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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Agenda Item No. 11(A)(1)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 4, 2013

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

SUBJECT: Resolution forgiving seven surtax loans in the total amount of $362,964.57 to seven homebuyers of Havana Palm Condominium Units

Resolution No. R-450-13

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 4, 2013

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

SUBJECT: Amended Agenda Item No. 11(A)(1)

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 _____

Amended
Agenda Item No. 11(A)(1)
6-4-13

RESOLUTION NO. R-450-13

RESOLUTION FORGIVING SEVEN SURTAX LOANS IN THE TOTAL AMOUNT OF $362,964.57 TO SEVEN HOMEBUYERS OF HAVANA PALM CONDOMINIUM UNITS; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SATISFACTIONS OF MORTGAGE AND OTHER AGREEMENTS OR DOCUMENTS NECESSARY TO FULFILL THE PURPOSES SET FORTH IN THIS RESOLUTION; DIRECTING THE MAYOR OR MAYOR'S DESIGNEE TO INCORPORATE INTO ITS POLICIES AND GUIDELINES EXCEPTIONS FOR THE HAVANA PALMS BUYERS WHEN CONSIDERING THEM FOR FUTURE SECOND MORTGAGE HOMEBUYER ASSISTANCE

WHEREAS, Miami-Dade County loaned documentary surtax funds to seven (7) low- or moderate-income homebuyers (the "Havana Palms Buyers" or "Buyers"), identified in Exhibit 1, attached hereto, for the purchase of condominium units in the Havana Palms Condominium development, which is located at 930, 940, 950, 960, 970, and 974 SW 2 Street, Miami, Florida (the "Loans"); and

WHEREAS, those Loans were secured by mortgages on the condominium units; and

WHEREAS, the condominium units were not rehabilitated by the developer properly, resulting in serious concerns as to the safety of the building and units; and

WHEREAS, on January 22, 2013, the City of Miami issued a Repair or Demolish Notice (the "Notice") declaring the property to be in violation of Chapter 8-5 "Unsafe Structures" of the Miami-Dade County Code and requiring the Havana Palms Buyers to vacate the property within thirty (30) days; and

WHEREAS, it is an unforeseen hardship upon the Havana Palms Buyers to pay off the Loans on units in which they cannot live; and

WHEREAS, the Board desires to help the Havana Palms Buyers by relieving them of their obligations to pay off the Loans and by preventing the failure of the Havana Palms Condominium project to adversely affect their ability to get second mortgage homebuyer assistance from the County in the future,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board directs the County Mayor or Mayor's designee to forgive in their entirety the documentary surtax Loans given to the Havana Palm Buyers listed in Exhibit 1, totaling approximately $362,964.57. The County Mayor or Mayor's designee is authorized and directed to execute satisfactions of mortgage on the Loans and any other agreements or documents necessary to fulfill the purposes set forth in this resolution, in consultation with and following approval by the County Attorney's Office.

Section 2. The Board directs the County Mayor or Mayor's designee to incorporate into its policies and guidelines the following exceptions for the Havana Palms Buyers when considering whether to approve the Havana Palms Buyers for future second mortgage homebuyer assistance: (i) the County shall not consider the forgiveness of the Loans or failure to repay the Loans as a factor against the Havana Palms Buyers; (ii) the County shall not consider the failure to repay the first mortgage loans or other loans specifically for the Havana Palms units as a factor against the Havana Palms Buyers; (iii) the County shall not consider negative findings in credit reports as a factor against the Havana Palms Buyers if those findings are the result of the purchase of the Havana Palms units or defaults or foreclosures on loans related to the Havana Palms units.

Section 3. The Board directs the Mayor or Mayor's designee to include in any agreements with the Havana Palms Buyers, as a condition of the satisfaction of mortgage and forgiveness of the Loans, the right of the County to be repaid the amounts forgiven on the Loans in the event that the Buyers receive funds from the developer or other party, including insurance proceeds, for the Buyers' cost of the Havana Palms Units or for losses incurred by the Buyers related to the Havana Palms Units. This requirement of repayment of forgiven funds to the County shall expire twenty (20) years from the date of execution of the loan documents for the Loans. The Board further directs the Mayor or Mayor's designee to highly pursue recovery of funds or damages in the amounts forgiven on the Loans to the extent allowed by law.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was offered by Commissioner **Bruno A. Barreiro**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman		**aye**
	Lynda Bell, Vice Chair		**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**absent**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2013. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Brenda Kuhns Neuman

EXHIBIT 1

HAVANA PALMS CONDOMINIUM HOMEBUYER LOANS

Name	Original Loan Amt	Principal Balance As of April 5, 2013
Daniela Papetti	$40,000.00	$35,064.58
Jesus Garcia	$50,000.00	$50,000.00
Daniel Bertolasa	$50,000.00	$45,662.32
Jenny Marquez	$50,000.00	$45,286.94
Andres S. Alvarez	$80,000.00	$78,300.64
Jose C. Perez	$60,000.00	$59,100.00
Darryl Martinez	$50,000.00	$49,550.09
Total	**$380,000.00**	**$362,964.57**