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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: July 21, 2020

Agenda Item No. 10(A)(2)

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

From: Carlos A. Gimenez
Mayor

Resolution No. R-738-20

Subject: Resolution Approving the Issuance by the Housing Finance Authority of Miami-Dade of its Multifamily Mortgage Revenue Bonds for Los Robles Apartments for the purpose of Section 147(f) of the Internal Revenue Code of 1986

Recommendation

As outlined in the enclosed memorandum from the Housing Finance Authority of Miami-Dade County (HFA), the attached resolution authorizes the HFA to issue Multifamily Mortgage Revenue Bonds (Bonds) in one or more series in an aggregate principal amount not to exceed $14,900,000 for the Acquisition and Rehabilitation of Los Robles (Project).

Scope

The Project is located in Commission District 12 at 11495 West Flagler Street, in City of Sweetwater, Miami-Dade County, Florida (the "County").

Funding Impact/Funding Source

The principal and interest on the Bonds shall not constitute a debt, liability or a general obligation of the HFA, County, the State of Florida or any political subdivision of each but shall be the responsibility of the owner of the Project.

Track Record/Monitoring

Los Robles will be owned by VOA Affordable Housing, LP, a Florida limited partnership company.

Background

As stipulated in Section 147(f) of the Internal Revenue Code of 1986, as amended (Code), the Board of County Commissioners, as the highest governing body, must approve the issuance of the Bonds by the HFA as required by the Code after a public hearing. The public hearing was held by the HFA and such public hearing disclosed no reason why the Bonds should not be issued.

The Series 2020 Bonds are expected to be issued by September of 2020.

Edward Marquez
Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: June 09, 2020

To: Honorable Carlos Gimenez
Mayor

From: Don Horn, Chairman
Housing Finance Authority of Miami-Dade County

Subject: Resolution Approving the Issuance of Multifamily Mortgage Revenue Bonds for Los Robles for the purpose of Section 147(f) of the Internal Revenue Code of 1986

The Housing Finance Authority of Miami-Dade County (the "Authority") requests that the attached Resolution be placed on the appropriate agenda for consideration by the Board of County Commissioners ("BCC") for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"). The Resolution approves the issuance by the Authority of its Multifamily Mortgage Revenue Bonds ("Bonds") in an aggregate principal amount not to exceed $14,900,000 to finance the acquisition and rehabilitation of the Los Robles (the "Project").

Scope
The Project is located in Commission District 12 at 11495 West Flagler Street in the City of Sweetwater, Miami-Dade County, Florida (the "County").

Funding Impact/Funding Source
Neither the County nor the Authority has any liability with respect to the repayment of the Bonds. The developer/owner of the Project is solely responsible for repayment of principal and interest on the Bonds.

Track Record/Monitoring
Los Robles will be owned by VOA Affordable Housing, LP, a Florida limited partnership company.

Background
The Code requires that a public hearing be held which the Authority conducted on January 29, 2020 and that the BCC approve the issuance of the Bonds by the Authority after considering the results of the public hearing. The approval by the BCC is necessary in order to close the bond financing. The Bonds are expected to be issued by September 2020.

The Project serves a public purpose in that it will provide 100 apartment units to be occupied by persons or families of low, moderate and middle income.

Attachment

MEMORANDUM

(Revised)

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

DATE: July 21, 2020

FROM: Abigail Price-Williams County Attorney

SUBJECT: Agenda Item No. 10(A)(2)

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. 10(A)(2)
7-21-20

RESOLUTION NO. R-738-20

RESOLUTION APPROVING, FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, THE ISSUANCE OF MULTIFAMILY 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 $14,900,000.00, THE PROCEEDS OF WHICH WILL BE LOANED TO LOS ROBLES VOA AFFORDABLE HOUSING, LP, TO FINANCE A PORTION OF THE COSTS OF THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY HOUSING RENTAL PROJECT KNOWN AS LOS ROBLES APARTMENTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, Los Robles VOA Affordable Housing, LP, a Florida limited partnership (the "Borrower"), has applied to the Housing Finance Authority of Miami-Dade County (Florida) (the "Authority") for multifamily mortgage revenue debt financing assistance in an aggregate principal amount not to exceed $14,900,000.00, in one or more series, at the same time or at different times (the "Debt"), to finance a portion of the costs of the acquisition and rehabilitation of Los Robles Apartments, located on an approximately 2.0 acre site located at 11495 W. Flagler Street, in the City of Sweetwater, Miami-Dade County, Florida (the "Project"); and

WHEREAS, the Project will preserve or provide approximately 100 units of rental housing to be occupied by elderly persons or families of low, moderate or middle income and will be owned by the Borrower; and

WHEREAS, the Authority passed Resolution No. HFA 2019-17 on August 26, 2019, attached hereto as Exhibit A, providing its initial approval of the issuance of the Debt in order to

provide a loan to the Borrower for the financing of the Project and took further action recommending approval, subject to a favorable public hearing, for the purposes of TEFRA (as hereinafter defined), by the Board of County Commissioners of Miami-Dade County, Florida of the issuance of the Debt; and

WHEREAS, the Authority conducted a public hearing on January 29, 2020, notice of which hearing was posted on January 21, 2020 on the Authority's website and continuously thereafter until such hearing (a copy of said notice and the Affidavit as to TEFRA Hearing Notice Posting are attached hereto as Exhibit B and incorporated herein), for the purpose of considering the issuance of the Debt by the Authority, in conformance with the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") and Section 147(f) of the Internal Revenue Code of 1986, as amended, and such public hearing disclosed no reason why the Debt should not be issued; and

WHEREAS, the Board concurs in the findings of the Authority, that the Project will inure to the benefit of the citizens of Miami-Dade County, Florida (the "County"),

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

Section 1. The issuance of the Debt in an aggregate principal amount not to exceed $14,900,000.00, in one or more series, for the purpose of financing a loan to the Borrower in order to finance a portion of the costs of the Project, as previously described, is approved.

Section 2. The Debt and the interest on the Debt shall not constitute a debt, liability or general obligation of the Authority, the County or of the State of Florida or of any political subdivision thereof, but shall be payable solely from the revenues or other moneys specifically provided by the Borrower for the payment of the Debt and neither the faith and credit nor any taxing power of the

County or of the State of Florida or of any political subdivision thereof is pledged to the payment of the principal or interest on the Debt. The Authority has no taxing power.

The foregoing resolution was offered by Commissioner **Jean Monestime**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of July, 2020. This resolution shall become effective upon the earlier of (1) ten (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

By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. dsh

David Stephen Hope

RESOLUTION NO. HFA 2019-17

A RESOLUTION EXPRESSING THE INTENT OF THE HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA) TO PROCEED WITH THE ISSUANCE OF ITS NOT TO EXCEED $14,900,000 MULTIFAMILY HOUSING REVENUE DEBT OBLIGATIONS, THE PROCEEDS OF WHICH WILL BE LOANED TO LOS ROBLES VOA AFFORDABLE HOUSING, LP, TO FINANCE A PORTION OF THE COSTS OF THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY RENTAL HOUSING PROJECT, AUTHORIZING A TEFRA NOTICE, AUTHORIZING A TEFRA HEARING AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Housing Finance Authority of Miami-Dade County (Florida) (the "Authority") has determined that there exists a shortage of safe and sanitary housing for persons and families of low, moderate and middle income, within Miami-Dade County, State of Florida; and

WHEREAS, such housing shortage will be partially alleviated by the acquisition and rehabilitation by a private owner of a multifamily rental housing project, to be occupied by elderly persons or families of low, moderate or middle income, to consist of approximately 100 units, located on an approximately 2.0 acre site located at 11495 W. Flagler Street, in the City of Sweetwater, Miami-Dade County, Florida, known as Los Robles Apartments (the "Project"); to be owned by Los Robles VOA Affordable Housing, LP, a Florida limited partnership (the "Owner"); and

WHEREAS, in order to provide for a portion of the financing for the acquisition and rehabilitation of the Project, the Authority intends to issue its tax-exempt multifamily housing revenue debt obligations for the benefit of the Owner, in one or more series or issues, at the same time or at different times in a total aggregate principal amount currently estimated not to exceed $14,900,000 (herein the "Debt Obligations"), and to enter into a Borrower Loan or Financing

Agreement, a Trust Indenture or Funding Loan Agreement, a Regulatory Agreement as to Tax-Exemption or Land Use Restriction Agreement and other necessary documents with respect to the Project; and

WHEREAS, the Authority deems it necessary to provide a Notice of Public Hearing for the Project in accordance with the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") and Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), which Notice of Public Hearing the Authority hereby determines to be in the public interest;

NOW, THEREFORE, BE IT RESOLVED by the members of the Housing Finance Authority of Miami-Dade County (Florida), a lawful quorum of which duly assembled, as follows:

SECTION 1. The Authority hereby expresses its intention to approve at a later date, by appropriate resolution, and upon compliance by the Owner with the Authority's "Guidelines for Tax-Exempt Multifamily Housing Financing" with final approval of the Architectural Design and Review Advisory Committee and with certain other conditions to be described to the Owner by the Authority's staff, the financing of a loan to Owner in order to finance a portion of the costs of the acquisition and rehabilitation of the Project through the issuance of its Debt Obligations and the execution of the necessary documents, including a Trust Indenture or Funding Loan Agreement, Borrower Loan or Financing Agreement and Regulatory Agreement as to Tax-Exemption or Land Use Restriction Agreement and/or such other documents as they deem necessary to effect the tax exempt issuance of the Debt Obligations; provided, however, such Debt Obligations shall not be issued unless the Debt Obligations, if publicly offered, are rated at least

A or better by either S&P Global Ratings or Moody's Investors Service, Inc. or both, if both rate the Debt Obligations, or, alternatively, the Debt Obligations, if not so rated, are sold by private placement to accredited investors or institutional investors.

SECTION 2. This Resolution shall constitute a declaration of the official intent of the Authority, within the contemplation of Section 1.150-2 of the Income Tax Regulations promulgated by the Department of the Treasury, to permit the Owner to use proceeds of the Debt Obligations to reimburse itself for certain acquisition, rehabilitation, construction, planning, design, legal or other costs and expenses originally paid by the Owner in connection with the Project with funds other than proceeds of the Debt Obligations prior to the issuance of the Debt Obligations (the "Advanced Funds").

The Owner has represented to the Authority that all of the expenditures initially to be made with the Advanced Funds and then to be reimbursed by the Owner from proceeds of the Debt Obligations will be for costs of a type properly chargeable to the capital account of the Project under general income tax principles, non-recurring working capital expenditures (of a type not customarily payable from current revenues), or costs of issuing the Debt Obligations. Other than any preliminary expenditures for architectural, engineering, surveying, soil testing, costs of issuing the Debt Obligations or similar purposes that may have been paid more than sixty days prior to the date of this Resolution, no expenditures to be reimbursed have been paid more than sixty days earlier than the date of this Resolution.

SECTION 3. The intent period for the Project shall have a term of two (2) years from the date of adoption of this Resolution (the "Intent Period"). The Intent Period is subject to extension by the Authority upon compliance by the Owner of certain requirements established by the

Authority, including the payment of an additional fee to the Authority and bond counsel prior to the extension of the Intent Period.

SECTION 4. The Notice of Public Hearing for purposes of TEFRA is hereby authorized and the staff of the Authority is hereby authorized to conduct on behalf of the Authority the TEFRA hearing regarding the issuance of the Debt Obligations as required by Section 147(f) of the Code, and to make a report to the Board of County Commissioners of Miami-Dade County of the public hearing. The Board of County Commissioners of Miami-Dade County is hereby respectfully requested to approve the issuance of the Debt Obligations by the Authority to finance the Project for purposes of Section 147(f) of the Code.

SECTION 5. It is expressly stated and agreed that the adoption of this Resolution is not a guaranty, express or implied, that the Authority shall approve the closing and issue its Debt Obligations for the Project. This Resolution is qualified in its entirety by the provisions of Chapter 159, Part VI, Florida Statutes, or any subsequently enacted or effective Executive Order or legislation concerning a State volume ceiling on multifamily housing bonds. In regard to the State volume ceiling for multifamily housing bonds, the Authority can make no guarantees as to the method by which funds will be allocated to any particular project, including the Project, and to which projects, including the Project, funds will be allocated. The Owner shall hold the Authority and its past, present and future members, officers, staff, attorneys, financial advisors, and employees harmless from any liability or claim based upon the failure of the Authority to close the transaction and issue the Debt Obligations or any other cause of action arising from the adoption of this Resolution, the processing of the financing for the Project, the issuance of the

Debt Obligations except for the gross negligence and willful and wanton misconduct of the Authority.

SECTION 6. The Authority has no jurisdiction regarding zoning and land use matters and the adoption of the Resolution is not intended to express any position or opinion regarding same.

SECTION 7. All resolutions and orders or parts thereof, of the Authority, in conflict herewith are, to the extent of such conflict, hereby modified to the extent of such conflict, and this Resolution shall take effect from and after its passage, the public welfare requiring it.

SECTION 8. It is found and determined that all formal actions of this Authority concerning and relating to the adoption of this Resolution were taken in an open meeting of the members of this Authority and that all deliberations of the members of this Authority and of its committees, if any which resulted in such formal action were taken in meetings open to the public, in full compliance with all legal requirements.

[Remainder of page intentionally left blank]

The roll being called on the question of adoption of the Resolution, the vote thereon resulted as follows:

AYES:	8
NAYS:	0
ABSTENTIONS:	0

This Resolution shall become effective immediately upon its adoption. The presiding officer declared said Resolution adopted and approved in open meeting.

Adopted this 26th day of August, 2019.

(Seal)

HOUSING FINANCE AUTHORITY MIAMI-DADE COUNTY FLORIDA 1978

HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA)

Chairman DON L. HORN

Attest:

Assistant Secretary VT WILLIAMS

Approved as to form and legal sufficiency by the Miami-Dade County Attorney

By:

Assistant County Attorney for Miami-Dade County, Florida

DAVID S. HOPE

Exhibit B

AFFIDAVIT AS TO TEFRA HEARING NOTICE POSTING

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, this 21st day of January 2020, personally appeared Carla Webster, who, being by me first duly sworn, acknowledges the following information:

1. I am the web site administrator for the Housing Finance Authority of Miami-Dade County, Florida, a public body corporate and politic of the State of Florida (the "Issuer"), whose primary operations are conducted at 7855 NW 12th Street, Suite 202, Miami, Florida 33126. I am over the age of 18 and make this affidavit of my own personal knowledge and my job responsibilities related to the Issuer's public meeting notices and website postings.

2. As part of my job duties, I confirmed that the notice of public hearing attached as Exhibit 1 was posted on January 21, 2020 on the Issuer's primary public website at [illegible] under the Public Notice section, an area of that website intended to be used to inform its residents about events affecting the residents, and remained on such website through the date of the public hearing January 29, 2020).

3. The matters set forth herein are the activities of the Issuer and matters observed pursuant to duties imposed by Section 147(f) of the Internal Revenue Code of 1986, as amended, relating to giving notice of public hearings by electronic posting on the Issuer's primary public website.

Print Name: Carla Webster
Title: Marketing Manager

The foregoing instrument was duly sworn before me under oath this 5th day of June, 2020 by Carla Webster [X] who is personally known to me or [___] who has produced _____ as identification.

(Seal)

Notary Public State of Florida
Giraldo Canales
My Commission GG 989328
Expires 03/15/2024

Notary Public
Print Name:
My Commission Expires:

Exhibit 1

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Housing Finance Authority of Miami-Dade County (Florida) (the "Authority") will conduct a public hearing to which all interested persons are invited:

DATE AND TIME: January 29, 2020 at 10:00 a.m.

PLACE: 7855 NW 12th Street, Suite 202, Doral, Florida 33126.

PURPOSE: To conduct a public hearing concerning the proposed issuance of debt by the Authority, in the aggregate face amount of not to exceed $14,900,000, in one or more series, at the same time or at different times, the proceeds of which will be loaned to Los Robles VOA Affordable Housing, LP, a Florida limited partnership (the "Borrower") to finance a portion of the costs of the acquisition and rehabilitation of the following multifamily rental property, to be occupied by elderly persons or families of low, moderate or middle income:

Los Robles Apartments, located on an approximately 2.0 acre site and to be owned by the Borrower, consisting of the acquisition and rehabilitation of approximately 100 units located at 11495 W. Flagler Street, in the City of Sweetwater, Miami-Dade County, Florida.

All interested persons are invited to attend said hearing and, either personally or through their representatives, present oral or written comments and discussion concerning the proposed issuance of the debt to finance the listed property, Los Robles Apartments.

Any person who decides to appeal any decision made by the Authority at this hearing, or by the Board of County Commissioners of Miami-Dade County, Florida with respect to the approval of the issuance of the bonds, he or she will need a record of the proceedings, and he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

HOUSING FINANCE AUTHORITY OF MIAMI-DADE COUNTY (FLORIDA)