

ORDINANCE NO. 2020- _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF MIAMI BEACH ENTITLED "BUILDING REGULATIONS," BY AMENDING ARTICLE II THEREOF, ENTITLED "CONSTRUCTION STANDARDS," BY AMENDING DIVISION 2, ENTITLED "PERMIT FEES," BY AMENDING SECTION 14-69 THEREOF, ENTITLED "EMPLOYEE TRAINING, EDUCATION, SAFETY AND TECHNOLOGY ENHANCEMENTS," TO PROVIDE THAT THE TRAINING AND TECHNOLOGY SURCHARGE SHALL NOT APPLY TO RESIDENTIAL DEVELOPMENTS FOR AFFORDABLE HOUSING UNITS OR WORKFORCE HOUSING UNITS THAT SATISFY ALL APPLICABLE REQUIREMENTS OF CHAPTER 58 OF THE CITY CODE RELATING TO AFFORDABLE HOUSING UNITS OR WORKFORCE HOUSING UNITS, RESPECTIVELY; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission desire to provide incentives for the development of affordable housing and workforce housing options in the City, to meet the need for affordable housing for families whose incomes are up to 140 percent of the County's area median income (generally, as of 2020, \$54,800 to \$128,000, respectively, for a family of four); and

WHEREAS, on February 28, 2020, the Finance and Economic Resiliency Committee ("FERC") conducted a review of the fees applicable to residential developments under the City Code, including permit fees and mobility fees; and

WHEREAS, as City's permit fees are tied to the City's costs for reviews and inspections of plans and projects, and as the City previously reduced the mobility fees applicable to affordable housing and workforce housing projects, the Administration generally recommended maintaining the City's existing fee structure, with the exception that the Administration recommended that the City reduce or cap the "Training and Technology" surcharge authorized pursuant to Section 14-69 of the City Code, which fee currently consists of 6% of the permit fee for a building, electrical, mechanical, plumbing and demolition permit; and

WHEREAS, at its February 28, 2020 meeting, the FERC agreed with the Administration's recommendation to maintain City's existing fee structure, and favorably recommended the waiver of the Training and Technology surcharge for affordable and workforce housing projects, provided that the exemption for such projects would automatically sunset on December 31, 2025, to permit the City Commission to re-evaluate the exemption, and any impact to City's revenues, at that time.

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

SECTION 1. That section 14-69, Division 2, Article II, of Chapter 14, of the Code of the City of Miami Beach is/are hereby amended as follows:

**CHAPTER 14
BUILDING REGULATIONS**

* * *

ARTICLE II. CONSTRUCTION STANDARDS

* * *

Sec. 14-69 - Employee Training, Education, Safety and Technology Enhancements

- (a) A surcharge to building, electrical, mechanical, plumbing and demolition permits will be added for training, education and safety of the building department employees, and to procure and implement the latest technologies available for enhancement of services provided by the department, according to the schedule specified in appendix A.
- (b) The training and technology surcharge required by Section 14-69(a) of the City Code shall not apply to residential developments for (i) low income or moderate income households (also known as affordable housing units), satisfying all requirements and mandatory criteria for such units, as set forth in Article V of Chapter 58 of the City Code, or (ii) workforce housing units satisfying all requirements for such units, as set forth in Article VI of Chapter 58 of the City Code.
- (c) In the event that a low income or moderate income housing unit is subsequently converted to a market rate unit in violation of the restrictive covenant required by Section 58-403(4) of the City Code, the owner shall pay the surcharge that would have been due pursuant to Section 14-69(a) on the date of issuance of the permit, plus interest at the highest legal limit authorized by law (with such interest accruing from the date of issuance of the permit until full payment of all amounts due under this Section 14-69), plus collection costs and attorneys' fees.
- (d) In the event that a workforce housing unit is subsequently converted to a market rate unit in violation of the restrictive covenant required by Section 58-503 of the City Code, the owner shall pay the surcharge that would have been due pursuant to Section 14-69(a) on the date of issuance of the permit, plus interest at the highest legal limit authorized by law (with such interest accruing from the date of issuance of the permit until full payment of all amounts due under this Section 14-69), plus collection costs and attorneys' fees. The foregoing is in addition to any enforcement remedy that may be available to the city pursuant to Section 58-506 of the City Code.
- (e) The provisions of subsections (b) through (d) shall automatically sunset and shall be repealed on December 31, 2025.

SECTION 2. REPEALER.

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

SECTION 3. SEVERABILITY.

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

SECTION 4. 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 a 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 5. EFFECTIVE DATE.

This Ordinance shall take effect on the _____ day of _____, 2020.
OR

This Ordinance shall take effect 10 days after enactment.

PASSED AND ADOPTED this _____ day of _____, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

Underline denotes additions
~~Strikethrough~~ denotes deletions

(Co-sponsored by Commissioners
David Richardson and Mark Samuelian)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

RVF for 9-11-20
City Attorney RLAP Date