

MEMORANDUM

Agenda Item No. 11(A)(10)

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

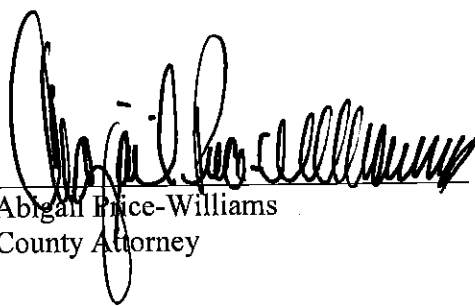
DATE: March 3, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution amending Resolution No. R-921-18 to authorize conveyance pursuant to section 125.379(2), Florida Statutes, of four County-owned properties to The Housing League Homes, LLC, a Florida limited liability company and an affiliate of The Housing League, Inc., a Florida not-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 to take all action necessary to enforce the provisions set forth in such County Deed and to ensure placement of appropriate signage

Resolution No. R-262-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss.



Abigail Price-Williams
County Attorney

APW/uw

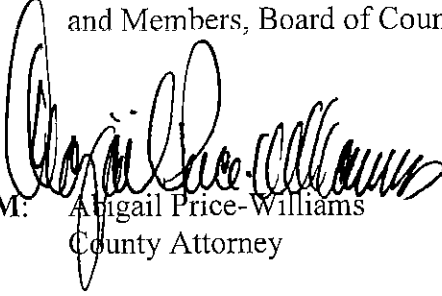


MEMORANDUM

(Revised)

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

DATE: March 3, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(10)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)

3-3-20

RESOLUTION NO. R-262-20

RESOLUTION AMENDING RESOLUTION NO. R-921-18 TO AUTHORIZE CONVEYANCE PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF FOUR COUNTY-OWNED PROPERTIES TO THE HOUSING LEAGUE HOMES, LLC, A FLORIDA LIMITED LIABILITY COMPANY AND AN AFFILIATE OF THE HOUSING LEAGUE, INC., A FLORIDA NOT-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 ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

WHEREAS, The Housing League, Inc. ("Housing League") is a Florida not-for-profit corporation, which is an independent, mission-driven nonprofit corporation based in Coral Gables Florida, South Miami-Dade County, and Vero Beach, providing affordable housing for low to moderate income families by working with private and public developers to create affordable housing opportunities; and

WHEREAS, since its inception, Housing League has developed, sold and closed hundreds of homes in six states; and

WHEREAS, Housing League seeks to preserve and improve affordable rental and homeownership opportunities through investments, strengthening families and communities, and encouraging a wide mix of partners to invest in and preserve affordable housing; and

WHEREAS, on September 5, 2018, this Board adopted Resolution No. R-921-18, which authorized the conveyance of four County-owned vacant properties ("Properties") located in County Commission District 9 to Housing League; and

WHEREAS, after the adoption of Resolution No. R-921-19, Housing League requested that the County Deed approved by the before-mentioned resolution be revised to name The Housing League Homes, LLC ("Housing League Homes"), a Florida limited liability company and an affiliate of Housing League, as the grantee of the Properties; and

WHEREAS, Housing League has further advised that Housing League Homes will be responsible for developing the Properties with affordable housing to be sold to very low, low- or moderate income households in accordance with the Miami-Dade County Infill Housing Initiative Program ("Infill Housing Program"); and

WHEREAS, as a result of this request, the Chairperson or Vice-Chairperson of this Board never executed the County Deed in accordance with Resolution No. R-921-19; and

WHEREAS, this Board wishes to convey the Properties to Housing League Homes under the same conditions as set forth in Resolution No. R-921-18 and the County Deed approved therein; and

WHEREAS, accordingly, the Properties will be conveyed to Housing League Homes, subject to a reverter and on the condition that Housing League Homes develops each of the Properties with affordable housing to be sold to very low-, low- or moderate income households within two years of the effective date of the conveyance of the Properties, unless such time is extended at the discretion of this Board,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board amends Resolution No. R-921-18 to authorize the conveyance of four County-owned properties ("Properties") pursuant to section 125.379(2), Florida Statutes, to The Housing League Homes, LLC ("Housing League Homes"), a Florida limited liability company and an affiliate of The Housing League, Inc., a Florida not-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 the Infill Housing Initiative Program.

Section 3. Pursuant to section 125.411, Florida Statutes, this Board authorizes the Chairperson or Vice-Chairperson of the Board to execute the County Deed, in substantially the form attached hereto and made a part hereof as Attachment "A."

Section 4. This Board further authorizes the County Mayor or the County Mayor's designee to take all actions necessary to effectuate the conveyance, to exercise all rights set forth in the County Deed, other than those reserved to this Board therein, including, but not limited to, exercising the County's option to enforce its reversionary interest after conducting all due diligence, including title searches and environmental reviews. In the event, the County Mayor or the County Mayor's designee should exercise the County's reversionary interest, then the County Mayor or the County Mayor's designee shall execute and record an instrument approved by the County Attorney's Office in the Public Records of Miami-Dade County and provide a copy of such instrument to the County Property Appraiser. This Board further authorizes the County Mayor or the County Mayor's designee to receive on behalf of the County from Housing League Homes, after conducting all due diligence, including, but not limited to, title searches, environmental reviews, and review of the Infill Housing Program Guidelines, a deed which

conveys the Properties back to the County in the event Housing League Homes is unable or fails to comply with the deed restrictions set forth in the County Deed. Upon the receipt of a deed from Housing League Homes, the County Mayor or the County Mayor's designee shall record such deed in the Public Records of Miami-Dade County. Notwithstanding the foregoing, any extensions beyond the two years to complete the construction of the affordable housing homes contemplated herein shall be subject to this Board's approval.

Section 5. This Board directs the County Mayor or the County Mayor's designee to (i) ensure that proper signage is placed on the Properties identifying the County's name and the name of the district commissioner; (ii) provide copies of the recorded County Deed and the restrictive covenants required by the County Deed to the Property Appraiser; and (iii) appoint staff to monitor compliance with the terms of the conveyance.

Section 6. This Board directs the County Mayor or the County Mayor's designee, pursuant to Resolution No. R-974-09, to record in the public record the County Deed, covenants, reverters and mortgages creating or reserving a real property interest in favor of the County and to provide a copy of such recorded instruments to the Clerk of the Board within 30 days of execution and final acceptance. This Board directs the Clerk of the Board, pursuant to Resolution No. R-974-09, to attach and permanently store a recorded copy of any instrument provided in accordance herewith together with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

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

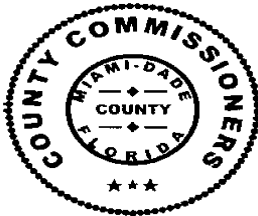
The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of March, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Linda L. Cave

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith

ATTACHMENT "A"

Instrument prepared by and returned to:
Terrence A. Smith
Assistant County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128

Folio No: See Exhibit "A" attached.

COUNTY DEED

THIS DEED, made this ____ day of _____, 2020 by **MIAMI-DADE COUNTY**, a political subdivision of the State of Florida, (hereinafter "County"), whose address is: Stephen P. Clark Center, 111 N.W. 1st Street, Miami, Florida 33128-1963, and **THE HOUSING LEAGUE HOMES, LLC**, a Florida limited liability company ("Housing League Homes"), whose address is 2046 Treasure Coast Place, A-370, Vero Beach, Florida 32960, or its successors and assigns.

WITNESSETH that the County, for and in consideration of the sum of Ten Dollars and No/100 (\$10.00) to it in hand paid by Housing League, receipt whereof is hereby acknowledged, has granted, bargained, and sold to Housing League, their successors and assigns forever, the following described land lying and being in Miami-Dade County, Florida (hereinafter the "Properties"):

As legally described in Exhibit "A" attached hereto and made a part hereof

THIS CONVEYANCE IS SUBJECT TO all zoning, rules, regulations and ordinances and other prohibitions imposed by any governmental authority with jurisdiction over the Properties; existing public purpose utility and government easements and rights of way and other matters of record; taxes for the year of closing and subsequent years and the following restrictions:

1. That the Properties shall be developed by Housing League Homes with affordable housing ("Dwelling Units"), as defined by and in accordance with the requirements of the Infill Housing Initiative Program established in Sections 17-121 through 17-128 of the Code of Miami-Dade County, Implementing Order No. 3-44, the Miami-Dade County's Infill Housing Initiative Guidelines, and section 125.379, Florida Statutes. Housing League Homes shall sell such Dwelling Units to qualified homebuyers whose income range is established up to 120% of the most recent median family income for the County as reported by the United States Department of Housing and Urban Development. Prior to such conveyance, a restrictive covenant, in a form approved by the County, in its sole discretion, shall be executed by each qualified homebuyer, and such restrictive covenant shall be recorded in the public records of Miami-Dade County.
2. That the Properties shall be developed within two (2) years of the recording of this Deed, as evidenced by the issuance of a final Certificate of Occupancy. Notwithstanding the foregoing restriction contained in this paragraph 2, the

County may, in its sole discretion, waive this requirement upon the Miami-Dade Board of County Commissioners finding it necessary to extend the timeframe in which Housing League Homes must complete the Dwelling Units. In order for such waiver by the County to be effective, it shall:

- a. Be given by the County Mayor or the County Mayor's designee prior to the event of the reverter; and
 - b. Be evidenced by the preparation of a letter executed by the County Mayor or the County Mayor's designee giving such waiver and specifying the new time frame in which Housing League Homes must complete the Dwelling Units. The letter by the County shall be conclusive evidence upon which any party may rely that the condition of the reverter has been extended to such date as specified in said waiver. If no waiver is recorded and a certificate of occupancy is not issued within two (2) years from the date of this Deed, any party may rely upon the fact that the reverter has occurred and that title has reverted to the County.
3. That the Dwelling Units developed on the Properties shall be sold to qualified households, as defined in Sections 17-122(n) of the Code of Miami-Dade County and section 125.379, Florida Statutes, but under no circumstances shall the sales price of the home exceed Two Hundred and Five Thousand and 00/100 (\$205,000.00). In the event Housing League Homes fails to sell the Dwelling Units to qualified households or sells the Dwelling Units above Two Hundred and Five Thousand and 00/100 (\$205,000.00), and Housing League, upon written notification from the County, fails to cure such default, then title to the subject Properties shall revert to the County, at the option of the County, as set forth in paragraph 9, and by such reverter to the County, Housing League Homes shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever.
 4. That for any of the Properties located within the HOPE VI Target Area (hereinafter "Target Area"), Housing League Homes shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal on all units to be sold within the Target Area. The County will provide a list of former Scott/Carver residents in order for Housing League Homes to notify these residents of the availability of homeownership opportunities.
 5. That Housing League Homes shall not assign or transfer its interest in the Properties or in this Deed absent consent of the Miami-Dade County Board of County Commissioners, with the exception of any conveyance to qualified homebuyers.
 6. Housing League Homes shall require that qualified households purchasing the Dwelling Units execute and record simultaneously with the deeds of conveyance from Housing League Homes to the qualified households the County's "Affordable Housing Restrictive Covenant," and include the following language in the deed of conveyance:

"This Property is subject to an "Affordable Housing Restrictive

Covenant" recorded simultaneously herewith, which states that the Properties shall remain affordable during the "Control Period." The Control Period commences on the initial sale date of the eligible home, which is the date the deed is recorded transferring title from Housing League Homes to the first qualified household, and resets automatically every twenty (20) years for a maximum of sixty (60) years. In the event Grantee wishes to sell or refinance the home during the Control Period, Grantee shall obtain prior written approval from the County. Any such sale, transfer or conveyance, shall only be to a qualified household as defined in Section 17-122(n) of the Miami-Dade County Code at or below the maximum sales price as calculated in the restrictive covenant. Should Grantee own this home for twenty consecutive years, Grantee shall automatically be released from the Affordable Housing Restrictive Covenant."

7. That Housing League Homes shall pay real estate taxes and assessments on the Properties or any part thereof when due. Housing League Homes shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, provided, however, that Housing League Homes may encumber the Properties with:
 - a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the Project in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
 - b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause a) hereof; in an amount(s) not to exceed the value of the Improvements as determined by an appraiser.
 - c) Any mortgage(s) in favor of any lender that may go into default, lis pendens, foreclosure, deed in lieu of foreclosure, certificate of title or tax deed issued by the government or through court order, the affordable deed restrictions are enforceable and can only be extinguished by the County. The deed restrictions shall run with the land notwithstanding the mortgage or change in ownership for the control period. The affordable deed restrictions apply to the "successors heirs and assigns" of the burdened land owner.
8. The recordation, together with any mortgage purporting to meet the requirements of paragraph 7(a) or 7(b) above, of a statement of value by a Member of the American Institute of Real Estate Appraisers (MAI), (or member of any similar or successor organization), stating the value of the Project is equal to or greater than the amount of such mortgage(s), shall constitute conclusive evidence that such mortgage meets such requirements, and that the right of any reverter hereunder shall be subject to and limited by, and shall not defeat, render invalid, or limit in any way, the lien of such mortgage. For purposes of this paragraph an "institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or other charitable entity, real estate or mortgage investment trust, pension

funds, the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, the term "Institutional lender" shall be deemed to include Miami-Dade County and its respective successors and assigns.

9. If in the sole discretion of the County, the Properties cease to be used solely for the purpose set forth in paragraph 1 herein by Housing League Homes, or if Housing League Homes fails to construct the Dwelling Units described herein in the manner and within the timeframe set forth in paragraph 2 herein, or if Housing League Homes ceases to exist prior to conveyance to the qualified homebuyers, or if any term of this County Deed is not complied with, Housing League Homes shall correct or cure the default/violation within thirty (30) days of notification of the default by the County as determined in the sole discretion of the County. If Housing League Homes fails to remedy the default within thirty (30) days, title to the Properties shall revert to the County, at the option of the County upon written notice of such failure to remedy the default. In the event of such reverter, Housing League Homes shall immediately deed such properties back to the County, and the County shall have the right to immediate possession of such properties, with any and all improvements thereon, at no cost to the County. The effectiveness of the reverter shall take place immediately upon notice being provided by the County, regardless of the deed back to the County by Housing League Homes. The County retains a reversionary interest in the Properties, which right may be exercised by the County, at the option of the County, in accordance with this Deed. Upon such reversion, the County may file a Notice of Reversion evidencing same in the public records of Miami-Dade County.
10. All conditions and restrictions set forth herein shall run with the land, and shall be binding on any subsequent successors, assigns, transferees, and lessees, of any interest, in whole or in part, in the Properties.

Upon receiving proof of compliance with all of the Deed restrictions listed above, to be determined in the County's sole discretion, the County shall furnish Housing League Homes with an appropriate instrument acknowledging satisfaction with all Deed restrictions listed above. Such satisfaction of Deed restrictions shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

This grant conveys only the interest of the Miami-Dade County and its Board of County Commissioners in the Properties herein described and shall not be deemed to warrant the title or to represent any state of facts concerning the same.

IN WITNESS WHEREOF Miami-Dade County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson of the Board, the day and year aforesaid.

(OFFICIAL SEAL)

ATTEST:

HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Audrey M. Edmonson., Chairwoman

Approved for legal sufficiency:

By: _____
Terrence A. Smith
Assistant County Attorney

The foregoing was authorized by Resolution No. R- -20 approved by the Board of County Commissioners of Miami-Dade County, Florida, on the day of , 2020.

IN WITNESS WHEREOF, the representative of **THE HOUSING LEAGUE HOMES, LLC**, a Florida limited liability company, has caused this document to be executed by their respective and duly authorized representative on this 15 day of JANUARY, 2020, and it is hereby approved and accepted.

[Signature]
Witness/Attest Cherie Andersen

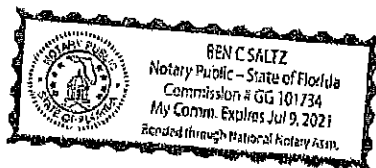
[Signature]
Witness/Attest Roger Poe

By [Signature]
Name: JERRY FLICK
Title: C.E.O.



STATE OF FLORIDA
INDIAN RIVER
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 15 day of JANUARY, 2018, 2020 by JERRY FLICK as CEO of **THE HOUSING LEAGUE HOMES, LLC**, a Florida limited liability company, and s/he (x) has produced FLORIDA DRIVERS LICENSE as identification or () is personally known to me.



(SEAL)

[Signature]
BEN C SALTZ

Notary of- State of FLORIDA

Commission Number: GG 101734

EXHIBIT A

Folio	Legal Description
16-7825-010-1080	FRIEDLAND MANOR PB 62-52 LOT 4 BLK 10
30-6912-004-0500	SYMMES-SHARMAN TRACT PB 9-170 LOT 5 BLK 3
30-6912-007-0040	DIXIE PINES PB 20-16 LOT 1 & E50FT OF S1/2 OF TR 2 PB 31-51 BLK 2
30-6912-008-0570	DIXIE PINES 2ND REV PB 31-51 E50FT OF W300FT OF N1/2 OF TR 7