

**ORDINANCE NO. 2018-065**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 50, "HOUSING", ARTICLE III, ENTITLED "HOUSING ASSISTANCE PROGRAM", DIVISION 2 ENTITLED "AFFORDABLE HOUSING COMMITTEE", SECTIONS 50-86, 50-87 AND 50-89, TO CLARIFY THE PURPOSE AND REVISING THE COMMITTEE REQUIREMENTS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Florida Legislature has revised Florida Statute § 420.9076 entitled "Adoption of affordable housing incentive strategies; committees" to modify the required number of committee members and committee membership requirements;

**WHEREAS**, the amendment clarifies that the purpose of the committee relates to affordable housing using State funds under the State Housing Initiative Partnership (SHIP) Program.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1.:** Chapter 50, entitled "Housing", Article III, entitled "Housing Assistance Program", Division 2 entitled "Affordable Housing Committee", of the code of ordinances is hereby amended as follows:

**Chapter 50**

**HOUSING**

\* \* \*

**ARTICLE III. HOUSING ASSISTANCE PROGRAM**

\* \* \*

**DIVISION 2. - AFFORDABLE HOUSING ADVISORY  
COMMITTEE**

\* \* \*

**Sec. 50-86. – Created; purpose.**

The affordable housing advisory committee is created and established to recommend monetary and nonmonetary incentives for the affordable housing incentive plan under the State Housing Initiative Partnership (“SHIP”) Program.

**Sec. 50-87. - Membership, terms, quorum and voting requirements.**

- (a) The affordable housing advisory committee shall consist of at least eight but no more than eleven ~~nine~~ members. The term of service on the committee shall be for four years ~~one year~~ or until approval of the affordable housing incentive plan by the city, whichever is shorter.
- (b) A majority of the appointed members present (50% + 1) ~~Five members~~ shall constitute a quorum sufficient to permit the committee to take any formal action. However, if formal action is not taken, the committee may meet to hear presentations with less than a quorum in attendance, if the meeting is duly noticed. A majority of concurring votes of the entire membership of the committee shall be necessary for a decision or recommendation by the committee.
- (c) The committee may elect a chairperson or presiding officer.
- (d) The city council shall appoint by resolution the members to the committee from recommendations submitted to the city council by the mayor. The composition of the committee shall include one representative from at least six of the categories below ~~the following individuals~~, who may also serve on the local housing partnership:
  - (1) A ~~One~~ citizen ~~resident~~ who is actively engaged in the residential home building industry.
  - (2) A ~~One~~ citizen ~~resident~~ who is actively engaged in the banking or mortgage banking industry.
  - (3) A ~~One~~ citizen ~~resident~~ who is a representative of those areas of labor engaged in home building.
  - (4) A ~~One~~ citizen ~~resident~~ who is designated as an advocate for low-income persons.
  - (5) A ~~One~~ citizen ~~resident~~ who is actively engaged as a provider of a for-profit provider of affordable housing.
  - (6) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
  - (7) A citizen resident who is a real estate professional in connection with affordable housing.

- (8) A citizen resident who actively serves on the local planning agency pursuant to Florida Statute §163.3174.
- (9) A citizen who resides within the City.
- (10) A citizen who represents employers in the City.
- (11) A citizen who represents essential services personnel, as defined in the local housing assistance plan.
- ~~(7) Three additional members.~~

\*

\*

\*

**Sec. 50-89. - Adoption of affordable housing incentive plan.**

- (a) The affordable housing advisory committee shall hold public meetings in which it reviews the established policies and procedures, ordinances, land development regulations and the city comprehensive plan. The committee shall recommend specific initiatives to encourage or facilitate affordable housing involving State funds under the State Housing Initiative Partnership Program, while protecting the ability of the property to appreciate in value.
- (b) Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations or comprehensive plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances or comprehensive plan provisions. At a minimum, the committee recommends affordable housing incentives in the following areas:
  - (1) Definition of affordable housing.
  - (2) Expedited processing of permits issued by the city for affordable housing projects. Provisions for priority of affordable housing projects must be identified.
  - (3) Modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
  - (4) Allowance of increased density levels.
  - (5) Reservation of infrastructure capacity for housing for very-low-income persons and low-income persons.
  - (6) Transfer of development rights as a financing mechanism for housing for very-low-income and low-income persons.
  - (7) Reduction of parking and setback requirements.
  - (8) Allowance of zero lot line configurations or development.
  - (9) Modification of street requirements.
  - (10) Initiation of a process to evaluate the impact of proposed city policies, procedures, ordinances, regulations or comprehensive plan provisions upon the cost of housing prior to adoption by the city.

- (11) Preparation of a printed inventory of locally owned public lands suitable for affordable housing.
- (12) Other affordable housing incentives.
- (c) To the maximum extent feasible, the recommendations for a affordable housing incentive plan submitted to the mayor and the city council shall quantify the affordable housing cost reduction anticipated from implementing the specific recommendations.
- (d) The affordable housing advisory committee shall submit recommendations approved by an affirmative vote of a majority of its entire membership at a public hearing. Public notice of the committee meeting shall include the time, date and place and shall be published in a newspaper of general paid circulation in Miami-Dade County. The notice shall provide a short and concise summary of the affordable housing incentive plan recommendations to be considered by the committee. The notice shall state the public place where a copy of the committee recommendations can be obtained by interested persons.
- (e) Within 90 days after receipt of the affordable housing incentive plan recommendations from the committee, the mayor and the city council shall adopt an affordable housing incentive plan. The incentive plan shall adopt specific initiatives to encourage or facilitate affordable housing and a schedule for implementation. At a minimum, the incentive plan shall provide the following:
  - (1) A schedule for implementation of expedited permit processing for affordable housing projects.
  - (2) A process for review of local policies, ordinances, regulations, and incentive plan provisions that significantly impact the cost of housing prior to their adoption.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 4: Inclusion in Code.**

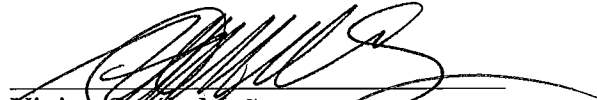
The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5: Effective Date.**

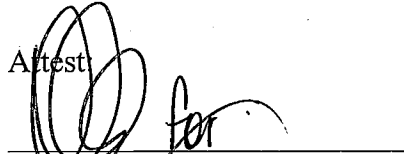
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

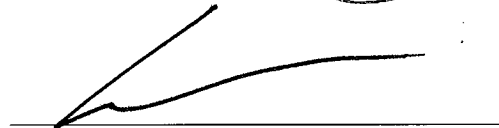
PASSED and ADOPTED this 28 day of August, 2018.

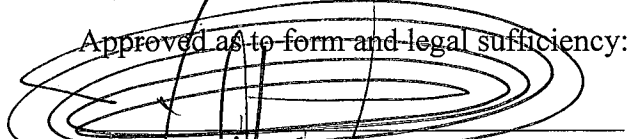
THE FOREGOING ORDINANCE  
OF THE CITY OF MALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Vivian Casals-Muñoz  
Council President

Approved on this 5 day of September, 2018.

Attest  
  
Marbelys Batjo, City Clerk

  
Carlos Hernandez, Mayor

Approved as to form and legal sufficiency:  
  
Lorena E. Bravo, City Attorney

Ordinance was adopted by a 4-0-3 vote with Councilmembers, Casals-Munoz, Hernandez, Caragol, and Cue-Fuente voting "Yes" and with Councilmembers Zogby, Lozano and Garcia-Martinez absent.

~~Strikethrough indicates deletion.~~  
Underline indicates addition.