

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution certifying pursuant to section 220.183(3), Florida Statutes, that BHP Community Land Trust, Inc., d/b/a the South Florida Community Land Trust's (SFCLT) low-income and very low-income affordable housing homeownership projects, place Louverture and Lofts @ Broadway, are consistent with local plans and regulations; authorizing the County Mayor to execute any documents and certifications required by the State of Florida Department of Economic Opportunity in order to carry out the aims of this resolution

Resolution No. R-53-21

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



Geri Bonzon-Keenan
Successor County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 11(A)(1)

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)(1)
1-20-21

RESOLUTION NO. _____ R-53-21

RESOLUTION CERTIFYING PURSUANT TO SECTION 220.183(3), FLORIDA STATUTES, THAT BHP COMMUNITY LAND TRUST, INC., D/B/A THE SOUTH FLORIDA COMMUNITY LAND TRUST'S (SFCLT) LOW-INCOME AND VERY LOW-INCOME AFFORDABLE HOUSING HOMEOWNERSHIP PROJECTS, PLACE LOUVERTURE AND LOFTS @ BROADWAY, ARE CONSISTENT WITH LOCAL PLANS AND REGULATIONS; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY DOCUMENTS AND CERTIFICATIONS REQUIRED BY THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY IN ORDER TO CARRY OUT THE AIMS OF THIS RESOLUTION

WHEREAS, BHP Community Land Trust, Inc., dba the South Florida Community Land Trust ("SFCLT"), is a Florida nonprofit, community-based development organization whose stated mission is to "provide and preserve quality, sustainable, affordable housing for underserved populations in South Florida"; and

WHEREAS, on September 28, 2020, submitted an application to the County Commissioner of District 3, a copy of which is attached hereto as Attachment "A" and incorporated herein by reference, requesting that the County adopt a resolution, required by the State of Florida Community Contributions Tax Credit Program ("CCTCP") certifying that the SFCLT's affordable housing projects, Place Louverture and Lofts @ Broadway (the "projects"), are consistent with the County's plans and regulations; and

WHEREAS, the proposed Place Louverture project will be located at 6601 N.E. Miami Place in Commission District 3 and will consist of approximately 13 townhouse condominiums; and

WHEREAS, the Lofts @ Broadway is to be located at 6200 N.W. 17th Avenue in Commission District 3 and consist of approximately 38 condominium units; and

WHEREAS, SFCLT seeks to submit an application to the State of Florida, Department of Economic Opportunity ("DEO") to have the projects certified for eligibility under the CCTCP; and

WHEREAS, the projects will serve very low-income and low-income households as required to take advantage of the CCTCP; and

WHEREAS, SFCLT represents that the projects seek the donation of funding from businesses to SFCLT to provide for their new construction; and

WHEREAS, pursuant to section 220.183(3), Florida Statutes, SFCLT is required to submit with its application to DEO a resolution adopted by a local government where the projects are located certifying that the projects are consistent with local plans and regulations; and

WHEREAS, adoption of this resolution will not require any investment by Miami-Dade County,

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

Section 1. The above recitals are true and correct and are incorporated herein as if set forth in full hereunder.

Section 2. In accordance with section 220.183(3), Florida Statutes, certifies that SFCLT's projects, Place Louverture and Lofts @ Broadway, as represented to the County by SFCLT, are consistent with local plans and regulations, including comprehensive plans.

Section 3. Authorizes the County Mayor or the County Mayor's designee to execute any documents and certifications required by the State of Florida Department of Economic Opportunity in order to carry out the purpose of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Keon Hardemon**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	absent
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of January, 2021. 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

By: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Shannon D. Summerset-Williams



SOUTH FLORIDA COMMUNITY LAND TRUST

PROVIDING & PRESERVING

September 28, 2020

The Honorable Audrey M. Edmonson
Chairwoman, Miami-Dade County Board of County Commissioners
County Commissioner, Commission District Three
5400 NW 22nd Ave., Suite 701,
Miami, FL 33142

RE: Request for passage of BCC Resolution authorizing the submission of an application(s) to the Florida Department of Economic Opportunity (DEO) for certification under the Community Contributions Tax Credit Program (CCTCP) for proposed workforce homeownership activities to be undertaken by the South Florida Community Land Trust, Inc. (SFCLT) in Commission District Three.

Dear Commissioner Edmonson:

BHP Community Land Trust, Inc., dba the South Florida Community Land Trust, Inc. (SFCLT), respectfully requests your support of two (2) affordable workforce homeownership initiatives in Commission District Three for which we seek to leverage the State of Florida's Community Contributions Tax Credit Program (CCTCP). The Program would enable SFCLT to raise donations from private businesses to help subsidize the cost of these initiatives, as summarized below:

Place Louverture: Located at 6601 NE Miami Place in the heart of the *Little Haiti* community, *Place Louverture* represents the development of a 13-unit Community Land Trust (CLT) townhouse condominium development for first-time homebuyers with incomes ranging from 50% to 140% of Area Median Income (AMI). The project, which will offer an array of one- to three-bedroom townhomes and flats, will be enhanced with modern green, energy efficient designs and finishes. Designs and details will pay homage to the unique aesthetic characteristics of the coastal city of Jacmel, Haiti while capturing the essence of Miami MIMO architecture. All units are priced to fall within the County's current prescribed sales price caps and are thus affordable to a broad range of income levels. SFCLT acquired the property from the Haitian American Community Development Corporation (HACDC) in July 2018 and is working in partnership with HACDC on the project, which is providing community outreach, homebuyer education, marketing and sales.

Lofts @ Broadway: Located at 6200 NW 17th Avenue at the intersection of NW 17th Avenue and Martin Luther King Jr. Boulevard (NW 62nd Street) in the heart of *Liberty City*, SFCLT submitted an unsolicited proposal to the City of Miami in 2019 for this public site. A resolution conveying site control was passed by the City on December 12, 2019, and evidence of site control is forthcoming from the City Attorney's office. SFCLT's development strategy calls for the creation of wealth-building homeownership opportunities at this major node. *Lofts @ Broadway* would represent a 7-story high-rise CLT condominium tower, the first in Liberty City, offering a 38-unit highly amenitized residential community with ground floor retail/commercial space for local minority businesses. SFCLT's vision is to catalyze economic revitalization at this major intersection through active, robust economic activity at the ground floor level, while promoting quality, permanently affordable homeownership opportunities for local residents – providing

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residential offerings in Liberty City not uncommon in Wynwood or Brickell, priced for buyers with incomes ranging from 45% to 140% of AMI – attainable for Liberty City residents.

About the Community Contributions Tax Credit Program (CCTCP): DEO's Community Contributions Tax Credit Program (CCTCP) has been in existence since 1980, and has been used by nonprofits throughout the state such as various Habitat affiliates as a mechanism to encourage local businesses to make donations to affordable homeownership initiatives in exchange for taking a State Sales Tax deduction. While the Program has quietly operated under the radar for many years, numerous nonprofits have leveraged CCTCP to create hundreds of homeownership units.

As mandated by CCTCP's Application process, DEO requires the local governing jurisdiction to pass a *"Resolution stating that the project is consistent with local plans and regulations from the local government where the project is located"*, per Florida Statutes. Hence, our request for the BCC Resolutions from Commission District Three, in which both Projects are located.

This Program creates a great incentive for local community-minded business partners to help address our region's huge affordable housing challenge. More importantly, the State's CCTCP creates a tremendous incentive for local businesses to support important community work **at no cost to local government**.

The amount of each businesses' donation would be expected to be fully refunded by the State, up to a maximum or statutory limit of \$200,000 per year under the CCTCP. All refunds would be processed by the State to each donor business during July 1 - 15 of each year, and a "refund" check typically issued to each business shortly thereafter.

Your willingness to support a BCC resolution confirming that these two (2) projects are, in fact, consistent with Miami-Dade County's local plans and regulations, would enable SFCLT to immediately submit an application to DEO to have the two projects certified as CCTCP-eligible.

We project that SFCLT could potentially raise upwards of **\$1.3 million** in donations for *Place Louverture* and nearly **\$3.0 million** for *Lofts @ Broadway*, which would help offset the development costs and enable SFCLT to price the units more affordably for neighborhood residents.

With the cost of homeownership having risen significantly in recent years due to a host of factors, including increases in material costs, labor shortages, tariffs on foreign imports, and higher land costs in South Florida, we are now required to look beyond conventional means to identify new resources to help subsidize the higher costs of developing affordable homeownership housing units. The County's traditional sources and amounts of down payment assistance simply no longer provide the levels needed to achieve affordability for a vast number of Miami-Dade households.

Unlike developers of larger-scale rental housing who have been able to rely on Low-Income Housing Tax Credits (LIHTCs) to generate private subsidy for their rental projects, those of us attempting to develop homeownership units have no comparable form of federal subsidy to assist in subsidizing the cost of homeownership housing. Hence, only limited production of new homeownership units has been recorded in Miami-Dade County in recent years, and the County's pool of Surtax funds for new Homeownership



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development remains undersubscribed. The CCTCP represents an opportunity for local nonprofits to harness private business capital into our communities to help fill the gaps to building affordable homeownership housing. *With your help, we can now assist families who have remained outside of the margins of homeownership to begin to build equity, create wealth, and obtain housing security.*

We are also copying Mr. Michael Liu, Director of Public Housing and Community Development (PHCD), and are available to meet with you and Mr. Liu's staff to provide additional information on our projects, the CCTCP, and to assist with the preparation of the form of Resolution.

I am attaching an Overview of the CCTCP as provided by DEO, as well as an exhibit for a SFCLT homeownership project in Broward County that was recently certified for participation by DEO under the CCTCP. We feel this exhibit helps to clarify the Program to prospective investors and community stakeholders.

We greatly appreciate your willingness to provide your aid and assistance in helping us move our community endeavors forward. We hope you are willing to join forces with us and offer us your support. We are certain it will make a huge difference in our efforts.

Respectfully,

Charles T. Dabney, Jr.

Charles T. Dabney, Jr.
Director, Real Estate Development
South Florida Community Land Trust
Office: (305) 906-1945
Cell: (727) 204-7373

cc: Michael Liu, Director,
Miami-Dade Public Housing and Community Development

Clarence Brown, Deputy Director
Miami-Dade Public Housing and Community Development

Amanda Bartle, Executive Director
South Florida Community Land Trust

Attachments