

MEMORANDUM

Agenda Item No. 8(F)(1)

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

DATE: March 4, 2014

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

SUBJECT: Resolution approving
Amendment 1 to Miami-Dade
County Rental Regulatory
Agreement between County and
Consolidated Real Estate
Investment, LLC to change the
County department responsible
for monitoring the Affordable
Housing project
Resolution No. R-207-14

The accompanying resolution was prepared by the Internal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Date: March 4, 2014

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

From: Carlos A. Gimenez 
Mayor

Subject: Amendment 1 to the Rental Regulatory Agreement between Miami-Dade County and Consolidated Real Estate Investment, LLC, for the Lil Abner Apartments Affordable Housing Senior Development Project Located at 455 N.W. 114 Avenue, Miami, Florida

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the execution of the Amendment 1 to the Rental Regulatory Agreement between the County and Consolidated Real Estate Investment, LLC (Consolidated), for the senior citizens affordable housing development project known as Lil Abner Apartments, located at 455 NW 114 Avenue, Miami, Florida. More specifically, this resolution does the following:

- Assigns Public Housing and Community Development (PHCD) to perform monitoring and inspections required to ensure continued compliance with federal and/or County standards for this project;
- Authorizes PHCD to collect a fee for monitoring and inspection activities, to be paid by Consolidated;
- Establishes a fee structure for ongoing annual monitoring and inspections throughout the established term of the Rental Regulatory Agreement; and
- Reduces the monitoring and inspection period to 30 years, minus one day.

Scope

The property is located in County Commission District 12, which is represented by Commissioner Jose "Pepe" Diaz.

Fiscal Impact/Funding Source

For the first year of the Rental Regulatory Agreement, Consolidated will pay a monitoring and inspection fee of \$1,028. This fee will increase three percent each year for the remainder of the agreement, for a total of \$48,907.35 to the County, as shown in Exhibit A, which outlines the fee schedule for this agreement.

Track Record/Monitoring

The County has no record of negative performance with the developer, Consolidated Real Estate Investment, LLC. Clarence Brown, Division Director in PHCD, is the program monitor.

Delegation of Authority

Authorizes the County Mayor or the County Mayor's designee to execute the attached Amendment 1 to Rental Regulatory Agreement, and exercise any provisions therein.

Background

At its meeting of February 2, 2010, the Board approved Resolution R-136-10, which authorized Building Better Communities General Obligation Bond Program funding for the development of this project and further authorized the County to enter into the original Rental Regulatory Agreement. The executed Rental Regulatory Agreement does not include a monitoring and inspection, which is customary for these types of agreements. Additionally, the original Rental Regulatory Agreement

provided that the Internal Services Department would be the County department conducting the monitoring and inspection activities. This amendment serves to assign the monitoring and inspection responsibilities for this project to PHCD, authorizes PHCD to collect the monitoring and inspection fee from Consolidated, establishes the ongoing monitoring and inspection fee scheduled for the duration of this agreement, and reduces the term from 30 years, to 30 years, minus one day.

Per PHCD standards, ten percent of the total number of units that are occupied will be inspected for purposes of determining compliance with federal and/or County housing standards, and the project will be monitored for compliance with the rents and tenant mix required under the Rental Regulatory Agreement.



Russell Benford
Deputy Mayor



MEMORANDUM
(Revised)

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

DATE: March 4, 2014

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

SUBJECT: Agenda Item No. 8(F)(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 _____

Agenda Item No. 8(F)(1)
3-4-14

RESOLUTION NO. R-207-14

RESOLUTION APPROVING AMENDMENT 1 TO MIAMI-DADE COUNTY RENTAL REGULATORY AGREEMENT BETWEEN COUNTY AND CONSOLIDATED REAL ESTATE INVESTMENT, LLC TO CHANGE THE COUNTY DEPARTMENT RESPONSIBLE FOR MONITORING THE AFFORDABLE HOUSING PROJECT AND TO INCLUDE AN ANNUAL MONITORING FEE TO BE PAID TO THE COUNTY; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND DELIVER AMENDMENT 1

WHEREAS, pursuant to Resolution No. R-136-10, adopted on February 2, 2010 ("Allocation Resolution"), the Board of County Commissioners for Miami-Dade County, Florida ("Board") approved a District 12 grant/allocation of \$10,592,307 ("County Grant") from Project No. 249 – "Preservation of Affordable Housing Units and Expansion of Home Ownership" (the "Total Funding Allocation") of the Building Better Communities General Obligation Bond Program ("BBC GOB Program") to Consolidated Real Estate Investment, LLC (the "Developer/Grantee" or "Grantee"), a Florida limited liability company, for the development of eighty-seven (87) affordable elderly rental units and related amenities known as the Lil Abner Apartments (the "Project"), on real property located in District 12, at 455 N.W. 114 Avenue, Miami, Florida (the "Property"), which will be leased to certain eligible tenants; and

WHEREAS, a Miami-Dade County Rental Regulatory Agreement was entered into by the Grantee and Miami-Dade County (the "County") regarding the County Grant and the Project, which was filed and recorded in the public records of Miami-Dade County on March 22, 2012, which addressed, among other things, how the rents in the eighty-seven (87) affordable rental

units were required to be set and maintained, and how, and by whom, the Project will be monitored for compliance ("Rental Regulatory Agreement"); and

WHEREAS, this Board wishes to amend the Rental Regulatory Agreement, which the Grantee has approved, to (i) provide for an annual monitoring fee to be paid to the County by the Grantee, (ii) provide that Miami-Dade County's Public Housing and Community Development ("PHCD") department rather than its Internal Services Department ("ISD") would perform the inspections and monitoring of the Project pursuant to the Rental Regulatory Agreement, and (iii) reduce the termination date of the Rental Regulatory Agreement by one day, for the purposes outlined in the accompanying memorandum, a copy of which is incorporated in this Resolution by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that Amendment 1 to the Rental Regulatory Agreement attached to this Resolution as Exhibit A is hereby approved and the County Mayor or the County Mayor's designee, is authorized to execute and deliver Amendment 1, for and on behalf of Miami-Dade County, and to exercise any and all other rights conferred to the County in such document.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March, 2014. 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.

A handwritten signature in black ink, appearing to read "GTH", is enclosed within a hand-drawn oval.

Gerald T. Heffernan

Record and Return to:
 Miami-Dade County
 Public Housing and Community Development
 701 N.W. 1st Court, 16th Floor
 Miami, Florida 33136
 Attention: Department Director

AMENDMENT 1
TO RENTAL REGULATORY AGREEMENT BETWEEN MIAMI-DADE COUNTY
AND CONSOLIDATED REAL ESTATE INVESTMENT, LLC

WHEREAS, pursuant to Resolution No. R-136-10 adopted on February 2, 2010 (the "Allocation Resolution"), the Board of County Commissioners for Miami-Dade County, Florida (the "Board") approved a District 12 grant/allocation of \$10,592,307 (the "County Grant") from Project No. 249 – "Preservation of Affordable Housing Units and Expansion of Home Ownership" (the "Total Funding Cycle Allocation") of the Building Better Communities General Obligation Bond Program (the "BBC GOB Program") to Consolidated Real Estate Investment, LLC (the "Grantee"), a Florida limited liability company, for eighty-seven (87) affordable rental units known as the Lil Abner Apartments and related improvements and amenities (the "Project") on real property located at 455 N.W. 114th Avenue, Miami, Florida 33172 (the "Property") which will be leased to certain qualified elderly individuals; and

WHEREAS, a Rental Regulatory Agreement was entered into by the Grantee and Miami-Dade County ("County") regarding the County Grant and the Project, which was filed and recorded in the public records of Miami-Dade County at Plat Book 28044 at Page 3307, on March 22, 2012, which addressed, among other things, how the rents in the eighty-seven (87) affordable rental units were required to be set and maintained, and how, and by whom, the Project would be monitored and inspected for compliance (the "Rental Regulatory Agreement"); and

WHEREAS, the Grantee and the County have agreed to amend Rental Regulatory Agreement by entering into this Amendment 1 to the Rental Regulatory Agreement ("Amendment 1") in order to (i) provide for an annual monitoring fee to be paid to the County by the Grantee, (ii) to provide that the County's Public Housing and Community Development ("PHCD") department rather than its Internal Services Department ("ISD") would perform the inspections and monitoring of the Project pursuant to the Rental Regulatory Agreement, and (iii) reduce the termination date of the Rental Regulatory Agreement by one day.

NOW, THEREFORE, for and in consideration of Ten (\$10.00) Dollars, the promises and covenants contained in this Amendment 1, and for other good and valuable consideration received and acknowledged this ____ day of _____, 2013, the Grantee, whose address is 11239 N.W. 4th Terrace, Miami, Florida 33172, its successors and assigns, and Miami-Dade County, a political subdivision of the State of Florida ("County") having a principal address of 701 N.W. 1st Court, 16th Floor, Miami, Florida 33136, through its PHCD department, and any successor agencies or departments, agree as follows:

WITNESSETH:

1. Grantee and County agree that all of the foregoing recitals are true and correct, and incorporated by this reference in this Amendment 1.
2. Grantee and County agree that this Amendment 1 amends the Rental Regulatory Agreement.

3. Grantee and County further agree all of the terms and conditions in the previously filed Rental Regulatory Agreement remain in full force and in effect, except for such terms and conditions that are amended by this Amendment 1.
4. Grantee and County agree that, unless specifically described otherwise, all of the defined terms in this Amendment 1 shall have the same meaning as those terms defined in the previously filed Rental Regulatory Agreement in this matter.
5. Grantee and County agree that Public Housing and Community Development ("PHCD") shall replace Internal Services Department ("ISD") as the agent of the County responsible for the functions and responsibilities set forth in the Rental Regulatory Agreement in this matter.
6. Grantee and County also agree that the following Section shall be added at the end of the Rental Regulatory Agreement:

X. Annual Fees

The Grantee shall pay the County an annual fee for the monitoring and inspections required by Sections IV, V, and VII. The annual fee for the first year after the Project obtains a certificate of occupancy is One Thousand One Hundred Forty-two (\$1,142.00) Dollars, which amount shall increase at the rate of three (3%) percent each year thereafter until the termination of the Rental Regulatory Agreement. A copy of the fee schedule, detailing the amount of the annual monitoring and inspection fees is attached hereto, marked as "Exhibit A", and incorporated herein by reference.

7. Grantee and County agree that the length of time that the Grantee is required to maintain the Project in accordance with the Rental Regulatory Agreement shall be lessened by one (1) day, resulting in thirty (30) years, minus a day.

IN WITNESS WHEREOF, the Grantee and the County have caused this Amended Agreement to be executed on the date first above written.

[THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK]
[ONLY THE SIGNATURE PAGES FOLLOW]

COUNTY:
MIAMI-DADE COUNTY, FLORIDA

By: _____
Mayor

Approved by County Attorney as
to form and legal sufficiency

By: _____

STATE OF FLORIDA)
) ss.
COUNTY OF MIAMI-DADE)

The foregoing Amendment 1 to Rental Regulatory Agreement was sworn to, subscribed and acknowledged before me this ____ day of _____, 2013, by _____ on behalf of Miami-Dade County. He/She is personally known to me _____ or has produced identification _____.

My commission expires:

Notary Public
State of Florida at Large

ATTEST:
HARVEY RUVIN, CLERK

By: _____
DEPUTY CLERK

"EXHIBIT A"

Housing and Community Development

Compliance Unit Cost

Activity	Unit Cost	Comments
Inspection	\$27.17	Housing Quality Standards Review
File Review	\$46.78	Eligibility, Income, and Rental Calculation Review
Administrative	\$28.28	Supervisory Oversight
Travel	\$4.81	Car and Public Transportation Pass
Overhead	\$7.20	Rent, Phone, Supplies
Total Per Unit Cost	\$114.24	

Examples:

A: Cost to conduct a 10 Unit Review for a project would be \$1,142.40

B: Cost to conduct a 30 Unit Review for a project would be \$3,427.20