Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2011

Agenda Item No. 8(K)(1)(A)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Subject: Resolution Amending the FY 2009 Action Plan to Reprogram HOME Funds

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve amendments to the FY 2009 Action Plan to reallocate $50,000 of Home Investment Partnerships (HOME) program funds from Centro Campesino Farmworker Center, Inc. to Lutheran Services of South Florida, Inc.

As required by the U.S. Department of Housing and Urban Development (US HUD) rules, any HOME funded activity for which there has been no expenditure in a 12 month period will be cancelled in US HUD's financial tracking system, the Integrated Disbursement and Information System (IDIS). However, these funds remain available to Miami-Dade County provided the funds are committed within 90 days. On May 1, 2011, US HUD will cancel funding for all such projects in IDIS nationwide. However, the funds will remain with the County's line of credit, but must be obligated in IDIS by August 31, 2011.

SCOPE

The services provided by Lutheran Services of South Florida, Inc are available to eligible all residents throughout Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

Approval of this resolution will not have a fiscal impact to the County.

The recapture and reallocation of HOME funding will assist the County with meeting federal spending requirements and supports the County's affordable housing activities.

TRACK RECORD/MONITORING

Lutheran Services of South Florida, Inc demonstrates the capacity and project readiness necessary to meet project objectives and contractual agreements with the Department of Housing and Community Development (DHCD). Through reviews of quarterly progress reports and monitoring by its project managers, DHCD will manage the projects included in this item to ensure their successful completion as well as compliance with federal guidelines and County policies.

BACKGROUND

In a March 3, 2011 memorandum from the County Manager, the Board was advised that County staff reviews all HOME funded projects to identify activities that had no expenditures over the last 12 month period and would be deemed eligible for cancellation by US HUD.

Only one project, Centro Campesino Village Phase VII, was deemed at risk for cancellation by US HUD in the near future if funds were not expended within the requisite 12 month period. On May 1, 2011, US HUD will cancel the project.

Staff has been working with Centro Campesino Farmworker Center, Inc., and the agency stated that it will not incur any project expenses by the April 20, 2011 deadline. Therefore it is recommended that $50,000 allocated to the project be recaptured from Centro Campesino Farmworker Center, Inc. and reallocated to Lutheran Services of South Florida, Inc. as noted in the table and descriptions below.

Source of Recaptured and Reallocated HOME Funds

IDIS Activity	Agency Name	Activity Name	Amount	Source	Commission District
4850	Centro Campesino Farmworker Center, Inc.	Florida City Villages Phase VII	-$50,000	FY 2009 HOME (CHDO Operating)	9
4821	Lutheran Services of South Florida, Inc.	Second CHANCE Tenant Based Rental Assistance	$50,000	FY 2009 HOME	Countywide

Centro Campesino Farmworker Center, Inc.
Centro Campesino Farmworker Center, Inc. was allocated $50,000 of FY 2009 HOME CHDO Operating funds through Resolution R-1127-08 to complete Phase VII of the Florida City Village project. The agency has experienced challenges in meeting the requirements for recertification as a qualified Community Housing Development Organization (CHDO) and has consequently lost its CHDO designation. There are three key characteristics of a CHDO: a) legal status; b) organizational structure and c) experience, capacity and financial accountability, all of which must be met each year to remain a certified CHDO. The entity did not retain its certification because of its failure to maintain at least one-third of the Board's composition with representatives from the low-income community served - a requirement to maintain CHDO status under the HOME regulations.

Lutheran Services of South Florida, Inc.
It is recommended that the funds be reallocated to the Tenant based rental assistance for youths, ages 18 through 23, aging out of foster care throughout Miami-Dade County.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

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

SUBJECT: Agenda Item No. 8(K)(1)(A)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

✓ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(K)(1)(A)
5-3-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE FY 2009 ACTION PLAN TO REFLECT THE RECAPTURE AND REALLOCATION, OF HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS UP TO $50,000 NECESSARY TO CARRY OUT THE ABOVE PROGRAM; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the Mayor or Mayor's designee to amend the FY 2009 Action Plan to reflect the recapture and reallocation of $50,000 in HOME Investment Partnerships Program (HOME) funds to affordable housing activities, as indicated; authorizes the Mayor or Mayor's designee to execute contracts, agreements and amendments, as are required, following approval by the County Attorney's Office and subject to proper execution by the parties; and to exercise the cancellation provisions contained therein.

The foregoing resolution 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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. 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. BKN

Brenda Kuhns Neuman

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MIAMI-DADE COUNTY

Public Hearing

NOTICE OF PUBLIC HEARING DATE ON THE PROPOSED SUBSTANTIAL PLAN AMENDMENT TO THE FY 2009 ACTION PLAN

A public hearing is scheduled for the Economic Development and Social Services Committee Meeting on April 13, 2011, at 9:30 a.m., in the Board of County Commissioners Chambers located on the second level of the Stephen P. Clark Center, 111 NW 1st Street, Miami, Florida. The purpose of the hearing is to give the public an opportunity to comment on the proposed Substantial Amendment to the FY 2009 Action Plan. The proposed amendment seeks to reallocate Home Investment Partnerships Program (HOME) funds. The public is invited to attend and comment. If you have any questions concerning this action, or to request accommodations for disabled or non-English speaking residents, please call Rowena Crawford, Assistant Director, Department of Housing and Community Development at 786-469-2100. Federal regulations governing the HOME program require that a participating jurisdiction provide citizens with reasonable notice of, and an opportunity to comment on, any Substantial Amendments to the Action Plans.

Sources of Recapture HOME Funds

Agency Name	Activity Name	Amount	Source	Commission District
Centro Campesino Farmworker Center, Inc.	Florida City Villages Phase VII	$50,000	FY 2009 HOME (CHDO Operating)	9

Recommended Redistribution of Reallocated HOME Funds

Agency Name	Activity Name	Amount	Source	Commission District
Lutheran Services of South Florida, Inc.	Second Chance Tenant Based Rental Assistance	$50,000	FY 2009 HOME	Countywide

Miami-Dade County provides equal access and equal opportunity in employment and services and does not discriminate against persons with disabilities. A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at its meeting or hearing will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is based. Sign language interpreters are available upon request. Please call (786) 469-2100.

For legal ads online, go to http://legalads.miamidade.gov

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item: **8K1A**

File Number: **110699**

Committee(s) of Reference: **Board of County Commissioners**

Date of Analysis: **April 11, 2011**

Type of Item: **Resolution**

Summary

This resolution amends the FY2009 Action Plan to reallocate $50,000 in HOME Investment Partnerships Program funds (HOME) from Centro Campesino Farworker Center, Inc., (CCF) to Lutheran Services of South Florida, Inc., (LSSF).

The funds being reallocated come from an activity that County Executive Office staff deems at risk for cancellation by U.S. HUD if the funds are not expended within the 12 month period. Staff has confirmation from CCF that it will not incur any project expenses by the April 20, 2011 deadline. Therefore, staff is recommending the funds from CCF be reallocated to Lutheran Services of South Florida, Inc. for tenant based rental assistance for youths, ages 18 through 23, aging out of foster care throughout Miami-Dade County.

Background and Relevant Legislation

On March 3, 2011, the Board of County Commissioners (BCC) approved the FY2011 Action Plan through Resolution R-179-11. The FY2011 Action Plan lists the activities to be carried out to address the goals and objectives of the FY2011 Consolidated Plan which was approved by the Board on November 4, 2010 through Resolution R-1083-10.

The FY2011 Action Plan includes $25,289,000 in funds for the following programs: Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant (ESG) and State Housing Initiatives Partnership (SHIP). The funding source allocations for these programs are as follows:

- CDBG allocation - $17,360,000
- HOME allocation - $6,679,000
- ESG allocation - $750,000
- SHIP allocation - $500,000

The BCC approved the FY2010 Action Plan on November 4, 2009 through Resolution R-1284-09 and the FY2009 Action Plan on October 21, 2008 through Resolution R-1127-08.

Additional Information

According to the U.S. Department of Housing and Urban Development (U.S. HUD) website, Home Investment Partnerships Program (HOME) provides formula grants to states and localities that communities use in partnership with local non-profit groups to fund a wide range of activities that include:

- build, buy, and/or rehabilitate affordable housing for rent or homeownership; and
- provide direct rental assistance to low-income people.

Additionally, HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. Approximately $2 billion in HOME funds is distributed annually among the states and hundreds of localities nationwide.

According to the U.S. HUD website, HOME funds are awarded annually as formula grants to participating jurisdictions. U.S. HUD establishes a HOME Investment Trust Fund for each grantee, providing a line of credit that the participating jurisdiction may draw upon as needed. The HOME program's flexibility allows states and local governments to use HOME funds for grants, direct loans, and loans to grantees or other forms of credit enhancement, or rental assistance or security deposits. Participating jurisdictions must have a current and approved Consolidated Plan, which includes an action plan that describes how the jurisdiction will use its HOME funds.

U.S. HUD Cancellation of HOME funds

On June 1, 2010, U.S. HUD adopted a HOME Cancellation Policy, which required that any HOME funded activity, which had not disbursed funds within a 12-month period, be cancelled in HUD's Integrated Disbursements and Information System (IDIS), beginning January 1, 2011, and on the first business day of each month thereafter, U.S. HUD will change the status of any "open" activities in IDIS to "cancelled" when the following occurs:

- the "Initial Funding Date" is over 12 months;
- the "Funded Amount" is greater than $0; and
- the "Drawn Amount" is $0

IDIS provides U.S. HUD with current information regarding the program activities underway across the nation, including funding data. U.S. HUD uses this information to report to Congress and to monitor grantees. IDIS is the draw down and reporting system for CDBG, HOME, ESG and Housing Opportunities for Persons with AIDS (HOPWA).

Furthermore, once the activity is cancelled, any funds that were committed to that activity will no longer be considered committed HOME funds. However, the funds uncommitted from these activities are available to the participating jurisdiction to commit to other projects.

According to the U.S. HUD Initiated Activity Cancellation Report of January 2011, effective January 1, 2011, eight (8) Miami-Dade County HOME activities were cancelled. The cancelled activities and their funding amounts are as follows:

Activity I.D.	Funding Amounts
4075	$20,000
4095	$20,000
4096	$20,000
4490	$105,677
4492	$125,000
4568	$1,250,000
4526	$69,970
4827	$1,083,000

On February 8, 2011, Chairman Martinez issued a Memo to the Mayor concerning HUD automatically cancelling the above-mentioned eight (8) HOME activities. The memo requested a detailed report on the activities cancelled by HUD and whether corrective actions were taken.

On March 3, 2011, the County Manager provided a report on the eight (8) cancelled activities to include the following:

- Activity I.D. #4075, #4095 and #4096, funds for these activities were reprogrammed to new homeowners within the same activity;
- Activity I.D. #4490, #4568, and #4826, funds were recaptured and reallocated through Resolution R-67-11; and
- Activity I.D. #4827 and #4492, funding reallocation to be presented to Committee of jurisdiction in March 2011, to be approved by the Board before March 31, 2011.

On March 15, 2011, the BCC approved Resolution R-198-11 amending the FY2007, FY2008 and FY2009 Action Plans to reallocate $1,208,000 in funds from the above-mentioned cancelled HOME activities to eligible projects.

Questions

The following questions were posed to the County Executive Office (CEO) followed by their responses:

- The item mentions that HUD will cancel the project on May 1, 2011, did HUD send notification? Or is staff anticipating that because expenses will not be incurred that it will be cancelled?
  As of today, no cancellation notifications with respect to this project have been issued by US HUD. US HUD is adhering to their policy of cancelling all activities that have not spent funds within the last 12-month period - and staff anticipates the cancellation of this specific allocation come May 1. Staff tracks all of the County's funded activities to ensure compliance.

- Will Centro Campesino funds be cancelled by the time this gets to BCC for approval?
  This recommendation is scheduled to go before the Board on May 3, 2011, assuming Committee approval in April. However, the County has 90 days from the date of US HUD's cancellation to reallocate the funds. In other words, staff has until August 3, 2011 (give or take) to recapture and reallocate the funds. Staff is being proactive and attempting to get this reallocation approved within days of US HUD's cancellation – and not towards the end of the 90-day period.

- The closest regional office for Lutheran Services of South Florida is in Ft. Lauderdale, do they have satellite offices in Miami-Dade County?
  According to staff from the Department of Housing and Community Development, Lutheran Services has three office locations in Miami-Dade County:

    1. ***9750 SW 24th Street;***
    2. ***3360 W Flagler Street and***
    3. ***16201 SW 95th Avenue***

Prepared by: Mia B. Marin