

MEMORANDUM

Agenda Item No. 5(A)

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

DATE: (Public Hearing 2-1-22)
January 19, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance related to certain funds in the Affordable Housing Trust Fund of Miami-Dade County, Florida ("trust fund") previously allocated in the County's fiscal year 2021-2022 budget for use by the Public Housing and Community Development Department for its multi-year capital program for the redevelopment of public, affordable and workforce housing; waiving the application of certain provisions in section 17-132 of the Code related to those funds in the trust fund; reaffirming waiver of the application of certain provisions of sections 17-132 and 17-132.1 of the Code, and Resolution No. R-1330-19 related to the Affordable Housing Trust Fund's revolving loan fund

Ordinance No. 22-9

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



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM

(Revised)

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

DATE: February 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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 Agenda Item No. 5(A)
Veto _____ 2-1-22
Override _____

ORDINANCE NO. 22-9

ORDINANCE RELATED TO CERTAIN FUNDS IN THE AFFORDABLE HOUSING TRUST FUND OF MIAMI-DADE COUNTY, FLORIDA (“TRUST FUND”) PREVIOUSLY ALLOCATED IN THE COUNTY’S FISCAL YEAR 2021-2022 BUDGET FOR USE BY THE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR ITS MULTI-YEAR CAPITAL PROGRAM FOR THE REDEVELOPMENT OF PUBLIC, AFFORDABLE AND WORKFORCE HOUSING; WAIVING THE APPLICATION OF CERTAIN PROVISIONS IN SECTION 17-132 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (“CODE”) RELATED TO THOSE FUNDS IN THE TRUST FUND; REAFFIRMING WAIVER OF THE APPLICATION OF CERTAIN PROVISIONS OF SECTIONS 17-132 AND 17-132.1 OF THE CODE, AND RESOLUTION NO. R-1330-19 RELATED TO THE AFFORDABLE HOUSING TRUST FUND’S REVOLVING LOAN FUND; AND PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

WHEREAS, this Board has enacted Ordinance No. 07-15, which is codified at Article VIII, sections 17-129 *et seq.* of the Code of Miami-Dade County, Florida (the “Code”), establishing the Affordable Housing Trust Fund of Miami-Dade County, Florida (the “trust fund”); and

WHEREAS, this Board, as part of the fiscal year 2021-2022 County budget, approved the use of \$26,000,000.00 from the trust fund by the Public Housing and Community Development Department (“PHCD”) as part of PHCD’s multi-year capital program #2000002154 for the redevelopment of public, affordable and workforce housing in various sites, including those public housing sites that will be converted under the federal Rental Assistance Demonstration Program established by the United States Department of Housing and Urban Development (“capital program”); and

WHEREAS, as part of the fiscal year 2021-2022 County budget, this Board approved the waivers of section 17-132.1 of the Code, which established a revolving loan fund within the trust fund and made the funds in the revolving loan fund subject to the application of the income-tiering restrictions contained in section 17-132 of the Code, and also waived Resolution No. R-1330-19, which adopted a set of guidelines for the administration and allocation of funds from the trust fund; and

WHEREAS, more specifically, subsections 17-132 (3) (c), (e) and (f) of the Code require that: (1) a total of 50 percent of the monies deposited in the trust fund shall be set-aside for very low income and extremely low income persons or households; and (2) there be certain set asides of affordable rental and homeownership housing units that are constructed, acquired, rehabilitated or subsidized either by the County or other governmental entities, private organizations or individuals for extremely-low and very low income persons or households (“income-tiering requirements”); and

WHEREAS, as part of the approval of the fiscal year 2021-2022 County budget, the Board waived these income-tiering requirements for the approximately \$17,000,000.00 that was held in the revolving loan fund as of October 1, 2021; and

WHEREAS, however, the Board did not waive the income-tiering requirements for the remaining approximately \$9,000,000.00 that was held in the general trust fund as of October 1, 2021; and

WHEREAS, currently subsections 17-132 (3) (c), (e) and (f) of the Code require the application of the income-tiering requirements to projects funded with these remaining funds; and

WHEREAS, this Board desires to provide PHCD with the maximum flexibility to disburse the entire \$26,000,000.00 for PHCD’s capital program; and

WHEREAS, accordingly, this Board wishes to waive the application of subsections 17-132 (3) (c), (e) and (f) of the Code as they relate to the approximately \$9,000,000.00 of funds from the trust fund allocated to the capital program, and further wishes to reaffirm its waiver of the application of this section and section 17-132.1 of the Code, and Resolution No. R-1330-19, related to the other approximately \$17,000,000.00 of funds from the revolving loan fund allocated to the capital program,

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

Section 1. This Board hereby waives the application of section 17-132 (3) (c), (e) and (f) of the Code of Miami-Dade County, Florida (the “Code”) to the approximately \$9,000,000.00 from the Affordable Housing Trust Fund of Miami-Dade County, Florida (the “trust fund”) that this Board approved as part of the County’s fiscal year 2021-2022 budget for use by the Public Housing and Community Development Department (“PHCD”) for its multi-year capital program for the redevelopment of public, affordable and workforce housing (“capital program”). This Board further reaffirms its waiver of the application of sections 17-132 (3) (c), (e) and (f) and 17-132.1 of the Code, and Resolution No. R-1330-19, as it relates to the other approximately \$17,000,000.00 of funds from the trust fund’s revolving loan fund for use by PHCD for the capital program.

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.

Section 3. It is the intention of this Board and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code.

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:

February 1, 2022

Approved by County Attorney as
to form and legal sufficiency:

GBK
LCK

Prepared by:

Terrence A. Smith
Leigh C. Kobrinski

Prime Sponsor: Commissioner Eileen Higgins