

ORDINANCE NO. 2007 – 07-113

AN ORDINANCE OF THE CITY OF MIAMI GARDENS ENACTED IN ACCORDANCE WITH THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) ACT; PROVIDING FOR THE ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE TRUST FUND; PROVIDING FOR ADOPTION BY RESOLUTION OF A LOCAL HOUSING ASSISTANCE PLAN; PROVIDING FOR THE ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE PROGRAM; PROVIDING FOR THE CREATION OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR 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, SHIP requires that the City create a Local Housing Assistance Trust Fund to receive its share of the local housing distribution, and

WHEREAS, a Local Housing Assistance Plan as defined in Florida Statute 420.9071(14) is to be implemented and approved by resolution, and

WHEREAS, the City must also designate the responsibility of the administration and implementation of the Plan, and

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

WHEREAS, an Affordable Housing Incentive Plan must be reviewed and approved by Resolution approved by the City Council as recommended by the Affordable Housing Advisory Committee, 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 made a specific part of this Ordinance.

SECTION 2. COMPLIANCE WITH SECTIONS 420.907 THROUGH 420.9079: The City of Miami Gardens shall comply with the requirements of the State Housing Initiative Program (Sections 420.907 through 420.9079, Florida Statutes).

SECTION 3. ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE TRUST FUND:

a. The City of Miami Gardens hereby creates a Local Housing Assistance Trust Fund in accordance with Sections 420.9075(5) and 420.9072(3)(b)(1)(a) Florida Statutes ("Trust Fund"). All money received by the City from its share of the local housing distribution, program income, recaptured funds, and other funds received or budgeted to implement the Local Housing Assistance Plan shall be deposited into the Trust Fund. However, local housing distribution monies used to match federal HOME monies, may be repaid to the HOME Program if required by federal law or regulations.

b. Expenditures other than for the administration and implementation of the Local Housing Assistance Plan may not be made from the Trust Fund.

c. All monies deposited into the Trust Fund shall be used to administer and implement the Local Housing Assistance Plan. The cost of administering the Plan may not exceed 5% of the local housing distribution monies and program income deposited into the Trust Fund.

d. The City may not exceed the 5% limitation on administrative costs unless the City Council, by Resolution, finds that 5% of the local housing distribution plus 5% of the Program income is insufficient to adequately pay the necessary costs of administering the Local Housing Assistance Plan.

e. The City shall comply with all of the requirements of Section 420.9075 as it relates to funds deposited into the Local Housing Assistance Trust Fund.

SECTION 4. ADOPTION OF FUTURE RESOLUTIONS: It is understood, that the City Council of the City of Miami Gardens shall adopt by separate Resolution, a Local Housing Assistance Plan, as defined in Section 420.9071(14) Florida Statutes to be implemented through a Local Housing Partnership as defined in Section 420.9071(18) Florida Statutes.

SECTION 5. AFFORDABLE HOUSING ADVISORY COMMITTEE: The City shall also establish by separate Ordinance and/or Resolution, the creation of an Affordable Housing Advisory Committee as required by Section 420.9076 Florida Statutes.

SECTION 6. REPORTING: The City of Miami Gardens shall submit to the Florida Housing Finance Corporation by September 15th of each year, a report of its affordable housing programs and accomplishments through June 30th of the preceding year. All reports shall be in compliance with Section 420.9075(9).

SECTION 7. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 8. 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 9. 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" 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 10. EFFECTIVE DATE: In accordance with Section 420.9072(3)(b)(4), this Ordinance shall not become effective until 30 days after it is formally adopted by the City Council.

PASSED ON FIRST READING ON THE 14th DAY OF APRIL, 2007.

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


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Councilman Campbell
SECONDED BY: Councilwoman Watson

VOTE: 6-0

Mayor 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 André 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 167th 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

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 2nd 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.