



## **AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)**

### **AGENDA**

**Wednesday, May 22, 2024 - 6:00 P.M.  
via Teams**

**I. Call to Order**

**II. Roll Call**

**III. Pledge of Allegiance (Optional)**

**IV. Approval of Minutes of March 13, 2024, Meeting**

**V. Update**

- Committee Discussion about “Density Flexibility”

**VI. New Business**

- Incentive Strategies Discussion continued

**VII. Upcoming Target Dates**

AHAC Meeting (1 <sup>st</sup> Draft)	July 10, 2024
AHAC Meeting (Final Draft)	September 11, 2024
Public Hearing Ad to go out	October 22, 2024
Public Hearing for AHAC Report Adoption	November 13, 2024
Adoption of AHAC Report to City Council	December 10, 2024
AHAC Report to FHFC	December 13, 2024

**X. Adjournment**



## **AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC)**

### **MEMBERS**

- 1. Andrea McDonald (AD)**
- 2. Lola Capers (AD)**
- 3. Jake Canepari (KT)**
- 4. Evan Shields (SG)**
- 5. Ebonni Chrispin (SG)**
- 6. Marie-Frantz Jean-Pharuns (KT)**
- 7. Michael McDearmaid (MEI)**
- 8. Naomi Blemur (MEI)**
- 9. Edwige Clark (PFC)**
- 10. Guerda Theodore (PFC)**
- 11. Honorable Councilwoman Kassandra Timothe (Elected Official)**

**NORTH MIAMI AFFORDABLE HOUSING  
ADVISORY COMMITTEE (AHAC)  
COUNCIL CHAMBERS, CITY HALL  
March 13, 2024 – 6:00 P.M.**

**MINUTES**

<b>Committee Members</b>	<b>Present</b>	<b>Absent</b>
Evan Shields	X	
Naomi Blemur	X	
Ebonni Chrispin		X
Marie-Frantz Jean-Pharuns	X	
Andrea McDonald	X	
Honorable Councilwoman Kassandra Timothe	X	
Nikisha Williams		X
Michael McDearmaid		X
Lola Capers		X
Guerda Theodore	X	
Edwige Clark		X

**Staff present:** Alberte Bazile, MBA, Housing & Social Services Director; Tommie Frison, Housing Coordinator; Terrie Boultin, Housing Manager; Derrick Cook, Assistant Director, Development Services Department, Office of Land Use Services.

**Meeting Opening**

The meeting was called to order at 6:17 p.m. Eastern. The meeting opened with a roll call, led by Secretary McDonald.

**Approval of Minutes**

Chairman Shields confirmed that the minutes from the January 10, 2024, meeting were circulated to the committee. The Chairman then entertained a motion for the approval of these minutes. The motion was moved by Secretary McDonald and seconded by committee member Blemur. All were in favor. The motion carried.

**Old Business**

- None

**New Business**

Assistant Director, Development Services Department, Office of Land Use Services, Derrick Cook, presented on the Live Local Act to the Affordable Housing Advisory Committee (AHAC).

**Presentation Overview:**

The Live Local Act became effective July 1, 2023, and focuses on incentivizing affordable housing related programs, standards, and policies. The Act's provisions prevent local governments to impose rent control.

The Act provides funding up to \$811 million for affordable housing programs and up to \$259 million in recurring and non-recurring funds for the State Apartment Incentive Loan

**NORTH MIAMI AFFORDABLE HOUSING  
ADVISORY COMMITTEE (AHAC)  
COUNCIL CHAMBERS, CITY HALL  
March 13, 2024 – 6:00 P.M.**

(SAIL) for rentals. Also, the Live Local Act allows for a new tax donation that will allow corporate tax payments, up to \$100 million dollars annually to the SAIL program through Florida Housing Finance Corporation (FHFC).

The Live Local Act also codifies downpayment assistance programs, increasing the monetary limit per loan and eligibility. The Act also appropriates \$100 million dollars in non-recurring funds, provides downpayment and closing cost assistance to persons in over 50 professions through the Hometown Heroes program. Eligible first-time homebuyers will be able to receive over 5% or up to \$25,000 discounted off their mortgage amount. The program also helps to alleviate inflation related cost increases for FHFC-approved multifamily projects in the pre-construction stage. This is intended to fill the gap experienced due to increased construction costs. As another inflation response, the Live Local Act provides \$100 million dollars in non-recurring funds from the General Revenue fund to the Construction Inflation Response Viability competitive loan program.

At the state level, the Live Local Act provides exemptions for land owned by a nonprofit organization that is leased for a minimum of 99 years for the purpose of providing affordable housing. Exemptions are also provided for rent-restricted units within newly constructed or substantially rehabilitated developments setting aside at least 70 units for affordable housing for households earning 120% of area median income (AMI) or less.

Assistant Director Cook further explained the implications of the Act for the City of North Miami – the Live Local Act may be enacted in several zoning districts – commercial zoning districts, industrial zoning districts and in mixed-use zoning districts. If a Live Local Act project is being developed in an industrial zoning district (no density allowed, usually), the Act makes provision for the highest allowable density in the City – the BZ zone in City of North Miami, which provides 100 units per acre. Therefore, if a developer is doing a Live Local Act project, where at least 40% of the units are dedicated to affordable housing within the abovementioned AMI parameters (120% AMI or lower), then the development becomes eligible for the highest density level in the city. This also reduces the approval processes for the project. The project will only be required to obtain administrative approvals. The project will not have to go before City Council, the Planning Commission or the Board of Adjustment (if applicable). The approvals will be done administratively through the Development Review Committee (DRC).

Chairman Shields asked about the Sole Mia zone, which allows for higher density than the BZ zone. Assistant Director Cook indicated that the BZ zone provides the highest density, by right. The Sole Mia zone provides a higher density in the overlay district, based on a conditional use order.

The Live Local Act also allows cities to electronically post their inventory of city-owned properties that could be appropriated for affordable housing. The City of North Miami is still in the process of getting this list posted, if any of the city-owned properties are eligible. The Act also authorizes

**NORTH MIAMI AFFORDABLE HOUSING  
ADVISORY COMMITTEE (AHAC)  
COUNCIL CHAMBERS, CITY HALL  
March 13, 2024 – 6:00 P.M.**

the FHFC, through contract with the Florida Housing Coalition, to provide technical assistance to local governments to facilitate the use or lease of city property for affordable housing purposes.

The Live Local Act also preempts requirements regarding zoning, density and height to allow for streamlined development of affordable housing in areas zoned for commercial, industrial and mixed-use under certain circumstances. Developments that meet these requirements may not be required to obtain a zoning change or comprehensive plan amendment; however, they must be administratively approved. The Act also removes the ability to bypass state and local laws to approve affordable housing on residential parcels.

*Land Use & Permitting Parameters:*

- Intended Applicable Uses / Projects
  - o Multifamily rentals
  - o Mixed-use residential rentals
  - o 65% of space must be residential
- Eligible Zoning Districts
  - o Commercial
  - o Industrial
  - o Mixed-use
- Affordable<sup>1</sup>
  - o 40% of residential units serving up to 120% AMI
  - o 30-year affordability commitment<sup>2</sup>
  - o Annual monitoring through Certificate of Use

Assistant Director Cook alluded to a discussion with the Honorable Councilwoman Timothe regarding the calculation of the Area Median Income (AMI). Assistant Director Cook clarified that the calculation of the AMI is based on the county, not the city. There is a noteworthy disparity between the AMI for the County and the City of North Miami which means the applicable AMI for the city may be much lower than the 120% maximum proposed under the Live Local Act.

**Analysis of the Live Local Act Terms**

- *Height*

The highest currently allowable building height<sup>3</sup>, by right, in the City of North Miami is in the BZ zone. In this zone, buildings are allowed to be 115'. If a developer wanted to build beyond the allotted density, the Live Local Act could provide for the first 100 dwelling units per acre within the affordable housing parameters; however, anything beyond that would require a conditional use

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<sup>1</sup> Extremely low (30% AMI), Very low (50% AMI), Low (80% AMI), Moderate (120% AMI) of the median annual adjusted gross income for households within the county in which the person or family resides.

Median Income in City of North Miami: \$44,283 (Shimberg)

Median Income in Miami-Dade County: \$74,700

<sup>2</sup> Agreements recorded with MD Clerk of Court against the property

<sup>3</sup> The highest currently allowed height does not include any program (such as a conditional use permit or variance) that allows a development to exceed the maximum height allowed in a zoning district.

**NORTH MIAMI AFFORDABLE HOUSING  
ADVISORY COMMITTEE (AHAC)  
COUNCIL CHAMBERS, CITY HALL  
March 13, 2024 – 6:00 P.M.**

permit. A conditional use permit, if granted, could allow bonus units and in certain overlay districts a height of up to 200'.

- *Affordability Commitment Agreements*

A Declaration of Covenants and Restrictions and Land Use Restriction Agreement with the city is also required to codify this for at least 30 years to be eligible for the Live Local Act parameters.

- o Document the project's affordability in a form acceptable to the city
  - What is required to show affordability
  - How to ensure that affordable units are provided only to eligible renters
- o Execute and record prior to submitting for building permit
  - Form authorizations
- o Form agreement parameters
- o Signature authority

Form agreement and delegation of authority will return to City Council for approval at a later date.

**Process for Approvals:**

- Development Review Committee
  - o Administrative site plan application
  - o Including traffic impact analysis
- Must meet all other standards of the LDRs, including setbacks, transitional standards, open space, floodplain, stormwater, landscaping, etc.
- Be consistent with the Comprehensive Plan, except for density, height and land use
- Administrative Approval
  - o No public hearing, unless the applicant requests a variance or land use change (or applicant wants to go through the conditional use permitting process to acquire more density)

Chairman Shields asked if there would be any opportunity for community involvement in the development process with the Live Local Act. Assistant Director Cook confirmed that the intent of the Act is to allow development to go through a more expedited process, by allowing for administrative approval only.

Director Bazile asked if the most recent changes to the Live Local Act legislation will have any impact on affordable housing and density. Assistant Director Cook indicated that he would need to examine the amendments to be better able to respond to the question.

Committee member Naomi Blemur asked if it was within the city's rights to be able to put resolutions in place to ensure that conversations were held with residents regarding community benefit packaging. Assistant Director Cook indicated that he did not believe this was possible, however, he committed to reviewing the Act further before providing a definitive answer. He further pointed out that the Live Local Act's intent seems to be a way to provide for a more seamless way for developers to build affordable housing, and as such, certain steps are removed from the process. Committee member Blemur also asked if the city and its residents would have

**NORTH MIAMI AFFORDABLE HOUSING  
ADVISORY COMMITTEE (AHAC)  
COUNCIL CHAMBERS, CITY HALL  
March 13, 2024 – 6:00 P.M.**

the ability to comment on the design of the developments that were approved under the Live Local Act. Assistant Director Cook shared that the Development Review Committee contains a design component. Mr. Cook indicated that doing an administrative-only review would not dilute the city's review process. The development would still be reviewed by Public Works, landscaping, zoning, planning, architectural design, and etcetera.

Chairman Shields thanked Assistant Director Cook for his thorough presentation. The Chairman also asked if there were any updates on the Comprehensive Plan. Assistant Director Cook shared that the plan is currently with the state and that the city has requested an expedited review from the state. After the state reviews the plan, City Council will then do a second review. Mr. Cook shared that the Comprehensive Plan allows for the allocation of at least 20% of the city's floating units being dedicated for affordable housing. He also indicated that this initiative was championed by the Honorable Councilwoman Timothe.

The Honorable Councilwoman Timothe asked Assistant Director Cook about inclusionary zoning, whereby measures would be put in place to offset certain costs of the developer. The Councilwoman stated that maybe the AHAC could consider inclusionary zoning, through avenues such as waiving impact fees, or working with the county to have similar inclusionary language incorporated. Assistant Director Cook cautioned that this move would have to be accompanied by a study on the (financial) impact of such decisions, given that the city would have to bear those costs.

Chairman Shields thanked Assistant Director Cook once more for his thorough and informative presentation. The Chairman then asked if the Committee was willing to continue the conversation on density flexibility at the next meeting on May 8<sup>th</sup>. The chairman also requested that the presentation be shared with the committee after the meeting. On May 8<sup>th</sup>, the chairman indicated that he would like the committee to start working on the proposed policies and by July 10<sup>th</sup>, there should be a draft document. Committee members were in agreement.

**Other Business**

Chairman Shields asked if the November 13<sup>th</sup> date for public hearing for AHAC report adoption was tentative, given that city elections would be soon after. Director Bazile indicated that the date was set intentionally ahead of committee appointments, given that councilmembers may change following the city elections, and with them AHAC member appointees. Director Bazile said that ideally, she would like the committee to complete its recommendations report by September, which would allow her to have the recommendations put before the council in October, prior to city elections.

With that said, Director Bazile committed to reviewing the upcoming target dates to reflect the tightening of the schedule.

**NORTH MIAMI AFFORDABLE HOUSING  
ADVISORY COMMITTEE (AHAC)  
COUNCIL CHAMBERS, CITY HALL  
March 13, 2024 – 6:00 P.M.**

Tentative meeting dates for the Affordable Housing Advisory Committee in 2024 are as follows:

May 8, 2024  
July 10, 2024  
September 11, 2024

**Upcoming Target Dates**

AHAC meeting (Incentive Strategies Discussion)	May 8, 2024
AHAC meeting (1 <sup>st</sup> Draft)	July 10, 2024
AHAC meeting (Final Draft) & <i>Adoption</i>	September 11, 2024
or	
AHAC meeting (Incentive Strategies Discussion)	May 8, 2024
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**Next Meeting**

May 8, 2024, at 6:00 p.m. (**Virtual via Microsoft Teams**).

**Adjournment**

There being no further business, the Chairman entertained a motion to adjourn the meeting. Secretary McDonald moved the motion to adjourn the meeting, which was seconded by committee member Blemur. All were in favor. The meeting properly adjourned at 7:00 p.m. Eastern.

Submitted by:



E-SIGNED by Andrea McDonald  
on 2024-04-29 14:42:41 GMT

Andrea McDonald, Committee Secretary

ATTEST:



E-SIGNED by Evan Shields  
on 2024-04-29 14:58:18 GMT

Evan Shields, Chairperson