: Those households whose total annual adjusted gross income is 80% percent or less than the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by HUD.

Moderate Income Household: Those households whose total annual adjusted gross income is greater than 80% and less than 140% percent of the median annual adjusted gross income for households within the metropolitan statistical area (MSA) or, if not within an MSA, within Miami-Dade County, whichever is greater as defined by HUD.

Private Property: Property that is not owned by Miami-Dade County.

Qualified Developer: Any person, firm, corporation, partnership, limited liability company, association, joint venture, community based organization, not-for-profit agency, or any entity or combination of entities, excluding any governmental entity, that has been qualified by the County as having the requisite experience and capacity to build affordable housing through the Infill Housing Program. For these purposes a community-based organization shall have among its purposes the provision of affordable housing to persons who have special needs or have low income, or moderate income within a designated area, which may include a municipality or more than one municipality or the County, and maintains, through a minimum of one-third representation on the organization's governing board, accountability to housing program beneficiaries and residents of the designated area.

State Housing Initiative Partnership (SHIP): The affordable housing program established pursuant to Section 420.90 et seq. of the Florida Statutes for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

Surtax Funds: The discretionary tax on documents, which the County is authorized by Section 125.0167 of the Florida Statutes to levy, for the purpose of establishing and financing the County's Local Housing Assistance Loan Trust Fund to assist in the financing of construction, rehabilitation, or purchase of housing for low-income and moderate-income families.

Water and Sewer Connection Fees: Charges for the usage of the Department's facilities based on the estimated average daily water usage and/or sewage flow in gallons per day, paid by a developer or customer for utilizing portions of the Department's water and/or sewer system funded by the Department.

ROLES AND RESPONSIBILITIES:

General Services Administration (GSA): As the County's official real property asset management agency, the Department of General Services Administration (GSA) is responsible for identifying County property suitable for Infill Housing and monitoring the construction and initial sale of the home.

Miami-Dade Housing Agency (MDHA): MDHA is responsible for qualifying eligible homebuyers and providing funding assistance in the form of mortgages to eligible homebuyers and construction loans to qualified developers of affordable housing. In addition, MDHA is responsible for administering the resale process during the control period.

Housing Finance Authority (HFA): HFA provides low-interest rate mortgages and financial assistance to first-time low and moderate income homebuyers. In coordination with it's non-profit partner, Miami Dade Affordable Housing Foundation, Inc., the HFA also provides homebuyer education and certification.

Metro Miami Action Plan (MMAP): MMAP administers the Homeownership Assistance Program (HAP) which provides low and moderate income families with down payment and closing cost assistance.

Office of Community and Economic Development (OCED): OCED administers Federal and State funding that supports the development of viable urban neighborhoods in Miami-Dade County characterized by decent housing, expansion of economic opportunities and the preservation of historic properties.

Affordable Housing Review Committee (AHRC): The Affordable Housing Review Committee's function is to review property to determine whether it is suitable for infill and/or affordable housing development.

Affordable Housing Selection Committee (AHSC): The Affordable Housing Selection Committee's function will be to evaluate and select qualified developers through a competitive process.

PROGRAM INCENTIVES:

Availability of County Property: The County will make available buildable land to qualified developers, free and clear of all liens, as provided in this A-O.

Impact Fees and Water and Sewer Connection Charges: New homes constructed through the Program qualify to have impact fees for road, fire and emergency services, parks and police services as well as water and sewer connection charges, refunded once a restrictive covenant has been recorded on the property stating that the property will remain affordable during the control period, and the home has been completed and sold to a qualified household.

Building Permit Expedite Process: Building permit applications for homes being built in the Unincorporated Municipal Service Area (UMSA) through the Infill Housing Program qualify for the Building Department's expedite process. The developer must provide the Building Department written proof that the home is being built through the Infill Housing Program.

Financial Assistance: Various County agencies including MDHA/DLAD, OCED, HFA and MMAP offer financial assistance to qualified homebuyers in the form of low interest loans using Surtax, SHIP, CDBG, HOME and other applicable funds.

Lien Releases: County liens placed on private property prior to the developer purchasing the lot may be released, provided the developer proffers all of the required restrictive covenants.

Reduced Real Estate Taxes: The assessed value of the homes constructed through the Infill Housing Program will be adjusted during the control period once a declaration of restrictive covenants has been recorded in the public records stating that the home must remain affordable.

THE INFILL HOUSING PROGRAM PROCESS:

Identifying Lots

GSA is responsible for reviewing the inventory of County property to identify lots that may be suitable for infill housing. Property that is located in the infill target areas and is appropriately sized, residentially zoned, designated for residential use in the County's Land Use Map, or located adjacent to residential uses is presented to the Affordable Housing Review Committee (AHRC) for action. Market conditions of the surrounding area are also taken into consideration when determining whether the property should be presented to the AHRC.

Affordable Housing Review Committee (AHRC)

The AHRC reviews County property identified by GSA as having the potential of being developed with affordable housing. The AHRC is chaired by GSA's Assistant County Manager, or his/her designee, and is comprised of representatives from various County agencies, including General Services Administration, Planning and Zoning, Public Works, Environmental Resources Management, Water and Sewer, Building, Finance, Miami-Dade Housing Agency, Community and Economic Development, Team Metro and any other department deemed necessary by the County Manager to review lots being considered for affordable housing.

The AHRC reviews property to determine whether it meets the minimum requirements for development and makes one of the following determinations:

1) **Appropriate for Infill Housing Development**
   A property or parcel located in the infill target areas which can be developed with four dwelling units or less. These properties are bid out amongst the pool of Infill Housing Developers via a work order proposal process.

2) **Appropriate for Affordable Housing Development**
   A property, or parcel, that can be developed with more than four dwelling units, regardless of its location. These properties are made available for development via a competitive process.

3) **Not Appropriate for Infill nor Affordable Housing development**
   Properties determined by AHRC as unsuitable for housing development. Such parcels are addressed through the surplus process as dictated by Administrative Order 8-4.

Properties that are deemed appropriate for infill development, but may require corrective action are forwarded to the appropriate agency for said correction. If it is recommended by AHRC that a variance from zoning requirements be sought or that the zoning of the property be changed, then a request is made to the Department of Planning and Zoning to file a Director's application on said property. GSA initiates such requests for corrective action and reports back to AHRC on their progress.

Clearing Title

All liens of record, citations, violations and special assessments are released or satisfied prior to awarding the lot. GSA identifies any such lien(s) and facilitates the release or satisfaction of said liens, citation, violation, etc. by contacting the County or municipal agency in charge of

releasing the lien, etc. Additionally, GSA ensures that the title has been quieted, if necessary, prior to the conveyance of the lot.

Selecting Qualified Developers:

Infill housing developers are selected through a Request for Qualifications (RFQ) process. The RFQ states the minimum requirements a developer must have to participate in the Infill Housing Program including, but not be limited to the following:

1) Experience building housing.
2) Past performance on similar housing projects
3) Financial capacity to build the homes.

Selection of the pool of qualified developers is made by the Affordable Housing Selection Committee (AHSC). The AHSC members is appointed by the County Manager and is comprised of representatives from GSA, MDHA, OCED and any other department deemed necessary. The County Attorney's Office shall serve as legal advisor to the AHSC.

Availability of County Property:

County property that has been deemed to be suitable for infill housing by AHRC is submitted to the Board of County Commissioners for their approval. Once approved for infill housing, the property is offered to the pool of qualified developers through a competitive Work Order Proposal process that encourage a mix of housing prices that are affordable to both low and moderate income households. Consideration for award also takes into account status of lots previously awarded to the developer and the developer's past performance in the Program. The Proposals are evaluated and selected by the Affordable Housing Selection Committee (AHSC). Properties are conveyed, leased or made available to the selected developer through a developer agreement which clearly states the obligations of both the County and developer. Said instrument contains the following restrictions:

1) the property shall be developed with an affordable home(s);
2) the home(s) shall be sold to an eligible homebuyer;
3) the home shall be built within a specified period of time;
4) the home shall meet the Minimum Infill Architectural and Space Requirements;
5) the sales price of the home shall not exceed the maximum sales price set by the County for affordable housing;
6) that the developer shall forfeit all rights to the property if the restrictions are not complied with.

If the developer is unable to complete the home within the prescribed timeline he/she may submit a "Request for Extension" application to GSA. GSA reviews the request and makes a determination as to whether the request meets criteria established to grant extensions. If the request is denied, the developer shall forfeit all rights to the property, including any construction of any infrastructure or any improvements in, on, to, or under the land, without recourse to recover any costs of said construction. If the property has been conveyed, the developer shall be required to convey the property back to the County. Failure to convey the property back will result in legal action against the developer. Denials of extension requests may be appealed to the County Manager.

Monitoring Construction:

GSA is responsible for closely monitoring the progress of the home by setting milestones for the various phases of development, conducting regular inspections of the site and assisting developers with resolving problems they encounter with the various regulatory agencies.

QUALIFYING ELIGIBLE HOUSEHOLDS:

Every dwelling unit created as a result of the Infill Housing Program must be sold to a qualified household to be used as his or her own primary residence. A household is deemed qualified once the following requirements have been met:

- **Homeownership Counseling:**

  The eligible household must complete a homeownership training course through a participating counseling agency that provides financial management, credit counseling and other related technical services to participating families for the purpose of financing a single-family home and has received a certificate verifying that he/she has successfully completed the course.

- **First Time Homebuyer Requirements:**

  The eligible household must be a first-time homebuyer. A first-time homebuyer is an individual who meets any one of the following criteria:

  1) An individual who has had no ownership interest in a principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if either meets the above test, they are considered first-time homebuyers);
  2) A single parent who has only owned a home with a former spouse while married;
  3) An individual who is a displaced homemaker and has only owned with a spouse;
  4) An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations;

- **Income Verification:**

  The eligible household must provide MDHA, or other designated agency of the County, the required documentation to verify household income Said documentation shall include, but not be limited to the following:

  1) Income tax returns from the past two years
  2) Pay stubs from the last two pay periods
  3) Evidence of Miami-Dade County residency
  4) Dwelling unit sales contract (if applicable)
  5) Proof that purchaser is a first-time homebuyer

A determination as to whether the household meets the eligibility requirements of a low or moderate income household shall be made within 15 days of submitting all of the required information to MDHA or other designated agency of the County. The following income limit table is applied to determine eligibility, adjusted by family size. Said table shall be updated by

MDHA, or other designated agency of the County, based on adjustment of income limits from the United States Department of Housing and Urban Development (HUD):

2006
INCOME LIMITS
Adjusted for Family Size

FAMILY SIZE	30% AMI E. Low	50% AMI V. Low	80% AMI <Low/Moderate>	100% AMI Moderate	120% AMI Moderate	140% AMI Moderate
1	11,750	19,550	31,300	39,100	46,920	54,740
2	13,400	22,350	35,750	44,700	53,640	62,580
3	15,100	25,150	40,250	50,300	60,360	70,420
4	16,750	27,950	44,700	55,900	67,080	78,260
5	18,100	30,200	48,300	60,400	72,480	84,560
6	19,450	32,400	51,850	64,800	77,760	90,720
7	20,750	34,650	55,450	69,300	83,160	97,020
8	22,100	36,900	59,000	73,800	88,560	103,320

Certification of Qualified Households:

MDHA or other designated agency of the County is responsible for issuing certificates of qualification to households that have completed the required homeownership training course and have been determined to meet the income limits of a low or moderate income household. Households that have received a certificate of qualification from other County or non-County agencies that have been authorized by MDHA to qualify households are also eligible to purchase a dwelling unit through the Program.

AFFORDABILITY CONTROLS:

Sales Price of Affordable Home

The maximum sales prices for an affordable dwelling unit shall be published annually by MDHA or other designated agency of the County. Said price can not exceed an amount affordable at the maximum income range set at 140% of median income, 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 initial sales price of all dwelling units constructed through the Infill Housing Program shall not exceed the maximum affordable housing sales price existing at the time of sale.

Declaration of Restrictive Covenant:

Prior to closing on the sale of the home, the developer/owner is required to sign and record a declaration of restrictive covenant running with the land, approved in form by the Director of GSA and sufficient for recording in the public records of Miami-Dade County, Florida, encumbering the individual property specifying the restrictions on the property and shall include the following:

1) That the Declaration of Restrictive Covenants shall bind the developer, any assignee, mortgagee, or buyer, and all other parties that receive title to or an interest in the property for a minimum of twenty (20) years;
2) That the Property shall be developed with an affordable single family home (the "home");
3) The home shall be sold solely to households who have obtained a certificate of qualification confirming that the household meets the eligibility requirements of a low or moderate income household, as defined in the Miami-Dade County Code.
4) Owners shall occupy the home as their primary residence and shall not lease the property or any portion thereof.
5) Prior to any resale or refinancing of the home, the owner of record shall obtain prior written approval from MDHA.
6) The home shall not be resold for more than the maximum sales price established by MDHA at the time of resale;
7) The County reserves its right of first refusal to purchase the property prior to or at the end of the Control Period, if it becomes available for purchase and there are no eligible persons to purchase said home;
8) That the Declaration of Restrictive Covenants shall be senior to all other liens or encumbrances on the property including all instruments securing permanent financing, except that tax and assessment liens shall be superior to these covenants. In the event of foreclosure by a first mortgagee, the County may satisfy any outstanding mortgages and take title to the home.

Mortgage:

Throughout the control period, each qualified household purchasing an eligible home shall be required to record a mortgage in favor of Miami-Dade County with an amount equal to the value of the land at the time of the initial sale of the home. 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.

Assessed Value Adjustments:

To ensure that the assessed value of the affordable home takes into account the aforementioned restrictions, GSA shall submit a copy of the recorded covenant to the Property Appraiser's Office immediately after closing. Upon receiving said covenant, the Property Appraiser's Office makes a notation in the records available to the public that the home is subject to affordable housing restrictions and will adjust the value accordingly.

Resale of Home:

Any eligible homebuyer that intends to sell his or her dwelling unit prior to the expiration of the control period shall provide written notification to MDHA or other designated agency of the County. The home can only be resold to a qualified household. The resale price of said home is based on a formula that takes into account the price paid by the current owner and any increases tied to an index of area incomes during the period in which the current owner owned the home. Costs for certain property improvements may also be added to the sales price, at the discretion of MDHA. Any such improvements must be permanent and substantial in nature and not for decorative or maintenance purposes. Before closing a sale, the seller of the dwelling unit shall submit to MDHA for approval.

1) A copy of the proposed sales contract;
2) A signed copy of the buyer's certificate of qualification;
3) 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 dwelling unit shall be considered to be in compliance with the Code until all required documents and affidavits have been submitted to and approved by MDHA or other designated agency of the County. MDHA or other designated department of the County shall either approve or disapprove all required documents and affidavits in writing within ten (10) business days of receiving all required documents. Applicants that are denied shall be provided reasons for such disapproval in writing and an opportunity to correct any deficiencies.

Notwithstanding the provisions set forth herein, any dwelling unit that is owned for an entire control period by the same individual(s) is automatically released from the Declaration of Restrictive Covenants.

PRIVATE PROPERTY

The County may encourage private property owners to rehabilitate or redevelop their properties as infill housing through the forgiveness of liens and other incentives offered through the Program. There is an application process through GSA to review the lots and determine whether they fall within the target areas. In order to be accepted into the Program, the private property owner shall enter into a developer agreement with the County that specifies the following requirements:

1) that the property shall be developed with an eligible home(s);
2) that the home(s) shall be sold to an eligible homebuyer;
3) that the home shall be built within a specified period of time;
4) that the home shall meet the Minimum Infill Architectural and Space Requirements;
5) that the sales price of the home shall not exceed the maximum sales price set by the County for affordable housing;
6) failure to comply with the requirements of the agreement shall result in the reinstatement of the liens and removal of the property from the Program.

In addition, the owner/developer is required to execute and record the aforementioned Declaration of Restrictive Covenants running with the land. Once the agreement has been executed and the declaration of restrictive covenants has been recorded, the owner shall qualify to have any County liens of record released. GSA will coordinate the releases of said liens with the issuing agency.

ENFORCEMENT ACTIONS:

In the event it is determined that any owner, developer or buyer participating in the Infill Housing Program has violated any of the restrictions in the deed or covenant, staff shall notify the County Attorney's Office and request that they initiate civil action against the party. Staff shall provide an annual report of such violations to the Board of County Commissioners.

REPORTING PROVISIONS

The County Manager will annually submit a status report on the Program to the Board of County Commissioners. Said report shall include, but not be limited to, the number of lots, both County and private, that have been made available through the Program; the number of homes that have been completed and sold to eligible homebuyers; the amount of liens that have been released on private lots; and any pending legal actions.

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

County Manager