

MEMORANDUM Amended

Agenda Item No. 8(K)(3)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners



**DATE:** October 3, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution authorizing the County Mayor to amend the County's Rental Assistance Demonstration application for a portfolio award to include Three Round Towers B and C, to submit Rental Assistance Demonstration applications and any other necessary documents to the United States Department of Housing and Urban Development for the purpose of refinancing and conversion of eight additional public housing projects, including Jack Orr, Joe Moretti Phase I, Joe Moretti Phase II A, Stirrup Plaza, South Miami Plaza, Dante Fascell, Collins Park, and Three Round Tower A to Section 8 Project-Based housing through the Rental Assistance Demonstration Program; authorizing the County Mayor or the Chairperson of the Board to take all other necessary steps to effectuate the purpose set forth herein; approving and authorizing the County Mayor, pursuant to section 17-02 of the Code, to re-loan repaid loans of documentary surtax program funds to related Urban Development Group, LLC or related entities for the substantial rehabilitation of Robert King High, Joe Moretti Phase 2B and Three Round Towers B and C, and the new construction of Brisas del Este and Brisas del Rio Phase Two; authorizing the County Mayor to execute a conditional loan commitment, standard shell contracts, standard shell loan documents, amendments, other documents or agreements necessary to accomplish the purposes of this resolution, to subordinate the County's interests and to exercise the termination, waiver, acceleration, cancellation and other provisions contained therein

Resolution No. R- 1059-19

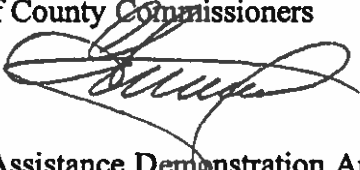
The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Housing, Social Services and Economic Development Committee.

  
Abigail Price-Williams  
County Attorney 

APW/cp

**Date:** October 3, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez   
Mayor

**Subject:** Submission of Rental Assistance Demonstration Applications and Any Other Necessary Documents to the United States Department Of Housing and Urban Development for the Conversion of Certain Public Housing Projects to Section 8 Project-Based Housing Through the Rental Assistance Demonstration Program

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**Recommendation**

It is recommended that the Board of County Commissioners (Board):

1. Authorize the County Mayor or the County Mayor's designee to amend the County's Rental Assistance Demonstration application for a portfolio award (Portfolio Award Application or Portfolio Award) to include Three Round Towers B and C, for conversion to Section 8 Project-Based housing through the United States Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration Program (RAD Program or RAD);
2. Authorize the County Mayor or the County Mayor's designee to submit Rental Assistance Demonstration Applications (RAD Applications) and any other necessary documents which may be required by HUD for the purpose of refinancing and converting to the RAD Program eight additional public housing projects developed or rehabilitated by Related Urban Development, LLC (Related Urban), which includes Jack Orr, Joe Moretti Phase I, Joe Moretti Phase II A, Stirrup Plaza, South Miami Plaza, Dante Fascell, Collins Park, and Three Round Tower A (collectively referred to as the Public Housing Projects) to Section 8 project-based housing through the RAD Program;
3. Authorize the County Mayor or the County Mayor's designee to appoint a tenant relocation officer to assist tenants who are impacted by RAD and to further authorize the preparation and submission of a tenant relocation agreement for the Board's approval;
4. Authorize the County Mayor, the County Mayor's designee or the Chairperson of the Board to take all other necessary steps, including, but not limited to, the submission of financial plan(s), pro forma(s), execution of required certifications and Section 8 Housing Assistance Payment Contracts (Section 8 HAP) that are required for the conversion of the Public Housing Projects through RAD;
5. In the event Related Urban repays in full the documentary stamps surtax program loans (Surtax Loans) in the approximate amount of \$14.7 million, which are associated with the Public Housing Sites, before the date on which such loans are due in full, approve and authorize the County Mayor or the County Mayor's designee, in accordance with section 17-02 of the Code of Miami-Dade County, to re-loan such repaid loan proceeds for the following purposes: (1) the substantial rehabilitation of Robert King High; (2) the substantial rehabilitation of Joe Moretti Phase 2B; (3)

the substantial rehabilitation of Three Round Towers B and C and the new construction of Brisas del Este; and (4) the new construction of Brisas del Rio Phase Two; and

6. In the event Related Urban repays in full the Surtax Loans, authorize the County Mayor or County Mayor's designee (a) to execute a conditional loan commitment, (b) to execute all standard shell contracts, standard shell loan documents, amendments and other agreements, (c) upon a determination that such actions are in the best interest of the County, to execute any documents or agreements necessary, (d) to subordinate and/or modify the terms of contracts, agreements, amendments and loan documents so long as such modifications are approved by the County Attorney's Office and are not substantially inconsistent with this resolution, and (e) to exercise the termination, waiver, acceleration, or other provisions set forth therein.

**Scope**

This item has a countywide impact.

**Fiscal Impact/Funding Source**

There is no fiscal impact to the County for submitting the RAD Applications for the refinancing of the Public Housing Projects or adding Three Round Towers B and C to the RAD portfolio award request. However, it is estimated that \$32 million will be generated from the proposed RAD conversion of the Public Housing Projects.

**Track Record/Monitor**

Michael Liu, Director, Public Housing and Community Development Department (PHCD) will monitor this project.

**Background**

The PHCD, on behalf of the County, currently oversees approximately 9,000 public housing units in Miami-Dade County. Of those units, approximately 2,400 have been redeveloped or are in the process of being redeveloped through the HUD-approved mixed-finance concept in which the County partners with private-sector developers to redevelop the County's public housing sites. The average age of the County's public housing sites is over 40 years. Generally, these public housing sites are old and have deficiencies inherent with an old housing stock, including but not limited to requiring major upgrading to elevators, security systems, mechanical, electrical and plumbing systems, fire safety, windows, doors and building envelope (hurricane resistant), and infrastructure.

Notwithstanding the County's efforts to redevelop its public housing, the most effective way to deal with these mounting issues is through an expeditious redevelopment program that is not dependent on HUD's Capital Funding Program, which only provides approximately \$14 million per year to the County. This amount of capital funding is woefully inadequate for the County's redevelopment needs that are roughly estimated at approximately \$1.9 billion agency-wide. Further, PHCD should not have to continue to try to meet operating expenses without adequate operating cost funding from HUD.

The RAD Program is a HUD program authorized in the Fiscal Year 2012 Congressional Appropriations Bill. The RAD Program is the voluntary, permanent conversion of public housing to the Section 8 project-based housing program. Unlike the public housing program, the Section 8 project-based housing program allows for more funding flexibility, including the use of other funding sources, such as tax credits, private debt and equity, and other public funds to maintain and improve existing public housing buildings. The RAD Program also guarantees strong tenant protections that tenants currently have under the public

housing program. The nation's 1.2 million units in the Public Housing program have a documented repair backlog of nearly \$26 billion. As a result, the public housing inventory has been losing an average of 10,000 units annually through demolitions and dispositions. The current conditions of many of these properties prevent reinvestment and recapitalization efforts in the communities with the most need without a funding stream based on Section 8 project-based contracts.

The following are the advantages of participating in the RAD program:

- The RAD Program will allow PHCD to address more redevelopment projects within a shorter time than it can under present funding options;
- The RAD Program can be a source of funds for modernization of the developments through private construction lenders, who understand RAD and are willing to provide construction and permanent financing;
- The RAD Program can access equity through low income housing tax credits;
- The RAD Program provides for a 20-year funding contract with annual cost of living adjustments;
- Modernization could be targeted at repairs and replacement of selected components and energy efficiency upgrades; and
- There are significant safeguards under the RAD Program for residents of public housing such as one-for-one replacement of public housing units and a guaranteed right of return for affected residents. In addition, residents relocated as a result of RAD will be assigned a tenant relocation officer to assist in the relocation process as set forth in a tenant relocation agreement.

As mentioned above, to date, redevelopment of the County's existing public housing stock includes a total of approximately 2,400 units that have been completed, are under construction or near to financial closing to allow for these units to be redeveloped. However, it is anticipated that approximately 6,426 additional public housing units will benefit from redevelopment if the County participates in the RAD Program.

Initially, when Congress approved the RAD Program in 2012, 60,000 public housing units were converted to RAD nationwide. Since then, the number of units converted has increased. As of July 16, 2018, HUD estimates that there are 85,000 un-awarded RAD units. The County is aware that many housing authorities are known to be presently applying for RAD units. In fact, on a recent HUD-sponsored "listening session" with industry partners held on August 8, 2018, HUD advised that "it expects a major increase in volume of units for RAD conversion." There is every reason to believe that the 85,000 remaining units will be used up quickly, and after these units have been approved for RAD conversion, unless Congress authorizes more capacity, the only opportunities for gaining RAD approval will be from housing authorities who cannot make their projects work financially.

Due to the high demand to participate in RAD, the County alerted HUD to the County's need to "reserve" 6,426 units under the RAD Program's Portfolio Award process at the earliest possible opportunity. The Portfolio Award process allows a public housing agency, like the County, to reserve RAD conversion authority for a set of projects and locks in the applicable contract rent in the year of application. In order to apply for a Portfolio Award, a public housing agency must submit (a) a list of all projects proposed for a Portfolio Award and (b) RAD Applications for at least 50 percent of the Public Housing Projects identified in the portfolio. Accordingly, on August 30, 2018, the County transmitted to HUD Secretary Ben Carson a letter of interest, which listed 6,426 public housing units, which are identified in Attachment A of this memorandum, for inclusion in the Portfolio Award. The list of projects include the eight Projects

identified above and which are more fully described in Attachment B of this memorandum. On December 4, 2018, the Board approved Resolution No. R-1240-18, authorizing the County Mayor to submit RAD Applications and any other necessary documents to HUD for the conversion of the public housing projects to Section 8 Project-Based Housing through the RAD program. On March 22, 2019, HUD sent the County a letter, which is attached to this memorandum as Attachment C, that commits to reserving conversion authority for all the units in the portfolio, subject to the County complying with certain requirements set forth in HUD's notice on the RAD program (RAD Notice) within 365 days from the date of the letter, i.e. by March 30, 2020. The letter further advises the County that for each approved RAD Application, HUD will enter into a Commitment to enter into a Housing Assistance Payments (CHAPs). In order to meet HUD's deadline, the RAD Notice requires the County to submit to HUD for its approval, among other things, a financing plan(s), proposed pro forma(s) and certain certifications all of which must be approved by the Board. Subject to HUD's approval of the before-mentioned documents and successful closing of the conversion, the Public Housing Projects will receive a long-term Section 8 HAP. Upon conversion, the public housing units in the Projects, which are converted under the RAD program will be removed from the public housing program and HUD will no longer pay the County public housing operating subsidies for these converted units. Instead, the RAD units will be subsidized in accordance with the Section 8 HAP and the laws and regulations governing the Section 8 project-based program. The Public Housing Projects will also be released from the public housing declaration of trusts and the declaration of restrictive covenants, if applicable, and, in their place, RAD use agreements will be recorded in HUD's favor.

In light of the HUD RAD award, on July 10, 2019, the Board adopted Resolution No. R-749-19, which approved the County's amended Fiscal Year 2018-2019 Annual Public Housing Agency Plan and the Fiscal Year 2019-2020 Annual Public Housing Agency Plan (PHA Plans). As required by HUD regulations and directives the Plan needed to be amended in order to include certain RAD requirements. The PHA Plans have been submitted to HUD for their approval.

The County has had discussions with HUD concerning the refinancing of the Public Housing Projects, which Related Urban either substantially rehabilitated or constructed within the past six years. Additionally, the County discussed the possibility of having the Public Housing Projects converted to RAD. This approach was received positively and encouraged by HUD. Through the RAD conversion process, Related Urban will be able to seek refinancing of their loans on the Public Housing Projects. Neither the refinancing of the Public Housing Projects or the RAD conversion process will negatively affect the residents living in in the Public Housing Projects. In fact, the residents will continue to pay the same income-based rents as public housing and still enjoy strong tenant protections such as right to organize and elect officers.

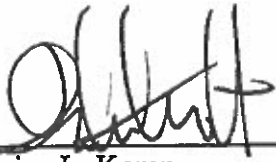
The refinancing, which will be through national banking institutions, is estimated to generate approximately \$30 million in net proceeds. In addition, over \$2 million currently held in the operating and reserve accounts for the Projects will no longer be available to the Public Housing Projects. As noted above, once public housing units are converted through RAD, HUD public housing operating subsidies are no longer available. It is, however, estimated that \$32 million will be generated from the proposed RAD conversion and refinance that Related Urban will be able to use to reinvest in other County-owned properties, as noted below.

The County currently has approximately \$14.7 million Surtax loan funding invested in the Public Housing Projects. It is anticipated that these Surtax Loans will be repaid by Related Urban from the estimated \$32 million generated through RAD. Thereafter, in accordance with section 17-02 of the Code of Miami-

Dade County, Related Urban upon repaying the Surtax loans in full before the date on which the loans are due in full, have the repaid funds loaned to it, or a related entity, for additional eligible affordable housing projects. It is anticipated that Related Urban will reinvest the repaid Surtax loans, along with approximately \$15 million in additional refinancing proceeds and the \$2 million released from the operating and reserve accounts to fund the following projects: (1) the substantial rehabilitation of Robert King High (315 elderly Public Housing units); (2) substantial rehabilitation of Joe Moretti Phase 2B (96 elderly Public Housing units); (3) substantial rehabilitation of Three Round Towers B and C (263 elderly Public Housing units) and the new construction of Brisas del Este (120 units at the Three Round Towers site); and (4) the new construction of Brisas del Rio Phase Two located at the public housing development commonly known as the Senior Campus site, which will provide 235 new units that will house the elderly public housing residents from the existing Haley Sofge building located at 750 NW 13 Avenue, for a total of 1,029 substantially rehabilitated or new units. The proposed conversion provides an excellent opportunity for the County to generate cash proceeds that will be utilized to expedite redevelopment of projects as indicated above for the benefit of its public housing residents and the community.

Finally, PHCD recommends that the Board authorize the County Mayor or the County Mayor's designee to amend the County's Portfolio Award Application to include Three Round Towers B and C (263 units) and the Public Housing Projects (1,029), which were not included in the prior application to HUD, and to further authorize the County Mayor or County Mayor's designee to submit RAD Applications. By including these buildings, the County will increase the number of public housing units converted to RAD from 6,426 to 7,718.

Attachments



Maurice L. Kemp  
Deputy Mayor

Attachment A



Public Housing and Community Development  
701 NW 1st Court, 16th Floor  
Miami, FL 33136-3014  
T 786-469-4100 • F 786-469-4199

miamidade.gov

August 30, 2018

Honorable Ben Carson, Secretary  
U.S. Department of Housing and Urban Development  
451 Seventh Street, SW  
Washington, DC 20410

RE: Letter of Interest to Reserve RAD Unit Set Aside for a Portfolio Wide Designation Covering 6,426 Public Housing Units for the Miami-Dade Public Housing and Community Development Department (PHCD)

Dear Dr. Carson:

We are writing to request the set aside of 6,426 public housing units as a part of a portfolio-wide reservation under the Rental Assistance Demonstration (RAD) for the Miami-Dade County PHCD. We consider this essential to ensure that Miami-Dade County has sufficient assurance to embark upon an ambitious transformation of a substantial portion of its public housing portfolio in desperate need of rehabilitation and replacement. As you may be aware from your visit on April 12, 2017, the average age of public housing in Miami-Dade with little to no capital investment is over forty (40) years old and we have some sites now entering their sixth, seventh and even eighth decade of development life, which otherwise have had no real source of capital improvement funding. The Liberty Square site you toured during your visit is in fact over 80 years old and is one of the oldest public housing developments in the nation.

In general, the sites covered by this requested portfolio-wide set-aside have deficiencies which are inherent with an aged and undeveloped housing stock, including deteriorated elevators, mechanical systems, electrical and plumbing systems, windows, doors, roofs, along with building envelopes in need of repair and which do not meet current hurricane standards, inadequate fire safety, poor infrastructure, as well as a lack of security systems equipment. For many of these sites, physical as well as functional obsolescence make the properties difficult to sustain as well as to provide critical operating services, even with good management systems, such that residents lack the quality of housing and maintenance they deserve and should expect.

Despite the conditions and concerns described above, Miami-Dade PHCD has aggressively and effectively over the past few years transformed over 2,400 units of affordable housing using limited available public funds and innovative approaches to leveraging private debt, equity, and other market investment. We have in many respects pursued the principles which embody the RAD Program and are now ready to use the RAD tool to proceed with a full and comprehensive transformation of the remainder of our affordable (public) housing stock. We have assessed the use of RAD for the properties covered in this portfolio set-aside request and determined that the total capital needs are over \$2 billion, which with the effective use of RAD can generate about 60% of the total funding need (refer to attached appendix table 1 and 2). Just over \$600 million in gap funding will need to come from non-traditional and other public and private sources. We have found that by taking a comprehensive redevelopment approach, we improve our ability to leverage amounts equivalent to that which we find constitute our current funding gap.

Without a RAD set-aside however, the ability to address a total need of \$2 billion is in many respects not only daunting but, we believe, unrealistic to overcome; thus, placing the future of thousands of affordable public housing units in jeopardy at a time when housing affordability to many in the Miami-Dade area is becoming increasingly difficult due to the growing preponderance of higher end market housing out of the reach of low and moderate-income households. This will significantly impact the healthy and diverse

demographic that characterizes the best of Miami-Dade and diminishes the opportunities such a thriving economy provides for those with the greatest need for access to employment and other support services; thereby, further aggravating the persistent socio-economic problems brought about by income inequality.

Without this portfolio reservation, PHCD will be compelled to rely primarily on the approximately \$12 million per year it receives in Capital Fund Program (CFP) money, which would take over 150 years to cover the capital financing need of the public housing developments included in this designation request. As we know, without addressing capital needs fully, what results is accelerated deterioration of the housing stock, eventually rendering it fully obsolete and then uninhabitable. Accelerated deterioration also distorts the level trend of operating expenses resulting in operating costs well above that provided under the public housing operating fund. This depletes needed funds for maintenance in future years, which further limit the amounts available for even the most basic of services for our residents. Therefore, it is urgent that we take immediate steps to address the needs of the housing developments in this portfolio-wide designation request. The RAD program is virtually the only path available to unleash the private capital and market investment needed to assure the physical upgrade, and in many cases, the transformation required to assure these housing communities remain a viable resource for low-income households in the future.

The RAD portfolio designation and approach to revitalizing public housing currently has wide spread support among a broad base of stakeholders. This includes public housing communities, Congressman Mario Diaz-Balart (Chairman of the House Appropriations subcommittee for Transportation, HUD and Related Agencies), Miami-Dade County and City of Miami elected leadership, and many others such as State Attorney Katherine Fernandez-Rundle, and Miami-Dade County and City of Miami Police Departments. State Attorney Fernandez-Rundle has provided written support for PHCD's redevelopment plan based on RAD. This letter will be forwarded via separate correspondence. In addition, on August 3, 2018, PHCD met with the Overall Tenant Advisory Committee (OTAC) to discuss the RAD program. OTAC representatives expressed enthusiastic support for this initiative. We believe our request warrants immediate action to move ahead with a portfolio designation to assure the collaborative support at the local level continues and stakeholders have confidence that the conditions at these housing developments will be addressed comprehensively and effectively.

While we understand that the current notice does not provide for a specific portfolio wide designation unless up to 50% of the developments are included in the initial RAD application submitted under a portfolio designation, we find no prohibition that would limit HUD in granting this approval for Miami-Dade PHCD. The RAD Notice recognizes that milestones applicable to the implementation of a portfolio RAD application may be modified for housing authorities like PHCD seeking to convert 3,000 or more public housing units. In fact, had the Miami Dade Public Housing Program received official notice of achieving standard performer status before 2016-17, we would have pursued the submission of a letter of interest prior to the recent increase in the RAD cap. We intend to follow beginning on or about this October with the submission of our first RAD property specific applications for at least four (4) housing developments. Accordingly, we intend to proceed with a phased and thorough approach to the provision of property specific applications covered in the request for a portfolio wide designation.

The process prescribed by HUD is administrative and therefore within HUD's discretion to modify based on circumstances such as those presented above (please see attached memorandum on HUD's ability to use such discretion to grant this request from PHCD's counsel, Amy McClain of Ballard Spahr). It is critical that we obtain a portfolio-wide designation such that there can be confidence that this change in subsidy platform and ability to attract private equity and capital is available during the planning process that will now occur at the public housing development level. While we do expect several specific applications to be submitted in the near future as part of the overall portfolio RAD conversion and revitalization effort, we need further engagement with the residents, community, and others to assure a sound and viable approach at other housing developments. The portfolio-wide designation will provide the confidence and certainty others need (including the investment community) that their efforts in formulating revitalization strategies will yield needed results. We are not requesting any new or additional federal funds, only the approval to have units within the current RAD "cap" held for the PHCD properties.

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HUD has been a valuable and essential partner in our efforts to transform public housing, and we hope that you can continue with your approval of our request for a portfolio-wide designation. Should you have any questions or would like to discuss this matter further, please do not hesitate to contact Michael Liu, PHCD Director, or my office.

Sincerely,



Carlos A. Gimenez  
Miami-Dade County Mayor



Michael Liu,  
Director, Miami-Dade PHCD

CC: Pamela Hughes Patenaude, Deputy Secretary, HUD  
Brian Montgomery, Assistant Secretary for Housing/Federal Housing Commissioner, HUD  
C. Lamar Seats, Deputy Assistant Secretary for Multifamily Housing, HUD  
Thomas Davis, Director, Office of Recaptialization, HUD  
Denise Cleveland-Leggett, Regional Administrator, HUD Region IV  
Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing, HUD  
Uche A. Oluoku, Director, OPH, Miami Field Office, HUD  
Victoria Barton, Deputy Chief of Staff, Office of the Deputy Secretary, HUD  
Trent M. Morse, Senior Policy Advisor, Office of the Deputy Secretary, HUD  
Chris Sweet, Legislative Director, Office of US Representative Mario Diaz-Balart  
Christopher D. Taylor, Deputy Regional Administrator, HUD Region IV





Attachment B

Project Name	Address	Comm. District	Total # of PH Units	Total Development Cost	Completion Date
Jack Orr Plaza	550 NW 5 St. Miami, FL 331288	5	200	\$24,767,234	December 2014
Joe Moretti Phase I	240 SW 9 St. Miami, FL 33130	5	116	\$24,663,913	March 2014
Joe Moretti Phase IIA	535 SW 6 Ave. Miami, FL 33130	5	96	\$12,150,135	November 2016
Stirrup Plaza Phase I	3160 Mundy St. Miami, FL 33133	7	100	\$13,630,588	February 2014
South Miami Plaza	6701 SW 62 Ave. Miami, FL 33143	7	97	\$13,084,412	March 2014
Dante Fascell	2929 NW 18 Ave. Miami, FL 33142	3	151	\$18,883,856	January 2014
Collins Park	3625 NW 20 Ave. Miami, FL 33142	3	124	\$28,153,456	December 2014
Three Round Tower A	2920 NW 18 Ave. Miami, FL 33142	3	128	\$15,772,341	March 2019



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

March 22, 2019

Michael Liu  
Executive Director  
Miami Dade Public Housing & Cmnty Dev  
701 NW First Court, 16<sup>th</sup> Floor  
Miami, FL 33136

Dear Mr. Liu:

We are pleased to approve your request for a Portfolio Award under the Rental Assistance Demonstration (RAD) covering the projects (the "portfolio") identified in the exhibit attached to this letter.

This Portfolio Award serves as the Department's commitment to reserve conversion authority for all the identified units in the portfolio, subject to the conditions below. The purpose of this award is to begin the process of effectuating the conversion of Public Housing to a form of project-based assistance under section 8 of the Housing Act of 1937 (the Act). This award cannot be transferred without the prior written consent of HUD. This award is issued pursuant to the Consolidated and Further Continuing Appropriations Act, 2012, Pub. L. No. 112-55, approved November 18, 2011 and the Consolidated and Further Continuing Appropriations Act of 2015 (P.L. 113-235), approved December 6, 2014; the 2017 Consolidated Appropriations Act (P.L. 115-31), approved May 5, 2017, and the Consolidated Appropriations Act of 2018 (P.L. 115-141), approved March 23, 2018; section 8 of the Act, 42 U.S.C. 1437 et seq.; and the Department of Housing and Urban Development Act, 42 U.S.C. 3531 et seq.

The PHA will have 365 days from the date of this Portfolio Award to submit acceptable RAD Applications for the projects listed above. The PHA must fulfill the requirements of Section 1.9 of PIH Notice 2012-32 Revision 3 ("Notice"), and all subsequent revisions, when submitting RAD Applications. HUD will rely solely on applications and documents the PHA submits through [RADApplications@hud.gov](mailto:RADApplications@hud.gov) to ensure compliance of Section 1.9 of the Notice. For each approved RAD Application, HUD will issue a Commitment to enter into a Housing Assistance Payment (CHAP) and the owner must comply with all "CHAP Milestones" identified in section 1.12 of the Notice as applicable. The CHAP will include a rent schedule based on the RAD initial rent setting rules in effect at the time of application.

As the Portfolio Award is a conditional commitment by HUD, HUD reserves the right to revoke or amend the Portfolio Award at any time prior to the closing of the last project included

in the Portfolio Award if HUD, in its sole judgment, determines that any of the following conditions are present:

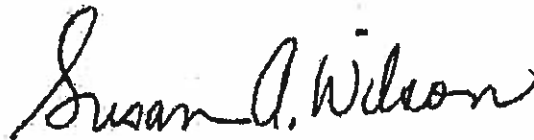
- A. the PHA has failed to make sufficient progress towards submitting RAD Applications for the proposed portfolio,
- B. any of the contract units within the portfolio were not eligible for selection;
- C. the PHA fails to meet any applicable deadline;
- D. the PHA fails to cooperate;
- E. there is any violation of program rules, including fraud; or
- F. the terms of the conversion would be inconsistent with fair housing and civil rights laws or a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement.

If HUD, in its sole judgment, determines that the PHA fails to meet any of the requirements listed above or in Section 1.9 of the Notice, the Portfolio Award will be amended or revoked, unless the PHA submits and HUD approves a request for a deadline extension or modification to the Portfolio award. Approval of any request for an extension or modification is at HUD's sole discretion.

This Portfolio Award shall be interpreted and implemented in accordance with all statutory requirements, and with all HUD requirements, including amendments or changes in HUD requirements, the Notice, and all other applicable RAD guidance.

As you start the process of conversion, we urge you to continue to maintain an open dialogue with your residents and local officials. If you have any questions or concerns regarding the conversion process or fulfilling the requirements of Section 1.9 or the CHAP Milestones, please contact your RAD Transaction Manager.

Sincerely,



Susan A. Wilson  
Director  
Office of Public and Indian Housing

Enclosure

CC: Karen Arndt

**Portfolio Award Exhibit: List of Projects and Units Subject to Portfolio Award**

PIC Development #	Project Name	Number of Converting Units	CHAP Award Date
AMP 820	Edison	425	
AMP 829	Edison	248	
AMP 828	Edison	425	
AMP 824	Edison	279	
AMP 846	Edison	344	
AMP 845	Edison	138	
AMP 825	Little River/AMPs 823 & 825	267	
AMP 823	Little River/AMPs 823 & 825	376	
AMP 817	Liberty City	101	
AMP 822	Liberty City	200	
AMP 820	Liberty City	595	
AMP 837	Downtown Elderly	119	
AMP 833	Downtown Elderly	206	
AMP 834	Downtown Elderly	104	
AMP 845	Perrine	210	
AMP 839	Perrine	100	
AMP 821	Little River/AMP 821	285	
AMP 840	Little River	154	3/22/2019
AMP 840	Joe Moretti	96	3/22/2019
AMP 837	Arthur Mays Villas Multiphase	156	
AMP 837	Arthur Mays Villas	173	
AMP 842	South Miami Multiphase	24	
AMP 842	South Miami	58	3/22/2019
AMP 842	South Miami Multiphase	24	
AMP 832	Culmer Gardens Multiphase	56	
AMP 831	Culmer Gardens	75	3/22/2019
AMP 830	Rainbow Village Multiphase	110	
AMP 830	Rainbow Village	100	3/22/2019
AMP 830	Governor Cherry Multiphase	24	
AMP 830	Governor Cherry	100	
AMP 830	Edison	425	
TOTAL:		6,426	



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** October 3, 2019

**FROM:** Abigail Price-Williams  
County Attorney

Amended

**SUBJECT:** Agenda Item No. 8(K)(3)

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
- Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_ R-1059-19

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AMEND THE COUNTY'S RENTAL ASSISTANCE DEMONSTRATION APPLICATION FOR A PORTFOLIO AWARD TO INCLUDE THREE ROUND TOWERS B AND C, TO SUBMIT RENTAL ASSISTANCE DEMONSTRATION APPLICATIONS AND ANY OTHER NECESSARY DOCUMENTS TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE PURPOSE OF REFINANCING AND CONVERSION OF EIGHT ADDITIONAL PUBLIC HOUSING PROJECTS, INCLUDING JACK ORR, JOE MORETTI PHASE I, JOE MORETTI PHASE II A, STIRRUP PLAZA, SOUTH MIAMI PLAZA, DANTE FASCELL, COLLINS PARK, AND THREE ROUND TOWER A TO SECTION 8 PROJECT-BASED HOUSING THROUGH THE RENTAL ASSISTANCE DEMONSTRATION PROGRAM; AUTHORIZING THE COUNTY MAYOR, THE COUNTY MAYOR'S DESIGNEE OR THE CHAIRPERSON OF THE BOARD TO TAKE ALL OTHER NECESSARY STEPS TO EFFECTUATE THE PURPOSE SET FORTH HEREIN; APPROVING AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, PURSUANT TO SECTION 17-02 OF THE CODE OF MIAMI-DADE COUNTY, TO RE-LOAN REPAYED LOANS OF DOCUMENTARY SURTAX PROGRAM FUNDS TO RELATED URBAN DEVELOPMENT GROUP, LLC OR RELATED ENTITIES FOR THE SUBSTANTIAL REHABILITATION OF ROBERT KING HIGH, JOE MORETTI PHASE 2B AND THREE ROUND TOWERS B AND C, AND THE NEW CONSTRUCTION OF BRISAS DEL ESTE AND BRISAS DEL RIO PHASE TWO; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A CONDITIONAL LOAN COMMITMENT, STANDARD SHELL CONTRACTS, STANDARD SHELL LOAN DOCUMENTS, AMENDMENTS, OTHER DOCUMENTS OR AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION, TO SUBORDINATE THE COUNTY'S INTERESTS AND TO EXERCISE THE TERMINATION, WAIVER, ACCELERATION, CANCELLATION AND OTHER 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:**

**Section 1.** The foregoing recital is incorporated in this resolution and is approved.

**Section 2.** This Board authorizes the County Mayor or the County Mayor's designee to submit Rental Assistance Demonstration ("RAD Program") applications and any other necessary documents, to the United States Department of Housing and Urban Development ("HUD") and amend the County's Rental Assistance Demonstration application for a portfolio award to include Three Round Towers B and C public housing sites, for conversion to Section 8 Project-Based housing through the RAD Program.

**Section 3.** This Board authorizes the County Mayor or the County Mayor's designee to submit RAD applications and any other necessary documents to HUD for the purpose of refinancing and converting eight additional public housing projects developed or rehabilitated by Related Urban Development, LLC (Related Urban), which include Jack Orr, Joe Moretti Phase I, Joe Moretti Phase II A, Stirrup Plaza, South Miami Plaza, Dante Fascell, Collins Park, and Three Round Tower A public housing sites (collectively the "Public Housing Projects"). This Board further directs the County Mayor or the County Mayor's designee to appoint a tenant relocation officer to assist tenants who are impacted by RAD and to prepare and submit for this Board's approval a tenant relocation agreement.

**Section 4.** This Board authorizes the County Mayor, the County Mayor's designee or the Chairperson of the Board to take all other necessary steps, including, but not limited to, the submission of financial plan(s), pro forma(s), execution of required certifications and Section 8 Housing Assistance Payment Contracts that are required for the conversion of the Public Housing Projects to Section 8 project-based housing through the RAD Program.

**Section 5.** In the event Related Urban repays in full the documentary stamps surtax program loans (Surtax Loans) in the approximate amount of \$14.7 million, which are associated with the Public Housing Sites, before the date on which such loans are due in full, this Board approves and authorizes the County Mayor or the County Mayor's designee, in accordance with section 17-02 of the Code of Miami-Dade County, to re-loan such repaid loan proceeds for the following purposes: (1) the substantial rehabilitation of Robert King High; (2) the substantial rehabilitation of Joe Moretti Phase 2B; (3) the substantial rehabilitation of Three Round Towers B and C and the new construction of Brisas del Este; and (4) the new construction of Brisas del Rio Phase Two; and

**Section 6.** In the event Related Urban repays in full the Surtax Loans identified in section 5 of this resolution, this Board authorizes the County Mayor or County Mayor's designee (a) to execute a conditional loan commitment, (b) to execute all standard shell contracts, standard shell loan documents, amendments and other agreements, (c) upon a determination that such actions are in the best interest of the County, to execute any documents or agreements necessary, (d) to subordinate and/or modify the terms of contracts, agreements, amendments and loan documents so long as such modifications are approved by the County Attorney's Office and are not substantially inconsistent with this resolution, and (e) to exercise the termination, waiver, acceleration, or other provisions set forth therein.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**,  
who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman**  
and upon being put to a vote, the vote was as follows:

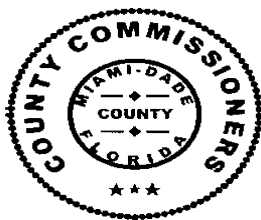
Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	absent		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	absent	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	absent
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 3<sup>rd</sup> day of October, 2019. 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

**Linda L. Cave**  
By: \_\_\_\_\_  
Deputy Clerk



Approved by County Attorney as  
to form and legal sufficiency.

Terrence A. Smith