



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Housing and Social Services Committee (HSSC) Meeting

May 7, 2018
9:30 A.M.
Commission Chambers

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Research Notes**

Item No. 2A

File No. 181082

Researcher: MF Reviewer: TD

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REQUIRE AS A CONDITION OF RECEIPT OF STATE HOUSING INITIATIVE PARTNERSHIP, DOCUMENTARY STAMP SURTAX, HOME INVESTMENT PARTNERSHIPS, COMMUNITY DEVELOPMENT BLOCK GRANT, BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAMS, AND OTHER AFFORDABLE HOUSING FUNDS FOR ELDERLY HOUSING, THAT ALL DEVELOPERS, BORROWERS, OR GRANTEES OF SUCH FUNDS HAVE A NATURAL DISASTER PLAN AND MEET OTHER REQUIREMENTS SET FORTH HEREIN; REQUIRING THAT THE COUNTY'S REQUEST FOR APPLICATIONS, LOAN FUNDING AGREEMENTS OR GRANT AGREEMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND/OR REHABILITATING AFFORDABLE ELDERLY HOUSING SHALL CONTAIN PROVISIONS REQUIRING SUCH NATURAL DISASTER PLAN; URGING ALL DEVELOPERS, BORROWERS OR GRANTEES WHO HAVE RECEIVED FUNDS FROM SUCH PROGRAMS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING AND/OR REHABILITATING AFFORDABLE ELDERLY HOUSING PRIOR TO THE EFFECTIVE DATE OF THIS RESOLUTION TO IMPLEMENT SOME OR ALL OF THE REQUIREMENTS SET FORTH HEREIN; CREATING EXCEPTIONS; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO POST OR OTHERWISE MAKE AVAILABLE THIS RESOLUTION; AND REQUIRING A REPORT

ISSUE/REQUESTED ACTION

Whether the Board should direct the County Mayor or the County Mayor's designee to require, as a condition of receipt of State Housing Initiatives Partnership, Documentary Stamp Surtax, Home Investment Partnerships, Community Development Block Grant, Building Better Communities General Obligation Bond Programs, and other affordable housing funds for elderly housing, that all developers, borrowers, or grantees of such funds have a natural disaster plan and meet other requirements set forth in the proposed resolution.

Whether the Board should require that the County's request for applications, loan funding agreements or grant agreements for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing shall contain provisions requiring such natural disaster plan.

Whether the Board should urge all developers, borrowers or grantees who have received funds from such programs for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing prior to the effective date of this resolution to implement some or all of the requirements set forth in the proposed resolution.

Whether the Board should direct the County Mayor or the County Mayor's designee to post or otherwise make this resolution available on the County's website, including but not limited to the website maintained for the Miami-Dade Public Housing and Community Development Department; and

Whether the Board should direct the County Mayor or the County Mayor's designee to provide a written report detailing each developer, borrower or grantee's compliance with this resolution, within five years of the effective date of this resolution, and every five year thereafter.

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APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 201.02, governs taxes on deeds and other instruments relating to real property or interests in real property.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0201/Sections/0201.02.html

Florida Statutes, Section 201.031 governs discretionary surtax; administration and collection; Housing Assistance Loan Trust Fund; reporting requirements.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0201/Sections/0201.031.html

Ordinance No. 14-65, adopted by the Board on July 1, 2014, relates to zoning and other land development regulations.

<http://intra/gia/matter.asp?matter=140686&file=true&yearFolder=Y2014>

PROCEDURAL HISTORY

Prime Sponsor: Audrey M. Edmonson, District 3

This item has no procedural history.

FISCAL IMPACT

There is no Fiscal Impact Statement included with this item.

ANALYSIS

The 2017 hurricane season was extremely busy and devastating for the Caribbean region and Florida. In particular, Hurricane Irma resulted in 73 fatalities statewide. Of those fatalities, 14 were elderly patients who resided in a nursing home located in Hollywood, FL, who died after Hurricane Irma disabled the facility's air conditioning. The Rehabilitation Center at Hollywood Hills failed to evacuate residents from the sweltering heat in the days following the storm, and 14 elderly residents died from complications related to heat exhaustion.

<https://www.cnn.com/2017/10/09/health/florida-irma-nursing-home-deaths-wife/index.html>

Power outages are frequent during hurricanes and storms, and this may lead to disabled generators, which are necessary to power air conditioners and elevators in high rise buildings. This creates an unsafe environment for many vulnerable residents, and traps others on the upper floors. According to researchers from Colorado State University, the 2018 Atlantic hurricane season is forecast to have a slightly higher than historical average number of storms and hurricanes.

<https://weather.com/storms/hurricane/news/2018-04-04-hurricane-season-forecast-atlantic-colorado-state>

In preparation for the 2018 hurricane season, the proposed resolution seeks to ensure that all residents, especially the most vulnerable, enjoy decent, safe and sanitary housing before, during and after a natural disaster, such as a hurricane. In particular, the proposed resolution:

I. Directs the County Mayor or the County Mayor's designee to require, as a condition of receipt of State Housing Initiatives Partnership, Documentary Stamp Surtax, Home Investment Partnerships, Community Development Block Grant, Building Better Communities General Obligation Bond Programs, and other affordable housing funds for elderly housing, that all developers, borrowers, or grantees of such funds have a natural disaster plan and meet other requirements set forth in the proposed resolution.

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II. Requires that the County's request for applications, loan funding agreements or grant agreements for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing contain provisions require all developers, borrowers or grantees of such funds to provide the following:

- a) A written natural disaster plan approved by the County Mayor or the County Mayor's designee for the affordable housing development. Such natural disaster plan shall be updated annually, be made available to the residents and first responders, and include at a minimum the following information:
 - 1. An evacuation plan for all residents of the affordable housing development;
 - 2. A contingency plan in the event the generators required herein are not operational before or after a natural disaster;
 - 3. Steps to be taken in order to identify all residents who evacuate from or choose to remain in an affordable housing development before and after a natural disaster;
 - 4. A refueling plan for generators;
 - 5. A communication plan between the developer, borrower or grantee and their personnel before, during and after a natural disaster; and
 - 6. Any other requirements that the County Mayor or the County Mayor's designee, at their sole discretion, determines to be necessary for inclusion in the natural disaster plan.
- b) A kitchen on the first, second or third floor of the building that can be used to cook food for the residents after a natural disaster;
- c) A community room on the first, second or third floor of the development that has air conditioning where residents can go during and after a natural disaster;
- d) A kitchen and/or community room on the first, second or third floor of the development that has water supplied by a pump connected to a generator during and after a natural disaster;
- e) A minimum of one generator to operate the lights, air conditioner and other appliances in a community room and kitchen after a natural disaster and throughout the duration of a power outage. Such generators shall be maintained in good working order and shall be inspected before and after a natural disaster;
- f) A minimum of one trained personnel on site at the affordable housing development during and after the storm. This person must receive disaster training based on the Medicaid guidelines. Such training can be provided, at no cost to the County, by a County department designated by the County Mayor or the County Mayor's designee. Any cost associated with such training shall be borne solely by the developer, borrower, or grantee;
- g) A minimum of one trained personnel or volunteer, which may include a resident, on-site at the affordable housing development to provide assistance after a natural disaster;
- h) Working contact telephone numbers, including at least one land telephone line and one cellular telephone, that shall be provided to each resident and which shall be made available to such residents before, during, and after a natural disaster. Such telephone numbers shall be posted in common areas, including but not limited to community rooms and management offices; and

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i) A list of community agencies furnished by the County that can provide services before and after a natural disaster, which shall be prominently posted in administrative offices and the common areas.

III. Urges all developers, borrowers or grantees who have received Affordable Housing Program Funds for the purpose of acquiring, constructing and/or rehabilitating affordable elderly housing prior to the effective date of this resolution to implement some or all of the requirements set forth in the proposed resolution.

IV. Directs the County Mayor or the County Mayor's designee to post or otherwise make this resolution available on the County's website, including but not limited to the website maintained for the Miami-Dade Public Housing and Community Development Department; and

V. Directs the County Mayor or the County Mayor's designee to provide a written report detailing each developer, borrower or grantee's compliance with this resolution, within five years of the effective date of this resolution, and every five year thereafter. The completed reports shall be placed on an agenda of this Board pursuant to Ordinance No. 14-65.

The proposed resolution also provides the following exemptions:

1. All affordable housing developed in accordance with the County's Infill Housing Initiative Program shall be exempt from all requirements of this resolution;
2. All County-owned public housing and other affordable housing sites, including but not limited to those developed or rehabilitated in accordance with a mixed-finance development concept authorized by the United States Department of Housing and Urban Development shall be exempt from all requirements of this resolution;
3. All affordable housing sites with less than 40 units shall be exempt from the requirements set forth in Section 3, subsections (b) and (c) of this resolution; provided however, the developers, borrowers or grantees of such affordable housing sites shall include in their natural disaster plan alternative plans acceptable to the County Mayor or the County Mayor's designee to address the needs of their residents; and
4. All elderly affordable housing developments located in a mandatory evacuation area shall not be required to have any personnel on-site during a natural disaster.

ADDITIONAL INFORMATION

The State Housing Initiatives Partnerships (SHIP) Program provides funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multi-family housing. The program was designed to serve very low, low and moderate income families.

<http://www.miamidade.gov/housing/ship-program.asp>

Under Sections 201.02 and 201.031 of the Florida Statutes, certain counties are authorized to levy a surtax on documents that transfer interest in Florida real property. Transfers of interest in single-family residences are exempt from this documentary surtax. In 1984, Miami-Dade County exercised this authority, and established a Housing Assistance Loan Trust Fund, and implemented the Documentary Surtax Program to benefit very low, low and moderate income families.

<http://www.miamidade.gov/housing/documentary-stamp-surtax-program.asp>

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The Home Investment Partnerships program is designed to expand the supply of decent and affordable housing, particularly rental housing, for low and very low income individuals; strengthen the abilities of State and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing; provide both financial and technical assistance to participating jurisdictions, including the development of model programs of affordable housing for very low, and low income families; and expand and strengthen partnerships among all levels of government and private sector in the production and operation of affordable housing.

<http://www.miamidade.gov/housing/home-program.asp>

Eligible activities for Community Development Block Grant (CDBG) funding must meet one or more of the national objectives set by HUD and benefit the low and moderate income persons of Miami-Dade County. CDBG funds are designed to support projects that benefit low and moderate income persons; are integrated in a long-range community strategy; leverage further private and public partnership; and enhance deteriorated residential and business districts.

<http://www.miamidade.gov/housing/community-development.asp>

On November 2, 2004, the voters of Miami-Dade County approved the \$2.9 billion Building Better Communities Bond Program, which allows the County to issue long-term bonds to fund more than 300 neighborhood and regional capital projects to be completed over the next 15 years. For further information please see the link below.

<https://www.miamidade.gov/bondprogram/building-better-communities.asp>

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Item No. 2B

File No. 181076

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF FOUR COUNTY-OWNED PROPERTIES TO J.L. BROWN DEVELOPMENT CORPORATION, A FLORIDA CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board should authorize the conveyance of four County-owned properties to J.L. Brown Development Corporation at a price of \$10.00, for the purpose of developing such properties with affordable housing to be sold to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Section 125.379(1), requires each County to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Florida Statutes, Section 125.379(2), prescribes the County's authority as to the County properties identified as affordable housing.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Florida Statutes, Section 125.411, relates to deeds of conveyance of lands.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html

Miami-Dade County Code, Section 2-8.6.5, governs the purchase, sale and lease of real property.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

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Miami-Dade County Code, Section 17-121, relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

https://library.municode.com/fl/miami_miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIHOIN_S17-121TIPU

Miami-Dade County Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Miami-Dade County Administrative Order No. 8-4 states that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.”

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County’s investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy to require disclosure of market value or market rental in legislative items authorizing the conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-979-17, adopted on November 7, 2017, declared the County properties at issue in the proposed resolution surplus and added such properties to the County’s inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

Resolution No. R-974-09, adopted on July 21, 2009, directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

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Resolution No. R-380-17, adopted by the Board on April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

This item has no procedural history.

FISCAL IMPACT

The proposed resolution will save the County the cost of monitoring the properties and maintaining the lawn, for a total of \$1,769 (for all lots) annually. In addition, the new homes will generate real estate taxes for the County.

ANALYSIS

On April 16, 2018, J.L. Brown Development Corporation (J.L. Brown) submitted an application to Commissioner Moss requesting that the County convey four County-owned vacant properties located in District 9, in order to build affordable housing for sale to very low, low or moderate income households. According to Section 17-121 of the Miami-Dade County Code, "... any County owned parcel or parcels of property identified as appropriate for infill housing may be transferred, sold or otherwise conveyed to a qualified developer through a competitive solicitation established by the County or in accordance with Section 125.379 (2), Florida Statutes, for the development of infill housing". Section 125.379, Florida Statutes, provides that "the properties identified as appropriate for use as affordable housing on the inventory list adopted by the County may be offered for sale ... or may be donated to a non-profit housing organization for the construction of permanent affordable housing".

The proposed resolution to authorize conveyance of said properties to Southeast, at a price of \$10.00, would further the purpose of making affordable housing available to needy households in accordance with the Infill Program.

The purpose of the Infill Housing Program is to increase the availability of affordable homes for very low, low, and moderate income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.

<https://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

According to the letter sent by J.L. Brown to Commissioner Moss, the company is requesting to be conveyed the four properties to develop single family homes meeting the criteria set forth within the Infill Program. The 4 lots will be developed into six living units. The homes will include both 3 and 4 bedrooms with 2 baths and a family room. The 3 bedroom unit will be around 1600- 1700 Square feet and the 4 bedroom unit will be around 1800-1900 square feet. The price range for the 4 bedroom will be \$205,000.00 to meet the program guideline. The 3 Bedroom unit will be priced at \$200,000.00. The parcels will be developed within the next 12 to 18 months from the date of the conveyance.

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Lot No.	Address	Land Value	Square Footage
30-5019-001-6670	14210 Madison Street	\$61,240	7,810
30-5019-003-1150	10700 SW 151 Street	\$66,960	9,240
30-6007-000-0141	11251 SW 216 Street	\$75,000	9,375
30-6913-000-0521	SW 122 Court (across from 22140 SW 122 Court)	\$35,750	14,157

Pursuant to Administrative Order No. 8-4, Miami-Dade Internal Services Department previously announced availability of the four County properties to all County departments and determined that there was no interest in the said properties.

The four County properties will be conveyed to J.L. Brown, subject to a reverter, on the condition that J.L. Brown develops each of the County properties with affordable housing to be sold to very low, low, or moderate income households within two years of the effective date of the conveyance of the four properties, unless such time is extended at the discretion of the Board. If J.L. Brown does not develop the four homes within 24 months, the Board may extend the time limit or exercise its reversionary interest. The main restrictions on the conveyance, as specified in the Deed, are as follows:

- That the properties shall be developed by J.L. Brown as defined by and in accordance with the requirements of the Infill Housing Initiative Program;
- That the properties shall be developed within two years of the recording of the Deed, as evidenced by the issuance of a final Certificate of Occupancy;
- That the dwelling units developed on the properties shall be sold to qualified households, but under no circumstances shall the sales price of the home exceed \$205,000;
- That for any of the properties located within the HOPE IV Target Area, J.L. Brown shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal on all units to be sold within the Target Area;
- That J.L. Brown shall not assign or transfer its interest in the properties in the Deed absent consent of the Miami-Dade County Board of County Commissioners, with the exception of any conveyance to qualified homebuyers;
- J.L. Brown shall require that the qualified household purchasing the eligible home execute and record simultaneously with the Deed of Conveyance from Southeast to the qualified household the County's "Affordable Housing Restrictive Covenant";
- That J.L. Brown shall pay real estate taxes and assessments on the properties or any part thereof when due;

ADDITIONAL INFORMATION

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

Infill Housing Homebuyer Requirements can be found at the below link:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

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According to the Florida Department of State Division of Corporations website (Sunbiz.org), J.L. Brown Development Corporation, has an active status as a Florida Profit Corporation and first filed and registered on 8/8/2000. The principal address is registered as 13645 Old Cutler Road, Palmetto Bay, FL 33158. Its registered agent is Brown, James L., 13645 Old Cutler Road, Palmetto Bay, FL 33158.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

A newspaper article dated May 24, 2016, entitled “How poor is Miami? The rich earn \$40 for every \$1 earned by the poor,” states that “Miami-Dade County has one of the least affordable housing markets in the nation. People are considered ‘cost-burdened’ by housing when more than 30 percent of income goes toward a place to live. By that measure, Miami-Dade has the third most cost-burdened housing market in the country, behind two counties in the New York area. In Miami-Dade, 51 percent of households are considered cost-burdened”.

<http://www.miamiherald.com/news/local/community/miami-dade/article79670752.html>

DEPARTMENT INPUT

The Office of the Commission Auditor posed the following questions to the Public Housing and Community Development Department, and is awaiting the responses:

- Please provide the number of housing units projected for the properties. **There will be four homes.**
- Please provide information on the home specifications (how many bedrooms, bathrooms, square footage, price range). **Please be advised that the 4 lots allocated to J.L. Brown Development will provide 6 living units. The homes will include both 3 and 4 bedrooms with 2 baths and a family room. The 3 bedroom unit will be around 1600- 1700 Square feet and the 4 bedroom will be around 1800-1900 square feet. The price range for the 4 bedroom will be \$205,000.00 to meet the program guideline. The 3 Bedroom unit will be price at \$200,000.00.**
- Please provide some indication as to the economic impact of this item. **The proposed resolution will save the County the cost of monitoring the properties and maintaining the lawn, for a total of \$1,769 (for all lots) annually. In addition, the new homes will generate real estate taxes for the County.**