

RESOLUTION No. 2009-139-1084

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A RESOLUTION AMENDING THE CITY OF MIAMI GARDENS' 2007-2010 LOCAL HOUSING ASSISTANCE PLAN TO INCLUDE THE FLORIDA HOMEBUYER OPPORTUNITY PROGRAM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, City of Miami Gardens became eligible to receive funding from the Florida Housing Corporation in the form of State Housing Initiative Partnership ("SHIP") Funds, and

WHEREAS, on March 14, 2007, the City Council approved an Ordinance establishing the Affordable Housing Trust Fund and Affordable Housing Advisory Committee, and

WHEREAS, on April 11, 2007, the City Council approved the City's Local Housing Assistance Plan ("LHAP"), and

WHEREAS, on May 27, 2009, Governor Crist signed into law a new program to assist first time homebuyers called the Florida Homebuyer Opportunity Program ("FHOP"), and

WHEREAS, through this Program, qualified first time homebuyers will receive a tax credit of Eight Thousand Dollars (\$8,000.00) upon filing a federal tax return; however, in many cases the buyer needs the credit in order to assist with closing costs, and

WHEREAS, the intent of FHOP is for state and local governments to be able to provide a bridge loan of either Ten Percent (10%) of the purchase price with a

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maximum of Eight Thousand Dollars (\$8,000.00) to qualified buyers to assist them with the purchase of their homes, and

WHEREAS, these homebuyers will be required to repay these funds once they receive their tax refund, and

WHEREAS, the City of Miami Gardens anticipates receiving Fifty-One Thousand Dollars (\$51,000.00) from the FHOP of which only Ten Percent (10%) can be used for program administration, and

WHEREAS, it is necessary for the City to amend its LHAP in order to encompass the FHOP Program,

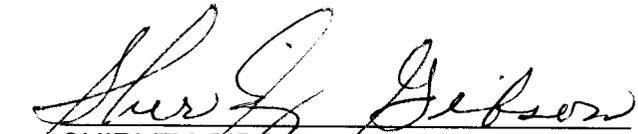
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the City Manager to take any and all steps necessary in order for the City to amend its Local Housing Assistance Plan to include the Florida Homebuyer Opportunity Program.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JULY 22, 2009.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.  
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson  
SECOND BY: Councilman Gilbert

**VOTE: 6-0**

|                               |                  |                       |
|-------------------------------|------------------|-----------------------|
| Mayor Shirley Gibson          | <u> X </u> (Yes) | ___ (No)              |
| Vice Mayor Barbara Watson     | <u> X </u> (Yes) | ___ (No)              |
| Councilman Melvin L. Bratton  | <u> X </u> (Yes) | ___ (No)              |
| Councilman Aaron Campbell     | <u> X </u> (Yes) | ___ (No)              |
| Councilman Andre' Williams    | <u> X </u> (Yes) | ___ (No)              |
| Councilwoman Sharon Pritchett | ___ (Yes)        | ___ (No)(not present) |
| Councilman Oliver Gilbert     | <u> X </u> (Yes) | ___ (No)              |



## City of Miami Gardens Agenda Cover Memo

|   |                                 |           |  |   |                  |                               |
|---|---------------------------------|-----------|--|---|------------------|-------------------------------|
| <b>Council Meeting Date:</b><br><i>(Enter X in box)</i>   | <i>July 22, 2009</i>            |           | <b>Item Type:</b><br><i>(Enter X in box)</i>               | <b>Resolution</b>                                 | <b>Ordinance</b> | <b>Other</b>                  |
|   |                                 |           |  | X   |                  |                               |
| <b>Fiscal Impact:</b><br><i>(Enter X in box)</i>          | <b>Yes</b>                      | <b>No</b> | <b>Ordinance Reading:</b><br><i>(Enter X in box)</i>       | <b>1<sup>st</sup> Reading</b>                     |                  | <b>2<sup>nd</sup> Reading</b> |
|   |                                 | X         |  | <b>Public Hearing:</b><br><i>(Enter X in box)</i> | <b>Yes</b>       | <b>No</b>                     |
| <b>Funding Source:</b>                                    | N/A                             |           | <b>Advertising Requirement:</b><br><i>(Enter X in box)</i> | <b>Yes</b>  |                  | <b>No</b>                     |
|   |                                 |           |  | X   |                  |                               |
| <b>Contract/P.O. Required:</b><br><i>(Enter X in box)</i> | <b>Yes</b>                      | <b>No</b> | <b>RFP/RFQ/Bid #:</b>                                      | <i>(Enter #)</i>                                  |                  |                               |
|   |                                 | X         |  |   |                  |                               |
| <b>Sponsor Name</b>                                       | <b>Danny Crew, City Manager</b> |           | <b>Department:</b>   | <b>Community Development</b>                      |                  |                               |

### Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A RESOLUTION AMENDING THE CITY OF MIAMI GARDENS' 2007-2010 LOCAL HOUSING ASSISTANCE PLAN TO INCLUDE THE FLORIDA HOMEBUYER OPPORTUNITY PROGRAM; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

### Staff Summary:

#### Background

Upon being awarded a federal allocation from U.S. HUD, 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. On March 14, 2007, the City Council approved an ordinance for the establishment of the Affordable Housing Trust Fund and an Affordable Housing Advisory Committee and subsequently on April 11, 2007 approved a resolution adopting the Local Housing Assistance Plan (LHAP). This plan governs the use of the State funds through various initiatives targeted at generating and preserving affordable housing.

The City of Miami Gardens received its first SHIP funding allocation for the FY 2007-08 in the amount of \$613,090 and its second allocation for FY2008-09 of \$611,326.

### **Current Situation**

On May 27, 2009, the Governor signed into law a new program to assist first time homebuyers called Florida Homebuyer Opportunity Program (FHOP). Currently, qualified first time homebuyers who purchase a home before December 1, 2009 will receive a tax credit of \$8,000.00 upon filing their federal tax return. However in most cases, the buyer needs this money for the actual closing instead of waiting till year end. The intent of the FHOP is for state and local government agencies to provide a bridge loan of either 10% of the purchase price with a maximum of \$8,000.00 to qualified buyers to purchase their homes. The homebuyers will be required to repay these funds once they receive their tax refund. The loan will have a recapture provision; therefore repayment could extend throughout several years

During the State's budgeting process, no funding was appropriated for the long established SHIP Program for the FY 2009-2010. Instead, the State determined to allow Florida Housing Finance Corporation to administer the funds appropriated for the FHOP. Florida Housing will distribute these funds between the municipalities that previously received SHIP funds.

Therefore, instead of the City receiving its anticipated SHIP funding allocation, it will only receive approximately \$51,000 of funding for the Florida Homebuyer Opportunity Program, of which only 10% can be used for program administration.

In order to receive these funds, the City Council must amend its Local Housing Assistance Plan (2007-2010). City staff will develop Policies for the FHOP program and bring them to Council for their approval. The proposed policies will follow the guidelines provided by the State and include additional criteria as determined by staff.

### **Proposed Action:**

Staff recommends City Council approval of the proposed resolution amending the City of Miami Gardens (2007-2010) Local Housing Assistance Plan to include the Florida Homebuyer Opportunity Program (FHOP).

### **Attachment:**

Amended Local Housing Assistance Plan



**CITY OF MIAMI GARDENS**  
**SHIP LOCAL HOUSING ASSISTANCE PLAN**  
**(LHAP)**

**FISCAL YEARS COVERED**  
**2007/2008, 2008/2009, Amending 2009/2010**

## **Section I.**

### **PROGRAM DESCRIPTION**

#### **I. PROGRAM DESCRIPTION Chapter 67-37.005 F.A.C. and Section 420.9072, F.S.**

| City of Miami Gardens 2007-2010 SHIP Local Housing Assistance Plan Amendment

**A. Name of the participating local government and Interlocal if Applicable:**  
*Section 420.9072(5), F.S.*

*The City of Miami Gardens*

Interlocal: Yes  No

Name of participating local government(s) in the Interlocal Agreement;

*Not Applicable*

A copy of the Interlocal Agreement is attached as **Exhibit H.** (N/A)

**B. Purpose of the Program:** *Section 420.9072, F.S. and Chapter 67-37.005(3), F.A.C.*

Creation of the Plan is for the purpose of meeting the housing needs of the extremely low, very low, low and moderate income households, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing.

**C. Fiscal years covered by the Plan:** *Chapter 67-37.002, F.A.C.*

2007/2008  
 2008/2009  
 2009/2010

**D. Governance:** *Chapter 67-37.005(3) and (5)(i)F.A.C. and Section 420.9071(14)F.S.*

Cities and Counties must be in compliance with these statutes and rules. The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37.007 Florida Administrative Code. The SHIP Program does further the housing element of the City of Miami Gardens' Comprehensive Plan.

**E. Local Housing Partnership** *Section 420.9072(1)(a), F.S.*

The City of Miami Gardens' SHIP Program is building partnerships with lenders, builders and developers, real estate professionals, advocates for low-income persons and community groups. Such partnerships include community action agencies and housing counseling agencies.

**F. Essential Service Personnel** *Section 420.9075(3)(a), F.S.*

Defined as any person in need of affordable housing, who is a permanent employee of a company or organization located within the City of Miami Gardens and whose service is considered essential. Examples of this include teachers, community college and university employees, police and fire personnel, emergency service providers and health care providers.

**G. Affordable Housing:**

Housing which is offered for sale or has an existing property value below the City's State Housing Initiative Program (SHIP) maximum purchase price or value limits. The housing must be occupied by persons or families whose income does not exceed 120% of the area median income adjusted per household size.

**H. Leveraging:** *Chapter 67-37.007(1)(b)(c), F.A.C. and Subsection 420.9075(1)(a) and (1)(b3), and (1)(c), F.S.*

As a participating jurisdiction, the City of Miami Gardens receives CDBG funds from the U. S. Department of Housing and Urban Development. The City intends to use these funds to leverage SHIP funds thereby reducing the cost of housing.

In addition, the City plans to use SHIP funds for developers to use as local match to leverage additional CDBG or Local Housing Credits from Florida Housing Finance Corporation and participants may be eligible for County Wide and State Down Payment Assistance.

**I. Public Input:** *Chapter 67-37.005(3), F.A.C.*

Public input for the LHAP was solicited through face-to-face meetings with housing providers, social service providers, local lenders and neighborhood associations through Public hearings conducted. Two public hearings were held to gather public comment regarding housing needs.

The priorities derived from the public hearings were used to form the basis of the strategies for the plan. The hearings were noticed in a newspaper of general circulation that services ethnic and diverse neighborhoods within the City.

**J. Advertising and Outreach** *Chapter 67-37.005(6)(a), F.A.C.*

The county or eligible municipality or its administrative representative shall advertise the notice of funding availability in a newspaper of general circulation and periodicals

the funding serving ethnic and diverse neighborhoods, at least 30 days before the beginning of application period. If no funding is available due to a waiting list, no notice of availability is required.

**K. Discrimination** *Section 420.9075(3)(c), F.S.*

The City of Miami Gardens does not discriminate on the basis of race, creed, religion, color, age, sex, marital status, familial status, national origin, or handicap in the award application process for eligible housing.

**L. Support Services and Counseling** *Chapter 67-37.005(5)(g), F.A.C.*

Support services are available from various sources. Available support services may include but are not limited to:

- Homeownership Counseling (Pre and Post)
- Legal Services

**M. Purchase Price Limits:** *Section 420.9075(4)(c), F.S. and Chapter 67-37.007(6) F.A.C.*

The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units, which can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used by City of Miami Gardens is:

- Bond Study Numbers provided by Florida Housing Finance Corporation
- Independent Study (copy attached)
- U.S. Treasury Department

The purchase price limit for:

New and Existing Homes: **\$429,619.00**

**N. Income Limits, Rent Limits and Affordability:**

*Chapter 67-37.005(5)(e), F.A.C. and Section 420.9071(2), F.S.*

- The City of Miami Gardens will use Income Limits updated annually from the U.S. Department of Housing and Urban Development and distributed by Florida Housing Finance Corporation. The City will define and use the methodology of determining “Annual Income” as defined in 24 CFR Part 5 of the Federal Regulations.
- The City will apply the maximum rent levels as published by the Florida Housing Finance Corporation annually and will ensure that any housing provided through this initiative is affordable.
- Affordable in this category is defined as monthly rents or mortgage payments including taxes and insurance that do not exceed 30 percent (30%) of the maximum monthly income allowed for the applicant’s income category as indicated in Sections 420.9071 (19), (20) and (28), F.S. However, the City will not limit an individual household’s ability to devote more than 30% of its income for housing, if the first mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark. In relation to rental housing, the City will ensure that rents do not exceed the rental limits adjusted for bedroom size.

**O. Welfare Transition Program** *Chapter 67-37.005(6)(b)(7) F.A.C.*

Should an eligible sponsor be used, the City will develop a qualification system

and selection criteria for Award applications for eligible sponsors, which includes a description that demonstrates how eligible sponsors that employed personnel from the Welfare Transition and Workforce Development Initiatives programs will be given preference in the selection process.

**P. Monitoring and First Right of Refusal:** *Section 420.9075(3)(e) and (4) (f), F.S.*

In the case of rental housing, the staff or entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides the same monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant eligibility. However, any loan or grant in the original amount of \$3,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored for at least annually for 15 years or the term of assistance which ever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 15 years or that have remaining mortgages funded under this program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons.

**Q. Administrative Budget:** *Chapter 67-37.005(6)(f)3, F.A.C.*

A detailed listing including line-item budget of proposed Administrative Expenditures is attached as **Exhibit A**. These are presented on an annual basis for each State fiscal year submitted.

The City of Miami Gardens finds that the moneys deposited in the local housing assistance trust fund shall be used to administer and implement the local housing assistance plan. The cost of administering the plan may not exceed 5 percent of the local housing distribution moneys and program income deposited into the trust fund except a county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan. The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5% of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(17), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs.

The City of Miami Gardens has adopted the above findings in the attached resolution, **Exhibit E**.

## **Section II.**

# **HOUSING STRATEGIES**

## **II. LHAP HOUSING STRATEGIES: *Chapter 67-37.005(5), F.A.C.***

**1. Name of the Strategy: Housing Rehabilitation Program**

**Summary of the Strategy:**

The Housing Rehabilitation Program will provide rehabilitation assistance to very low, low and moderate income residents who live in single-family owner-occupied properties located within the corporate limits of the City of Miami Gardens. The City will provide deferred payment loan assistance to an eligible homeowner to complete needed repairs to meet the decent, safe and sanitary standard conditions.

**1.1. Fiscal Years Covered:**

The strategy identifies in this section will cover the following fiscal years:

2007/2008, 2008/2009, 2009/2010.

**1.2. Income Categories to be served:**

- Extremely Low Income (up to 30% of the MSAMI)
- Very Low Income (up to 50% of the MSAMI)
- Low Income (up to 80% of the MSAMI)
- Moderate Income (up to 120% of the MSAMI)

**1.3. Maximum award is noted on the Housing Delivery Goals Charts:**

Residents meeting the selection criteria will be awarded a maximum of \$35,000.

**1.4. Terms, Recapture and Default:**

Financial assistance under the SHIP Housing Rehabilitation Program will be provided to eligible homeowners in the form of a zero percent (0%) five (5) year deferred payment loan. There are no monthly payment requirements associated with this loan. There is no amortization on this loan. Repayment of the full principal balance of the loan is required if the property receiving the financial assistance is rented, leased or sold during the life of the loan. Otherwise the principal balance will be forgiven at maturity. Homeowners that qualify and receive assistance must execute a Mortgage and Note that will be recorded in the public records of Miami-Dade County for compliance with the recapture provisions for the program.

In the event of death of all eligible homeowner(s), this loan is assumable by the heirs to the property. In order for the original loan to be assumed, the heirs

- must comply with the loan's original terms and conditions
- must meet income eligibility requirements adjusted for household size, and
- must remain owner occupants of the property for the remaining term of the Mortgage and Note.

In the event the heir(s) do not qualify to assume the loan or they do not comply with the requirements for assuming the loan, the outstanding loan amount provided by the City of Miami Gardens must be paid in full.

#### **1.5. Recipient Selection Criteria:**

All recipients of assistance must meet the eligibility requirements as outlined below. Eligible housing includes single family homes, town houses, twin homes and condominiums only. Manufactured housing and mobile homes are not eligible for assistance under this program.

Applications will be processed on a first-ready first-served basis from all applicants meeting the selection criteria, subject to funding availability and in such a manner as to comply with the statutory requirements.

Other selection criteria will include the following:

- The property shall consist of an owner-occupied residential unit.
- Preference will be given to eligible handicapped/disabled and elderly (62 years or older) households and homeowners.
- The property must be located in the corporate city limits of the City of Miami Gardens.
- The market value of the home, as indicated by the Miami-Dade Property Appraiser, may not exceed the maximum sales price allowed under the SHIP Program.
- The property must require needed repairs to meet the decent, safe and sanitary standard conditions.
- The applicant may not be delinquent on property taxes or any debt owed to the City of Miami Gardens or Miami-Dade County.

**1.6. Sponsor Selection Criteria:**

The City of Miami Gardens intends to administer this program. However, if the need for a sponsor should arise, the City of Miami Gardens will use a Request for Proposals process in accordance with Chapter 67-37.005(6) b (7) of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

**2. Name of the Strategy: Emergency Rehabilitation Program**

**Summary of the Strategy:**

The Emergency Rehabilitation Program will provide emergency repair assistance to extremely low, very low, low and moderate income owner occupied single-family homes located within the corporate limits of the City of Miami Gardens. The City will provide deferred payment loan assistance to eligible homeowners to carry out limited repairs such as roofing, electrical and plumbing to immediately rectify life hazardous and potentially dangerous conditions that threaten the safety and health of the occupants of the home.

**2.1. Fiscal Years Covered:**

The strategy identified in this section will cover the following fiscal years:  
2007/2008, 2008/2009, 2009/2010

**2.2. Income Categories to be served:**

- Extremely Low Income (up to 30% of the MSAMI)
- Very Low Income (up to 50% of the MSAMI)
- Low Income (up to 80% of the MSAMI)

**2.3. Maximum award is noted on the Housing Delivery Goals Charts:**

The maximum award under this strategy will be \$15,000.

**2.4. Terms, Recapture and Default:**

Financial assistance under the SHIP Emergency Rehabilitation Program will be provided to eligible homeowners in the form of a zero percent (0%), five (5) year deferred payment loan. There are no monthly payment requirements associated with this loan. There is no amortization on this loan. Repayment of the full principal balance of the loan is required if the property receiving the financial assistance is rented, leased or sold during the life of the loan. Otherwise the principal balance will be forgiven at maturity. Homeowners that qualify and receive assistance must execute a Mortgage and Note that will be recorded in the

public records of Miami-Dade County for compliance with the recapture provisions for the program.

In the event of death of all eligible homeowner(s), the heirs to the property can assume the obligation based on the original terms and conditions provided to the homeowner as long as the heirs qualify based on income and household size, remain owner occupants of the property and do not sell or rent the property for the remaining term of the Mortgage and Note. An heir or prospective purchaser who does not qualify based on the provisions of this strategy will be required to repay the full loan amount as provided by the City of Miami Gardens.

#### **2.5. Recipient Selection Criteria:**

All recipients of assistance must meet the eligibility requirements as outlined below.

Eligible housing includes single family homes, town houses, twin homes and condominiums only. Manufactured housing and mobile homes are not eligible for assistance under this program.

Applications will be processed on a first-ready first-served basis from all applicants meeting the selection criteria, subject to funding availability and in such a manner as to comply with the statutory requirements.

Other selection criteria will include the following:

- The property shall consist of an owner-occupied residential unit.
- Preference will be given to eligible handicapped/disabled and elderly (62 years or older) households and homeowners.
- The property must be located in the corporate city limits of the City of Miami Gardens.
- The market value of the home, as indicated by the Miami-Dade Property Appraiser, may not exceed the maximum sales price allowed under the SHIP Program.
- The property must have condition that proves to be of a hazardous nature or potentially dangerous condition and that requires needed repairs such as roofing, electrical and plumbing to meet the decent, safe and sanitary standard.
- The applicant may not be delinquent on property taxes or on any debt owed to the City of Miami Gardens and Miami-Dade County.

**2.6. Sponsor Selection Criteria:**

The City of Miami Gardens intends to administer this program. However, if the need for a sponsor should arise, the City of Miami Gardens will use a Request for Proposals process in accordance with Chapter 67-37.005(6)(b)7 of the Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

**3. Name of the Strategy: Save Our Homes Program**

**Summary of the Strategy:**

The City of Miami Gardens through the Save Our Homes Program will afford existing eligible Miami Gardens' homeowners with assistance to reinstate their defaulted mortgage and prevent foreclosure of their home caused by circumstances beyond their control such as job loss, loss of spousal support, personal injury and/or unexpected emergency expenses. These residents must be able to prove that they are able to continue payments once provided with assistance to recover from the current situation.

**3.1. Fiscal Years Covered:**

The strategy identified in this section will cover the following fiscal years: 2007/2008, 2008/2009, 2009/2010.

**3.2. Income Categories to be served:**

- Extremely Low Income (up to 30% of the MSAMI)
- Very Low Income (up to 50% of the MSAMI)
- Low Income (up to 80% of the MSAMI)
- Moderate Income (up to 120% of the MSAMI)

**3.3. Maximum award as noted on the Housing Delivery Goals Chart:**

Residents meeting eligibility will be awarded a maximum amount of \$5,000.00 to be used towards past due mortgage payments, past due maintenance payments, late charges, foreclosure fees, collection fees and/or special assessments.

**3.4. Terms, Recapture and Default:**

Assistance will be provided in the form of a zero-interest non-repayable loan. If

the homeowner continues occupying the residence and ownership of the property does not change, the loan will be forgiven upon the anniversary of the fifth year.

**3.5. Recipient Selection Criteria:**

All recipients of assistance must meet the eligibility requirements as outlined below. Eligible housing includes single family homes, town houses, twin homes and condominiums only. Manufactured housing and mobile homes are not eligible for assistance under this program.

Applications will be processed on a first-ready first-served basis from all applicants meeting the selection criteria, subject to funding availability and in such a manner as to comply with the statutory requirements.

Other selection criteria will include the following:

- The property shall consist of an owner-occupied residential unit.
- Preference will be given to eligible handicapped/disabled and elderly (62 years or older) households and homeowners.
- The property must be located in the corporate city limits of the City of Miami Gardens.
- The market value of the home, as indicated by the Miami-Dade Property Appraiser, may not exceed the maximum sales price allowed under the SHIP Program.
- The mortgage account must be delinquent for atleast a period of 30 days.
- Eligible recipients must have verifiable income in order to continue making mortgage payments and other living expenses after assistance is provided.
- Applicant must contribute 25% of their own funds towards the amount necessary to reinstate the mortgage account.
- The property taxes must be current and the homeowner cannot have any debt owed to the City of Miami Gardens or Miami-Dade County.

**3.6. Sponsor Selection Criteria:**

The City of Miami Gardens intends to administer this program. However, if the need for a sponsor should arise, the City of Miami Gardens will use a Request for

Proposals process in accordance with Chapter 67-37.005(6)b(7) Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

**4. Name of the Strategy: Homeownership Assistance Program**

**Summary of the Strategy:**

The City of Miami Gardens through the Homeownership Assistance Program will provide down payment and closing cost assistance to eligible persons and households who are first time homebuyers, defined as persons not owning a home within the last 3 years, to purchase a newly constructed or existing residential property within the City of Miami Gardens. The strategy will be available to assist extremely low, very low, low and moderate income residents to purchase a single family home, town home, twin home or condominium.

**4.1. Fiscal Years Covered:**

The strategy identified in this section will cover the following fiscal years:  
2007/2008, 2008/2009, 2009/2010.

**4.2. Income Categories to be served:**

- Extremely Low Income (up to 30% of the MSAMI)
- Very Low Income (up to 50% of the MSAMI)
- Low Income (up to 80% of the MSAMI)
- Moderate Income (up to 120% of the MSAMI)

**4.3. Maximum award as noted on the Housing Delivery Goals Charts:**

Residents meeting the selection criteria will be awarded a maximum amount of \$20,000 to be used towards down payment and closing costs.

**4.4. Terms, Recapture and Default:**

Financial assistance to be provided under the Homeownership Assistance Program will be provided to eligible homeowners in the form of a zero percent, thirty (30) year loan. The amount of assistance will be determined by the lender qualifying the applicant.

The initial \$10,000.00 will be provided in form of a 30 year, 0% interest loan with the payment due at maturity. If the homeowner has continued living in the

residence through maturity, the balance will be forgiven and the Note considered satisfied.

Any additional funding after the initial \$10,000.00 will be provided in form of a 30 year 0% repayable loan. There will be 360 equal monthly payments. Repayment of the full principal balance of the loan is required if the property receiving the financial assistance is rented, transferred or sold during the life of the loan.

Homeowners that qualify and receive assistance must execute a Mortgage and Note that will be recorded in the public records of Miami-Dade County for compliance with the recapture provisions for the program.

In the case of sale or transfer of the unit, the City will be repaid by the borrower as per the following schedule:

- 0 to 3 years – 100% of the City’s assistance and the pro rata share of the shared appreciation (gain).
- 3 to 30 years – On the 3<sup>rd</sup> year, 100% of the City’s assistance and 85% of the City’s pro rata share of the shared appreciation, and the borrower receives 15%. Thereafter, the borrower receives additional 5% of the City’s pro rata share annually, reducing the City’s share by the same percentage

The above appreciation sharing proposal will terminate in foreclosure; however, the city will require lenders to provide us a right of first refusal to purchase the loan at a negotiated price.

In the event of death of all eligible homeowner(s), the heirs to the property can assume the obligation based on the original terms and conditions provided to the homeowner as long as the heirs qualify based on the original terms and conditions provided to the homeowner as long as the heirs qualify based on age, income and household size, remain owner occupants of the property and do not sell or rent the property for the remaining term of the mortgage and note. An heir or prospective purchaser who does not qualify based on the provisions of this strategy will be required to repay the balance of the outstanding loan amount provided by the City of Miami Gardens.

**4.5. Recipient Selection Criteria:**

Applications will be processed from an established waiting list on a first-come, first- ready, first-serve basis from applicants meeting the selection criteria, subject to funding availability and in such a manner as to comply with the statutory requirements.

Other selection criteria will include the following:

- The property must be located in the corporate city limits of the City of Miami Gardens.
- The purchase price of the home may not exceed the maximum sales price allowed under the SHIP Program.
- The property must meet safe and sanitary standard conditions at closing or funds must be held in escrow to bring it to safe and sanitary standards after the closing.
- The applicant may not be delinquent on any debt owed to the City of Miami Gardens or Miami-Dade County.
- Applicants purchasing Manufactured or Mobile homes are not eligible for funding under this strategy.

**4.6. Sponsor Selection Criteria:**

The City of Miami Gardens intends to administer this program. However, if the need for a sponsor should arise, the City of Miami Gardens will use a Request for Proposals process in accordance with Chapter 67-37.005(6)b(7) Florida Administrative Code to select an eligible sponsor. Eligible persons, sponsors or other recipients of assistance under this program will be required to contractually commit and comply with all SHIP Program requirements.

**5. Name of the Strategy: Florida Homebuyer Opportunity Program**

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**Summary of the Strategy:**

This strategy is designed in response to the legislative proviso requiring SHIP local governments to expend 2009-2010 funds to ensure that residents of the state derive the maximum possible economic benefit from the federal first time homebuyer tax credit created through the American Recovery and Reinvestment Act of 2009 by providing subordinate down payment assistance loans to first time homebuyers for owner occupied primary residences that can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The state program shall be call the "Florida Homebuyer Opportunity Program."

**5.1. Fiscal Years Covered:**

The strategy identified in this section will cover 2009/2010 until expiration of the

Florida Homebuyer Opportunity Program Tax Credit.

**5.2. Income Categories to be served:**

- Up to \$75,000 for single taxpayers
- Up to \$150,000 for joint filers

There is no requirement to reserve 30 percent of the funds for awards to very-low-income persons or 30 percent of funds for awards to low-income persons; and there is no requirement to expend 75% of funds for construction, rehabilitation or emergency repair.

**5.3. Maximum Award:**

The principal balance of the loans provided shall not exceed 10% of the purchase price or \$8,000 whichever is less.

**5.4. Terms, Recapture and Default:**

- The City of Miami Gardens will provide the award in form of a deferred payment loan, accruing interest at an annual rate of six percent (6%) from the closing date of the loan.
- The loan will be secured by a Subordinate Mortgage Lien recorded on the home being purchased.
- If repayment is made by the homebuyer within 18 months after the closing date of the loan, all interest charges will be waived and the City will satisfy the Mortgage Lien.
- If repayment is not received within the 18 months, the balance due will continue to accrue interest at an annual rate of six percent (6%).
- Upon month 36, the homebuyer will be considered in default and will be required to make regular monthly payments towards the balance due.
- The payments will consist of principal and interest and will be based on a 60 month amortization schedule.
- All funds repaid to the City of Miami Gardens shall be considered "program income" as defined in s. 420.9071(24).

**5.5. Recipient Selection Criteria:**

Recipients must meet the requirements of the following: The maximum income limit shall be the Adjusted Gross Income of \$75,000 for single taxpayer households or \$150,000 for joint filing taxpayer households which is equal to that permitted by the American Recovery and Reinvestments Act of 2009.

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### **Section III.**

## **INCENTIVE STRATEGIES**

### III. LHAP INCENTIVE STRATEGIES *Section 420.9071(16), F.S.*

1. **Expedited Permitting Process**

The processing of approvals for Development Orders or Permits as defined in s. 163.3164(7) and (8) for affordable housing projects are expedited to a greater degree than other projects.

Established Policy and Procedures:

The City of Miami Gardens has implemented a process that will eliminate any delay in the review of affordable housing development projects permit applications. These applications will be prioritized from other type of project applications in order to ensure expediting the projects.

2. **Development Impact Fee Waiver / Exemption**

The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Established Policy and Procedures

Housing projects will receive a waiver or reduction of impact fees when developing affordable housing units. For the developer to secure the waiver or reduction of the impact fees, the Department of Community Development must be able to certify that the proposed housing project/unit(s) are affordable to either very-low, low and median income families and individuals. Such waivers or reductions must be approved by the City Council.

3. **Density Bonus**

The allowance of increase density levels for affordable housing.

Established Policy and Procedures

Affordable housing residential and planned development projects may receive a density bonus based on an analysis of affordability, site characteristics and proposed project specifics. This analysis will be conducted in coordination with the Department of Community Development and the Department of Planning and Zoning.

4. **Infrastructure Capacity**

The reservation of infrastructure capacity for housing for very-low-income persons and low-income persons.

Established Policy and Procedures

The City of Miami Gardens has a Concurrency Management System that tracks potable water, sanitary sewer, solid waste, traffic, and park and drainage capacities. This System will ensure that there is always infrastructure capacity available for affordable housing projects.

5. **Accessory Single Family Dwelling Units**

The allowance of affordable accessory residential units in the residential zoning districts.

Established Policy and Procedures

The construction of an accessory dwelling unit on a residentially zoned lot is permitted subject to the provisions established by the City of Miami Gardens Land Development Regulations. This makes available inexpensive dwelling units to meet the needs of elderly and single very-low and low income individuals.

6. **Reduction of Parking and Setback Requirements**

The reduction of parking and setback requirements for affordable housing.

Established Policy and Procedures

Affordable housing projects are afforded an opportunity to receive a reduction in parking and setback requirements by the City of Miami Gardens. Requests for reduction of parking and setback requirements in relation to the development of affordable housing must be developed following the standards established in the Land Development Regulations.

7. **Zero-Lot-Line and Street Requirement Allowance**

The allowance of zero-lot-line configurations for affordable housing.

Established Policy and Procedures

The City of Miami Gardens has in its Land Development Regulations a plan for zero-lot-line development and allowances toward street requirements for affordable housing projects. The proposed project applications are reviewed by the Department of Planning and Zoning. The Department of Community Development will be responsible for certifying the extent to which the project is affordable.

8. **Ongoing Review Process**

The establishment of a process by which local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Established Policy and Procedures

The City of Miami Gardens has adopted policies which state that any regulation being proposed that could potentially increase the estimated housing cost per unit, will be reviewed by the Department of Planning and Zoning and the Department of Code Enforcement. These groups will consider the effect of the proposed activity and its effects on the cost of housing prior to their recommendation to the City Council. City Council will consider the financial impact before making its decision on adopting the proposed regulation.

9. **Surplus City Owned Land Inventory**

The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

Established Policy and Procedure

The City of Miami Gardens Department of Community Development will maintain an inventory of all surplus City-owned land and foreclosed properties that could be used for affordable housing. The City will make this list available to all for-profit and not-for-profit affordable housing developers.

10. **Affordable Housing Advisory Committee**

The City of Miami Gardens has established an Affordable Housing Advisory Committee to review its housing policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government. They will be asked to recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The composition of this committee will be in accordance with the F.S. 420.9072 and appointed by the City's Council Members, the committee members and their terms will be adopted by way of Resolution.

If the City is unable to appoint a citizen actively engaged in these activities in connection with affordable housing either because of the presence of a conflict of interest by prospective appointees, or any other reasonable factor, the City will appoint a citizen engaged in the activity without regard to affordable housing, as allowed by statute.

## EXHIBITS:

- A. **Administrative Budget for each fiscal year covered in the Plan. Exhibit A.**
- B. **Timeline for Encumbrance and Expenditure:** *Chapter 67-37.005(6)(d) and (f) F.A.C.*  
A separate timeline for each fiscal year covered in this plan is attached as **Exhibit B.** Program funds will be encumbered by June 30<sup>th</sup>, one year following the end of the applicable state fiscal year. Program funds will be fully expended within 24 months of the end of the applicable State fiscal year.
- C. **Housing Delivery Goals Chart (HDGC) For Each Fiscal Year Covered in the Plan:** *Chapter 67-37.005, F.A.C.*  
Completed HDGC for each fiscal year is attached as **Exhibit C.**
- D. **Certification Page:** *Chapter 67-37.005(7), F.A.C.*  
Signed Certification is attached as **Exhibit D.**
- E. **Adopting Resolution:** *Section 420.9072(2)(b)2, F.S.*  
Original signed, dated, witnessed or attested adopting resolution is attached as **Exhibit E.**
- F. **Program Information Sheet:**  
Completed program information sheet is attached as **Exhibit F.**
- G. **Ordinance:** *Section 420.9072(3)(a), F.S.* **Exhibit G.**
- H. **Ordinance:** *Section 420.9076 F.S.* **Exhibit H.**
- I. **Interlocal Agreement:** *Section 420.9072, F.S.* **N/A**