



# **PUBLIC LAND STEWARDSHIP IN MIAMI-DADE COUNTY: UNLOCKING PUBLIC LAND FOR PUBLIC GOOD**

PREPARED PURSUANT TO MIAMI-DADE  
COMMISSION RESOLUTION NO. R-870-20,  
ADOPTED AUGUST 31, 2020

Miami-Dade County Public Housing and  
Community Development

*In partnership with:*  
The University of Miami  
Office of Civic and Community Engagement

Center for Community Progress

Miami-Dade County Public Housing and Community Development

*In partnership with:*

The University of Miami Office of Civic and Community Engagement, [www.civic.miami.edu](http://www.civic.miami.edu)

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## Executive Summary

*Public Land Stewardship in Miami-Dade County-Unlocking Public Land for Public Good* summarizes the current housing needs in Miami-Dade County and offers suggestions for promoting cross-jurisdictional cooperation to foster public land stewardship to increase the number of affordable and workforce housing units across the County. The report responds to Miami-Dade County Commission Resolution No. R-870-20, which directs the County Mayor to study the options available to the County to collaborate with other government, institutional and private entities to aggregate land and create affordable housing; directing the County Mayor to draw upon the work of the University of Miami's Office of Civic and Community Engagement and of LAND | Land Access for Neighborhood Development Tool; and requiring a report inclusive of potential collaborative projects. The goal of this report is to provide a framework for the County to move forward with a plan to utilize vacant or underutilized land to develop safe, secure, affordable and accessible housing.

Section I of the report addresses affordable housing needs throughout the County, providing data related to cost burden; a housing gap analysis (showing the difference between estimated units needed to house various AMI populations and the units currently available); and average land and construction costs. It also provides data on vacant or underutilized land in Miami-Dade County through the use of the LAND mapping platform. The report includes various examples of adjacent properties owned by different public entities that could be aggregated to create lot sizes conducive to the development of affordable housing. Section II of the report provides examples already underway of collaboration between the Miami-Dade County Department of Public Housing and Community Development and the Miami-Dade County Public School Board (Southside Preparatory Academy/Schoolhouse Apartments [SPSA]) in the development of affordable housing units targeted to school employees on the site of the former Medvin public housing development. That project, and the development of the Phillis Wheatley Elementary School site as a mixed-use and mixed-income housing project, highlight the challenges involved in forging inter-agency agreements to develop affordable housing.

These challenges are addressed more broadly in Section III, which examines how the development of a land conveyance framework for Miami-Dade County must take into account the complicated interagency and intergovernmental agreements that need to be established, the fragmented governance structure in the County and its municipalities, and the difficulty in reaching consensus about the best uses for vacant and underutilized public land. After presenting four options for creating a mechanism to assemble and convey public land, the report recommends an interlocal agreement creating a special purpose public entity dedicated to unlocking public lands for emerging public priorities as the one that has the greatest potential to maximize public goals at the lowest cost in the near future. Part IV explains the processes by which this entity, potentially called the Miami Public Land Exchange, or MPLEX, would be established and how it would function. The overarching purpose would be to increase the efficiency and effectiveness in intergovernmental land exchanges and facilitate the reuse of the land to meet emerging public priorities, including affordable housing. The proposal provides a framework for local leaders to join together to build consensus across the community around a set of values to address the

affordable housing crisis and create solutions using best practice models from across the country but tailored to the local legislative landscape.

### I. Public Land in Miami-Dade County

High prices and low wages make Miami one of the most unaffordable housing markets in the nation. According to Harvard’s Joint Center for Housing Studies (JCHS), South Florida regularly ranks as one of the least affordable metro area in the country.<sup>1</sup> A 2019 Freddie Mac analysis shows that greater Miami consistently ranks as one of the most rent-burdened areas in the U.S. across several prominent housing studies, including reports by the National Low Income Housing Coalition (NLIHC), New York University’s Furman Center, and JCHS (Figure 1).<sup>2</sup> Communities of color face added burdens given present-day gentrification pressures and the historic lack of community development investment in these neighborhoods. The high cost and lack of availability of land often is cited as a source of the affordable housing problem in Miami. One vehicle for promoting affordability is through identifying and strategically leveraging public, vacant or underutilized land to develop housing that is accessible to cost-burdened renters and low-income home-buyers. Public and institution-owned lands present a unique opportunity for community leaders and organizations to foster inter-local and inter-organizational agreements to aggregate land and remove it from speculative market forces that would normally drive up the cost of acquisition.

**FIGURE 1: Most Rent-Burdened Metro Areas, 2017-2018**

#	MSA	NLIHC - The Gap	NLIHC - Out of Reach	Furman Center	JCHS
1	Miami	2	8	1	1
2	San Diego	3	7	3	5
3	Los Angeles	1	15	2	2
4	New York	10	3	6	8
5	Orlando	4	23	3	6
6	New Orleans	15	22	8	4
7	Tampa	6	27	7	12
8	San Jose	14	2	8	29
9	Riverside	5	41	5	3
10	Virginia Beach	24	9	8	16

*SOURCES: NLIHC, Furman Center, JCHS, and Freddie Mac, 2019.*

This report summarizes the current housing needs in Miami-Dade County and offers suggestions for promoting cross-jurisdictional cooperation to foster public land stewardship to increase the number of affordable and Workforce Housing Units in Miami-Dade County. The report responds to Miami-Dade County Commission Resolution No. R-870-20, which directs the County Mayor to study the options available to the County to collaborate with other government, institutional and private entities to aggregate land and create affordable housing; directing the County Mayor to draw upon the work of the University of Miami’s Office of Civic and Community Engagement and of LAND | Land Access for Neighborhood Development Tool; and requiring a

<sup>1</sup> Joint Center for Housing Studies of Harvard University, *America’s Rental Housing 2020*, (March 2020), p. 28.  
<sup>2</sup> Freddie Mac Multifamily, *Rental Burden by Metro* (April 2019).

report inclusive of potential collaborative projects. The goal of this report is to provide a framework for the County to move forward with a plan to utilize vacant or underutilized land to develop safe, secure, affordable and accessible housing. Miami-Dade can mobilize public land for public good, thereby promoting equitable and inclusive development for our region.<sup>3</sup>

#### A. Land Access for Neighborhood Development (LAND) Tool

The Land Access for Neighborhood Development (LAND) mapping platform provides a valuable resource for identifying vacant and underutilized land across Miami-Dade County and all its 34 municipalities. LAND visualizes the distribution of Miami's vacant and underused properties owned by a municipality, anchor institution, or faith-based organization. Developed by the University of Miami (UM)'s Office of Civic and Community Engagement (CCE), in collaboration with UM's Institute for Data Science and Computing (IDSC), LAND enables policymakers and community-based organizations to identify potential development opportunities for affordable housing in transit-served areas in order to promote equitable and inclusive community development. The tool includes information about where lots are located, who owns them, and how they could be aggregated into larger parcels. By being able to visualize this land, policy makers can more easily create evidence-based strategies for conveying land to promote housing affordability and equitable community development. The LAND platform also maps unused or vacant lands owned by faith-based organizations and large anchor institutions, such as hospitals and universities, showing the full range of lots that could be aggregated.

LAND makes it easy to identify vacant lots that are contiguous to one another and are owned by different public agencies. These parcels represent opportunities for aggregation to create a larger space for the development of affordable housing or other community-focused uses. The tool features a lot size calculator, so users can click on adjacent parcels of vacant land to add up the total square footage. In addition, LAND overlays the SMART Plan, the County's transit expansion plan, so users can visualize the locations of vacant or underutilized land near transit hubs and corridors, thereby making it easier to identify lots that would foster Transit Oriented Development. By utilizing the LAND tool and considering the models for land aggregation provided in Part III of this report, Miami-Dade County can make significant headway in addressing the housing needs of its increasingly diverse and growing population.

#### B. Affordable Housing Needs in Miami-Dade County

Creating a transparent procedure for conveying public land will help ameliorate Miami-Dade County's longstanding position as one of the least affordable metropolitan areas in the nation, which has been exacerbated by the COVID-19 pandemic. In October 2020, the U.S. Census Bureau's Household Pulse Survey indicated that at least 100,000 renters in greater Miami expect to be evicted in the next two months.<sup>4</sup> The threat of evictions highlights the need for urgent action to address housing affordability in the County.

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<sup>3</sup> "New Coalition Takes Multifaceted Approach to Creating Affordable Housing in Miami, *Miami Herald*, Op-Ed, August 21, 2019. <https://www.miamiherald.com/opinion/op-ed/article234232662.html>

<sup>4</sup> U.S Census Bureau, *2020 Household Pulse Survey*, Interagency Federal Statistical Rapid Responses Survey to Measure Effects of the Coronavirus (COVID-19) Pandemic on the United States Household Population, *Week 18 (Household Pulse Survey: October 14-October 26, 2020)*.

In addition, the University of Florida’s Shimberg Center for Housing Studies estimates that about 400,000 or half (50%) of all households in Miami-Dade County are cost burdened as of 2018. 250,000 or 65% of all renter households in Miami-Dade are cost burdened compared to just 36% of homeowners (160,000 households). Figures 2 and 3 further outline Miami-Dade’s cost burden by income and housing tenure. Miami-Dade renters with incomes between \$20,000 and \$50,000 are more likely to be cost burdened than owners with similar incomes.<sup>5</sup>

**FIGURE 2: Cost Burden by Income Renter Households, 2014-2018**

<b>Income</b>	<b>Cost Burdened Households</b>	<b>%</b>
Less than \$20,000	91,841	36%
\$20,000 to \$34,999	78,981	31%
\$35,000 to \$49,999	47,877	19%
\$50,000 to \$74,999	29,951	12%
\$75,000 or more	8,235	3%
<b>TOTAL</b>	<b>256,885</b>	<b>100%</b>

**FIGURE 3: Cost Burden by Income Owner Households, 2014-2018**

<b>Income</b>	<b>Cost Burdened Households</b>	<b>%</b>
Less than \$20,000	44,490	28%
\$20,000 to \$34,999	34,507	22%
\$35,000 to \$49,999	27,688	17%
\$50,000 to \$74,999	30,266	19%
\$75,000 or more	23,254	15%
<b>TOTAL</b>	<b>160,205</b>	<b>100%</b>

*SOURCE: Shimberg Center for Housing Studies, 2020.*

### **Income Limits**

As of 2020, the Area Median Income (AMI) for Miami-Dade County is **\$59,100**, which is lower than the median income of the State of Florida (\$68,000).<sup>6</sup> The most common occupations for the heads of Very Low-Income households (50% AMI or lower) in Miami-Dade are maids and housekeeping cleaners, cashiers, janitors, retail salespersons, and construction workers.<sup>7</sup> Figure 4 shows the latest AMI percentages for Miami-Dade County, which forms the income basis of several federal, state, and local housing programs.

<sup>5</sup> University of Florida’s Shimberg Center for Housing Studies, *Miami-Dade County Housing Data Appendix*, (June 2020, p. 7-8).

<sup>6</sup> U.S. Housing and Urban Development, “FY 2020 Income Limits” (2020).

<sup>7</sup> Urban Institute, *Miami and the State of Low and Middle Income Housing: Strategies to Preserve Affordability and Opportunities for the Future*, (March 2017), p. 14.

**FIGURE 4: Miami-Dade County Income Limits, 2020**

<b>AMI</b>	<b>1 Person Limit</b>	<b>2 Person Limit</b>	<b>3 Person Limit</b>	<b>4 Person Limit</b>
30%	\$19,200	\$21,960	\$24,960	\$27,420
50%	\$32,000	\$36,600	\$41,150	\$45,700
60%	\$38,400	\$43,920	\$49,380	\$54,840
80%	\$51,200	\$58,560	\$65,840	\$73,120
120%	\$76,800	\$87,840	\$98,760	\$109,680

*SOURCE: Florida Housing Finance Corporation, 2020.*

**Rent & Price Increases**

Between 2006 and 2018, Miami-Dade County’s total occupied rental supply grew by 72,000 units. During that period, there was a 154% increase in units charging more than \$1,500 per month and a -46% reduction in units with rents under \$1,000 per month. From 2012 and 2020, the real median sales price for single-family homes in Miami-Dade County increased by almost 53%, from \$230,000 in 2012 to \$350,000 in 2020 (Figures 5 and 6).<sup>8</sup>

**FIGURE 5: Change in Rent, 2006-2018**

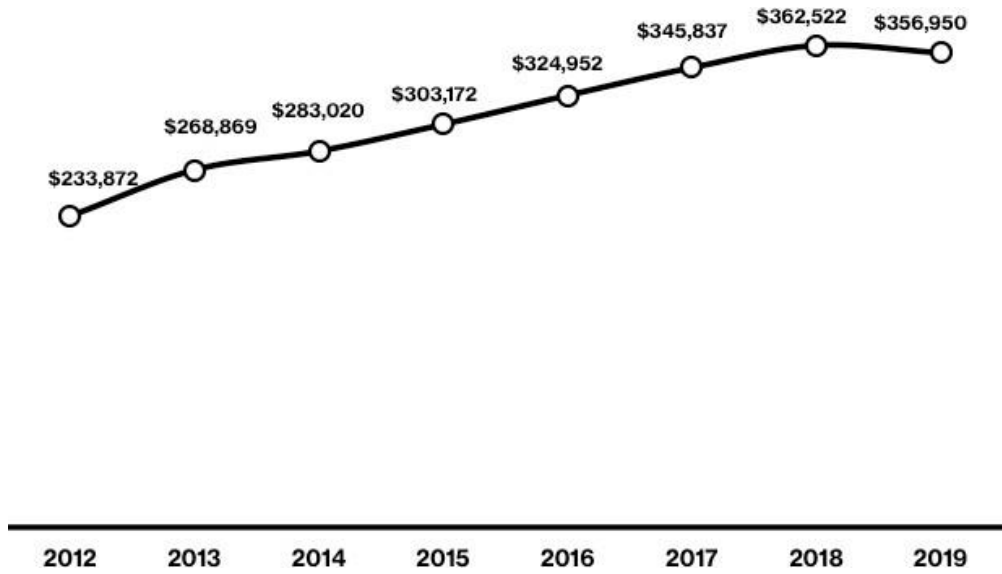
<b>Gross Rent</b>	<b>2006-2010</b>	<b>2014-2018</b>	<b>Change</b>	<b>% Change</b>
<\$500	36,975	31,431	-5,544	-15%
\$500-999	129,197	89,442	-39,755	-31%
\$1,000-\$1,499	114,406	149,119	34,713	30%
>\$1,500	53,919	137,214	83,295	154%
<b>TOTAL</b>	<b>334,497</b>	<b>407,206</b>	<b>72,709</b>	<b>22%</b>

*SOURCE: Shimberg Center for Housing Studies, 2020.*

<sup>8</sup> University of Florida’s Shimberg Center for Housing Studies, *Miami-Dade County Housing Data Appendix*, (June 2020), p. 18 & 20.



**FIGURE 6: Median Sales Price, 2012-2020**



**SOURCE: Shimberg Center for Housing Studies, 2020.**

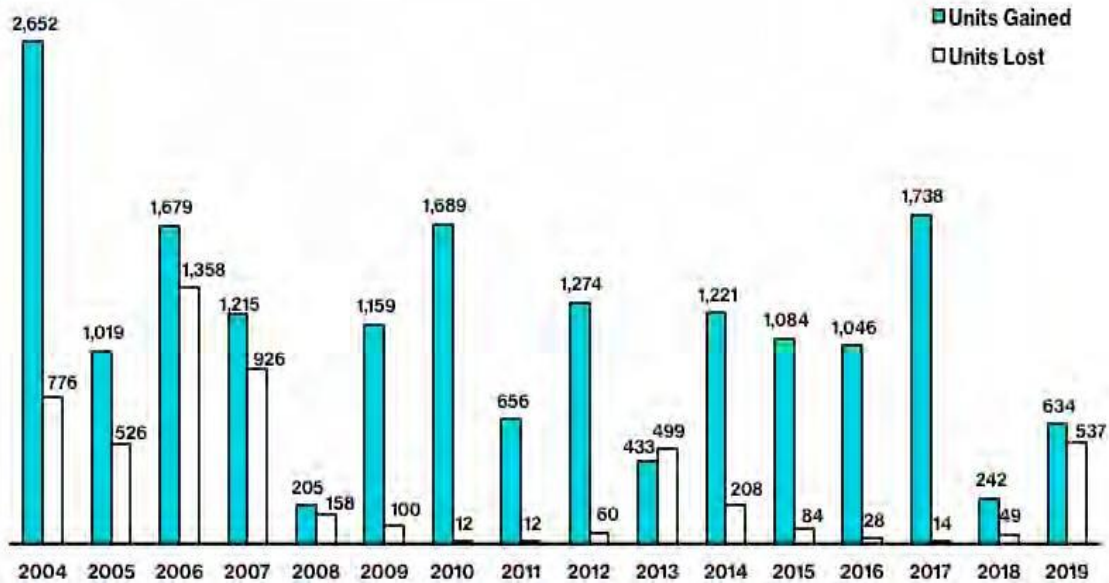
### **Assisted Housing Units**

According to the Shimberg Center, the supply of affordable rental units in Miami-Dade County grew from 43,800 to 55,700 units between 2004 and 2019 (Figure 7). Their research indicates that the growth of the assisted housing inventory in Miami-Dade was slowed by a loss of affordable units because of subsidy expirations, market-rate conversions, demolition, and deterioration. During this period, the County generated on average 1,100 affordable units and lost 300 affordable units each year, for an average net annual gain of 700 units.<sup>9</sup> Miami-Dade County’s Department of Public Housing and Community Development (PHCD) currently is in the process of producing 14,000 workforce and affordable units over the next seven to ten years, which will mark a significant expansion in the local supply of quality affordable housing.<sup>10</sup>

<sup>9</sup> Ibid., p. 17-18.

<sup>10</sup> Miami Homes for All, *Miami-Dade County Affordable Housing Framework*, (July 2020), p. 5.

**FIGURE 7: Assisted Units Gained & Lost, 2004-2019**



*SOURCE: Shimberg Center for Housing Studies, 2020.*

**Housing Gap Analysis**

The Shimberg Center prepared a housing gap analysis for Miami-Dade in 2020 (Figure 8). Their report identified a 120,000-unit gap between renter households at 50% AMI and units affordable and available to that income group. This analysis also showed a 91,000 gap in units affordable and available to renter households at 30% AMI households (Extremely Low Income) and an 83,000-unit gap for renters at 80% AMI (Low Income).<sup>11</sup>

**FIGURE 8: Rental Units by Affordable/Available Status & Income Level, 2012-2016**

AMI	0-30% AMI	0-50% AMI	0-30 AMI
Units, Affordable and Available*	32,745	83,275	201,605
Units, Affordable not Available**	13,045	7,880	89,795
Total Renter Households	123,770	205,095	285,155
Unit Gap	91,025	121,820	83,550

\*Occupied by household at or below income threshold or vacant

\*\*Occupied by household above income threshold

*SOURCE: Shimberg Center for Housing Studies, 2020.*

<sup>11</sup> University of Florida’s Shimberg Center for Housing Studies, *Miami-Dade County Housing Data Appendix*, (June 2020), p. 24.

### Projected Housing Needs

From the baseline gap of 120,000 units for 50% AMI renter families, the Shimberg Center projected future housing needs in Miami-Dade County until 2030 (Figures 9 and 10). To meet projected rental needs, their report anticipates that the County would need to build or preserve at least 10,000-15,000 rental units affordable to households at or below 50% AMI every 5 years, or 2,000-3,000 units per year. A maximum housing goal to address the baseline gap and growth over time could require 160,000 affordable rental units over a 10-year period, or 16,000 units per year.<sup>12</sup> To meet the anticipated growth of 42,900 units affordable to owners at 50-80% AMI over ten years would require as much as 5,000 new affordable owner units per year. This analysis formed the basis of Miami Homes for All’s *Miami-Dade County’s Affordable Housing Framework* unit goals, which includes utilizing vacant or underused land as a strategy to meet future housing needs.<sup>13</sup>

**FIGURE 9: Projected Growth in Affordable/Available Gap, 0-50% AMI**

*Baseline 2012-2015 affordable/available gap: 121,820 units*

Year	Projected Households	Growth	Cumulative Growth over Baseline
2020	136,426	14,606	14,606
2025	150,103	13,677	28,283
2030	160,460	10,357	38,640

**FIGURE 10: Projected Growth in Cost Burdened Owners, 50-80% AMI**

*Baseline 2020 cost burdened owners: 49,920*

Year	Projected Households	Growth	Cumulative Growth over Baseline
2025	46,342	3,422	5,077
2030	49,449	3,107	8,184

**SOURCE: Shimberg Center for Housing Studies, 2020.**

### Land Price Per Acre

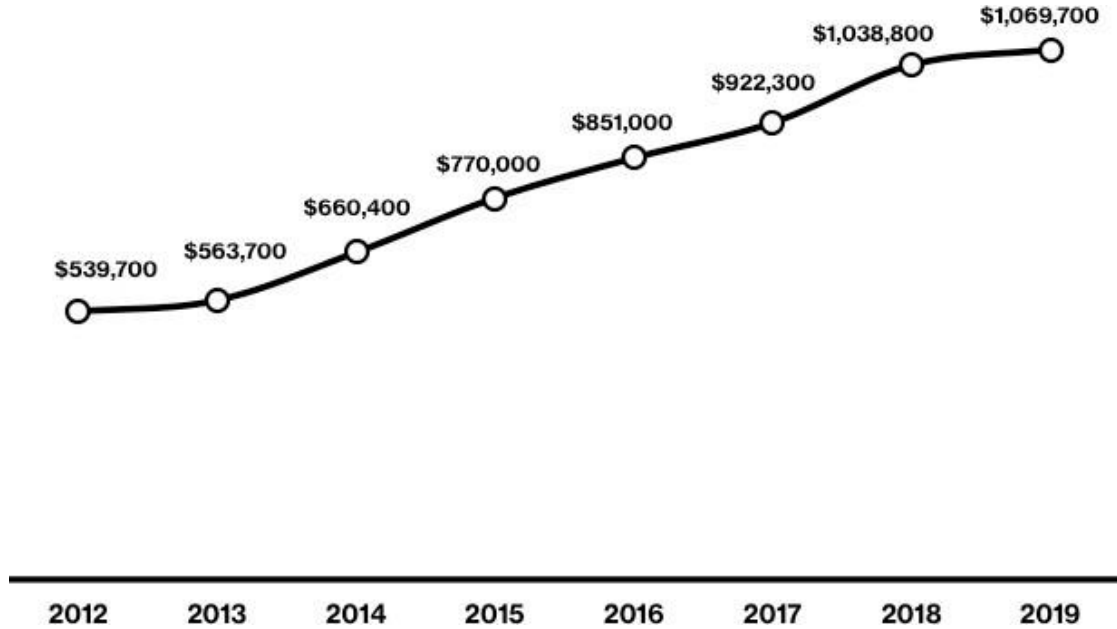
According to a recent report from the Federal Housing Finance Authority (FHFA), land prices have risen faster than house prices in large metro areas across the U.S. (Figure 11). The land value of an average single-family property in Miami-Dade County almost doubled over a seven-year period, from \$530,000 in 2012 to \$1,000,000 in 2019 (+\$530,000 or 98%). FHFA researchers estimate that **almost half (48%) of the value of Miami-Dade’s single-family homes in 2019 was attributable to the land value**, up from 44% in 2012.<sup>14</sup>

<sup>12</sup> Ibid., p. 25-29.

<sup>13</sup> Miami Homes for All, *Miami-Dade County Affordable Housing Framework*, (July 2020), p. 17 & 24.

<sup>14</sup> Federal Housing Finance Agency (FHFA), “*Working Paper 19-01: The Price of Residential Land for Counties*,

**FIGURE 11: Land Price Per Acre in Miami-Dade County, 2012-2019**



*SOURCE: Federal Housing Finance Authority, 2020.*

### **Vacant Land Near Metrorail**

In 2019, Miami-Dade County’s Department of Regulatory and Economic Resources (RER) and PHCD projected that 7,000 units of affordable or workforce housing could be built just on the County-owned vacant properties alongside public transit within the next five years. County planners estimate that building on private as well as public vacant lots near transit could yield more than 60,000 new units over a ten-year period. The report also outlines all of the County-owned sites near a Metrorail station or high-frequency bus route by Commission District and current zoning. County planners estimate that there are around 200 County-owned residentially zoned vacant lots near a Metrorail station, which if developed could generate more than 3,000 new affordable or workforce units (Figure 12).<sup>15</sup>

*Codes, and Census Tracts in the United States*” (January 2, 2019, updated November 9, 2020).

<sup>15</sup> Miami-Dade County, *10-year Outlook on the Potential to Increase the Number of Affordable and Workforce Housing Units in Transit Corridors*,” (September 2018), p. 2 & 4.

**FIGURE 12: County-Owned Vacant Parcels 2-Miles from Metrorail**

<b>Metrorail Station</b>	<b># of Parcels</b>	<b>Units Permitted</b>
Dr. Martin Luther King, Jr.	98	1,070
Northside	37	940
Culmer	28	794
Brownsville	2	305
Allapattah	60	204
Earlington Heights	21	136
Civic Center	16	91
Brickell	3	65
Miami International Airport	1	27
Santa Clara	5	20
Vizcaya	3	14
Okeechobee	1	7
South Miami	4	2
Government Center	1	1
Tri-rail	1	1
Palmetto	1	-
<b>TOTAL</b>	<b>283</b>	<b>3,679</b>

*SOURCE: Miami-Dade County, 2019.*

**Vacant Land Near Bus Routes**

RER and PHCD also outlined all County-owned parcels by County Commission District. County planners estimate that there are 400 County-owned residentially zoned vacant parcels near a bus route with a 15-minute-or-less headway. These parcels could yield 6,000 affordable or workforce units. Most of these parcels were situated in District 3, District 9, and District 2 (Figure 13).<sup>16</sup>

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<sup>16</sup> Ibid., p. 10.

**FIGURE 13: County-owned Vacant Parcels 1-Mile from High-Frequency Bus-Route by Commission District**

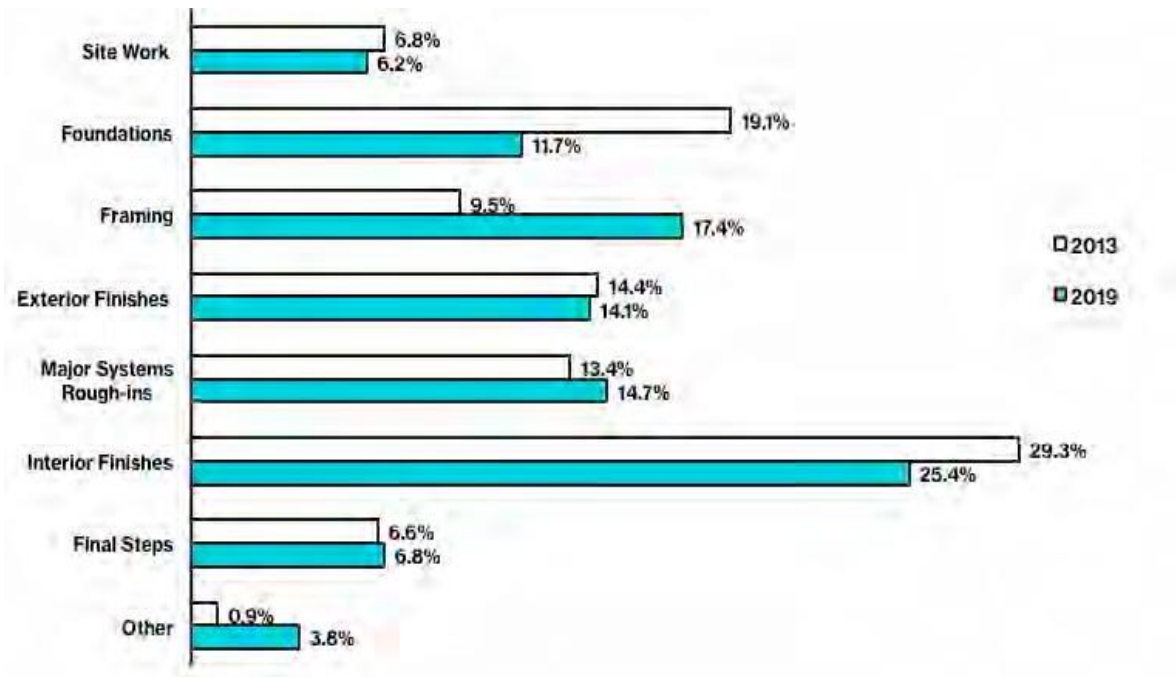
<b>Commission District</b>	<b># of Parcels</b>	<b>Units Permitted</b>
District 1	19	234
District 2	96	2,052
District 3	172	1,927
District 4	2	4
District 5	9	90
District 6	2	1
District 7	-	-
District 8	23	350
District 9	102	2,212
District 10	4	31
District 11	2	12
District 12	1	2
District 13	-	-
<b>TOTAL</b>	<b>432</b>	<b>6,915</b>

*SOURCE: Miami-Dade County, 2019.*

### Average Construction Costs

A 2019 National Association of Home Builders (NAHB) survey suggests that the average construction cost of a typical single-family in the U.S. is about \$290,000 or \$114 per square foot, up from \$95 per square foot in 2013. According to the survey, the largest share of construction costs in a typical single-family home is interior finishes (25%) followed by framing (17%), and major system rough-ins (14%). The cost of framing, including roof, metal, and steel has increased the most between 2013 and 2019, followed by major system rough-ins (e.g. HVAC, plumbing). NAHB’s study also shows that on average, 61% of the sales price goes to cover the construction costs and 18% to finished land costs (Figure 14). The continuously rising construction costs underscore the importance of controlling underlying land costs in order to develop more affordable housing.<sup>17</sup>

**FIGURE 14: Single-Family Construction Cost Breakdown, National Averages**



**SOURCE: NAHB, 2019.**

<sup>17</sup> National Association of Home Builders (NAHB) Economics and Housing Policy Group, *Cost of Constructing a Home*, (January 2, 2020), p. 7.

C. Land Access for Neighborhood Development (LAND) and its Use in Identifying Potential Land Assemblages across Jurisdictions

The Land Access for Neighborhood Development (LAND) mapping platform provides the opportunity to understand the breakdown of vacant lots owned by public, civic, and faith-based entities in order to create land assemblages across jurisdictions and agencies to develop affordable housing. Data derived from LAND shows that there are 1,958 lots owned by a public entity that could be set aside for public use (Figure 15).

**FIGURE 15: LAND<sup>18</sup>**

<b>LAND METRIC</b>	<b>#</b>
Total Number of Vacant Lots Held by Public Entities	1,958
Total Acreage of Vacant Lots Held by Public Entities	102,599,087.06 sq ft.
Total Number of Contiguous Parcels Held by Public Entities	975
Total Acreage of Contiguous Parcels Held by Public Entities	28,747,242 sq ft.

**SOURCE: LAND, 2019.**

To curate the list of potentially underused properties, CCE filtered and reorganized Department of Revenue (DOR) Property Classification Codes data. State DOR Codes serve as an accurate approximation of current property use. CCE identified vacant and underused properties on LAND by sifting through any of the vacant-related DOR Codes in local property appraiser records and then separated entries into vacant and related municipal, institutional, School Board, and religious designations along with any associated owner information. These parcels were then checked against the property appraiser’s records and aerial imagery to exclude sites that may have had a vacant-related DOR code but are either unbuildable or are already serving some type of public use, including parks, airports, and rights-of-way.

While reasonable efforts have been made to ensure the accuracy of the content of the information, the LAND tool may still include some properties that have been incorrectly labeled as vacant or underused. Additional research needs to be completed to determine the feasibility of those properties for affordable housing development, including water and sewer connection, zoning requirements, environmental contamination, and other potential site challenges.<sup>19</sup>

**Title Concerns & Encumbrances**

More research needs to be completed to better understand the full range of potential title concerns and encumbrances tied to local government-owned vacant or underused lots in Miami-Dade County. In 2018, the City of Miami provided CCE with a list of Uncommitted City-owned

<sup>18</sup> "Public entity" refers to vacant or underused properties owned by the County, a municipality, the State of Florida, the Federal government, the School Board, the Expressway Authority, or a Community Redevelopment Agency. These properties were classified as vacant based on their Department of Revenue (DOR) Land Use Code. *Source: Miami-Dade County Property Appraiser.*

<sup>19</sup> University of Miami Office of Civic and Community Engagement, Land Access for Neighborhood Development (LAND), <https://land.ccs.miami.edu/explore/parcels> (2019), accessed December 2020.



vacant properties to incorporate in the LAND tool. Seven of these lots in the Liberty City area have an outstanding bond price, which in most cases has to be paid before the property can be transferred (Figure 16).

**FIGURE 16: City of Miami Uncommitted Properties with a Bond Price, 2018**

Address	Folio	Lot Size	Zoning	Bond Price
1370 NW 61 Street	0131140430660	15,900	T4-L	\$28,017
1199 NW 62 Street	0131140210950	12,819	T6-8-O	\$71,750
1270 NW 60 Street	0131140430970	10,600	T4-L	\$12,487
1320 NW 61 Street	0131140430690	21,200	T4-L	\$37,719
1370 NW 61 Street	0131140430660	15,900	T4-L	\$28,017
6200 NW 17 Avenue	0131150053291	13,924	T6-8-O	\$567,571
6201 NW 17 Avenue	0131140050010	29,318	T6-8-O	\$995,905

*SOURCE: City of Miami, 2018.*

These properties are managed by the City of Miami’s Department of Housing and Community Development and can be conveyed or sold to an eligible buyer if certain conditions are met, which could include: (1) the developer provides a narrative indicating what will be built on the property with number of units and income ranges to be served; (2) an itemized budget is provided for the project; (3) a breakdown of the sources of funding used, including any letters of commitment from financial institutions; (4) a Five-Year Operating Budget to determine the feasibility of the project; (5) the closing on the property is done simultaneously with the closing on the construction financing for the project; and (6) potentially paying the remaining bond price.

The bond prices for these parcels range from \$28,000 to \$900,000. All of these Uncommitted City of Miami-owned lots are zoned to allow multifamily residential development and none of them are currently connected to water and sewer.<sup>20</sup>

### **District 3 NW 18<sup>th</sup> Ave Corridor Area**

NW 18 Avenue, from NW 62<sup>nd</sup> Street to NW 71<sup>st</sup> Street, in the Liberty City section of Miami-Dade County, has not had any new construction since 1981. LAND shows there are 10 Surplus County-owned vacant properties along the Corridor, which could be used to help sponsor a catalytic signature development project on the thoroughfare to benefit the neighborhood. Surplus lots are properties no longer needed by the Miami-Dade County and can be sold, leased, or donated to an eligible developer. The construction of a high-impact small to mid-sized affordable housing or commercial development project could effectively stimulate new investment along NW 18<sup>th</sup> Avenue.<sup>21</sup>

<sup>20</sup> Miami-Dade County, *FY 2020-2024 Consolidated Plan*, (September 2020), p. 92.

<sup>21</sup> “Surplus” lots refer to Miami-Dade County-owned vacant properties as well as City of Miami-owned uncommitted properties. Unlike Governmental non-surplus parcels, Surplus properties currently are

Located within the Unincorporated Municipal Service Area (UMSA), most (9 or 90%) of the Surplus lots along NW 18<sup>th</sup> Avenue are currently zoned BU-2 Special Business District, which permits large-scale retail commercial developments such as regional shopping centers, warehouses, and office parks. Residential uses in BU-2 districts are subject to approval at a public hearing, which could be an impediment for the development of new housing opportunities along the primary thoroughfare. The special exception/zoning public hearing process to build residential uses in a BU-2 District could take about 5 to 9 months and includes a pre-application meeting, submission of plans, review of plans, and a Board of County Commissioners hearing. Residential development along the Corridor could potentially include new duplexes, triplexes, quadruples, 6 to 24 unit small developments, and single-family homes. To the east and the west, the Corridor is sandwiched between RU-2 Two Family-Residential Zoning Districts, which currently allows single-family homes and duplexes. None of the Surplus lots are currently connected to the water and sewer line.

The Miami-Dade Department of Water and Sewer (WASD) intends to upgrade the water line along the Corridor from an 8-inch pipe to a 12-inch pipe, which will provide the required capacity to support multifamily housing and commercial development.

FIGURE 17 outlines all of the County-owned Surplus lots along NW 18<sup>th</sup> Avenue in turquoise. The Surplus County-owned lots in this area make up a combined 19,654 square feet. None of these lots are currently connected to water and sewer and there are a few instances of some of these Surplus lots directly abutting each other along the Corridor.

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available to be sold, leased, or donated to a qualified developer. The County-owned Surplus properties were pulled directly from Miami-Dade County's Department of Internal Services in January 2021. The City of Miami's Department of Housing and Community Development provided CCE with a list of city-owned uncommitted properties in July 2017. CCE confirmed in April 2020 that none of the city-owned surplus properties had undergone a change in ownership. Sources: Miami-Dade County Property Appraiser, Miami-Dade County Internal Services Department, and the City of Miami's Housing and Community Development Department.

**FIGURE 17: Surplus Lots Along NW 18<sup>th</sup> Ave**



**SOURCE: LAND, 2019.**

**FIGURE 18: Property Drilldown of County-Owned Surplus Lots on NW 18<sup>th</sup> Ave**

<b>Folio</b>	<b>Owner</b>	<b>Lot Size</b>	<b>Zoning</b>	<b>Water/Sewer</b>
3031150056630	Miami-Dade County	2,800	BU-2	No
3031150050360	Miami-Dade County	1,452	BU-2	No
3031150050340	Miami-Dade County	1,400	BU-2	No
3031150050330	Miami-Dade County	2,800	BU-2	No
3031150050540	Miami-Dade County	1,400	BU-2	No
3031150050830	Miami-Dade County	2,800	RU-1	No
3031150055670	Miami-Dade County	2,800	BU-2	No
3031150051430	Miami-Dade County	1,400	BU-2	No
3031150053810	Miami-Dade County	1,400	BU-2	No
3031150053880	Miami-Dade County	1,400	BU-2	No

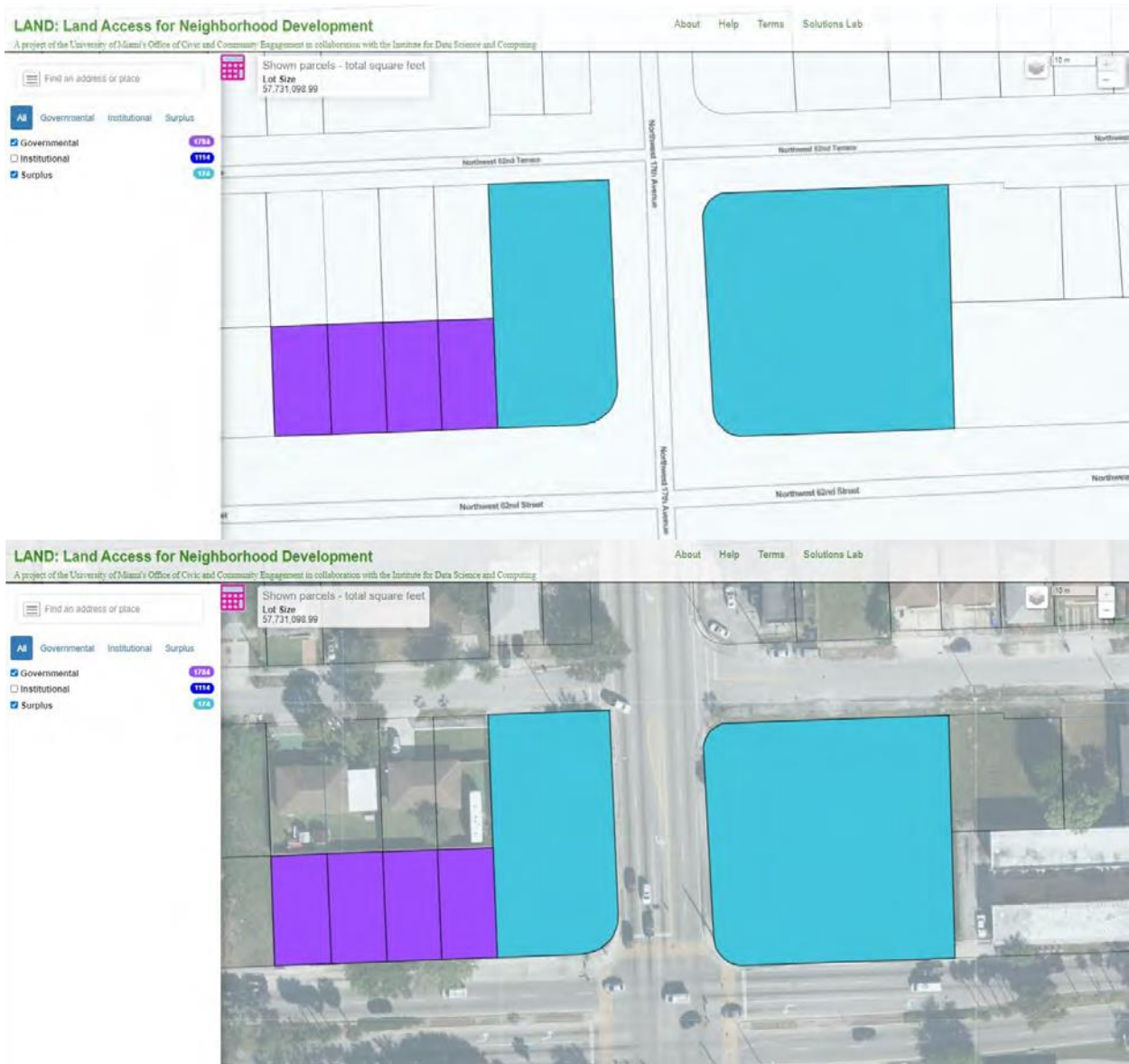
**SOURCES: Miami-Dade County Property Appraiser, WASAD, and ISD, 2019.**

**NW 62<sup>nd</sup> St & NW 17<sup>th</sup> Ave**

Below is a screenshot from LAND showing abutting County-owned non-Surplus vacant lots (purple) and uncommitted City of Miami-owned vacant parcels (turquoise) at the intersection of NW 62<sup>nd</sup> Street and NW 17<sup>th</sup> Avenue within the Liberty City area. Through the LAND tool, users can identify four contiguous County-owned non-Surplus lots directly abutting an Uncommitted City of Miami-owned property with another City of Miami-owned across NW 17<sup>th</sup> Avenue (Figure 19).

Potential issues with these abutting lots include zoning across two localities, the City of Miami and the Unincorporated Municipal Service Area. None of the lots are currently connected to water or sewer, and the Uncommitted City-owned lots contain an outstanding bond price. The Uncommitted City-owned lots are zoned T6-8 Urban Core Zone, which allows mixed-use multifamily development. The four County lots are zoned BU-2 Special Business District, BU-3 Liberal Business District, and RU-2 Two-Family Residential District, which could potentially allow smaller multifamily residential development. The abutting County-owned lots along NW 62<sup>nd</sup> Street have a combined lot size of 11,000 square feet, which increases to 25,000 square feet when the abutting contiguous Uncommitted County-owned lot is added (6200 NW 17<sup>th</sup> Avenue; folio: 0131150053291; Figure 20).

**FIGURE 19: Assemblage of County-owned Non-Surplus & Uncommitted City of Miami Lots, NW 62<sup>nd</sup> St & NW 17 Ave**





*SOURCE: LAND, 2019.*

**FIGURE 20: Property Drilldown of County-owned and Uncommitted City of Miami Lots, NW 62<sup>nd</sup> St & NW 17 Ave**

Folio	Owner	Lot Size	Zoning	Bond Price	Water/Sewer
3031150053340	Miami-Dade County	2,630	BU-3	N/A	No
3031150053330	Miami-Dade County	2,630	BU-3	N/A	No
3031150053320	Miami-Dade County	2,630	RU-2	N/A	No
3031150053300	Miami-Dade County	3,230	BU-3	N/A	No
0131150053291	City of Miami	13,924	T6-8-O	\$567,571	No
0131140050010	City of Miami	29,318	T6-8-O	\$995,905	No

*SOURCES: Miami-Dade County Property Appraiser, WASAD, ISD, and City of Miami, 2020.*

## DISTRICT 1

There are currently no County-owned Surplus lots within District 1. However, there is a significant cluster of County-owned non-Surplus vacant lots (shown in grey) and City of Opa-locka-owned vacant parcels (orange) in the Magnolia North section of District 1 (Figure 21). This area has 9 total County and City-owned underused properties. 5 of these properties are zoned residential, including R-1 Single-Family Residential District and R-2 Duplex Residential District. The remaining 4 parcels are zoned either B-O Business Office District or B-1 Commercial Neighborhood Business District, which permits low intensity retail or commercial services. None of these local government-owned lots are currently connected to the water and sewer line (Figure 22).

**FIGURE 21: County-owned non-surplus lots near City of Opa-locka vacant lots, Magnolia North**



**SOURCE: LAND, 2019.**

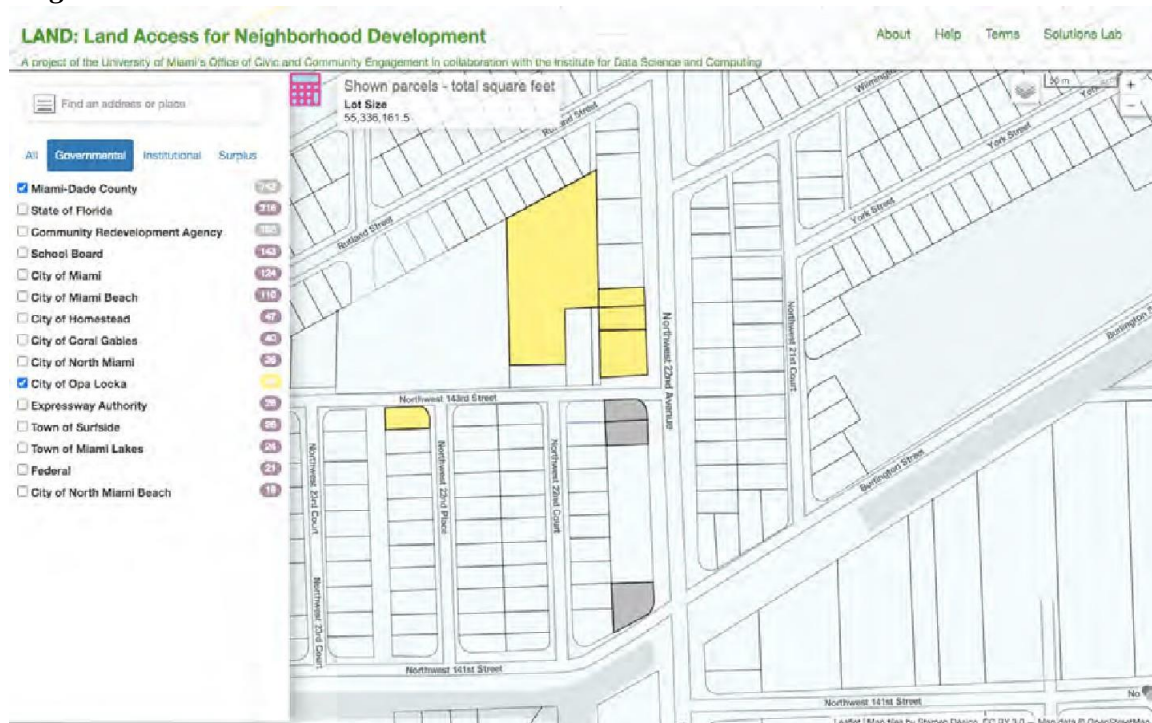
**FIGURE 22: Property Drilldown of County and City of Opa-locka-owned Vacant Lots in Magnolia North**

Folio	Owner	Lot Size	Zoning	Water/Sewer
0821220031100	City of Opa-locka	2,400	R-2	No
0821220031110	City of Opa-locka	2,400	R-2	No
0821220031140	City of Opa-locka	5,280	R-2	No
0821220031160	City of Opa-locka	2,400	B-1	No
0821220031170	City of Opa-locka	2,400	B-1	No
0821220031430	City of Opa-locka	2,400	R-2	No
0821220000401	City of Opa-locka	9,332	B-O	No
0821220031690	City of Opa-locka	5,280	R-1	No
0821220000380	Miami-Dade County	5,663	B-O	No

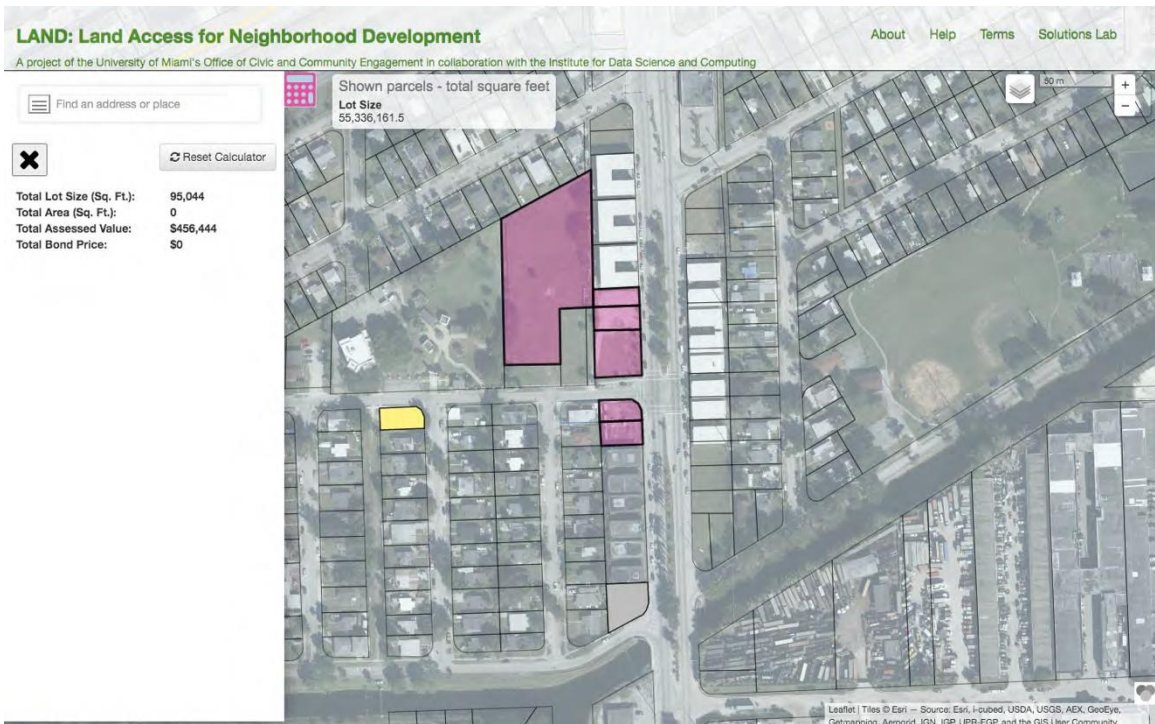
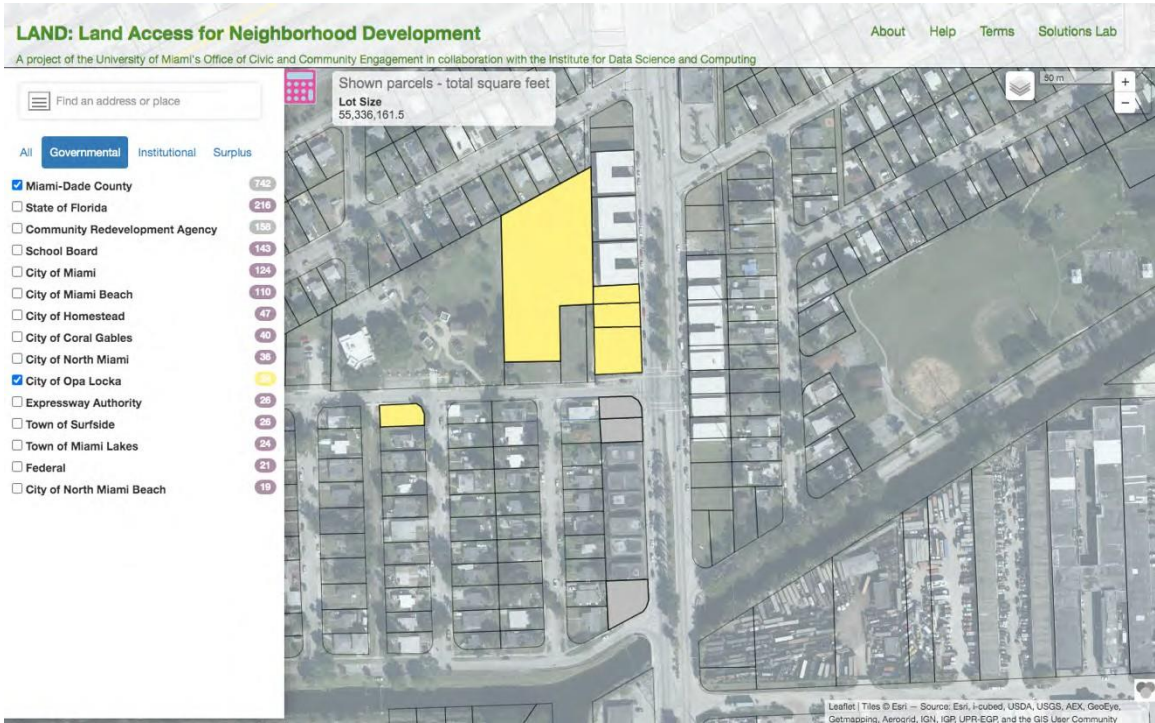
**SOURCES: Miami-Dade County Property Appraiser, WASAD, and ISD, 2020.**

There is another substantial concentration of non-Surplus County and City-owned vacant properties within District 1, just to the South of the Magnolia North. At NW 143<sup>rd</sup> Street and NW 22<sup>nd</sup> Avenue, there are 4 abutting City of Opa-locka owned vacant properties (shown in yellow). Across the street on NW 143<sup>rd</sup> Street, there are two abutting County-owned vacant properties. None of these local government-owned vacant properties are currently connected to water or sewer line (Figure 23). The largest local government-owned property—69,500 square feet—is zoned as a Moderate Density Residential District (R-3), which allows for two story, 8–12-unit garden-style apartments. The remaining parcels along NW 22<sup>nd</sup> Avenue are zoned B-2 Commercial Liberal Business District, which permits a wide range of retail or service facilities (Figure 24).

**FIGURE 23: County-owned non-surplus lots near City of Opa-locka vacant lots, south of Magnolia North**







**FIGURE 24: Property Drilldown of County and City of Opa-locka-owned Vacant Lots south of Magnolia North**

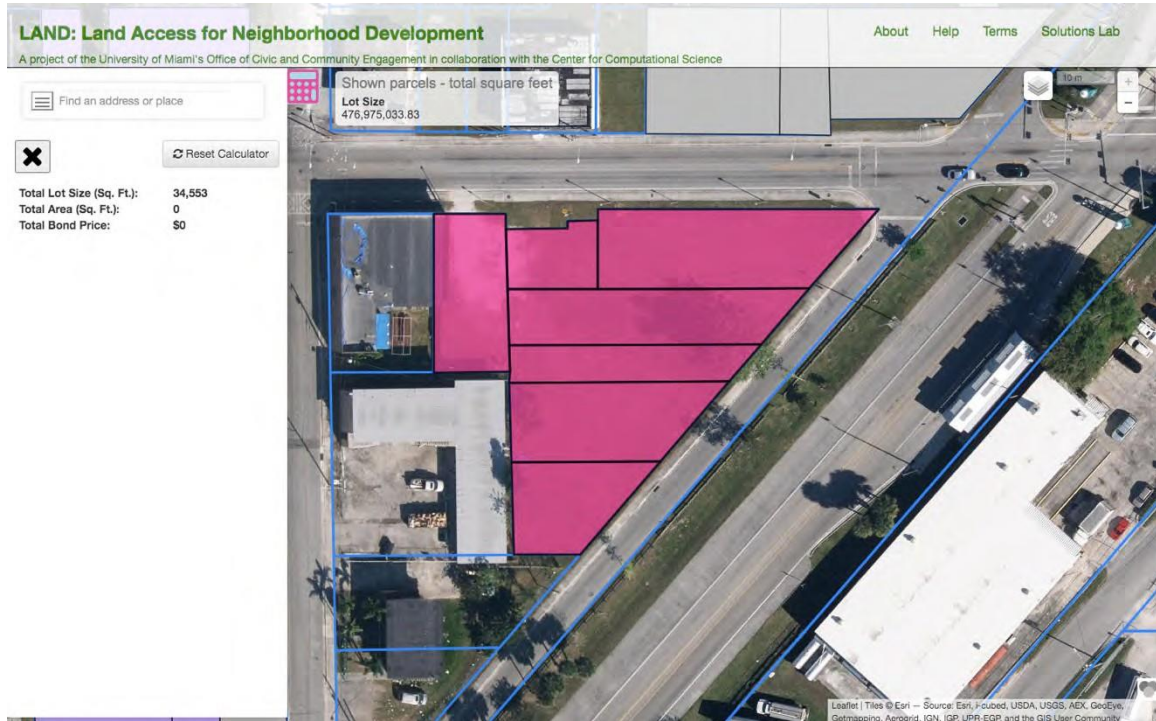
<b>Folio</b>	<b>Owner</b>	<b>Lot Size</b>	<b>Zoning</b>	<b>Water/Sewer</b>
0821220000021	City of Opa-locka	69,544	R-3	No
0821220090210	City of Opa-locka	4,250	B-2	No
0821220090222	City of Opa-locka	4,250	B-2	No
0821220090220	City of Opa-locka	8,500	B-2	No
0821220051380	Miami-Dade County	4,250	B-2	No
0821220051390	Miami-Dade County	4,250	B-2	No

**SOURCES: Miami-Dade County Property Appraiser, WASAD, and ISD, 2020.**

**Homestead TOD**

Below is a screenshot from LAND showing a significant concentration of underused local government-owned land within the City of Homestead (Figure 25). This specific block includes abutting lots owned by the Homestead Community Redevelopment Agency (purple), non-Surplus Miami-Dade County-owned lots (grey) and a City of Homestead-owned property (yellow). Located along the South Dade Corridor Transitway, these properties could be assembled to build a transit-oriented, mixed-use affordable multifamily development. If combined these three different public institutions contain almost 34,000 square feet of vacant local government-owned land. None of these lots is currently connected to water and sewer and all of them are zoned SPUN-NMU Southwest Planned Urban Neighborhood - Neighborhood Mixed Use, which allows higher densities and mixed-uses (Figure 26). Additionally, just to the west of these properties, there is another concentration of contiguous vacant land owned by different public agencies, including two County-owned Surplus lots (turquoise), three Homestead Community Redevelopment Agency-owned vacant lots (purple), and two non-Surplus Miami-Dade County-owned vacant land (grey).





*SOURCE: LAND, 2019.*

**FIGURE 26: Property Drilldown in Homestead**

<b>Folio</b>	<b>Owner</b>	<b>Lot Size</b>	<b>Zoning</b>	<b>Water/Sewer</b>
1078130480090	Homestead CRA	3,600	SWPUN-NMU	No
1078130480100	Homestead CRA	2,064	SWPUN-NMU	No
1078130480110	Miami-Dade County	4,884	SWPUN-NMU	No
1078130480130	Miami-Dade County	9,600	SWPUN-NMU	No
1078130480120	Miami-Dade County	2,180	SWPUN-NMU	No
1078130480130	Miami-Dade County	9,600	SWPUN-NMU	No
1078130480150	City of Homestead	2,625	SWPUN-NMU	No

*SOURCES: Miami-Dade County Property Appraiser, WASAD, and ISD, 2019.*

D. Data snapshot of Largest Municipalities in Miami-Dade County

**MUNICIPAL PROFILES  
CITY OF MIAMI, 2017**

<b>Tenure, Income, &amp; Housing Costs</b>	
Owner Households	50,887
Renter Households	120,149
Total Households	171,036
Homeownership Rate	30%
Median Owner Income	\$62,176
Median Renter Income	\$30,627
Median Income, All Households	\$36,638
Median Owner Monthly Cost (With Mortgage)	\$1,933
Median Owner Monthly Cost (No Mortgage)	\$587
Median Gross Rent	\$1,120
Average H + T Cost Burden (80% AMI Household)	60%

**CITY OF HIALEAH, 2017**

<b>Tenure, Income, &amp; Housing Costs</b>	
Owner Households	33,302
Renter Households	39,401
Total Households	72,703
Homeownership Rate	46%
Median Owner Income	\$45,230
Median Renter Income	\$26,102
Median Income, All Households	\$33,161
Median Owner Monthly Cost (With Mortgage)	\$1,387
Median Owner Monthly Cost (No Mortgage)	\$485
Median Gross Rent	\$1,117
Average H + T Cost Burden (80% AMI Household)	60%

**CITY OF MIAMI GARDENS, 2017**

<b>Tenure, Income, &amp; Housing Costs</b>	
Owner Households	19,400
Renter Households	10,979
Total Households	30,379
Homeownership Rate	64%
Median Owner Income	\$51,440
Median Renter Income	\$28,691
Median Income, All Households	\$42,398
Median Owner Monthly Cost (With Mortgage)	\$1,465
Median Owner Monthly Cost (No Mortgage)	\$418
Median Gross Rent	\$1,182
Average H + T Cost Burden (80% AMI Household)	65%

**CITY OF MIAMI BEACH, 2017**

<b>Tenure, Income, &amp; Housing Costs</b>	
Owner Households	16,708
Renter Households	27,575
Total Households	44,283
Homeownership Rate	38%
Median Owner Income	\$88,606
Median Renter Income	\$41,370
Median Income, All Households	\$53,348
Median Owner Monthly Cost (With Mortgage)	\$2,738
Median Owner Monthly Cost (No Mortgage)	\$1,046
Median Gross Rent	\$1,338
Average H + T Cost Burden (80% AMI Household)	73%

**CITY OF HOMESTEAD, 2017**

<b>Tenure, Income, &amp; Housing Costs</b>	
Owner Households	7,988
Renter Households	10,052
Total Households	18,040
Homeownership Rate	44%
Median Owner Income	\$55,854
Median Renter Income	\$31,013
Median Income, All Households	\$40,661
Median Owner Monthly Cost (With Mortgage)	\$1,528
Median Owner Monthly Cost (No Mortgage)	\$541
Median Gross Rent	\$1,110
Average H + T Cost Burden (80% AMI Household)	62%

**CITY OF NORTH MIAMI, 2017**

<b>Tenure, Income, &amp; Housing Costs</b>	
Owner Households	7,262
Renter Households	11,457
Total Households	18,719
Homeownership Rate	39%
Median Owner Income	\$72,966
Median Renter Income	\$32,708
Median Income, All Households	\$43,568
Median Owner Monthly Cost (With Mortgage)	\$1,555
Median Owner Monthly Cost (No Mortgage)	\$609
Median Gross Rent	\$1,243
Average H + T Cost Burden (80% AMI Household)	64%

*SOURCE: Shimberg Center for Housing Studies, 2020.*

## II. Recent Examples of Intergovernmental Transactions

The examples of potential land aggregations shown above provide a window into opportunities for cross-jurisdictional collaboration in the development of affordable housing. There also is the opportunity for intergovernmental collaboration across various public entities that own abutting or adjacent land. An example of the potential and complexity of intergovernmental transactions in the development of affordable housing is the current collaboration between Miami-Dade County's Public Housing and Community Development Department (PHCD) and the Miami-Dade County Public Schools (MDCPS) on property owned by the respective government entities in the neighborhoods of Brickell and Overtown in the City of Miami. Examining this relationship will help to understand how creating platforms where similar collaborations can occur is so important in maximizing use of properties controlled by government entities for the development of new affordable and workforce housing units. It also provides confirmation that facilitating such collaborations can result in success.

### A. Brickell Public Housing Site: Medvin and the basic Agreement with MDCPS

The collaboration between PHCD and MDCPS begins with what was formally known as the "Medvin" public housing site. The property is located at 929 & 945 SW 3<sup>rd</sup> Avenue, Miami, Florida 33130, and is part of the Brickell area in the City of Miami known for high-rise luxury apartments and a myriad of shopping and restaurant options. "Medvin" was a small public housing site that contained 18 public units in very poor condition. Over time, the building and units became substantially dilapidated and structurally unsafe. With the opening of the new Joe Moretti 1, adjacent to Medvin, the Medvin Apartments were vacated and all public housing residents from the occupied units at Medvin were voluntarily transferred to Joe Moretti 1 upon its opening in 2014. Medvin sat on less than a third of an acre (0.344 acres) and while adjacent to a larger public housing site, that larger site already had been assigned to a private sector development partner who is currently planning a 504 unit, mixed-income apartment building.

In 2017 MDCPS approached PHCD to explore the possibility of a development plan whereby a middle school would be built on the site along with some affordable housing units that would provide a preference for MDCPS employees. The land would be given to MDCPS at no cost to MDCPS and the number of affordable units proffered was 10. PHCD agreed to review the proposal.

In following up, PHCD expressed its concern that 10 units was not a sufficient number of apartments given that the property was valued in the millions. PHCD suggested that MDCPS look at other properties that might be developed in the near future with PHCD and where more units could be developed. If such a property could be identified, PHCD would be more willing to work with MDCPS on the Medvin site. MDCPS came back with positive feedback and an offer to have PHCD develop the Phillis Wheatley Elementary School (PW) site that would include a new school, administrative offices for the MDCPS and School Board, and housing. In researching the property, PHCD determined that with modest rezoning, anywhere from 200 to 300 units of affordable housing could be built.

Subsequently, PHCD and MDCPS proceeded to formalize an agreement that would have PHCD lease the Medvin site to MDCPS, and an agreement in principle between Miami-Dade County's PHCD and MDCPS that recognized that the parties would collaborate in the development



of Phillis Wheatley elementary school. Most of 2018 was spent working with HUD, Miami-Dade County Board of County Commissioners (BCC) and MDCPS on necessary approvals to formalize the development agreement for the Medvin site.

Medvin is a property that is encumbered with a U.S. Department of Housing and Urban Development (HUD) Declaration of Trust (DOT). This DOT gives HUD the right to approve or deny any change in ownership, leases, or uses for the property (“disposition”), inclusive of demolition of structures on the site. Formal application for disposition or demolition must be made to HUD’s Special Application Center (SAC) in Chicago. On February 6, 2018 the Miami-Dade County Board of County Commissioners (BCC) passed a resolution (R-106-18) authorizing PHCD to apply for approval from HUD to demolish the buildings on the Medvin site. Approval from the U.S. Department of Housing and Urban Development’s Special Application Center (SAC) was granted on March 14, 2018. Due to procurement requirements in order to engage a demolition company for the demolition and securing proper permits from the City of Miami, demolition was not completed until July 6, 2018. Accounting for the time it took to get approvals from the County Attorney’s office of the draft resolution, and then getting through the appropriate BCC Committee in order to get a vote of the full BCC, the process of just demolition took over 10 months.

During this period PHCD and MDCPS met continuously with their respective counsel and staff to construct terms of a ground lease and sublease setting out the scope of the development and responsibilities of the parties. Key elements of the agreement are the following: (1) length of the lease is 99 years; (2) the property will be leased to the MDCPS at essentially no cost; (3) the school and housing units will be built by MDCPS and its contractors, subject to approval of plans by PHCD; (4) the cost of construction of the school will be the responsibility of MDCPS and the cost of the construction of the apartment units will be borne by PHCD; (5) preference for occupancy of the rental apartment units would be given to MDCPS teachers and staff; (6) PHCD would manage the apartments and retain the rent revenues; (7) reference to future development of Phillis Wheatley Elementary School; and (8) \$2.5 million of Surtax funds are allocated for use in the project costs associated with the design and construction of the housing units. [Surtax funds are derived from a tax on commercial real estate taxes in Miami-Dade County and are used to finance affordable housing. Surtax has its legal foundation in state law.] This Resolution (R-1239-18) was approved by the BCC in December of 2018.

Simultaneously another HUD SAC application was approved by the BCC to request a “disposition” of the property that would include the lease and terms therein. A particularly contentious point of discussions with the SAC was the income levels of the families that will be renting the apartments. PHCD proposed 120% of area median income. HUD insisted that the maximum income be no more than 80% of area median income and that is the standard that will be used when leases are executed.

The project, while being in the City of Miami, is located in a special Rapid Transit Zone which is under the jurisdiction of the County. This is important since issues related to density, parking, and setbacks are now under the purview of the County. Of particular concern of the County’s Department of Transportation and Public Works has been traffic flow and parking for school staff. To that end the MDCPS and PHCD have worked with the developer of the property adjacent to Medvin, and which is also property that was formally public housing and for which PHCD has

oversight responsibility. The name of the development that is on a similar construction schedule is the Gallery at West Brickell. The developer of this project is Related Urban Development Group (RUDG). PHCD is the County's representative on the ground lease, and PHCD will receive a share of the revenues generated by the 493-unit apartment building over the life of the lease (75 years). MDCPS and RUDG have come to an agreement of use of certain parking stalls in the Gallery at West Brickell project to address the additional parking needs of what is now being called "Southside Preparatory Academy/Schoolhouse Apartments (SPSA)."

Specific construction plans are now being submitted for final review by the County and groundbreaking is expected for May 2021. Total development cost (TDC) for SPSA, inclusive of the housing units is estimated at \$25 - \$30 million. The Gallery at West Brickell has a projected TDC of \$152,828,055.

#### B. Collaboration with MDCPS for Phillis Wheatley Elementary School

Phillis Wheatley Elementary School (PWES), located at 1801 NW 1<sup>st</sup> Place, Miami, Florida 33136, is the Overtown neighborhood of the City of Miami (City), bordering the area known as Wynwood. Over the last eight (8) years Wynwood has become the focus of intense development, building on the interest in the arts (especially street art), design, and cutting-edge culinary experiences fostered in part by Art Basel, and its proximity to the Art District. PWES is also located within 1 mile of MDCPS current headquarters and other properties owned by MDCPS. All of this area is within less than half a mile from the multi-billion development of the One WorldCenter.

As referenced previously, the development of SPSA has proceeded with the understanding that the MDCPS and the County through PHCD would collaborate to develop PWES site as a mixed-use and mixed-income housing project with at least 200 units. In January of 2020, the MDCPS authorized staff to initiate negotiations with the County (PHCD) to generate a development agreement.

The property is approximately 3.55 acres in size and rectangular in shape. Conceptual massing and drawings were developed by MDCPS. To assess the appetite of the City of Miami for such a development, a meeting was held with key staff of the City of Miami's Planning Department and included the Director of that Department. The overall concept appeared to be in line with the City of Miami's long-term plans, but it was clear that numerous issues related to land use, zoning and transit would have to be resolved before a best option could be selected. This meeting was held in the summer of 2020.

Previously, MDCPS and PHCD had been working on crafting an "interlocal" agreement that would formalize the relationship between MDCPS and PHCD as it would pertain to the development of the PWES. A draft was completed in early May of 2020.

These projects highlight the opportunities for interagency agreements for land aggregation and project management in the interest of advancing opportunities for housing affordability. They also demonstrate the need for clear procedures for forging these agreements to make the process of land conveyance and program administration both clear and feasible. See Appendix A for an assessment of this MDCPS-PHCD partnership by Miami Homes for All, Inc.

### III. Creating More Efficient and Effective Collaboration

The development of a land conveyance framework for Miami-Dade County must take into account the complicated interagency and intergovernmental agreements that need to be established, the fragmented governance structure in the County and its municipalities, and the difficulty in reaching consensus about the best uses for vacant and underutilized public land. All land has value, both public and private. All land is relational as the uses and activities of one parcel of land have direct impacts on adjacent parcels of land, the neighborhood, and the community at large. When land is privately held the value is most commonly determined by estimates of value on the open real estate market. When land is publicly held the presumption is that it is held for the common good.

When land is privately held yet becomes vacant, abandoned, and deteriorated over time, the market value of the land must be weighed against the costs – the negative externalities – being imposed on the community at large. Nonpayment of property taxes, housing and building code enforcement liens, police and fire services, and reduction in neighboring property values, are all costs imposed on the community at large. Vacant, abandoned, and deteriorated properties that are privately owned become the focus of state legislative reforms in the fields of housing and building code enforcement and delinquent property tax enforcement, all with the goal of ensuring either “voluntary” compliance and remediation by the owners or the transfer of ownership to new responsible owners. It is in this context of turning vacant spaces into vibrant places that a national movement emerged over the last two decades for the creation of public land banks and land banking programs.<sup>22</sup> Properties acquired by land banks are then transferred to new responsible owners for new uses that match locally determined public priorities. In many such communities the highest public priority is for new safe, decent, and affordable housing.

Miami-Dade, however, is not a community characterized by vacant, abandoned, and deteriorated properties. It is a community filled with vibrant neighborhoods and strong real estate markets. One of the adverse consequences of such economic vitality is the pressure of rising price points on affordable housing, making it increasingly difficult for low to moderate income families to find housing.

Miami-Dade is blessed by having the opportunity to increase its inventory of land that is currently owned by Miami-Dade or by a constituent local government entity located within the county, including both general purpose municipalities and special purpose public entities such as school districts and housing authorities. There is little need for a land banking program in Miami-Dade, at least in the form in which over 200 land banks have been created across the country over the past two decades. What is needed in Miami-Dade is a new public approach to unlocking the existing inventory of publicly held land and using it to meet its public priorities.

#### A. The Key Challenges

There are seven key challenges to meeting the goal of unlocking the existing inventory of publicly held land and using the land to meet emerging priorities, such as affordable housing and

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<sup>22</sup> Frank S. Alexander, *LAND BANKS AND LAND BANKING* (2d ed. 2015, Center for Community Progress). Payton Heins & Tarik Abdelazim, *TAKE IT TO THE BANK: HOW LAND BANKS ARE STRENGTHENING AMERICA’S NEIGHBORHOODS* (2014, Center for Community Progress).

climate resilience. Two of these challenges have been addressed or are in the process of being addressed. The remaining five challenges are likely to be addressed if and only if a new structural approach to intergovernmental collaboration is found.

The first key challenge facing Miami-Dade and the multitude of governmental entities within its boundaries is identifying the number, location, and size of existing publicly owned properties. The University of Miami (UM) Land Access for Neighborhood Development (LAND) tool is one of the most powerful and proactive digital and spatial resources developed in the entire country. Developed by the UM Office of Civic and Community Engagement, the UM LAND platform easily identifies in GIS format the nature and extent of existing publicly owned land, together with some information on the nature of current ownership and current use. It reveals a significant inventory of vacant land currently held by various public entities, opening up new and exciting opportunities to meet the two local priorities of affordable housing and climate resiliency.

As this inventory and mapping tool reveals the existence of the currently held real property assets, the second challenge is the identification of potential sites for collaborative transfers and reuse. This challenge, at least initially, involves a site-specific analysis focusing on specific lot sizes, potential contiguous lots owned by separate governmental entities, and the suitability of one or more of these parcels for reuse aligned with public priorities. At times this may be as simple as transferring or exchanging a small otherwise undevelopable lot to another public entity for a limited use such as pedestrian corridors or public infrastructure. In other situations, it may be the aggregation of multiple contiguous lots into single ownership to achieve new uses consistent with public priorities.

At this point in the process of maximizing the potential value of the UM LAND platform, the more difficult challenges begin to emerge. There is, at the present time, no single entity, or process, or structure, or incentive, for seeking collaboration among the multitude of public owners of these properties. Each separate governmental owner knows, presumably, its existing inventory of real property and the departments and divisions of each governmental entity are charged with maintenance and use of that property for purposes of that one governmental entity. This third challenge is simply the inefficiency of highly fragmented public ownership of parcels of land and the inability to see the opportunity of maximizing common public priorities – or even separate public use priorities – through collaboration and potential property exchanges. The examples described in Parts I and II of this report highlight the lack of existing incentives and the barriers to intergovernmental collaboration. When there is sufficient market or development demand, it is possible to achieve a mutually agreed upon collaborative result, but only with tremendous costs and effort. While high intensity multiparty transactions can and have been completed, the amount of effort to complete a single transaction unfortunately leaves little time and energy to advance collaborative reuse on the scale which is needed.

The fourth and fifth challenges relate to the future potential reuse of existing publicly owned lands. All publicly owned land is held by a governmental entity for the common good, and each governmental entity either has a specific public purpose charge (such as school districts, housing authorities, and sanitation authorities) or is a general-purpose unit of government (such as Miami-Dade County or the City of Miami) and has a potentially infinite range of uses for public land. The difficulty lies not in the form of governance but in the inherent tendency not to explore maximizing public priorities through collaboration. The fourth challenge is the presumption that each governmental unit can maximize its own land use priorities with its own real property assets, failing to realize the potential for meeting public priorities through intergovernmental

collaboration. This fourth challenge is exacerbated by the fifth challenge – the simple fact that each governmental entity has (appropriately) its own internal policies and procedures that guide and govern the disposition and transfer of publicly owned land. In the face of differing policies and procedures for different governmental entities, even when there is a common new end use identified for an assemblage of different parcels of land owned by different governmental entities, the sheer amount of administrative steps and hearings necessary to accomplish the shared goal results in tremendous procedural efforts and significant time delays.

The sixth challenge facing the task of unlocking the existing inventory of publicly owned land to meet emerging public priorities is a highly technical one yet also one of the most important factors. This is the issue of the nature of title to the land and existing restrictions, encumbrances, and contractual commitments affecting the land. In some instances, the governmental entity may actually own clear, marketable, and insurable title to the land in question. This would most commonly be the case when the land was originally acquired by eminent domain or open market purchase and is presently “surplus” land relative to the purpose of the original acquisition. In other situations, the land was acquired with state or federal financial support which limits or encumbers the use or transfer of the land. The most complicated set of technical concerns arise with respect to the inventory of land held by Miami-Dade County as a result of property tax enforcement procedures. When there is no third-party bid for the minimum amount at a property tax auction the tax certificate is issued to the County.<sup>23</sup> Unfortunately, as to these properties “owned” by the County in the form of a defaulted tax certificate, there are additional statutory restrictions on the use and disposition of the land, and there is a complete absence of insurable and marketable title unless and until some form of quiet title or other legal action is completed. Notwithstanding the incredible value of the UM’s LAND platform, this technical title information on the source of title and the range of title encumbrances and title defects is not (and is not expected to be) reflected in the underlying data with respect to each parcel of land. Such data often can be determined only through a comprehensive title examination of the property in question. Meeting this sixth challenge is possible but is not likely to occur so long as each governmental entity retains public land in isolation from intergovernmental collaboration. If and when some form of intergovernmental collaboration is reached, then as the focus on potential land transfers begins to emerge the necessary investigation of these title questions can take place. Having a single entity charged with the administrative role of answering and resolving these title issues is key to meeting this sixth challenge.

The seventh, and final, challenge in unlocking the existing inventory of publicly owned land is the multiplicity of level of approvals that currently exist with the various departments and divisions of the separate governmental entities. Department and division approvals are necessary and appropriate, but transactional inefficiencies arise when a potential or pending transaction must be suspended until all such approvals are resolved. A different approach through a proactive intergovernmental arrangement would allow an inventory of parcels of land to be “pre-approved” for use in intergovernmental exchanges.

Meeting these seven challenges to unlocking the existing inventory of publicly owned land can be accomplished through a wide variety of approaches, some of which have been followed by Miami-Dade and its governmental partners in recent years.

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<sup>23</sup> Fla. Stat. Ann. § 197.432.

## C. The Spectrum of Approaches

As one considers unlocking publicly held lands to be available to meet emerging public priorities, a range of different approaches could be taken. The spectrum of approaches includes (1) relying entirely on a one-by-one single transaction approach, (2) creating an interlocal agreement that describes and defines processes for achieving collaboration among governmental entities in using existing land for new projects, (3) creating by interlocal agreement a new special purpose legal entity dedicated to efficiently and effectively unlocking existing public lands, and (4) enactment of new statewide enabling legislation for multijurisdictional special purpose public authorities.

### 1. Single Transaction Approach

The single transaction approach is the approach that has been followed in Miami-Dade in recent decades. It is initiated by one dominant actor, whether a governmental entity or a nongovernmental actor (a private for-profit developer or a nonprofit entity) that seeks to assemble one or more parcels of land to develop for new uses. That actor undertakes the initial due diligence to determine ownership and title questions relative to each of the parcels. It then enters into discussions and negotiations with each governmental entity (and its applicable departments and divisions) on the availability of the parcels of land. It must satisfy each governmental entity that the new proposed use is consistent with the goals and priorities of the existing governmental owner(s). In order to complete, or close, the transaction the primary actor must go through the multilayered approval procedures applicable to transfers of the properties, must resolve all title questions and concerns, and must negotiate separate development agreements (or possibly a multiparty development agreement) with each of the governmental entities.

One advantage of this single transaction approach is that it is always site specific, with its entire focus on the designated publicly owned parcels. The proposed new owner (whether governmental or nongovernmental) is known and has lead responsibility for advancing the project. The proposed new use of the land is identified from the outset, though subject to negotiation and modification.

A second advantage of this single transaction approach is the retention of maximum political and legal control by each governmental entity that has an ownership interest in the land in question. In accordance with their own applicable governing policies, individual elected officials, legislative committees, and executive branch departments and divisions have maximum input and control over potential transfers and reuse.

A third advantage is that this single transaction approach, precisely because it is undertaken one transaction at a time, creates the possibility for maximum public input by neighborhood and community stakeholders. The proposed new use and development is known from the outset, and the multiple layers of review and approval at each level of the participating governmental entities presumably maximizes opportunity for public awareness, comments, and involvement in the processes and the final decision.

Each of these advantages, however, carries with it corresponding disadvantages.

The single transaction approach necessarily imbeds within itself maximum transaction costs. The dominant actor – the proposed new owner of assembled or exchanged land – must

invest in the concept design at the outset with no assurance or expectation that the project will be viable. It must undertake title examination due diligence without knowledge of the local government's willingness or ability to resolve the title objections and encumbrances. Because the transactions involve negotiating simultaneously with separate and independent governmental entities, the likelihood of meeting differing expectations and conditions increases dramatically. All of this results in a significant increase in the time required to complete a transaction and the size of the overall transaction costs in completing a transaction. In large scale transactions (as measured by dollars or physical impact), these high transaction costs are not unexpected. In the single transaction approach these same transaction costs, however, are present even in the projects that are far simpler in nature and in design. When one governmental entity owns a small otherwise undevelopable parcel of land these same transaction costs apply even to a transfer to another governmental entity owning a contiguous parcel of land which, if combined in ownership, could yield a far more productive asset. Alternatively, if the governmental unit with the small undevelopable tract seeks simply to convey the parcel to the owner of an adjoining parcel with the goal of returning the property to the property tax rolls, the same transaction costs apply.

A consequence of this first significant disadvantage of the single transaction approach is the fundamental lack of predictability of whether intergovernmental collaboration on property transfers can and will occur. With ownership of one or more parcels residing across highly fragmented governments, and their various departments and divisions, there is little if any reason to think that such parcels can and will be made available for the emerging priorities for land use in Miami-Dade, whether affordable housing, climate resiliency, pedestrian corridors, or other uses.

The single transaction approach is also inherently reactive in nature. It emerges, if at all, only in response to a request or proposal from a key actor (whether governmental or nongovernmental) which begins the time intensive process. The key to unlocking the existing inventory of publicly owned parcels of land, as revealed by UM's LAND platform, is to shift from a reactive to a proactive process and structure. This would allow the key governmental actors to identify their emerging land use priorities and public needs, and then to examine the aggregate parcels of public land that could be made available to meet these priorities and needs.

The final disadvantage of the single transaction approach is that it is not possible to rely upon this approach to take land transformation and reuse to scale in meeting the emerging priorities. The relative complexity and costs of multiparty negotiations in site specific transactions stand as a barrier to smaller transactions that could nonetheless achieve significant public purpose benefits from intergovernmental exchanges or transfers to third parties.

## 2. Interlocal Agreement for Property Exchanges

A second approach that could be taken to unlock public lands for public purposes is to seek an interlocal agreement that would set forth the policies and procedures applicable to requests for transfers of parcels of land between governmental entities, and possibly for requests received from nongovernmental actors. Such an agreement would, in essence, be an outline and guide for identifying the department or agency to whom the requests should be submitted, the information that must be submitted, the various levels of department or division approval, and the terms and conditions for property disposition and transfer.

The primary advantage of this approach is that it would identify clearly what might become relatively standard processes for inquiries relative to public land transfer and disposition. The

utility of any such interlocal agreement would depend heavily, however, on the extent to which “standard” processes could be agreed upon by the range of governmental entities.

A second advantage of creating a standardized guide to the exchange and transfer of public lands is that there would be no change in the relative autonomy of each local government to decide when and under what circumstances it would permit the transfer of one or more of its existing inventory of public land. Full authority and control of site-specific transactions would not change.

An interlocal agreement which describes and defines processes applicable to land transfer proposals could also delineate the procedures by which site specific input and consultation would be required for neighborhood and community-based constituents on the proposed reuse of the land, and the identity of the new owner or transferee. It could attempt to create relatively standard public input procedures applicable to all such dispositions and transfers.

The major disadvantage of unlocking public land by an interlocal agreement focused on process is that the significant time that would have to be invested in negotiating and implementing such an agreement would not resolve most of the inefficiencies and ineffectiveness of the single transaction approach. It could certainly provide additional clarity for prospective transactions, but the fragmentation of clear decision-making authority would remain. It would also leave unresolved, at least initially, questions of title defects and encumbrances, clarity on whether new uses are consistent with public priorities of different local governments, and all terms and conditions of the exchange or disposition itself.

An interlocal agreement on process would also fail to maximize the new uses of existing publicly owned by leaving the entire process as reactive rather than proactive in nature. It would still be triggered only in response to the initiative of a dominant actor (whether governmental or nongovernmental). What remains missing is the presence and role of a single actor charged with identifying parcels of land that could be aligned to meet the emerging public priorities in a proactive manner.

The ability to scale the volume of land transactions and reuse of the land for public priorities is also not likely to succeed if reliance is placed entirely on an interlocal agreement on process. Because it is reactive by design there is little if any advance work done to identify parcels of potentially available land, to investigate and evaluate title encumbrances and defects, and to explore the relationships of such parcels of land to the demands of new public priorities.

### 3. Creation of New Legal Entity by Interlocal Agreement

The third option along the spectrum of approaches that could be taken to unlock publicly owned lands to meet emerging public priorities is the creation by interlocal agreement of a new public entity dedicated to this task. The interlocal agreement would be negotiated between two or more governmental entities and would create a new multigovernmental entity charged with identifying existing publicly held lands and facilitating the transfer and exchange of such lands to meet specific public priorities.

The creation of a new public entity which is multijurisdictional in form and in substance is not unusual as social, economic, and cultural needs, goals and aspirations rarely begin and end at a jurisdictional boundary line. The closest recent analogy has been the creation of over 200 land banks across the United States in recent decades. A number of these land banks have been created by two or more governmental entities. Most commonly they have been created by a county and one or more municipalities located within the county. One justification for the intergovernmental



approach is that property tax enforcement powers commonly reside at the county, with housing and building code enforcement at the city or municipal level, and overall land use decisions being shared regionally to some extent (transportation, wastewater infrastructure, storm resiliency).

A decision to participate in an interlocal agreement to create a new special purpose public entity is never mandatory for any general purpose or special purpose unit of local government. It is common that an interlocal entity created by a county and one or more municipalities located within that county may contain express provisions for the addition of other municipalities in the future, and provision is always made for the withdrawal from the agreement by any municipality at any time. Special purpose governmental entities such as school districts, housing authorities, and redevelopment authorities may also participate in such interlocal agreements in order to maximize land exchanges to the extent consistent with their specific statutory purposes.

**The primary function and mission of a new special purpose public entity is to identify proactively public lands currently held by the participating governments, to determine the availability of such lands for transfer and exchange, to resolve questions of title encumbrances and defects, and to maximize use of such lands to meet the emerging public priorities.**

The primary advantage of creating a new special purpose public entity is that it maximizes administrative efficiency and significantly reduces the overall transaction costs related to unlocking public lands. It creates a single point of contact for all inquiries and proposals that involve the repurposing of existing public lands. It creates a single entity with responsibility for identifying the potential inventory. It creates a single administrative structure for aligning these public lands with the emerging public priorities established by the participating local governments. It empowers a single agency to identify, and resolve to the extent possible, title encumbrances and defects. It creates a staff whose primary focus and responsibility is to unlock these existing public lands to achieve new public purposes.

A second advantage of a special purpose public entity is the retention of governmental responsibility and control. In the interlocal agreement the participating governments will specify the form, structure, and composition of its board of directors, with the directors either being elected officials or staff of the participating governments or other stakeholders as defined and described in the agreement. The interlocal agreement will also set forth operating policies governing the acquisition, maintenance, and disposition of parcels of land into new ownership. A key point is that no participating government is required to transfer any specific property to the special purpose public entity; such transfers remain fully within the discretion of the participating government that currently owns the parcel of land.

A third advantage of creating a new special purpose public entity lies in the flexible manner in which its operations can develop and grow over time. It is not unusual that participating governments start cautiously in making transfers of existing inventory to such a new public entity, and then as confidence and expertise in transactional management increases, additional transfers are made more extensively. Such an evolving development process also permits the gradual expansion of staff assigned to, or employed by, the new public entity.

The primary disadvantage of this approach to unlocking the inventory of public lands for public purposes lies in the fact that it is a new, and different, form of handling public land transfers. Human nature, and the legal system itself, carry with them an inherent skepticism about new ventures and new approaches. There are inevitably initial concerns with power over and control

of the land, concerns of the identity of the ultimate transferees of the land, concerns over the new uses of the land, and concerns over the price points to be paid for transfer of the land. All of these initial concerns are appropriate and should be addressed explicitly in the underlying interlocal agreement which creates the new public entity. Similar concerns have been present, to some degree, with the launching of virtually every land bank across the country over the last twenty years. However, the positive impacts of these special public entities, not only in efficiently unlocking distressed or underutilized properties but also in meeting community priorities in a transparent and accountable manner, have helped transform the field of community development and spur a national network of advocates and champions from diverse geographies, from Nebraska to New York, and from Georgia to Michigan.

#### 4. New State Enabling Legislation

The fourth and final option along the spectrum of approaches is to pursue new state legislation.

The core component of a legislative proposal would be a new state statute authorizing the creation of local and regional special purpose public entities to handle transfers, exchanges, and other dispositions of existing publicly owned lands. Any such statute would be enabling legislation, permitting local governments to proceed in this manner if they so choose, and would not impose any new obligations on any local governments of any form. The statute would set forth the required minimum procedural steps to be taken, the basic minimal structural components of such new public entities, and the authority's responsibility and powers. It would also make clear the application to the special purpose public entity of other state statutes such as codes of ethics, conflicts of interest, public meetings, and public records requirements.

A legislative package, or legislative agenda, could also include proposed amendments to other existing state statutes that directly implicate when and how parcels of land become owned unexpectedly by local governments. For example, while Florida law is clear that annual property taxes have "super-priority" status over all other liens and encumbrances,<sup>24</sup> there is no parallel priority status for public liens for public expenditures for remediation of housing and building code violations. Because of this, a code enforcement lien of a local government essentially has no financial value and virtually no enforcement value. The legislative package could also contain amendments to the property tax enforcement statutes to provide that in the event a third party bid for the minimum amount is not tendered at a tax auction, the tax lien is transferred to the local government for immediate and final enforcement actions, free of additional redemption periods.<sup>25</sup>

The primary advantage of pursuing a state legislative agenda to maximize unlocking public lands for emerging public priorities is that it creates a clearly defined baseline for the multijurisdictional public entity, procedures for creating such an authority, and essential operating guidelines. This state statutory framework would reduce dramatically the transaction costs associated with negotiating an interlocal agreement from scratch and permit the relatively easy implementation of a special purpose public authority in other jurisdictions. If it is a broad legislative proposal it could include ties to property tax enforcement and housing and building

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<sup>24</sup> Fla. Stat. Ann § 197.122.

<sup>25</sup> See, Fla.. Stat. Ann. § 197.552, § 197.432(12).

code enforcement which would reduce the underlying title defects associated with such properties that default to the county.

The primary disadvantage of designing and pursuing a state legislative agenda to accomplish these goals is the length of time and amount of effort required to advance the legislative agenda. Imbedded in this is the question of the extent to which other local governments across Florida have the same or similar extent of publicly owned land which is undeveloped, or not actively being used, and which could be available for intergovernmental transfer and reuse. Even if such a legislative initiative is plausible, the time frame for introduction, legislative consideration, passage, and enactment is never clear or certain.

Of the four options along the spectrum of approaches to unlocking public lands for public priorities, the first option, a single transaction approach, is essentially the status quo in Miami-Dade, is the one with the highest transaction costs, and is one that operates almost entirely in a reactive manner. The second option, an interlocal agreement on procedures, would provide some clarity of standardization but would not reduce specific transaction costs to any significant extent and would leave the overall process reactive in nature. The fourth option of state legislative initiatives may offer the strongest basis for long term structural reforms, but it is the option that carries with it the highest degree of uncertainty and potentially the longest time frame for implementation.

It is the third option in this spectrum – an interlocal agreement creating a special purpose public entity dedicated to unlocking public lands for emerging public priorities – that has the greatest potential to maximize public goals at the lowest cost in the near future.

## IV. The Miami Public Land Exchange (MPLEX)

A special purpose public entity, perhaps identified as the *Miami Public Land Exchange* (“MPLEX”), could be created by Miami-Dade County and one or more municipalities pursuant to the broad authority set forth in key existing state statutes. The basic authority for this lies in the Florida Interlocal Cooperation Act,<sup>26</sup> which permits any political subdivisions to enter into an interlocal agreement for the joint exercise of powers.<sup>27</sup> Significantly, this authority extends not just to counties and municipalities but also to school districts, single and multipurpose special districts, and single and multipurpose public authorities.<sup>28</sup> The creation of a separate legal entity to exercise the powers and functions set forth in the interlocal agreements is expressly recognized.<sup>29</sup>

### A. The Governmental Purposes

The interlocal agreement would identify the primary purposes both of the agreement itself, and of the roles and functions of the new entity, *MPLEX*. The overarching purpose would be to

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<sup>26</sup> Florida Interlocal Cooperation Act, Fla. Stat. Ann. § 163.01 *et seq.* Separate state statutes that may be relevant include the Community Planning Act, Fla. Stat. Ann. § 163.3161, the Public Schools Interlocal Agreement Act, Fla. Stat. Ann. § 163.31777, and the Community Redevelopment Act, Fla. Stat. Ann. § 163.330.

<sup>27</sup> Fla. Stat. Ann. § 163.01(5).

<sup>28</sup> Fla. Stat. Ann. § 163.01(3)(b).

<sup>29</sup> Fla. Stat. Ann. § 163.01(7).

increase the efficiency and effectiveness in intergovernmental land exchanges and facilitate the reuse of the land to meet emerging public priorities such as affordable housing, climate resilience, pedestrian corridors, or storm water management. When the parcels of land are not suitable for explicit governmental ownership but yet can be transferred to a nongovernmental actor, whether a private actor or a nonprofit actor, the additional public purpose of returning the property to the property tax rolls is achieved.

The creation of *MPLEX* would be for the purpose of having a single entity responsible for the acquisition, management, maintenance, and transfer of existing unused or underutilized publicly owned lands. *MPLEX* will be a single point of contact for parties to the interlocal agreement, and third parties, to inquire about potentially available land, and, if appropriate, the single governmental entity with which to negotiate all terms and conditions related to the potential transfer and new use of the parcels of land. The ultimate new uses of the land, the range of potential transferees, and the terms and conditions of the transfer would always remain consistent with the underlying government purpose and authority of the governmental entity that owned the land initially.

## B. Governance of *MPLEX*

Because of the breadth and depth of the Florida Interlocal Cooperation Act, both Miami-Dade County and its constituent municipalities and special purpose entities have a strong history in the development and use of interlocal agreements.<sup>30</sup>

The interlocal agreement would be negotiated between two or more participating units of local government. It would contemplate and expressly authorize the creation of a new legal entity, *MPLEX*, and would set forth in detail the basic governance structure of *MPLEX*, beginning with the *MPLEX* board of directors. The interlocal agreement would establish the minimum and maximum size of the board of directors, with the most common size of a board of directors being an odd number in the range of 5 to 15 members. Each participating unit of local government would have two or more members appointed to the board of directors, with the largest local government, such as Miami-Dade County, having the largest number of appointed directors and presumably the authority to designate the officers of the board of directors.

The governance provisions of the interlocal agreement, and articles of incorporation and by-laws of *MPLEX*, would specify the method of appointment of the initial and future board members, presumably with appointments being made by the participating governments. It would explicitly address the ability of existing elected officials and public employees of participating governments to serve as members of the board of directors, the length of the terms of board members and the procedures for appointment and reappointment. It will also address the possibility of nongovernmental individuals being appointed to serve as members of the board of directors as well as the possibility of creating one or more advisory roles for nongovernmental individuals.

In order to create maximum flexibility and adaptability the interlocal agreement could expressly acknowledge the possibility of other municipalities and special purpose public

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<sup>30</sup> Examples of interlocal agreements include (1) Stormwater Management Interlocal Agreement (2018); (2) Agreement on Biscayne Point Special Taxing District (2018); (3) Agreement on Shared Traffic Engineering Functions (2016); (4) Interlocal Cooperation Agreement for SEOPA (1983, 2010); (5) Intergovernmental Agreement on Coral Gables Tax Collection (2010); (6) Interlocal Agreement for Public School Facility Planning (2003, 2007).

authorities joining *MPLEX* in future years, as well as the terms and conditions applicable to withdrawal of any participating entity from *MPLEX*.

It is entirely possible that the interlocal agreement would set forth approval provisions that would be applicable to specific property transactions. For example, a provision could be included that provides that a majority vote of the directors appointed by a local participating government would be a necessary precondition for approval of any transaction located within the geographic boundaries of that local government.

### C. The Interlocal Agreement<sup>31</sup>

The initial key section of the interlocal agreement would specify the underlying sources of statutory authority applicable to general purpose units of government and parallel statutes that are applicable to specific purpose units of government. The interlocal agreement would also specify the applicability of other state statutes to *MPLEX* such as public meetings and records,<sup>32</sup> codes of ethics and conflicts of interest,<sup>33</sup> as well as a specific requirement for maximum public transparency for all real estate inventory owned by *MPLEX*.

The corporate officers and employees of *MPLEX* would be defined and described in the interlocal agreement by role and function. When new public entities are created by interlocal agreement, it is not uncommon that during the initial start-up phase of the newly created entity the officers and staff are existing employees of one or more participating local government who are “loaned” or assigned to the entity on a transitional basis.

The interlocal agreement would specify both general powers and specific powers of *MPLEX*, as well as specific powers that are excluded from *MPLEX* authority. Examples of the former are general powers to enter into contracts, to hire employees, to acquire, manage, and convey real property. Examples of the typically excluded powers are eminent domain and taxation.

The method and sources of financing of an interlocal entity such as *MPLEX* can run across a very broad spectrum. During *MPLEX*'s start-up phase if the initial transactions are focused on the transfer and exchange of properties only between participating governmental entities the aggregate budget costs of the entity are confined to the administrative staff handling the property identification and exchanges, and the transaction costs association with any title concerns. As *MPLEX* moves into a greater volume of transactions and becomes involved in land assemblage for new uses aligned with public priorities with transfers to nongovernmental actors, the administrative costs will understandably increase. However, this will still be a very small investment precisely because the *MPLEX* inventory is predominantly inventory currently owned by the participating governments and land acquisition costs should be at a minimum.

As a public entity the inventory of real property owned by *MPLEX* would remain in a tax-exempt status. As an operational matter both the *MPLEX* staff and the participating governments

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<sup>31</sup> When there is an applicable state statutory enabling legislation, such as state land bank legislation, an interlocal agreement will track such legislation and then provide specificity. An example of the contents of an interlocal agreement in this context is set forth as “Intergovernmental Contract for Land Bank Creation by One County and One or More Cities in that County,” Appendix II, in Frank S. Alexander & Sara J. Toering, *GEORGIA LAND BANK RESOURCE MANUAL* (Center for Community Progress, June 2013).

<sup>32</sup> Fla. Stat. Ann. § 286.011.

<sup>33</sup> Fla. Stat. Ann. § 112.311.

would need to have clear policies with respect to ongoing management, maintenance, and remediation costs related to *MPLEX* inventory and how such costs are funded.

#### D. The Nature of the Potential Inventory

The primary source of the *MPLEX* inventory will be parcels of land currently owned by the participating governmental entities in the interlocal agreement. Each governmental entity would retain full discretion on whether and when to make such transfers of its property to *MPLEX*. The entire public land inventory of *MPLEX* would at all times be a matter of public record and public knowledge. It is also possible that *MPLEX* could receive private donations of land and could purchase privately owned parcels on the open market to the extent that funding is available.

The initial inventory focus of *MPLEX* would likely be on vacant parcels of raw land owned by the participating governments which are not currently in any form of active use for a governmental purpose. This category of inventory most likely will consist of properties which defaulted to the County by virtue of property tax enforcement proceedings, or other public lien actions, or small parcels of land which are left over, or surplus, from prior public works initiatives. The public properties which exist as a result of lien enforcement proceedings will have the most significant title defects and will require *MPLEX* to undertake the proceedings necessary to resolve these defects and achieve marketable and insurable title. The properties which are “surplus” from earlier public works projects likely have clear title yet will require new precise delineations of geographic scope.

A second, or possibly concurrent, focus of *MPLEX* could be identifying where two or more participating governments own contiguous and adjacent parcels. This simple proposition is one of the most powerful contributions of the UM LAND platform which identifies the geographic location of such inventories. This information could be shared with the participating governments so that they can begin evaluating the potential new uses of the parcels of land that could be assembled into single ownership. In this context both land exchanges and land assemblage are possible, opening up new reuse opportunities that the status quo does not necessarily allow, or at best makes very difficult and costly.

The land transfer, and land assemblage capacity of *MPLEX*, would presumably be focused initially on transactions in which the transfers and consolidation are made to one of the participating governmental units for ongoing long-term ownership as public land by the governmental entity. Participating governmental entities would likely be given the first priority claim in receiving ownership of parcels of land in a land bank inventory.

If the participating governmental entities do not seek to receive title to properties in the inventory of *MPLEX*, then the interlocal agreement and operating policies of *MPLEX* will specify a hierarchy of public priorities for which the inventory must be used. For example, the participating local governments could establish in the interlocal agreement, or by separate policy of the board of directors, affordable housing as the highest priority for reuse of the available inventory, with subordinate priorities being assigned to open spaces for neighborhood stabilization, or to pedestrian corridors, or to improve resiliency. In jurisdictions which have experienced significant economic disinvestment a priority may be identified that the inventory could be made available as an incentive for retail development (such as in food deserts; or areas lacking pharmacies).

It is also plausible that small parcels of land come into the inventory which are not suitable for or capable of new development and are not contiguous to other publicly owned lands. In these situations, “side lot” programs could be created in which the small undevelopable parcels are offered to contiguous owners at a nominal price, with the public policy benefit of placing these properties back on the property tax rolls and strengthening a literal and symbolic sense of neighborhood ownership.

## E. The Potential Phase-in of Operations

With rare exceptions,<sup>34</sup> in the emergence of special purpose public entities across the United States over the past two decades, operations have been phased-in over the course of the initial year or two. Part of this phase-in process is attributable to the importance of building confidence in the operational processes of the next public entity, and the gradual shift in authority and responsibility for land transfers to the new entity. In the case of *MPLEX*, the initial transfers from a participating local government will likely be those in which there is relative consensus on the shared advantages to be achieved by the transfers and exchanges between the participating governments, such as land assemblage exchanges between Miami-Dade County and the City of Miami, or between Miami-Dade County and the School District, for assemblage and reuse by the governmental owner of the aggregate land. Alternatively, one or more of the initial transactions could involve land transferred to *MPLEX* which is then transferred to a nonprofit entity for development of affordable housing.

The phase-in of operations by *MPLEX* would also permit the development of professional staff expertise as necessary and appropriate. An example of this would involve assuring that staff had expertise in collaborating in the application of the UM LAND platform, its empirical data sources, and its levels of filters and overlays. A very different example of developing professional staff expertise would be the expertise required to resolve complex title and ownership defects on parcels of land held separately by the participating governments, or on parcels of land transferred into the *MPLEX* inventory.

Just as no two parcels of land are identical, each is unique by definition of separate geographic locations if nothing else, and each transaction will have different elements. Overarching operational policies for *MPLEX* are paramount and should at a minimum be required by the interlocal agreement which creates *MPLEX*, or possibly incorporated as exhibits to the interlocal agreement itself.

## F. The Key Operational Policies

It is imperative that a special purpose public entity such as *MPLEX* have a strong set of operational policies. These policies could either be approved in specific form as appendices to the interlocal agreement, or they could be identified by topic in the interlocal agreement with the specific policy language being subject to adoption by the board of directors of *MPLEX*. There are four general categories of such policies: (1) Property Acquisition Policy, (2) Property Management

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<sup>34</sup> These exceptions primarily have occurred in those jurisdictions such as Detroit, Michigan which accumulated over long periods of time large inventories of properties as a result of property tax enforcement systems. Such systems (which in the case of Michigan have now been reformed) provided that at delinquent tax auctions which did not yield a third-party market bid for the minimum amount of all cumulative delinquent taxes the property is transferred automatically to the local government. In declining economic conditions, the aggregate delinquent taxes frequently exceeded any plausible fair market value, resulting in thousands of such parcels being publicly owned.

Policy, (3) Property Disposition Policy, and (4) Neighborhood and Community Involvement Policy.

### 1. Property Acquisition Policy

The Property Acquisition Policy would address primarily the procedures for transfers between the participating governments and *MPLEX*. No such transfers would ever be obligatory on the part of a participating government and would always be discretionary and permissive. With this approach each participating government retains maximum control over its existing real property inventory and exercises its authority and responsibility of the “front end” of overall operations of *MPLEX*. During the initial start-up phase of *MPLEX* operations the participating government would simply review and authorize specific transfers one at a time, and then possibly evaluate in a single authorization the transfer of a larger number of parcels which are surplus or are undevelopable given their size and location. As *MPLEX* proceeds with management and disposition of such parcels it can accrue the expertise and confidence in both the participating staff and in *MPLEX* itself on its ability to achieve transactional efficiency in unlocking public lands for public priorities.

The Property Acquisition Policy would address the procedures for initiating proposed transfers and exchanges, the identification of the property, information on title encumbrances and questions, and the intended use of the property to meet specific public priorities. The policy would also address the terms and conditions by which *MPLEX* could accept donative transfers of land that is privately owned or engage in open market acquisitions of land.

### 2. Property Management Policy

The Property Management Policy would focus on the responsibilities of *MPLEX* for its inventory during its period of ownership. This would include the responsibility to inspect each parcel in its inventory on a regular basis and to maintain its properties in accordance with all applicable state and local housing and building codes. The remediation of dangerous conditions would be addressed, and express authority would be granted for the stabilization or renovation of existing structures. *MPLEX* would not have the legal authority to engage in or authorize land use activities inconsistent with local government land use or zoning policies. The ability of *MPLEX* to contract with third parties for property maintenance activities could be addressed either in the interlocal agreement or in the Property Management Policy, or both.

The property management policy could also address and allow for short term uses of the inventory by third parties, often for community gardens, or art installations. The scope and duration of such short term uses can be defined and described either in the interlocal agreement or in the Property Disposition Policy.

### 3. Property Disposition Policy

The Property Disposition Policy would be the most important of all operating policies for *MPLEX*.<sup>35</sup> This Policy would set forth the basic requirements and expectations for three

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<sup>35</sup> An example of a sample administrative policy that addresses each of these key points is set forth in Appendix E, “Sample Administrative Policies”, of Frank S. Alexander, *LAND BANKS AND LAND BANKING* (2d ed. 2015, Center for Community Progress).



categories: (i) the expected or required use of the property following disposition, (ii) the range or priority of eligible transferees of property, and (iii) the consideration to be received by *MPLEX* from the transferee at the time of transfer of the property.

Either in the interlocal agreement itself, or in the Property Disposition Policy as adopted by the *MPLEX* Board of Directors, or both, the public land use priorities would be identified. These are usually identified in a hierarchical ranking. Transfers to participating governmental entities should be given the highest priority in the acquisition of *MPLEX* inventory. This senior priority allows any participating government entity to request a transfer of a specific parcel of property for ownership and use by that entity for government purposes. A frequent example of such transfers is when the participating governmental entity requests a transfer of property that is to become part of the parks and recreation department uses, incorporated within its storm water management programs, or specific public transportation initiatives. Exercising this senior right to claim inventory for public use would not extend to transactions in which the participating governmental entity contemplates near term transfer to yet another transferee for development.

The second highest use priority identified in the Disposition Policy could be the use of the property for the provision of affordable housing, and given Miami-Dade's housing affordability crisis, that seems appropriate. For *MPLEX*, additional subordinate priorities may include provision for storm water management and climate resiliency, side lot transfer to adjoining owners, or transfers designed to create mixed retail and commercial uses. The hierarchical ranking of use priorities would be designed to require that *MPLEX* first meet the highest priority for future use, and then proceed down the hierarchical listing if and only if the specific parcel in question could not be used for a higher ranked priority.

The second part of the Property Disposition Policy would identify the range of permissible transferees of the *MPLEX* inventory. This also could be done in a rough hierarchical form, with the highest priority given to participating governmental entities or other public authorities and agencies. A second priority could be given to private for- and non-profit entities, inclusive of educational or religious institutions, for one of the top public use priorities such as the development of affordable housing.

The third part of the Property Disposition policy should set forth guidance on the amount of consideration to be received by *MPLEX* for its transfers. In this context there is recognition that because the *MPLEX* inventory is in fact public land its first function is to achieve public goals and public goods rather than simply to generate maximum cash income from sale. For this reason, transfers to participating governmental entities should require no monetary consideration to be paid. When transfers by *MPLEX* are made to entities for the creation of affordable housing it makes little sense to require monetary consideration as that cost undercuts the ability to meet the goal of affordable housing.

When *MPLEX* transfers a parcel of property, it is vital that appropriate commitments and restrictions be incorporated as part of the closing documents. These requirements can take a broad range of forms and instruments. The most common forms would include contractual comments such as development agreements, recorded land use restrictive covenants and obligations, and non-amortizing debt financing fully payable upon specified events of default.

This range of enforcement mechanisms would be identified in the Property Disposition Policy, together with relevant factors that determine the mechanisms appropriate to specific transactions.

#### 4. Neighborhood and Community Involvement Policy

Both the interlocal agreement itself and the general operating policies of *MPLEX* would contain specific avenues for public participation, comment, and advice. Making the statutory requirements for open meetings, open records, codes of ethics, and conflicts of interest are necessary prerequisites,<sup>36</sup> but they are not sufficient in and of themselves to maximize the transparency of *MPLEX* operations or assume the maximum input from neighborhood and community stakeholders. The entire inventory of *MPLEX* should be available at any time on a website, together with information on the hierarchical priority of new public uses for the properties.

It is also possible to design structural approaches for general public participation or specific neighborhood and community consultation. The board of directors of *MPLEX* could be required to include one or more nonvoting advisors who are residents of the county. It could be required to create a separate Advisory Committee which receives all information presented to the board of directors and given an opportunity to provide comments on such information to the board. In addition to these options, public hearings could be held in the neighborhood or community in which specific property transactions are contemplated.

## V. Conclusion

Miami-Dade County has an opportunity to identify actionable, effective solutions for promoting greater access to affordable housing through the tools and strategies outlined above. The County can create mechanisms for mobilizing public land to address poverty and create greater housing stability. These issues are as urgent today as they have ever been. The COVID-19 pandemic has dramatically exposed the inequities that have historically existed throughout the region. Neighborhoods across the County are facing significant development and gentrification pressures, and these have been exacerbated by the influx of new residents moving here in the last year. The result has been a dramatic increase in housing costs and a decrease in inventory from November 2019 to November 2020. In Miami-Dade County, single-family homes sales were up 18.7% to 1,154, while the median sale price increased 23.3% to \$450,000. Active listings plummeted 40%, so the supply of inventory at the current sales pace was down to 3.6 months.<sup>37</sup> Local leaders can join together to build consensus across the community around a set of values to address the affordable housing crisis and create solutions using best practice models from across the country but tailored to the local legislative landscape. Developing a process to convey vacant and underutilized public lands across agencies and municipalities will be an important step in promoting equitable and inclusive development in Miami.

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<sup>36</sup> Fla. Stat. Ann. § 286.011; Fla. Stat. Ann. § 112.311.

<sup>37</sup> Brian Bandell, "South Florida Home Sales, Prices, Surge in November," *South Florida Business Journal*, Dec. 22, 2020. <https://www.bizjournals.com/southflorida/news/2020/12/22/south-florida-home-sales-prices-surge-in-november.html>

# Case Study:

Workforce Housing Development Pilot  
Miami-Dade County Public Schools  
Miami-Dade Public Housing and Community Development



# introduction

In 2017, Miami-Dade County Public School District (M-DCPS) and Miami-Dade County's Public Housing and Community Development Department (PHCD) embarked on a collaborative pilot project leveraging two publicly-owned sites<sup>1</sup> to enhance educational facilities and address capacity amplification for neighborhood schools, all while increasing the affordable and/or workforce housing inventory for M-DCPS's workforce and surrounding neighborhood residents.

Miami Homes For All, Inc. (MHFA), a non-profit with a vision that everyone in Miami-Dade County (MDC) deserves a safe and stable place to call home, learned of this unique relationship and sought to partner with M-DCPS and PHCD to analyze the manner in which the partnership between two public anchor institutions evolved and could potentially be scaled to contribute to housing affordability solutions at a time when Miami is consistently ranked as one of the most unaffordable places to live in the United States, and in the world.

Almost 50% of all households in MDC, whether they are renters or owners, are cost burdened.<sup>2</sup> This means that they are paying 30% or more of their incomes on housing costs. In 2018, JPMorgan Chase funded MHFA to draft a case study in collaboration with M-DCPS and PHCD that would explain this partnership; consider the way their successes and lessons learned could potentially lead to broader policy or process recommendations; and, identify workforce needs and site/funding readiness.

[1] The Department of Housing and Urban Development (HUD) owned one of the sites and M-DCPS owned the other.

[2] 2018 American Community Survey 5-Year Estimates - Miami-Dade County Housing Profile.



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## II An innovative partnership emerges

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While there are a number of school facilities serving the Brickell corridor and the Downtown Miami core, in 2015 the City of Miami, the Downtown Development Authority (DDA), and the development community at-large reached out to M-DCPS to share that their projections for the number of young families looking for an urban lifestyle would increase. The full realization of this forecast would create a strain on available neighborhood level school capacity over time.

On April 13, 2015, M-DCPS sought approval to explore opportunities to participate more closely in the review process of a high-rise condominium development in the Brickell area where the developer, The Related Group, was planning to invest in additional density via the purchase of Transfer Development Rights (TDRs) on the open market. See Appendix. An alternative vehicle also under consideration was a contribution by the developer of the market value of the TDRs. The developer sought to pass the contribution on to the M-DCPS School Board for school capacity amplification in the Brickell area. Upon approval by the School Board, the City of Miami, the developer, and M-DCPS worked closely to explore leveraging of the developer's investment to address capacity amplification in the Southside Elementary School attendance boundaries. The TDR solution was rendered not viable to fund capacity amplification in the area for two reasons:

- The TDR market rate generated a limited amount of revenue to contribute to a school solution and the developer was only prepared to invest the amount that would be generated at the market rate.
- The City of Miami concluded that the establishment of a public benefit fund specifically for public schools would have had a negative impact on the park and affordable housing public benefit funds because developers were beginning to express significant interest in prioritizing investments in schools that would serve the area.

Since the original idea was not feasible, the City of Miami recommended that additional options be explored beyond investments into a municipal public benefit fund. After several months working on other possible solutions, on September 7, 2016, M-DCPS brought an item to the School Board for approval, which presented a collaborative effort between the City of Miami and M-DCPS to jointly redevelop and co-use a City of Miami-owned site (1105-1133 S.W. 2 Avenue) where Fire Station No. 4 is currently located. See Appendix, page 3. The city-owned site is very close to the existing Southside Elementary School campus and would have provided an expanded Southside Elementary campus co-located with a new fire station.

In alignment with this concept, M-DCPS reconfigured its 5-year capital funding plan to address the need for additional educational offerings that would serve the emerging high-density residential areas, both north and south of the Miami River.

# An innovative partnership emerges

The scarcity and high cost of land in the area resulted in the City of Miami and M-DCPS's interest in prioritizing solutions that capitalized on the pooling of available public land as well as co-location and co-funding opportunities. Upon moving the negotiations further with the City of Miami Fire Department, it was determined as a cost prohibitive path for M-DCPS. The City of Miami's Fire Department expected M-DCPS to fund and develop a new and temporary station off-site until the new joint facility was built and funded by M-DCPS.

M-DCPS regrouped and began to inventory potential public/private partnerships in the vicinity and learned of a PHCD project in its concept stage. This project was located at the northwest corner of SW 2 Avenue and SW 10 Street and was explored as a host site for the expanded Southside Elementary educational facility due to its proximity to the main campus. The City of Miami and MDC initially introduced the need for educational space amplification in the Brickell area to Related Urban Development Group to determine if there was interest on behalf of the developer. It was confirmed that the affordable housing Gallery of West Brickell project was in its concept stage and the developer was interested in collaborating with M-DCPS to integrate an educational facility within their project. The developer was also interested in promoting the innovative co-location project as an affordable workforce housing option for M-DCPS employees working in the area. Although M-DCPS is limited by state statute regarding what can be built on M-DCPS property, it can build housing for its workforce. This concept was brought to the School Board on January 25, 2017. See Appendix, page 5.

The item authorized M-DCPS to negotiate terms with the PHCD and the developer and to bring final agreements back for approval. M-DCPS and the developer worked with community stakeholders to share the concept and worked through operational and financing terms. Although the project was endorsed by stakeholders, financing structure and project timelines proved to be too high of a risk for the developer. Instead, the developer reconfigured and condensed the Gallery of West Brickell project which freed up 0.233-acres of PHCD's HUD-owned land to be considered as a partnership between M-DCPS and PHCD. The developer's reconfiguration of the project empowered the continued viability of the site for Southside Elementary's expansion.

On September 6, 2017, the final approach for the partnership between M-DCPS and PHCD was presented to M-DCPS. See Appendix, page 8. The proposed partnership addressed two joint priorities including expansion and enhancement of educational facilities in conjunction with affordable workforce housing opportunities for M-DCPS employees and students' families. In their action, the M-DCPS School Board item has contemplated a broader County-wide partnership, but proposed an initial plan inclusive of two co-location opportunities available at both Brickell (county-owned PHCD HUD land) and Phillis Wheatley (M-DCPS-owned land).





# A Summary of two pilot projects

COUNTY-OWNED LAND:  
945 SW 3 STREET,  
MIAMI, FL 33130

M-DCPS- OWNED LAND:  
1801 NW 1 PLACE,  
MIAMI, FL 33136

## M-DCPS Considerations

Project will realize approximately 600 permanent student seats, together with any and all ancillary and/or support spaces associated

Project will involve demolishing the existing school and providing a new school for approximately 290 students.

## PHCD Considerations

Project will yield approximately 10 affordable/workforce housing units for households at or below 80% of the Area Median Income (AMI).

Project will yield approximately 300 units to include public, affordable and/or workforce housing for households at or below 140% AMI.

## additional stakeholders + partners

Southside Elementary and Brickell and Downtown Miami parents; Related Urban Development Group; City of Miami; homeowners' Associations.

Omni CRA; Overtown neighborhood residents; Phillis Wheatley Elementary parents; City of Miami; local developers.

## land description + key funding considerations

- 99-year ground lease to M-DCPS.
- Rental at \$1 per year for 0.233-acres of PHCD-HUD owned former public housing site.
- M-DCPS will fund and be responsible for the administration of the design, development and construction phases of the project including the residential component, with all permitting and inspections to be under the control of the M-DCPS Building Department. MDC will fund its prorated share of all costs related to the design and construction of the project, which share will be calculated based on the square footage of the area to be used by the MDC as a percentage of the total building area.
- MDC, at its sole cost and expense was responsible for demolition of all on-site improvements, and for any environmental remediation, if required.

- An interlocal agreement is currently being developed between M-DCPS and PHCD that will guide the development to of the RFP that will be issued for the project.
- The interlocal will require approval by M-CPS and the MDC Board of County Commissioners prior to proceeding with releasing an RFP for the project.
- It is anticipated that the Omni CRA will partner/invest in this project, but engagement is contingent upon the CRA's extension of life to 2045.
- It is anticipated that PHCD will lead and fund the development of the housing units; the RFP will include the rebuilding of Phillis Wheatley Elementary as part of the project. M-DCPS has allocated funding to support/invest in the new school too.

## timelines

Final Approvals achieved by M-DCPS and PHCD achieved in 2018; HUD approvals in 2019; Anticipated project completion date 2021.

Approvals to proceed with concept were achieved in 2017 and 2018 by M-DCPS and in 2018 and 2019 by the MDC Board of County Commissioners. Final HUD approvals achieved in May 2019; It is anticipated that the interlocal agreement between M-DCPS and PHCD will proceed for approval by the M-DCPS School Board and the MDC Board of County Commissioners by September 2019; RFP to be released by the winter of 2019; Anticipated project completion date 2022.



# IV Southside Elementary School

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## A. Southside elementary school parents seek a k-8 program

In 2015, the parents of students attending Southside Elementary School sought to expand the school configuration from a Pre-Kindergarten through 5th grade into a Pre-Kindergarten through 8th grade (K-8) model. This parent-driven advocacy for a K-8 model sought to ensure that the additional 6th through 8th grade students would remain onsite until their transition to high school. At the time, approximately 75% of the 700 students attending Southside Elementary School were living in the school's neighborhood attendance boundaries; while the remaining students were enrolled in the school's museum magnet program that was originally developed in 2007 to engage and attract students to attend an under-enrolled elementary school. The proposed anticipated grade expansion would add an additional 610 to the school's enrollment. Capital funding and a facility plan to expand the school were set forth as the school's Parent Teacher Association's (PTA) highest advocacy priorities. The leaders of the PTA wanted parents to be given a choice to remain at Southside instead of automatically moving on to their neighborhood feeder middle school, Shenandoah Middle School, 1950 SW 19 Street, Miami, FL 33145.

## B. A plan for future educational capacity amplification

Over the last decade, development in the Brickell area has grown faster than originally expected. Young professionals began to move to the urban core electing to live, work, and play in the same neighborhood. These same professionals have chosen to remain in Brickell and many young families are seeking to find ways to raise their children in the same vicinity. This development trend influenced M-DCPS's considerations of the Southside PTA K-8 expansion request. The data trends demonstrated that the highest priority for educational capacity amplification in the area had to focus on solutions related to additional elementary school seats. Although Southside Elementary School had not yet met maximum capacity, M-DCPS believed it most prudent to ensure that there was room in the future to expand elementary grade-level seats for the anticipated growth.

Although M-DCPS decided to prioritize elementary school seats on the Southside Elementary site, M-DCPS validated the value of preparing for a middle school expansion and worked with the Southside PTA leadership to develop a strategy that would expand the Southside campus onto another nearby property allowing for the build-out of an annex location that could house up to at least 3 additional grade levels. This approach would allow Southside Elementary to grow in the future with a middle school pathway large enough to accommodate that growth. The M-DCPS administration established a standing working group including the Southside PTA, M-DCPS representatives from the school site, Region Office, Office of Facilities, Office of Academics and Transformation and the Superintendent's Office. This working group also periodically included M-DCPS School Board members' staff, representatives from the City of Miami, local homeowners' associations, and representation from the Downtown Development Authority (DDA). M-DCPS convened the group bi-monthly as the strategy was developed and implemented. The group's discussions focused on identifying the land for the annex site, the funding needed to build the project, and engaging stakeholders to support the work.



# IV Southside Elementary School

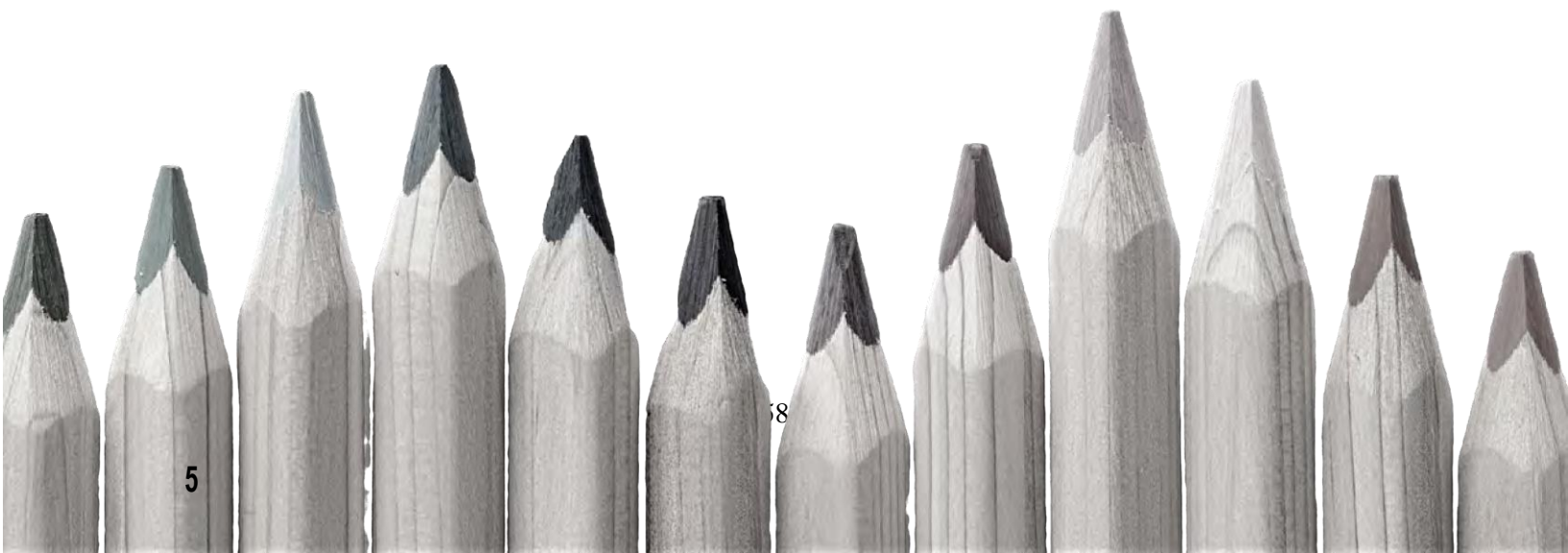
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## C. public land partnerships and funding structure

M-DCPS contemplated multiple scenarios related to public/private partnerships prior to obtaining final approval for the partnership with PHCD. Considerations ranged from a public/private partnership including M-DCPS, City of Miami Fire Department and a developer; a public/private partnership including M-DCPS and a developer on County/HUD land; and finally, an intergovernmental partnership between M-DCPS and PHCD on County/HUD land in collaboration with the developer. M-DCPS and PHCD established the intergovernmental partnership through a development agreement and long-term ground lease. See Appendix, page 11. The partnership with PHCD and affordable housing developers led to discussion of finding ways to meet the mission driven goals of all partners which led to the inclusion of housing solutions for M-DCPS employees in addition to the new school campus. The joint project will be built by M-DCPS with PHCD participating in reviews and approvals included as noted in the development plan. M-DCPS will fund the build-out of the school through their capital budget and PHCD will fund the workforce housing units included in the building.

## D. proposed housing affordability program

It is anticipated that this project will include 8 to 10 housing units for M-DCPS employees earning at or below 80% of the Area Median Income (AMI). demonstrate that members of the teacher workforce, as well as, representatives from other bargaining units could meet the criteria depending on family size. To ensure that the selection process is objective and unbiased, PHCD will manage the marketing, selection, and monitoring of all housing units in alignment with HUD criteria. The selection criteria and process will be informed by M-DCPS's insights and outreach to their workforce. Information gathered in this process will further inform M-DCPS's understanding of their employees' needs, which will in turn encourage talent retention.





## a. declining school enrollment

Phillis Wheatley Elementary School, an older M-DCPS campus built in 1952, has the capacity to serve 620 students, but currently has an enrollment of 236 students. Population shifts following development can be attributed as one of the reasons for the lower enrollment in the neighborhood's schools; however, various M-DCPS choice program offerings have also contributed to the decrease in numbers. Additionally, families moving into the area are not generally electing to attend neighborhood schools and are instead advocating for schools located in walking distance of their homes, as evidenced by the neighborhood homeowners' associations advocacy agendas.

M-DCPS intends to rebuild and right size the Phillis Wheatley site to best serve the needs of the current families and surrounding community. A new and upgraded school will support the current students and will likely serve to attract new families. A similar approach was successfully accomplished at Frederick Douglass Elementary School. In 2016, the school was demolished and a brand-new smaller school (with the ability to expand) was built serving 275 students. In just two years, Frederick Douglass is currently at capacity and MDCPS has plans to expand the site.

## B. Co-developing projects vs. land swaps

While the partnership between M-DCPS and PHCD was being contemplated at the Brickell site, both entities also considered additional parcels (MDCPS-owned sites) that could be developed based upon the dual priority criteria. M-DCPS assessed schools' needs in the area for renovation and/or expansion, and PHCD considered areas that should be prioritized in increasing affordable workforce housing inventory. M-DCPS already had initial plans to rebuild the school site at 1801 NW 1st Place and enhancing the project by integrating approximately 200 affordable MDCPS workforce housing units broadened the impact the project would have. The project aligned with PHCD priorities and would propel a significant project workforce housing project into the County's inventory pipeline. Although the agreement between M-DCPS and PHCD for the Brickell property could have been treated as a land swap, M-DCPS and PHCD determined more could be accomplished if both projects were co-developed based upon mutual priorities.





## c. public land partnerships and funding structure

M-DCPS and PHCD will formalize an interlocal agreement leasing a portion of the site to PHCD. PHCD will release a Request for Proposal (in collaboration with M-DCPS) for the project inclusive of the integration of the school and housing components. It is anticipated that PHCD will select a developer and will award a developer to build the housing component and collaborate with M-DCPS on the school site. The developer will independently fund the project with opportunities for incentives from PHCD, the Omni CRA (as will be explained in the RFP), and funding from M-DCPS.

## d. proposed housing affordability program

It is anticipated that this project will include approximately 200 housing units for the M-DCPS workforce earning no more than 140% of the Area Median Income (AMI). To ensure that the selection process is objective and unbiased, PHCD will manage the marketing, selection, and monitoring of all housing units in alignment. Since the site is M-DCPS owned, the project will not have to adhere to HUD oversight. The selection criteria and process will be informed by M-DCPS's insights and outreach to their workforce. Information gathered in this process will further inform M-DCPS's understanding of their employees' needs, which in turn encourages employee retention.



# VI

## Lessons learned and policy recommendations

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### a. mission-driven decision making

#### Lesson Learned

The collaboration between MDCPS and PHCD emerged through circumstances and engagement based upon institutional needs and priorities. M-DCPS would not have reached out to PHCD were it not for the need to find a solution for Southside Elementary School's expansion and PHCD would not have formalized the partnership if housing solutions were not at the heart of the work. The focus on M-DCPS workforce housing emerged from input from the Related Urban Development Group and introduced a viable pathway allowed by state statute for housing solutions on MDCPS property. Both entities came to the table with their missions and priorities in mind and a collaboration model was defined by these joined missions. The decision-making criteria for these two projects was based upon the needs of students, families and communities, not private sector influence or needs.

#### Policy

#### Recommendation

A formalized decision-making criteria and process should be developed and approved to frame the expansion of the M-DCPS/PHCD partnership ensuring that projects that are placed in the pipeline contribute to renovating or building new neighborhood schools and increase affordable housing solutions for the M-DCPS workforce.

### B. workforce driven considerations

#### Lesson Learned

As the Southside Elementary expansion solution was shared with the public, the M-DCPS workforce had mixed reactions. Some were excited about the possibility of having an affordable housing options; however, others were fearful that policies and solutions would be implemented without their input and would not meet the needs or considerations of the workforce. M-DCPS, as part of their Teacher Salary Taskforce, held focus groups that gathered insights and input from a broad group of stakeholders representing the workforce. Housing solutions were included as areas supported for exploration, as long as, employee salaries remained the priority. In addition to having access to a more affordable inventory, the group also highlighted the value of incentive and support programs for M-DCPS renters and homeowners. Inclusion of workforce feedback in concept development strengthened and further clarified the work. A menu of support offerings related to an understanding of the workforce's needs would be highlighted as important considerations for the future including offerings related to supporting employee financial stability/growth and varied opportunities related to housing needs.

#### Policy

#### Recommendation

M-DCPS employs more than 20,000 individuals with the majority of employees qualifying for the income driven housing inventory contemplated in the two pilot projects. Singular project or program level solutions will only provide temporary solutions for a small group of employees. A robust financial stability/growth program should be developed based upon the input and needs of employees; therefore, the approval of the decision-making criteria/process for future capital projects should be paired with a pilot program focused on understanding and supporting the needs of the M-DCPS workforce. The program should include financial coaching and rental and homeownership incentive pilots based upon the insights provided by workforce focus groups. It is imperative that the workforce is ready and aware of opportunities as the affordable workforce housing inventory begins to increase. The pilot program's outcomes should inform PHCD's M-DCPS workforce housing selection and support process.

# VI

## Lessons learned and policy recommendations

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### C. Intersecting housing priorities

#### Lesson Learned

Miami Homes for All is leading the planning efforts for affordable housing strategies in partnership with the City of Miami and Miami-Dade County's PHCD. Policy recommendations are emerging from this planning work that could and should further inform the decision-making criteria for the MDCPS/PHCD collaboration. For example, Miami-Dade County has recently released a report on the prioritization of Transit-Oriented Development (Appendix #). This report underscores the value of expanding housing inventory near transit lines. Miami-Dade County is also prioritizing the implementation and exploration of topics like the rehabilitation of current housing inventory through the R.A.D. program and leveraging of financing incentives including Opportunity Zones.

#### Policy

#### Recommendation

Although it is critical that the M-DCPS/PHCD partnership function with a linear and transparent decision-making criterion (as noted previously), it is also important that the projects that emerge from the collaboration are not developed in a vacuum. Workforce housing solutions will need to be contemplated in neighborhoods that demonstrate a need for more affordable inventory and that integrate and leverage needed public infrastructure. For example, both pilot projects included in this case study are near transit lines, have considered the housing inventory in the area, and have leveraged financial incentives to maximize what can be accomplished on behalf of the public priorities.

### d. Expanding Lessons Learned to Additional Anchor Agencies

#### Lesson Learned

This case study demonstrates the value and benefits of anchor institutions sharing their missions, priorities and needs. This discourse, with a focus on collaboration, holds the potential to lead to solutions that maximize the impact of economies of scale for school capital improvements and increased housing inventory. M-DCPS and PHCD's partnership sets the course for solutions broader than one institution can accomplish alone. The success of this partnership underscores the importance of internal buy-in and authentic connections to organizational mission.

#### Policy

#### Recommendation

MHFA leads key stakeholder convenings around housing solutions for the City of Miami and Miami Dade County. To maximize what can be accomplished with institutions that own public land, it is important to consider the mission and priorities of each institution. Solutions will not realize themselves by mere mandate. Trust, authentic engagement, mutual understanding and the integration of more than one priority in proposed solutions will maximize what can be accomplished with agencies that don't typically engage nor are required to contribute to housing development. Inviting critical stakeholders and land owners to the MHFA discussions in a manner that contemplates individual organizational priorities will derive viable solutions that contemplate multiple community priorities at one time.

# VII implementation - next steps

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## Recommended implementation steps:

- a** Develop a decision-making criteria/process M-DCPS/PHCD for the development of pipeline projects.
- Submit the process for School Board and Board of County Commission approvals. (Late Summer/Early Fall 2020)
- b** Develop a complementary workforce housing pilot program that includes financial coaching and rental/home ownership incentive programs. Secure appropriate funding to-pilot the rental/home ownership incentive program. It is anticipated that the Omni CRA will emerge as a funding and thought partner within this effort. (The Omni CRA has already been contemplating innovative rental/home ownership pilots and are interested in aligning efforts with MHFA, MDCPS and PHCD. The Omni CRA is already working in close partnership with M-DCPS on other development projects in the area and with M-DCPS/PHCD on the Phillis Wheatley Project.
- Submit the pilot program, along with the previously mentioned criteria/process, for School Board, Board of County Commission, and Omni CRA approvals (Late Summer/ Early Fall 2020)
- c** A component of the pilot program will include focus groups from different workforce stakeholder groups that will further inform the M-DCPS/PHCD partnership's projects. The information garnered from this process can also be shared with other entities contemplating similar workforce housing programs (i.e. universities, hospitals, local governments). (By February 2020)
- d** Begin implementation of decision-making criteria/process and workforce housing pilot program (Fall 2019)

# appendix



Office of School Facilities  
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT:** THAT THE SCHOOL **BOARD** OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZE THE SUPERINTENDENT TO FURTHER **EXPLORE** COLLABORATIVE OPTIONS **FOR** SCHOOL CAPACITY **AMPLIFICATION** WITH THE CITY **OF MIAMI AND** THE BRICKELL DEVELOPMENT COMMUNITY, **AND** REPORT BACK **TO** THE BOARD **WITH** SPECIFIC RECOMMENDATIONS

**LINK TO STRATEGIC FRAMEWORK:** FINANCIAL EFFICIENCY/STABILITY

As part of the real estate market resurgence in South Florida, the City of Miami (City) has been experiencing a significant increase in residential and mixed use high rise development activity in the Brickell corridor and in the Downtown core. The City's adoption of the Miami 21 zoning code facilitates a significant increase in residential density and building height through a variety of vehicles, including purchase of TOR (Transfer of Development Rights) credits. Current and proposed developments are expected to bring thousands of residential units on line over the next decade. While there are a number of school facilities serving these areas, including Southside Elementary, and despite the fact that many of the units may be acquired by foreign entities as investment property, anecdotally, the City and the development community believe some will become home to young families with children looking for an urban lifestyle. Over time, this is expected to create a strain on available school capacity.

The District is exploring opportunities to participate more closely in the review process of one such high rise condominium development in the Brickell area where the developer is planning to purchase additional density via TOR on the open market. An alternative vehicle under consideration is a contribution by the developer of the market value of the TOR. This contribution would be passed on to the School Board for school capacity amplification in the subject area. Preliminary discussions have been encouraging and may open the door for additional similar future collaborations.

This item does not appear in the regularly published Agenda. There is good cause to vary from the published Agenda because after publication of the Board's Agenda, the District was made aware of this potential collaborative opportunity. The City is due to

**GOOD CAUSE**  
**F-8**

consider the developer's zoning application at its April 23, 2015 meeting and at that time discuss the possible collaboration generally outlined herein. Since that meeting will precede the School Board's May meeting, this item is required in order for District staff to appropriately represent the Board's position.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to further explore collaborative options for school capacity amplification/with the City of Miami and the Brickell development community, and report back to the Board with specific recommendations.

JGT:ah

Office of School Facilities  
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A MEMORANDUM OF UNDERSTANDING ("MOU") BETWEEN THE SCHOOL BOARD ("BOARD") AND THE CITY OF MIAMI ("CITY"), COLLECTIVELY THE PARTIES, TO PROVIDE A GENERAL FRAMEWORK UNDER WHICH A COLLABORATION BETWEEN THE CITY AND THE BOARD COULD BE FURTHER FORMULATED TO CO- DEVELOP AND CO-LOCATE A NEW, EXPANDED FIRE STATION AND A FUTURE EDUCATIONAL FACILITY ON THE CITY-OWNED FIRE STATION NO. 4 SITE (1105-1133 S.W. 2 AVENUE) ALL UNDER MUTUALLY ACCEPTABLE TERMS AND CONDITIONS**

**COMMITTEE: FACILITIES AND CONSTRUCTION**

**LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

Background

As the Board may recall, the District has been exploring opportunities to provide additional educational choices in the general Brickell area south of the Miami River, to meet the demand for new capacity directly resulting from recent and on-going high density residential development. Among the opportunities that have emerged is one which would contemplate a collaborative effort between the City and the Board, to jointly redevelop and co-use a City-owned site (1105-1133 S.W. 2 Avenue) where Fire Station No. 4 is currently located. The subject site is proximate to the existing Southside Elementary School campus and is ideally located within the general Brickell area to meet the neighborhood's goal of a walkable community, where residents are able to work, live and learn with minor reliance on vehicular transportation.

Additional Information

Over the last few months, District, City and DDA (Downtown Development Authority) staff have been discussing the need for additional educational offerings to serve the emerging high density residential areas, both north and south of the Miami River. To that end, funding has been included in the capital plan to address anticipated needs in both areas. Specifically related to the neighborhoods south of the River and now served

primarily by Southside Elementary, discussions among the parties have focused on the scarcity and high cost of land in the area, and the resulting need to identify site solutions that capitalize on the pooling of available public resources as well as co-location and co-funding opportunities.

One such opportunity arises from the City's desire to expand the fire station located on S.W. 2 Avenue, north of S.W. 12 Street, to better serve the area's burgeoning population. District staff has had discussions with both the City Administration and Fire Department officials about the possibility of co-developing and co-locating an educational facility with an expanded fire station facility at this location and, while discussions are on-going, there appears to be considerable common ground warranting further discussions and a more in-depth exploration of this opportunity.

As a result, District staff is proposing that a Memorandum of Understanding (MOU) be formulated and executed setting forth the general framework under which the above described collaboration could take place, and as a pre-cursor to a future and more detailed Interlocal Agreement (ILA). Any such ILA would be presented to the Board for approval at the appropriate time and prior to execution.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to finalize negotiations and execute a Memorandum of Understanding ("MOU") between the School Board ("Board") and the City of Miami ("City"), collectively the Parties, to provide a general framework under which a collaboration between the City and the Board could be further formulated to co-develop and co-locate a new, expanded fire station and a future educational facility on the City-owned fire station no. 4 site (1105-1133 S.W. 2 Avenue) all under mutually acceptable terms and conditions.

JT:sj

Office of School Facilities  
Jaime G. Torrens, Chief Facilities Officer

SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA,  
AUTHORIZE THE SUPERINTENDENT TO:

1. PURSUE A PARTNERSHIP BETWEEN THE SCHOOL BOARD ("BOARD"), THE RELATED URBAN DEVELOPMENT GROUP ("DEVELOPER"), THE MIAMI-DADE COUNTY PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT ("COUNTY"), AND THE CITY OF MIAMI ("CITY"), TO PROVIDE A FRAMEWORK FOR DEVELOPMENT OF A FUTURE EDUCATIONAL FACILITY AT THE SITE OF THE AFFORDABLE AND WORKFORCE HOUSING PROJECT THE GALLERY AT WEST BRICKELL LOCATED AT THE NORTHWEST CORNER OF S.W. 2 AVENUE AND S.W. 10 STREET, AND UNDER WHICH THE FOLLOWING OUTCOMES WOULD BE ACHIEVED:
  - A. EDUCATIONAL FACILITY CAPACITY AMPLIFICATION TO SERVE THE BRICKELL AREA, GENERALLY SOUTH THE OF **MIAMI** RIVER;
  8. USE OF THE SOUTHSIDE **PARK** FACILITIES BY STUDENTS ATTENDING DISTRICT SCHOOLS IN THE BRICKELL AREA; AND
  - C. AFFORDABLE AND WORKFORCE HOUSING OPPORTUNITIES FOR DISTRICT EMPLOYEES AT THE GALLERY AT WEST BRICKELL
2. BRING-BACK AN ITEM WITH FINAL RECOMMENDATIONS TO THE BOARD FOR APPROVAL

COMMITTEE: FACILITIES AND CONSTRUCTION

LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES

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**REVISED**  
**F-4**

As considered and approved by the Board at the April 13, 2015 School Board Meeting, Item F-8 authorized the Superintendent to explore collaborative options for school capacity amplification with the City of Miami and the Brickell Development Community and to report back to the Board with specific recommendations; District staff worked closely with partners and at the September 7, 2016 School Board Meeting, Item F-6 authorized the Superintendent to finalize negotiations and execute a Memorandum of Understanding between the School Board and the City of Miami ("City") to redevelop and co-use a City owned site where Fire Station No.4 is currently located. In proceeding with this work, a new site, owned by Miami-Dade County ("County") at the northwest corner of S.W. 2 Avenue and S.W. 10 Street emerged as a possible option and was explored as a host site for the referenced educational facility. The City and the County initially introduced the need for educational space amplification in the Brickell area to Related Urban Development Group (the "developer") to determine if there was interest on behalf of the developer.

The affordable and workforce housing project The Gallery at West Brickell (the "project") is in its concept stage and the developer is interested in collaborating with the Board to provide an educational facility within the project. An allocation for capacity amplification in the same general area is included in the District's Adopted 5-Year Capital Plan. The developer is also interested in promoting the innovative co-location project as an affordable and workforce housing option for District employees working in the area. Additionally, to ensure that the students attending District schools within the Brickell area have sufficient outdoor space for physical fitness activities, the City has demonstrated a willingness to enter into an agreement with the Board through which students would have access to Southside Park under terms and conditions mutually acceptable.

As a result, District staff is proposing to:

- begin concept development for a proposed school at the above described site with the County, the City, the developer and community stakeholders;
- undertake negotiations with the developer, the County and the City to achieve the above stated goals; and
- present an item with final recommendations for the Board's consideration at a future Board meeting.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to:

1. pursue a partnership between the School Board ("Board"), the Related Urban Development Group ("developer"), the Miami-Dade County Public Housing and Community Development Department ("County"), and the City of Miami ("City"), to provide a framework for development of a future educational facility at the site of the affordable and workforce housing project The Gallery at West Brickell located at the northwest corner of S.W. 2 Avenue and S.W. 10 Street, and under which the following outcomes would be achieved:
  - A. educational facility capacity amplification to serve the Brickell area, generally south of the Miami River;
  - B. use of the Southside Park facilities by students attending district schools in the Brickell area; and
  - C. affordable and workforce housing opportunities for district employees at The Gallery at West Brickell
2. bring back an item with final recommendations to the Board for approval

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Office of School Facilities  
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT:            AUTHORIZE THE SUPERINTENDENT TO:**

- 1. NEGOTIATE WITH MIAMI-DADE COUNTY (“COUNTY”) AND DEVELOP APPROPRIATE DOCUMENTS FOR CONSIDERATION BY THE BOARD AT A FUTURE MEETING, TO ACHIEVE THE FOLLOWING:**
  - A. SCHOOL CAPACITY AMPLIFICATION TO SERVE THE BRICKELL AREA GENERALLY SOUTH OF THE MIAMI RIVER THROUGH CONSTRUCTION BY THE BOARD OF AN EDUCATIONAL FACILITY ON THE COUNTY-OWNED PUBLIC HOUSING SITE LOCATED AT 945 S.W. 3 AVENUE, MIAMI, FLORIDA, 33130 (“SITE”) ADJACENT TO THE GALLERY AT WEST BRICKELL;**
  - B. AFFORDABLE AND/OR WORKFORCE HOUSING OPPORTUNITIES FOR DISTRICT EMPLOYEES THROUGH CONSTRUCTION BY THE BOARD AND FUNDING BY THE COUNTY OF APARTMENTS ON THE SITE;**
- 2. PURSUE WITH THE COUNTY, THE OMNI CRA (“CRA”) A PARTNERSHIP WHICH WOULD INCLUDE EDUCATIONAL FACILITY ENHANCEMENTS AT PHILLIS WHEATLEY ELEMENTARY SCHOOL FOR THE BENEFIT OF THE ADJACENT OVERTOWN COMMUNITY AND STAKEHOLDERS, IN EXCHANGE FOR DEVELOPMENT BY THE COUNTY OF A PORTION OF THE SITE FOR AFFORDABLE AND/OR WORKFORCE HOUSING AND RELATED AMENITIES, AND REPORT BACK TO THE BOARD AT A FUTURE MEETING WITH THE APPROPRIATE DOCUMENTS FOR ITS CONSIDERATION**

**COMMITTEE:            FACILITIES AND CONSTRUCTION**

**REVISED  
F-4**



**LINK TO STRATEGIC  
BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

Introduction

At the January 25, 2017 meeting, Item F-4 approved by the Board, authorized the Superintendent to pursue partnerships for development of a future educational facility to serve the Brickell area, generally south of the Miami River (“subject area”). This item builds upon prior Board Action on April 15, 2015 and September 7, 2016 addressing the need for educational offerings to serve the emerging high density residential areas in downtown neighborhoods both north and south of the River. This work was developed in close communication with stakeholders including parents of Southside elementary who have advocated and moved forward their interests in expanding the elementary school into a K-8 center. Since that time, a more comprehensive concept has evolved that would accomplish three goals, namely: 1) amplify educational capacity in the subject area as a satellite campus to Southside elementary 2) implement facility and educational enhancements at Phillis Wheatley Elementary School, and 3) create affordable and/or workforce housing opportunities to include District staff.

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Additional Information

Generally, the proposed collaboration envisions the following:

- Miami-Dade County (“County”) would make available to the District, on a long-term ground lease basis and at no cost to the Board, approximately 0.233 acres of the property located at 945 S.W. 3 Avenue, for construction of a secondary facility to serve the Brickell area, generally south of the Miami River. The facility, which would house between 600-800 secondary students, would be co-located with at least one floor of affordable and/or workforce housing units, the construction of which would be funded through the County, to provide housing opportunities for District employees. The school would be operated by the Board and the housing units would be operated by the County’s Public Housing and Community Development Unit (PHCD). The Board’s Capital Plan currently includes a funding allocation for design and construction of the educational facility;
- The County, CRA and the District would explore public funding for facility and educational enhancements at Phillis Wheatley Elementary School, in conjunction with opportunities for development of a portion of the Wheatley campus for affordable and/or workforce housing by the County. Any residential units built under this scenario would be managed by the County PHCB.

If the Board approves the present Item, District staff will proceed to negotiate appropriate terms and conditions with all relevant parties and formulate the required documents for consideration by the Board at a future meeting.

**RECOMMENDED:**

That the School Board of Miami-Dade County, Florida, authorize the Superintendent to:

1. negotiate with Miami-Dade County (“County”) and develop appropriate documents for consideration by the Board at a future meeting, to achieve the following:
  - A. school capacity amplification to serve the Brickell area generally south of the Miami River through construction by the Board of an educational facility on the County-owned public housing site located at 945 S.W. 3 Avenue, Miami, FL, 33130 (“Site”) adjacent to The Gallery at West Brickell;
  - B. affordable and/or workforce housing opportunities for District employees through construction by the Board and funding by the County of apartments on the site;
2. pursue with the County, and the Omni CRA (“CRA”) a partnership which would include educational facility enhancements at Phillis Wheatley Elementary School for the benefit of the adjacent Overtown community and stakeholders, in exchange for development by the County of a portion of the site for affordable and/or workforce housing and related amenities, and report back to the Board at a future meeting with the appropriate documents for its consideration.

JGT:LMM

Office of School Facilities  
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AUTHORIZE THE SUPERINTENDENT TO FINALIZE NEGOTIATIONS AND EXECUTE A GROUND LEASE AGREEMENT AND RELATED DOCUMENTS BY AND BETWEEN THE SCHOOL BOARD AND MIAMI-DADE COUNTY, FOR COUNTY-OWNED LAND, LOCATED AT 945 S.W. 3 AVENUE, MIAMI, FLORIDA 33130, IN ORDER TO AMPLIFY EDUCATIONAL CAPACITY IN THE BRICKELL AREA GENERALLY SOUTH OF THE MIAMI RIVER, AND TO FACILITATE DEVELOPMENT OF AFFORDABLE AND/OR WORKFORCE HOUSING**

**COMMITTEE: FACILITIES AND CONSTRUCTION**

**LINK TO STRATEGIC BLUEPRINT: EFFECTIVE AND SUSTAINABLE BUSINESS PRACTICES**

Introduction

As authorized by the Board at its meeting of September 6, 2017, the District has negotiated appropriate documents with Miami-Dade County ("County") to facilitate: 1) school capacity amplification to serve the Brickell area generally south of the Miami River through construction by the Board of an educational facility ("School") on the 0.233-acre County-owned former public housing site located at 945. S.W. 3 Avenue, Miami, FL, 33130 (the "Site"); and 2) affordable and/or workforce housing apartments on the Site ("Residential Component"), funded by the County.

District and County staff have collaboratively developed a proposed Ground Lease Agreement ("Ground Lease Agreement"), under which the County will lease the Site to the Board for construction and operation of the School by the District. In turn, the Board will sublease a portion of the facility to the County, separate and apart from the portion of the facility used for the School, which will be used by the County to house the Residential Component ("Sublease Agreement"). The School and Residential Component are referred to collectively as the "Project". Additional documents developed by the District and the County include, a Project Work Letter describing the details of the construction project and interaction between the two agencies, and the above referenced Sublease Agreement (the "Ancillary Agreements"). These additional documents are Exhibits to the Ground Lease Agreement.

### Proposed Ground Lease Agreement

The Ground Lease Agreement provides substantially for-the following:

- The County, at its sole cost and expense shall be responsible for demolition of all on-site improvements, and for any environmental remediation, if required;
- The term of the Ground Lease shall be ninety-nine (99) years, unless terminated sooner pursuant to the terms of the Ground Lease;
- Rental at One Dollar (\$1) per year;
- The Ground Lease Agreement shall be effective upon the later of: approval by HUD for the leasing of the land to the School Board, approval by the Board of County Commissioners of Miami-Dade County, approval by the Board, and verification by the District that all existing improvements on the Site have been demolished;
- The School shall be utilized by the Board for (i) any and all purposes related to and/or consistent with the construction and operation of a public school having approximately 700 permanent student stations, together with any and all ancillary and/or support spaces associated therewith, and (ii) any other educational purposes, including without limitation summer programs, adult education programs, intergenerational mentoring programs with senior citizens in the vicinity of the School and other existing, new and/or innovative programs;
- The County shall use the Residential Component for Affordable and/or Workforce Housing;
- The Board shall be responsible for the administration of the design, development and construction phases of the Project, including the Residential Component, with all permitting and inspections to be under the control of the District's Building Department. The County will fund its prorated share of all costs related to the design and construction of the Project, which share will be calculated based on the square footage of the area to be used by the County as a percentage of the total building area;
- The Board shall own the improvements, excluding the interior improvements to the Residential Component, which shall be the property of the County. At the end of the Term, title to and ownership of the Site and all improvements (exclusive of the Board's trade fixtures and furniture, fixtures and equipment not permanently attached to the improvements) shall automatically vest in the County, without any further action or agreement of the Parties;

- The District shall maintain and repair the School and shared portions of the facility, with the County to reimburse the District for its prorated share of the operating expenses associated with the shared facilities. The County shall maintain and repair the Residential Component;

The District shall be responsible for all utilities serving the School, and the County shall be responsible for all utilities serving the Residential Component;

- If the Sublease with the County is terminated for any reason, the Board shall have the right to sublease the Residential Component to a Replacement Subtenant pursuant to a Replacement Sublease, without the consent or approval of the County;
- If the Board defaults and does not cure, the County shall be entitled to seek all legal and equitable remedies available, including, without limitation, cancellation of the Ground Lease Agreement;
- In the event of an uncured default by the County, the Board shall be entitled to seek all legal and equitable remedies available, including, without limitation, cancellation of the Ground Lease Agreement; and
- For purposes of the Ground Lease Agreement, the Superintendent of Schools shall be the party designated by the School Board to grant or deny all approvals and provide any other coordination required under the Ground Lease Agreement with respect to the design, construction, funding and acceptance of the Project. In addition, the Superintendent of Schools shall be the party designated by the School Board, to grant or deny all other consents or approvals required by the Ground Lease Agreement and Ancillary Agreements, or to exercise any right to place the County in default, declare an event of default, or to cancel the Ground Lease Agreement as provided for therein.

Execution of the proposed Ground Lease Agreement, Sublease Agreement and Project Work Letter by the District is subject to final approval of the Project by HUD and the Miami-Dade County Board of County Commissioners. The proposed Ground Lease Agreement and Ancillary Agreements referenced above have been reviewed and approved by the School Board Attorney's Office and the Office of Risk and Benefits Management for legal sufficiency and risk management issues, respectively.

A copy of the Ground Lease Agreement, Sublease Agreement and Project Work Letter will be forwarded to the Board under separate cover and will be placed on file in the Citizen Information Center and in the Office of the Recording Secretary prior to the Board meeting of July 25, 2018.

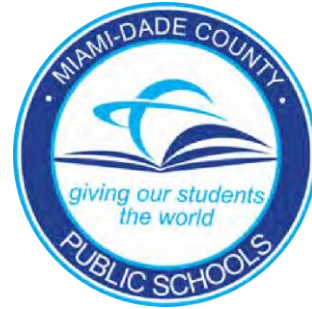
**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to:

- 1) finalize negotiations and execute:
  - a. a Ground Lease Agreement by and between the School Board and Miami-Dade County for County-owned land, located at 945 S.W. 3 Avenue, Miami, Florida 33130, to amplify educational capacity in the Brickell area generally south of the Miami River, and facilitate development of Affordable and/or Workforce Housing, under, substantially, the terms and conditions noted above, and
  - b. other related documents, including but not limited to a Project Work Letter and a Sublease Agreement.
- 2) execute amendments to the Ground Lease Agreement and Ancillary Agreements and take all other actions within the authority granted to the Superintendent by the School Board in the Ground Lease Agreement; and
- 3) grant or deny all approvals required under the Ground Lease Agreement and Ancillary Agreements, including, canceling or terminating the Ground Lease Agreement and Ancillary Agreements, and placing the County in default, as may be applicable.

JGT:arc

DEVELOPED IN  
PARTNERSHIP WITH:



MADE POSSIBLE BY:

**JPMORGAN CHASE & Co.**

## ADDENDUM

### Public Land Stewardship Report Addendum \_2022:

- All four of the Miami-Dade County-owned properties cited in Figure 20 on page 22 (folios: 3031150053340, 3031150053330, 3031150053320, and 3031150053300) joined PHCD's Infill Housing Program and were transferred to Palmetto Homes Urban Development Group, Inc. for affordable housing development.
- The City of Opa-locka conveyed two properties included in Figure 22 on page 23.
  - The property with folio number 0821220031430 was conveyed to 2035 Alibaba LLC
  - The property with folio 0821220031690 was conveyed by the City of Opa-locka to 1801 Alibaba Inc in 2021. It had been transferred to PHCD's Infill Housing Program in 10/2020 and, as such, is subject to an affordable housing restrictive covenant.