

# MEMORANDUM

Agenda Item No. 7(D)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** April 8, 2014

(Second Reading 6-3-14)

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance establishing disabled  
housing set aside incentive for  
County Funded Rental Housing  
Projects and Homeownership  
Projects; creating Chapter 17,  
Article XI of the Code

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

  
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R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum



**Date:** June 3, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Ordinance establishing disabled housing set aside incentive for County Funded Rental Housing Projects and Homeownership Projects; creating Chapter 17, Article XI of the Code of Miami-Dade County

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The proposed ordinance creates Chapter 17, Article XI of the Code of Miami-Dade County establishing the Miami-Dade County Affordable Housing Set Aside Incentive for Disabled Households. Developers desirous of building more accessible units may be awarded extra points on applications; however, total funding will not be affected. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Russell Benford".

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Russell Benford  
Deputy Mayor

Fis6614



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 3, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(D)

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
- ☐ 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 \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) 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(D)  
6-3-14

ORDINANCE NO. \_\_\_\_\_

ORDINANCE ESTABLISHING DISABLED HOUSING SET  
ASIDE INCENTIVE FOR COUNTY FUNDED RENTAL  
HOUSING PROJECTS AND HOMEOWNERSHIP PROJECTS;  
CREATING CHAPTER 17, ARTICLE XI OF THE CODE OF  
MIAMI-DADE COUNTY; PROVIDING SEVERABILITY,  
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, in an October 2013 report, the National Council on Disabilities (“Council”), which is an independent federal agency charged with advising the President, Congress, and other federal agencies regarding policies, programs, practices, and procedures that affect persons with disabilities, concluded that housing options for approximately 20 percent of all Americans with disabilities is unavailable because of poverty, accessibility, and even safety; and

**WHEREAS**, the Council found that among 57 million Americans with disabilities, federal estimates indicate at least 500,000 are homeless including children, and perhaps 80 percent of them may be staying in homeless shelters or on the streets; and

**WHEREAS**, the Council also found that national data estimates indicate that about 35.1 million households (one-third of all households) include one or more persons with a disability; and

**WHEREAS**, the Miami-Dade Community Affordable Housing Strategies Alliance (“Alliance”) in their *Comprehensive Housing and Intervention Plan*, which was adopted by this Board pursuant to Resolution No. R-1053-13, found that the prevalence of disability among adults in Miami-Dade County is 20 percent of the population; and

**WHEREAS**, the Alliance, like the Council, identified a need for affordable housing for the disabled in Miami-Dade County; and

**WHEREAS**, poverty and low income are key barriers to rental and homeownership opportunities for persons with disabilities, especially those with severe disabilities; and

**WHEREAS**, additionally the lack of accessibility features, including but not limited lack of grab bars or handrails, accessible bathrooms, ramps, elevator or lifts, inaccessible interior path and doorways prevent hundreds of thousands of disabled persons from having full access to their homes; and

**WHEREAS**, the Alliance recommended that the County “identify deeper subsidies, reduce regulatory impediments and provide housing assistance, which will allow persons with special needs to maintain independent housing affordable on a fixed income and in a least restrictive community setting;” and

**WHEREAS**, the Board finds that through the County’s partnership with private affordable housing developers, the County can, through its Surtax, State Housing Initiatives Partnership (SHIP), Home Investment Partnerships Program (HOME), Community Development Block Grant (CDBG), and other affordable housing programs, increase the supply of affordable and accessible housing units for disabled households by creating incentives for these developers who receive such public funds,

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

**Section 1.** Chapter 17, Article XI of the Code of Miami-Dade County, Florida is hereby created to read as follows:

## ARTICLE XI.

### MIAMI-DADE COUNTY AFFORDABLE HOUSING SET ASIDE INCENTIVE FOR DISABLED HOUSEHOLDS

#### Sec. 17-155. Short title.

This article shall be known as the Miami-Dade County Affordable Housing Set Aside Incentive for Disabled Households.

#### Sec. 17-156. Legislative intent and purpose.

It is the intent of the Board of County Commissioners to establish an incentive for private developers of affordable housing, who compete for funding through the County's Surtax, State Housing Initiatives Partnership (SHIP), Home Investment Partnerships (HOME), Community Development Block Grant (CDBG), or other similar affordable housing programs, to increase the supply of affordable and accessible rental and homeownership units for disabled households.

#### Sec. 17-131. Definitions

- (1) *Disabled Household* means any moderate, low, very low (as these terms are defined in Section 420.9071 of the Florida Statutes) or extremely low income household (as this term is defined in 17-131 of the Code of Miami-Dade County) that has one or more persons who (a) have a physical impairment or mental impairment that substantially limits one or more major life; (b) have a record of such impairment; or (c) are regarded as having such an impairment in accordance with the Federal Fair Housing Act (42 U.S.C. § 3601 et seq., State of Florida Fair Housing Act (§ 760.20, et. seq.) and Chapter 11A of the Code of Miami-Dade County.
- (2) *Rental Housing Project or Homeownership Project* means a housing development that has been funded through the County's Surtax, State Housing Initiatives Partnership (SHIP), Home Investment Partnerships Program (HOME), Community Development Block Grant (CDBG), or other affordable housing program.
- (3) *Set aside unit* means a rental housing unit or homeownership unit which meets or exceeds the

accessibility requirements of the Fair Housing Act and other applicable laws and regulations and which is affordable to a Disabled Household. A set aside unit also includes those rental housing units or homeownership units which are rented or sold to a Disabled Household, which includes one or more persons with a mental impairment or other non-mobility disability.

**Sec. 17-157. Set-Aside Unit Requirement for Rental Housing and Homeownership Projects**

As part of any competitive process for the acquisition, construction or rehabilitation of Rental Housing Projects or Homeownership Projects, the County Mayor or the County Mayor's designee shall, as part of said competitive process, provide additional incentives, including but not limited awarding extra points, to those developers and applicants who propose up to five percent (5%) additional set aside units for Disabled Households beyond that which may be required by applicable Federal, state or local fair housing laws or other applicable laws.

**Sec. 17-159. Annual Reports.**

The County Mayor or the County Mayor's designee shall provide an annual report to the Board of County Commissioners on the total number of set aside units acquired, constructed or rehabilitated pursuant to this article.

**Section 2.** 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 3.** 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 4.** 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:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Terrence A. Smith

Prime Sponsor: Commissioner Barbara J. Jordan