

City of Miami Beach

MIAMIBEACH

SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2025-2026, 2026-2027, 2027-2028



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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: 2025-2026, 2026-2027, 2027-2028

D. Governance: The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, 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.

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.

G. Public Input: Public input was solicited through face-to-face meetings with housing providers, social service providers and local lenders and neighborhood associations. Public input was solicited through the local newspaper 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.

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 completed applications were submitted as well as any established funding priorities as described in this plan.

The following priorities for funding (very low income, Special Needs, etc.) described/listed here apply to all strategies unless otherwise stated in an individual strategy in Section II:

Very-Low Special Needs
Low-income Special Needs
Special Needs

- J. Discrimination:** In accordance with the provisions of ss.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 sources. Available support services may include, but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, Foreclosure Counseling and Transportation.
- 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, which can be lower but may not exceed 90% of the average 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.

"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 the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household's ability to devote more than 30% of its income for housing, and 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:** Should an eligible sponsor be used, a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed, which includes 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 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 15 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 this 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.

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

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states: "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."

Section 420.9075 Florida Statute 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	Admin. Fee Percentage
Local Government	Income certification of applicants, annual reporting, fiscal management, marketing and outreach.	10%
Third Party Entity/Sub-recipient	N/A	

R. First-time Homebuyer Definition: For any strategies designed for first-time homebuyers, the following definition will apply: *An individual who has had no ownership in a principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if meets the above test, they are considered first-time homebuyers). A single parent who has only owned a home with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.*

S. 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 the lesser of 5% of the SHIP assistance amount or \$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.

T. Essential Service Personnel Definition (ESP): ESP includes teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, and skilled building trades personnel.

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

U. 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:
 - o Residential Electric:
 - Up to 55 gallons = 0.95 EF or 0.92 UEF; or
 - More than 55 gallons = Energy Star certified; or
 - Tankless = 0.97 EF and Max GPM of ≥ 2.5 over a 77° rise or 0.87 UEF and GPM of ≥ 2.9 over a 67° rise;
 - o Residential Gas (storage or tankless/instantaneous): Energy Star certified,
 - Commercial Gas Water Heater: Energy Star certified;
7. Energy Star certified ceiling fans with lighting fixtures in bedrooms;
8. Air Conditioning (in-unit or commercial):
 - o Air-Source Heat Pumps – Energy Star certified:
 - ≥ 7.8 HSPF2/ ≥ 15.2 SEER2/ ≥ 11.7 EER2 for split systems
 - ≥ 7.2 HSPF2 ≥ 15.2 SEER2/ ≥ 10.6 EER2 for single package equipment



including gas/electric package units

Central Air Conditioning – Energy Star certified

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

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Energy Star certified package units

Energy Star certified package units

K. Descriptive efforts to ensure that 40% Special Needs are included

The City will prioritize the following strategies for Special Needs categories:

- Purchase Assistance with Rehabilitation
- Rental Assistance with Rehabilitation
- Homeless Prevention
- Rental Assistance (tenant)

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

The City will add Special Needs qualification questions to its program application

workflows and outreach resources (including the website and social media) to

attract more applicants.

In addition, the Office of Housing and Community Services (City department

administration) operates the Family Pathways Program and the Parenting

Support Program, which are family support programs that provide low-income families with

and other services. The program also provides other services to low-income families with

and other services to low-income families with

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L. Descriptive efforts to reduce financial barriers

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

Energy Star certified package units

The City of Miami Beach, through its Office of Housing and Community Services

completing homelessness by funding and expanding our services in various

Outreach Services Division and the other through the Community Services

collaboratively to provide a range of essential services aimed at both reducing

homelessness, as well as ensuring that all homeless individuals, including our

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provision. Their efforts include family reunification, identification replacement, treatment services, mental health referrals, employment assistance, and care coordination, all designed to help individuals regain stability and self-sufficiency. This division is particularly dedicated to connecting individuals experiencing homelessness to the resources they need for long-term recovery.

The Community Services Division, meanwhile, extends support and referrals to those at risk of becoming homeless, working proactively to prevent homelessness whenever possible.

In addition to these city-operated services, Miami Beach is a vital partner within the Miami-Dade County Homeless Continuum of Care, collaborating closely with the Miami-Dade County Homeless Trust and a network of nonprofit and faith-based organizations that provide specialized services for the homeless population. These partnerships strengthen the City's ability to offer comprehensive support and services across a range of needs.

The Miami Beach Police Department and the Parks and Recreation Department are actively involved in outreach efforts, engaging with the homeless population to raise awareness about available social services. Together, these departments, along with the Office of Housing and Community Services, conduct street-level outreach at targeted locations where homeless individuals tend to congregate, ensuring that people in need are connected to the appropriate resources and services.

Section II. LHAP Strategies

A. Purchase Assistance with Rehabilitation	Code	1
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| a. | Summary: Down payment, closing cost and rehabilitation assistance for the purchase of new or existing housing unit, and the rehabilitation of those properties, for first-time homebuyers. Rehabilitation assistance of \$5,000 may include performing minor needed repairs or upgrades to existing appliances or fixtures, as determined by the City pursuant to an inspection report or by a visual inspection. Minimal rehabilitation of the unit is coordinated after the closing, based on the needs identified by the homeowner or based on the property inspection report. All repairs will be completed within 12 months of the applicant closing on the home purchase. The SHIP Program can be combined with the City's HOME Investment Partnership Program (HOME) funds for households earning up to 80% AMI, contingent upon funding availability. |
|----|---|

- b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028
- 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. Repayment 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. Years in loan term: Fifteen (15) Years
4. Forgiveness: The loan will be forgiven at the end of the term.
5. Repayment: Owner will be permitted to refinance a senior mortgage to improve the payment terms, without the ability to receive additional cash. No repayment is required as long as the loan is in good standing.
6. Default: If, during the Affordability Period, the Premises are leased, rented, sold, conveyed, transferred or refinanced (other than in the manner), the Owner shall repay to the City the full principal amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises. If the net proceeds from a sale, conveyance or transfer are less than the principal amount, owner shall retain the deposit and the cost of a capital improvement. If the sale, conveyance or transfer occurs between the first and fifth year, the City shall also be paid a percentage of the profit, based upon the percentage of the City's contribution to the purchase of the Premises, calculated by dividing the amount of the City's mortgage by the total purchase price for the Premises; to wit: if the purchase price for the Premises was \$100,000 and the City provided a \$50,000 mortgage, the City shall be paid 50% of the profit; If the sale, conveyance or transfer occurs between the sixth and tenth year, the City shall be paid forty percent (40%) of the city's share of the profit as calculated above; and if the sale, conveyance or transfer occurs between the eleventh and fifteenth year, the City shall be paid twenty-five percent (25%) of the city's share of the profit. The profit is defined as the fair market value of the Premises at the time of the sale, conveyance or transfer, minus the purchase price of the Premises at the time the Borrower acquired it with the assistance of the SHIP Program funds. If there is no profit from the sale, no payment is due.

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 current fair market value, (the "Right of First Refusal"), for continued occupancy by eligible persons.

The Principal Amount shall be payable at the time and in the manner stipulated in subsection (a) above; and, with the exception of the existing first mortgage or other senior mortgages granted on the date of the delivery of the deed to Owner in connection with the purchase of the Premises ("senior mortgage(s)"), this Mortgage shall remain a lien superior in dignity to all other liens, titles, claims, mortgages, and/or other encumbrances, until paid.

In the event that title to the Premises is transferred by the death of the Owner to a surviving heir, or any other heir so designated by the Owner [a single heir or multiple heirs, collectively, shall be referred to herein as an "heir"], and said heir occupies the Premises 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 the City Manager's sole discretion, the transfer of the Premises to the heir, as Owner under this Declaration, will be approved by the City Manager. However, should said heir fail to occupy the Premises as a principal residence, within six (6) months from the date of the Owner's death, and continue said occupancy thereafter, and fail to meet the SHIP Program



qualifications, the Principal Amount shall become due and owing to the City, including any profit due the City pursuant to the Profit Recapture Provision. In order to further ensure the enforcement of this subsection 2(c), any and all of Owner's successors, heirs and/or assigns must obtain the prior written consent of the City Manager prior to the sale, conveyance or transfer of the Premises .

f. Recipient/Tenant Selection Criteria: Applicants will be selected from a waiting list on a first-qualified, first-served basis. Special Needs households as defined in 420.0004 (13), F.S., will be given priority 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. The City of Miami Beach must be in first or second lien position.

B. Owner Occupied Rehabilitation	Code	3
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a. Summary: Rehabilitation/Repair of single-family (including condominiums), owner-occupied housing may be assisted. "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. Repairs related to aesthetic or cosmetic improvements may be included in the scope of work if funds are available after completing all required repairs.

Homeowner's Insurance is required once the project is approved, and a vendor is selected from a pool of City-approved SHIP contractors. The City can make an exception for elderly and extremely-low-income households.

The City will establish a pool of approved SHIP contractors and will seek quotes from at least three contractors, as available, from the list before funding a project. If less than three bids are received, the city may decide based on the lowest responsible bid received..

b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028

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

d. Maximum award: \$70,000

e. Terms:

1. Repayment 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. Years in loan term: Fifteen (15) Years
4. Forgiveness: The loan will be forgiven at the end of the term.
5. Repayment: Owner will be permitted to refinance a senior mortgage to improve the payment terms,



without the ability to receive additional cash. No repayment is required as long as the loan is in good standing.

Default: If, during the Affordability Period, the Premises are leased, rented, sold, conveyed, transferred or refinanced (other than in the manner permitted), the Owner shall repay to the City the full principal amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises

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 current fair market value (the "Right of First Refusal") for continued occupancy by eligible persons.

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 the City will approve the transfer.

6.

f. Recipient/Tenant Selection Criteria: Applicants will be selected from a waiting list on a first-qualified, first-served basis. Special Needs households as defined in 420.0004 (13), F.S., 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. The City of Miami Beach must be in first or second lien position.

C. Foreclosure Prevention	Code	7
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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 lender 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 (excluding brokerage fees.)

b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028

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

d. Maximum award: \$15,000

e. Terms:



1. Repayment loan/deferred loan/grant: Repayment 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. Years in loan term: Fifteen (15) Years
4. Forgiveness: The loan will be forgiven at the end of the term.
5. Repayment: None required if the loan is in good standing.
6. Default: Pursuant to the Declaration of Restrictive Covenants:

If, during the Affordability Period, the Premises are leased, rented, sold, conveyed, transferred or refinanced (other than in the manner permitted), the Owner shall repay to the City the full principal amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises

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 current fair market value (the "Right of First Refusal") for continued occupancy by eligible persons.

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, the City will approve the transfer.

- f. Recipient/Tenant 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. The City of Miami Beach must be in second lien position.

D. Disaster Assistance	Code	5,16
<p>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:</p> <p>1. Home Repair:</p> <p>a) Purchase of emergency supplies, weatherproofing a damaged home.</p>		

- b) Interim repairs to prevent further damage; tree and debris removal to make the housing unit habitable.
- c) Payment of insurance deductibles for rehabilitation of homes covered under homeowners' insurance policies; and
- d) Other activities as proposed by the Federal Government, counties and eligible municipalities and approved by Florida Housing Finance Corporation.

2. Mortgage and Rent Assistance:

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

b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028

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

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

e. Terms:

Home Repair:

1. Repayment 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. Years in loan term: Fifteen (15) years

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

5. Repayment: **Not required if the loan is in good standing.**

6. Default:

If, during the Affordability Period, the Premises are sold, conveyed, transferred (other than in the manner permitted), the Owner shall repay to the City the full Principal Amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises

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 current fair market value (the "Right of First Refusal") for continued occupancy by eligible persons.

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.



Rent/Mortgage Assistance:

2. Repayment loan/deferred loan/grant: Funds will be awarded as a grant, evidenced by an approved application and proof of payment issued to the landlord, contingent upon their registration and approval through the City's vendor registration system. The household cannot apply for more than once per funding cycle and/or disaster period.
 3. Interest Rate: 0%
 4. Years in loan term: N/A
 5. Forgiveness: N/A
 5. Repayment: N/A
 6. Default: N/A
- f. Recipient/Tenant 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. The City of Miami Beach must be in second lien position.

E. Rental Development	Code	14
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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 in conjunction with funding from Florida Housing Finance Corporation or other federal funding allocations. The city currently owns and operates several rental developments. Funds from this strategy may be utilized for the acquisition and/or rehabilitation of multi-family buildings owned and operated by the City. The City will monitor the rent limits and tenant income limits for the duration of the affordability period.
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- b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028
- c. Income Categories to be served: Very low, low and moderate
- d. Maximum award: \$40,000 per unit/\$400,000 per property
- e. Terms:
 1. Repayment 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. Years in loan term: Thirty (30) years
4. Forgiveness: The loan will be forgiven at the end of the term.
5. Repayment: Not required if the loan is in good standing.
6. Default:

If, during the Affordability Period, the Premises are sold, conveyed, transferred (other than in the manner permitted), the Owner shall repay to the City the full Principal Amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises

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 current fair market value (the "Right of First Refusal") for continued occupancy by eligible persons.

f. Recipient/Tenant 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. Rent limits must be consistent with those published by Florida Housing Finance Corporation, for the duration of the loan term.

g. Sponsor/Sub-recipient Selection Criteria: An eligible sponsor is an entity that applies for an award from the City through a local government solicitation and is awarded SHIP funds to construct affordable housing units. Sponsors will be selected through a publicly advertised competitive application process. This process involves a thirty (30) day public notification of the availability of funding, a written application delineating program requirement, a request for proposal (RFP) and an open and objective evaluation process and a formal award through a written contract. Sponsor selection outside of the advertised competitive application may be encumbered by the City when funding is being requested as a match for Florida Housing Finance Corporation or Federal funding cycles. Eligible sponsors, will at minimum, meet the following criteria:

1. Eligible sponsors will be a for-profit organized and established under the laws of the State of Florida or non-profit community-based organization having obtained official designation as a 501 c(3).
2. Eligible sponsors will have an established record of construction and/or rehabilitation of affordable housing.
3. Eligible sponsors will be required to provide substantial evidence of its ability to construct or otherwise deliver a completed project within a reasonable timeframe.
4. The non-profit or for-profit corporation must have financial accountability standards that permit the City of Miami Beach's SHIP Program to account for and audit SHIP funds.

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 affordable housing 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.

F. Rental Assistance (Tenant)	Code	13
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Summary: This strategy provides assistance to eligible households at-risk of homelessness or in need of moving assistance. The funds will be released directly to the landlord upon their registration with the City's vendor platform and approval of program terms.

Eligible expenses may include:

1. First month's rent;
2. Security Deposit; and/or
3. Up to six month's of rent in arrears.

- b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028
- c. Income Categories to be served: Very low, low and moderate
- d. Maximum award: \$15,000
- e. Terms :
 1. Repayment loan/deferred loan/grant: Funds will be awarded as a grant, evidenced by an approved application and proof of payment issued to the landlord, contingent upon their registration and approval through the City's vendor registration system.
 2. Interest Rate: 0%
 3. Years in loan term: N/A
 4. Forgiveness: N/A
 5. Repayment: N/A
 6. Default: N/A
- f. Recipient/Tenant 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. The City of Miami Beach must be in second lien position.

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. Name of the Strategy: **Fee Waiver or Modification**

The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Ordinance 2020-4361 was adopted on October 14, 2020, to waive training and technology fees for Affordable Housing units and Workforce Housing units.

D. Name of Strategy: **Density**

The allowance of increased density levels/flexibility for affordable housing. [\[420.9076\(4\)\(c\)\]](#)

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

The modification relating to unit size was made via Ordinance No. 2011-3744, which was adopted October 19, 2011.

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 amending the Affordable Housing Advisory Committee

City of Miami Beach

Fiscal Year: 2025-2026	
Estimated SHIP Funds for Fiscal Year:	\$ 403,374.00
Salaries and Benefits	\$ 34,935.00
Office Supplies and Equipment	\$
Travel Per diem Workshops, etc.	\$
Advertising	\$ 1,000.00
Other*	\$ 4,402.00
Total	\$ 40,337.00
Admin %	10.00%
	OK
Fiscal Year 2026-2027	
Estimated SHIP Funds for Fiscal Year:	\$ 403,374.00
Salaries and Benefits	\$ 34,935.00
Office Supplies and Equipment	\$
Travel Per diem Workshops, etc.	\$
Advertising	\$ 1,000.00
Other*	\$ 4,402.00
Total	\$ 40,337.00
Admin %	10.00%
	OK
Fiscal Year 2027-2028	
Estimated SHIP Funds for Fiscal Year:	\$ 403,374.00
Salaries and Benefits	\$ 34,935.00
Office Supplies and Equipment	\$
Travel Per diem Workshops, etc.	\$
Advertising	\$ 1,000.00
Other*	\$ 4,402.00
Total	\$ 40,337.00
Admin %	10.00%
	OK
*All "other" items need to be detailed here and are subject to review and approval by the SHIP review committee. Project Delivery Costs that are outside of administrative costs are not to be included here, but must be detailed in the LHAP main document.	
Details:	

Exhibit B
Timeline for SHIP Expenditures

The City of Miami Beach affirms that funds allocated for these fiscal years will meet the following deadlines:

Fiscal Year	Encumbered	Expended	Closeout Report
2025-2026	6/30/2027	6/30/2028	9/15/2028
2026-2027	6/30/2028	6/30/2029	9/15/2029
2027-2028	6/30/2029	6/30/2030	9/15/2030

If funds allocated for these fiscal years is not anticipated to meet expenditure deadlines, Florida Housing Finance Corporation should be notified according to the following dates:

Fiscal Year	Funds Not Expended	Closeout AR Not Submitted
2025-2026	3/30/2028	6/15/2028
2026-2027	3/30/2029	6/15/2029
2027-2028	3/30/2030	6/15/2030

Requests for Expenditure Extensions (close-out year ONLY) must be emailed to robert.dearduff@floridahousing.org and include:

1. A statement that "(city/county) requests an extension to the expenditure deadline for fiscal year _____.
2. The amount of funds that is not expended.
3. The amount of funds that is not encumbered or has been recaptured.
4. A detailed plan/timeline of how/when the money will be expended.

Note: an extension to the expenditure deadline (June 30) does not relieve the requirement to submit (September 15) the annual report online detailing all funds that have been expended.

Other Key Deadlines:

AHAC reports are now due annually by December 31. Local governments receiving the minimum (or less) allocation may choose not to report.

ACFR financial statements are due each June 30 for the report ending September 30 of the previous year.

FLORIDA HOUSING FINANCE CORPORATION												
HOUSING DELIVERY GOALS CHART												
2025-2026												
Name of Local Government:			City of Miami Beach									
Estimated Funds (Anticipated allocation only):			\$ 403,374									
Code	Strategies	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units
	Homeownership											
1	Purchase Assistance with Rehabilitation	Yes	1	\$60,000	1	\$60,000	1	\$50,000	\$170,000.00	\$0.00	\$170,000.00	3
3	Owner Occupied Rehabilitation	Yes	1	\$70,000			1	\$68,000	\$138,000.00	\$0.00	\$138,000.00	2
18	Foreclosure Prevention	No	1	\$15,000					\$0.00	\$15,000.00	\$15,000.00	1
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
	Total Homeownership		3		1		2		\$308,000.00	\$15,000.00	\$323,000.00	6
Purchase Price Limits:			New	\$ 636,806	Existing	\$ 636,806						

Code	Rental	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units
13	Rental Assistance (Tenant)	No	5	\$5,000	2	\$5,000	1	5000	\$0.00	\$40,000.00	\$40,000.00	8
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
	Total Rental		5		2		1		\$0.00	\$40,000.00	\$40,000.00	8
	Administration Fees		\$ 40,337		10%		OK					
	Home Ownership Counseling		\$ -									
	Total All Funds		\$403,337.00		OK							

Percentage Construction/Rehab (75% requirement)		76.4%	OK
Homeownership % (65% requirement)		80.1%	OK
Rental Restriction (25%)		9.9%	OK
Very-Low Income (30% requirement)	\$ 170,000	42.1%	OK
Low Income (30% requirement)	\$ 60,000	14.9%	OK
Moderate Income	\$ 123,000	30.5%	

FLORIDA HOUSING FINANCE CORPORATION

HOUSING DELIVERY GOALS CHART

2026-2027

Name of Local Government:

City of Miami Beach

Estimated Funds (Anticipated allocation only)

\$ 403,374

Code	Strategies	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units
	Homeownership											
1	Purchase Assistance with Rehabilitation	Yes	1	\$60,000	1	\$60,000	1	\$50,000	\$170,000.00	\$0.00	\$170,000.00	3
3	Owner Occupied Rehabilitation	Yes	1	\$50,000			1	\$48,000	\$98,000.00	\$0.00	\$98,000.00	2
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
	Total Homeownership		2		1		2		\$268,000.00	\$0.00	\$268,000.00	5
Purchase Price Limits:			New	\$ 636,806	Existing	\$ 636,806						

OK

OK

Code	Rental	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units
13	Rental Assistance (Tenant)	No	4	\$5,000	2	\$5,000	1	5000	\$0.00	\$35,000.00	\$35,000.00	7
14	Rehabilitation	Yes	2	\$20,000	1	\$20,000			\$60,000.00	\$0.00	\$60,000.00	3
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
									\$0.00	\$0.00	\$0.00	0
	Total Rental		6		3		1		\$60,000.00	\$35,000.00	\$95,000.00	10
	Administration Fees		\$ 40,337		10%		OK					
	Home Ownership Counseling		\$ -									
	Total All Funds		\$403,337.00		OK							

Set-Asides

Percentage Construction/Rehab (75% requirement)		81.3%	OK
Homeownership % (65% requirement)		66.4%	OK
Rental Restriction (25%)		23.6%	OK
Very-Low Income (30% requirement)	\$ 170,000	42.1%	OK
Low Income (30% requirement)	\$ 100,000	24.8%	OK
Moderate Income	\$ 103,000	25.5%	

FLORIDA HOUSING FINANCE CORPORATION													
HOUSING DELIVERY GOALS CHART													
2027-2028													
Name of Local Government			City of Miami Beach										
Estimated Funds (Anticipated allocation only):			\$ 403,374										
Code	Strategies	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units	
	Homeownership												
1	Purchase Assistance with Rehabilitation	Yes	1	\$60,000	1	\$60,000	1	\$50,000	\$170,000.00	\$0.00	\$170,000.00	3	
3	Owner Occupied Rehabilitation	Yes	1	\$70,000			1	\$68,000	\$138,000.00	\$0.00	\$138,000.00	2	
18	Foreclosure Prevention	No	1	\$15,000					\$0.00	\$15,000.00	\$15,000.00	1	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
	Total Homeownership		3		1		2		\$308,000.00	\$15,000.00	\$323,000.00	6	
Purchase Price Limits:				New	\$ 636,806	Existing	\$ 636,806						
			OK	OK									
Code	Rental	Qualifies for 75% set-aside	VLI Units	Max. SHIP Award	LI Units	Max. SHIP Award	Mod Units	Max. SHIP Award	New Construction	Without Construction	Total	Units	
13	Rental (Tenant)	No	5	\$5,000	2	\$5,000	1	5000	\$0.00	\$40,000.00	\$40,000.00	8	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
									\$0.00	\$0.00	\$0.00	0	
	Total Rental		5		2		1		\$0.00	\$40,000.00	\$40,000.00	8	
	Administration Fees		\$ 40,337			10%		OK					
	Home Ownership Counseling		\$ -										
Total All Funds			\$ 403,337 OK										
Set-Asides													
Percentage Construction/Rehab (75% requirement)			76.4%		OK								
Homeownership % (65% requirement)			80.1%		OK								
Rental Restriction (25%)			9.9%		OK								
Very-Low Income (30% requirement)			\$ 170,000	42.1%	OK								
Low Income (30% requirement)			\$ 60,000	14.9%	OK								
Moderate Income			\$ 123,000	30.5%									

**CERTIFICATION TO
FLORIDA HOUSING FINANCE CORPORATION**

Local Government or Interlocal Entity:

City of Miami Beach

Certifies that:

- (1) The availability of SHIP funds will be advertised pursuant to program requirements in 420.907-420.9079, Florida Statutes.
- (2) All SHIP funds will be expended in a manner which will ensure that there will be no discrimination on the basis of race, color, national origin, sex, handicap, familial status, or religion.
- (3) A process to determine eligibility and for selection of recipients for funds has been developed.
- (4) Recipients of funds will be required to contractually commit to program guidelines and loan terms.
- (5) Florida Housing will be notified promptly if the local government /interlocal entity will be unable to comply with any provision of the local housing assistance plan (LHAP).
- (6) The LHAP provides a plan for the encumbrance of funds within twelve months of the end of the State fiscal year in which they are received and a plan for the expenditure of SHIP funds including allocation, program income and recaptured funds within 24 months following the end of the State fiscal year in which they are received.
- (7) The LHAP conforms to the Local Government Comprehensive Plan, or that an amendment to the Local Government Comprehensive Plan will be initiated at the next available opportunity to insure conformance with the LHAP.
- (8) Amendments to the approved LHAP shall be provided to the Florida Housing for review and/or approval within 21 days after adoption.
- (9) The trust fund exists with a qualified depository for all SHIP funds as well as program income or recaptured funds.
- (10) Amounts on deposit in the local housing assistance trust fund shall be invested as permitted by law.
- (11) The local housing assistance trust fund shall be separately stated as a special revenue fund in the

local governments audited financial statements (ACFR). An electronic copy of the ACFR or a hyperlink shall be provided to Florida Housing by June 30 of the applicable year.

- (12) Evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97, F.S. shall be provided to Florida Housing by June 30 of the applicable year.
- (13) SHIP funds will not be pledged for debt service on bonds.
- (14) Developers receiving assistance from both SHIP and the Low-Income Housing Tax Credit (LIHTC) Program shall comply with the income, affordability and other LIHTC requirements, similarly, any units receiving assistance from other federal programs shall comply with all Federal and SHIP program requirements.
- (15) Loans shall be provided for periods not exceeding 30 years, except for deferred payment loans or loans that extend beyond 30 years which continue to serve eligible persons.
- (16) Rental Units constructed or rehabilitated with SHIP funds shall be monitored for compliance with tenant income requirements and affordability requirements or as required in Section 420.9075 (3)(e). 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 eligibility.
- (17) The LHAP meets the requirements of Section 420.907-9079 FS, and Rule Chapter 67-37 FAC.
- (18) The provisions of Chapter 83-220, Laws of Florida have not been implemented (except for Miami-Dade County).

[Signature]
Witness

Eric Carpenter
Chief Elected Official or designee

Eric T. Carpenter, City Manager
Type Name and Title

Witness

April 21, 2025

Date

OR

[Signature]
Attest: Regis Barbon
For Rafael E. Granado, City clerk
APR 21 2025



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

[Signature] 04/16/25
City Attorney Date
(Seal)

RESOLUTION NO. 2025-33563

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING THE CITY OF MIAMI BEACH LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM FOR FY 2025-2026, 2026-2027 AND 2027-2028, AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, CODIFIED IN SECTIONS 420.907-420.9079, FLORIDA STATUTES; AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE ANY NECESSARY CERTIFICATIONS; AND FURTHER AUTHORIZING THE ADMINISTRATION TO TRANSMIT THE LHAP TO THE FLORIDA HOUSING FINANCE CORPORATION (FHFC) FOR ITS REVIEW AND APPROVAL.

WHEREAS, 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, Chapter 92-317 of Florida Sessions Laws; and

WHEREAS, SHIP Program funds are derived from documentary stamp levies on real estate transactions, held in the SHIP Program Trust Fund, and thereafter allocated to local governments for the development and maintenance of affordable housing; and

WHEREAS, SHIP funds are leveraged with or used to supplement other funding sources such as HOME Investment Partnership (HOME) and Community Development Block Grant (CDBG) Programs to assist income-eligible households obtain access to affordable housing; and

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

WHEREAS, the LHAP must meet the following statutory program requirements:

- At least 75% of the overall funds must be used for construction, rehabilitation or emergency repairs of affordable, eligible housing;
- At least 65% of the overall funds must be used for homeownership activities (homebuyer activities or owner-occupied rehabilitation projects);
- At least 30% of the overall funds must be reserved for activities that benefit low-income households;
- At least 30% of the overall funds must be reserved for activities that benefit very-low income households;
- At least 20% of overall funds must be utilized to assist households with a disabled member; and
- Up to 10% of funds can be allocated towards administrative costs such as salaries, advertisement, reports, and appraisals; and

WHEREAS, the Administration has prepared a draft LHAP for FY 2025-2026, 2026-2027 and 2027-2028, a copy of which is attached to the City Commission Memorandum accompanying this Resolution, pursuant to the requirements of the Act and the SHIP Program Rule, issued by the FHFC, containing the following housing strategies and funding priorities for income-eligible households:

- A. Purchase Assistance with Rehabilitation;
- B. Owner-Occupied Rehabilitation;
- C. Foreclosure Prevention;
- D. Disaster Assistance;
- E. Rental Development for Multi-Family Residential Properties with Income-eligible Tenants; and
- F. Rental Assistance (Tenant); and

WHEREAS, the FY 2022-2023, 2023-2024, 2024-2025 LHAP expires June on 30, 2025; and

WHEREAS, the draft LHAP was presented to the Affordable Housing Advisory Committee (AHAC) for review on January 21, 2025, and the committee passed a motion supporting its submission to the FHFC; and

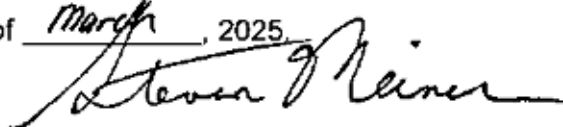
WHEREAS, the Administration issued a notice announcing a 30-day public comment period from February 10, 2025 to March 11, 2025, to solicit public input on the draft LHAP and to date no comments have been received; and

WHEREAS, the final LHAP must be approved by the Mayor and City Commission and the FHFC before May 2, 2025; and

WHEREAS, the City Manager recommends approving the proposed LHAP for FY 2025-2026 through FY 2027-2028.

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 approve the City's Local Housing Assistance Plan (LHAP) for the State Housing Initiatives Partnership (SHIP) Program for FY 2025-2026, 2026-2027 and 2027-2028, as required by the State Housing Initiatives Partnership Program Act, codified in Sections 420.907-420.9079, Florida Statutes; and authorize the City Manager and City Clerk to execute any necessary certifications; and further authorize the Administration to transmit the LHAP to the Florida Housing Finance Corporation (FHFC) for its review and approval.

PASSED and ADOPTED this 19 day of March, 2025.



STEVEN MEINER, MAYOR

ATTEST:

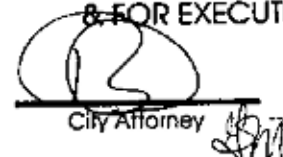


MAR 20 2025

RAFAEL E. GRANADO, CITY CLERK



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3/10/2025
Date

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission

FROM: Eric Carpenter, City Manager

DATE: March 19, 2025

TITLE: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND ADOPTING THE CITY OF MIAMI BEACH LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM FOR FY 2025/2026, 2026/2027 AND 2027/2028, AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, CODIFIED IN SECTIONS 420.907 - 420.9079, FLORIDA STATUTES; AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE ANY NECESSARY CERTIFICATIONS; AND FURTHER AUTHORIZING THE ADMINISTRATION TO TRANSMIT THE LHAP TO THE FLORIDA HOUSING FINANCE CORPORATION FOR ITS REVIEW AND APPROVAL.

RECOMMENDATION

The Administration recommends adopting the Resolution.

BACKGROUND/HISTORY

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 entitlement communities on a formula basis. SHIP program funds serve to increase access to affordable housing for income-eligible participants. Before any SHIP funds can be expended, the entitlement community must have an approved Local Housing Assistance Plan (LHAP).

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 using public and private funds to reduce the cost of housing. SHIP funds are leveraged with or used to supplement other funding sources such as HOME Investment Partnership (HOME) and Community Development Block Grant (CDBG) Programs to assist income-eligible households obtain access to affordable housing.

Furthermore, the LHAP includes policies, regulations, ordinances or resolutions adopted by the City in conjunction with the Affordable Housing Advisory Committee (AHAC), to encourage or facilitate affordable housing.

On April 6, 2022, the Mayor and City Commission approved the 22-25 LHAP for submission to the FHFC via Resolution No. 2022-32096. Subsequently, the City submitted the LHAP for review and approval to the FHFC's SHIP Review Committee. The Administration further reviewed various sections in the Plan for consistency, including the New Construction housing strategy and the current equity sharing policy for first time homebuyers. On June 6, 2022, the City Commission approved an amendment to the FY 22-25 LHAP via Resolution No. 2022-32187. The FY 22-25

LHAP expires June 30, 2025.

The Administration has drafted the 2025-2028 LHAP, a copy of which is attached hereto, to align with updated housing strategies and funding priorities. To secure future funding, the final draft must be submitted to the FHFC for approval by May 2, 2025, to ensure implementation of new strategies by October 1, 2025. SHIP funds will not be released until the LHAP receives full approval from the FHFC.

ANALYSIS

The LHAP describes the housing goals that will be achieved per funding year with an estimated allocation amount based on the most recent allocation on FY 24/25. The activities funded must meet the statutory program requirements:

- At least 75% of the overall funds must be used for construction, rehabilitation or emergency repairs of affordable, eligible housing;
- At least 65% of the overall funds must be used for homeownership activities (homebuyer activities or owner-occupied rehabilitation projects);
- At least 30% of the overall funds must be reserved for activities that benefit low-income households;
- At least 30% of the overall funds must be reserved for activities that benefit very-low income households;
- At least 20% of overall funds must be utilized to assist households with a disabled member; and
- Up to 10% of funds can be allocated towards administrative costs such as salaries, advertisement, reports, appraisals.

The Administration is proposing to continue utilizing strategies for the broadest range of income-eligible households as prescribed annually by the US Department of Housing and Urban Development (HUD). The Administration is proposing the adoption of the strategies listed below.

- A. Purchase Assistance with Rehabilitation
- B. Owner-Occupied Rehabilitation
- C. Foreclosure Prevention
- D. Disaster Assistance
- E. Rental Development for Multi-Family Residential Properties with Income-eligible Tenants
- F. Rental Assistance (Tenant)

To promote the available programs/activities, the Administration continues working with local area mortgage companies and lenders to leverage resources and serve households seeking homeownership. The Office of Housing and Community Services (HCS) has collaborated with the Office of Marketing and Communications to promote the existing programs to prospective homeowners, including City employees, essential services personnel, and the public-at-large. Additionally, HCS collaborates with local housing counseling agencies to financially empower prospective homebuyers in their path to mortgage readiness.

The draft LHAP was presented to the AHAC for review on January 21, 2025. Following the review, the AHAC passed a motion in support of submitting the LHAP to the FHFC.

Additionally, the Administration published a notice announcing a 30-day public comment period from February 10, 2025, to March 11, 2025, to gather public input on the draft LHAP. No comments have been received to date.

FISCAL IMPACT STATEMENT

All LHAP strategies are funded with SHIP funds.

Does this Ordinance require a Business Impact Estimate?

(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:

See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notices/>

FINANCIAL INFORMATION

CONCLUSION

The Administration recommends approval and adoption of the City of Miami Beach Local Housing Assistance Plan (LHAP) for the State Housing Initiatives Partnership (SHIP) Program for FY 25/26, 26/27 and 27/28, as required by the SHIP Program Act, subsections 420.907 - 420.9079; authorizing execution of any necessary certifications by the City Manager and the City Clerk; and further authorizing the Administration to submit the LHAP to the Florida Housing Finance Corporation (FHFC) for its review and approval.

Applicable Area

Citywide

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

No

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

No

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

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

Department

Housing and Community Services

Sponsor(s)

Co-sponsor(s)

Condensed Title

Approval of LHAP for SHIP Program. HCS

Previous Action (For City Clerk Use Only)

City of Miami Beach

SHIP LOCAL HOUSING ASSISTANCE PLAN (LHAP)

2025-2026, 2026-2027, 2027-2028

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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 Amending the Affordable Housing Advisory Committee	

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: 2025-2026, 2026-2027, 2027-2028

D. Governance: The SHIP Program is established in accordance with Section 420.907-9079, Florida Statutes and Chapter 67-37, 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.

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.

G. Public Input: Public input was solicited through face-to-face meetings with housing providers, social service providers and local lenders and neighborhood associations. Public input was solicited through the local newspaper 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.

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 completed applications were submitted as well as any established funding priorities as described in this plan.

The following priorities for funding (very low income, Special Needs, etc.) described/listed here apply to all strategies unless otherwise stated in an individual strategy in Section II:

Very-Low Special Needs

Low-income Special Needs

Special Needs

- J. **Discrimination:** In accordance with the provisions of ss.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 sources. Available support services may include but are not limited to: Homeownership Counseling (Pre and Post), Credit Counseling, Tenant Counseling, Foreclosure Counseling and Transportation.
- 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, which can be lower but may not exceed 90% of the average 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.

"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 the households as indicated in Sections 420.9071, F.S. However, it is not the intent to limit an individual household's ability to devote more than 30% of its income for housing, and 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:** Should an eligible sponsor be used, a qualification system and selection criteria for applications for Awards to eligible sponsors shall be developed, which includes 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 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 15 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 this 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.

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

Section 420.9075 Florida Statute and Chapter 67-37, Florida Administrative Code, states: "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."

Section 420.9075 Florida Statute 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	Admin. Fee Percentage
Local Government	Income certification of applicants, annual reporting, fiscal management, marketing and outreach.	10%
Third Party Entity/Sub-recipient	N/A	

- R. **First-time Homebuyer Definition:** For any strategies designed for first-time homebuyers, the following definition will apply: An individual who has had no ownership in a principal residence during the 3-year period ending on the date of purchase of the property. This includes a spouse (if it meets the above test, they are considered first-time homebuyers). A single parent who has only owned a home with a former spouse while married. An individual who is a displaced homemaker and has only owned with a spouse. An individual who has only owned a principal residence not permanently affixed to a permanent foundation in accordance with applicable regulations. An individual who has only owned a property that was not in compliance with state, local or model building codes and which cannot be brought into compliance for less than the cost of constructing a permanent structure.
- S. **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 the lesser of 5% of

the SHIP assistance amount or \$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.

T. Essential Service Personnel Definition (ESP): ESP includes teachers and educators, other school districts, community college, and university employees, police and fire personnel, health care personnel, and skilled building trades personnel.

1. Educators and those employed in educational institutions; and
2. Artists and those employed in artist organizations; and
3. Accommodation 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

U. 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 = 0.95 EF or 0.92 UEF; or
 - More than 55 gallons = Energy Star certified; or
 - Tankless = 0.97 EF and Max GPM of ≥ 2.5 over a 77° rise or 0.87 UEF and GPM of ≥ 2.9 over a 67° rise;Residential Gas (storage or tankless/instantaneous): Energy Star certified,
 - Commercial Gas Water Heater: Energy Star certified;
7. Energy Star certified ceiling fans with lighting fixtures in bedrooms;
8. Air Conditioning (in-unit or commercial):
 - o Air-Source Heat Pumps – Energy Star certified:
 - ≥ 7.8 HSPF2/ ≥ 15.2 SEER2/ ≥ 11.7 EER2 for split systems
 - ≥ 7.2 HSPF2 ≥ 15.2 SEER2/ ≥ 10.6 EER2 for single package equipment including gas/electric package units

o Central Air Conditioners – Energy Star certified:

- ≥15.2 SEER2/ ≥12.0 EER2 for split systems
- ≥15.2 SEER2/ ≥11.5 EER2* for single package equipment including gas/electric package units.

NOTE: Window air conditioners and portable air conditioners are not allowed. Package Terminal Air Conditioners (PTACs) / Package Terminal Heat Pumps (PTHPs) are allowed in studio and one-bedroom units

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.

V. Describe efforts to meet the 20% Special Needs set-aside:

The City will prioritize the following strategies for Special Needs categories:

- Purchase Assistance with Rehabilitation
- Owner-occupied Rehabilitation
- Foreclosure Prevention
- Rental Assistance (tenant)

The City will add Special Needs qualification questions to its program eligibility application and utilize the City's various communications resources (including its website and social media platforms) to advise the community of these resources.

In addition, the Office of Housing and Community Services (City department responsible for SHIP Program administration) operates the Family Pathways Program and the Parenting 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. Staff collaborates with the City's ADA Coordinator to promote services to vulnerable populations. Additionally, staff works with Miami Beach Police Department when encountering victims of domestic violence seeking services.

W. Describe efforts to reduce homelessness:

The City of Miami Beach, through its Office of Housing and Community Services, plays an active role in addressing homelessness by funding and operating two key walk-in centers: one under the Homeless Outreach Services Division and the other through the Community Services Division. These divisions work collaboratively to provide a range of essential services aimed at both individuals and families experiencing homelessness, as well as those at risk of homelessness, depending on funding availability.

The Homeless Outreach Services Division focuses on comprehensive outreach, assessment, and direct service provision. Their efforts include family reunification, identification replacement, treatment services, mental health referrals, employment assistance, and care coordination, all designed to help individuals regain

stability and self-sufficiency. This division is particularly dedicated to connecting individuals experiencing homelessness to the resources they need for long-term recovery.

The Community Services Division, meanwhile, extends support and referrals to those at risk of becoming homeless, working proactively to prevent homelessness whenever possible.

In addition to these city-operated services, Miami Beach is a vital partner within the Miami-Dade County Homeless Continuum of Care, collaborating closely with the Miami-Dade County Homeless Trust and a network of nonprofit and faith-based organizations that provide specialized services for the homeless population. These partnerships strengthen the City's ability to offer comprehensive support and services across a range of needs.

The Miami Beach Police Department and the Parks and Recreation Department are actively involved in outreach efforts, engaging with the homeless population to raise awareness about available social services. Together, these departments, along with the Office of Housing and Community Services, conduct street-level outreach at targeted locations where homeless individuals tend to congregate, ensuring that people in need are connected to the appropriate resources and services.

Section II. LHAP Strategies

A. Purchase Assistance with Rehabilitation	Code	1
<p>a. Summary: Down payment, closing cost and rehabilitation assistance for the purchase of new or existing housing unit, and the rehabilitation of those properties, for first-time homebuyers. Rehabilitation assistance of \$5,000 may include performing minor needed repairs or upgrades to existing appliances or fixtures, as determined by the City pursuant to an inspection report or by a visual inspection. Minimal rehabilitation of the unit is coordinated after the closing, based on the needs identified by the homeowner or based on the property inspection report. All repairs will be completed within 12 months of the applicant closing on the home purchase. The SHIP Program can be combined with the City's HOME Investment Partnership Program (HOME) funds for households earning up to 80% AMI, contingent upon funding availability.</p>		
<p>b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028</p>		
<p>c. Income Categories to be served: Extremely Low, Very low, low and moderate</p>		
<p>d. Maximum award: 1. \$50,000 (Moderate Income) 2. \$100,000 (Low and Very Low-Income) 3. \$150,000 (Extremely Low-Income)</p>		
<p>e. Terms:</p> <ol style="list-style-type: none"> 1. Repayment 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. Years in loan term: Fifteen (15) Years 4. Forgiveness: The loan will be forgiven at the end of the term. 		

5. Repayment: Owner will be permitted to refinance a senior mortgage to improve the payment terms, without the ability to receive additional cash. No repayment is required as long as the loan is in good standing.
6. Default: If, during the Affordability Period, the Premises are leased, rented, sold, conveyed, transferred or refinanced (other than in the manner), the Owner shall repay to the City the full principal amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises. If the net proceeds from a sale, conveyance or transfer are less than the principal amount, owner shall retain the deposit and the cost of a capital improvement. If the sale, conveyance or transfer occurs between the first and fifth year, the City shall also be paid a percentage of the profit, based upon the percentage of the City's contribution to the purchase of the Premises, calculated by dividing the amount of the City's mortgage by the total purchase price for the Premises; to wit: if the purchase price for the Premises was \$100,000 and the City provided a \$50,000 mortgage, the City shall be paid 50% of the profit; if the sale, conveyance or transfer occurs between the sixth and tenth year, the City shall be paid forty percent (40%) of the city's share of the profit as calculated above; and if the sale, conveyance or transfer occurs between the eleventh and fifteenth year, the City shall be paid twenty-five percent (25%) of the city's share of the profit. The profit is defined as the fair market value of the Premises at the time of the sale, conveyance or transfer, minus the purchase price of the Premises at the time the Borrower acquired it with the assistance of the SHIP Program funds. If there is no profit from the sale, no payment is due.

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 current fair market value, (the "Right of First Refusal"), for continued occupancy by eligible persons.

The Principal Amount shall be payable at the time and in the manner stipulated in subsection (a) above; and, with the exception of the existing first mortgage or other senior mortgages granted on the date of the delivery of the deed to Owner in connection with the purchase of the Premises ("senior mortgage(s)"), this Mortgage shall remain a lien superior in dignity to all other liens, titles, claims, mortgages, and/or other encumbrances, until paid.

In the event that title to the Premises is transferred by the death of the Owner to a surviving heir, or any other heir so designated by the Owner [a single heir or multiple heirs, collectively, shall be referred to herein as an "heir"], and said heir occupies the Premises 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 the City Manager's sole discretion, the transfer of the Premises to the heir, as Owner under this Declaration, will be approved by the City Manager. However, should said heir fail to occupy the Premises as a principal residence, within six (6) months from the date of the Owner's death, and continue said occupancy thereafter, and fail to meet the SHIP Program qualifications, the Principal Amount shall become due and owing to the City, including any profit due the City pursuant to the Profit Recapture Provision. To further ensure the enforcement of this subsection 2(c), any and all of Owner's successors, heirs and/or assigns must obtain the prior written consent of the City Manager prior to the sale, conveyance or transfer of the Premises.

f. Recipient/Tenant Selection Criteria: Applicants will be selected from a waiting list on a first-qualified, first served basis. Special Needs households as defined in 420.0004 (13), F.S., will be given priority 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. The City of Miami Beach must be in first or second lien position.

B. Owner Occupied Rehabilitation	Code 3
<p>a. Summary: Rehabilitation/Repair of single-family (including condominiums), owner-occupied housing may be assisted. "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. Repairs related to aesthetic or cosmetic improvements may be included in the scope of work if funds are available after completing all required repairs.</p> <p>Homeowner's Insurance is required once the project is approved, and a vendor is selected from a pool of City-approved SHIP contractors. The City can make an exception for elderly and extremely low-income households.</p> <p>The City will establish a pool of approved SHIP contractors and will seek quotes from at least three contractors, as available, from the list before funding a project. If less than three bids are received, the city may decide based on the lowest responsible bid received.</p>	

b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028

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

d. Maximum award: \$70,000

e. Terms:

1. Repayment 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. Years in loan term: Fifteen (15) Years
 4. Forgiveness: The loan will be forgiven at the end of the term.
 5. Repayment: Owner will be permitted to refinance a senior mortgage to improve the payment terms, without the ability to receive additional cash. No repayment is required as long as the loan is in good standing.
- Default: If, during the Affordability Period, the Premises are leased, rented, sold, conveyed, transferred or refinanced (other than in the manner permitted), the Owner shall repay to the City the

full principal amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises

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 current fair market value (the "Right of First Refusal") for continued occupancy by eligible persons.

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 the City will approve the transfer.

6.

f. Recipient/Tenant Selection Criteria: Applicants will be selected from a waiting list on a first-qualified, first-served basis. Special Needs households as defined in 420.0004 (13), F.S., 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. The City of Miami Beach must be in first or second lien position.

C. Foreclosure Prevention	Code	7
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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 lender 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 (excluding brokerage fees.)

b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028

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

d. Maximum award: \$15,000

e. Terms:

1. Repayment loan/deferred loan/grant: Repayment 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. Years in loan term: Fifteen (15) Years
4. Forgiveness: The loan will be forgiven at the end of the term.
5. Repayment: None required if the loan is in good standing.
6. Default: Pursuant to the Declaration of Restrictive Covenants:

If, during the Affordability Period, the Premises are leased, rented, sold, conveyed, transferred or refinanced (other than in the manner permitted), the Owner shall repay to the City the full principal amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises

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 current fair market value (the "Right of First Refusal") for continued occupancy by eligible persons.

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, the City will approve the transfer.

f. Recipient/Tenant 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. The City of Miami Beach must be in second lien position.

D. Disaster Assistance	Code	5.16
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- 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:

- a) Purchase of emergency supplies, weatherproofing a damaged home.
- b) Interim repairs to prevent further damage; tree and debris removal to make the housing unit habitable.
- c) Payment of insurance deductibles for rehabilitation of homes covered under homeowners' insurance policies; and
- d) Other activities as proposed by the Federal Government, counties and eligible municipalities and approved by Florida Housing Finance Corporation.

2. Mortgage and Rent Assistance:

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

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- b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028
- c. Income Categories to be served: Very low, low and moderate
- d. Maximum award: Home Repair \$40,000; Mortgage and Rent Assistance: \$5,000
- e. Terms:
- Home Repair:**
1. Repayment 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. Years in loan term: Fifteen (15) years
 4. Forgiveness: The loan will be forgiven at the end of the term.
 5. Repayment: **Not required if the loan is in good standing.**
 6. Default:
If, during the Affordability Period, the Premises are sold, conveyed, transferred (other than in the manner permitted), the Owner shall repay to the City the full Principal Amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises

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 current fair market value (the "Right of First Refusal") for continued occupancy by eligible persons.

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.
- Rent/Mortgage Assistance:**
2. Repayment loan/deferred loan/grant: Funds will be awarded as a grant, evidenced by an approved application and proof of payment issued to the landlord, contingent upon their registration and approval

through the City's vendor registration system. The household cannot apply for more than once per funding cycle and/or disaster period.

3. Interest Rate: 0%

4. Years in loan term: N/A

5. Forgiveness: N/A

5. Repayment: N/A

6. Default: N/A

f. Recipient/Tenant 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. The City of Miami Beach must be in second lien position.

E. Rental Development	Code	14
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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 in conjunction with funding from Florida Housing Finance Corporation or other federal funding allocations. The city currently owns and operates several rental developments. Funds from this strategy may be utilized for the acquisition and/or rehabilitation of multi-family buildings owned and operated by the City. The City will monitor the rent limits and tenant income limits for the duration of the affordability period.

b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028

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

d. Maximum award: \$40,000 per unit/\$400,000 per property

e. Terms:

1. Repayment 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. Years in loan term: Thirty (30) years
4. Forgiveness: The loan will be forgiven at the end of the term.
5. Repayment: Not required if the loan is in good standing.
6. Default:

If, during the Affordability Period, the Premises are sold, conveyed, transferred (other than in the manner permitted), the Owner shall repay to the City the full Principal Amount at the time of any such lease, rental, sale, conveyance, transfer, or refinance of the Premises

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 current fair market value (the "Right of First Refusal") for continued occupancy by eligible persons

f. Recipient/Tenant 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. Rent limits must be consistent with those published by Florida Housing Finance Corporation, for the duration of the loan term.

g. Sponsor/Sub-recipient Selection Criteria: An eligible sponsor is an entity that applies for an award from the City through a local government solicitation and is awarded SHIP funds to construct affordable housing units. Sponsors will be selected through a publicly advertised competitive application process. This process involves a thirty (30) day public notification of the availability of funding, a written application delineating program requirement, a request for proposal (RFP) and an open and objective evaluation process and a formal award through a written contract. Sponsor selection outside of the advertised competitive application may be encumbered by the City when funding is being requested as a match for Florida Housing Finance Corporation or Federal funding cycles. Eligible sponsors will, at minimum, meet the following criteria:

1. Eligible sponsors will be a for-profit organized and established under the laws of the State of Florida or non-profit community-based organization having obtained official designation as a 501 c(3).
2. Eligible sponsors will have an established record of construction and/or rehabilitation of affordable housing.
3. Eligible sponsors will be required to provide substantial evidence of their ability to construct or otherwise deliver a completed project within a reasonable timeframe.
4. The non-profit or for-profit corporation must have financial accountability standards that permit the City of Miami Beach's SHIP Program to account for and audit SHIP funds.

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 affordable housing 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.

Summary: This strategy provides assistance to eligible households at-risk of homelessness or in need of moving assistance. The funds will be released directly to the landlord upon their registration with the City's vendor platform and approval of program terms.

Eligible expenses may include:

1. First month's rent;
2. Security Deposit; and/or
3. Up to six months of rent in arrears.

-
- b. Fiscal Years Covered: 2025-2026, 2026-2027, 2027-2028
 - c. Income Categories to be served: Very low, low and moderate
 - d. Maximum award: \$15,000
 - e. Terms:
 1. Repayment loan/deferred loan/grant: Funds will be awarded as a grant, evidenced by an approved application and proof of payment issued to the landlord, contingent upon their registration and approval through the City's vendor registration system.
 2. Interest Rate: 0%
 3. Years in loan term: N/A
 4. Forgiveness: N/A
 5. Repayment: N/A
 6. Default: N/A
 - f. Recipient/Tenant 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. The City of Miami Beach must be in second lien position.

III. LHAP Incentive Strategies

- 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.

On February 10, 2021, the Mayor and City Commission approved Resolution No. 2021-31581, to expedite Building Permit review for affordable housing projects.

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



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

Staff continuously reviews policies with the Affordable Housing Advisory Committee.

C. Name of the Strategy: **Fee Waiver or Modification**

The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing.

Ordinance 2020-4361 was adopted on October 14, 2020, to waive training and technology fees for Affordable Housing units and Workforce Housing units.

Ordinance 2021-4416 waives the application fee, per square foot fee, and per variance fee for the Design Review Board, Historic Preservation Board, and the Board of Adjustment for elderly and non-elderly affordable housing applications. Applicants are still responsible for fees associated with public mail notice, public posting, advertisement, and courtiers. The Ordinance also waives applicable concurrency and mobility fees for affordable housing projects. Such projects are not required to undergo a parks concurrency review and would be exempt from paying mobility fees.

D. Name of Strategy: **Density**

The allowance of increased density levels/flexibility for affordable housing [420.9076(4)(c)]

Synopsis of Discussion/Background: The 2008 AHAC recommended that the City consider amending its code to allow for an exception related to minimum and average size units for affordable housing, so that it mirrors the code's existing provisions for *elderly affordable housing* found in Section 142-1183. It was also recommended that an "economic hardship" allowance be included as one of the variance criteria for affordable housing development projects which come before the Board of Adjustment. The modification relating to unit size was made via Ordinance No. 2011-3744, which was adopted October 19, 2011.

The Miami Beach 2040 Comprehensive Plan Resilient Land Use Element POLICY RLU 1.2.5 WORKFORCE HOUSING states: *"Pursuant to the procedures and limitations of the Land Development Regulations, the maximum density of the underlying future land use category may be increased by up to 80 percent beyond the allowable density in the underlying future land use category for developments that incorporate workforce or affordable housing units. The additional density may only be utilized for workforce or affordable housing units."*

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 amending the Affordable Housing Advisory Committee

ORDINANCE NO. 2020-4355

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

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

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

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

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

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

WHEREAS, following the 2020 session of the Florida Legislature, the Governor signed House Bill 1339 into law which, in pertinent part, amended statutory requirements on SHIP annual reporting, Affordable Housing Advisory Committees (AHACs), the State Apartment Incentive Loan (SAIL) program, accessory dwelling units, and fees/set-asides; and

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

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

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

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

CHAPTER 2
ADMINISTRATION

* * *

ARTICLE III. AGENCIES, BOARDS AND COMMITTEES

* * *

Division 12.5. Affordable Housing Advisory Committee

Sec. 2-167. Composition.

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

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

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

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

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

(2) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(3) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

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

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

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

(7) One citizen who is actively engaged as a real estate professional in connection with affordable housing.

(8) One citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174.

- (9) One citizen who resides within the jurisdiction of the local governing body making the appointments.
- (10) One citizen who represents employers within the jurisdiction.
- (11) One citizen who represents essential services personnel, as defined in the local housing assistance plan.

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

* * *

SECTION 2. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Miami Beach City Code. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 3. REPEALER

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

SECTION 4. SEVERABILITY


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

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect on the 26 day of September, 2020.

PASSED AND ADOPTED this 16 day of September, 2020.

ATTEST:


Rafael E. Granado, City Clerk

(Sponsored by Commissioner Michael Gongora)


Dan Gelber, Mayor

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION


City Attorney NK Date 07/22/2020



MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: September 16, 2020

9:20 a.m. Second Reading Public Hearing

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

RECOMMENDATION

Approve the Ordinance

BACKGROUND/HISTORY

In 1992, the Florida Legislature enacted the William E. Sadowski Affordable Housing Act, creating a dedicated source of revenue for housing from a portion of documentary stamp taxes on the transfer of real estate. The State Housing Initiatives Partnership (SHIP) program, which is administered by the Florida Housing Finance Corporation (FHFC), provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The SHIP program operates under the governance of Chapter 420, part 7 F.S., and Rule Chapter 67-37 of the Florida Administrative Code. In 2007, the Florida Legislature passed House Bill 1375, requiring Cities and Counties that receive SHIP funds to appoint an Affordable Housing Advisory Committee (AHAC).

On May 14, 2008, the Mayor and City Commission adopted Ordinance No. 2008-3605 amending Chapter 2 of the Miami Beach City Code, to create the City's "Affordable Housing Advisory Committee". On February 12, 2014, the Mayor and City Commission adopted Ordinance No. 2014-3841, expanding the purpose and duties of the Committee.

A population-based formula determines the City's SHIP allocation. The distribution of funds to eligible communities occurs quarterly into the local government Housing Trust Fund when documentary

stamp revenues are collected. In FY 19/20, the City received a total of \$78,057 in SHIP funding.

Following the 2020 session of the Florida Legislature, the Governor signed House Bill 1339 into law which, in pertinent part amended statutory requirements on SHIP annual reporting, Affordable Housing Advisory Committees (AHAC), the State Apartment Incentive Loan (SAIL) program, accessory dwelling units, and fees/ set-asides. In order to comply with existing requirements in Section 420.9076(2), Florida Statutes, the Administration recommends that the City Commission reduce the number of Committee members from 18 voting to 11 voting members.

The Ordinance was approved at First Reading on July 29, 2020.

ANALYSIS

AHAC is statutorily required to engage in certain specific activities. AHAC must: 1) review established policies and procedures, ordinances, and land development regulations; 2) create exceptions applicable to affordable housing; 3) adopt new policies or amendments to the local comprehensive plan and local housing assistance plan of the appointing local government and recommend specific actions or initiatives to encourage or facilitate affordable housing.

Section 420.9076(2), F.S. stipulates that AHAC must have at least eight (8) members representing at least six (6) categories of experience identified in the statute. However, local governments may elect to have up to eleven (11) committee members. Currently, the ordinance authorizing AHAC states that the committee is comprised of 18 voting members. The Administration recommends reducing membership to 11 voting members, the maximum stipulated in the revised statute. One member of the Committee shall be the Mayor or a member of the City Commission, appointed at-large by a majority vote of the Mayor and City Commission.

The remaining ten (10) members shall be appointed at-large by a majority vote of the Mayor and City Commission and must include members from at least six (6) of the following categories:

- (a) Citizen who is actively engaged in the residential home building industry in connection with affordable housing;
- (b) Citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing;
- (c) Citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing;
- (d) Citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing;
- (e) Citizen who is actively engaged as a for-profit provider of affordable housing;

- (f) Citizen who is actively engaged as a not-for-profit provider of affordable housing;
- (g) Citizen who is actively engaged as a real estate professional in connection with affordable housing;
- (h) Citizen who is actively serving on the local planning agency pursuant to Florida Statutes, Sec. 163.3174;
- (i) Citizen who is residing within the jurisdiction of the local governing body making the appointments;
- (j) Citizen who represents employers within the jurisdiction; and
- (k) Citizen who represents essential services personnel, as defined in the local housing assistance plan.

House Bill 1339 requires that effective October 1, 2020, each AHAC contain one locally elected official from each County or Municipality. More so, the elected official's participation is critical to the City's allocation and program compliance. The local elected official or elected designee must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program. If the locally elected official or designee fails to attend three (3) consecutive regional workshops, the corporation may withhold funds pending the person's attendance at the next regularly scheduled biannual meeting.

Additionally, House Bill 1339 amends reporting requirements and replaces the triennial report with an annual report. At a minimum, this report, which is compiled in conjunction with the City's AHAC and approved by the City Commission, is subsequently submitted to FHFC, and includes recommendations on the implementation of affordable housing incentives in our community.

CONCLUSION

The changes incorporated by House Bill 1339 must be implemented by the City by October 1, 2020 in order to remain complaint. The City's report must reflect that these changes were adopted by the City Commission and accepted by FHFC by December 30, 2020. These changes must also be reflected in the City's Local Housing Assistance Plan.

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

Housing and Community Services

Sponsor

Commissioner Michael Gongora

ATTACHMENTS:

Description

▢ AHAC Ordinance