

Business Operations
Facilities Planning
Ana Rijo-Conde, AICP, Administrative Director

SUBJECT: RECOMMEND TO MIAMI-DADE COUNTY APPROVAL OF THE CITY OF HIALEAH'S REQUEST FOR EXEMPTION OF EDUCATIONAL FACILITIES IMPACT FEES IN CONNECTION WITH A PROPOSED AFFORDABLE HOUSING PROJECT FOR THE ELDERLY AT 59 WEST 5 STREET

COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION

Pursuant to the terms of the Educational Facilities Impact Fee Ordinance (Ordinance), Section 33k-8(a) of the Miami-Dade County Code of Ordinances, an applicant shall be exempt from the terms of the Ordinance if the proposed development activity is not capable of creating capital educational facilities demand during its useful lifetime, as a matter of law and fact. The Ordinance also requires that the Miami-Dade County Public Works Director seek a recommendation from the School Board as it relates to any claim for an exemption under the Ordinance.

The City of Hialeah (Applicant) has requested an exemption from Miami-Dade County (County) of Educational Facilities Impact Fees (Impact Fees). The Applicant will be constructing an elderly affordable rental housing project by utilizing City of Hialeah HOME Investment Funds from the United States Department of Housing and Urban Development. The proposed project will be located at 59 West 5 Street.

The Applicant has proffered a Covenant of Use (Covenant) to the County which would ensure that the project is constructed and subsequently used for elderly affordable housing. The Covenant stipulates the following general terms:

- a) That the project shall be occupied on a continuous basis by elderly individuals from the general public who satisfy the eligibility requirements of the HOME rule under 24 CFR Part 92 and the Ordinance;
- b) The Impact Fees will become due and payable by the then current owner of the project at such time any resident is under 18 years of age, or creates any capital educational facilities demand;
- c) The Applicant shall furnish to the Public Works Department a report each year for a period of ten years from the date of this Covenant, and thereafter when required by written notice by the Public Works Director, certifying that the residents are in compliance with the requirements of 24 CFR Part 92 and the provisions of this Covenant; and

- d) Prior to the sale of any portion of the project, the Applicant shall provide all documentation as required by the Public Works Director to prove that the prospective buyers and occupants comply with the requirements of 24 CFR Part 92, the Ordinance and the provisions of this Covenant.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, recommend approval of the exemption of Educational Facilities Impact Fees for the City of Hialeah, in connection with a proposed affordable housing project for the elderly at 59 West 5 Street.

PG:am