

C7 I A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CHAIR OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO ACKNOWLEDGE RECEIPT OF THE 2024 ANNUAL INCENTIVES REVIEW AND RECOMMENDATIONS REPORT FROM THE AFFORDABLE HOUSING ADVISORY COMMITTEE; AND FURTHER AUTHORIZING THE ADMINISTRATION TO SUBMIT THE 2024 ANNUAL INCENTIVES REVIEW AND RECOMMENDATIONS REPORT TO THE FLORIDA HOUSING FINANCE CORPORATION.

Applicable Area:

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: October 30, 2024

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CHAIR OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO ACKNOWLEDGE RECEIPT OF THE 2024 ANNUAL INCENTIVES REVIEW AND RECOMMENDATIONS REPORT FROM THE AFFORDABLE HOUSING ADVISORY COMMITTEE; AND FURTHER AUTHORIZING THE ADMINISTRATION TO SUBMIT THE 2024 ANNUAL INCENTIVES REVIEW AND RECOMMENDATIONS REPORT TO THE FLORIDA HOUSING FINANCE CORPORATION.

RECOMMENDATION

The Administration recommends the Mayor and City Commission (City Commission) adopt the Resolution.

BACKGROUND/HISTORY

In 1992, the William E. Sadowski Affordable Housing Act established the State Housing Initiatives Partnership (SHIP) Program, administered by the Florida Housing Finance Corporation (FHFC). The SHIP Program provides funding for the rehabilitation of housing stock and homeownership opportunities for low and moderate-income households. In 1995, the City Commission approved Ordinance No. 95-2989, establishing the legal infrastructure enabling the City to receive SHIP Program funds derived from set-aside allocations from documentary stamp levies on real estate transactions.

In 2020, House Bill (H.B.) 1339 amended the reporting requirements and replaced the triennial report with an annual report that must be submitted to the FHFC by December 31. The report, which includes recommendations on housing incentives, is compiled in conjunction with the City's Affordable Housing Advisory Committee (AHAC or Committee) and approved by the Mayor and City Commission.

According to Section 58-151 of the City Code, within ninety (90) days after receipt of the affordable housing incentive recommendations report from AHAC, the City Commission shall adopt the affordable housing incentive plan. The final report will be submitted to the FHFC by the City Manager or the City Manager's designee.

ANALYSIS

Pursuant to Section 58-127 of the City Code of Ordinances, the AHAC currently consists of a minimum of nine (9) members, with up to no more than eleven (11) members. Additionally, the Committee must consist of one (1) locally elected official and one (1) representative from at least six (6) of the following categories:

- Citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- Citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- Citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- Citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- Citizen who is actively engaged as a for-profit provider of affordable housing.
- Citizen who is actively engaged as a not-for-profit provider of affordable housing.
- Citizen who is actively engaged as a real estate professional in connection with affordable housing.
- Citizen who actively serves on the local planning agency pursuant to §163.3174, Florida Statutes.
- Citizen who resides within the jurisdiction of the local governing body making the appointments.
- Citizen who represents employers within the jurisdiction.
- Citizen who represents essential services personnel, as defined in the local housing assistance plan.

Per Section 420.9076(5), Florida Statutes, the SHIP Program requires that: "The approval by the advisory committee of its local housing incentives strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the membership of the advisory committee taken at a public hearing."

Currently, the AHAC is comprised of six (6) active members with five (5) vacancies. Between January 2024 and October 2024, the AHAC held six (6) public meetings. A majority of the members of the AHAC approved the 2024 Annual Incentives Review and Recommendations Report (attached) during an advertised public hearing held on September 17, 2024. Although all AHAC meetings are noticed to the public, pursuant to Florida Statutes, this particular AHAC public hearing has specific notice requirements that are not required for other regular AHAC meetings. Additionally, a public comment period was observed from September 30, 2024 to October 30, 2024.

The 2024 Annual Incentives Review and Recommendations Report describes the AHAC's ongoing support of housing incentives pursuant to Section 420.9076(4), Florida Statutes. Although not all strategies, from the Committee's perspective, are applicable to Miami Beach, the AHAC was instrumental in supporting those strategies that incentivize the development of affordable housing within the jurisdiction.

SUPPORTING SURVEY DATA

The Mayor and City Commission identified the need for workforce and affordable housing as a key objective in the City's 2019 Strategic Plan Through the Lens of Resilience. The City's 2040 Comprehensive Plan prioritizes affordable housing, with the express goal "to encourage redevelopment that provides workforce and affordable housing" within the City.

FISCAL IMPACT STATEMENT

There is no fiscal impact.

Does this Ordinance require a Business Impact Estimate? (FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

Not Applicable.

CONCLUSION

The Administration recommends that the Mayor and City Commission of the City of Miami Beach, Florida, acknowledge receipt of the attached Annual Incentives Review and Recommendations Report submitted by the Affordable Housing Advisory Committee and approve its submission to the Florida Housing Finance Corporation.

Applicable Area

Citywide

Is this a “Residents Right to Know” item, pursuant to City Code Section 2-17?

No

Is this item related to a G.O. Bond Project?

No

Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481, includes a principal engaged in lobbying? No

If so, specify the name of lobbyist(s) and principal(s):

Department

Housing and Community Services

Sponsor(s)

Co-sponsor(s)

Condensed Title

Approve 2024 Annual Incentives Review and Recommendations Report from AHAC. HCS

City of Miami Beach
Affordable Housing Advisory Committee (AHAC) Recommendations
Annual Incentive Review and Recommendation Report
2024

I. Background

Following the 2020 session of the Florida Legislature, the Governor signed House Bill 1339 into law which, in pertinent part amended statutory requirements on SHIP annual reporting and the Affordable Housing Advisory Committees (AHAC). To ensure compliance with existing requirements in §420.9076(2), Florida Statutes, the Mayor and City Commission adopted Ordinance No, 2020-4355 on September 16, 2020, which amended the composition of the AHAC to include a member of the City Commission. The AHAC made several motions supporting the incentives in 2022, which were subsequently passed as Resolutions or Ordinances and increased their involvement in legislative action after the Ordinance was adopted. In 2022, an AHAC meeting was convened to discuss incentives and formulate the recommendations report on November 22, 2022. A public hearing for the Annual Report was held on November 22, 2022, and the City did not receive any recommendations.

Upon acceptance, and as directed by the City Commission, the AHAC's recommendations will be referred to the appropriate committees, departments, or staff for further discussion. Staff from the Office of Housing and Community Services, and AHAC Committee Members, will attend any discussion meetings as necessary to assist in answering questions and to inform the meeting attendees of the goal of amending the City's Local Housing Assistance Plan (LHAP) and/or the City Code, as may be applicable to the implementation of any of the recommended actions.

Committee Composition

The City / County Commission (re-appointed) appointed members to the Committee on January 20, 2022. Section 420.9076(2) of the Florida Statutes lists the categories from which committee members must be selected. There must be at least 9 committee members and no more than 11 committee members and specify their terms. Effective October 1, 2020, the committee must consist of one locally elected official from each county or municipality participating in the SHIP Program and one representative from at least 6 of the following categories:

1. One citizen actively engaged in the residential home building industry in connection with affordable housing;
2. One citizen actively engaged in the banking or mortgage banking industry in connection with affordable housing;

3. One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;
4. One citizen actively engaged as an advocate for low-income persons in connection with affordable housing;
5. One citizen actively engaged as a for-profit provider of affordable housing;
6. One citizen actively engaged as a not-for-profit provider of affordable housing;
7. One citizen actively engaged as a real estate professional in connection with affordable housing;
8. One citizen who actively serves on the local planning agency pursuant to Florida Statute §163.3174 (Planning Board member);
9. One citizen who resides within the jurisdiction of the local governing body making the appointments;
10. One citizen who represents employers within the jurisdiction; and
11. One citizen who represents essential services personnel, as defined in the local housing assistance plan.

The appointed AHAC Committee members are included here, along with their category affiliation.

| Name | Category Represented |
|----------------------------------|--|
| Kristen Rosen Gonzalez, Chair | Member of City Commission |
| 1 Nancy Gaggino | Citizen who is actively engaged in the residential home building industry in connection with affordable housing. |
| 2 Maria Paulsen | Citizen who is actively engaged in the banking or mortgage industry. |
| 3 VACANT | One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing. |
| 4 VACANT | One citizen actively engaged as an advocate for low-income persons in connection with affordable housing. |
| 5 VACANT | One citizen actively engaged as a for-profit provider of affordable housing. |
| 6 VACANT | One citizen actively engaged as a not-for-profit provider of affordable housing. |
| 7 Ines Flax | One citizen actively engaged as a real estate professional in connection with affordable housing. |
| 8 VACANT | One citizen who actively serves on the local planning agency pursuant to Florida Statute §163.3174 (Planning Board member). |

| | |
|-------------------------------|---|
| 9 Barbara Montero, Vice-Chair | One citizen who resides within the jurisdiction of the local governing body making the appointments. |
| 10 Mohammed Islam | One citizen who represents employers within the jurisdiction. |
| 11 VACANT | One citizen who represents essential services personnel, as defined in the local housing assistance plan. |

II. Public Hearing

Although all the meetings were public meetings, to further solicit public input on the AHAC's recommendations, the meeting for the Triennial Report review was held on September 17, 2024. This meeting notice was advertised in the City's regular weekly post of City meetings and the Miami Herald.

III. Statutory Recommendations:

The following represents the summary of the discussions and recommendations related to the incentives provided in Florida Statutes §420.9076(4).

a. Incentive: Expediting the processing of approvals of development orders or permits for affordable housing development projects to a greater degree than other projects. [[Florida Statutes §420.9076\(4\)\(a\)](#)]

Synopsis of Discussion/Background: In the past, The AHAC has recommended a measurement tool be developed for the Building Department to evaluate and report the average turnaround time for affordable housing project processing versus standard processing.

On October 2020, the AHAC made a motion supporting a City incentive to expedite the building permit process for affordable housing projects. The Mayor and City Commission approved Resolution No. 2021-31581 on February 10, 2021, to expedite Building permit review for affordable housing projects.

Current Recommendation: Reconfirm the City's commitment to this affordable housing development incentive.

b. Incentive: The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing. [[Florida Statutes §420.9076\(4\)\(b\)](#)]

Synopsis of Discussion/Background: This incentive was taken up by the 1996 AHAC, the 2008 AHAC, and the 2012 AHAC; each recommending that the City waive building permit fees. The recommendation has never been implemented by the City. The City Attorney's office opined that waiver of building permit fees are not allowable under law. In 2015, AHAC suggested a reduced-rate fee Schedule to ensure that affordable housing would be subject to the minimum fees available.

In September 2020, the AHAC made a motion supporting the ordinance change that will waive the training and technology fee for affordable and workforce housing projects. On October 2020, the AHAC made a motion supporting the following City incentives for affordable housing:

1. Expedite the building permit process.
2. Waive City land use board fees.
3. Waive City mobility fees.

The Mayor and City Commission approved Ordinance 2020-4361 on October 14, 2020, to waive training and technology fees for Affordable Housing units and Workforce Housing units.

The Mayor and City Commission adopted Ordinance 2021-4416 on May 12, 2021, to waive the application fee, per square foot fee, and per variance fee for the Design Review Board, Historic Preservation Board, and the Board of Adjustment for elderly and non-elderly affordable housing applications. The Ordinance also waives applicable concurrency and mobility fees for affordable housing projects.

On March 15, 2022, the AHAC made the motion to encourage staff to support the waiver of the sustainability fee for workforce housing. On September 28, 2022, the Mayor and City Commission adopted Ordinance 2022-4513, to provide various fee waivers including sustainability fees for affordable and workforce housing.

Current Recommendation: The AHAC continues to explore further methods of incentivizing development of affordable housing.

c. Incentive: The allowance of increased density levels/flexibility for affordable housing. [*Florida Statutes* [§420.9076\(4\)\(c\)](#)]

Synopsis of Discussion/Background: The 2008 AHAC recommended that the City consider amending its code to allow for an exception related to minimum and average size units for affordable housing, so that it mirrors the City Code of Ordinance's existing provisions for *elderly affordable housing* found in Section 142-1183. It was also recommended that an "economic hardship" allowance be included as one of the variance criteria for affordable housing development projects which come before the Board of Adjustment. The modification relating to

unit size was made via Ordinance No. 2011-3744, which was adopted October 19, 2011. The 2012 AHAC recommended that this incentive remain in place.

In September 14, 2022, the Mayor and City Commission approved 2022-32301, directing staff to study and identify policies and programs that would further the city's objective of incentivizing additional workforce and affordable housing.

On March 27, 2023, the Mayor and City Commission discussed an item related to the "Transfer of Development Rights".

Current Recommendation: Reconfirm the City's commitment to this affordable housing development incentive.

d. Incentive: The reservation of infrastructure capacity for housing for very-low-income persons and low-income persons. [*Florida Statutes* §420.9076(4)(d)]

Synopsis of Discussion/Background: This incentive was deemed inapplicable to Miami Beach.

Current Recommendation: There are no recommendations at this time.

e. Incentive: The allowance of affordable accessory residential units in residential zoning districts. [*Florida Statutes* §420.9076(4)(e)]

Synopsis of Discussion/Background: The City already allows accessory type units to be used as residences in the case of multi-family residential zones--for example, the conversion of stand-alone garages, in-law quarters, etc. These units can have their own utilities, addresses, etc. The allowance however does not extend into the single family zones and doing so would not produce any significant benefit to allow for such.

On January 2019, the AHAC passed a motion approving the legalization of accessory dwelling units to encourage workforce/affordable housing.

The Mayor and City Commission adopted Ordinance 2019-4304 on October 16, 2019, which amended City Code to allow for accessory and conditional uses as provided for in the land development regulations; provided that accessory dwelling units do not count towards maximum density limits; and provided for the development of accessory dwelling units in order to encourage the development of housing at an attainable rate.

Current Recommendation: There are no further recommendations at this time.

f. **Incentive:** The reduction of parking and setback requirements for affordable housing. [[Florida Statutes §420.9076\(4\)\(f\)](#)]

Synopsis of Discussion/Background: The 2008 AHAC recommended that the City Commission consider amending the Code to allow new construction of affordable housing to have 1.0 parking space for units 550 square feet or smaller instead of the current 1.5 spaces. The reduction of setback requirements was deemed inapplicable to Miami Beach and no recommendation was proffered. A parking modification to the code (applying to units of 800 square feet or less) was made via Ordinance No. 2011-3744, which was adopted October 19, 2011.

The Mayor and Commission adopted Ordinance No. 2017-4148 on October 18, 2017, to reduce parking requirements for newly constructed affordable housing developments and workforce housing developments.

The Mayor and Commission adopted Ordinance No. 2021-4451 on October 27, 2021, to reduce the fees associated with the removal of on-street parking spaces associated with affordable housing projects.

Current Recommendation: There are no further recommendations at this time.

g. **Incentive:** Flexible Lot Configurations - The allowance of zero-lot-line configurations for affordable housing. [[Florida Statutes §420.9076\(4\)\(g\)](#)]

Synopsis of Discussion/Background: This incentive was deemed inapplicable to Miami Beach. No recommendation was proffered.

Current Recommendation: There are no recommendations at this time.

h. **Incentive:** Modification of street requirements for affordable housing. [[Florida Statutes §420.9076\(4\)\(h\)](#)]

Synopsis of Discussion/Background: This incentive was deemed inapplicable to Miami Beach with its compact buildings with relatively small-scale sidewalks and streets. No recommendation was proffered.

Current Recommendation: There are no recommendations at this time.

i. **Incentive:** The establishment of a process by which a local government considers, before adoption, any policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing. [[Florida Statutes](#)

[§420.9076\(4\)\(i\)](#)

Synopsis of Discussion/Background: The 2015 AHAC continued the discussions of the 2008 and 2012 AHACs regarding this issue, and agreed with the recommendation that there should be a staff analysis of items coming before the Planning Board that should include an inquiry asking: “What impact will this have on the availability of affordable housing in Miami Beach?”

If staff analysis determines that the item may have an impact on an affordable housing project, this fact must be communicated to the Housing Director prior to the Planning Board meeting. The Director will timely provide an opinion to the board as to the depth of the impact and why they believe it’s in the best interest of the affordable housing goals of the City.

On October 25, 2022, The AHAC liaison provided a presentation to the Planning Board on the role of the AHAC and motions passed in support of incentives that create and preserve affordable and workforce housing.

Current Recommendation: The AHAC continues to review processes to reduce the cost of housing and staff continues to work collaboratively with the Planning Board to review ways to incentivize affordable and workforce housing.

j. Incentive: The preparation of a printed inventory of locally-owned public lands suitable for affordable housing. [\[Florida Statutes §420.9076\(4\)\(j\)\]](#)

Synopsis of Discussion/Background: Since 1996, when this incentive was first taken up by an AHAC, the City has deeded all of its developable land. Recent versions of that list, presented to the 2012 AHAC, did not indicate any change in the status. The AHAC discussion suggested taking a different approach to looking at the properties; such as re-zoning, change of use, or sale; to create new opportunities for the development of affordable housing.

In July 26, 2022, the AHAC invited Florida Housing Coalition to provide a presentation on inclusionary zoning and density bonuses.

Current Recommendation: The AHAC continues to obtain more information regarding inclusionary zoning and its feasibility in Miami Beach.

k. Incentive: The support of development near transportation hubs and major employment centers. [\[Florida Statutes §420.9076\(4\)\(k\)\]](#)

Synopsis of Discussion/Background: Due to its narrow geography, and numerous bus lines, there are no transportation hubs in Miami Beach and no need to strategically place affordable housing related to these considerations.

Recommendation: None

IV. New Incentives /Recommendations identified by the AHAC:

The foregoing recommendations were adopted by the City of Miami Beach Affordable Housing Advisory Committee on this 17th of September 2024, and are being submitted herewith for acceptance by the City Commission of the City of Miami Beach, Florida.

**Commissioner Kristen Rosen Gonzalez,
Chairperson**

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CHAIR OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO ACKNOWLEDGE RECEIPT OF THE 2024 ANNUAL INCENTIVES REVIEW AND RECOMMENDATIONS REPORT FROM THE AFFORDABLE HOUSING ADVISORY COMMITTEE; AND FURTHER AUTHORIZING THE ADMINISTRATION TO SUBMIT THE 2024 ANNUAL INCENTIVES REVIEW AND RECOMMENDATIONS REPORT TO THE FLORIDA HOUSING FINANCE CORPORATION.

WHEREAS, the City of Miami Beach has identified in its *Consolidated Plan* the goal of pursuing funding for affordable housing for the rehabilitation of its existing housing stock and to provide homeownership opportunities to its residents; and

WHEREAS, in 1992, the William E. Sadowski Affordable Housing Act established the State Housing Initiatives Partnership ("SHIP") Program, administered by the Florida Housing Finance Corporation ("FHFC"), to provide funding for rehabilitation of housing stock and homeownership opportunities for low and moderate-income households; and

WHEREAS, SHIP Program funds, derived from set-aside allocations from documentary stamp levies on real estate transactions, have been allocated to the City of Miami Beach; and

WHEREAS, Section 420.9076 of the Florida Statutes requires cities and counties receiving SHIP funds to appoint an Affordable Housing Advisory Committee ("AHAC") to review the City's established policies and procedures, ordinances, land development regulations, and adopted local Comprehensive Plan, to recommend actions or initiatives to encourage or facilitate affordable housing, while protecting the ability of the property to appreciate in value; and

WHEREAS, the AHAC is currently comprised of six (6) voting members, with five (5) additional vacancies; and

WHEREAS, the Affordable Housing Advisory Committee held six (6) public meetings during the months of January through October 2024; and

WHEREAS, the AHAC approved the attached *2024 Annual Incentives Review and Recommendations Report*, during an advertised public hearing held on September 17, 2024, in accordance with Section 420.9076 (5) of the Florida Statutes; and

WHEREAS, a public comment period is advertised from September 30, 2024, to October 30, 2024; and

WHEREAS, the Administration will submit the approved report to the FHFC on or before December 30, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorize the chair of the Affordable Housing Advisory Committee to acknowledge receipt of the 2024 Annual Incentives Review and Recommendations report from the Affordable Housing Advisory Committee; and further authorize the Administration to submit the 2024 Annual Incentives Review and Recommendations Report to the Florida Housing Finance Corporation.

PASSED and ADOPTED THIS _____ DAY OF _____, 2024.

ATTEST:

STEVEN MEINER, MAYOR

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *DL* Date 10/22/2024