

ORDINANCE No. 2007-08-114

AN ORDINANCE OF THE CITY OF MIAMI GARDENS, FLORIDA CREATING AN AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR MEMBERSHIP; PROVIDING FOR PUBLIC MEETINGS; PROVIDING FOR TERMS; PROVIDING FOR REMOVAL; PROVIDING FOR MEMBERSHIP REQUIREMENTS; PROVIDING FOR REPORTING REQUIREMENTS; PROVIDING FOR POWERS AND DUTIES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida enacted the State Housing Initiatives Partnership Act ("SHIP"), which was incorporated into Chapter 420, Florida Statutes, and

WHEREAS, SHIP permits the allocation of a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing, and

WHEREAS, in order to be eligible for SHIP funds, a Local Housing Assistance Plan as defined in Florida Statute 420.9071(14) must be implemented and approved by resolution, and

WHEREAS, an Affordable Housing Advisory Committee must be created to review and recommend affordable housing incentives, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby

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made a specific part of this Ordinance.

SECTION 2. CREATION: In accordance with Section 420.9076, Florida Statutes, there is hereby created an Affordable Housing Advisory Committee ("Committee") in the City of Miami Gardens, and

SECTION 3. MEMBERSHIP/APPOINTMENT: The Committee shall be comprised of nine (9) members, appointed by the Mayor and City Council. All Committee members shall be appointed by separate resolution. The Committee must include:

- (a) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (b) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (c) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (d) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (e) One citizen who is actively engaged as a for-profit provider of affordable housing.
- (f) One citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (g) One citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (h) Two residents of the City who have an interest in affordable housing.

If the City due to the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these industries in connection with affordable housing, a citizen engaged

in these industries without regard to affordable housing may be appointed.

SECTION 4. PUBLIC MEETINGS/ADVERTISEMENTS: All meetings of the Advisory Committee shall be public meetings, and all Committee records are public records. Notice of the time, date, and place of the public hearing of the Advisory Committee to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation in the County. Such notice must contain a short and concise summary of the local housing incentives strategies recommendations to be considered by the Advisory Committee. The notice must state the public place where interested persons can obtain a copy of the Advisory Committee recommendations.

SECTION 5. TERM: The terms of office for all Committee members shall commence upon appointment. All members shall serve for a period of one year or until approval of the Affordable Housing Incentive Plan by the City, whichever is shorter.

SECTION 6. REMOVAL: The City Council shall have the continuing right to remove members appointed and to appoint another member as often as the City Council shall deem appropriate in order to facilitate the business of the Committee.

SECTION 7. COMPENSATION/EXPENSES: Each member of the Committee shall serve without salary or compensation.

SECTION 8. DISCLOSURES: Each applicant for appointment to the Committee shall, as a prerequisite to consideration, file an application on a form to be provided by the City Clerk, present a Voter's Registration Card and State of Florida Driver's License or current State of Florida Identification Card.

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SECTION 9. ELECTION OF OFFICERS: As soon as practicable, after the first appointment of Committee members, and on an annual basis thereafter, Committee members shall meet and elect three (3) of their members, one (1) to serve as Chairperson, one (1) to serve as Vice-Chairperson, and one (1) to serve as Secretary. The Vice-Chairperson shall chair meetings in the absence of the Chairperson.

SECTION 10. BYLAWS, RULES AND REGULATIONS: Robert's Rules of Order shall govern the Committee.

SECTION 11. MEETINGS: At the first regular meeting, the Committee shall establish a meeting schedule. The City Clerk shall be informed of all meeting dates. The Committee shall hold public meetings in which it reviews the established policies and procedures, ordinances, land development regulations and the City of Miami Gardens Comprehensive Plan.

SECTION 12. QUORUM: The presence of five (5) or more Committee members shall constitute a quorum. All approvals of the Committee shall require a majority vote.

SECTION 13. REPORTING: Within eight (8) months from the adoption of this Ordinance, the Committee shall submit recommendations to the City Council. The Committee shall advise and make recommendations to the City Council by written memoranda. At the meeting of the City Council where the recommendations of the Committee are to be discussed and/or acted upon, the members of the Committee shall appear for the purpose of presenting the Committee's recommendation to the City Council.

SECTION 14. POWERS AND DUTIES: The Committee shall review the established policies and procedures, ordinances, land development regulations, and adopted Comprehensive Plan of the City and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. Such recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions. At a minimum, the Advisory Committee shall make recommendations on affordable housing incentives in the following areas:

- (a) The processing of approvals of development orders or permits, as defined in Section 163.3164(7) and (8), Florida Statutes, for affordable housing projects is expedited to a greater degree than other projects.
- (b) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.
- (c) The allowance of increased density levels for affordable housing.
- (d) The reservation of infrastructure capacity for housing for very-low-income persons and low-income persons.
- (e) The allowance of affordable accessory residential units in residential zoning districts.
- (f) The reduction of parking and setback requirements for affordable housing.
- (g) The allowance of zero-lot-line configurations for affordable housing.
- (h) The modification of street requirements for affordable housing.
- (i) The establishment of a process by which the City considers, before adoption, policies, procedures, ordinances, regulations, or plan

provisions that increase the cost of housing.

- (j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (k) The Advisory Committee recommendations must also include other affordable housing incentives identified by the Advisory Committee.

SECTION 15. AMENDMENTS TO LOCAL HOUSING ASSISTANCE

PLAN: Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction. The amendment must include, at a minimum, the local housing incentive strategies specified in paragraphs (14)(a)-(j).

SECTION 17. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 18. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 19. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance"

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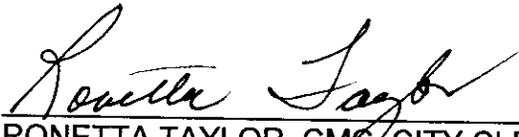
may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

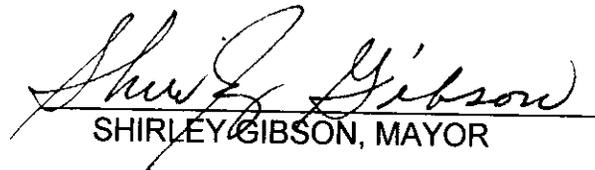
SECTION 20. EFFECTIVE DATE: This Ordinance shall become effective thirty (30) days after its passage.

PASSED ON FIRST READING IN FULL ON THE 14<sup>th</sup> DAY OF MARCH, 2007

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 11<sup>TH</sup> DAY OF APRIL, 2007.

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK  
Prepared by SONJA K. DICKENS, ESQ.  
City Attorney

  
SHIRLEY GIBSON, MAYOR

SPONSORED BY: Danny Crew, City Manager

MOVED BY: Vice Mayor Braynon

SECONDED BY: Councilwoman Watson

**VOTE: 6-0**

Mayor Shirley Gibson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Vice Mayor Oscar Braynon, II	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman Melvin L. Bratton	<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Not present
Councilman Aaron Campbell	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilman Andre' Williams	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilwoman Sharon Pritchett	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
Councilwoman Barbara Watson	<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	

# City of Miami Gardens

1515-200 NW 167<sup>th</sup> Street  
Miami Gardens, Florida 33169



Mayor Shirley Gibson  
Vice Mayor Oscar Braynon II  
Councilman Melvin L. Bratton  
Councilman Aaron Campbell  
Councilwoman Sharon Pritchett  
Councilwoman Barbara Watson  
Councilman Andre Williams

## MEMORANDUM

To: The Honorable Mayor and City Council  
From: Dr. Danny O. Crew, City Manager  
Thru: Daniel Rosemond, Community Development Director  
Date: April 11, 2007  
Re: State Housing Initiative Partnership (SHIP) Funds

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Upon being awarded a federal allocation from U.S. Department of Housing and Urban Development, the City of Miami Gardens became eligible to receive funding from the Florida Housing Finance Corporation in the form of State Housing Initiative Partnership *SHIP* Funds. The process requires:

- An ordinance establishing a Local Housing Assistance trust fund and providing that the City will adopt a Local Housing Assistance Plan for which the City of Miami Gardens, Department of Community Development will be responsible for administering.
- An ordinance establishing an Affordable Housing Advisory Committee
- A resolution accepting the Local Housing Assistance Plan (LHAP).
- A resolution appointing the Housing Advisory Committee members.
- A resolution accepting the specified amount of funding for 2007-2008.

Adoption of these first two ordinances is the first steps in fulfilling the State's requirement for allocation of these funds.

These first two ordinances were approved at the March 14, 2007 Council meeting. Upon adoption of these ordinances by Council on today's meeting, staff will also present the resolution accepting the LHAP on the agenda. The LHAP governs the use of the State funds through various initiatives targeted at generating and preserving affordable housing. Like the federal allocation, these funds will be administered through our Department of Community Development. The allocation for 2007-08 is estimated at \$600,000.00.

**Recommendation:** It is recommended that the City Council adopt the ordinance (on 2<sup>nd</sup> reading) establishing the Local Housing Assistance trust fund, providing that the City will adopt a Local Housing Assistance Plan to be administered by the City's Department of Community Development , and adopt the ordinance establishing the Affordable Housing Advisory Committee.