

RESOLUTION No. 2009-220-1166

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A PROPOSED AMENDMENT TO SECTION 12 OF THE HOUSING PROGRAM AND POLICIES TO INCLUDE A DEFINITION FOR *PERMANENT HOUSING*; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 13, 2006, the City Council approved the City of Miami Gardens Housing Program Policies, and

WHEREAS, these policies are used by the Department of Community Development in order to establish and administer various housing programs, and

WHEREAS, City Council amended the City's Housing Program Policies on July 22, 2009, and

WHEREAS, Staff is recommending that the City Council define the term *permanent housing* in order for the City to be eligible for certain current and future programs, and

WHEREAS, Staff is requesting that the definition of *permanent housing* be as follows:

Housing that is safe, decent, and sanitary and meets any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located and is occupied for a period of 12 months or more.

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.

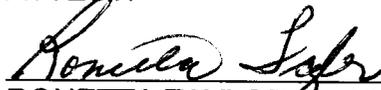
Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes a proposed amendment to Section 12 of the Housing Program and Policies to include a definition for Permanent Housing.

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 DECEMBER 9, 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 Gilbert
SECOND BY: Councilwoman Watson

VOTE: 7-0

Mayor Shirley Gibson	<u>X</u> (Yes)	___ (No)
Vice Mayor Oliver Gilbert, III	<u>X</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	___ (No)
Councilman Aaron Campbell	<u>X</u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u>X</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___ (No)
Councilman André Williams	<u>X</u> (Yes)	___ (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	December 9, 2009		Item Type: <small>(Enter X in box)</small>	Resolution X	Ordinance	Other	
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading	
		X		Public Hearing: <small>(Enter X in box)</small>	Yes	No	Yes
Funding Source:			Advertising Requirement: <small>(Enter X in box)</small>		Yes		No
						X	
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	RFP/RFQ/Bid #:	N/A			
		X					
Sponsor Name	Dr. Danny Crew, City Manager		Department:	Community Development			

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, APPROVING A PROPOSED AMENDMENT TO SECTION 12 OF THE HOUSING PROGRAM AND POLICIES TO INCLUDE A DEFINITION FOR PERMANENT HOUSING; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

On December 13, 2006, the City Council approved the City of Miami Gardens Housing Program Policies, which is used by the Department of Community Development to establish and administer various Housing Programs. Since that time, the City has received additional funding from various sources, requiring amendments to the City’s Housing Policies. Such amendments were reflected in the most recent version of the policies, approved by City Council on July 22, 2009.

As a reminder, the purposes of the Housing Program Policies are:

- To ensure the City’s compliance with the requirements of the various funding sources
- To achieve program effectiveness, including consistency and fiscal responsibility

Current Situation

In reviewing the current Housing Program Policies, City Staff has determined that a definition of *permanent housing* is needed in the document for both current and future programs. For the purposes

**ITEM J-9) CONSENT AGENDA
RESOLUTION
Amending Section 12 of the
Housing Program & Policies**

of the Neighborhood Stabilization Program specifically, the City is required to carry out activities to provide *permanent housing* for persons/families with incomes at or below 50% of the area median income. The activity in this category currently reflected in the City's NSP plan provides housing for individuals aging out of foster care..

Under the US Code of Federal Regulations 42 USC 11384, housing for a period of 24 months or less is considered transitional housing. Therefore, without the City adopting its own definition of *permanent housing*, the proposed activity would not be eligible.

City staff is recommending that Council adopt the following definition of *permanent housing*:

- Housing that is safe, decent, and sanitary and meets any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located and is occupied for a period of 12 months or more.

An amendment to Section 12 of the City's Housing Program Policies is required.

Proposed Action:

City Staff recommends that City Council approve the proposed amendment to Section 12 of the Housing Program Policies.

Attachment:

- Housing Program Policies Section 12

Definitions

Abandoned Property: a property where mortgage or tax foreclosure proceedings have been initiated, no mortgage or tax payment has been made by the property owner for at least 90 days, and the property has been vacant for at least 90 days.

Bid Analysis: a cost basis analysis per line item of all the bids submitted for a specific project and commonly used by Contractors to determine the accuracy of their costing methods.

Blighted Structure: a structure that exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety or public welfare. For NSP1 purposes, a blighted structure echoes the criteria for slum and blight found in Florida Statutes Chapter 163.340.

CDBG: Community Development Block Grant, funding provided from the U.S. Department of Housing and Urban Development.

Decent, Safe and Sanitary Housing: a dwelling unit or building meeting Federal Occupancy Standards as defined in 24 CFR 882.109 and CFR 882.405.

Default: the failure to make required payments on a financial loan secured by a mortgage debt.

Deferred Payment Loan: funds provided to a borrower under terms that calls for repayment to be delayed for a certain length of time, until certain circumstances change, or a certain threshold is met.

Directive: a formal notification used by the Department to advise participating contractors of any changes or updates the program policies and/or procedures.

Director: City of Miami Gardens Department of Community Development Director or his/her designee.

Dwelling Unit: An independent living unit containing, at a minimum, a bathroom, kitchen or kitchenette and a living area/bedroom.

Emergency Condition: A condition that represents an eminent physical danger to anyone in the household. Examples of an Emergency Condition may include, but is not limited to, a roof collapse or faulty electrical wiring providing a risk of fire.

Foreclosed Property: A property has been foreclosed upon at the point that, under state or local law, the mortgage or tax foreclosure has been complete. HUD generally will not consider a foreclosure to be complete until after the title for the property has been transferred from the former owner under some type of proceeding or transfer in lieu of foreclosure, in accordance with state or local law.

Foreclosure: the legal action by a mortgage holder to require repayment of a Loan through the sale of the subject property.

Forgivable Loan: A loan with no repayment obligation, provided program terms and requirements are met for the period of time specified.

Grant: An amount of assistance provided by the City requiring no repayment.

Hazardous Condition: A code violation that is an immediate, serious threat to the health and/or safety of the occupant(s) of a dwelling unit.

Household: Immediate members of a family living together who may be expected to contribute to the income of the household for a substantial period of the term of the loan. Household may also include unmarried adults living in the same unit as the applicant if they are expected to contribute to the income of the household for a substantial period of the term of the loan.

Income: The gross amounts received from all sources by every person residing in the dwelling including wages, pension, social security, interest, rent, dividends etc.

Income Limits: The maximum amounts that can be earned to qualify for a specific assistance category, based on family size (those actually living in the dwelling unit). Derived from a percentage of the median income for Miami as determined by the Department of Housing and Urban Development (See Appendix for current limits).

Investor-Owned: The title holder of a residential property who does not live at the property but owns it for investment purposes.

Loan: An advance of funds which must be repaid or may be forgiven, and is secured by a mortgage on the property.

Neighborhood Stabilization Program 1: Program created as a result of the Housing and Economic Recovery Act of 2008 (HERA) providing funding to units of local governments for emergency assistance for redevelopment of abandoned and foreclosed homes and residential properties, and provides under a rule of construction that, unless HERA states otherwise, the funds are to be considered Community Development Block Grant (CDBG) funds.

Owner-occupant: The title holder of a residential property which occupies the property as their primary residence and is eligible to file for homestead exemptions.

Permanent Housing: Housing that is safe, decent, and sanitary and meets any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located and is occupied for a period of 12 months or more.

Pro-Rata Share: Proportionately according the amount of funds invested by the City on a certain project.

Rehabilitation: Repairs or improvements which are needed for safe and sanitary habitation, correction of code violations or building violations.

Replacement Home: The demolition and rebuilding of a home identified as requiring repairs costing more than 50% of the estimated market value.

SHIP: State Housing Initiative Partnership, funding provided by the Florida Housing Finance Corporation

Single Family Dwelling: A property with one to four units, including town homes, twin homes and condominiums.

Subordination: when an existing second mortgage retains its junior position, allowing a new mortgage to be in first mortgage and is usually a result of a refinance. If it were not for the subordination, the second mortgage would automatically take first lien position.

Vacant: a property that is without occupant, with no occupant or contents.