



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

**Housing, Social Services & Economic Development
Committee (HSSSED) Meeting**

July 16, 2019
12:00 P.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

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HSSD Meeting: July 16, 2019
Research Notes

Item No. 1G1
File No. 191521

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING, AFTER A PUBLIC HEARING, THE FISCAL YEAR 2019 ACTION PLAN WITH FUNDING RECOMMENDATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$10,886,157.00, HOME INVESTMENT PARTNERSHIPS (HOME) FUNDS IN THE AMOUNT OF \$4,524,114.00, HOME PROGRAM INCOME IN THE AMOUNT OF \$1,759,078.59, AND EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM FUNDS IN THE AMOUNT OF \$1,082,542.00; APPROVING SUBSTANTIAL AMENDMENTS TO THE FISCAL YEARS FY 2004-2018 ACTION PLANS AND THE CORRESPONDING FY 2003-2007, 2008-2012, AND 2013-2017 (AS EXTENDED THROUGH 2019) CONSOLIDATED PLANS FOR THE RECAPTURE AND REALLOCATION OF CDBG FUNDS IN THE AMOUNT OF \$1,251,226.82, HOME FUNDS IN THE AMOUNT OF \$1,286,823.26, HOME CHDO FUNDS IN THE AMOUNT OF \$24,604.10, HOUSING DEVELOPMENT GRANT PROGRAM INCOME IN THE AMOUNT OF \$1,613,176.74, AND ESG FUNDS IN THE AMOUNT OF \$274,045.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ALL STANDARD SHELL CONTRACTS, AMENDMENTS, STANDARD SHELL LOAN DOCUMENTS AND OTHER AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION, TO SUBORDINATE AND/OR MODIFY AGREEMENTS APPROVED HEREIN IN ACCORDANCE WITH CONDITIONS SET FORTH HEREIN; AND TO EXERCISE THE TERMINATION AND OTHER PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve: (1) the Fiscal Year 2019 Action Plan with recommendations for Community Development Block Grant (CDBG), Home Investment Partnerships (HOME) and Emergency Solutions Grant Program (ESG) and (2) substantial amendments to the Fiscal Years 2004-18 Action Plans and the corresponding Fiscal Year 2003-07, 2008-12, and 2013-17 to recapture and reallocate certain funds.

PROCEDURAL HISTORY

Prime Sponsor: Housing, Social Services & Economic Development

Requester/Department: Public Housing and Community Development

The item has no procedural history.

ANALYSIS

The purpose of this resolution is to secure CDBG, HOME and ESG funding through the Fiscal Year (FY) 2019 Action Plan, which must be submitted to HUD by August 16, 2019. More specifically, the FY 2019 Action Plan funding recommendations consist of \$10,886,157 of CDBG funds, HOME funds of \$4,524,114, HOME Program Income funds of \$1,759,079 and ESG funds of \$1,082,542. The FY 2019 Action Plan includes Commission District Fund allocations totaling \$899,268 for public service, public facilities/capital improvements, housing, and/or economic development activities. Note that \$2,049,142 of the \$10,886,157 CDBG funds will be slated for Section 108 Loan repayment. The Section 108 Loan Program involved \$40,000,000 for the purpose of creating a revolving loan fund for small businesses located in Targeted Urban Areas. For FY 2019, a financial obligation of \$2,049,142 is due to HUD for the Section 108 Program loan.

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The resolution also approves amendments to the FY 2004-18 Action Plans and the corresponding FY 2003-07, 2008-12, and 2013-17 (as extended through 2019) Consolidated Plans to recapture and reallocate \$1,251,227 of CDBG, \$1,286,823 of HOME, \$24,604 of HOME CHDO, \$1,613,176 of Housing Development Grant Program income and \$274,045 of ESG funds. These funds will be reallocated to economic development, public service, capital improvements, and housing activities.

The County is required to submit a Consolidated Plan (Plan) to HUD relating to CDBG, HOME and ESG programs. The plan has four overall goals:

- Provide very-low and moderate-income households access to decent and affordable housing;
- Expand economic opportunities to create and retain jobs through business development;
- Provide adequate public facilities and public improvements to benefit low-to-moderate income areas and residents; and
- Provide access to public services (primarily senior services, services for the disabled, youth, substance abuse service, employment training and childcare).

The Plan addresses maintaining the existing affordable housing stock and increasing the availability of housing at an affordable cost to low-income and moderate-income families. The plan guides the coordination of the public housing grant process with the consolidated planning and application process. PHCD adheres to the required rule of a single consolidated submission for the planning and application aspects of the federal CDBG, HOME and ESG programs. The plan is updated on a regular basis as funds are reprogrammed through recapture and reallocation processes throughout the program year.

Under the FY 2019 Action Plan, projects and activities are recommended that meet the FY 2019 Request for Application minimum threshold requirements and scored 70 points or more for CDBG and HOME applications. ESG Shelter/Outreach applications had a maximum available score of 70 points with 70 percent required to meet the threshold. Failure to submit an Action Plan for FY 2019 by August 16, 2019 will result in the automatic loss of FY 2019 CDBG, HOME and ESG funds to the County. The FY 2019 Action Plan shows that no proposals were submitted for the HOME Single-Family Homeownership Rehabilitation category.

In terms of PHCD's recapture recommendations, per the mayoral memo, all entities with projects subject to recapture have been informed. Of the CDBG recaptured funds, \$26,195 are Commission District Fund allocations from Districts 2, 7 and 8. PHCD recommends recaptured HOME and HoDAG funds for the Fair Oaks, LLC and the HTG Paradises, LLC housing development applications that applied through the FY 2019 RFA.

APPLICABLE LEGISLATION/POLICY

Ordinance 99-94, adopted July 27, 1999, authorized the County Mayor to apply to HUD for a Section 108 Program Loan in the amount of \$40,000,000 for the purpose of creating a revolving loan fund for designated targeted urban areas.

<http://intra/gia/matter.asp?matter=992012&file=false&yearFolder=Y1999>

Resolution No. R-630-13, adopted July 16, 2013, requires a detailed project budget, sources and uses statement, certifications as to past defaults on agreements with non-County funding sources and due diligence check prior to the County Mayor recommending a commitment of County funds to social services, economic development, community development and affordable housing agencies and providers.

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<http://intra/gia/matter.asp?matter=131512&file=false&yearFolder=Y2013>

CDBG funding must meet one or more of the national objectives set by HUD and benefit the low- and moderate-income persons of the County. CDBG projects are classified in four categories – public facilities and capital improvements, economic development, public services and housing.

<https://www8.miamidade.gov/global/housing/block-grant.page>

HOME is designed to (1) expand the supply of decent and affordable housing, particularly rental housing, for low- and very-low income individuals, (2) strengthen the abilities of state and local governments to design and implement strategies for achieving adequate supplies of decent, affordable housing, (3) 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 (4) expand and strengthen partnerships among all levels of government and the private sector.

<https://www8.miamidade.gov/global/housing/home-program.page>

The **HEARTH Act** revised the Emergency Shelter Grants Program to create the ESG. ESG recipients and subrecipients use Emergency Shelter Grants Program funds to rehabilitate and operate emergency shelters and transitional shelters, provide essential social services, and prevent homelessness.

<https://www8.miamidade.gov/global/housing/emergency-solutions-grants-program.page>

**HSSD Meeting: July 16, 2019
Research Notes**

**Item No. 2A
File No. 191738**

Researcher: LE Reviewer: TD

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF THREE COUNTY-OWNED PROPERTIES TO MIAMI DREAM HOMES INVESTMENT GROUP INC., A FLORIDA FOR PROFIT 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 CHAIRWOMAN OR VICE-CHAIRWOMAN 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 EFFECTUATE THE CONVEYANCE, TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED, TO PROVIDE COPIES OF THE RECORDED COUNTY DEED AND THE RESTRICTIVE COVENANTS REQUIRED BY THE COUNTY DEED TO THE PROPERTY APPRAISER, AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board authorize conveyance of three County-owned properties to Miami Dream Homes Investment Group Inc. for the purpose of developing the 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.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Department/Requester: None

This item has no procedural history.

ANALYSIS

The purpose of this item is to request Board authorization to convey three County owned properties to Miami Dream Homes Investment Group Inc. at a price of \$10.00 for the purpose of developing them into affordable housing for sale to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program; and authorize execution of a County Deed.

The proposed item has a positive impact of \$10.00 towards the County for the conveyance of three properties to Miami Dream Homes Investment Group Inc. The County will save approximately \$900 annually in property monitoring and maintenance and the new homes will generate real estate taxes to the County of approximately \$3,754.17 annually. The maximum sales price for infill homes cannot exceed \$205,000.00. Properties available to low-income families are subject to an affordable housing restrictive covenant for twenty (20) years.

If Miami Dream Homes fails to comply with the deed restrictions, then the Properties will be subject to reverter. The properties revert to County control if not developed within two years of the signing of the deed and effective date of the conveyance of the Properties, unless time is extended at the discretion of the Board.

OCA conducted a review on July 15, 2019 and according to Sunbiz, Miami Dream Homes is a Florida For Profit Corporation. Miami Dream Homes is also an approved developer through the Infill Housing Program.

Address

Owner Name

Subdivision Name

Folio

SEARCH:

01-3122-014-1170

Q

PROPERTY INFORMATION

Folio: 01-3122-014-1170

Sub-Division:
17TH AVE MANOR

Property Address
1880 NW 47 TER

Owner
MIAMI DADE COUNTY
ISD RE MGMT

Mailing Address
111 NW 1 ST STE 2450
MIAMI, FL 33128

PA Primary Zone
5700 DUPLEXES - GENERAL

Primary Land Use
0088 VACANT RESIDENTIAL : EXTRA FEA OTHER THAN
PARKING

Beds / Baths / Half
0 / 0 / 0

Floors
0

Living Units
0

Actual Area
0

Living Area
0

Adjusted Area
0

Lot Size
9,592 Sq.Ft

Year Built
0

+

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Map View

Layers

2018 Aerial Photography 60ft

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Item No. 2A
File No. 191738

Researcher: LE Reviewer: TD

The image below showcases the property located at 7769 NW 9th Avenue (Folio Number #30-3111-034-0240). The current market value for the properties are \$22,825.

AddressOwner NameSubdivision NameFolio

SEARCH:

30-3111-034-0240

Q

PROPERTY INFORMATION ⓘ

Folio: 30-3111-034-0240

Sub-Division:
OHIO PARK

Property Address
7769 NW 9 AVE

Owner
MIAMI DADE COUNTY
ISD RE MGMT

Mailing Address
111 NW 1 ST STE 2480
MIAMI, FL 33128

PA Primary Zone
5700 DUPLEXES - GENERAL

Primary Land Use
8647 COUNTY : DADE COUNTY

Beds / Baths / Half 0 / 0 / 0

Floors 1

Living Units 0

Actual Area

Living Area

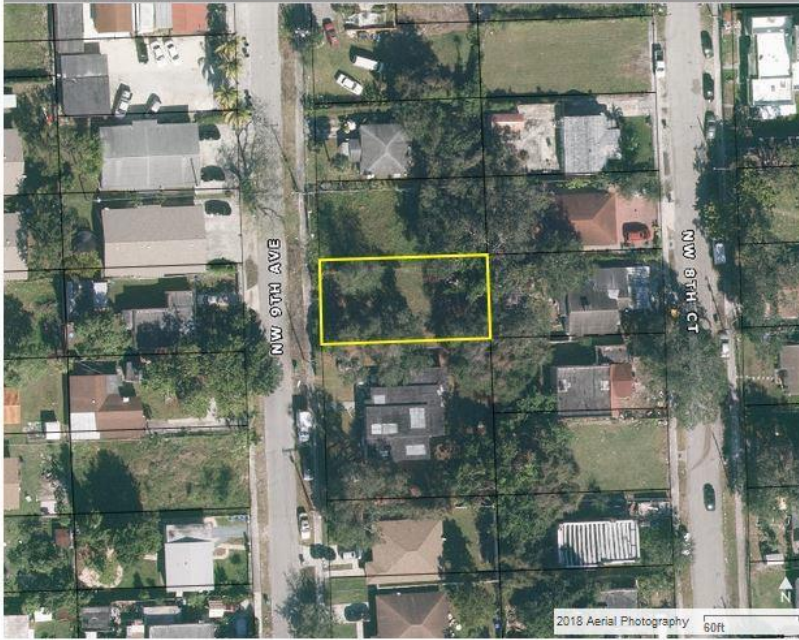
Adjusted Area 50 Sq.Ft

Lot Size 5,500 Sq.Ft

Year Built 1921

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Map View Layers



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Item No. 2A
File No. 191738

Researcher: LE Reviewer: TD

The image below showcases the property located at 283 NW 59th Terrace (Folio Number #01-3113-030-0671). The current market value for this property is \$70,304.

Address Owner Name Subdivision Name Folio

SEARCH: 01-3113-030-0671

Q

PROPERTY INFORMATION ⓘ

Folio: 01-3113-030-0671

Sub-Division:
COLLEGE PARK

Property Address
283 NW 59 TER

Owner
MIAMI DADE COUNTY
ISD R/E MGMT

Mailing Address
111 NW 1ST ST SE 2480
MIAMI, FL 33128


PA Primary Zone
5700 DUPLEXES - GENERAL

Primary Land Use
8080 VACANT GOVERNMENTAL : VACANT LAND -
GOVERNMENTAL

Beds / Baths / Half	0 / 0 / 0
Floors	0
Living Units	0
Actual Area	0
Living Area	0
Adjusted Area	0
Lot Size	5,550 Sq.Ft
Year Built	0

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Map View ▾ Layers ▾



2018 Aerial Photography 50ft

ADDITIONAL INFORMATION

The Miami-Dade County's Infill Housing Initiative Program's main goal is to increase the availability of affordable homes for very low, low, and moderate income families. Their additional goals include maintaining a stock of affordable housing, redeveloping urban neighborhoods by eliminating blight on properties, generate payment of ad valorem taxes, and equitable distributing homeownership opportunities.

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

APPLICABLE LEGISLATION/POLICY

Section 125.379 of the Florida Statutes requires that each county prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing, and adopt a resolution that includes an inventory list of such property following a public hearing. The properties identified may be offered for sale and the proceeds used to purchase land for the development of affordable housing may be sold with restrictions or donated to a nonprofit housing organizing.

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

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Item No. 2A
File No. 191738

Researcher: LE Reviewer: TD

Administrative Order 8-4 provides 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 in the policy, 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 May 3, 2011, authorizes the rehabilitation, improvement, or conveyance of County-owned real property appropriate for or to be used as affordable housing.

<http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

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

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-974-09, adopted July 21, 2009, directs that any resolution authorizing 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 and attached to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

**HSSSED Meeting: July 16, 2018
Research Notes**

**Item No. 3A & 3B
File No. 191720 & 191721**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR MAYOR'S DESIGNEE OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CITY OF MIAMI, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, FOR THE PREMISES LOCATED AT THE ALLAPATTAH COMMUNITY RESOURCE CENTER, 1897 NW 20 STREET, MIAMI, FLORIDA, FOR THE PURPOSE OF OPERATING THE CITY OF MIAMI NEIGHBORHOOD ENHANCEMENT TEAM OFFICE, WITH A TOTAL RENTAL REVENUE TO THE COUNTY ESTIMATED TO BE \$15.00 FOR THE FIVE-YEAR TERM OF THE LEASE AND TWO, FIVE-YEAR RENEWAL OPTION PERIODS; DECLARING SUCH PROPERTY SURPLUS; WAIVING THE REQUIREMENTS OF ADMINISTRATIVE ORDER 8-4 AS THEY RELATE TO REVIEW BY PLANNING ADVISORY BOARD; AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; AND DIRECTING THE COUNTY MAYOR, OR COUNTY MAYOR'S DESIGNEE, TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION [SEE AGENDA ITEM NO. 3B]

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CITY OF MIAMI, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, FOR THE PREMISES LOCATED AT THE MANUEL ARTIME COMMUNITY CENTER, 970 SW FIRST STREET, MIAMI, FLORIDA (OFFICES 303, 304, 307, 400, 401, 402, 403, AND 407), FOR A TERM OF FIVE YEARS, WITH TWO, FIVE-YEAR RENEWAL OPTION PERIODS, TO BE UTILIZED BY THE COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT, FOR ITS ACCION COMMUNITY RESOURCE CENTER, AT A MONTHLY BASE RENT IN THE AMOUNT OF \$6,379.46, WHICH RENT SHALL BE MODIFIED AND REDUCED BY THE CITY OF MIAMI TO \$1.00 ANNUALLY, CONTINGENT UPON EXECUTION OF A LEASE AGREEMENT WITH THE CITY OF MIAMI, FOR THE COUNTY-OWNED PREMISES LOCATED AT 1897 NW 20 STREET, MIAMI, FLORIDA UNDER CERTAIN TERMS AND CONDITIONS; AND AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN [SEE AGENDA ITEM NO. 3A]

ISSUE/REQUESTED ACTION

Whether the Board should declare property located at the Allapattah Community Resource Center (Resource Center) as surplus and approve a five-year term lease agreement, with two, five-year options to renew, between the County and the City of Miami (City) for the premises as a condition to renewal of the County's lease of the City's Manuel Artime Community Center (Community Center) at a reduced rate also for a five-year term with two, five-year options to renew.

PROCEDURAL HISTORY

**Prime Sponsor: Chairwoman Audrey M. Edmonson, District 3
Department/Requester: Internal Services Department**

This item has no procedural history.

**HSSSED Meeting: July 16, 2018
Research Notes**

**Item No. 3A & 3B
File No. 191720 & 191721**

Researcher: JFP Reviewer: TD

ANALYSIS

The purpose of these companion items is to declare surplus and approve the City's lease of County-owned property located in District 3 at the Allapattah Community Resource Center for the purpose of operating the City of Miami Neighborhood Enhancement Team (NET) Office, approval of which is a condition of the renewal of the County's lease of the City's Manuel Artime Community Center in District 5 at a reduced rate. The lease agreement for the Resource Center, located at, 1897 NW 20 Street, Miami, Florida, would allow the residents of Allapattah enhanced access to city, county, state, and federal government services, pursuant to NET's mission. The property consists of approximately 2,882 square feet, together with six assigned parking spaces in the parking lot to the west of the property located at 1908 NW 21 Street, Miami, Florida. The lease term is five years with two, five-year options to renew, providing a total revenue of \$15.00 to the County as the rental rate to be paid by the City is \$1.00 annually.

The rental rate has been significantly discounted from market rate—comparable properties in the area lease for \$16.00 to \$19.00 per square foot on an annual basis—given that the City is providing necessary services intended to promote community interest and welfare, and has agreed to renew the County's lease agreement for space located at the Manuel Artime Community Center (Community Center) at a similarly reduced rate. The County also renovated the Resource Center as a condition of the lease.

The County's Community Action and Human Services Department (CAHSD) has leased space in the Community Center since 2015. The three year lease expired on September 30, 2018. Since that time, during which the County has been in negotiations with the City, the County has remained in the occupancy of the property on a month-to-month basis under the holdover provision, and the City has agreed to cancel any rental increase for this period. Contingent upon approval of the lease agreement for the Resource Center, the City has agreed to reduce the monthly rent for its lease of the Community Center from \$6,379.46 monthly to an annual fixed rental fee of \$1.00. The fiscal impact to the County for the initial term of this lease would otherwise be \$76,553.52 annually (\$6,379.46 monthly at \$15.91 per square foot). The lease term for the Community Center is five years with two, five-year options to renew.

The property located at the Community Center, located at 970 SW 1 Street, Miami, Florida (Offices 303, 304, 307, 400, 401, 402, 403, and 407) is approximately 4,810 square feet. CAHSD will continue to utilize the Community Center to operate its Accion Community Resource Center, providing comprehensive social services to the community, including citizenship classes, computer training, low income home energy assistance, tax preparation, employment preparation, training, and referral programs.

Both Lease Agreements have been approved by the City of Miami commission.

ADDITIONAL INFORMATION

The City of Miami Neighborhood Enhancement Team (NET)

NET has a network of 11 offices that serve as a primary link to the City of Miami's government. NET helps residents, businesses and property owners access city, county, state and federal government services.

<https://www.miamigov.com/Government/Departments-Organizations/Neighborhood-Enhancement-Team-NET>

**HSSSED Meeting: July 16, 2018
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**Item No. 3A & 3B
File No. 191720 & 191721**

Researcher: JFP Reviewer: TD

Miami-Dade County Community Action and Human Services Department (CAHSD) Community Resource Centers Miami-Dade County Community Resource Centers offer a variety of social services to economically disadvantage individuals and families interested in achieving self-sufficiency. Services vary at each of the 13 Community Resource Centers.

https://www8.miamidade.gov/global/service.page?Mduid_service=ser1542309305236810

APPLICABLE LEGISLATION/POLICY

Section 125.38, Florida Statutes governs the sale of county property to United States, or state. The City of Miami is a municipal corporation of the State of Florida.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.38&URL=0100-0199/0125/Sections/0125.38.html

Resolution No. R-655-15, adopted July 14, 2015, authorized the County to enter into a lease agreement with the City of Miami for property located at the Manuel Artime Community Center, 970 SW 1 Street, Miami, Florida, for a term of three years.

<http://intra/gia/matter.asp?matter=152002&file=false&yearFolder=Y2015>

Item No. 3C
File No. 191696

Researcher: MF Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$2,100,000 FOR PREQUALIFICATION POOL NO. RTQ-00073 FOR PURCHASE OF ROOM AIR CONDITIONERS FOR THE MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT

ISSUE/REQUESTED ACTION

Whether the Board should authorize the additional expenditure of Prequalification Pool No. RTQ-00073, for the purchase of room air conditioners, in the amount of \$2,100,000 to fund, repair, replace and install air conditioners in public housing units throughout the County.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

There is no procedural history for this item.

ANALYSIS

The purpose of this resolution is to obtain Board approval for the additional expenditure of a prequalification pool in the amount of \$2,100,000 to purchase room air conditioners for public housing units that serve residents including the elderly in the County. The County oversees more than 8,000 public housing units; the proposed repair and installation of A/C units will benefit all residents in public housing. Due to extreme heat conditions, the A/C units are necessary to prevent any health-related issues that may impact residents.

The existing pool was approved for \$840,000, has a current value of \$2,317,000 and expires September 30, 2022; if the requested expenditure of \$2,100,000 is approved, the modified allocation would increase to \$4,417,000. Per the mayor's memo, the additional expenditure is based on the estimated usage through the contract's termination. Pursuant to Resolution R-502-17, the Board approved a prequalification pool extension for five years and an additional expenditure of \$1,122,000 on May 2, 2017 to the allocated amount of \$1,000,000 at that time, bringing the total modified allocation to \$2,122,000.

The fiscal impact for the proposed additional expenditure is \$2,100,000 and will be funded through Public Housing and Community Development through federal funds. According to the mayor's memo, the reason for the current request is because the allocated funds have depleted; notwithstanding, the blanket purchase order on BTS shows an allocation of \$2,317,000; of that amount, \$2,021,942 has been released, leaving a balance of \$295,057 (as of July 15, 2019). The mayor's memo does not provide information on itemized purchases slated for the remaining balance.

Of the eight (8) prequalified vendors for this pool, four are local companies. OCA performed a search for the relevant commodity codes 03102 (Air Conditioning Unit Portable); 03105 (Air Conditioners-Cooling and Cooling/HE); and 03110 (Air Purifiers, Accessories and Supplies) on the Business Management Workforce System's Certified Vendor Directory on July 10, 2019. Listed below are the local SBEs identified that may perform at least some of the work identified:

- Conwell & Associates Consulting Company, Miami, FL SBE-G&S
- Done Wright AC and Electric Service Inc., Miami, FL SBE-G&S
- Electropower Utility Sales Company, Miami, FL SBE-G&S
- MAM A/C and Refrigeration Company, Miami, FL SBE-G&S

Item No. 3C
File No. 191696

Researcher: MF Reviewer: TD

OCA conducted due diligence of the eight prequalified vendors on July 12, 2019 and below are the findings:

Firm	Location	Sunbiz.org	Tax Collector	Westlaw
American Portable Air Conditioning, Inc.	Miami Gardens, FL	Active; Established 2002	\$90 due https://miamidade.county-taxes.com/public/business_tax/accounts/5758223	No open cases
CB Sales International, Inc.	Miami, FL	Active; Established 2009	\$75 due https://miamidade.county-taxes.com/public/business_tax/accounts/7242643	No open cases
Century/AAA, LTD dba AAA Supply	Hialeah, FL	Active; Established 1999	Paid https://miamidade.county-taxes.com/public/tangible/parcels/40-162225/bills/1636122	No open cases
Friedrich Air Conditioning Co., LTD	San Antonio, TX	Active; Established 2015	N/A	No open cases
HD Supply Facilities Maintenance, LTD	Atlanta, GA	Active; Established 2004	\$45 due https://miamidade.county-taxes.com/public/business_tax/accounts/7246857	No open cases
The Ware Group dba Johnstone Supply	Jacksonville, FL	Active; Established 1982	\$75 due https://miamidade.county-taxes.com/public/business_tax/accounts/7158119	No open cases
Transworld Services, Inc.	Miami, FL	Active; Established 1977	\$45 due https://miamidade.county-taxes.com/public/business_tax/accounts/677550	No open cases
W.W. Grainger, Inc.	Lake Forest, IL	Active; Established 1987	\$45 due https://miamidade.county-taxes.com/public/business_tax/accounts/2008217	No open relevant cases

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.
https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Resolution No. R-502-17, adopted May 2, 2017, authorized additional time of five years and expenditure authority in a total amount up to \$1,122,000 for prequalification pool No. RTQ-00073 for purchase and installation of room air

Item No. 3C
File No. 191696

Researcher: MF Reviewer: TD

conditioners for various county departments and authorizing the county mayor or county mayor's designee to solicit pricing, award contracts, exercise all provisions of the solicitation documents and any resulting contracts.

<http://intra/gia/matter.asp?matter=170786&file=true&yearFolder=Y2017>

Resolution No. R-187-12, adopted February 21, 2012, directs the county mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-395-12, adopted May 1, 2012, Requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&file=true&yearFolder=Y2012>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Item No. 3E
File No. 191734

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO EXECUTE A PURCHASE AND SALES AGREEMENT BETWEEN MIAMI-DADE COUNTY, WARD TOWERS ASSISTED LIVING ASSOCIATES, LTD., A FLORIDA LIMITED PARTNERSHIP, AND MDHA DEVELOPMENT CORPORATION (MDHADC), A FLORIDA NOT-FOR-PROFIT CORPORATION, IN THE AMOUNT OF \$200,000, PLUS ALL CLOSING FEES AND COSTS IN AN AMOUNT NOT TO EXCEED \$15,000, RELATED TO THE TRANSFER OF THE PUBLIC HOUSING DEVELOPMENT KNOWN AS WARD TOWERS ASSISTED LIVING FACILITY TO THE COUNTY, TO EXERCISE ALL PROVISIONS, INCLUDING BUT NOT LIMITED TO, TERMINATION AND AMENDMENT PROVISIONS, CONTAINED THEREIN, TO EXECUTE AN ASSIGNMENT AND ASSUMPTION OF LEASES AND AN ASSIGNMENT AND ASSUMPTION OF SERVICE CONTRACTS, PERMITS AND WARRANTIES, TO ACCEPT A SPECIAL WARRANTY DEED FROM MDHA DEVELOPMENT CORPORATION, AND TO TAKE ALL OTHER NECESSARY STEPS TO EFFECTUATE THE TRANSFER OF THE WARD TOWERS ASSISTED LIVING FACILITY TO THE COUNTY, INCLUDING, BUT NOT LIMITED TO, RECEIVING FROM AND EXECUTING AN INSTRUMENT WITH MDHADC THAT ASSIGNS THE COUNTY DOCUMENTARY STAMP SURTAX PROGRAM LOAN IN THE AMOUNT OF \$6,500,000 BACK TO THE COUNTY; ALLOCATING UP TO \$215,000 OF DOCUMENTARY STAMP SURTAX FUNDS TO COVER THE PURCHASE PRICE AND RELATED FEES AND CLOSING COSTS; AND WAIVING THE REQUIREMENTS OF SECTION 2-10.4.2 OF THE CODE OF MIAMI-DADE COUNTY

ISSUE/REQUESTED ACTION

Whether the Board should authorize the purchase and sales agreement between the County and a public housing development in the amount of \$200,000 plus \$15,000 (totaling \$215,000) for closing fees and costs, in addition to executing certain leases, contracts, permits and warranties and allocate said \$215,000 in surtax funds to cover the transaction.

PROCEDURAL HISTORY

Prime Sponsor: Commission Chairwoman Audrey M. Edmonson

Department/Requester: Public Housing and Community Development (PHCD)

There is no procedural history for this item at this time.

ANALYSIS

The purpose of this resolution is to request Board approval to purchase a 100-unit affordable housing development, which is owned by Ward Towers Assisted Living Associates Ltd. (WTA), located in Commission District 3, represented by Chairwoman Audrey M. Edmonson. Per the mayor's memo, the property will continue to be operated as a housing facility for low-income residents with none of the residents being displaced. Per a conversation with PHCD, OCA learned the building (Ward Towers ALF) never served as an ALF because the private investor group (WTA) did not file with the State of Florida for the required license through Agency for Health Care Administration. Residents of the building are low-income residents and not associated an ALF.

The fiscal impact to the County is \$215,000, which will go toward fees, costs and an indemnity bond; the County will assume the outstanding \$6,500,000 surtax loan. This outstanding loan will be modified by an additional \$215,000, which will be added \$6,500,000. Through the proposed purchase of the property the County will assume the outstanding Surtax debt, which will be satisfied from property cash flows. Information about the length of repayment was not available.

The requested purchase and sales agreement consists of the following terms:

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1. A purchase and sales agreement among the County, Ward Towers Assisted Living Associates, Ltd. (WTA), a Florida limited partnership, and MDHA Development Corporation (MDHADC), in the amount of \$200,000 plus \$15,000 for closing fees and costs.
2. Execute an Assignment and Assumption of Leases.
3. Execute an Assignment and Assumption of Service Contracts, Permits, and Warranties.
4. Accept a Special Warranty Deed conveying the project from MDHADC to the County, including receiving from and executing an instrument with MDHADC that assigns the Documentary Stamp Surtax program loan in the amount of \$6,500,000 to the County.
5. Allocate up to \$215,000 of Documentary Stamp Surtax funds to cover the price and closing fees and costs associated with the transfer of the Project to the County and
6. Waive the provisions of Section 2-10.4.2(a) of the Code, which requires that whenever the County purchases, sells or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the annual value of the property being leased is in excess of \$5,00,000, the County shall prior to consummating the purchase, sale or lease have the property appraised by two real estate appraisers holding the Member of the Appraisal Institute designation.

According to information provided to OCA by PHCD, the County owns the land that Ward Tower II was constructed on but does not own the building. The proposed purchase would allow the County to own the structure and be in sole control and oversight of the property moving forward. In 2004, the building was constructed for 100 public housing residents. Through an agreement between the County and WTA, the building was designated for low-income residents, while the County paid for all operating, maintenance costs, and taxes associated with the property. Currently, the County's intention is to purchase the property to have full control, including ensuring the property remains affordable and making any improvements on site, without having to obtain approval from private investors.

Pursuant to Resolution No. R-903-00, the BCC authorized the formation of the Miami-Dade Housing Authority Development Corporation (MDHADC) to expedite the affordable housing needs in the County. This corporation then financed projects countywide with a mix of public and private funding, as well as Low Income Housing Tax Credits and bonds. Per PHCD, all of the remaining partnerships from MDHADC will be dissolved after this proposed transaction.

OCA conducted due diligence on Ward Towers Assisted Living Facility on July 15, 2019 and below are the findings:

Company Name	Location	Sunbiz.org	Tax Collector	Westlaw
Ward Towers Assisted Living Facility	5301 NW 23 Ave., Miami, FL 33142	Active; Established 2001	Paid https://miamidade.county-taxes.com/public/real_estate/parcels/30-3122-058-0011/bills/13347085	No open cases

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-8.1COPUGE)

Section 2-10.4.2(a) of the Code of Miami-Dade County (Appraisers Required for Purchases, Sales and Leases) applies whenever the County purchases, sells or is involved in a lease of real estate, whether as lessor or lessee, and the fee simple value of the property being bought or sold or the annual value of the property being leased is in excess of five million dollars, the County shall prior to consummating the purchase, sale or lease have the property appraised by two (2) real estate appraisers holding the M.A.I. designation.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-10.4.2APREPUSALE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTINGE_S2-10.4.2APREPUSALE)

Resolution No. R-641-98, adopted June 16, 1998, authorized the county manager to apply for, receive and expend funds totaling approximately \$4.5 million to execute agreements

<http://intra/gia/matter.asp?matter=981431&file=false&yearFolder=Y1998>

Resolution No. R-903-00, adopted July 27, 2000, authorized the County manager to form a Florida not-for-profit corporation to be known as the Miami-Dade Housing Agency (MDHA) Development Corporation as well as create subsidiaries and affiliated entities of such corporation.

<http://intra/gia/matter.asp?matter=001933&file=false&yearFolder=Y2000>

Resolution No. R-412-08, adopted April 8, 2008, approved the transitional agreement with the MDHA Development Corporation (MDHADC), which provides for the return of property and related funding for affordable housing projects to the County and relinquishment of contracts and leases by MDHADC, provides for MDHADC to retain the Ward Towers and postmaster projects and related funding.

<http://intra/gia/matter.asp?matter=080806&file=true&yearFolder=Y2008>

Resolution No. R-502-17, adopted May 2, 2017, authorized additional time of five years and expenditure authority in a total amount up to \$1,122,000 for prequalification pool No. RTQ-00073 for purchase and installation of room air conditioners for various county departments and authorizing the county mayor or county mayor's designee to solicit pricing, award contracts, exercise all provisions of the solicitation documents and any resulting contracts.

<http://intra/gia/matter.asp?matter=170786&file=true&yearFolder=Y2017>

Resolution No. R-187-12, adopted February 21, 2012, directs the county mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

Resolution No. R-395-12, adopted May 1, 2012, Requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&file=true&yearFolder=Y2012>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

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Research Notes**

Item No. 3G

File No. 191741

Researcher: IL Reviewer: TD

RESOLUTION CONSENTING TO THE ACQUISITION OF BROWNSVILLE TRANSIT VILLAGE I (AKA EVERETT STEWART SR. VILLAGE) AND BROWNSVILLE TRANSIT VILLAGE II BY LINCOLN AVENUE CAPITAL MANAGEMENT, LLC FROM CURRENT OWNERS CARLISLE GROUP IV LTD. AND BROWNSVILLE VILLAGE II, LTD.; SUBORDINATION OF THE MIAMI-DADE COUNTY LOAN FOR BROWNSVILLE TRANSIT VILLAGE II TO NEW FIRST MORTGAGE LOAN; THE FUTURE REFINANCING OF SENIOR LOAN DEBT THROUGH THE FOUR PERCENT LOW INCOME HOUSING TAX CREDIT PROGRAM AND FEDERAL HOUSING ADMINISTRATION INSURED FINANCING FOR BROWNSVILLE II, THE EXTENSION OF THE REMAINING OUTSTANDING COUNTY DEBT BY AN ADDITIONAL 36 YEARS FOR BROWNSVILLE TRANSIT VILLAGE II, AND FUTURE SUBORDINATION OF MIAMI-DADE COUNTY LOAN TO THE LOW-INCOME HOUSING TAX CREDIT FINANCING FOR BROWNSVILLE TRANSIT VILLAGE II; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE STANDARD ASSUMPTIONS OF MORTGAGE AND SECURITY AGREEMENT AND OTHER LOAN DOCUMENTS, LOAN MODIFICATIONS, AMENDED RENTAL REGULATORY AGREEMENTS AND SUBORDINATION AGREEMENTS FOR BROWNSVILLE TRANSIT VILLAGE II AND THE AMENDED RENTAL REGULATORY AGREEMENTS FOR BROWNSVILLE TRANSIT VILLAGE I

ISSUE/REQUESTED ACTION

Whether the Board should approve 1) The acquisition of Brownsville Transit Village I (Brownsville I) (aka Everett Stewart Sr. Village) and the Brownsville Transit Village II (Brownsville II); 2) Approve the subordination of the County loan to the new first mortgage loan for Brownsville II; and 3) Authorizing the County Mayor to execute standard assumptions of mortgage, rent and security agreements and of other loan documents, loan modification for Brownsville II, and amend rental regulatory agreement for Brownsville Transit Village I and II contingent on the County Attorneys approval.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Requestor: Public Housing and Community Development (PHCD)

There is no procedural history for this item at this time.

ANALYSIS

The proposed resolution is seeking approval for the County to take ownership of Brownsville Transit Village I and Brownsville Transit Village II assume subordination of the County Loan to the new first mortgage and to allow the County to assist through future refinancing of senior loan debts and extending the remaining outstanding debt by 36 years amongst other dealings.

The subject properties are located at 5255 NW 29th Street, Miami, FL 33142 and at 5225 NW 29th Street, Miami, FL 33142 in Commission District 3, represented by Chairwoman Audrey M. Edmonson.

The table below illustrates descriptive facts about the four (4) properties being conveyed as seen as attachment "F" in the Mayor's memo.

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Property (Legal Description)	Address	No. Of Units	Lot Size (Square ft.)	Loan Amount	Current Maturity Date	Proposed Maturity Date	Market Value (2019) Property Appraiser
Brownsville Station (Transit Village I)	5255 NW 29th Avenue Miami, FL 33142	96	675,230	\$951,627	12/31/2040	12/31/2066	\$11,517.00
Brownsville Station (Transit Village II)	5225 NW 29th Avenue Miami, FL 33142	100	6,750	\$2,406,359	12/31/2040	12/31/2066	\$55,392.00

Picture illustrating 5225/5255 NW 29 Avenue, Miami, FL 33142

PROPERTY INFORMATION

Folio: 30-3121-059-0010

Sub-Division:
BROWNSVILLE STATION

Property Address
5255 NW 29 AVE
5205 NW 29 AVE
5211 NW 29 AVE
5213 NW 29 AVE
5269 NW 29 AVE
5267 NW 29 AVE

Owner
RAINBOW HOUSING CORPORATION
MIAMI DADE TRANSIT AGENCY

Mailing Address
2043 NW 4 CT
MIAMI, FL 33127

PA Primary Zone
7100 INDUSTRIAL - LIGHT MFG

Lincoln Avenue Capital Management, LLC (LAC) proposed to the County the acquisition of two affordable housing properties from the Carlisle portfolio. LAC will invest capital into each property to further its mission of preserving and improving existing affordable housing in the State of Florida, specifically in Miami-Dade County. LAC is a New York based real estate owner and developer whose firm's primary goal is the development and preservation of affordable housing across the United States with a particular emphasis in Florida. LAC intends, to complete a substantial rehabilitation of the property using four percent tax credits and FHA insured financing.

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DEPARTMENTAL INPUT:

The following questions were asked to PHCD on July 10, 2019:

1. Does LAC make a profit for rehabilitating these properties?
2. Has LAC rehabilitated any of our properties in the past? If so is there a performance review?
3. How are proposers like LAC typically selected?
4. Could PHCD provide a copy of the diligence process that LAC was subjected to?

APPLICABLE LEGISLATION/POLICY

Chapter 420.9072 of the Florida Statutes, governing The State Housing Initiatives Partnership Program, is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0420/Sections/0420.9072.html

Sections 125.379(1) &(2) of the Florida Statutes (Disposition of county property for affordable housing), which requires each County in the State to prepare an inventory list of all real property within its jurisdiction to which the County holds fee simple title that is appropriate for use as affordable housing and properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.379.html

Section 125.411 of the Florida Statutes (Conveyance of Land by County), sets forth the formality by which Deeds of Conveyance of lands are executed by County governments in the State of Florida.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.411.html

Rule 67-37.007(10) of the Florida Administrative Code, governs the review of the Local Housing Assistance Plans and Amendments. Local housing distribution funds and other funds deposited into the local housing assistance trust fund must be used for housing production and finance activities, including: financing preconstruction activities, financing the purchase of existing units, providing rental housing, and providing home ownership training or counseling to prospective home buyers and owners of homes assisted through the local housing assistance plan <https://www.flrules.org/gateway/ruleNo.asp?id=67-37.002>

Section 17-103 of the County Code, governing the Administration and implementation of Miami-Dade County's Local Housing Assistance Program.

https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVILOHOASPR_S17-103ADIMMIDECOLOHOASPR

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Resolution No. R-641-07, adopted May 25, 2007, approving the recommendations of funding for the Miami-Dade County request for applications for FY 2007 documentary surtax (surtax) mid-year cycle; and authorizing the County Mayor or his designee to execute any necessary agreements

<http://www.miamidade.gov/govaction/matter.asp?matter=071651&file=true&fileAnalysis=false&yearFolder=Y2007>

Resolution No. R-647-08, adopted May 23, 2008, approving the recommendations of funding for the Miami-Dade County request for applications for the FY 2008 Documentary Surtax (surtax) and State Housing Initiative Partmentship (SHIP) mid-year cycle; and authorizing the County Mayor or his designee to execute any necessary agreement

<http://www.miamidade.gov/govaction/matter.asp?matter=081625&file=true&fileAnalysis=false&yearFolder=Y2008>

Resolution No. R-974-09 (Filing Closing Documents BCC Clerk) adopted July 21, 2009, mentioned in the Mayoral memo, directs any resolution authorizing the execution of instruments creating a County interest in real property to require that such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

Resolution No. R-1071-09, adopted September 1, 2009, approving the recommendation of surtax funding for the Miami-Dade county Request for Applications (RFA) FY 2009 mid-year cycle upon completion of a subsidy layering review and subject to the developer's financial viability as determined upon completion of the subsidy layering review; and further authorizing the county mayor or the county mayor's designee to execute any necessary agreements

<http://www.miamidade.gov/govaction/matter.asp?matter=092852&file=false&fileAnalysis=false&yearFolder=Y2009>

Resolution No. R-376-11 (County Owned Real Property Affordable Housing) adopted 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.

<http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

Resolution No. R-333-15 (Market Value or Market Rental in Legislative Items) adopted April 21, 2015, establishes a 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.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-979-17 (Resolution Declaring 226 County-Owned Properties Surplus) adopted November 7, 2017, declares various County-owned properties surplus and revises the inventory list of real property upon conclusion of a public hearing, to include the properties in accordance with section 125.379(1), Florida Statutes; authorizing the County Mayor or County Mayor's designee to include said properties in the Infill Program, subject to the consultation with each County Commissioner in whose district the properties are located; and waiving the requirements of Resolution Nos. R-376-11 and R-333-15.

<http://intra/gia/matter.asp?matter=171574&file=true&yearFolder=Y2017>

Administrative Order No. 8-4 (Sale or Lease of County Real Property), adopted May 5, 1981, gives the Board the authority to sell or lease or otherwise dispose of County-owned real property:

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

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**Item No. 3I
File No. 191652**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO SUBMIT AN AMENDMENT TO MIAMI-DADE COUNTY'S DISPOSITION AND/OR DEMOLITION APPLICATIONS TO THE UNITED STATES HOUSING AND URBAN DEVELOPMENT TO PERMIT RUDG, LLC OR ITS SUBSIDIARY, THE GALLERY AT SMATHERS PLAZA, LLC ("SUBSIDIARY"), TO CONSTRUCT A THIRD PHASE OF THE SMATHERS PLAZA REDEVELOPMENT PROJECT TO BE KNOWN AS THE GALLERY AT SMATHERS, TO EXECUTE, IN ACCORDANCE WITH SECTION 125.35, FLORIDA STATUTES, A 75-YEAR GROUND LEASE WITH AN ANNUAL RENTAL AMOUNT EQUAL TO \$30,000.00 (INCREASING ANNUALLY AT FOUR PERCENT) AND A ONE-TIME CAPITALIZED LEASE PAYMENT BETWEEN \$300,000.00 AND \$350,000.00 FOR A TOTAL BETWEEN \$13,758,941.00 AND \$13,808,941.00, TO EXECUTE A SUB-GROUND LEASE(S), TO EXERCISE ALL PROVISIONS CONTAINED IN THE GROUND LEASE AND SUB-GROUND LEASE(S), TO EXECUTE JOINDERS AND CONSENTS TO AN EASEMENT AGREEMENT BETWEEN SMATHERS PRESERVATION PHASE ONE, LLC AND SUBSIDIARY, AND AN EASEMENT AGREEMENT BETWEEN SMATHERS PHASE TWO, LLC AND SUBSIDIARY FOR THE PURPOSE OF GRANTING NON-EXCLUSIVE EASEMENTS TO THESE ENTITIES AND THE RESIDENTS TO AMONG OTHER THINGS ALLOW THEM TO ACCESS PARKING AND WALKWAYS, AND TO EXECUTE ALL NECESSARY MIXED-FINANCE AGREEMENTS, ALL OTHER DOCUMENTS RELATED TO THE GALLERY AT SMATHERS, AND AMENDMENT(S) TO THE ANNUAL CONTRIBUTION CONTRACT(S), SUBJECT TO THE UNITED STATES HOUSING AND URBAN DEVELOPMENT'S APPROVAL; AND WAIVING THE REQUIREMENTS OF RESOLUTION NO. R-130-06

ISSUE/REQUESTED ACTION

Whether the Board should authorize 1) the County Mayor (Mayor) to submit an amendment to Miami-Dade County's disposition and/or demolition application to the United States Housing and Urban Development (HUD) to permit RUDG, LLC or its subsidiary, the Gallery at Smathers Plaza, LLC (RUDG) to construct a third phase of the Smathers Plaza redevelopment project; 2) Authorize the Mayor to execute a 75-year ground lease with RUDG; 3) Authorize the Mayor to execute certain joinders and consents for the purpose of granting non-exclusive entities; 4) Waiving the requirements of Resolution No. R-130-06 which requires that all contracts must be fully negotiated and executed by a non-County party due to the fact that neither the County nor RUDG can execute any mixed-finance agreements without HUD's prior approval.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Xavier L. Suarez, District 7

Requestor: Public Housing and Community Development (PHCD)

There is no procedural history for this item at this time.

ANALYSIS

The proposed resolution seeks Board authorization for the Mayor to amend the demolition HUD application for a 75 year ground lease (to RUDG) and sublease (Smathers Plaza), enter into mixed-finance agreements, waive the requirements for full negotiation and execution by non-County party among other dealings.

The fiscal impact is anticipated to be at approximately \$2.89 million in documentary stamp surtax funds. The amount can vary but will not exceed the previously mentioned amount. RUDG will pay the County an annual rental amount equal to \$30,000 (increasing annually at four percent) and a one-time capitalized lease between \$300,000 and \$350,000, related to the

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Researcher: IL Reviewer: TD

development of The Gallery at Smathers, for a total between \$13,758,941 and \$13,808,941. The total development cost for the affordable housing building consisting of 140 units is approximately \$31.3 million.

A Request for Proposals (RFP) No. 794 was issued on July 14, 2011 with the purpose of soliciting proposals from developers to redevelop 100 existing public housing sites and vacant land sites administered by PHCD. On November 23, 2011 a site control through a master ground lease was issued to RUDG for the redevelopment of Smathers Plaza pursuant to R-1026-11. On December 16, 2014 the Board authorized the Mayor to submit a demolition and/or disposition application to HUD for Smathers Phase Two, a 133 unit building pursuant to resolution R-1114-14. On April 10, 2018, the Board authorized the County Mayor to proceed with Smathers Phase One, including the rehabilitation of 182 units pursuant to resolution R-336-18.

Two applications were approved for Smathers Phase One and Smathers Phase Two on April 5, 2018 and April 7, 2015. The Smather Plaza site originally consisted of a total of 5.68 acres however, subject to the HUD disposition the site was bifurcated in Smathers Phase One consisting of 3.48 acres and Smathers Phase Two consisting of 2.20 acres. An additional affordable housing and replacement of a community center is slated to take place and the land will be taken from Smathers Phase One (1.29acres from Phase One) and Smathers Phase Two (.44acres from Phase Two) for a total of 1.73 acres. A residential building with up to 140 units, amenities and a community center will be built on the 1.73 acres. The 140 units will be divided into 60 units for section 8 and 80 units eligible for affordable tax credit units. HUD requires that the County consult with residents who will be affected by the proposed action (demolition) and the County has met with residents and appointed resident councils on October 3, 2018.

APPLICABLE LEGISLATION/POLICY

Section 125.35 of the Florida Statutes

Sections 125.379(1) & (2) of the Florida Statutes (Disposition of county property for affordable housing), which requires each County in the State to prepare an inventory list of all real property within its jurisdiction to which the County holds fee simple title that is appropriate for use as affordable housing and properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.379.html

Section 125.411 of the Florida Statutes (Conveyance of Land by County), sets forth the formality by which Deeds of Conveyance of lands are executed by County governments in the State of Florida.
http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.411.html

Section 17-103 of the County Code, governing the Administration and implementation of Miami-Dade County's Local Housing Assistance Program. The Housing Finance Authority of Miami-Dade County, Office of Community and Economic Development ("OCED"), Miami-Dade Housing Agency ("MDHA") shall be responsible for implementation and administration of the Local Housing Assistance Program. At a minimum, the Housing Finance Authority of Miami-Dade County, OCED, or Miami-Dade Housing Agency shall be responsible for Overseeing the receipt and expenditure of SHIP Program and other housing program funds assigned by the County Manager in accordance with applicable guidelines including the State Housing Initiatives Partnership Act and the Miami-Dade County Affordable Housing Program Guidelines; The cost of administering Miami-Dade County's Local Housing Assistance Program with SHIP Program funds shall not exceed ten (10) percent of the local housing distribution of SHIP Program funds deposited into the Local Housing Assistance Trust Fund.

**HSSD Committee Meeting:
July 16, 2019
Research Notes**

Item No. 3I
File No. 191652

Researcher: IL Reviewer: TD

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVILOHOASPR_S17-
103ADIMMIDECOLOHOASPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVILOHOASPR_S17-103ADIMMIDECOLOHOASPR)

Resolution No. R-376-11 adopted 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.
<http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

Resolution No. R-1026-11, adopted November 23, 2011, authorizing the execution of ground lease agreement with RUDG, LLC for development of Miami-Dade County owned land to allow application to the Florida Housing Finance Corporation for nine percent low income housing credits.
<http://www.miamidade.gov/govaction/matter.asp?matter=112404&file=true&fileAnalysis=false&yearFolder=Y2011>

Resolution No. R-1114-14, adopted December 2, 2014, authorizing the County Mayor to execute a master development agreement, all necessary mixed-finance agreements and other documents with RUDG, LLC or its subsidiaries or designees for the development of phase two of the Smathers Plaza Public Housing Development, subject to the United States Department of Housing and Urban Development's approval; approving and authorizing the County Mayor to execute a ground lease and any additional ground leases that may be necessary to preserve site control of the development with Smathers Phase Two, LLC; authorizing the County Mayor to submit a disposition and/or demolition application and amendments to such application, as may be required, to United States Housing and Urban Development for Smathers Phase Two; and execute amendment(s) to annual contribution contract(s), subject to United States Department of Housing and Urban Development's approval
<http://www.miamidade.gov/govaction/matter.asp?matter=142652&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-333-15 (Market Value or Market Rental in Legislative Items) adopted April 21, 2015, establishes a 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.
<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

Resolution No. R-336-18, adopted April 10, 2018, approving proposed fiscal year 2016 Documentary Stamp Surtax Housing Initiatives Partnership funding recommendation in an amount up to \$3,850,000 to the Related Urban Development Group (RUDG) LLC's Smathers Preservation Phase One, LLC for the development of a multi-family public housing rehabilitation rental development known as Smathers' Preservation Phase One.
<http://www.miamidade.gov/govaction/matter.asp?matter=180458&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution No. R-1291-18, adopted December 18, 2018, approving for purposes of section 147(F) of the Internal Revenue Code of 1986, as amended the issuance of multi-family housing revenue debt obligations by the Housing Finance Authority of Miami-Dade County (FLORIDA), in one or more series, in an amount not to exceed \$20,500,000, the proceeds of which will be loaned to the Gallery at Smathers Plaza, LLC to finance a portion of the costs of the acquisition and construction of a multi-family housing rental project known as The Gallery at Smathers Plaza
<http://www.miamidade.gov/govaction/matter.asp?matter=182845&file=true&fileAnalysis=false&yearFolder=Y2018>

Administrative Order No. 8-4 (Sale or Lease of County Real Property), adopted May 5, 1981, gives the Board the authority to sell or lease or otherwise dispose of County-owned real property:
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>