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July 21, 2020

Alain E. Boileau, City Attorney
Chris Lagerbloom, City Manager
City of Fort Lauderdale
100 N. Andrews Ave.
Fort Lauderdale, FL 33301

Re: Proposed initiative ordinance

Dear Mr. Boileau and Mr. Lagerbloom:

Attached please find the July 2, 2020 letter from the Broward County Supervisor of Elections certifying that “A Proposed Ordinance of the People of the City of Fort Lauderdale, Florida, Amending the Unified Land Use Regulations of the City of Fort Lauderdale, Florida, to Create Section 47-25A of Article V of the Unified Land Development Regulations to Require Governing Bodies to Make Specified Findings When Denying Projects for 100% Affordable Housing; to Provide for Judicial Review and Attorney’s Fees; And to Provide for Severability, Repeal of Conflicting Ordinance Provisions, Enforceability of the Terms of the Proposed Ordinance, and an Effective Date,” has received 1,000 verified valid signatures.

Pursuant to Fort Lauderdale Code of Ordinances Section 3.15, subdivision (a), these electors constitute “the committee.” The committee designates Russell Walker as its chairperson, and this letter is sent at Mr. Walker’s authorization pursuant to section 3.15, subdivision (a).

Pursuant to section 3.15, subdivision (a), we hereby request that Mr. Boileau provide assistance in drafting and properly conforming the attached proposed ordinance. The proposed ordinance amends the Unified Land Use Regulations of the City of Fort Lauderdale to establish procedures and required findings for the approval or denial of projects consisting of 100 percent affordable housing units. As required by section 3.15, subdivision (a), we also request that you provide an opinion as to the legality of the proposed ordinance.

Section 3.15, subdivision (a) requires that, upon written request, the city attorney “shall draft the proposed ordinance in proper form within thirty (30) days after being requested to do so by said committee in writing. He or she shall append to the drafted form of ordinance his or her opinion as to the legality of such proposed ordinance.” Accordingly, we will expect Mr. Boileau’s response on or before August 20, 2020.

This letter additionally provides the notice to Mr. Lagerbloom as required under section 3.15, subdivision (b), that the “signed petition and proposed ordinance and the opinion of the city attorney shall be presented by the committee to the city commission at a regular meeting, after sixty (60) days prior notice to the city manager that such matter will be presented at such meeting.” The City Commission must provide “[a]n opportunity . . . for proponents and opponents of the proposed ordinance to be heard. At such meetings the city commission shall take definite action upon the ordinance by rejecting same, failing to take action upon same, passing same in prepared form upon first reading or passing same in amended form upon first reading. If passed on first reading in an amended form, the chairman of the committee shall state in open meeting whether the committee accepts or rejects the ordinance, as amended, and the decision of the chairman shall be binding upon the committee.” The committee intends to present the petitions at the October 6, 2020 meeting of the City Commission and requests that this item be placed upon that agenda. By August 3, 2020, please provide confirmation that the initiative will be agendized on October 6, 2020.

Kindly notify the below authors by email (shiaasen@coffeyburlington.com and bpalmer@strumwooch.com) if you have any questions about this request.

Regards,

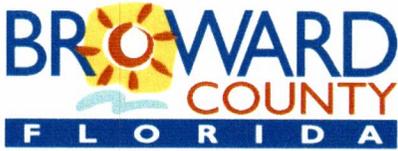
/s/ Scott A. Hiaasen

Scott A. Hiaasen



Beverly Grossman Palmer

Enclosures:
July 2, 2020 letter
Proposed Ordinance



Supervisor of Elections
www.browardsoe.org

July 2, 2020

Jeff Modarelli, City Clerk
City of Fort Lauderdale
100 N. Andrews Ave.
Fort Lauderdale, FL 33301

Dear Mr. Modarelli,

According to the attached Petition Status Report, the sponsor for the following city of Fort Lauderdale initiative petition submitted a total of 2,492 petitions to our office for verification:

A PROPOSED ORDINANCE OF THE PEOPLE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING THE UNIFIED LAND USE REGULATIONS OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO CREATE SECTION 47-25A OF ARTICLE V OF THE UNIFIED LAND DEVELOPMENT REGULATIONS TO REQUIRE GOVERNING BODIES TO MAKE SPECIFIED FINDINGS WHEN DENYING PROJECTS FOR 100% AFFORDABLE HOUSING; TO PROVIDE FOR JUDICIAL REVIEW AND ATTORNEY'S FEES; AND TO PROVIDE FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, ENFORCEABILITY OF THE TERMS OF THE PROPOSED ORDINANCE, AND AN EFFECTIVE DATE.

Of those petitions, **1000 were verified as valid**, and 1492 were verified as invalid. Please see attached report for a full breakdown of the submitted petitions.

If you have any questions, please don't hesitate to contact me at (954)-712-1960.

Respectfully,

A handwritten signature in blue ink, appearing to read "John Way".

John Way
Director, Candidate & Elections Services

Date 7/2/2020
 Time 02:33 PM

Supervisor of Elections
Petition Status Report

Broward County, FL

Petition Id	Petition Short Description		District		Date Petition Opened	Petition Number	
867	Unified Land Use-City of FTL -2020		MUN	3	05-December-2019	867	
	Signatures Claimed	Sigs checked	Unchecked Signatures	Signatures Required	Valid Sigs	Rejected Sigs including Duplicates	Duplicate Sigs
Batch	1	0	1,097	0	456	641	12
Batch	2		534		120	414	8
Batch	3		3		0	3	0
Batch	4		360		180	180	9
Batch	5		157		109	48	6
Batch	6		105		61	44	4
Batch	7		118		20	98	0
Batch	8		14		7	7	1
Batch	9		33		2	31	0
Batch	10		60		35	25	1
Batch	11		11		10	1	0
	<u>0</u>	<u>2,492</u>	<u>0</u>	<u>0</u>	<u>1,000</u>	<u>1,492</u>	<u>41</u>
Grand Total	<u><u>0</u></u>	<u><u>2,492</u></u>	<u><u>0</u></u>	<u><u>0</u></u>	<u><u>1,000</u></u>	<u><u>1,492</u></u>	<u><u>41</u></u>

Congressional District

Batch Number	20	22	23	24	Total
1	376	79	1	0	456
2	89	31	0	0	120
4	154	26	0	0	180
5	101	5	2	1	109
6	51	10	0	0	61
7	16	4	0	0	20
8	7	0	0	0	7
9	2	0	0	0	2
10	3	32	0	0	35
11	2	8	0	0	10
Total	801	195	3	1	1,000

agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of 100% affordable housing without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section, including, but not limited to, an order that the local agency take action on the development project. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

- B. If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in subsection (A), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into the Fort Lauderdale Affordable Housing Trust Fund. Fines shall not be paid from funds that are already dedicated for affordable housing. For purposes of this section, bad faith includes, but is not limited to, an action that is frivolous or otherwise entirely without merit.

Sec. 47-25A.4 – Definitions.

The following words, terms and phrases shall have the following meanings, except where the context clearly indicates a different meaning.

- A. *100% affordable housing development* means an affordable housing development project wherein 100% of the residential units are considered "affordable housing" under this section, and may include:
1. Residential units only.
 2. Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are:
 - a. Limited to uses permitted by the ULDR and to the first floor of buildings that are two or more stories, or
 - b. Required by existing zoning requirements in the ULDR, such as active ground floor uses.
- B. *Affordable* means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed thirty (30) percent of that amount which represents the percentage of the median annual gross income for households as indicated in subsection (9) or subsection (10) of this section. However, it is not the intent to limit an individual household's ability to devote more than thirty (30) percent of its income for housing, and housing for which a household devotes more than thirty (30) percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the thirty (30) percent benchmark.
- C. *Affordable housing* means housing which at the time of sale or rental is determined by the department to be "affordable" as defined in this section.
- D. *Annual gross income* means annual income as defined by Florida Statutes Section 420.9071(4).
- E. *Department* means the sustainable development department of the city or such other department as designated by the city manager to administer the program described in Sec. 9-340, Article IX of the City of Fort Lauderdale Code of Ordinances.
- F. *Development* means one or more single-family or multifamily dwellings as defined in the ULDR.
- G. *Eligible person or eligible household* means one or more natural persons or a family determined by the city to be of very low income or low income according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household. When used in this article, eligible person shall mean and include eligible household.
- H. *Feasible method* means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- I. *Low-income person or low-income household* means one or more natural persons or a family that has a total annual gross household income that does not exceed eighty (80) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever amount is greatest. With respect to rental units, the low-income household's annual income at the time of initial occupancy may not exceed eighty (80) percent

of the area's median income adjusted for family size. While occupying the rental unit, a low-income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of eighty (80) percent of the area's median income adjusted for family size. When used in this article, low-income person shall mean and include low-income household.

- J. *Very-low-income person or very-low-income household* means one or more natural persons or a family that has a total annual gross household income that does not exceed fifty (50) percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the very-low-income household's annual income at the time of initial occupancy may not exceed fifty (50) percent of the area's median income adjusted for family size. While occupying the rental unit, a very-low-income household's annual income may increase to an amount not to exceed one hundred forty (140) percent of fifty (50) percent of the area's median income adjusted for family size. When used in this article, very-low-income person shall mean and include very-low-income household.

SECTION 2. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. The chairman of the committee of electors proposing this Ordinance shall have standing to enforce its terms.

SECTION 5. That this Ordinance shall be in full force and effect upon its final passage as set forth in the City Charter of the City of Fort Lauderdale, Article III, sections 3-15 and 3-19.