

# MEMORANDUM

Agenda Item No. 11(A)(24)

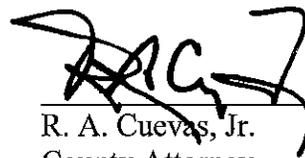
**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** October 6, 2015

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

**SUBJECT:** Resolution amending resolution No. R-596-13 to exempt one unit of the total 104 units from the affordability requirements in the grant and rental regulatory agreements, all in connection with a \$6,500,000.00 grant from Building Better Communities General Obligation Bond Program Project Number 249 – “Preservation of Affordable Housing Units and Expansion of Home Ownership” for Regency Pointe Apartments, and directing the County Mayor to make the necessary amendments to the rental regulatory agreement

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jean Monestime.



R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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

**DATE:** October 6, 2015

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

**SUBJECT:** Agenda Item No. 11(A)(24)

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)(24)  
10-6-15

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

RESOLUTION AMENDING RESOLUTION NO. R-596-13 TO EXEMPT ONE UNIT OF THE TOTAL 104 UNITS FROM THE AFFORDABILITY REQUIREMENTS IN THE GRANT AND RENTAL REGULATORY AGREEMENTS, ALL IN CONNECTION WITH A \$6,500,000.00 GRANT FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM PROJECT NUMBER 249 – “PRESERVATION OF AFFORDABLE HOUSING UNITS AND EXPANSION OF HOME OWNERSHIP” FOR REGENCY POINTE APARTMENTS, AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO MAKE THE NECESSARY AMENDMENTS TO THE RENTAL REGULATORY AGREEMENT

**WHEREAS**, pursuant to Resolution No. R-596-13, adopted on June 5, 2013 (the “Approving Resolution”), this Board approved a District 2 grant of \$6,500,000 from Building Better Communities General Obligation Bond Program Project No. 249 – “Preservation of Affordable Housing Units and Expansion of Home Ownership” (the “Allocation”) to Tacolcy Economic Development Corporation, a Florida not for profit corporation (“Grantee”) to fund a portion of the development of a 104 affordable rental unit complex (“Project”) with all 104 rental units to be set aside as affordable residential units; 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 Grantee and Regency Pointe Apartments, Ltd. (“Owner”) includes the affordability requirement that 16 units be set aside for individuals and/or families that have incomes equal to or less than 33 percent of the Area Median Income and that the remaining 88 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 Grantee and Owner have applied to the County for a modification to the rental regulatory agreement in order to exempt one unit of the 104 units from the affordability requirement so that it can use that unit to house the building manager and/or maintenance staff so as to provide the residents of the Regency Pointe Apartments 24-hour service; and

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

**WHEREAS**, this Board wishes to amend the Approving Resolution to exempt one unit, of the total 104 affordable units in the Project, from the affordability requirements in order to allow one unit to be used for staff managing and/or providing maintenance to the Regency Pointe Apartments residents, and to direct the County Mayor or County Mayor's designee to make the necessary amendments to the rental regulatory agreement to reflect the exemption of one unit 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:**

**Section 1.** The foregoing recitals are incorporated in this Resolution and are approved.

**Section 2.** This Board hereby amends the Approving Resolution to exempt one unit of the total 104 unit complex at the Regency Pointe Apartments from the affordability requirements in the grant and rental regulatory agreement; and directs the County Mayor or County Mayor's designee to make the necessary amendments to the rental regulatory agreement to reflect the exemption of one unit from the affordability requirements, after consultation with the County Attorney's Office.

The Prime Sponsor of the foregoing resolution is Chairman Jean Monestime. 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 6<sup>th</sup> day of October, 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.

JRA

Juliette R. Antoine