



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

Housing, Social Services & Economic Development
(HSSD) Committee Meeting

September 9, 2019
9:30 A.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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**HSSSED Committee Meeting: September 9, 2019
Research Notes**

**Item No. 1G1
File No. 191484**

Researcher: JFP Reviewer: TD

ORDINANCE RELATING TO THE INFILL HOUSING INITIATIVE PROGRAM; AMENDING SECTIONS 17-121, 17-122 AND 17-125 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; INCLUDING IN THE PROGRAM PRIVATELY-OWNED PROPERTIES LOCATED OUTSIDE OF THE INFILL TARGET AREAS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend the County Code to expand the Infill Housing Initiative Program to include privately-owned properties located outside of the Infill Target Areas, with the aim of increasing the County's supply of affordable housing.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: None

The proposed ordinance was adopted on first reading at the June 18, 2019 BCC meeting and set for public hearing before the Housing, Social Services, and Economic Development Committee on September 9, 2019.

ANALYSIS

The purpose of this item is to amend Sections 17-121, 17-122 and 17-125 of the County Code to include privately-owned properties located outside of the Infill Target Areas in the Infill Housing Initiative Program (Infill Program). This ordinance furthers the mission of the Infill Program—to increase the availability of affordable homes for very low, low and moderate income persons—by potentially increasing the number of infill lots available to develop into affordable homes within the County.

Fiscally, the proposed changes would positively affect the developers of the privately-owned vacant, dilapidated, or abandoned properties located outside the Infill Target Areas who could now apply to the County to receive the benefits of the Infill Program (as detailed below), with no negative impact to the County. The Infill Program developer incentives for privately-owned properties are as follows:

- (1) Building Permit Expedited Process: Homes being developed in the Unincorporated Municipal Service Area (UMSA) through the County's Infill Program qualify for the Regulatory and Economic Resources Department (RER) expedited permit process.
- (2) Release of County Liens and Citations
- (3) Refund or Deferral of Impact Fees
- (4) Second mortgage subsidy for qualified buyers
- (5) Construction loans (as available)

The Infill Program developers are required to build single family homes for sale to qualified households. The definition of *infill parcel* remains such that it limits the development of the parcel to no more than four single family homes (attached or detached). Infill Program homes range between 1200 and 1600 square feet, with the maximum sales price for those homes being \$215,000.

For the period October 2014 to present, 20 private lots located in Infill Target Areas have been developed and sold through the Infill Housing Program.

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The below table depicts Section 17-121 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 17-121 of the County Code	Proposed Amendments to Section 17-121 of the County Code
<p>Sec. 17-121. Title; Purpose.</p> <p>This article shall be entitled, "The Infill Housing Initiative Program." Its 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. The Infill Housing Initiative Program shall encourage the redevelopment of vacant, dilapidated or abandoned property through the sale or conveyance of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties located in the Infill Target Areas. The community development corporations and developers shall be required to develop affordable single-family homes to be sold to very low, low and moderate income eligible person or eligible households. Although the Infill Housing Initiative Program is primarily designed to create affordable homeownership of single-family homes, the County under limited circumstances may at its sole discretion permit developers to rent these homes to qualified very low, low or moderate income families.</p>	<p>Sec. 17-121. Title; Purpose.</p> <p>This article shall be entitled, "The Infill Housing Initiative Program." Its 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, <u>and in some cases outside of</u> the Infill Target Areas, and generate payment of ad valorem taxes. The Infill Housing Initiative Program shall encourage the redevelopment of vacant, dilapidated or abandoned property through the sale or conveyance of County property to qualified developers and the inclusion of privately owned vacant, dilapidated or abandoned properties located in <u>within and outside of</u> the Infill Target Areas. The community development corporations and developers shall be required to develop affordable single-family homes to be sold to very low, low and moderate income eligible person or eligible households. Although the Infill Housing Initiative Program is primarily designed to create affordable homeownership of single-family homes, the County under limited circumstances may at its sole discretion permit developers to rent these homes to qualified very low, low or moderate income families.</p>

The below table depicts Section 17-122 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 17-122 of the County Code	Proposed Amendments to Section 17-122 of the County Code
<p>Sec. 17-122. Definitions.</p> <p style="text-align: center;">* * *</p> <p><i>Infill Parcel.</i> A parcel of surplus County-owned land included on the County's affordable housing inventory list established in accordance with Section 125.379,</p>	<p>Sec. 17-122. Definitions.</p> <p style="text-align: center;">* * *</p> <p><i>Infill Parcel.</i> A parcel of surplus County-owned land included on the County's affordable housing inventory list established in accordance with Section 125.379,</p>

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Florida Statutes or privately owned land, which is located within any infill target area and is suitable for the development of no more than four single family homes (attached or detached).

* * *

Florida Statutes or privately owned land, which is located within or outside of any ~~infill target area~~ Infill Target Area and is suitable for the development of no more than four single family homes (attached or detached).

* * *

The below table depicts Section 17-125 of the County Code as it currently reads and contrasts it with the proposed changes, with underlined words denoting the amendment proposed and words stricken through specifying deletions.

Section 17-125 of the County Code	Proposed Amendments to Section 17-125 of the County Code
<p>Sec. 17-125. Development.</p> <p>(a) Private Property Owners. The County may encourage private property owners to redevelop their properties as infill housing through forgiveness of County liens as identified in section 17-126 of this article or through the availability of construction loans. Subject to the availability of funding, the County may provide construction loans to private property owners who are determined to be eligible for such funding. In order to participate in the Infill Housing Initiative Program, each private owner authorized to participate in the Infill Housing Initiative Program shall abide by all the pre-development, development, and qualifying an eligible household described herein. The County Mayor or County Mayor's designee shall approve a Private Property Owner to develop their private property, located in the Infill Target Areas, for the Infill Housing Program and allow the maximum amount of time provided by the Program to develop and sell such property. If not, the Private Property Owner will not be eligible to receive program incentives and the lot may be removed from the Infill Program. Each Private Property Owner shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County as set forth in Section 17-124(d).</p>	<p>Sec. 17-125. Development.</p> <p>(a) Private Property Owners. The County may encourage private property owners to redevelop their properties as infill housing through forgiveness of County liens as identified in section 17-126 of this article or through the availability of construction loans. Subject to the availability of funding, the County may provide construction loans to private property owners who are determined to be eligible for such funding. In order to participate in the Infill Housing Initiative Program, each private owner authorized to participate in the Infill Housing Initiative Program shall abide by all the pre-development, development, and qualifying an eligible household described herein. The County Mayor or County Mayor's designee shall approve a Private Property Owner to develop their private property; located in <u>within or outside of</u> the Infill Target Areas, for the Infill Housing Program and allow the maximum amount of time provided by the Program to develop and sell such property. If not, the Private Property Owner will not be eligible to receive program incentives and the lot may be removed from the Infill Program. Each Private Property Owner shall record in the public records one or more covenants or declarations of restrictions in a form approved by the County as set forth in Section 17-124(d).</p>

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DEPARTMENTAL INPUT

OCA posed the following question to the Department of Public Housing and Community Development (response in italics).

- Does PHCD have an estimation of the amount of properties outside the infill target area (and corresponding square footage) that may potentially be added to the Infill Housing Program as a result of the proposed Code changes? *This Ordinance will allow any private lot owner in Miami-Dade County the opportunity to submit an application to PHCD to request to have their private lots considered for development, and sale to a qualified first-time home buyer, through the Infill Housing Program. The maximum sales price for those homes will be \$215,000. Infill Program homes range between 1200 and 1600 square feet. PHCD does not have an estimate of the amount of private properties that can potentially be added to the Infill Program. All such requests are voluntary. However, for the period 10/2014 to present, 20 private lots located in Infill Target Areas have been developed and sold through the Infill Housing Program.*

APPLICABLE LEGISLATION/POLICY

Article VII of the Code of Miami-Dade County governs the Infill Housing Initiative Program.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIHOIN

Section 17-122 of the Code of Miami-Dade County defines Infill Target Areas as the areas of the County designated as the Urban Infill Target Area (UIA), as defined in Section 33G-3(26) of the Code, and the Targeted Urban Areas (TUA), as defined in Section 30A-129(2) of the Code. In addition, Infill Target Areas shall include those portions of Neighborhood Revitalization Strategy Areas not otherwise covered under the UIA and TUA; and any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of TUA at the time of such designation.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIHOIN_S17-122DE

Section 33G-3(26) of the Code of Miami-Dade County defines Urban Infill Area (UIA). The area of Miami-Dade County located east of, and including Northwest and Southwest 77 Avenue and the Palmetto Expressway (SR 826), excluding the area north of SR 826 and west of I-95, as identified in the Comprehensive Development Master Plan.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33GSECOMAPR_S33G-3DE

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Section 30A-129(2) of the Code of Miami-Dade County defines targeted urban areas as those geographical areas commonly known as: Liberty City, Model City/Brownsville, Carol City, Goulds, Overtown, Little Haiti, Opa-locka, Richmond Heights, Homestead, Florida City, Coconut Grove, Northwest 27th Avenue Corridor, Northwest 183rd Street Corridor, West Little River, Princeton/Naranja, Leisure City, South Miami, Perrine and the following City of North Miami Districts: 7th Avenue District, Downtown District, West Dixie Highway District and Biscayne Boulevard District. Any geographic locations in Miami-Dade County which are designated by the Federal Government as empowerment zones shall be included in the definition of targeted urban areas at the time of such designation.

[https://library.municode.com/fl/miami -
dade county/codes/code_of_ordinances?nodeId=PTIICOOR_CH30AURRE_ARTVITAFOURECRE_S30A-129DE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH30AURRE_ARTVITAFOURECRE_S30A-129DE)

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**Item No. 2C
File No. 192175**

Researcher: IL Reviewer: TD

RESOLUTION SUPERSEDING RESOLUTION NO. R-915-18; AUTHORIZING THE REMOVAL OF THE PROPERTY LOCATED AT 2721 N.W. 44 STREET, MIAMI, FLORIDA (FOLIO NO. 30-3121-026-1210) FROM THE INFILL HOUSING PROGRAM; APPROVING, IN ACCORDANCE WITH SECTION 125.379, FLORIDA STATUTES, THE USE AND DEVELOPMENT OF THE PROPERTY BY SIMCAR DEV, LLC, WHICH IS A FLORIDA LIMITED LIABILITY COMPANY AND AN AFFILIATE OF SIMCAR, LLC, AT A PRICE OF \$10.00, WITH A 24-UNIT, SPECIAL NEEDS AFFORDABLE HOUSING PROJECT THAT TARGETS HOMELESS PERSONS; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE AN AMENDED AND RESTATED 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 AMENDED AND RESTATED COUNTY DEED, TO PROVIDE COPIES OF THE RECORDED AMENDED AND RESTATED COUNTY DEED AND THE RESTRICTIVE COVENANTS REQUIRED BY SUCH DEED TO THE PROPERTY APPRAISER, AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

ISSUE/REQUESTED ACTION

Whether the Board should remove the property located at 2721 N.W. 44th Street, Miami, FL 33142 from the InFill Housing Program and allow development of a 24 unit special needs affordable housing project.

PROCEDURAL HISTORY

**Prime Sponsor: Commissioner Audrey M. Edmonson, District 3
Department/Requester: None**

There is no procedural history for this item.

ANALYSIS

The purpose of this resolution is to get Board approval for the removal of the property located 2721 NW 44th Street from the infill program, and convey the land to SIMCAR for \$10.00 to develop 24-units targeting homeless persons whose incomes do not exceed 120 percent of area median income as published by the United States Housing and Urban d Development or the Florida Housing Finance Corporation for Miami-Dade County within five (5) years of the recording of the deed and to ensure that the project remain affordable for a period of 20 years to be sold to a very low-, low- or moderate income household and the ability for the County Mayor amend and enforce said amendments to the infill housing program.

The County will receive \$10.00 USD. No other fiscal impact is associated with this item.

The table below illustrates descriptive facts about the property being conveyed.

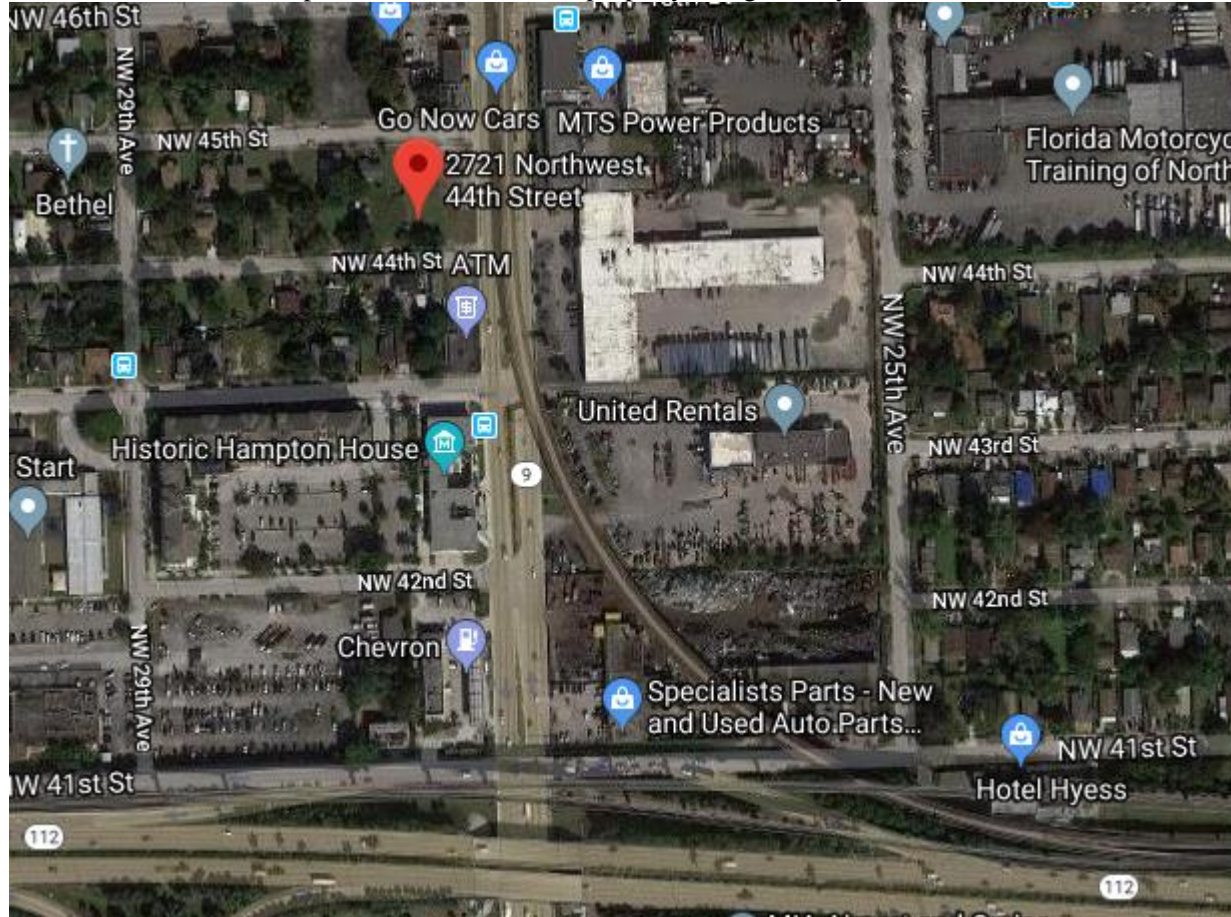
Property (Legal Description)	Address	Folio	Lot Size (Square ft.)	Market Value (2019)	Annual Tax Revenue Generated	Annual Cost to Maintain	Commission District
1)“Roosevelt Park”	2721 N.W. 44 Street, Miami, FL 33168-6202	30-3121-026-1210	6,960	\$76,560	\$541.04	\$304.00	3

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The illustration below depicts the location of the property being conveyed:



According to the Florida Department of State website, “SIMCAR” is registered as a “Florida Limited Liability Company.” The table below illustrates OCA’s due diligence concerning SIMCAR.

Firm	Sunbiz	DBPR	Tax Collector	WestLaw	BBB	PHCD
SIMCAR, Dev, LLC	Active FEIN not issued yet	No license on file	Multiple files paid with on delinquent accounts	No cases found	No file available	No evaluations available

SIMCAR, Dev, LLC’s more than 10 years’ experience in the construction of affordable housing. SIMCAR has several projects under development in Liberty City and is currently renovating projects in the Forest Hills neighborhood in Jacksonville, Florida and the Frenchtown neighborhood in Tallahassee, Florida. Mr. Charles Sims, a managing member and co-founder of SIMCAR LLC., makes up the component of the 10 years of experience that the recently formed firm has and Mr. Sims has participated in the creation

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of over 560 units of affordable housing. Mr. Sims is the current Chairman of the Miami-Dade County Affordable Housing advisory board and sits on the Miami-Dade County Affordable Housing Trust Fund Board.

A list of local projects that Charles Sims has spearheaded in Miami-Dade County are listed in the table below:

Charles Sims Local Portfolio				
Residential Projects	Location	Units	Project Cost	Commission District
M&M Maison Townhomes	1521 NW 61 st Street, Miami, FL 33142	30	\$ 2,315,000	3
Sugar Hill Apartments	1425 NW 71 st Street, Miami, FL	132	\$17,000,000	3
Superior Manor Apartments	5155 NW 24 th Avenue, Miami, FL 33142	204	\$24,000,000	3
Villages Phase I	495 NW 74 th Street, Miami, FL 33150	150	\$31,000,000	3
New Beginning	Unable to verify	97	\$12,000,000	
Ponciana Point	5601 NW 2 nd Ave, Miami, FL 33127	4	\$ 1,200,000	3
Total		617	\$87,515,000	

DEPARTMENTAL INPUT:

The following questions were asked to PHCD on September 4th 2019. The responses are in bold:

- Does PHCD have any performance history for the firm SIMCAR, Dev, LLC? **SIMCAR has not developed any lots through the Infill Program.**

ADDITIONAL INFORMATION

The Miami-Dade County Infill Program is located at 701 NW 1st CT, 16th Floor Miami, FL 33136. The Infill Program's purpose 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. The Infill Program shall encourage the sale or transfer of County-owned properties to Infill Developers. The Infill Developers shall be required to build affordable homes to be sold to very low-low- and moderate-income persons. Although the Infill Program is primarily designed to create affordable homeownership of single family homes, the County, under limited circumstances, at its sole discretion, may allow Infill Developers to rent these homes to qualified very low-, low-, or moderate-income families.

Developer's experience, qualifications and other evaluation criteria are reviewed as part of the Request for Proposal (RFP) solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements include, but not be limited to the following:

- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;
- 3) Past performance on similar housing projects;

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- 4) Financial strength and ability to provide start-up operations;
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;
- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens and other County fees when due.

The Developer submits the completed application, required documents, and fee(s) 60 days prior to the sale of an eligible home to a qualified first-time homebuyer. After the sale of the Infill home to a qualified first-time homebuyer, and after the Warrantee Deed and buyer's Restrictive Covenant is recorded, the Department will record the Release of County liens and citations. Only qualified County liens and citations may be released.

Link to Miami-Dade County Infill Housing Developer Requirements:

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

Guidelines for the Miami-Dade County Infill Housing Initiative Program:

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

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Article VII Chapter 17 of the Code of Miami-Dade County (Section 17-121 to 17-128) (*Infill Housing Initiative*): Has the intended purpose 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> -

[Dade County/codes/Code of Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHOIN](https://library.municode.com/FL/Miami-Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHOIN)

Administrative Order No. 8-4 (Sale or Lease of County Real Property), adopted on 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>

Implementing Order 3-44 (Infill Housing Program Initiative), adopted on February 17, 2017, 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>

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

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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

Resolution No. R-1416-08 (Hope VI) adopted on December 6, 2008, requires developer to give the former Scott/Carver residents the right of first refusal on all units to be sold in the target area.

<http://intra/gia/matter.asp?matter=083584&file=true&yearFolder=Y2008>

Resolution No. R-974-09 (Filing Closing Documents BCC Clerk) adopted on 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-376-11 (County Owned Real Property Affordable Housing) adopted on May 3, 2011, mentioned in the Mayoral memo, 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 on 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>

Resolution No. R-915-18 (SIMCAR Dev, LLC Proposal) adopted on September 5, 2018, authorized the conveyance of County-owned property, which is located at 2721 NW 44 Street, Miami, Florida, to SIMCAR Dev, LLC, a Florida Limited Liability Company, at a price of \$10.00, for the purpose of developing such property with affordable housing to be sold to a very low- low or moderate income household in accordance with Miami-Dade County's infill housing initiative program.

<http://www.miamidade.gov/govaction/matter.asp?matter=181651&file=true&fileAnalysis=true&yearFolder=Y2018>

Resolution No. R-407-19 (Conveyance of County-Owned Land Notice to Residents) adopted on April 9, 2019, directing the County Mayor to provide written notification to the Public Prior to the Non-Competitive sale or lease of County Owned property.

<http://www.miamidade.gov/govaction/matter.asp?matter=190474&file=true&fileAnalysis=false&yearFolder=Y2019>

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**Item No. 2F
File No. 192121**

Researcher: IL Reviewer: TD

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF FIVE 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 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 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 should authorize the conveyance of five (5) County owned properties to Miami Dream Homes Investment Group Inc., (MDHIGI) for the purposes of developing them into affordable housing for sale to very low- low- or moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program (Infill Program).

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: None

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

ANALYSIS

The purpose of this resolution is Board approval for the conveyance of five (5) County-owned properties to MDHIGI, for the purposes of developing these properties with affordable housing to be sold to very low- low- or moderate income households in accordance with the Infill Program for a price of \$10.00. MDHIGI will have to complete the development within two (2) years of the effective date of the conveyance, unless extended at the discretion of the Board. MDHIGI is located at 3625 NW 82nd Avenue, Doral, FL 33166 (Primary Address). According to the Florida Department of State website, "LHP" is registered as a "Florida Limited Liability Company."

Firm	Sunbiz	DBPR	Tax Collector	West Law	BBB	PHCD
Miami Dream Homes Investment Group Inc.	Active FEIN 20-2251500	Multiple Licenses. License No. CGC 1523438 is Delinquent/Active as of August 31. 2018	No file available	Case 2007-020810-SP-23 Disposition: Voluntary Dismissal	No file available	Pending evaluation review

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File No. 192121**

Researcher: IL Reviewer: TD

MDHIGI's experience consists of the production of affordable housing for over 20 years. They have developed 42 single family homes and have provided project management services for an additional 145 units of affordable housing. LHP provided 27 homes to families below 80% AMI at the Dupuis Pointe – 27 home subdivision located at NW 64 Street and 34 Avenue. The homes were built to Enterprise Green Communities Standards. Over the last eight (8) years, 48 scattered home sites have been purchased, built or rehabbed and sold to low income families. The average cost of these homes ranged from \$185,000.00 to \$250,000.00. Two homes were built for the Infill Program in Commission District 3 located at 1610 NW 60 Street and 1600 NW 60 Street. Both homes were three (3) bedroom, two (2) bath and approximately 1496 sq. ft.

The County will receive \$10.00 USD as purchase price for the property. No other fiscal impact is associated with this item. LHP will take on the rehabilitation of the properties. The County potentially will have additional revenue from the property taxes associated with these homes.

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

Property (Legal Description)	Address	Folio	Lot Size (Square ft.)	Market Value (2019)	Annual Tax Revenue Generated	Annual Cost to Maintain	Commission District
1) “Gratigny Plateau Rev”	11500 NW 10 Avenue Miami, FL 33168-6202	30-2135-016-0740	6,650	\$79,321	\$1,422.24	\$290.00	2
2) “West Biscayne”	827 NW 101 Street Miami, FL 33150	30-3102-012-0610	7,500	\$33,560	\$ 598.22	\$327.00	2
3) “The Tropics Add”	3220 NW 99 Street Miami, FL 33147	30-3104-005-2490	7,000	\$120,940	\$2,569.92	\$307.00	2
4) “Miami-Dade County ISD RE MGMT”	2151 NW 104 th Street, Miami, FL 33147	30-2134-000-0520	10,454	\$63,865	\$1,593.54	\$456.00	2
5) “Broadmoor Manor”	3441 NW 94 th Terrace, Miami, FL 33147	30-3104-006-0460	6,000	\$73,731	\$1,758.48	\$262.00	2

The proposed sale price for these homes must not exceed \$205,000. The current home model being approved for the Infill Program is a 3 bedroom 2 bathroom home that is approximately 1,400 sq. ft. The homes must be built in accordance with the Florida Building Code.

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**Item No. 2F
File No. 192121**

Researcher: IL Reviewer: TD

ADDITIONAL INFORMATION

The Miami-Dade County Infill Program is located at 701 NW 1st CT, 16th Floor Miami, FL 33136. The Infill Program's purpose 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. The Infill Program shall encourage the sale or transfer of County-owned properties to Infill Developers. The Infill Developers shall be required to build affordable homes to be sold to very low-low- and moderate-income persons. Although the Infill Program is primarily designed to create affordable homeownership of single family homes, the County, under limited circumstances, at its sole discretion, may allow Infill Developers to rent these homes to qualified very low-, low-, or moderate-income families.

Developer's experience, qualifications and other evaluation criteria are reviewed as part of the Request for Proposal (RFP) solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements include, but not be limited to the following:

- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;
- 3) Past performance on similar housing projects;
- 4) Financial strength and ability to provide start-up operations;
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;
- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens and other County fees when due.

The Developer submits the completed application, required documents, and fee(s) 60 days prior to the sale of an eligible home to a qualified first-time homebuyer. After the sale of the Infill home to a qualified first-time homebuyer, and after the Warrantee Deed and buyer's Restrictive Covenant is recorded, the Department will record the Release of County liens and citations. Only qualified County liens and citations may be released.

Link to Miami-Dade County Infill Housing Developer Requirements:

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

Guidelines for the Miami-Dade County Infill Housing Initiative Program:

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

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Article VII Chapter 17 of the Code of Miami-Dade County (Section 17-121 to 17-128) (*Infill Housing Initiative*): Has the intended purpose 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.

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[https://library.municode.com/FL/Miami -
Dade County/codes/Code of Ordinances?nodeId=PTIICOOR CH17HO ARTVIIIHOIN](https://library.municode.com/FL/Miami-Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIHOIN)

Administrative Order No. 8-4 (Sale or Lease of County Real Property), adopted on 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>

Implementing Order 3-44 (Infill Housing Program Initiative), adopted on February 17, 2017, 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>

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

Resolution No. R-1416-08 (Hope VI) adopted on December 6, 2008, requires developer to give the former Scott/Carver residents the right of first refusal on all units to be sold in the target area.
<http://intra/gia/matter.asp?matter=083584&file=true&yearFolder=Y2008>

Resolution No. R-974-09 (Filing Closing Documents BCC Clerk) adopted on 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-376-11 (County Owned Real Property Affordable Housing) adopted on May 3, 2011, mentioned in the Mayoral memo, 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 on 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>

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Researcher: IL Reviewer: TD

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>

Resolution No. R-407-19 (Conveyance of County-Owned Land Notice to Residents) adopted on April 9, 2019, directing the County Mayor to provide written notification to the Public Prior to the Non-Competitive sale or lease of County Owned property.

<http://www.miamidade.gov/govaction/matter.asp?matter=190474&file=true&fileAnalysis=false&yearFolder=Y2019>

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**Item No. 2G
File No. 192125**

Researcher: JFP Reviewer: TD

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF FIVE COUNTY-OWNED PROPERTIES TO HABITAT FOR HUMANITY OF GREATER MIAMI, INC., A NOT-FOR-PROFIT 501(C)(3) 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 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 should convey five County-owned properties to Habitat for Humanity of Greater Miami, Inc. at a price of \$10.00 for the purpose of developing these properties with affordable housing as part of the County's Infill Housing Initiative Program.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jean Monestime, District 2

Department/Requester: None

This item has no procedural history.

ANALYSIS

The purpose of this item is to request Board authorization to convey five County-owned properties to Habitat For Humanity of Greater Miami, Inc. (Habitat) 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. Habitat submitted an application to Commissioner Jean Monestime, District 2, requesting that the County convey 11 County-owned vacant properties located in the district to Habitat. The County is electing to convey five properties.

In conveying these five properties, the County will save approximately \$2,166 annually in property monitoring and maintenance and the new homes will generate real estate taxes to the County of approximately \$7,449 annually. The maximum sales price for infill homes cannot exceed \$205,000. This property is subject to an "Affordable Housing Restrictive Covenant" which states that the property is to remain affordable during the control period, commencing on the initial sale date of the eligible home, which is the date the deed is recorded transferring title from Habitat to the first qualified household, and resets automatically every 20 years for a maximum of 60 years. If Habitat 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 deed being recorded or if the properties cease to be used solely for affordable housing by Habitat and the default/violation is not cured within 30 days.

The Miami-Dade County Infill Housing Initiative Program was created to provide more housing opportunities for low-income and working families. Applicants were evaluated based on the following criteria: 1) experience and past

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performance in developing homes pursuant to the Infill Housing Program; 2) development team, key personnel and functions; 3) approach to providing services to each homeowner; 4) building plans for single family home models; 5) financial capability and demonstrated ability to obtain financing; 6) approach to meeting time schedule and budgets; and 7) marketing skills and ability to reach eligible households.

The image below depicts the property located at 3109 NW 55 St. (Folio Number 30-3116-009-1700). The current market value for this 10,320 sq. ft. property is \$55,730.

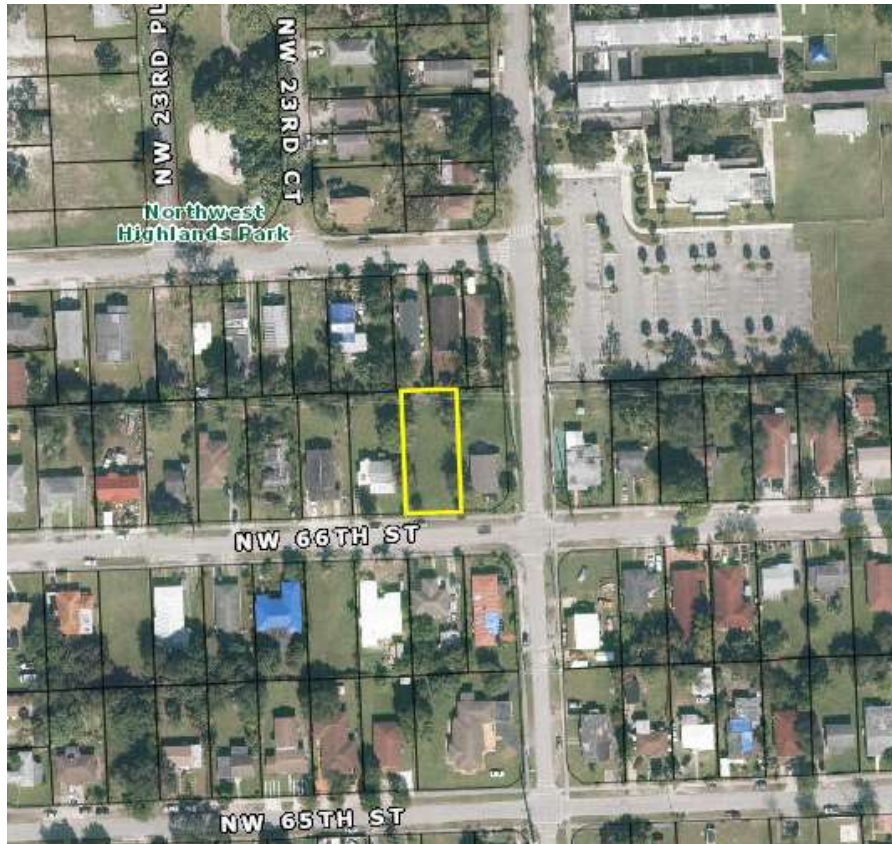


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The image below depicts the property located at 2315 NW 66 St. (Folio Number 30-3115-018-0090). The current market value for this 9,035 sq. ft. property is \$72,489.

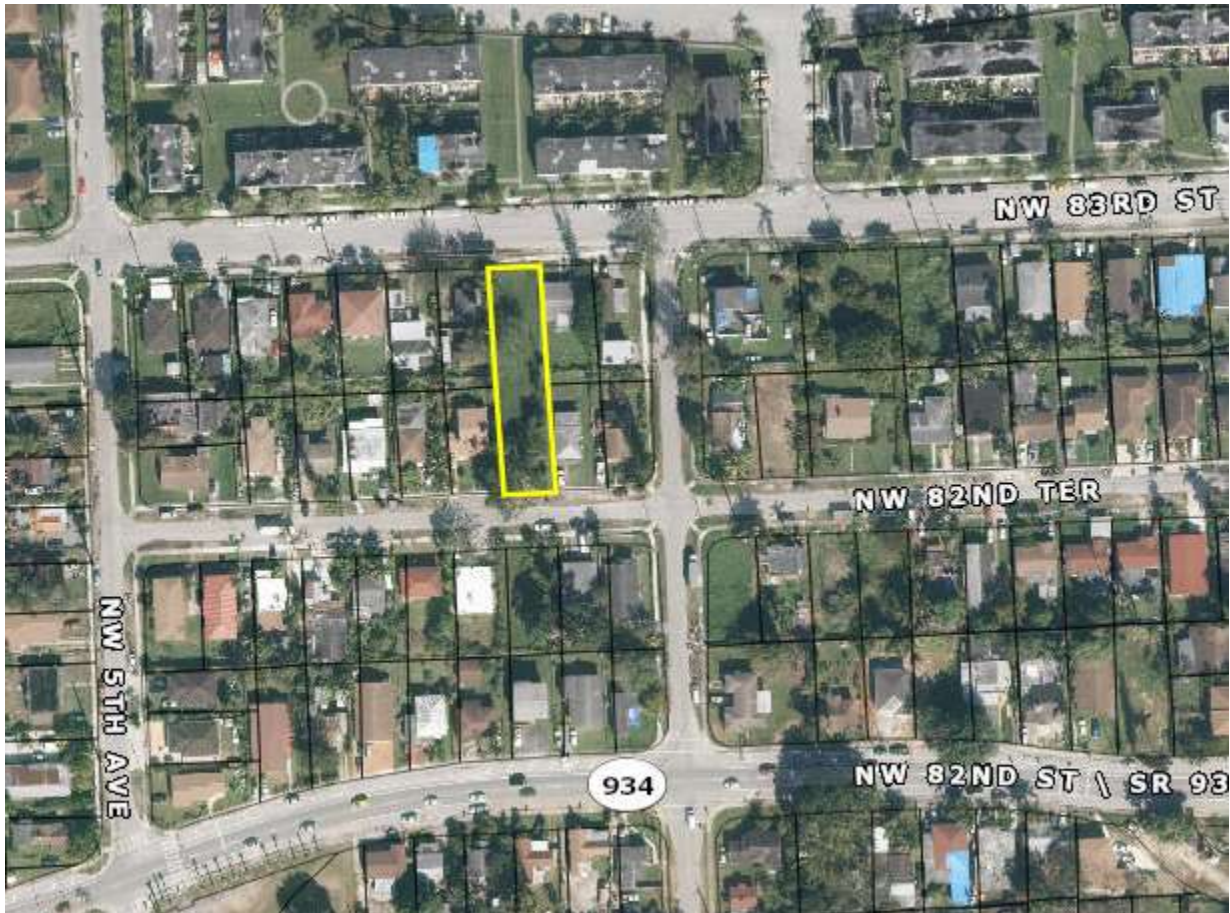


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Researcher: JFP Reviewer: TD

The image below depicts the property located at 415 NW 82 Ter. (Folio Number 30-3112-023-0180). The current market value for this 11,100 sq. ft. property is \$116,713.

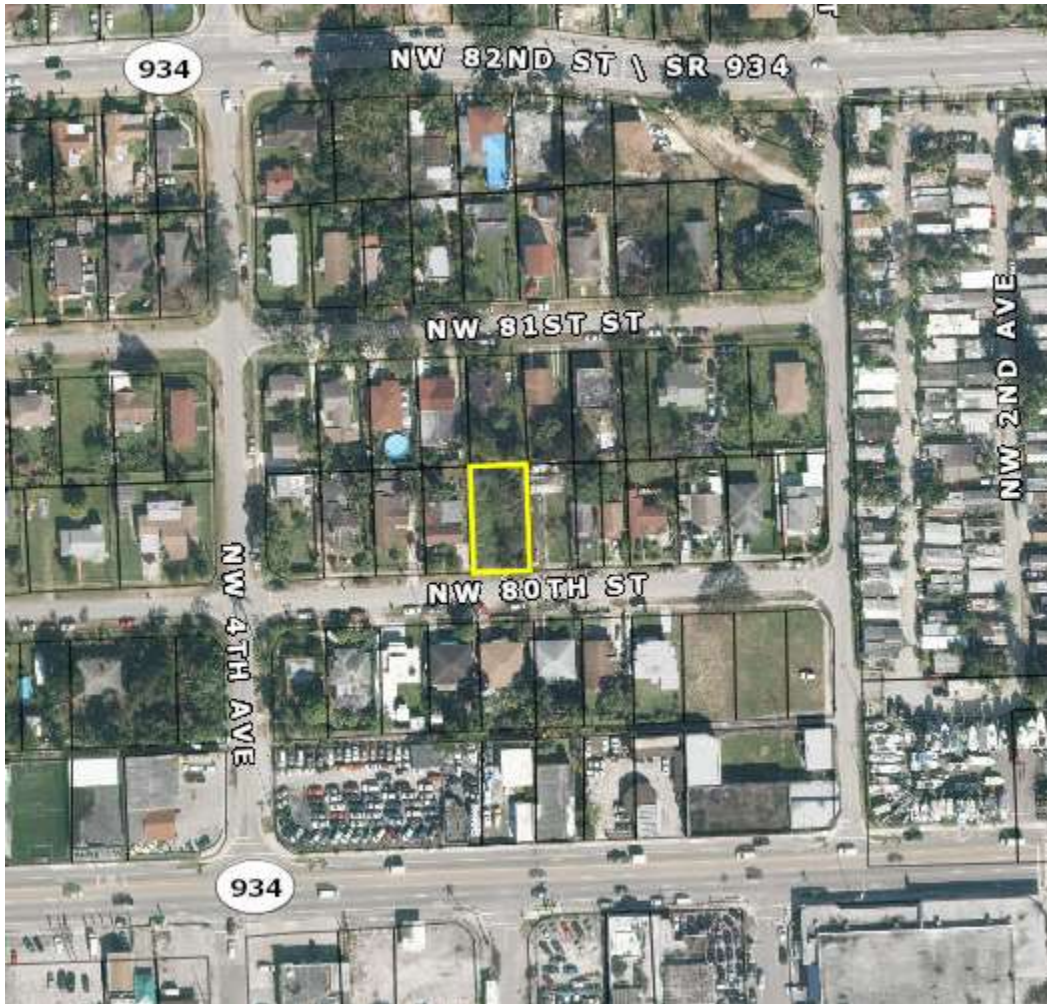


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The image below depicts the property located at 341 NW 80 St. (Folio Number). The current market value for this 5,250 sq. ft. property is \$55,188.



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Researcher: JFP Reviewer: TD

The image below depicts the property located at 7930-7934 NW 10 Ave (Folio Number 30-3111-047-0040). The current market value for this 13,500 sq. ft. property is \$88,962.



ADDITIONAL INFORMATION

Infill Housing Initiative Program

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>

Habitat for Humanity of Greater Miami, Inc.

Habitat for Humanity of Greater Miami, Inc. is a not-for-profit 501(c)(3) corporation which promotes, develops and provides safe and affordable housing to persons with limited financial resources in Miami-Dade County.

<https://www.miamihabitat.org/>

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Researcher: JFP Reviewer: TD

APPLICABLE LEGISLATION/POLICY

Section 125.379(1), Florida Statutes, (Disposition of County property for affordable housing) requires each County to prepare an inventory list at least every three (3) 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

Section 125.379(2), Florida Statutes (Disposition of County property for affordable housing) 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?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html

Section 125.411, Florida Statutes (Conveyance of land by County) 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

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR

Section 17-121 of the Code of Miami-Dade County, relates to the Infill 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-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTVIINHON_S17-121TIPU

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

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

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, a recommendation will be requested from the Planning Advisory Board, to indicate whether the 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-974-09, adopted July 21, 2009, requires instruments creating a County interest in real property 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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File No. 192125

Researcher: JFP Reviewer: TD

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 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 requiring 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-145-17, adopted February 2, 2017, amends Implementing Order No. 3-44 related to the administration of the Miami-Dade County infill housing initiative, revising definitions, establishing procedures, program fees and reporting requirements for the administration of the program.

<http://intra/gia/matter.asp?matter=170776&file=false&yearFolder=Y2017>

Resolution No. R-380-17, adopted 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 (4) 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>

Resolution No. R-1324-08, adopted December 2, 2008, established the maximum sales price for the homeownership second mortgage program and homeownership units developed under the infill and housing development programs.

<http://intra/gia/matter.asp?matter=090353&file=false&yearFolder=Y2009>

Resolution No. R-979-17, adopted November 7, 2017, declared the subject properties, among others, as surplus, adding such properties to the County's inventory list of affordable housing sites.

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

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Item No. 3A
File No. 192131

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR TO SUBMIT AN AMENDMENT TO MIAMI-DADE COUNTY'S DISPOSITION AND/OR DEMOLITION APPLICATIONS TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PERMIT RUDG, LLC OR ITS SUBSIDIARY, THE GALLERY ON THE RIVER, LLC, TO CONSTRUCT A SECOND PHASE OF THE JACK ORR PLAZA REDEVELOPMENT PROJECT TO BE KNOWN AS THE GALLERY ON THE RIVER, TO EXECUTE, IN ACCORDANCE WITH SECTION 125.35, FLORIDA STATUTES, A 75-YEAR GROUND LEASE WITH AN ANNUAL RENTAL AMOUNT EQUAL TO \$40,000 (INCREASING ANNUALLY AT FOUR PERCENT) AND A ONE-TIME CAPITALIZED LEASE PAYMENT OF \$400,000 FOR A TOTAL OF \$18,345,254.66, TO EXECUTE A SUB-GROUND LEASE(S), TO EXERCISE ALL PROVISIONS CONTAINED IN THE GROUND LEASE AND SUB-GROUND LEASE(S), AND TO EXECUTE ALL NECESSARY MIXED-FINANCE AGREEMENTS, ALL OTHER DOCUMENTS RELATED TO THE GALLERY ON THE RIVER, 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 an amendment to the U.S. Department of Housing and Urban Development (HUD) mixed-finance agreements and documents to the Jack Orr Plaza Redevelopment Plaza to construct the second phase of an affordable housing project known as The Gallery on the River, LLC.

PROCEDURAL HISTORY

Prime Sponsor: None

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

There is no procedural history for this item.

ANALYSIS

The proposed resolution requests Board approval for the following:

- An Amendment to the County's disposition and/or demolition application to HUD to construct a second phase of the Jack Orr Plaza redevelopment project to be known as The Gallery on the River;
- Authorize the execution of a 75-year ground lease with RUDG with an annual rental amount of \$40,000 (to increase 4% annually) and a one-time capitalized lease payment of \$400,000 for a total of \$18,345,254.66 related to the development of The Gallery on the River;
- Execute all necessary mixed-use finance agreements and all other documents related to The Gallery on the River project;
- Execute amendments to the Annual Contribution Contract(s), to show the County's receipt of public housing subsidy; and
- Waive the requirements of Resolution No. R-130-06, which requires that all contracts must be fully negotiated and executed by a non-County party, because neither the County nor RUDG can execute any mixed-finance agreements and other related documents without HUD's approval.

There is no fiscal impact to the County. RUDG, LLC will be responsible for all payments cited in the above-mentioned requests.

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File No. 192131**

Researcher: MF Reviewer: TD

The proposed affordable housing project, named The Gallery on the River, will be constructed on approximately 1.65 acres and located in the vicinity of 401 NW North River Drive, Miami, Florida, in District 5, represented by Commissioner Eileen Higgins.

On July 14, 2011, a Request for Proposal (RFP No. 794) was issued to solicit proposals from developers to maximize and expedite the development or redevelopment of more than 100 existing public housing sites and vacant land sites administered by PHCD. OCA conducted due diligence and examined the Bid Tracking System (BTS) on September 5, 2019. According to BTS, the County received 31 bid proposals and five companies were awarded. Aside from RUDG, LLC, the other companies awarded were: Carlisle Development Group, LLC; Biscayne Housing Group, LLC; Michaels Development Company, LLC; and Gorman & Company Inc.

Subsequently to the 2011 RFP and pursuant to Resolution No. R-1026-11, the Board awarded site control through a master ground lease to RUDG for the redevelopment of the Jack Orr Plaza public housing development. Later in 2012, the Board authorized the execution of a master development agreement for the development of the Jack Orr Plaza to rehab 200 units. In June 2013, HUD approved the County's Disposition Applications for the Jack Orr Plaza Preservation Phase I. Originally, the Jack Orr Plaza site consisted of 2.82 acres. A portion of the site for The Gallery on the River will consist of a residential building with 160 affordable or workforce housing units, of which 11 will be designated public housing units, featuring amenities and parking. The development will cost approximately \$44,493,560.

DEPARTMENTAL INPUT

OCA reached out to PHCD on September 5, 2019 with the following inquiry:

- Why did the previous adopted resolutions not list Phase II of the affordable housing project for the HUD application?
- Explain the reasons for the time lapse between the current amendments via this request in 2019 and the Phase I application approved by HUD in 2013.
- Please clarify the acreage difference between the original Jack Orr Plaza site at 2.82 acres and The Gallery on the River site now at 1.65 acres. What was the acreage for Phase I of the project and the combined acreage of Phases I and II?
- According to the Bid Tracking System, RUDG was one of five companies that was awarded the RFP. What work did the other four companies perform for this phase or the previous phase?
- The housing development is expected to cost about \$44.4 million. Will the County be expected to fund any portion of this amount at any time or is funding for the project solely coming from RUDG through HUD? Please clarify.
- Give the expected development timeframe for the second phase of the affordable housing project to be constructed.
- Per the mayor's memo, the County will meet with residents who are affected by the demolition or disposition applications. What type of public outreach will be conducted, specifically?

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1020-12, adopted on December 4, 2012, authorizes the deputy mayor or mayor's designee to execute master development agreements, amendment No. 3 to ground leases, and other necessary mixed-finance contracts, agreements and related documents with RUDG, LLC or its subsidiaries for construction and/or rehabilitation of new or existing public housing units at the Joe Moretti, Dante Fascell, Stirrup Plaza, South Miami Plaza and Jack Orr Plaza Public Housing Developments, subject to the approval of the U.S. Department of Housing and Urban Development.

<http://www.miamidade.gov/govaction/matter.asp?matter=122287&file=true&fileAnalysis=false&yearFolder=Y2012>

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Item No. 3A

File No. 192131

Researcher: MF Reviewer: TD

Resolution No. R-1026-11, adopted on November 23, 2011, authorizes selection of and execution of various ground lease agreements for development of Miami-Dade County owned land to allow application to the Florida Housing Finance Corporation for nine percent low income housing tax credits.

<http://www.miamidade.gov/govaction/matter.asp?matter=112404&file=true&fileAnalysis=false&yearFolder=Y2011>

Resolution No. R-130-06, adopted on January 24, 2006, amends Resolution No. R-1198-05, requiring that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-county parties.

<http://www.miamidade.gov/govaction/matter.asp?matter=060239&file=false&fileAnalysis=false&yearFolder=Y2006>

Resolution No. R-1198-05, adopted on October 18, 2005, clarifies that approval of a third party contract in substantially the form presented to the Board means the County Manager is authorized to execute the form of contract that is approved without any changes except those necessary to correct non-substantive, scrivener's errors, directing the county manager not to place items on the agenda seeking Board approval of a third party contract and authority to execute same until the underlying contract is completely negotiated, in final form and executed by all non-county parties.

<http://www.miamidade.gov/govaction/matter.asp?matter=052006&file=true&fileAnalysis=false&yearFolder=Y2005>

Section 125.35 of the Florida Statutes, County Authorized to Sell Real and Personal Property and to Lease Real Property. The Board of County Commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the county, whenever the board determines that it is to the best interest of the county to do so, to the highest and best bidder for the particular use the board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.

http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&Appmode=Display_Statute&Search_String=125.35&URL=0100-0199/0125/Sections/0125.35.html