MEMORANDUM

Agenda Item No. 7(B)
(Second Reading: 2-19-25)

TO:	Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners	**DATE:**	February 4, 2025
FROM:	Geri Bonzon-Keenan County Attorney	**SUBJECT:**	Ordinance relating to zoning; amending section 33-193.9 of the Code; amending provisions related to the Voluntary Workforce Housing Development Program; revising the formula for the contribution payment in lieu of construction for single family residential neighborhoods

Ordinance No. 25-14

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kevin Marino Cabrera.

Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum MIAMI-DADE COUNTY

Date: February 19, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava Daniella Levine Cava
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Zoning; Amending Provisions Related to the Voluntary Workforce Housing Development Program

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The implementation of this Ordinance will have a positive fiscal impact to Miami-Dade County by increasing, and effectively doubling the contribution-in-lieu fee voluntarily paid by developers who choose not to include workforce units in their projects. The proposed ordinance would reduce the amount of the reduction by changing the divisor to ten (10) thereby doubling the required contribution per unit for developments with fewer than 20 residential units. This change to the formula will ensure that developer contributions more accurately reflect the actual cost gap and increase contributions to the Affordable Housing Trust Fund.

Revenues from contribution-in-lieu payments are deposited into the Affordable Housing Trust Fund managed by the Housing and Community Development Department (HCD). This additional revenue will help address the County's significant housing affordability challenges. Pursuant to Ordinance No. 23-49, monies deposited into the Affordable Housing Trust Fund from developers as payment in lieu of constructing, acquiring, or rehabilitating workforce housing in accordance with section 17-145 of the Code, will be used solely for the construction, rehabilitation, and acquisition of workforce housing units. Affordable Housing Trust fund dollars are used as part of the capital for workforce housing development projects. As of the fall of 2024, HCD collected $5.4 million in workforce housing payment in lieu funds, which includes $1.3 million from developments with fewer than 20 units.

Roy Coley

Roy Coley
Chief Utilities and Regulatory Services Officer

Memorandum

MIAMI-DADE COUNTY

Date: February 19, 2025

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava Daniella Levine Cava
Mayor

Subject: Social Equity Statement for Ordinance Relating to Zoning; Amending Provisions Related to the Voluntary Workforce Housing Development Program

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The proposed ordinance amends Section 33-193.9 of the Code of Miami-Dade County (Code) to revise the formula for the workforce housing contribution payment in lieu fee for developments of fewer than 20 residential units. Resolution No. R-510-24 directed a review of the workforce housing development program, including a review of the contribution-in-lieu formula. The resulting report recommended the formula change proposed herein.

The current workforce housing contribution-in-lieu fee is calculated based on the difference between the median sales price within the Urban Development Boundary for single or multi-family units and the affordable purchase price for a family of four at 60 percent median income. Currently, the Code provides developers constructing fewer than 20 units with a reduced rate which is calculated by dividing the housing cost gap between market rate housing and affordable housing by 20.

An analysis of applications for developments with fewer than 20 units revealed that the payment in lieu formula as it currently stands produces relatively low payments for developments that are fewer than 20 residential units. These low payments appear to incentivize the option of proffering payment to allow for market rates rentals or sales, rather than the production and development of workforce housing units.

The proposed ordinance would increase contribution in lieu payments by changing the divisor to 10, thereby doubling the required contribution per unit. This proposed change to the formula will better align developer contributions with the actual housing cost gap between market rate and workforce housing and increase contributions to the Affordable Housing Trust Fund.

Roy Coley

Roy Coley
Chief Utilities and Regulatory Services Officer

MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: February 19, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(B)

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 ____, majority plus one ____, 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) ____, 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. 7(B)
2-19-25

ORDINANCE NO. 25-14

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-193.9 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PROVISIONS RELATED TO THE VOLUNTARY WORKFORCE HOUSING DEVELOPMENT PROGRAM; REVISING THE FORMULA FOR THE CONTRIBUTION PAYMENT IN LIEU OF CONSTRUCTION FOR SINGLE FAMILY RESIDENTIAL NEIGHBORHOODS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, in December 2016, this Board adopted Ordinance No. 16-138, which updated and expanded the County's Voluntary Workforce Housing Development Program, codified as article XIIA of chapter 33 of the Code of Miami-Dade County ("Code"), and provided for a mix of densities and target income groups; and

WHEREAS, the intent of the County's Voluntary Workforce Housing Development Program is to create vibrant, mixed-income neighborhoods; and

WHEREAS, this Board desires to also balance the tranquility of single-family neighborhoods with the need for more workforce housing within the County; and

WHEREAS, Ordinance No. 16-38 included a formula for a contribution payment in lieu of construction for developments of 20 units or fewer, which includes single family, duplex and triplex neighborhoods, and this formula was codified in section 33-193.9 of the Code; and

WHEREAS, pursuant to Resolution No. R-510-24, this Board requested the County Mayor or County's designee to study potential legislative changes to the County's Voluntary Workforce Housing Development Program, specifically including analyzing potential changes to the formula for contributions in lieu of construction of workforce housing; and

WHEREAS, this Board finds that an increase in the amount of contribution for a payment in lieu of construction is advisable; and

WHEREAS, while the report has not yet been issued, the proposed change to the formula in this ordinance was developed by County professional staff; and

WHEREAS, revising the contribution formula to more closely align with the cost of construction of workforce housing units that developers are contributing towards is in the best interest of the County and, accordingly, this Board wishes to amend to the Code to provide for such an increase,

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

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Section 33-193.9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 33-193.9. - Monetary contribution in lieu of construction of WHUs.

(A) WHU developments of fewer than 20 residential units seeking to utilize the density or intensity bonus available pursuant to this article shall pay an amount as follows:

(Total number of units in the development × contribution-in-lieu fee)/[[~~20~~]]>>10<< = Total contribution

(B) Developments for which a monetary contribution has been approved in accordance with Section 33-193.8 and developments required to contribute pursuant to Section 33-193.7 shall pay an amount as follows:

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[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.

Number of WHU units × contribution-in-lieu fee = Total contribution

(C) The WHU contribution-in-lieu fee shall be [[~~shall be~~]] calculated as follows:

(1) *Standard formula*. The standard formula shall be:
Countywide median sales price within the UDB (for a single-family or multi-family residential unit, as applicable) − Affordable purchase price for a family of 4 at 60 percent of median family income for the County = Contribution-in-lieu fee per WHU.

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Section 3. 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 4. 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 5. 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 19, 2025

Approved by County Attorney as to form and legal sufficiency: GBK

Prepared by: JEM

Lauren E. Morse

Prime Sponsor: Commissioner Kevin M. Cabrera