

# MEMORANDUM

Agenda Item No. 11(A)(11)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

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

**SUBJECT:** Resolution amending Resolution No. R-749-11 to exempt two units of the total 220 units from the affordability requirements in the grant and rental regulatory agreements, all in connection with a \$2,000,000.00 grant from Building Better Communities General Obligation Bond Program Project Number 249 – “Preservation of Affordable Housing Units and Expansion of Home Ownership” for Villa Capri

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

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

RAC/smm



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** June 30, 2015

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County Attorney

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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 Mayor'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. 11(A)(11)  
6-30-15

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

RESOLUTION AMENDING RESOLUTION NO. R-749-11 TO EXEMPT TWO UNITS OF THE TOTAL 220 UNITS FROM THE AFFORDABILITY REQUIREMENTS IN THE GRANT AND RENTAL REGULATORY AGREEMENTS, ALL IN CONNECTION WITH A \$2,000,000.00 GRANT FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249 – “PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP” FOR VILLA CAPRI, AND DIRECTING THE MAYOR OR MAYOR’S DESIGNEE TO MAKE THE NECESSARY AMENDMENTS TO THE RENTAL REGULATORY AGREEMENT

**WHEREAS**, pursuant to Resolution No. R-749-11, adopted on September 20, 2011 (the “Allocation Resolution”), this Board approved a District 9 allocation of \$2,000,000 from Building Better Communities General Obligation Bond Program Project No. 249 – “Preservation of Affordable Housing Units and Expansion of Home Ownership” (the “Allocation”) in the form of a grant to Villa Capri Associates, Ltd. (“Owner”) to fund a portion of the development of a 220 affordable rental unit complex (“Project”) to be leased to a mix of individuals and/or families with incomes equal to or less than 60 percent of the area median income adjusted for family size established annually by the United States Department of Housing and Urban Development (the “Area Median Income”); and

**WHEREAS**, the Project has been completed and is successfully serving numerous needy families with affordable housing opportunities; and

**WHEREAS**, the rental regulatory agreement executed by the Owner includes the affordability requirement that all 220 units be set aside for individuals and/or families that have incomes equal to or less than 60 percent of the Area Median Income; and

**WHEREAS**, the Owner has applied to the County for a modification to the rental regulatory agreement it executed with the County in order to exempt two units of the 220 units from the affordability requirement so that it can use those two units to house the building manager and/or maintenance staff so as to provide the residents of Villa Capri 24-hour service; and

**WHEREAS**, this two-unit set-aside is customary in other affordable housing communities; and

**WHEREAS**, this Board wishes to amend the Allocation Resolution to exempt two units, of the total 220 affordable units, in the Project from the affordability requirements in order to allow those two units to be used for staff managing and/or providing maintenance to the Villa Capri residents, and to direct the County Mayor or Mayor's designee to make the necessary amendments to the rental regulatory agreement to reflect the exemption of two units from the affordability requirements, after consultation with the County Attorney's Office,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby amends the Allocation Resolution to exempt two units of the total 220 unit complex at Villa Capri from the affordability requirements in the grant and rental regulatory agreements whereby all units be set aside for individuals and/or families that have incomes equal to or less than 60 percent of the Area Median Income; and directs the County Mayor or Mayor's designee to make the necessary amendments to the rental regulatory agreement to reflect the exemption of two units from the affordability requirements and to require Owner to record the amended rental regulatory agreement, after consultation with the County Attorney's Office.

The Prime Sponsor of the foregoing resolution is Commissioner 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

MRP

Monica Rizo Perez