

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

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 2 OF THE CITY CODE, ENTITLED "ADMINISTRATION," BY AMENDING ARTICLE III, ENTITLED "AGENCIES, BOARDS AND COMMITTEES," BY AMENDING DIVISION 12.5, ENTITLED "AFFORDABLE HOUSING ADVISORY COMMITTEE," BY AMENDING SECTION 2-167 THEREOF, ENTITLED "ESTABLISHED; PURPOSE; POWERS AND DUTIES; COMPOSITION," TO AMEND THE COMPOSITION OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO INCLUDE A MEMBER OF THE CITY COMMISSION, AND TO REDUCE THE NUMBER OF COMMITTEE MEMBERS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, in 1992, the Florida Legislature enacted the William E. Sadowski Affordable Housing Act, creating a dedicated source of revenue for housing from a portion of documentary stamp taxes on the transfer of real estate; and

**WHEREAS**, the State Housing Initiatives Partnership (SHIP) Program, which is administered by Florida Housing Finance Corporation (FHFC), provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing; and

**WHEREAS**, in 2007, the Florida Legislature passed House Bill 1375 which, in pertinent part, required cities and counties receiving SHIP funds to appoint an Affordable Housing Advisory Committee (AHAC); and

**WHEREAS**, on May 14, 2008, the Mayor and City Commission adopted Ordinance No. 2008-3605, amending Chapter 2 of the Miami Beach City Code, to create the City's "Affordable Housing Advisory Committee" (the "Committee"); and

**WHEREAS**, on February 12, 2014, the Mayor and City Commission adopted Ordinance No. 2014-3841, expanding the purpose and duties of the Committee; and

**WHEREAS**, 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, Affordable Housing Advisory Committees (AHACs), the State Apartment Incentive Loan (SAIL) program, accessory dwelling units, and fees/set-asides; and

**WHEREAS**, specifically, House Bill 1339 amended Section 420.9076(2), Florida Statutes, to require that "one locally elected official from each . . . municipality" be appointed to each AHAC; and

**WHEREAS**, additionally, in order to comply with existing requirements in Section 420.9076(2), Florida Statutes, the Administration recommends that the City Commission reduce the number of Committee members from 18 to 11 voting members.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.** Section 2-167 of Division 12.5, of Article III, of Chapter 2 of the City Code, entitled "Administration," is hereby amended as follows:

**CHAPTER 2  
ADMINISTRATION**

\* \* \*

**ARTICLE III. AGENCIES, BOARDS AND COMMITTEES**

\* \* \*

**Division 12.5. Affordable Housing Advisory Committee**

**Sec. 2-167. Composition.**

The affordable housing advisory committee shall consist of ~~48~~ 11 voting members, with each of whom shall have a two-year terms. ~~Seven members of the affordable housing advisory committee shall be direct appointments, one made by the mayor and each commissioner. The direct appointees shall either be:~~

~~(1) A resident of a locally designated community development target area for a minimum of six months; or~~

~~(2) Demonstrate ownership/interest for a minimum of six months in a business established in a locally designated community development target area for a minimum of six months.~~

One member of the committee shall be the mayor or a member of the city commission, appointed at-large by a majority vote of the mayor and city commission. The remaining ~~44~~ 10 members shall be appointed at-large by a majority vote of the mayor and city commission. ~~The at large appointees, and must include~~ members from at least six (6) of the following categories:

(1) One citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(2) One citizen who is 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 who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(5) One citizen who is actively engaged as a for-profit provider of affordable housing.

(6) One citizen who is actively engaged as a not-for-profit provider of affordable housing.

(7) One citizen who is 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 F.S. § 163.3174.

(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.

(11) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

If the City, due to the presence of a conflict of interest by prospective appointees, or other reasonable factor, is unable to appoint a citizen actively engaged in these activities in connection with affordable housing, a citizen engaged in the activity without regard to affordable housing may be appointed.

\* \* \*

**SECTION 2. CODIFICATION**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. 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 3. REPEALER**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2020.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

**ATTEST:**

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Michael Gongora)

APPROVED AS TO FORM AND  
LANGUAGE AND FOR EXECUTION

  
\_\_\_\_\_  
City Attorney NK Date 07/22/2020