

# MIAMI BEACH

## Commission Meeting

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Webinar ID 82551656717#

June 5, 2020 - 9:00 AM

Mayor Dan Gelber  
Commissioner Ricky Arriola  
Commissioner Michael Gongora  
Commissioner Steven Meiner  
Commissioner David Richardson  
Commissioner Mark Samuelian  
Commissioner Micky Steinberg

City Manager Jimmy L. Morales  
City Attorney Raul J. Aguila  
City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the Office of the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the Office of the City Clerk. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings, call 305.604.2489 and select option 6; TTY users may call via 711 (Florida Relay Service).

In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to an alternate meeting. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

### AGENDA KEY

#### Consent Agenda:

C2 - Competitive Bid Reports  
C4 - Commission Committee Assignments  
C6 - Commission Committee Reports  
C7 - Resolutions

#### Regular Agenda:

R2 - Competitive Bid Reports  
R5 - Ordinances  
R7 - Resolutions  
R9 - New Businesses & Commission Requests  
R10 - City Attorney Reports

PA - Presentations and Awards

## **AGENDA**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. REQUEST FOR ADDITIONS, WITHDRAWALS, AND DEFERRALS

### **C7 - Resolutions**

- C7 A A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND/OR AUTHORIZING THE CITY MANAGER TO PERFORM THE FOLLOWING ACTIONS: (1) TO RECAPTURE \$181,237 OF FY 19 HOME INVESTMENT PARTNERSHIP (HOME) FUNDS PREVIOUSLY ALLOCATED TO THE MADELEINE VILLAGE APARTMENTS SEAWALL REHABILITATION PROJECT, AND TO REALLOCATE SAID FUNDS TO FY 19 TENANT-BASED RENTAL ASSISTANCE (TBRA) PROGRAM; (2) TO RECAPTURE \$89,763 OF FY 19 HOME INVESTMENT PARTNERSHIP (HOME) FUNDS PREVIOUSLY ALLOCATED TO THE CORALS APARTMENTS REHABILITATION PROJECT, AND TO REALLOCATE SAID FUNDS TO FY 19 TBRA PROGRAM; 3) TO RECAPTURE \$183,161.01 FY 15 FUNDS PREVIOUSLY ALLOCATED TO THE VILLA MATTI REHABILITATION PROJECT, AS PART OF THE FIVE-YEAR CONSOLIDATED PLAN FOR FY 2013-2017, AND TO REALLOCATE SAID FUNDS TO THE FY 19/20 MADELEINE VILLAGE APARTMENTS SEAWALL RAHBILITATION PROJECT; (4) TO REALLOCATE \$207,234.03 FROM PREVIOUSLY RECAPTURED HOMEOWNER FUNDS FROM VARIOUS FISCAL YEARS, AND TO REALLOCATE \$89,763 TO FY 19 CORALS APARTMENTS REHABILITATION PROJECT; AND \$117,471.03 TO THE FY 19 HOMEOWNER ASSISTANCE PROGRAM; (5) TO AMEND THE FY 19-22 STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PLAN (LHAP) TO INCLUDE RENTAL ASSISTANCE AS AN APPROVED STRATEGY; AND (6) TO SUBMIT THE REVISED ACTION PLANS TO US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE CITY INTERDEPARTMENTAL AGREEMENTS AND OTHER AGREEMENTS TO BE SIGNED BY SUB-RECIPIENTS.

Housing and Community Services  
Commissioner Michael Gongora

## **REGULAR AGENDA**

### **R7 - Resolutions**

- R7 A A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY, DATED MARCH 12, 2020, IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, AS EXTENDED THROUGH JUNE 5, 2020, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING ON JUNE 6, 2020 AND ENDING ON JUNE 12, 2020, PROVIDED THAT THE SCOPE OF ANY EMERGENCY MEASURES ORDERED BY THE CITY MANAGER SHALL, CONSISTENT WITH ALL PRIOR EMERGENCY MEASURES IMPOSED BY THE CITY MANAGER TO DATE, BE LIMITED TO RESPOND TO IMMEDIATE THREATS POSED BY THE COVID-19 PANDEMIC; FURTHER, PROVIDING THAT NO EMERGENCY ACTION TAKEN BY THE CITY MANAGER SHALL BE BINDING ON THE CITY COMMISSION BEYOND THE PERIOD OF THE COVID-19 STATE OF EMERGENCY, OR OTHERWISE LIMIT THE ABILITY OF THE CITY COMMISSION TO UNDO ANY ACTION OF THE CITY MANAGER, WHETHER CONTRACTUALLY OR LEGISLATIVELY; AND FURTHER PROVIDING THAT THE SUBJECT DECLARATION OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN

ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

Office of the City Attorney

**R9 - New Business and Commission Requests**

R9 A DISCUSSION AND UPDATE REGARDING COVID-19.

Office of the City Manager

R9 B DISCUSSION TO EXPLORE POTENTIAL OPPORTUNITIES FOR MIAMI BEACH BUSINESSES IN THE RISE MIAMI-DADE FUND.

**10:30 a.m.**

Commissioner Mark Samuelian

R9 C UPDATE ON THE CITY'S CDBG CORONAVIRUS SMALL BUSINESS ASSISTANCE PROGRAM.

Economic Development  
Commissioner Michael Gongora

R9 D DISCUSSION REGARDING PRESENTATIONS AND AWARDS DURING THE VIRTUAL CITY COMMISSION MEETINGS.

Office of the City Clerk

R9 E DISCUSS THE MIAMI BEACH POLICE DEPARTMENT'S POLICY REGARDING THE USE OF FORCE AND DIRECTING THE CITY MANAGER AND/OR POLICE CHIEF TO PREPARE A REPORT FOR THE CITY COMMISSION IN THE NEXT 90 DAYS.

Commissioner Ricky Arriola

Addendum added on 6/4/2020 (Approved by  
Mayor)

R9 F DISCUSSION TO DIRECT THE ADMINISTRATION TO PRESENT A REPORT ON POLICE DEPARTMENT BEST PRACTICES AT THE JUNE 24, 2020 COMMISSION MEETING.

Mayor Dan Gelber

Addendum added on 6/4/2020 (Approved by  
Mayor)

**Notices**

1. HOW A PERSON MAY PARTICIPATE DURING THE VIRTUAL CITY COMMISSION MEETING / VIRTUAL COMMISSION MEETING PROCEDURES.
2. USE OF AUDIO-VISUAL EQUIPMENT FOR PRESENTATIONS DURING PUBLIC MEETINGS.
3. 2020 COMMISSION MEETING DATES
4. ADVERTISEMENTS.
5. TIME CERTAIN.

# MIAMI BEACH

## **COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 5, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND/OR AUTHORIZING THE CITY MANAGER TO PERFORM THE FOLLOWING ACTIONS: (1) TO RECAPTURE \$181,237 OF FY 19 HOME INVESTMENT PARTNERSHIP (HOME) FUNDS PREVIOUSLY ALLOCATED TO THE MADELEINE VILLAGE APARTMENTS SEAWALL REHABILITATION PROJECT, AND TO REALLOCATE SAID FUNDS TO FY 19 TENANT-BASED RENTAL ASSISTANCE (TBRA) PROGRAM; (2) TO RECAPTURE \$89,763 OF FY 19 HOME INVESTMENT PARTNERSHIP (HOME) FUNDS PREVIOUSLY ALLOCATED TO THE CORALS APARTMENTS REHABILITATION PROJECT, AND TO REALLOCATE SAID FUNDS TO FY 19 TBRA PROGRAM; 3) TO RECAPTURE \$183,161.01 FY 15 FUNDS PREVIOUSLY ALLOCATED TO THE VILLA MATTI REHABILITATION PROJECT, AS PART OF THE FIVE-YEAR CONSOLIDATED PLAN FOR FY 2013-2017, AND TO REALLOCATE SAID FUNDS TO THE FY 19/20 MADELEINE VILLAGE APARTMENTS SEAWALL RAHBILITATION PROJECT; (4) TO REALLOCATE \$207,234.03 FROM PREVIOUSLY RECAPTURED HOMEOWNER FUNDS FROM VARIOUS FISCAL YEARS, AND TO REALLOCATE \$89,763 TO FY 19 CORALS APARTMENTS REHABILITATION PROJECT; AND \$117,471.03 TO THE FY 19 HOMEOWNER ASSISTANCE PROGRAM; (5) TO AMEND THE FY 19-22 STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PLAN (LHAP) TO INCLUDE RENTAL ASSISTANCE AS AN APPROVED STRATEGY; AND (6) TO SUBMIT THE REVISED ACTION PLANS TO US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE CITY INTERDEPARTMENTAL AGREEMENTS AND OTHER AGREEMENTS TO BE SIGNED BY SUB-RECIPIENTS.

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### **RECOMMENDATION**

The Administration recommends approving the Resolution.



## **BACKGROUND/HISTORY**

The City of Miami Beach is a HUD-designated entitlement city as determined by the decennial census information on population growth lag, over-crowding, age of housing stock, and poverty.

The City of Miami Beach has been a Community Development Block Grant (CDBG) entitlement community since 1975. The HOME Program was started in 1992 to provide funding specifically for affordable housing.

On April 10, 2020, HUD released a memo notifying the availability of waivers and suspensions for the HOME program requirements in response to the COVID-19 pandemic. The waivers include:

- Increased cap on program administration expenses from 10% to 25% for FY 2019 & FY 2020;
- Suspension of the 15% Community Housing Development Organization (CHDO) set-aside requirement for FYs 2017 through 2020;
- Waiver of the match requirement for funds in a Major Disaster area between 10/1/2019 and 9/30/2021;
- Self-certification of income is allowed, provided that on-site rent and income reviews are conducted within 90 days after the waiver period;
- Waiver of on-site inspection requirements;
- Eliminates the requirement to include an analysis of local market conditions before implementing a TBRA program;
- Allows the immediate provision of Tenant-Based Rental Assistance (TBRA) without assessing rent reasonableness;
- Permits payments up to 100% of rent, security deposit, and utilities until 12/31/2020;
- Suspends requirement to have written tenant selection criteria until 12/31/2020; and
- Extends the HOME 4-year project completion deadline.

The City sent notification to the local HUD field office on May 14, 2020, explaining the implementation of the following waivers:

- Increased cap on program administration expenses from 10% to 25% for FY 19 and FY 20;
- Suspension of the 15% Community Housing Development Organization (CHDO) set-aside requirement for FY 17-20;
- Waiver of the match requirement for funds in a Major Disaster area between 10/1/2019 and 09/30/2021;
- Self-certification of income provided that on-site rent and income reviews are conducted within 90 days after the waiver period; and
- Waiver of on-site inspection requirements.

## **ANALYSIS**

### **HOME Recapture and Reallocation**

In an effort to maximize relief to households in need of rental and utility assistance, the Administration identified additional funds to be utilized under the applicable waivers for FY 19 and FY 20. The Administration identified additional funds to be allocated to shovel-ready HOME FY 19 projects, in order to utilize those funds under the applicable HUD waivers.

| Original Activity         | Amount       | Funding Source     | Proposed Activity                                                                                                                                                              |
|---------------------------|--------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Villa Matti Apartments    | \$183,161.01 | HOME FY 2015       | \$183,161.01 for Madeleine Village Apartments seawall (7861-7871 Crespi Blvd.)                                                                                                 |
| Homeowner Recapture funds | \$207,234.03 | HOME various years | \$89,763 for Corals Apartments Rehabilitation project (795 81 <sup>st</sup> st)<br><br>\$117,471.03 in Homeowner Assistance funds (waivers are not applicable to this program) |

On May 13, 2020, the Administration approved the FY 19 Action Plan, which included the reallocation of funds in excess of the 50% threshold from the Coral Apartments Project to fill the funding gap for the Madeleine Village Seawall.

| Original Activity                              | Amount       | Funding Source | Proposed Activity                              |
|------------------------------------------------|--------------|----------------|------------------------------------------------|
| Madeleine Village Seawall Rehabilitation       | \$181,237.00 | HOME FY 2019   | \$271,000 FY 19 Tenant-Based Rental Assistance |
| Coral Apartments (795 81st St.) Rehabilitation | \$89,763     | HOME FY 2019   |                                                |

The Administration recommends the reallocation of FY 19 funds from Madeleine Village Seawall and Corals Apartments to the TBRA Program, in order to utilize the applicable waivers for FY 19 and FY 20. These funds would be available immediately after the execution of intradepartmental agreements.

### Citizen Participation

In accordance with 24 CFR 91.05(c)(2) and subpart B of the federal regulations, the following applicable waiver made available through the CARES Act will be enacted by the City relative to citizen participation compliance:

- The City advertised a Notice of a 5-day Public Comment Period (May 4, 2020 – May 8, 2020) for a Substantial Amendment to the *2018-2022 Consolidated Plan & FY 2019 Action Plan* and Amendment to the Citizen Participation Plan. Public comments received will be included in the submission of the action Plan to HUD for final review and approval.

### Local Housing Assistance Plan (LHAP) Amendment

The State Housing Initiatives Partnership Program (SHIP), administered through the Florida Housing Finance Corporation (FHFC), was established in 1992 by the William E. Sadowski Affordable Housing Act to stimulate the production of affordable housing statewide. SHIP Program funds are derived from documentary stamp levies on real estate transactions and held in the SHIP Program Trust Fund. Annually, FHFC allocates SHIP program funds among participating jurisdictions on a formula basis. SHIP program funds serve to increase access to affordable housing for income-eligible participants.

Entitlement communities receiving SHIP funds are required to produce and file a Local Housing

Assistance Plan (LHAP) which governs each community's use of SHIP funds. A new LHAP must be filed every three years. The LHAP delineates the strategies that will be employed to increase the availability of affordable housing for income-eligible residents within the jurisdiction. On December 12, 2018, the Mayor and City Commission approved the FY 19-22 LHAP and on August 5, 2019, the FHFC approved the LHAP in its final format. The FHFC requested for several edits to the LHAP before its approval, including merging certain strategies. On May 14, 2020, the Administration sought technical assistance from the Florida Housing Coalition, in order to implement a disaster strategy that can allow three months of rental assistance and utility assistance to financially burdened households. The City was informed that because the current LHAP does not include the rental assistance strategy, it must be amended before any funds can be utilized to assist households affected by the COVID-19 pandemic. This would allow the Administration to allocate any uncommitted funds immediately, in addition to future allocations that will be available after October 2020.

|                   |             |                  |              |             |              |
|-------------------|-------------|------------------|--------------|-------------|--------------|
| <b>Account(s)</b> | 179-0530-   | <b>Amount(s)</b> | \$183,161.01 | \$50,000.00 | \$163,370.00 |
|                   | 000346-00-  |                  | \$181,237    | \$89,763    | \$117,471.03 |
|                   | 404-534-00- |                  |              |             |              |
|                   | 00-00-52280 |                  |              |             |              |
|                   | 179-0530-   |                  |              |             |              |
|                   | 000346-00-  |                  |              |             |              |
|                   | 404-534-00- |                  |              |             |              |
|                   | 00-00-52270 |                  |              |             |              |
|                   | 174-0530-   |                  |              |             |              |
|                   | 000349-00-  |                  |              |             |              |
|                   | 404-534-00- |                  |              |             |              |
|                   | 00-00-52270 |                  |              |             |              |
|                   | 186-0530-   |                  |              |             |              |
|                   | 000676-23-  |                  |              |             |              |
|                   | 410-535-00- |                  |              |             |              |
|                   | 00-00-62618 |                  |              |             |              |
|                   | 179-0530-   |                  |              |             |              |
|                   | 000676-23-  |                  |              |             |              |
|                   | 410-535-00- |                  |              |             |              |
|                   | 00-00-65418 |                  |              |             |              |
|                   | 179-0530-   |                  |              |             |              |
|                   | 000346-23-  |                  |              |             |              |
|                   | 404-534-00- |                  |              |             |              |
|                   | 00-00-53419 |                  |              |             |              |

## **CONCLUSION**

The Administration recommends approval of the recapture and reallocation of HOME funds, the amendment of the SHIP FY 19-22 LHAP and the revision of *One-Year Action Plan* for FY 19 to allow the City to draw down entitlement funds to assist income-eligible persons with services and housing, and to ensure the timely and compliant expenditure of HUD funds.

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

**Does this item utilize G.O. Bond Funds?**

No

No

**Strategic Connection**

Mobility - Increase housing options for current and future residents.

**Legislative Tracking**

Housing and Community Services

**Sponsor**

Commissioner Michael Gongora

**ATTACHMENTS:**

**Description**

- ▣ Form Approved reso
- ▣ SHIP FY 19-22 LHAP

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND/OR AUTHORIZING THE CITY MANAGER TO PERFORM THE FOLLOWING ACTIONS: (1) TO RECAPTURE \$181,237 OF FY 19 HOME INVESTMENT PARTNERSHIP (HOME) FUNDS PREVIOUSLY ALLOCATED TO THE MADELEINE VILLAGE APARTMENTS SEAWALL REHABILITATION PROJECT, AND TO REALLOCATE SAID FUNDS TO FY 19 TENANT-BASED RENTAL ASSISTANCE (TBRA) PROGRAM; (2) TO RECAPTURE \$89,763 OF FY 19 HOME INVESTMENT PARTNERSHIP (HOME) FUNDS PREVIOUSLY ALLOCATED TO THE CORALS APARTMENTS REHABILITATION PROJECT, AND TO REALLOCATE SAID FUNDS TO FY 19 TBRA PROGRAM; 3) TO RECAPTURE \$183,161.01 FY 15 FUNDS PREVIOUSLY ALLOCATED TO THE VILLA MATTI REHABILITATION PROJECT, AS PART OF THE *FIVE-YEAR CONSOLIDATED PLAN* FOR FY 2013-2017, AND TO REALLOCATE SAID FUNDS TO THE FY 19/20 MADELEINE VILLAGE APARTMENTS SEAWALL RAHBILITATION PROJECT; (4) TO REALLOCATE \$207,234.03 FROM PREVIOUSLY RECAPTURED HOMEOWNER FUNDS FROM VARIOUS FISCAL YEARS, AND TO REALLOCATE \$89,763 TO FY 19 CORALS APARTMENTS REHABILITATION PROJECT AND \$117,471.03 TO THE FY 19 HOMEOWNER ASSISTANCE PROGRAM; (5) TO AMEND THE FY 19-22 STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) LOCAL HOUSING ASSISTANCE PLAN (LHAP) TO INCLUDE RENTAL ASSISTANCE AS AN APPROVED STRATEGY; AND (6) TO SUBMIT THE REVISED ACTION PLANS TO US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND FURTHER AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE CITY INTERDEPARTMENTAL AGREEMENTS AND OTHER AGREEMENTS TO BE SIGNED BY SUB-RECIPIENTS.

**WHEREAS**, the City is an entitlement recipient of HUD formula grant programs such as HOME Investments Partnership (HOME) funds; and

**WHEREAS**, HOME funds are used for affordable housing activities including multi-family rentals and tenant-based rental assistance; and

**WHEREAS**, on April 10, 2020, HUD issued a memorandum regarding all waivers and suspensions to the HOME program requirements in response to the COVID-19 pandemic; which are applicable to FY 19 and 20 funds until December 31, 2020; and

**WHEREAS**, City administration seeks to identify additional funding to allocate for tenant-based rental assistance to households afflicted by the COVID-19 pandemic and identified the following funds to be recaptured and reallocated: 1) \$183,161.01 from FY 15 Villa Matti rehabilitation project; 2) \$207,234.03 from previous homeowner assistance recaptured funds from various fiscal years; and

**WHEREAS**, in order to comply with the waivers and suspensions only applicable to FY 19 and FY 20 funds, the Administration would reallocate older funds to HOME FY 19 shovel-ready projects approved via Resolution No. 2020-31256 on May 13, 2020 in the following manner: 1) \$183,161.01 to Madeleine seawall and 2) \$89,763 to Corals Condo; and



**WHEREAS**, the recaptured funds from FY 19 projects would be reallocated to tenant-based rental assistance in the amount of \$271,000, which would be available for expenditure immediately after the execution of interdepartmental agreements; and

**WHEREAS**, the Administration recommends utilizing \$117,471.03 to further assist households seeking first time homebuyer assistance and homeowner rehabilitation assistance; and

**WHEREAS**, the City receives funding from the Florida Housing Finance Corporation (FHFC) for the State Housing Initiatives Program (SHIP); and

**WHEREAS**, 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**, on December 12, 2018, via Resolution 2018-30621, the City Commission approved the LHAP for FY 19-22 and the FHFC approved the document in final format on August 5, 2019; and

**WHEREAS**, the City seeks to make an amendment to the LHAP to include the rental assistance strategy, in order to assist households affected by the COVID-19 pandemic with up to three months' rental and utility assistance; and

**WHEREAS**, the Administration seeks the authorization of the City Manager as signatory to all documents related to the disbursement of funds to sub-recipients in the City's rental assistance program; and

**WHEREAS**, the City will amend the FY 19 Action Plan and advertise for public comment on May 31 thru June 4, 2020.

**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 City Manager to perform the following actions: (1) to recapture \$181,237 of FY 19 Home Investment Partnership Program (HOME) funds previously allocated to the Madeleine Village Apartments Seawall Rehabilitation Project, and to reallocate said funds to FY 19 Tenant-Based Rental Assistance (TBRA) Program; (2) to recapture \$89,763 of FY 19 HOME funds previously allocated to the Corals Apartments Rehabilitation Project, and to reallocate said funds to FY 19 TBRA Program; (3) to recapture \$183,161.01 of FY 15 funds previously allocated to Villa Matti rehabilitation project funds, as part of the *Five- Year Consolidated Plan* for FY 2013-2017, and to reallocate said funds to the FY 19/20 Madeleine Village Apartments Seawall Rehabilitation Project; (4) to reallocate \$207,234.03 from previously recaptured homeowner funds from various fiscal years, and to reallocate \$89,763 to FY 19 Corals Apartments Rehabilitation Project and \$117,471.03 to FY 19 Homeowner Assistance Program; (5) to amend the FY 19-22 State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan (LHAP) to include rental assistance as an approved strategy; and (6) to submit the revised Action Plans to US Department of Housing and Urban Development (HUD); and further authorizing the City Manager and City Clerk to execute City interdepartmental agreements and other agreements to be signed by sub-recipients.

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

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

**ATTEST:**

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

De Q. S. 5/28/20  
City Attorney Date

|                            |
|----------------------------|
| <b>City of Miami Beach</b> |
|----------------------------|

**SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)**

**2019-2020, 2020-2021, 2021-2022**

**MIAMIBEACH**



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**I. Program Details:**

**A. LG(s)**

|                                                 |                     |
|-------------------------------------------------|---------------------|
| Name of Local Government                        | City of Miami Beach |
| Does this LHAP contain an interlocal agreement? | No                  |
| If yes, name of other local government(s)       |                     |

**B. Purpose of the program:**

- To meet the housing needs of the very low-, low- and moderate-income households;
- To expand production of and preserve affordable housing; and
- To further the housing element of the local government comprehensive plan specific to affordable housing.

**C. Fiscal years covered by the Plan:** 2019-2020, 2020-2021, 2021-2022

**D. Governance:** The SHIP Program (the “Program”) is established in accordance with §420.907-9079, Florida Statutes and Chapter 67-37 of the Florida Administrative Code. Cities and Counties must be in compliance with these applicable statutes, rules and any additional requirements as established through the Legislative process.

**E. Local Housing Partnership:** The SHIP Program encourages building active partnerships between government, lending institutions, builders and developers, not-for-profit and community-based housing providers and service organizations, providers of professional services related to affordable housing, advocates for low-income persons, real estate professionals, persons or entities that can provide housing or support services and lead agencies of the local continuums of care.

In its efforts to expand affordable housing opportunities, the City of Miami Beach works to establish and build a relationship with a designated community-based housing provider.

**F. Leveraging:** The Plan is intended to increase the availability of affordable residential units by combining local resources and cost saving measures into a local housing partnership and using public and private funds to reduce the cost of housing. SHIP funds may be leveraged with or used to supplement other Florida Housing Finance Corporation programs and to provide local match to obtain federal housing grants or programs. The City of Miami Beach is an Entitlement Community that receives Home Investment Partnership Program (HOME) and Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD), which are used in combination with other local funds, to leverage State Housing Initiatives Partnership (SHIP) funds to increase affordable housing opportunities and reduce the cost of housing in the City.

**G. Public Input:** Public input was solicited through the City’s website in the advertising of the Local Housing Assistance Plan and the Notice of Funding Availability.

**H. Advertising and Outreach:** SHIP funding availability shall be advertised in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.



Additionally, the City's outreach efforts will include public workshops, special meetings with various human services agencies, the City's website, and social media, among others.

- I. **Waiting List/Priorities:** A waiting list will be established when there are eligible applicants for strategies that no longer have funding available. Those households on the waiting list will be notified of their status. Applicants will be maintained in an order that is consistent with the time applications were submitted as well as any established funding priorities as described in this plan.

The following priorities for funding described/listed here apply to all strategies unless otherwise stated:

|                              |
|------------------------------|
| Special Needs                |
| Essential Services Personnel |

- J. **Discrimination:** In accordance with the provisions of §760.20-760.37, it is unlawful to discriminate on the basis of race, color, religion, sex, national origin, age, handicap, or marital status in the award application process for eligible housing.

Additionally, the City of Miami Beach Human Rights Ordinance, as codified in Chapter 62 of the City Code, prohibits discrimination in employment, housing, public accommodations, or public services, on the basis of actual or perceived race, color, national origin, religion, sex, intersexuality, sexual orientation, gender identity, familial and marital status, age, ancestry, height, weight, domestic partner status, labor organization membership, familial situation, political affiliation, or disability.

- K. **Support Services and Counseling:** Support services are available from various community sources. Available support services may include but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, Foreclosure Counseling and Transportation. This information will be provided to program applicants.
- L. **Purchase Price Limits:** The sales price or value of new or existing eligible housing may not exceed 90% of the average area purchase price in the statistical area in which the eligible housing is located. Such average area purchase price may be that calculated for any 12-month period beginning not earlier than the fourth calendar year prior to the year in which the award occurs. The sales price of new and existing units can be lower but may not exceed 90% of the median area purchase price established by the U.S. Treasury Department or as described above.

The methodology used is:

|                          |   |
|--------------------------|---|
| U.S. Treasury Department | x |
| Local HFA Numbers        |   |

- M. **Income Limits, Rent Limits and Affordability:** The Income and Rent Limits used in the SHIP Program are updated annually by the Department of Housing and Urban Development and posted at [www.floridahousing.org](http://www.floridahousing.org).

*"Affordable" means that monthly rents or mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for households as indicated in § 420.9071. However, it is not the intent to limit an individual household's ability*



*to devote more than 30% of its income for housing.*

*Housing for which a household devotes more than 30% of its income shall be deemed Affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30% benchmark and in the case of rental housing does not exceed those rental limits adjusted for bedroom size.*

- N. Welfare Transition Program:** If an eligible sponsor is used, a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed. This shall include a description that demonstrates how eligible sponsors that employ personnel from the Welfare Transition Program will be given preference in the selection process.
- O. Monitoring and First Right of Refusal:** In the case of rental housing, the staff and any entity that has administrative authority for implementing the local housing assistance plan assisting rental developments shall annually monitor and determine tenant eligibility or, to the extent another governmental entity provides periodic monitoring and determination, a municipality, county or local housing financing authority may rely on such monitoring and determination of tenant Program eligibility. However, any loan or grant in the original amount of \$10,000 or less shall not be subject to these annual monitoring and determination of tenant eligibility requirements. Tenant eligibility will be monitored annually for no less than 30 years or the term of assistance whichever is longer unless as specified above.

Eligible sponsors that offer rental housing for sale before 30 years or that have remaining mortgages funded under the Program must give a first right of refusal to eligible nonprofit organizations for purchase at the current market value for continued occupancy by eligible persons. If a foreclosure action is instituted against the Premises, or the Owner wishes to sell the Premises during the Affordability Period, the Owner shall give to the City, or its assignee, the first right to purchase the Premises (the "Right of First Refusal") at the current market value for continued occupancy by Program eligible persons.

- P. Administrative Budget:** A line-item budget is attached as Exhibit A. The city/county finds that the monies deposited in the local housing assistance trust fund are necessary to administer and implement the local housing assistance plan.

***§420.9075, Florida Statutes and Chapter 67-37, Florida Administrative Code, state:*** "A county or an eligible municipality may not exceed the 5 percent limitation on administrative costs, unless its governing body finds, by resolution, that 5 percent of the local housing distribution plus 5 percent of program income is insufficient to adequately pay the necessary costs of administering the local housing assistance plan."

***§420.9075, Florida Statutes and Chapter 67-37, Florida Administrative Code, further states:*** "The cost of administering the program may not exceed 10 percent of the local housing distribution plus 5 percent of program income deposited into the trust fund, except that small counties, as defined in s. 120.52(19), and eligible municipalities receiving a local housing distribution of up to \$350,000 may use up to 10 percent of program income for administrative costs." The applicable local jurisdiction has adopted the above findings in the resolution attached as Exhibit E.

- Q. Program Administration:** Administration of the local housing assistance plan will be performed by:

| Entity           | Duties                                                       | Percentage |
|------------------|--------------------------------------------------------------|------------|
| Local Government | Income certification of applicants, annual reporting, fiscal | 100%       |



|             |                                     |  |
|-------------|-------------------------------------|--|
|             | management, marketing and outreach. |  |
| Third Party | N/A                                 |  |

**R. Project Delivery Costs:** In addition to the administrative costs listed above, the City will charge reasonable project delivery costs to cover project estimates/construction estimates and project inspections, which will be performed by independent contractors for construction projects. The fee will not exceed \$5,000 and will be included in the loan amount, evidenced by a promissory note (“Note”), and secured by a recorded Mortgage and Security Agreement (“Mortgage”) and Declaration of Restrictive Covenants.

**S. Essential Service Personnel Definition:** “Essential Service Personnel” are defined as income-eligible employees of Miami Beach businesses and organizations in the following industries:

1. Educators and those employed in the education institutions; and
2. Artists and those employed in artist organizations; and
3. Accommodations and Food Services (including arts, entertainment, and recreation); and
4. Retail Trade; and
5. Public Administration (including City of Miami Beach employees); and
6. Healthcare; and
7. Skilled building trades; and
8. First Responders.

**T. Describe efforts to incorporate Green Building and Energy Saving products and processes:** The City is committed to making the housing stock more energy efficient. Therefore, the City will require the use of the following features when economically feasible in the construction/rehabilitation of homes:

1. Low or No-VOC paint for all interior walls (low-VOC means 50 grams per liter or less for flat; 150 grams per liter or less for non-flat paint);
2. Low-flow water fixtures in bathrooms- WaterSense labeled products or the following specifications:  
Toilets: 1.28 gallons/ flush or less,  
Urinals: 0.5 gallons/ flush,  
Lavatory Faucets: 1.5 gallons/minute or less at 60 psi flow rate,  
Showerheads: 2.0 gallons/minute or less at 80 psi flow rate;
3. Energy Star certified refrigerator;
4. Energy Star certified dishwasher;
5. Energy Star certified ventilation fan in all bathrooms;
6. Water heater minimum efficiency specifications:
  - Residential Electric:
  - Up to 55 gallons= .95 EF or .92 UEF; or
  - More than 55 gallons= Energy Star certified; or
  - Tankless= Energy Star certified;
7. Energy Star certified ceiling fans with lighting fixtures in bedrooms;
8. Air conditioning (choose in-unit or commercial):  
≥8.5 HSPF/ ≥15 SEER/ ≥12.5 EER for split systems  
Central Air Conditioners- Energy Star certified:



≥15 SEER/ ≥12.5 EER for split systems

9. Efficient lighting on both the interior and exterior of homes; and
10. Caulk, weather-strip, or otherwise seal all holes, gaps, cracks, penetrations and electrical receptacles in building envelope; and
11. Insulate heating and cooling system ducts and seal airtight in accordance with §403.29 of the Florida Building Code-Energy Conservation.

**U. Describe efforts to meet the 20% Special Needs set-aside:** The City will add Special Needs qualification questions to its program eligibility application and utilize the City's various communications resources (including its website, Facebook, Twitter, and e-newsletter) to advise the community of this resources.

In addition, the Office of Housing and Community Services (City department responsible for SHIP Program administration) operates the Success University Program and the Parent Child Home Program. These programs are comprehensive family support programs that assist low-income families with various needs, including housing and food. The programs partner with more than 30 community-based human services and support agencies and offer an increased opportunity for identification and referral of eligible households.

The City also serves as a Department of Children and Families ACCESS Center and will provide referral information to households receiving SSI/ SSDI and other benefits.

**V. Describe efforts to reduce homelessness:** The Office of Housing and Community Services is the City department responsible for the Homeless Outreach Program. As such, it has direct contact with individuals who are homeless and living in the streets, as well as individuals/families that are facing the threat of homelessness. The City provides the following services: shelter beds, relocation services, identification document replacement services, and rent assistance to serve its homeless population. The current efforts balance accountability, compassion and efficacy while expecting the same from those the City serves.

Our community is one of the leaders in the County in its municipal efforts to address homelessness and curb its impacts. As one of only two municipal teams in the County, our City is the only municipality that staffs a Homeless Outreach Team (HOT) and operates a walk-in center. The City is leading local efforts to move away from the traditional case management model that centralizes services through a third party (not the client) to a care coordination model that empowers clients to take charge of their lives and creates the culture and skill-set to discourage the return to homelessness.

Rather than following, our community has chosen to take the lead in ending homelessness. The City has created a comprehensive homeless strategy that emphasizes personal accountability, intradepartmental collaboration and innovation that responds to our community's unique needs and assets while firmly founded upon compassion, integrity and efficacy. We have:

- Increased the number of shelter beds bought by the City and engaged more shelters to ensure that we can offer the appropriate, culturally-competent support to any homeless person seeking to end their homelessness.
- Expanded our outreach team from seven (7) staff members to 10 and rolled back our starting time to 7:30am to shorten the service time for those wishing to leave the streets behind.
- Created the Client Management Information System (CIMS) to document and track our engagement and service efforts with the homeless so that we build on our efforts without duplicating services while



simultaneously ensuring integrity and accountability in the use of City resources and expecting integrity and accountability in return from those who benefit from our services.

- Engaged members of the faith community to join our outreach team because sometimes what led to a person's homelessness cannot be fixed solely with the provision of a bed and food.
- Trained our emergency shelter partners on care coordination services so that clients take ownership of their personal success while having the supports and knowledge at their disposal to leave homelessness with an expectation – and the skills – not to return to the streets.
- The City is the only outreach team in the County that employs the homeless it places in shelter to serve as ambassadors to engage the homeless that remain on the streets. Through this program piloted in FY 16/17, the homeless are able to strengthen their engagement skills and transition back into an employment culture while looking for full-time employment and earning much-needed money to buy interview clothes and personal items. In turn, the City obtains the insight and knowledge base familiar with living in the streets and identifies the places and mindsets of those who remain for us to engage. This win/win model has also succeeded in shortening the length of time between placement in shelter and the securing of permanent employment.
- Encouraged intradepartmental collaboration between Police and HOT so that the first approach to those who are breaking our laws because they see themselves as homeless is to offer them shelter and the opportunity to end their homelessness -- rather than encourage a passive acceptance of their circumstances as an intractable fate.

It is worth noting that, since implementing our current strategies, we have eliminated the running shelter waitlist the Administration inherited. Our processes emphasize personal responsibility and provide the tools for independence while moving away from a traditional welfare-dependent model that fails to address the factors that led to homelessness. Working in conjunction with other agencies providing certain support services, there is an opportunity to identify households which may be assisted through participation in the SHIP Program; especially those households being provided with employment and credit repair assistance.

## Section II. LHAP Strategies:

|                                         |        |
|-----------------------------------------|--------|
| <b>A. Owner-Occupied Rehabilitation</b> | Code 3 |
|-----------------------------------------|--------|

- a. Summary:** Rehabilitation/Repair of single-family (including condominiums), owner-occupied housing. "Rehabilitation" will be defined as repairs or improvements that are needed for safe or sanitary habitation, correction of substantial code violations, structural or systems faults, or the creation of additional living space. Cosmetic items may be included on projects if funds are available after completing all required repairs.

- b. Fiscal Years Covered:** 2019-2020, 2020-2021, and 2021-2022
- c. Income Categories to be served:** Extremely low-, Very low-, low- and moderate-income households
- d. Maximum Award:** \$ 70,000
- e. Terms**
- 1. Loan/Deferred Loan/Grant:** Funds will be awarded as a deferred payment loan, evidenced by a Note, and secured by a subordinate (unless the City is the sole lender) Mortgage and a Declaration of

Restrictive Covenants, delineating the recapture period and terms.

2. **Interest Rate:** 0%
3. **Loan Term:** Fifteen (15) years
4. **Forgiveness:** The loan will be forgiven at the end of the term.
5. **Repayment:** None required as long as the loan is in good standing.

**6. Default:** Pursuant to the Declaration of Restrictive Covenants, the total loan amount shall become due and payable if any of the following occurs during the Affordability Period: (a) the property is: (i) rented; (ii) sold or transferred, by operation of law or otherwise (except as to an approved Program eligible heir); or (iii) encumbered (voluntary or otherwise), mortgaged or refinanced (except as to a senior mortgage, for improved payment terms) without the written consent of the City Manager, or (b) borrower/owner fails to occupy the property as a primary home. Once due, the total loan amount shall accrue interest at the rate of twelve percent (12%) per annum ("Default Interest Rate") from the due date until paid. The Declaration of Restrictive Covenants survives any proceedings in foreclosure, bankruptcy probate or any other proceedings at law or in equity.

In the event that a foreclosure proceeding is commenced against the property by a senior mortgage holder, the City will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a repayment.

If the owner sells or transfers the property during the Affordability Period, the City shall be given the first right to purchase the property based upon the same material terms being offered to the owner (the "Right of First Refusal").

The owner will be allowed to refinance a senior mortgage without having to pay off the City's loan, so long as the new loan amount does not exceed the then outstanding balance of the senior mortgage (without additional cash out) and will serve to lower the mortgage payment and/or interest rate.

In the event that title to the property is transferred by the death of the owner to a surviving heir, and said heir occupies the property as a principal residence, within six (6) months from the date of the owner's death and meets the SHIP Program eligibility requirements, as determined by the City Manager, in his reasonable discretion, the City will approve the transfer.

- f. **Recipient Selection Criteria:** Applicants will be selected from a waiting list on a first-qualified, first-served basis. Special Needs households will be given priority funding until the City fulfills the minimum SHIP Program requirements for assistance to this target population.
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:** Mobile homes and trailers are not eligible for this strategy. Assisted properties must be located within the City of Miami Beach corporate limits.





|                           |        |
|---------------------------|--------|
| <b>B. Disaster Repair</b> | Code 5 |
|---------------------------|--------|

**a. Summary:** Emergency Assistance to eligible households after the occurrence of a disaster declared by Executive Order (President of the United States or Governor of the State of Florida). In the event of a disaster, the City will commit available unencumbered SHIP funds, as well as other disaster funds that may become available through the Florida Housing Finance Corporation or any other emergency funding sources. Disaster funds may be used for, but not limited to, the following:

**1. Home Repair**

- 1) Purchase of emergency supplies; weatherproofing a damaged home;
- 2) Interim repairs to prevent further damage; tree and debris removal to make the housing unit habitable;

3) Payment of insurance deductibles for rehabilitation of homes covered under homeowners' insurance policies; and

4) Other activities as proposed by the Federal Government, counties and eligible municipalities and approved by Florida Housing Finance Corporation.

**2. Mortgage and Rent Assistance**

3 months of rent and mortgage payments for households affected by a disaster.

**b. Fiscal Years Covered:** 2019-2020, 2020-2021, and 2021-2022

**c. Income Categories to be served:** Extremely low-, Very low-, low- and moderate-income households

**d. Maximum award:** 1. Home Repair \$40,000 2. Mortgage and Rent Assistance \$5,000

**e. Terms:**

**1. Home Repair**

**1. Loan/Deferred Loan/Grant:** Funds will be awarded as a deferred payment loan, evidenced by a Note, and secured by a subordinate (unless the City is the sole lender) Mortgage and a Declaration of Restrictive Covenants, delineating the recapture period and terms.

**2. Interest Rate:** 0%

**3. Loan Term:** Fifteen (15) years

**4. Forgiveness:** The loan will be forgiven at the end of the term.

**5. Repayment:** None required as long as the loan is in good standing.

**6. Default:** Pursuant to the Declaration of Restrictive Covenants, the total loan amount shall become due and payable if any of the following occurs during the Affordability Period: (a) the property is: (i) rented; (ii) sold or transferred, by operation of law or otherwise (except as to an approved Program



eligible heir); or (iii) encumbered (voluntary or otherwise), mortgaged or refinanced (except as to a senior mortgage, for improved payment terms) without the written consent of the City Manager, or (b) borrower/owner fails to occupy the property as a primary home. Once due, the total loan amount shall accrue interest at the rate of twelve percent (12%) per annum (“Default Interest Rate”) from the due date until paid. The Declaration of Restrictive Covenants survives any proceedings in foreclosure, bankruptcy, probate or any other proceedings at law or in equity.

In the event that a foreclosure proceeding is commenced against the property by a senior mortgage holder, the City will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a repayment.

If the owner sells or transfers the property during the Affordability Period, the City shall be given the first right to purchase the property based upon the same material terms being offered to the owner (the “Right of First Refusal”).

The owner will be allowed to refinance a senior mortgage without having to pay off the City’s loan, so long as the new loan amount does not exceed the then outstanding balance of the senior mortgage (without additional cash out) and will serve to lower the mortgage payment and/or interest rate.

In the event that title to the property is transferred by the death of the owner to a surviving heir, and said heir occupies the property as a principal residence, within six (6) months from the date of the owner’s death and meets the SHIP Program eligibility requirements, as determined by the City Manager, in his reasonable discretion, the City will approve the transfer.

## 2. Mortgage and Rent Assistance

1. Loan/deferred loan/grant: Funds will be awarded as a grant
2. Interest Rate: N/A
3. Term: N/A
4. Forgiveness/Repayment: N/A
5. Default/Recapture: N/A

**f. Recipient Selection Criteria:** Applicants will be selected from a waiting list on a first-qualified, first-served basis. Special Needs households will be given priority funding until the City fulfills the minimum SHIP Program requirements for assistance to this target population.

**g. Sponsor Selection Criteria:** N/A

**h. Additional Information:** Mobile homes and trailers are not eligible for this strategy. Assisted properties must be located within the City of Miami Beach corporate limits.

|                            |         |
|----------------------------|---------|
| <b>C. New Construction</b> | Code 10 |
|----------------------------|---------|

**a. Summary:** To develop homeownership opportunities to assist eligible buyers to purchase affordable housing in Miami Beach. Funds will be provided to developers to be used to finance the costs associated with site acquisition/development, and hard and soft construction costs. The property must be sold to an income-eligible homebuyer. Upon sale, the SHIP Program funding obligations will be passed on to the homebuyer.

**b. Fiscal Years Covered:** 2019-2020, 2020-2021, and 2021-2022

**c. Income Categories to be served:** Extremely low-, Very low-, low- and moderate

**d. Maximum award:** \$40,000

**e. Terms:**

**1. Loan/Deferred Loan/Grant:** Funds will be awarded as a deferred loan, evidenced by a Note, and secured by a subordinate (unless the City is the sole lender) Mortgage and Declaration of Restrictive Covenants, delineating the recapture period and terms.

**2. Interest Rate:** 0%

**3. Loan Term:** Fifteen (15) years

**4. Forgiveness:** The loan will be forgiven at the end of the term.

**5. Repayment:** None required as long as the loan is in good standing.

**6. Default:** Pursuant to the Declaration of Restrictive Covenants, the total loan amount shall become due and payable if any of the following occurs during the Affordability Period: (a) the property is: (i) rented; (ii) sold or transferred, by operation of law or otherwise (except as to a Program eligible heir residing on the property); or (iii) encumbered (voluntary or otherwise), mortgaged or refinanced (except as to a senior mortgage, for improved payment terms), or (b) borrower/owner fails to occupy the property as a primary home. Upon the occurrence of a default, the total loan amount shall become due and owing and shall accrue interest at the rate of twelve percent (12%) per annum ("Default Interest Rate") from the due date until paid. The Declaration of Restrictive Covenants survives any proceedings in foreclosure, bankruptcy probate or any other proceedings at law or in equity.

If the owner sells or transfers the property during the Affordability Period, the City shall be given the first right to purchase the property based upon the same material terms being offered to the owner (the "Right of First Refusal"). If the City does not exercise the Right of First Refusal within 60 days, the owner may proceed to sell the property. Upon the sale or transfer of the property, the owner will be required to pay the City a share of the profit realized from the sale or transfer of the property ("Profit Recapture Provision"), as follows: **If the sale 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 property; to wit: if the sales price for the property was \$100,000 and the City provided a \$50,000 mortgage, the City shall be paid 50% of the profit; if the sale or transfer occurs between the sixth and**



tenth year, the City shall be paid fifty percent (50%) of the profit; and if the sale or transfer occurs between the eleventh and fifteenth year, the City shall be paid twenty-five percent (25%) of the profit.

In the event that a foreclosure proceeding is commenced against the property by a senior mortgage holder, the City will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a repayment.

The owner will be allowed to refinance a senior mortgage without having to pay off the City's loan, so long as the new loan amount does not exceed the then outstanding balance of the senior mortgage (without additional cash out) and will serve to lower the mortgage payment and/or interest rate.

In the event that title to the property is transferred by the death of the owner to a surviving heir, and said heir occupies the property as a principal residence, within six (6) months from the date of the owner's death and meets the SHIP Program eligibility requirements, as determined by the City Manager, in his reasonable discretion, the City will approve the transfer.

f. **Recipient Selection Criteria:** Applicants will be selected from a waiting list on a first-qualified, first-served basis. Special Needs households will be given priority funding until the City fulfills the minimum SHIP Program requirements for assistance to this target population.

g. **Sponsor Selection Criteria:** N/A

h. **Additional Information:** Mobile homes and trailers are not eligible for this strategy. Assisted properties must be located within the City of Miami Beach corporate limits.

|                                          |        |
|------------------------------------------|--------|
| <b>D. Purchase Assistance with Rehab</b> | Code 1 |
|------------------------------------------|--------|

|                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>a. <b>Summary:</b> Down payment, closing cost and rehabilitation assistance for the purchase of new or existing housing, and the rehabilitation of those properties, for first-time homebuyers. A first-time homebuyer is defined as a purchaser that has not owned a home in at least the last three (3) years.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

b. **Fiscal Years Covered:** 2019-2020, 2020-2021, and 2021-2022

c. **Income Categories to be served:** Extremely low-, Very low-, low- and moderate

d. **Maximum award:**

1. \$50,000 (Moderate-Income)
2. \$100,000 (Low and Very Low-Income)
3. \$150,000 (Extremely Low-Income)

e. **Terms**

1. **Loan/Deferred Loan/Grant:** Funds will be awarded as a deferred loan, evidenced by a Note, and secured by a subordinate (unless the City is the sole lender) Mortgage and Declaration of Restrictive Covenants, delineating the recapture period and terms.



2. **Interest Rate:** 0%
3. **Loan Term:** Fifteen (15) years
4. **Forgiveness:** The loan will be forgiven at the end of the term.
5. **Repayment:** None required as long as the loan is in good standing.
6. **Default:** Pursuant to the Declaration of Restrictive Covenants, the total loan amount shall become due and payable if any of the following occurs during the Affordability Period: (a) the property is: (i) rented; (ii) sold or transferred, by operation of law or otherwise (except as to a Program eligible heir residing on the property); or (iii) encumbered (voluntary or otherwise), mortgaged or refinanced (except as to a senior mortgage, for improved payment terms), or (b) borrower/owner fails to occupy the property as a primary home. Upon the occurrence of a default, the total loan amount shall become due and owing and shall accrue interest at the rate of twelve percent (12%) per annum ("Default Interest Rate") from the due date until paid. The Declaration of Restrictive Covenants survives any proceedings in foreclosure, bankruptcy probate or any other proceedings at law or in equity.

If the owner sells or transfers the property during the Affordability Period, the City shall be given the first right to purchase the property based upon the same material terms being offered to the owner (the "Right of First Refusal"). If the City does not exercise the Right of First Refusal within 60 days, the owner may proceed to sell the property. Upon the sale or transfer of the property, the owner will be required to pay the City a share of the profit realized from the sale or transfer of the property ("Profit Recapture Provision"), as follows: **If the sale 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 property; to wit: if the sales price for the property was \$100,000 and the City provided a \$50,000 mortgage, the City shall be paid 50% of the profit; If the sale or transfer occurs between the sixth and tenth year, the City shall be paid fifty percent (50%) of the profit; and if the sale or transfer occurs between the eleventh and fifteenth year, the City shall be paid twenty-five percent (25%) of the profit.**

In the event that a foreclosure proceeding is commenced against the property by a senior mortgage holder, the City will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a repayment.

The owner will be allowed to refinance a senior mortgage without having to pay off the City's loan, so long as the new loan amount does not exceed the then outstanding balance of the senior mortgage (without additional cash out) and will serve to lower the mortgage payment and/or interest rate.

In the event that title to the property is transferred by the death of the owner to a surviving heir, and said heir occupies the property as a principal residence, within six (6) months from the date of the owner's death and meets the SHIP Program eligibility requirements, as determined by the City Manager, in his reasonable discretion, the City will approve the transfer.

- f. **Recipient Selection Criteria:** Applicants will be selected from a waiting list on a first-qualified, first-served



basis. Special Needs households will be given priority funding until the City fulfills the minimum SHIP Program requirements for assistance to this target population.

g. **Sponsor Selection Criteria:** N/A

h. **Additional Information:** Mobile homes and trailers are not eligible for this strategy. Assisted properties must be located within the City of Miami Beach corporate limits.

|                                      |               |
|--------------------------------------|---------------|
| <b>E. Demolition/ Reconstruction</b> | <b>Code 4</b> |
|--------------------------------------|---------------|

a. **Summary:** Funds will be awarded to assist households when the cost of repairing the home exceeds fifty (50) percent of the current property appraised value.

b. **Fiscal Years Covered:** 2019-2020, 2020-2021, and 2021-2022

c. **Income Categories to be served:** Extremely low, Very low-, low- and moderate-income households

d. **Maximum Award:** \$70,000

e. **Terms:**

1. **Loan/Deferred Loan/Grant:** Funds will be awarded as a deferred Loan, evidenced by a Note, and secured by a subordinate (unless the City is the sole lender) Mortgage and a Declaration of Restrictive Covenants, delineating the recapture period and terms.
2. **Interest Rate:** 0%
3. **Loan Term:** Fifteen (15) years
4. **Forgiveness:** The loan will be forgiven at the end of the term.
5. **Repayment:** None required as long as the loan is in good standing.
6. **Default/Recapture:** Pursuant to the Declaration of Restrictive Covenants, the total loan amount shall become due and payable if any of the following occurs during the Affordability Period: (a) the property is: (i) rented; (ii) sold or transferred, by operation of law or otherwise (except as to a Program eligible heir residing on the property); or (iii) encumbered (voluntary or otherwise), mortgaged or refinanced (except as to a senior mortgage, for improved payment terms), or (b) borrower/owner fails to occupy the property as a primary home. Upon the occurrence of a default, the total loan amount shall become due and owing and shall accrue interest at the rate of twelve percent (12%) per annum ("Default Interest Rate") from the due date until paid. The Declaration of Restrictive Covenants survives any proceedings in foreclosure, bankruptcy probate or any other proceedings at law or in equity.

If the owner sells or transfers the property during the Affordability Period, the City will be given the



first right to purchase the property based upon the same material terms being offered to the owner (the “Right of First Refusal”).

In the event that a foreclosure proceeding is commenced against the property by a senior mortgage holder, the City will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a repayment.

The owner will be allowed to refinance a senior mortgage without having to pay off the City’s loan, so long as the new loan amount does not exceed the then outstanding balance of the senior mortgage (without additional cash out) and will serve to lower the mortgage payment and/or interest rate.

In the event that title to the property is transferred by the death of the owner to a surviving heir, and said heir occupies the property as a principal residence, within six (6) months from the date of the owner’s death and meets the SHIP Program eligibility requirements, as determined by the City Manager, in his reasonable discretion, the City will approve the transfer.

f. **Recipient Selection Criteria:** Applicants will be selected from a waiting list on a first-qualified, first-served basis. Special Needs households will be given priority funding until the City fulfills the minimum SHIP Program requirements for assistance to this target population.

g. **Sponsor/Sub-recipient Selection Criteria:** N/A

h. **Additional Information:** Mobile homes and trailers are not eligible for this strategy. Assisted properties must be located within the City of Miami Beach corporate limits.

|                                  |        |
|----------------------------------|--------|
| <b>G. Foreclosure Prevention</b> | Code 7 |
|----------------------------------|--------|

a. **Summary:** Funds will be provided to assist qualified homeowners with retaining their home and preventing foreclosure action of their first mortgage. Applicants must be delinquent at least two full monthly mortgage payments, in receipt of a letter from the mortgage notifying the applicant of delinquency and/or intent to foreclose. Eligible expenses include delinquent mortgage payments (principal, interest, taxes and insurance), special assessment fees from condominium and/or neighborhood associations, late fees and other customary fees associated with delivery costs (but excluding brokerage fees.)

b. **Fiscal Years Covered:** 2019-2020, 2020-2021, and 2021-2022

c. **Income Categories to be served:** Extremely low-, Very low-, low- and moderate

d. **Maximum award:** \$15,000

e. **Terms:**

1. **Loan/Deferred Loan/Grant:** Funds will be awarded as a deferred payment loan, evidenced by a Note, and secured by a subordinate (unless the City is the sole lender) Mortgage and a Declaration of Restrictive Covenants, delineating the recapture period and terms.

2. **Interest Rate:** 0%
3. **Loan term:** Fifteen (15) Years
4. **Forgiveness:** The loan will be forgiven at the end of the term.
5. **Default/Recapture:** Pursuant to the Declaration of Restrictive Covenants, the total loan amount shall become due and owing if any of the following occurs during the Affordability Period: (a) the property is: (i) rented; (ii) sold or transferred, by operation of law or otherwise (except as to a Program eligible heir residing on the property); or (iii) encumbered (voluntary or otherwise), mortgaged or refinanced (except as to a senior mortgage, for improved payment terms), or (b) borrower/owner fails to occupy the property as a primary home. Upon the occurrence of a default, the total loan amount shall become due and owing and shall accrue interest at the rate of twelve percent (12%) per annum ("Default Interest Rate") from the due date until paid. The Declaration of Restrictive Covenants terminates automatically upon the sale of the property pursuant to a mortgage foreclosure proceeding filed by a senior mortgage holder.

In the event that a foreclosure proceeding is commenced against the property by a senior mortgage holder, the City will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a repayment.

If the owner sells or transfers the property during the Affordability Period, the City shall be given the first right to purchase the property based upon the same material terms being offered to the owner (the "Right of First Refusal").

The owner will be allowed to refinance a senior mortgage without having to pay off the City's loan, so long as the new loan amount does not exceed the then outstanding balance of the senior mortgage (without additional cash out) and will serve to lower the mortgage payment and/or interest rate.

In the event that title to the property is transferred by the death of the owner to a surviving heir, and said heir occupies the property as a principal residence, within six (6) months from the date of the owner's death and meets the SHIP Program eligibility requirements, as determined by the City Manager, in his reasonable discretion, the City will approve the transfer.

- f. **Recipient Selection Criteria:** Applicants will be selected from a waiting list on a first-qualified, first-served basis. Special Needs households will be given priority funding until the City fulfills the minimum SHIP Program requirements for assistance to this target population.
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:** Mobile homes and trailers are not eligible for this strategy. Assisted properties must be located within the City of Miami Beach corporate limits.



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| <b>H. Land Acquisition</b> | <b>Code 20</b> |
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**a. Summary:** Funds will be provided to for-profit and non-profit developers to be used to finance the costs of acquisition and/or the hard and soft costs of rehabilitating multi-family buildings. Funds will also be utilized for the acquisition and/or rehabilitation of multi-family buildings owned and operated by the City.

- b. Fiscal Years Covered:** 2019-2020, 2020-2021, and 2021-2022
- c. Income Categories to be served:** Extremely low-, Very low-, low- and moderate-income households
- d. Maximum award:** \$ 40,000 per unit, \$400,00 per project.
- e. Terms as to developer acquisitions or rehabilitations:**
- 1. Loan/deferred loan/grant:** Funds will be awarded as a deferred payment loan, evidenced by a Note, and secured by a subordinate (unless the City is the sole lender) Mortgage and a Declaration of Restrictive Covenants, delineating the recapture period and terms.
  - 2. Interest Rate:** 0%
  - 3. Loan term:** Thirty (30) Years
  - 4. Forgiveness:** The loan will be forgiven at the end of the Affordability Period.
  - 5. Repayment:** None required as long as the loan is in good standing.
  - 6. Default/Recapture:** Pursuant to the Declaration of Restrictive Covenants, the total loan amount will become due and owing if the property is mortgaged, sold or transferred, or the property fails to be used for affordable housing during the Affordability Period. For properties owned by developers, where funding was provided for acquisition, the City may impose a reverter provision at the end of the term, when the property is not subject to any limitations by superior lienholders, if it is found to be in the best interest of City to maintain the affordable housing beyond the Affordability Period when the developer is converting the project to market rate development. The reverter clause may not be imposed if the recipient volunteers to keep a negotiated percentage of the units affordable to very low, low and moderate-income households. Upon the occurrence of a default, the total loan amount shall become due and owing and shall accrue interest at the rate of twelve percent (12%) per annum ("Default Interest Rate") from the due date until paid. The Declaration of Restrictive Covenants survives any proceedings in foreclosure, bankruptcy probate or any other proceedings at law or in equity.

In the event that a foreclosure proceeding is commenced against the property by a senior mortgage holder, the City will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a repayment.

If owner sells or transfers the property during the Affordability Period, the City shall be given the first



right to purchase the property based upon the same material terms being offered to the owner (the “Right of First Refusal”).

The owner will be allowed to refinance a senior mortgage without having to pay off the City’s loan, so long as the new loan amount does not exceed the then outstanding balance of the senior mortgage (without additional cash out) and will serve to lower the mortgage payment and/or interest rate.

- f. **Recipient Selection Criteria:** All tenants of properties assisted with SHIP funds must meet the eligibility requirements as stipulated in the applicable Florida Statutes, SHIP Rule, and this Plan on a first qualified, first served basis.
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:** Mobile homes and trailers are not eligible for this strategy. Assisted properties must be located within the City of Miami Beach corporate limits. With respect to acquisitions or rehabilitations for City-owned facilities, the City will execute and record a Declaration of Restrictive Covenants, restricting the use of the property for affordable housing during the Affordability Period.

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| <b>I. Rental Development</b> | Code 14 |
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| <p>b. <b>Summary:</b> Funds will be provided to for-profit and non-profit developers to be used to finance the costs of acquisition and/or the hard and soft costs of rehabilitating multi-family buildings. Funds will also be utilized for the acquisition and/or rehabilitation of multi-family buildings owned and operated by the City.</p> |
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- b. **Fiscal Years Covered:** 2019-2020, 2020-2021, and 2021-2022
- c. **Income Categories to be served:** Extremely low, Very low-, low- and moderate-income households
- d. **Maximum award:** \$40,000 per unit/ \$400,000 per property
- e. **Terms as to Developer Acquisitions or Rehabilitations:**
  - 1. **Loan/deferred loan/grant:** Funds will be awarded as a deferred payment loan, evidenced by a Note, and secured by a subordinate (unless the City is the sole lender) Mortgage and a Declaration of Restrictive Covenants, delineating the recapture period and terms.
  - 2. **Interest Rate:** 0%
  - 3. **Loan term:** Thirty (30) Years
  - 4. **Forgiveness:** The loan is forgiven at the end of the term.
  - 5. **Repayment:** None required as long as the loan is in good standing.



**6. Default/Recapture:** Pursuant to the Declaration of Restrictive Covenants, the total loan amount shall become due and owing if the property is sold or transferred, mortgaged or the property fails to be used for affordable housing during the Affordability Period. For properties owned by developers, where funding was provided for acquisition, the City may impose a reverter provision at the end of the term, when the property is not subject to any limitations by superior lienholders, if it is found to be in the best interest of City to maintain the affordable housing beyond the Affordability Period when the developer is converting the project to market rate development. The reverter clause may not be imposed if the recipient volunteers to keep a negotiated percentage of the units affordable to very low, low and moderate-income households. Upon the occurrence of a default, the total loan amount shall become due and owing and shall accrue interest at the rate of twelve percent (12%) per annum ("Default Interest Rate") from the due date until paid. The Declaration of Restrictive Covenants survives any proceedings in foreclosure, bankruptcy probate or any other proceedings at law or in equity.

In the event that a foreclosure proceeding is commenced against the property by a senior mortgage holder, the City will make an effort to recapture funds through the legal process if it is determined that adequate funds may be available to justify pursuing a repayment.

If owner sells or transfers the property during the Affordability Period, the City shall be given the first right to purchase the property based upon the same material terms being offered to the owner (the "Right of First Refusal").

The owner will be allowed to refinance a senior mortgage without having to pay off the City's loan, so long as the new loan amount does not exceed the then outstanding balance of the senior mortgage (without additional cash out) and will serve to lower the mortgage payment and/or interest rate.

- f. **Recipient Selection Criteria:** All tenants of properties assisted with SHIP funds must meet the eligibility requirements as stipulated in the applicable Florida Statutes, SHIP Rule, and this Plan on a first qualified, first served basis.
- g. **Sponsor Selection Criteria:** N/A
- h. **Additional Information:** Mobile homes and trailers are not eligible for this strategy. Assisted properties must be located within the City of Miami Beach corporate limits.

With respect to acquisitions or rehabilitations for City-owned facilities, the City will execute and record a Declaration of Restrictive Covenants, reflecting that the property has to remain for use as affordable housing during the Affordability Period.

### III. LHAP Incentive Strategies

In addition to the **required Incentive Strategy A and Strategy B**, include all adopted incentives with the policies and procedures used for implementation as provided in Section 420.9076, F.S.:

- A. Name of the Strategy: **Expedited Permitting**  
Permits as defined in s. 163.3177 (6) (f) (3) for affordable housing projects are expedited to a greater degree than other projects.

Provide a description of the procedures used to implement this strategy:

B. Name of the Strategy: **Ongoing Review Process**

An ongoing process for review of local policies, ordinances, regulations and plan provisions that increase the cost of housing prior to their adoption.

Provide a description of the procedures used to implement this strategy:

C. Other Incentive Strategies Adopted: **Affordable Housing Unit Size and Parking Requirements, Ordinance No. 2017-4148**

The reduction of parking requirements for new construction or rehabilitated housing units for low- and/ or moderate-income housing for elderly and non-elderly persons.

**IV. EXHIBITS:**

- A. Administrative Budget for each fiscal year covered in the Plan
- B. Timeline for Estimated Encumbrance and Expenditure
- C. Housing Delivery Goals Chart (HDGC) For Each Fiscal Year  
Covered in the plan
- D. Signed LHAP Certification
- E. Signed, dated, witnessed or attested adopting resolution
- F. Ordinance: (If changed from the original creating ordinance)
- G. Mortgage Agreement/ Promissory Note/ Restrictive Covenant
- H. Procurement Policy
- I. Affordable Housing Statute

# MIAMI BEACH

## **COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission  
FROM: Raul J. Aguila, City Attorney  
DATE: June 5, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY, DATED MARCH 12, 2020, IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, AS EXTENDED THROUGH JUNE 5, 2020, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING ON JUNE 6, 2020 AND ENDING ON JUNE 12, 2020, PROVIDED THAT THE SCOPE OF ANY EMERGENCY MEASURES ORDERED BY THE CITY MANAGER SHALL, CONSISTENT WITH ALL PRIOR EMERGENCY MEASURES IMPOSED BY THE CITY MANAGER TO DATE, BE LIMITED TO RESPOND TO IMMEDIATE THREATS POSED BY THE COVID-19 PANDEMIC; FURTHER, PROVIDING THAT NO EMERGENCY ACTION TAKEN BY THE CITY MANAGER SHALL BE BINDING ON THE CITY COMMISSION BEYOND THE PERIOD OF THE COVID-19 STATE OF EMERGENCY, OR OTHERWISE LIMIT THE ABILITY OF THE CITY COMMISSION TO UNDO ANY ACTION OF THE CITY MANAGER, WHETHER CONTRACTUALLY OR LEGISLATIVELY; AND FURTHER PROVIDING THAT THE SUBJECT DECLARATION OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

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### **ANALYSIS**

The attached Resolution requests authorization, pursuant to City Code Section 26-35, to further extend the duration of the Declaration of a State of Emergency, dated March 12, 2020, in order to continue to address threats associated with the coronavirus disease 2019 ("COVID-19") pandemic.

On March 12, 2020, the City Manager declared a State of Emergency for the City of Miami Beach, on the basis that the COVID-19 pandemic poses a health risk to the City's residents, particularly elderly residents and those who are immunosuppressed or otherwise have high risk of medical conditions (the "Declaration").

On March 13, 2020, the City Commission adopted Resolution No. 2020-31192, authorizing the

City Manager to extend the duration of those discretionary emergency measures that the City Manager deemed necessary to address the COVID-19 pandemic beyond the 72-hour time period set forth in City Code Section 26-35, for a period of seven (7) days commencing March 12, 2020, and ending on March 19, 2020.

On March 18, 2020, the City Commission adopted Resolution No. 2020-31219, which, in pertinent part, authorized the City Manager to extend the duration of the Declaration in additional seven-day increments, through April 23, 2020.

On April 22, 2020, the City Commission adopted Resolution No. 2020-31245, authorizing the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing on April 24, 2020, and ending on April 30, 2020. The Resolution further authorized the City Manager to extend the duration of the Declaration on April 30, 2020, for an additional 7-day increment, which would commence on May 1, 2020, and end on May 7, 2020.

On May 1, 2020, the City Commission adopted Resolution No. 2020-31246, authorizing the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing on May 8, 2020, and ending on May 14, 2020.

On May 13, 2020, the City Commission adopted Resolution No. 2020-31273, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 15, 2020 and ending on May 21, 2020, and further authorizing the City Manager to extend the Declaration of a State of Emergency by one (1) additional day, commencing at 12:00 a.m. on May 22, 2020, and ending at 11:59 p.m. on May 22, 2020.

On May 22, 2020, the City Commission adopted Resolution No. 2020-31280, authorizing the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing on May 23, 2020, and ending on May 29, 2020.

On May 28, 2020, the City Commission adopted Resolution No. 2020-31282, authorizing the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing on May 30, 2020, and ending on June 5, 2020.

The attached Resolution authorizes the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing on June 6, 2020, and ending on June 12, 2020.

The Resolution further provides that the scope of any emergency measures ordered by the City Manager pursuant to the Declaration shall, consistent with all prior emergency measures imposed by the City Manager to date, be limited to respond to immediate threats posed by the COVID-19 pandemic. Further, no emergency action taken by the City Manager shall be binding on the City Commission beyond the period of the COVID-19 State of Emergency, or otherwise limit the ability of the City Commission to undo any action of the City Manager, whether contractually or legislatively.

**Applicable Area**

Not Applicable

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

**Does this item utilize G.O. Bond Funds?**

No

**Legislative Tracking**

Office of the City Attorney

**ATTACHMENTS:**

**Description**

▣ Resolution

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY, DATED MARCH 12, 2020, IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, AS EXTENDED THROUGH JUNE 5, 2020, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING ON JUNE 6, 2020 AND ENDING ON JUNE 12, 2020, PROVIDED THAT THE SCOPE OF ANY EMERGENCY MEASURES ORDERED BY THE CITY MANAGER SHALL, CONSISTENT WITH ALL PRIOR EMERGENCY MEASURES IMPOSED BY THE CITY MANAGER TO DATE, BE LIMITED TO RESPOND TO IMMEDIATE THREATS POSED BY THE COVID-19 PANDEMIC; FURTHER, PROVIDING THAT NO EMERGENCY ACTION TAKEN BY THE CITY MANAGER SHALL BE BINDING ON THE CITY COMMISSION BEYOND THE PERIOD OF THE COVID-19 STATE OF EMERGENCY, OR OTHERWISE LIMIT THE ABILITY OF THE CITY COMMISSION TO UNDO ANY ACTION OF THE CITY MANAGER, WHETHER CONTRACTUALLY OR LEGISLATIVELY; AND FURTHER PROVIDING THAT THE SUBJECT DECLARATION OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

**WHEREAS**, coronavirus disease 2019 ("COVID-19"), a severe acute respiratory illness caused by the SARS-CoV-2 virus that can spread rapidly from person to person and cause serious illness or death, constitutes a clear and present threat to the lives, health, welfare and safety of the people of the City of Miami Beach; and

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency for the State of Florida related to COVID-19; and

**WHEREAS**, on March 11, 2020, the World Health Organization declared the rapidly spreading coronavirus outbreak a pandemic; and

**WHEREAS**, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for all of Miami-Dade County due to the threats associated with COVID-19; and

**WHEREAS**, on March 12, 2020, the City Manager for the City of Miami Beach declared a State of Emergency for the City of Miami Beach, as COVID-19 poses a health risk to the City's residents, particularly elderly residents and those who are immunosuppressed or otherwise have high risk of medical conditions, which declaration was amended on March 13, 2020, and the findings of which are hereby incorporated by reference; and



**WHEREAS**, on March 13, 2020, the Mayor and City Commission of the City of Miami Beach unanimously adopted Resolution No. 2020-31192, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on March 12, 2020, and ending on March 19, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

**WHEREAS**, on March 13, 2020, President Trump declared a national emergency due to COVID-19; and

**WHEREAS**, on March 18, 2020, the Mayor and City Commission unanimously adopted Resolution No. 2020-31219, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on March 19, 2020, and ending on March 26, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

**WHEREAS**, the rate of infection throughout the world and in the United States has accelerated rapidly, with more than 6,400,055 confirmed cases worldwide as of June 2, 2020; and

**WHEREAS**, as the result of the rapid and exponential spread of COVID-19, countries such as Spain, Italy, India, Czech Republic, France, Jordan, and the United Kingdom have imposed strict measures limiting travel, and ordering citizens to stay at home to avoid or minimize the community spread of COVID-19; and

**WHEREAS**, as of June 2, 2020, the United States has recorded over 1,859,772 confirmed cases, with more than 106,929 deaths; and

**WHEREAS**, during March and April of 2020, the accelerating infection rate for COVID-19 led at least 42 states (including Florida), and countless local governments, including Miami-Dade County, to issue orders curtailing mobility and travel, through "Shelter in Place," "Stay at Home," or "Safer at Home" orders, in order to minimize contact through social distancing measures and reduce the risk of COVID-19 infection, with over 316 million Americans subject to such orders as of April 27, 2020, accounting for over 97% of the country's population; and

**WHEREAS**, as of June 2, 2020, the Florida Department of Health lists 56,830 positive cases of COVID-19 and 2,460 deaths, with South Florida emerging as a "hotspot" for these infections – with 7,196 confirmed cases in Broward County and 18,139 confirmed cases in Miami-Dade County, together accounting for nearly half of the state's total; and

**WHEREAS**, as of June 2, 2020, 702 individuals in Miami-Dade County have died due to complications from COVID-19; and

**WHEREAS**, health experts urge people to practice extreme social distancing in order to "flatten the curve," which refers to the use of protective practices to slow the rate of COVID-19 infection, so that hospitals have sufficient room, supplies, and medical personnel for all of the patients who may need care due to COVID-19; and

**WHEREAS**, the failure to "flatten the curve" at the early onset of the COVID-19 pandemic in Italy has filled many hospitals in Italy beyond their capacity, forcing emergency rooms to close their doors to new patients, allocate ventilators and ICU beds to patients with highest chances of survival, hire hundreds of new doctors and healthcare personnel, and request emergency supplies of basic medical equipment, like respirator masks, from abroad; and

**WHEREAS**, Dr. Anthony S. Fauci, the Director of the National Institute of Allergy and Infectious Diseases and the United States government's top infectious disease expert, warned early during the pandemic that COVID-19 could kill between 100,000 to 200,000 Americans, despite social distancing measures already taken across the country; and

**WHEREAS**, COVID-19 continues to impact first responders on a global and national scale – in Italy, 8,358 health workers have tested positive for coronavirus, according to the Italian National Institute of Health, and over 60 doctors who were infected with the coronavirus have died; and

**WHEREAS**, as Spain overtook China on March 30, 2020, in the number of confirmed coronavirus infections, the pandemic stretched Spanish hospitals to their breaking points – at least six of Spain's 17 regions had reached their limit of ICU beds and three more regions were approaching it, according to Spanish authorities; and

**WHEREAS**, the COVID-19 outbreak has already overwhelmed some United States hospitals in areas with the highest infection rates, leading the U.S. military to prepare to deploy field hospitals in New York and Seattle, send military hospital ships to Los Angeles and New York City, and task the Army Corps of Engineers to convert hotels and dormitories into treatment facilities for sick patients; and

**WHEREAS**, the spread of COVID-19 via travel, including business and leisure travel, presents unique challenges to a resort community like Miami Beach, as attracting visitors and tourists is utterly incompatible with social distancing efforts; and

**WHEREAS**, in spite of warnings from City, County, State, and Federal governmental agencies, including the Centers for Disease Control and Prevention (the "CDC"), thousands of students and other persons congregated in Miami Beach for "Spring Break" and other social activities, and congregated in and around parks, beaches, hotels, restaurants, bars, nightclubs, and other places of public assemblage, without observing the social distancing guidelines recommended by the CDC, thus increasing the risk of transmission; and

**WHEREAS**, as of April 2, 2020, at least four Miami Beach police officers, one of which was assigned to patrol the Ocean Drive area during a peak “Spring Break” period, have contracted COVID-19; and

**WHEREAS**, there is reason to believe that COVID-19 may be spread amongst the population by various means of exposure, including the propensity to spread person-to-person and the propensity to attach to surfaces for prolonged periods of time, thereby spreading from surface to person and causing property loss and damage in certain circumstances; and

**WHEREAS**, the media has reported that two religious leaders in the Surfside/Bal Harbour area have contracted COVID-19, and accordingly, continued gatherings in places of public assemblage, such as religious institutions, pose a risk to the health, safety and welfare of the people of the City of Miami Beach; and

**WHEREAS**, since Miami-Dade County's initial declaration of a State of Emergency, Miami-Dade County has issued various Emergency Orders temporarily closing public and private facilities, including the temporary closure of all non-essential retail and commercial establishments within Miami-Dade County (as such term is defined in Miami-Dade County's Emergency Orders), subject to any further restrictions as may be ordered by municipalities within their jurisdictions; and

**WHEREAS**, in response to the threat posed by COVID-19 to the health, safety and welfare of the City's residents, since March 12, 2020, the City Manager of the City of Miami Beach has imposed a number of temporary emergency measures to limit the inflow of leisure guests to the City and require the closure of, and limit crowds in, public facilities, public property, and places of public assemblage (including, without limitation, hotels, restaurants, bars, nightclubs, concert halls, entertainment venues, movie theaters, and houses of worship), as well as other restrictions on travel and gatherings of any number of people, including imposition of a general curfew throughout the City, in order to reduce community spread, relieve pressure on hospitals and healthcare personnel, protect workers, and maintain social order; and

**WHEREAS**, other counties and municipalities in Florida, including Miami-Dade County, Monroe County, and Key Biscayne, have issued emergency orders with restrictions on commercial lodging establishments within their jurisdictions; and

**WHEREAS**, many countries have enacted travel restrictions in response to the spread of COVID-19, including the United States, which issued a Level 4 “Do Not Travel” global health advisory, advising United States citizens to avoid all international travel due to the global impact of COVID-19; and

**WHEREAS**, in an effort to further implement social distancing practices to curb the spread of COVID-19, on March 23, 2020, the City Manager issued a “Safer at Home” Emergency Order, requiring all persons living in the City to remain in their homes to the maximum extent possible, except to engage in essential activities as set forth in the Order; and

**WHEREAS**, other cities in Miami-Dade County, including Miami, Hialeah, Coral Gables, Surfside, North Bay Village, Golden Beach, Aventura, Bay Harbor Islands, and Doral have also issued similar orders for residents; and

**WHEREAS**, however, domestic air travel remains unrestricted and Florida continues to receive guests and visitors from high risk areas, such as visitors from New York seeking shelter in Florida, potentially further compounding the public health emergency and straining resources for local governments in Florida; and

**WHEREAS**, on March 23, 2020, Florida Governor Ron DeSantis issued Executive Order No. 20-80, requiring visitors entering the State of Florida through airports from New York, New Jersey, and Connecticut to isolate or quarantine for a period of 14 days following their arrival in Florida, in an effort to stop the spread of COVID-19; and

**WHEREAS**, subsequently, on March 27, 2020, Governor DeSantis issued Executive Order 20-86, requiring visitors entering the State of Florida from Louisiana to isolate or quarantine for a period of 14 days following their arrival in Florida; and

**WHEREAS**, on March 27, 2020, Governor DeSantis also issued an executive order suspending operations of all vacation rentals in Florida and prohibiting them from making new reservations or bookings and accepting new guests for check-in for the duration of the order; and

**WHEREAS**, on March 27, 2020, the United States Congress approved the largest economic relief package in United States history, allocating \$2 trillion to provide immediate assistance to individual Americans, small businesses, and major industries on the brink of economic collapse amid the ongoing pandemic; and

**WHEREAS**, on March 29, 2020, in recognition that extreme social distancing measures are critical to containment of the pandemic, President Trump extended federal social distancing guidelines through April 30, recommending that all Americans must continue to avoid nonessential travel, going to work, eating at bars and restaurants, or gathering in groups of more than 10 persons; and

**WHEREAS**, on March 30, 2020, Governor DeSantis issued an executive order directing Miami-Dade County, Broward County, Palm Beach County, and Monroe County (which together account for over sixty (60) percent of Florida's identified COVID-19 cases), to restrict public access to businesses and facilities deemed non-essential pursuant to the guidelines established by Miami-Dade County pursuant to its March 19, 2020 Emergency Order 07-20, as amended; and

**WHEREAS**, on March 31, 2020, Governor DeSantis issued a stay-at-home order for Miami-Dade County, Broward County, Palm Beach County, and Monroe County; and

**WHEREAS**, on April 3, 2020, the CDC announced national guidelines recommending that all persons use non-medical grade masks when engaging in any activities outside the home; and

**WHEREAS**, on April 3, 2020, the City issued an Emergency Order requiring all employees and customers of grocery stores, pharmacies and restaurant facilities to wear a form of covering over their nose and mouth at all times when inside these establishments, and strongly encouraging the use of such coverings in all other essential retail and commercial businesses; and

**WHEREAS**, in order to create additional capacity in hospitals, the State of Florida has determined that there is an urgent need to construct, rehabilitate and install treatment facilities to house and treat those residents and visitors of the State who are suffering from COVID-19 and non-COVID-19 illnesses; and

**WHEREAS**, on Wednesday, April 8, 2020, City of Miami Beach Mayor Dan Gelber, along with Governor DeSantis, Miami-Dade County Mayor Carlos Gimenez and Lt. Gen. Todd T. Semonite, Commanding General of the United States Army Corps of Engineers, announced an initiative to repurpose the Miami Beach Convention Center as a temporary medical facility for COVID-19 patients, which will initially include up to 450 beds, with capacity for additional beds if necessary; and

**WHEREAS**, on April 29, 2020, Governor DeSantis issued Emergency Order 20-112, which, in pertinent part, permitted certain businesses required to close pursuant to previous executive orders to reopen (subject to certain restrictions), effective May 4, 2020; and

**WHEREAS**, in recognition of widespread transmission of COVID-19 in South Florida, and the need to continue emergency measures in South Florida, Executive Order 20-112 exempted Miami-Dade, Broward, and Palm Beach counties from the reopening provisions of the Order, providing that "allowances for services and activities from . . . this order will be considered in consultation with local leadership"; and

**WHEREAS**, pursuant to Sections 26-31 and 26-33 of the City Code and Chapter 252 of the Florida Statutes, the City Manager of the City of Miami Beach is authorized to declare a state of emergency and order and promulgate discretionary emergency measures, with such limitations and conditions as the City Manager may deem appropriate; and

**WHEREAS**, pursuant to City Code Section 26-35, the duration of such Declaration of a State of Emergency (and any such discretionary emergency measures implemented pursuant thereto) is limited to a period of 72 consecutive hours, unless an extension is authorized by the City Commission by duly enacted resolution in a regular or special session of the City Commission; and

**WHEREAS**, Section 252.38, Florida Statutes, provides that the duration of each State of Emergency declared locally is limited to a period of seven (7) days; however,

Section 252.38 also provides that such local State of Emergency may be extended, as necessary, in 7-day increments; and

**WHEREAS**, in Resolution No. 2020-31219, the Mayor and City Commission further authorized the City Manager to continue to extend the Declaration of a State of Emergency in the City of Miami Beach, for four (4) additional 7-day increments, which would commence on March 26, 2020, and end on April 23, 2020; and

**WHEREAS**, on April 2, 2020, and pursuant to Resolution No. 2020-31219, the City Manager extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 3, 2020, and ending on April 9, 2020; and

**WHEREAS**, on April 9, 2020, the City Manager extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 10, 2020, and ending on April 16, 2020; and

**WHEREAS**, on April 16, 2020, the City Manager extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 17, 2020, and ending on April 23, 2020; and

**WHEREAS**, on April 22, 2020, the Mayor and City Commission unanimously adopted Resolution No. 2020-31245, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on April 24, 2020, and ending on April 30, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

**WHEREAS**, Resolution No. 2020-31245 further authorized the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, on April 30, 2020, for an additional 7-day increment, which would commence on May 1, 2020, and end on May 7, 2020; and

**WHEREAS**, on April 30, 2020, the City Manager extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on May 1, 2020, and ending on May 7, 2020; and

**WHEREAS**, on May 1, 2020, the Mayor and City Commission adopted Resolution No. 2020-31246, and authorized the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, for an additional 7-day increment, which would commence on May 8, 2020, and end on May 14, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

**WHEREAS**, on May 7, 2020, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 8, 2020 and ending on May 14, 2020; and



**WHEREAS**, on May 13, 2020, the Mayor and City Commission adopted Resolution No. 2020-31273, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 15, 2020 and ending on May 21, 2020, and further authorizing the City Manager to extend the Declaration of a State of Emergency by one (1) additional day, commencing at 12:00 a.m. on May 22, 2020, and ending at 11:59 p.m. on May 22, 2020; and

**WHEREAS**, on May 14, 2020, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 15, 2020 and ending on May 21, 2020; and

**WHEREAS**, on May 15, 2020, Miami-Dade County Mayor Carlos Gimenez issued Emergency Order 23-20, effective May 18, 2020, permitting certain retail and commercial establishments and other establishments or facilities in Miami-Dade County to reopen, subject to strict compliance with social distancing guidelines issued by the County ("EO 23-20"); and

**WHEREAS**, the provisions of EO 23-20 serve as minimum standards, and municipalities may impose more stringent standards within their jurisdictions; and

**WHEREAS**, on May 16, 2020, and pursuant to the City's Declaration of a State of Emergency, the City Manager issued the City's Phase 1 Reopening Order, permitting certain retail and commercial establishments to reopen subject to strict compliance with social distancing guidelines in EO 23-20, and the additional requirements set forth in the City's Order; and

**WHEREAS**, on May 21, 2020, the City Manager extended the Declaration of a State of Emergency for one (1) additional day, commencing at 12:00 a.m. on May 22, 2020 and ending at 11:59 p.m. on May 22, 2020; and

**WHEREAS**, on May 22, 2020, the City Commission adopted Resolution No. 2020-31280, authorizing the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing on May 23, 2020, and ending on May 29, 2020; and

**WHEREAS**, on May 22, 2020, pursuant to Resolution No. 2020-31280, the City Manager extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on May 23, 2020, and ending at 11:59 p.m. on May 29, 2020; and

**WHEREAS**, on May 28, 2020, the Mayor and City Commission adopted Resolution No. 2020-31282, authorizing the City Manager to extend the Declaration of a State of Emergency for additional seven (7) days, commencing on May 30, 2020 and ending on June 5, 2020; and



**WHEREAS**, on May 29, 2020, pursuant to Resolution No. 2020-31282, the City Manager extended the Declaration of a State of Emergency for additional seven (7) days, commencing on May 30, 2020 and ending on June 5, 2020; and

**WHEREAS**, on May 29, 2020, and pursuant to the City's Declaration of a State of Emergency, the City Manager issued the City's Phase 2 Reopening Order, permitting commercial lodging establishments, swimming pools, and beaches to reopen effective June 1, 2020, subject to strict compliance with social distancing guidelines in EO 23-20, and the additional requirements set forth in the City's Order; and

**WHEREAS**, as continued measures are required to address the COVID-19 pandemic, the City Manager hereby requests that the Mayor and City Commission authorize the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, for an additional 7-day increment, which would commence on June 6, 2020, and end on June 12, 2020; and

**WHEREAS**, the Mayor and City Commission hereby acknowledge and consent to the aforesaid 7-day incremental extension; provided, however, that at any duly-noticed regular or special City Commission meeting, the Mayor and City Commission may determine whether any further extensions of the City Manager's Declaration of a State of Emergency are necessary and warranted; and

**WHEREAS**, should the currently scheduled meetings of the Mayor and City Commission be canceled or rescheduled to a subsequent date, the City Manager shall call a special emergency meeting of the City Commission, pursuant to Section 2.04 of the City Charter, for the express purpose of terminating or continuing to extend the Declaration of a State of Emergency.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, as follows:

1. The City Manager is hereby authorized to extend the Declaration of a State of Emergency in the City of Miami Beach to address the COVID-19 pandemic; said extension for an additional period of seven (7) days, commencing on June 6, 2020, and ending on June 12, 2020.
2. The scope of any emergency measures ordered by the City Manager pursuant to the Declaration of a State of Emergency shall, consistent with all prior emergency measures imposed by the City Manager to date, be limited to respond to immediate threats posed by the COVID-19 pandemic. Further, no emergency action taken by the City Manager shall be binding on the City Commission beyond the period of the COVID-19 State of Emergency, or otherwise limit the ability of the City Commission to undo any action of the City Manager, whether contractually or legislatively.
3. The City Commission may, at a duly-noticed City Commission meeting, determine whether the then-current extension of the Declaration of a State of

Emergency should be rescinded, or whether any further extensions are warranted. Should the currently scheduled meetings of the Mayor and City Commission be canceled or rescheduled to a subsequent date, the City Manager shall call a special emergency meeting of the City Commission, pursuant to Section 2.04 of the City Charter, for the express purpose of terminating or continuing to extend the Declaration of a State of Emergency.


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

**ATTEST:**

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

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

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

6/3/2020  
\_\_\_\_\_  
Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 5, 2020

SUBJECT: DISCUSSION AND UPDATE REGARDING COVID-19.

---

### **Applicable Area**

Citywide

**Is this a "Residents Right  
to Know" item, pursuant to  
City Code Section 2-14?**

Yes

**Does this item utilize G.O.  
Bond Funds?**

No

### **Legislative Tracking**

Office of the City Manager

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Mark Samuelian  
DATE: June 5, 2020

10:30 a.m.

SUBJECT: DISCUSSION TO EXPLORE POTENTIAL OPPORTUNITIES FOR MIAMI BEACH BUSINESSES IN THE RISE MIAMI-DADE FUND.

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### **ANALYSIS**

On May 28, Miami-Dade County issued a press release (quoted briefly below and the entire document is attached) confirming that the County Board of Commissioners will consider legislation on Tuesday (6.2.20) to create a revolving loan fund for local small businesses. The item has since been discussed and passed unanimously.

As such, Commissioner Higgins will discuss the item on Friday (6.5.20) with the Miami Beach Commission and explore potential opportunities for Miami Beach businesses presented by this fund.

"Commissioner Higgins has worked closely with Mayor Carlos Gimenez and his team to develop the **RISE Miami-Dade Fund** (Re-Investing in our Small Business Economy). Initially, the fund seeks to help small and micro businesses across the County access capital and receive the technical financial assistance they need to weather the COVID-19 crisis. But in the longer term, it will become part of Miami-Dade's permanent small business infrastructure.

The \$25 million allocation would come from the flexible funds recently provided to local governments by the federal government through the CARES Act – monies that were earmarked for boosting local economies. Commissioner Higgins' proposed legislation calls for the fund to lend to small and micro businesses that have historically faced challenges in accessing capital."

In addition, a recent Miami Herald op-ed article (attached here) written by County Commissioner Eileen Higgins made the point that,

"Florida International University's recent Small Business Big Impact report counted more than 66,000 microbusinesses — those with 10 employees or less — across Miami-Dade, representing 81 percent of all private businesses in the county. The COVID-19 pandemic has put an incredible, and disproportionate, strain on these businesses...Next week, the county has a chance to step up and do something to help many of them. On Tuesday, the Miami-Dade County Commission will vote on a resolution that would create the RISE Miami-Dade Fund (Re-Investing in our Small Business Economy)...As moments of difficulty often do, this crisis has brought to the

surface the entrenched challenges our community faces, especially those that have persisted since before COVID-19. Our small-business ecosystem has long needed more resources and a far more inclusive and enabling environment. It's in our own best interest to support these small businesses. Their survival — indeed, their ability to thrive — will help us protect jobs."

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

**Legislative Tracking**

Commissioner Mark Samuelian

**ATTACHMENTS:**

**Description**

- ▢ Miami-Dade County May 28, 2020 Press Release
- ▢ Miami Herald May 30, 2020 RISE Article



**For Immediate Release:**  
May 28, 2020

**Media Contact:**  
Francis Izquierdo

305-375-5924

## **Commissioner Eileen Higgins sponsors legislation to create a transformative revolving loan fund for small business in Miami-Dade County**

**MIAMI-DADE** – At the June 2 Miami-Dade Board of County Commissioners meeting, Commissioner Eileen Higgins, District 5, will present legislation to create the RISE Miami-Dade Fund, a transformative revolving loan fund for local small businesses with initial seed funding of \$25 million from Miami-Dade County.

Commissioner Higgins has worked closely with Mayor Carlos Gimenez and his team to develop the **RISE Miami-Dade Fund** (Re-Investing in our Small Business Economy). Initially, the fund seeks to help small and micro businesses across the County access capital and receive the technical financial assistance they need to weather the COVID-19 crisis. But in the longer term, it will become part of Miami-Dade's permanent small business infrastructure.

The \$25 million allocation would come from the flexible funds recently provided to local governments by the federal government through the CARES Act – monies that were earmarked for boosting local economies. Commissioner Higgins' proposed legislation calls for the fund to lend to small and micro businesses that have historically faced challenges in accessing capital.

The **RISE Miami-Dade Fund** will also seek to raise private dollars to bolster the Fund, with the objective of accumulating over \$50 million. As the funds get paid back over time, the dollars will be recycled and reused to lend capital to additional small businesses around the County.

Commissioner Higgins said, "**The RISE Miami-Dade Fund** is meant to do more than just get us through this crisis – it is a bridge to the future. As time goes on, the fund will replenish itself, freeing up additional dollars for businesses to use, making these dollars go much further than they otherwise would."

If passed, the **RISE Miami-Dade Fund** will be established in partnership with the Dade County Federal Credit Union (DCFCU), which will act as the administrator of the Fund. DCFCU has an extensive history of serving the Miami-Dade community since its establishment in 1939. DCFCU has ten offices throughout the County, with over 110,000 members and has the financial stability and technical resources required to service the loans.

DCFCU will, in turn, partner with local community development financial institutions (CDFIs) who will originate and package the loans. CDFIs are community lending institutions certified and regulated by the U.S. Department of the Treasury. They specialize in assisting small, women-owned and minority-owned businesses with accessing commercial loans they otherwise may not be able to obtain. They not only provide low cost loans with favorable interest rates and repayment periods, they also offer technical financial assistance, such as marketing and budgeting assistance to help strengthen and grow the businesses.

"We're bringing together Miami-Dade County, the Dade Federal Credit Union, community lenders and the private sector," said Commissioner Higgins, "because we know that together we can accomplish so much more."

**###**

**MIAMI-DADE COUNTY COMMISSIONER EILEEN HIGGINS DISTRICT 5**  
111 NW 1ST STREET, SUITE 220  
MIAMI, FLORIDA 33128

# Miami-Dade can help small businesses reopen their doors, survive — and thrive | Opinion

[BY EILEEN HIGGINS](#)

MAY 30, 2020 03:16 PM

You know that *peluquería* in Little Havana where mom has her hair done and socializes with friends? Or that flower shop in Cutler Bay that carries the perfect roses your significant other adores? Or the Haitian bakery in North Miami where just-out-of-the-oven sweetness wafts into the street to lure you in? Or the dry cleaner in Sweetwater where your shirts are pressed exactly how you like them, and where the seamstress always remembers your name?

These, and so many more, are the small businesses that make Miami, that shape and enhance our lives in big ways. They give our county character and personality, history and a whole lot of flavor. Their existence, and our relationship to them, grounds us here and helps us feel like we belong. They make us a community.

These small businesses are also our true economic engine. And right now, they need our help.

Florida International University's recent Small Business. Big Impact report counted more than 66,000 microbusinesses — those with 10 employees or less — across Miami-Dade, representing 81 percent of all private businesses in the county. The COVID-19 pandemic has put an incredible, and disproportionate, strain on these businesses. Many don't have the resources or technical and financial support they need to emerge from the shutdown on their own. Indeed, they faced challenges even before coronavirus, often unable to access the kind of capital and lending opportunities that larger businesses can more easily attract.

Next week, the county has a chance to step up and do something to help many of them.

On Tuesday, the Miami-Dade County Commission will vote on a resolution that would create the RISE Miami-Dade Fund (Re-Investing in our Small Business Economy). For weeks now, I've been working with county administration and the Dade County Federal

Credit Union to develop a plan to help these small businesses access the funds they need to reopen and operate in a new and different world, setting themselves up for success well into the future.

As part of the legislation, we're proposing that the county seed the Fund with an initial \$25 million, which would come out of the coronavirus relief funds we received from the federal CARES Act stimulus bill. But we're also committed to seeking out an additional \$25 million from the private and philanthropic sectors, which could help us turn this into a \$50 million fund.

Our proposal structures the RISE Miami-Dade Fund so that as businesses pay back loans, with the money recycled and available to be loaned to other businesses. We would rely on local community lenders who specialize in helping small businesses, including women- and minority-owned companies, to issue the loans, but also to provide coaching, technical assistance and advice — all the support entrepreneurs need so they can flourish.

If we're successful, the program will live on long into the future. I envision it becoming a permanent part of the small-business infrastructure in Miami-Dade, giving more and more small-business owners the opportunity to make their entrepreneurial dreams come true — and to experience the freedom and independence that owning one's own business provides.

As moments of difficulty often do, this crisis has brought to the surface the entrenched challenges our community faces, especially those that have persisted since before COVID-19. Our small-business ecosystem has long needed more resources and a far more inclusive and enabling environment. It's in our own best interest to support these small businesses. Their survival — indeed, their ability to thrive — will help us protect jobs. It will help us protect our tax base, which is precisely what fuels our municipal budgets and allows the county to provide crucial services, from fire rescue to parks and green spaces, street cleaning to public transport.

The truth? This fund is long overdue.

I urge my fellow commissioners to approve the creation of the RISE Miami-Dade Fund on Tuesday. And I urge everyone who calls this county home to support our local shops, salons, restaurants, vendors and companies.



Because Miami just isn't Miami without them.

*Eileen Higgins represents District 5 on the Miami-Dade County Commission. She chairs for the Community Disparities Subcommittee and is the vice chair of the Housing, Social Services, and Economic Development Committee.*

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Jimmy L. Morales, City Manager  
DATE: June 5, 2020

SUBJECT: UPDATE ON THE CITY'S CDBG CORONAVIRUS SMALL BUSINESS ASSISTANCE PROGRAM.

---

### **BACKGROUND/HISTORY**

As the City of Miami Beach is a HUD entitlement recipient of Community Development Block Grant (CDBG) funds, the CARES Act has made available approximately \$564,276 in supplemental CDBG Coronavirus funds (CDBG-CV).

On May 13, 2020, Resolution 2020-31257 authorized amendment of the City's 2018-2022 Consolidated Plan and FY 2019 Action Plan in order to administer these funds, with \$200,000 devoted to small business assistance.

### **ANALYSIS**

Per federal guidelines, the CDBG-CV grant funding is intended to:

*“avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.”*

The basis of the CDBG financial assistance program is business assistance and economic development, with core objectives of sustaining small businesses and preventing an increase in unemployment. While a business may incidentally use the funds for rent payments or mortgage interest, rental assistance is not the primary goal.

Federal law holds that CDBG grant assistance for businesses can be provided for two “Eligible Activity” categories:

- Microenterprise assistance: the small business contains five (5) or fewer employees (including the business owner) and the business owner must be considered Low-Moderate Income (LMI), meaning that the owner's household is at or below 80% Area Media Income (AMI). (24 CFR 570.201(o)(1)(i))
- Special economic development activities: the small business being supported must create or retain one (1) job held by a Low-Moderate Income (LMI) person, meaning that the employee's household is at or below 80% Area Media Income (AMI). (24 CFR 570.203(b))

**CDBG-CV Small Business Programs Nationwide**

#### CDBG-CV Small Business Programs Nationwide

Review of COVID-19 business assistance programs recently developed using CDBG funding by local governments across the country (including Seattle, Boston, Washington, D.C.) found that a majority of programs offer grants up to \$10,000, predominantly to microenterprises (5 employees or less, including the business owner), and generally exclude from eligibility: startup businesses under a year old, lending/financial institutions, nonprofits, home-based businesses, and adult-oriented uses (liquor stores, pawn shops, and adult entertainment).

- Miami-Dade County: zero interest forgivable loans up to \$25,000 for businesses up to 25 employees (51% of which must be LMI), that have not received PPP loan, and becomes forgivable after 12 months, if business able to create/retain 51% LMI employees.
- City of Miami, FL:
  - Microenterprise grant: up to \$10,000 grant for non-essential microenterprises, for use towards 3 months of allowable business expenses, as long as the business owner is 80% AMI and the business did not receive any CARES Act funding (e.g. PPP loan).
  - Small business loan: forgivable loans between \$10,000 - \$20,000, maximum 20 employees, must create one permanent full time 80% AMI employee. Funding can complement other CARES assistance (e.g. PPP loans), but not for duplicative expenses.
- City of Hialeah, FL: \$5,000 grants to 400 qualified businesses, must be 25 employees or less, also excluding from eligibility: landlords; publicly traded companies; medical facilities; legal, real estate; or clerical offices; schools and day care facilities; and chain or franchise establishments.
- City of Deerfield Beach, FL: \$5,000 grants to microenterprises (5 or fewer employees). Funds awarded on a first-come, first serve-basis. Also excluded from eligibility are real estate investors and marketing companies.
- St. Johns County, FL: \$10,000 grant for businesses of 75 or less employees and with less than \$5 million in 2019 annual gross income.
- City of La Crosse, WI: businesses with 75 employees or less may receive up to \$5,000 per 10 employees, with a maximum of \$25,000 per business, as long as they retain an employee for 6 months or if the business owner qualifies as LMI.
- City of Pleasanton, CA: \$2,500 loans (\$2,900 in business district) for microenterprises, and restaurants and retailers with no more than 20 employees, if they can prove 25% income loss as well as having taking action to secure federal/state financial assistance. Insurance companies and hotels also excluded from applying.
- City of Columbia, SC: forgivable loan up to \$10,000, 100 employees or less, priority to businesses with 5 employees or less, must demonstrate revenue decreases of at least 30%, and preference for most vulnerable business owners, as indicated by City's 2020 COVID-19 survey of small businesses. Also excludes hotels and

residential businesses, national/regional chains, and private membership or fraternal organizations.

### **City of Miami Beach Program**

#### **CDBG-CV: Special economic development activities**

**Business Eligibility.** To apply, businesses must have a valid Miami Beach BTR since February 1, 2019 (therefore, in existence for at least one year) and be in good standing with the Finance and Code Compliance departments. In addition:

- **Business size.** Although the Small Business Administration (SBA) considers small businesses as 500 employees or less, the City Commission expressed desire to limit eligibility to microbusiness, businesses with five employees or less, including the business owner.
- **Nonessential businesses.** To be eligible, businesses may not have been deemed “essential” by emergency order and thus were forced closed during the shutdown in order to enforce social distancing (e.g. fitness studios, hair salons, retail establishment)

**Employee Retention Requirement.** *Businesses will not be required to repay grant funds to the City, if the business, **throughout a period of 12 months, retains or creates one (1) full-time employee that resides in a low-income City of Miami Beach household[1].*** The employee must be a U.S. citizen or legal resident, and the employee must also reside in the City of Miami Beach. Upon 12 months after receiving the funding, the business must verify compliance by submitting payroll documentation. If unable to prove compliance, then any funds received from the City must be repaid.

**Low Income Employee.** HUD’s income limits are based on Median Family Income estimates and Fair Market Rent area definitions for each metropolitan area (i.e., Miami-Dade County). As stated earlier, low income is defined as earning 80% of the median family income for Miami-Dade. The 2020 income limits applicable for the household of the employee of the applicant business are:

| <b>Household Size</b> | <b>1- Person</b> | <b>2- Person</b> | <b>3- Person</b> | <b>4 - Person</b> | <b>5 - Person</b> | <b>6- Person</b> | <b>7- Person</b> | <b>8- Person</b> |
|-----------------------|------------------|------------------|------------------|-------------------|-------------------|------------------|------------------|------------------|
| Low-Income (80%) AMI  | \$51,200         | \$58,500         | \$65,800         | \$73,100          | \$78,950          | \$84,800         | \$90,650         | \$96,500         |

**Permitted use of funds.** ‘Qualified business expenses’ are considered any operational costs like payroll, utilities, rents, and/or COVID-related expenditures. Upon review and approval of applicants, qualified individuals must submit their receipts for eligible expenses, such as those incurred for reopening, to the City for reimbursement. Businesses that prove retention of an eligible employee for 12 months after the reimbursement, will not be required to reimburse the City; otherwise all funding must be paid back.

### **Additional Considerations**

**MB Standard program.** The MB Standard program is designed to encourage better health and safety practices, and certification in the program is a relatively low bar with minimal financial cost to participating businesses. Staff recommends conditioning grant money on enrollment into the MB Standard program in one of two ways:

Standard program in one of two ways.

- Option 1 (incentivize participation) – 50% of CDBG grant program funding (\$100,000) will be dedicated to businesses that are certified MB Standard participants.
- Option 2 (mandatory enrollment) – as prerequisite for approval into the grant reimbursement program, each grant recipient must agree to participate in the Standard program and be certified prior to issuance of grant reimbursement payments.

Program Funding Options. Program funding of \$200,000 is a nominal amount, which with amount caps will serve only serve a very small number of our businesses. Staff proposes establishing award caps in one of two ways:

- Option 1 (\$10,000 cap) - reaches only 20 businesses if structured to grant fixed \$10,000 block awards to every chosen recipient.
- Option 2 (\$5,000 cap) – reaches 40 businesses if structured to grant fixed \$5,000 block awards to every chosen recipient.

Selection of grant recipients. Staff anticipates significant interest in the program. The key to encouraging a successful roll-out will be to provide for sufficient notice prior to opening the program for applicants. AS the Commission requested evaluating the methods for awarding recipients, staff recommends the following options:

- Option 1 - a "first qualified, first served" policy may unfairly prejudice applicants who learn about the program later than others, or those who take longer to assemble necessary application documents.
- Option 2 - "Lottery system" in which business submit their applications online or via email before a predetermined deadline date, after which all applications that have been received are reviewed for eligibility by City staff and those deemed preliminarily qualified are placed into a lottery pool. On the date of the lottery, business names are drawn randomly from the pool, and businesses selected are again reviewed for eligibility. The City will award funding in the order of selection from the random lottery to qualified applicants until all program funding is exhausted.

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[1] Pending clarification of the CDBG-CV eligibility requirements

## **CONCLUSION**

The City Commission previously authorized the use of CDBG-CV funds for small business assistance and, although further City Commission action is not required, the Administration seeks the Commission's input on the program direction. It is the recommendation of the Administration to move forward with the funding program as described, pursuant to any direction the Commission deems appropriate.

As limited funding and stiff eligibility requirements, set forth by the Federal government, will result in a limited number of grant recipients, the Administration welcomes direction on prioritization, whether based on existing need, business type, or conditions on the expenditure of funds.

## **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to**

**Does this item utilize G.O. Bond Funds?**

**City Code Section 2-14?**

Yes

No

**Legislative Tracking**

Economic Development

**Sponsor**

Commissioner Michael Gongora

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 5, 2020

SUBJECT: DISCUSSION REGARDING PRESENTATIONS AND AWARDS DURING  
THE VIRTUAL CITY COMMISSION MEETINGS.

---

**Is this a "Residents Right  
to Know" item, pursuant to  
City Code Section 2-14?**

No

**Does this item utilize G.O.  
Bond Funds?**

No

**Legislative Tracking**

Office of the City Clerk

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Commissioner Ricky Arriola  
DATE: June 5, 2020

SUBJECT: DISCUSS THE MIAMI BEACH POLICE DEPARTMENT'S POLICY REGARDING THE USE OF FORCE AND DIRECTING THE CITY MANAGER AND/OR POLICE CHIEF TO PREPARE A REPORT FOR THE CITY COMMISSION IN THE NEXT 90 DAYS.

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### **ANALYSIS**

In light of the recent and horrific murder of George Floyd by officers of the Minneapolis Police Department, I ask that the City Commission discuss and review the Miami Beach Police Department's policy regarding the use of force. Furthermore, I ask the City Manager and/or Police Chief to submit a report within 90 days on how we can improve our policing policies and practices.

### **Applicable Area**

Citywide

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

Yes

**Does this item utilize G.O. Bond Funds?**

No

### **Legislative Tracking**

Commissioner Ricky Arriola



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Mayor Dan Gelber  
DATE: June 5, 2020

SUBJECT: DISCUSSION TO DIRECT THE ADMINISTRATION TO PRESENT A  
REPORT ON POLICE DEPARTMENT BEST PRACTICES AT THE JUNE 24,  
2020 COMMISSION MEETING.

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### Applicable Area

Citywide

Is this a "Residents Right  
to Know" item, pursuant to  
City Code Section 2-14?

No

Does this item utilize G.O.  
Bond Funds?

No

### Legislative Tracking

Mayor Dan Gelber

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 5, 2020

SUBJECT: HOW A PERSON MAY PARTICIPATE DURING THE VIRTUAL CITY  
COMMISSION MEETING / VIRTUAL COMMISSION MEETING  
PROCEDURES.

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### **RECOMMENDATION**

#### **ANALYSIS**

See memorandum.

#### **Applicable Area**

Not Applicable

#### **Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

#### **Does this item utilize G.O. Bond Funds?**

No

#### **Legislative Tracking**

Office of the City Clerk

### **ATTACHMENTS:**

#### **Description**

- ▢ Memorandum

**CITY OF MIAMI BEACH**  
**HOW A PERSON MAY PARTICIPATE DURING THE**  
**VIRTUAL CITY COMMISSION MEETING**  
**AND**  
**VIRTUAL COMMISSION MEETING PROCEDURES**

**June 5, 2020**

The June 5, 2020 City of Miami Beach Commission Meeting will be held as a Virtual Meeting with the Mayor, Commissioners, and City staff participating through video conferencing.

- **How to observe the Virtual Commission Meeting:**

The Virtual Commission Meeting will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG.TV channel, and on social media at [facebook.com/cityofmiamibeach](https://www.facebook.com/cityofmiamibeach)

- **How to provide spoken public comment during the Virtual Commission Meeting:**

To participate or provide comments during the Virtual Commission Meeting, the public may join the webinar at: <https://us02web.zoom.us/j/82551656717> or by telephone at: 1.312.626.6799 (U.S.) or 888.475.4499 (Toll Free) Webinar ID: 82551656717#

Members of the public wanting to speak on an item during the meeting, must click the "raise hand" icon if using the Zoom app or press \*9 on the telephone to raise their hand.

- **How to submit written public comment before the Virtual Commission Meeting:**

The public may submit written comments by sending an email to [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov) by 5:00 p.m. the day before the Virtual Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Please note that Governor DeSantis' Executive Order Number 20-69 suspended the requirement of Section 112.286, Florida Statutes, the Florida Sunshine Law, that a quorum must be present in person, and that a local government body meet at a specific public place. The Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings.

**GENERAL INFORMATION**

The regularly scheduled meetings of the City Commission are established by Resolution. Scheduled meeting dates are available in the Office of the City Clerk's webpage at: <https://www.miamibeachfl.gov/wp-content/uploads/2020/05/2020-Commission-Dates-4.pdf> or by calling the Office of the City Clerk at: 305.673.7411.

1. The Dr. Stanley Sutnick Citizens' Forum will be held during the first Commission meeting each month. The Dr. Stanley Sutnick Citizens' Forum starts at 8:30 a.m., or as soon as possible thereafter. Approximately thirty (30) minutes will be allocated for each session, with individuals being limited to no more than three (3) minutes or for a period established by the Mayor. No appointment or advance notification is needed to speak to the Commission during this Forum. During the Dr. Stanley Sutnick Citizen's Forum, the public may speak on any issues and/or concerns.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. The Agenda and backup materials are available on the City's website: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/> the Thursday prior to a regularly scheduled Virtual Commission Meeting.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. To determine whether the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Monday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Virtual Commission Meeting is published, persons wishing to speak on item(s) listed on the Agenda, other than public hearing items and the Dr. Stanley Sutnick Citizens Forum, should call or email the Office of the City Clerk at 305.673.7411 / [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov), before 5:00 p.m., no later than the day prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the Office of the City Clerk in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 5, 2020

SUBJECT: USE OF AUDIO-VISUAL EQUIPMENT FOR PRESENTATIONS DURING  
PUBLIC MEETINGS.

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### **RECOMMENDATION**

#### **AUDIO/VISUAL PRESENTATIONS**

Members of the public may present audio/visual (AV) materials relating to Agenda Items at City Commission meetings by utilizing the City's AV equipment, provided that materials are submitted to the Department of Marketing and Communications by 8:30 a.m., one (1) business day prior to the meeting. Advance submittal of a presentation will allow the Communications Department to plan for the use of the appropriate AV equipment. AV materials must be submitted via email at [communications@miamibeachfl.gov](mailto:communications@miamibeachfl.gov). The body of the email must include a notation listing the name or group, contact person, daytime telephone number, email address, description/title of the presentation, and Agenda Item Title as well as the Agenda Item Number. Please reference "*Audio/Visual Material*" in the email subject line. Acceptable formats for electronic submission are .pdf, .ppt, .pptx, .pps, .ppsx, .wmv, .avi, and .mov. (Note that .pdf is the preferred format for PowerPoint presentations.)

#### **Applicable Area**

Not Applicable

#### **Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

#### **Does this item utilize G.O. Bond Funds?**

No

#### **Legislative Tracking**

Marketing and Communications

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 5, 2020

SUBJECT: 2020 COMMISSION MEETING DATES

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### **ANALYSIS**

See attached.

### **Applicable Area**

Not Applicable

**Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?**

No

**Does this item utilize G.O. Bond Funds?**

No

### **Legislative Tracking**

Office of the City Clerk

### **ATTACHMENTS:**

#### **Description**

▣ Attachment

# MIAMI BEACH

## 2020 CITY COMMISSION MEETING DATES

### Commission Meetings Start at 8:30 a.m. (unless noted)

### Presentations & Awards/Commission Meetings Start at 5:00 p.m. (unless noted)

January 15

P&A will be heard in the January 15 meeting

January 27 @ 8:55 a.m. Special Commission Meeting

January 27 @ 9:00 a.m. City Commission Retreat

February 12

February 26

March 5 @ 9:00 a.m. Commission Goals Conference

March 13 @ 1:00 p.m. Special Commission Meeting

March 18

P&A will be heard in the March 18 meeting

March 25 @ 10:30 a.m. Special Commission Meeting

April 22

P&A will be heard in the April 22 meeting

May 1 @ 9:00 a.m. Special Commission Meeting

May 8 @ 9:00 a.m. Special Commission Meeting

May 13

May 22 @ 9:00 a.m. Special Commission Meeting

~~May 27~~ Cancelled

May 28 @ 9:00 a.m. Special Commission Meeting

June 5 @ 9:00 a.m. Special Commission Meeting

June 12 @ 9:00 a.m. Special Commission Meeting

June 24

P&A will be heard in the June 24 meeting

July 29

P&A will be heard in the July 29 meeting

### ***August - City Commission in recess***

September 16

September 29 @ 5:00 p.m. 2<sup>nd</sup> Budget Meeting

October 14

October 28

November 18

P&A will be heard in the November 18 meeting

December 9

P&A will be heard in the December 9 meeting

**In those cases where the Regular Commission Meeting is combined with the P&A Meeting, Presentations will start at 5:00 p.m., unless noted otherwise.**

Meetings are held in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, unless noticed otherwise.

The Dr. Stanley Sutnick Citizens' Forum will be held during the first Commission meeting each month. The Forum will be split into two (2) sessions, 8:30 a.m. and 1:00 p.m. Approximately thirty (30) minutes will be allocated per session, with individuals being limited to no more than three (3) minutes. No appointment or advance notification is needed in order to speak to the Commission during this Forum.

F:\CLERK\ALL\LILIA\COMMISSION MEETING DATES FILE\2020\2020 Commission Dates.docx



# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael E. Granado, City Clerk  
DATE: June 5, 2020

SUBJECT: ADVERTISEMENTS.

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**Applicable Area**

Not Applicable

**Is this a "Residents Right  
to Know" item, pursuant to  
City Code Section 2-14?**

No

**Does this item utilize G.O.  
Bond Funds?**

No

**Legislative Tracking**

Office of the City Clerk

**ATTACHMENTS:**

**Description**

▣ Ad

MEETING NOTICES

June 8 - 12, 2020

MONDAY, June 8

3:30 p.m. Transportation, Parking & Bicycle  
Pedestrian Facilities Committee Microsoft Team Meeting  
1.786.636.1480  
Access ID 793686382#

TUESDAY, June 9

9:00 a.m. Historic Preservation Board\* TBD

9:00 a.m. Marine and Waterfront  
Protection Authority Microsoft Team Meeting  
1.786.636.1480  
Access ID 845195468#

9:30 a.m. Convention Center Advisory  
Board Zoom Meeting  
https://us02web.zoom.us/j/87580126695  
1.312.626.6799 or 1.301.715.8592  
Access ID 87580126695# Password 711165#

10:00 a.m. Miami Beach Employees'  
Retirement Pension Board Zoom Meeting  
https://us02web.zoom.us/j/84123762846  
1.301.715.8592 or 1.312.626.6799  
Access ID 84123762846#

1:00 p.m. LGBTQ Advisory Committee Microsoft Team Meeting  
1.786.636.1480  
Access ID 149645289#

4:30 p.m. Committee on the Homeless Telephonic Conference  
https://join.freeconferencecall.com/val\_sobe  
1.605.472.5671  
Access ID 504984# Meeting ID val\_sobe

WEDNESDAY, June 10

No Meetings Scheduled

THURSDAY, June 11

9:30 a.m. Production Industry Council Zoom Meeting  
https://us02web.zoom.us/j/87215659562  
1.312.626.6799 or 1.888.475.4499  
Access ID 87215659562# Password 180948

10:00 a.m. Special Master Hearings\* Zoom Meeting  
https://us02web.zoom.us/j/81628781734#  
1.929.205.6099 or 1.888.475.4499  
Access ID 81628781734#

2:00 p.m. Washington Avenue BID/  
Executive Board Zoom Meeting  
https://us02web.zoom.us/j/97030738709  
1.312.626.6799 or 1.888.475.4499  
Access ID 97030738709# Password WAVE

FRIDAY, June 12

9:00 a.m. Special City Commission\* Zoom Meeting  
https://us02web.zoom.us/j/83109829681  
1.929.205.6099 or 1.888.475.4499  
Access ID 83109829681#

10:00 a.m. Finance and Economic  
Resiliency Committee\*\* Zoom Meeting  
https://us02web.zoom.us/j/83109829681  
1.929.205.6099 or 1.888.475.4499  
Access ID 83109829681#

For any and/or all of the above meetings, one or more members of the Miami Beach City Commission, and or City board/  
committee members may be in attendance and participate in discussions.

\* Aired live on MBTV: Atlantic Broadband 660, AT&T U-verse 99, Hotwire Communications 395 & ROKU device on PEG-TV

\*\* Commission Committee Aired Live on MBTV

AD No. 0004494968-01

A listing of all formal competitive solicitations issued by the City of Miami Beach, Florida is available at  
<https://www.miamibeachfl.gov/city-hall/procurement/city-contracts/>. To access any formal competitive solicitation issued by the  
City, or to receive any addendum issued to a formal competitive solicitation, you may also visit [www.bidsync.com/Miami-Beach](http://www.bidsync.com/Miami-Beach).  
Public meeting notices can be found on the Procurement Calendar at <https://www.miamibeachfl.gov/city-hall/procurement/calender/>.

MIAMIBEACH

We are committed to providing excellent public service and safety to all who live, work and play in our vibrant, tropical, historical community.

Members of the public may present audio/visual (AV) materials relating to Agenda Items at televised meetings held in the Commission Chamber by utilizing the City's AV equipment, provided that materials are submitted to the Department of Marketing and Communications by 8:30 A.M., one (1) business day prior to the meeting. Advance submittal of a presentation will allow the Communications Department to plan for the use of the appropriate AV equipment. AV materials may be submitted via email at [communications@miamibeachfl.gov](mailto:communications@miamibeachfl.gov) or hand delivered in a jump drive, CD or DVD to: Attention: Department of Marketing and Communications, 1701 Meridian Avenue, Fifth Floor, Miami Beach, FL 33139. Presentations, videos or links must include a label noting the name or group, contact person, daytime telephone number, email address, description/title of the presentation and Agenda Item Title as well as the Agenda Item number. Acceptable formats for electronic submission are: .pdf, .ppt, .pps, .pps, .pps, .wmv, .avi and .mov. (Note that .pdf is the preferred format for PowerPoint presentations.)

City Hall is located at 1700 Convention Center Drive, and the Miami Beach Convention Center is located at 1901 Convention Center Drive. Any meeting may be opened and continued, and under such circumstances, additional legal notice will not be provided. To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceedings call 305.604.2489 and select 1 for English, then option 6; TTY users may call via 711 (Florida Relay Service). A meeting not noticed in the Weekly Meeting Notice ad and determined to be an emergency meeting will be posted on the bulletin boards throughout City Hall and will be available on the City's website at <http://web.miamibeachfl.gov/cityclerk/default.aspx?id=1778>

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

MIAMIBEACH

CITY OF MIAMI BEACH

NOTICE OF VIRTUAL SPECIAL CITY COMMISSION MEETINGS

**NOTICE IS HEREBY** given that the City Commission of the City of Miami Beach, Florida, will hold **Virtual Special City Commission Meetings** on the dates and times listed below to discuss Coronavirus (COVID-19) matters. These Virtual Special Commission Meetings will be broadcast live on Miami Beach TV (MBTV), viewable on the City's website at <https://www.miamibeachfl.gov/government/mbtv/>, as well as on Atlantic Broadband Cable channel 660, AT&T U-verse channel 99, Hotwire Communications channel 395, and ROKU device on PEG-TV channel, and on social media at [facebook.com/cityofmiamibeach](https://www.facebook.com/cityofmiamibeach).

**JUNE 5, 2020 AT 9:00 A.M.**

To take part in or provide comments during the **June 5, 2020, 9:00 a.m.** Virtual Special Commission Meeting, the public may:

- Join the webinar at: <https://us02web.zoom.us/j/82551656717>

Or

- By telephone at: 1.312.626.6799 (U.S.) or 888.475.4499 (Toll Free)  
Webinar ID: 82551656717#

Members of the public wanting to speak on an item during the Virtual Special Commission Meeting, must click the "raise hand" icon if using the Zoom app or press \*9 on the telephone to raise their hand.

**JUNE 12, 2020 AT 9:00 A.M.**

To take part in or provide comments during the **June 12, 2020, 9:00 a.m.** Virtual Special Commission Meeting, the public may:

- Join the webinar at: <https://us02web.zoom.us/j/83109829681>

Or

- By telephone at: 1.929.205.6099 or 888.475.4499 (Toll Free)  
Webinar ID: 83109829681#

Members of the public wanting to speak on an item during the Virtual Special Commission Meeting, must click the "raise hand" icon if using the Zoom app or press \*9 on the telephone to raise their hand.

INTERESTED PARTIES are invited to take part in these meetings or be represented by an agent. The public may submit written comments by sending an email to: [CityClerk@miamibeachfl.gov](mailto:CityClerk@miamibeachfl.gov) by 5:00 p.m. the day before the Virtual Special Commission Meeting. Please identify the Agenda Item Number in the email subject line. Emails received will be forwarded to the Mayor and Commissioners and will be included as a part of the meeting record.

Copies of Agenda Items are available for public inspection at: <https://www.miamibeachfl.gov/city-hall/city-clerk/agenda-archive-main-page-2/>. These meetings, or any item therein, may be continued, and under such circumstances, additional legal notice need not be provided.

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meetings or its hearings, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

Members of the public may present audio/visual (AV) materials relating to Agenda Items at City Commission meetings by utilizing the City's AV equipment, provided that materials are submitted to the Department of Marketing and Communications by 8:30 a.m., one (1) business day prior to the meeting. Advance submittal of a presentation will allow the Communications Department to plan for the use of the appropriate AV equipment. AV materials must be submitted via email at [communications@miamibeachfl.gov](mailto:communications@miamibeachfl.gov). The body of the email must include a notation listing the name or group, contact person, daytime telephone number, email address, description/title of the presentation, and Agenda Item Title as well as the Agenda Item Number. Please reference "Audio/Visual material" in the email subject line. Acceptable formats for electronic submission are .pdf, .ppt, .pptx, .pps, .ppsx, .wmv, .avi, and .mov. (Note that .pdf is the preferred format for PowerPoint presentations.)

To request this material in alternate format, sign language interpreter (five-day notice required), information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceedings, call 305.604.2489 and select 1 for English or 2 for Spanish, then option 6; TTY users may call via 711 (Florida Relay Service).

Rafael E. Granado, City Clerk  
City of Miami Beach

AD 06052020 06122020

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Office of the City Clerk  
DATE: June 5, 2020

SUBJECT: TIME CERTAIN.

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**Applicable Area**

Not Applicable

**Is this a "Residents Right  
to Know" item, pursuant to  
City Code Section 2-14?**

No

**Does this item utilize G.O.  
Bond Funds?**

No

**Legislative Tracking**

Office of the City Clerk

**ATTACHMENTS:**

**Description**

- ▢ Agenda Items List

# MIAMI BEACH

## Special Commission Meeting AGENDA ITEMS LIST June 5, 2020

### CONSENT AGENDA

C7 A Approve FY 2019 HOME & SHIP Funds Allocation, Rent Assistance. (Gongora) HCS

### REGULAR AGENDA

R7 A Extend State of Emergency, COVID-19. CA

R9 A Discuss/Update on COVID-19. CM

R9 B **10:30 a.m.** Discuss Opportunities for MB Businesses in RISE M-D Fund. (Samuelian)

R9 C Update on Small Business Assistance Program. (Gongora) ED

R9 D Discuss Presentations & Awards during Virtual Commission Meetings. CC

R9 E Discuss MBPD Policy Regarding Use of Force/Present Report in 90 Days. (Arriola)

R9 F Discuss/Present Report on 6/24/2020, MBPD Best Practices. (Gelber)

**AM1**  
**AM1**

BD=Building / Beach Management=BM / CIP=Capital Improvement Projects / CA=Office of the City Attorney / CC=Office of the City Clerk / CO = Code Compliance / CM=Office of the City Manager / ED=Economic Development / EM=Emergency Management / EN=Environmental and Sustainability / FD=Fire Dept. / FM=Fleet Management / FN=Finance / GIA= Grants and Intergovernmental Affairs / HCS=Housing and Community Services / HR=Human Resources / IA=Internal Audit / IT=Information Technology / OMB=Office of Management and Budget / Mayor's Office=MO / MC=Marketing and Communications / ODPI = Organizational Development Performance Initiatives / PK=Parking / P&R=Parks and Recreation / PL=Planning / PD=Police / PR=Procurement / PM=Property Management / PW=Public Works / TC=Tourism and Culture / TR=Transportation and Mobility

D-Deferred; W-Withdrawn; O/C-Open & Continued; SM-Supplemental; AM-Addendum; T-Tabled