

# MEMORANDUM

Agenda Item No. 11(A)(11)

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**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

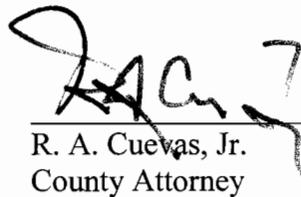
**DATE:** June 2, 2009

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution granting the Mayor the authority to approve a change in contract activity type from affordable homeownership development to affordable rental new construction for funded affordable housing projects that have not yet commenced construction

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Dennis C. Moss.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/up

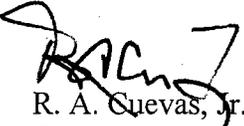


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** June 2, 2009

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 11(A) (11)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(11)  
6-2-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION GRANTING THE MAYOR OR THE MAYOR'S DESIGNEE THE AUTHORITY TO APPROVE A CHANGE IN CONTRACT ACTIVITY TYPE FROM AFFORDABLE HOMEOWNERSHIP DEVELOPMENT TO AFFORDABLE RENTAL NEW CONSTRUCTION FOR FUNDED AFFORDABLE HOUSING PROJECTS THAT HAVE NOT YET COMMENCED CONSTRUCTION; AND FURTHER GRANTING THE MAYOR OR MAYOR'S DESIGNEE THE AUTHORITY TO EXECUTE AGREEMENTS, CONTRACTS AND AMENDMENTS ON BEHALF OF MIAMI-DADE COUNTY, FOLLOWING APPROVAL BY THE COUNTY ATTORNEY'S OFFICE

**WHEREAS**, this Board desires to accomplish the goal of timely providing affordable housing within Miami Dade County; and

**WHEREAS**, all developers awarded funding for affordable housing participate in a competitive process; and

**WHEREAS**, all awards for funding for affordable homeownership developments are approved by the Board; and

**WHEREAS**, the current economic situation has rendered some developments for homeownership as "unable to proceed"; and

**WHEREAS**, the County staff currently reviews the "unable to proceed" projects and recommends the monies previously awarded be recaptured for use later under another competitive process; and

**WHEREAS**, some developers have already incurred expenses through site acquisition or other costs and desire to move forward through a change in activity type from homeownership to rental development; and

**WHEREAS**, these developments are considered shovel ready but for the change in activity type, and such a change would allow these developments the ability to proceed without having to compete again in the next available competitive process; and

**WHEREAS**, the next competitive process may not be available for nine (9) months and would impose an undue hardship on the developer, potential residents of the project, and possibly render the rental development unable to move forward; and

**WHEREAS**, the County wishes to effectively and timely complete and provide affordable housing to the Miami-Dade County community; and

**WHEREAS**, allowing the process to move forward brings temporary and permanent jobs to the activity site,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board grants the Mayor or the Mayor's designee the authority to approve a change in activity type from homeownership development to rental new construction for funded affordable housing projects that have not yet commenced construction. The authority to approve a change in activity type from homeownership to rental new construction shall only apply where: (1) no additional monies are awarded without approval by the Board of County Commissioners; (2) a full credit underwriting report is completed prior to approval of the change of activity type at the cost of the developer in order to ensure the monies already awarded the development are the final gap numbers to cover the total development cost; (3) there is not a substantial change in the required number of affordable housing units and in the set aside unit mix for income eligible recipients without approval by the Board of County Commissioners.

The Prime Sponsor of the foregoing resolution is Chairman Dennis C. Moss. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

|                                 |                    |
|---------------------------------|--------------------|
| Dennis C. Moss, Chairman        |                    |
| Jose "Pepe" Diaz, Vice-Chairman |                    |
| Bruno A. Barreiro               | Audrey M. Edmonson |
| Carlos A. Gimenez               | Sally A. Heyman    |
| Barbara J. Jordan               | Joe A. Martinez    |
| Dorin D. Rolle                  | Natacha Seijas     |
| Katy Sorenson                   | Rebeca Sosa        |
| Sen. Javier D. Souto            |                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of June, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Shannon D. Summerset