

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING AN AMENDMENT TO THE CITY OF MIAMI BEACH LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM FOR FY 22/23, 23/24 AND 24/25, AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SECTIONS 420.907 - 420.9079, FLORIDA STATUTES; AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE ANY NECESSARY CERTIFICATIONS; AND FURTHER AUTHORIZING THE ADMINISTRATION TO SUBMIT THE LHAP TO THE FLORIDA HOUSING FINANCE CORPORATION FOR ITS REVIEW AND APPROVAL.

WHEREAS, the State of Florida enacted the William E. Sadowski Affordable Housing Act, Chapter 92-317 of Florida Sessions Laws, that allocates a portion of documentary stamp taxes on deeds to local governments for the development and maintenance of affordable housing; and

WHEREAS, the State Housing Initiatives Partnership (SHIP) Act, § 420.907-420.9079, Florida Statutes (1992), and Rule Chapter 67-37, Florida Administrative Code, requires local governments to develop a one to three-year Local Housing Assistance Plan (LHAP) outlining how funds will be used; and

WHEREAS, the SHIP Act requires local governments to establish the maximum SHIP funds allowable for each strategy; and

WHEREAS, the SHIP Act further requires local governments to establish an average area purchase price for new and existing housing benefiting from awards made pursuant to the Act; The methodology and purchase prices used are defined in the attached Local Housing Assistance Plan; and

WHEREAS, the Administration has prepared a draft for the FY 22/23, 23/24, 24/25, pursuant to the requirements of the Act and the SHIP Program Rule, issued by the Florida Housing Finance Corporation (FHFC); and

WHEREAS, the Administration has submitted the draft Plan for review to the Affordable Housing Advisory Committee (AHAC); and

WHEREAS, the Administration will publish the Plan for public comment from March 31, 2022 to April 30, 2022; and

WHEREAS, on April 6, 2022, the Mayor and City Commission approved the LHAP and the City subsequently submitted it to the FHFC for approval; and

WHEREAS, the FHFC's SHIP Review Committee reviewed the Plan and provided comments regarding the new construction strategy and recapture provision for the purchase assistance strategy; and

WHEREAS, the Administration recommends enhancing the language to further clarify the new construction strategy for developers and homebuyers that are interested in developing vacant lots or new construction; and

WHEREAS, the Administration sought technical assistance from the FHC regarding the recapture provisions, which define the penalties for first time homebuyers that rent, sell or refinance the property before the expiration of the affordability period of fifteen (15) years; and

WHEREAS, the current profit share provision of the LHAP reads as follows: "If the sale, conveyance or transfer occurs between the first and fifth year, the City shall be paid a percentage of the profit, based upon the percentage of the City's contribution to the purchase of the Premises; to wit: if the sales price for the Premises was \$100,000 and the City provided a \$50,000 mortgage, the City shall also be paid 50% of the profit; If the sale, conveyance or transfer occurs between the sixth and tenth year, the City shall be paid fifty percent (50%) of the profit; and if the sale, conveyance or transfer occurs between the eleventh and fifteenth year, the City shall be paid twenty-five percent (25%) of the profit."; and

WHEREAS, Administration recommends that the tier for the period between the sixth and tenth year be modified to read as follows: "If the sale, conveyance or transfer occurs between the sixth and tenth year, the City shall be paid forty percent (40%) of the profit"; and

WHEREAS, the Administration recommends that the Mayor and City Commission approve the amended LHAP in the form attached to the City Commission Memorandum accompanying this Resolution, which will have to be submitted by the City Manager to the FHFC for final review by July 1, 2022.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve an amendment to the City's Local Housing Assistance Plan (LHAP) for the State Housing Initiatives Partnership (SHIP) Program for FY 22/23, 23/24 and 24/25, as required by the State Housing Initiatives Partnership Program Act, Sections 420.907 - 420.9079, Florida Statutes; and authorize the City Manager and City Clerk to execute any necessary certifications; and further authorize the Administration to submit the LHAP to the Florida Housing Finance Corporation for its review and approval.

PASSED and ADOPTED this ____ day of _____, 2022.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

6-1-22

Date