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

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 3, 2023

FROM: Geri Bonzon-Keenan
County Mayor

SUBJECT: Resolution authorizing the County Mayor to establish a prequalification construction pool for Miami-Dade Public Housing and Community Development Department for a five-year term in a total amount up to \$30,000,000.00 in Documentary Stamps Surtax or State Housing Initiative Partnership Funds for the construction and rehabilitation of affordable and workforce single-family housing on County-owned land; creating a revolving loan program; authorizing the County Mayor to solicit pricing, award contracts, exercise all provisions of the solicitation documents and any resulting contracts pursuant to section 2-8.1 of the Code and Implementing Orders 8-4, 3-38, 3-44, and to add vendors to the pool at any time, subject to ratification by the Board on a bi-annual basis; authorizing the County Mayor to execute conditional loan commitments, standard shell contracts, standard shell loan documents, amendments and other documents or agreements necessary to accomplish the purposes of this resolution, and to subordinate or modify the terms of contracts, amendments and loan documents, and to exercise the termination, waiver, acceleration and other provisions therein; and requiring annual reports

Resolution No. R-896-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: October 3, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(12)

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)(12)
10-3-23

RESOLUTION NO. R-896-23

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ESTABLISH A PREQUALIFICATION CONSTRUCTION POOL FOR MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR A FIVE-YEAR TERM IN A TOTAL AMOUNT UP TO \$30,000,000.00 IN DOCUMENTARY STAMPS SURTAX OR STATE HOUSING INITIATIVE PARTNERSHIP FUNDS FOR THE CONSTRUCTION AND REHABILITATION OF AFFORDABLE AND WORKFORCE SINGLE-FAMILY HOUSING ON COUNTY-OWNED LAND; CREATING A REVOLVING LOAN PROGRAM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDERS 8-4, 3-38, 3-44, AND TO ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONDITIONAL LOAN COMMITMENTS, STANDARD SHELL CONTRACTS, STANDARD SHELL LOAN DOCUMENTS, AMENDMENTS AND OTHER DOCUMENTS OR AGREEMENTS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS RESOLUTION, AND TO SUBORDINATE OR MODIFY THE TERMS OF CONTRACTS, AMENDMENTS AND LOAN DOCUMENTS, AND TO EXERCISE THE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS THEREIN; AND REQUIRING ANNUAL REPORTS

WHEREAS, Miami-Dade County is experiencing a significant shortage of safe and stable affordable and workforce rental and homeownership units; and

WHEREAS, on April 8, 2022, the County Mayor declared that Miami-Dade County has an affordability crisis; and

WHEREAS, the population of Miami-Dade County is one of the highest in the nation at 2.7 million; and

WHEREAS, home prices in the County continue to skyrocket while wage increases are not keeping pace; and

WHEREAS, the median price for single-family houses in Miami-Dade County reached \$600,000.00 in April, up from \$565,000.00 a year ago and surpassed the former record median of \$579,000.00 in June 2022, according to the housing market update released; and

WHEREAS, to address the housing shortage in Miami-Dade County, this Board has implemented a number of housing programs designed to target households whose incomes do not exceed 140 percent of the area median income as published by the U.S. Department of Housing and Urban Development for Miami-Dade County or the Florida Housing Finance Corporation, including the Infill Housing Initiative, Workforce Housing Administration, Public Housing, Section 8 Housing Choice Voucher, Section 8 Moderate Rehabilitation, Documentary Stamp Surtax (“Surtax”), State Housing Initiative Partnerships (“SHIP”), HOME Investment Partnership, Community Development Block Grant, and Building Better Communities General Obligation Bond programs (“affordable housing programs”); and

WHEREAS, similar affordable housing programs are currently administered by various municipalities in Miami-Dade County; and

WHEREAS, the affordable housing programs have been instrumental in increasing the supply of affordable and workforce housing in Miami-Dade County; and

WHEREAS, in addition to the affordable housing programs, the Florida Legislature enacted section 125.379, Florida Statutes, which requires that every three years the County must 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

WHEREAS, section 125.379 further authorizes the County to: (1) offer the properties identified as appropriate for use as affordable housing on the inventory list 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; (2) sell such properties with a restriction that requires the development of the property as permanent affordable housing; (3) donate such properties to nonprofit housing organizations for the construction of permanent affordable housing; or (4) alternatively, otherwise make such properties available for use for the production and preservation of permanent affordable housing; and

WHEREAS, many of the properties that have been identified by this Board as suitable for the development of affordable and workforce housing are of the size and shape to construct single-family homes; and

WHEREAS, further, the County has received Surtax and SHIP funding from the State that can be used to increase the supply of homeownership opportunities; and

WHEREAS, in response to the extreme housing conditions in Miami-Dade County, Miami Homes for All, a local not-for-profit organization that works to end homelessness in Miami-Dade County, with the assistance of the University of Florida Shimberg Center for Housing Studies, the Miami-Dade Department of Public Housing and Community Development (“PHCD”), and other partners, prepared the July 2020 Miami-Dade Affordable Housing Framework report (the “Framework report”); and

WHEREAS, the purpose of the Framework report is to identify strategies to address the housing crisis in Miami-Dade County; and

WHEREAS, the Framework report identifies four priorities that would accelerate the production and preservation of units, which include: (1) preserving existing affordable housing; (2) providing assistance to renters and owners; (3) leveraging vacant and underused land; and (4) investing more money in development; and

WHEREAS, on March 1, 2022, this Board adopted Resolution No. R-228-22, which directs the County Mayor or County Mayor's designee to prepare a report prioritizing the recommendations set forth in the Framework report, including the four priorities identified in the report; and

WHEREAS, this Board believes that one way to tackle the affordability crisis, address the recommendations in the Framework report, and increase the supply of affordable and workforce homeownership opportunities for qualified homebuyers in the County is to create a pool of qualified developers who possess the expertise, experience and financial capacity to develop County-owned properties with single-family housing; and

WHEREAS, this Board further wishes to allocate up to \$30,000,000.00 in Surtax and SHIP funds for the purposes described herein,

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 authorizes the County Mayor or County Mayor's designee to establish a prequalification construction pool for Miami-Dade Public Housing and Community Development Department for a five-year term in a total amount up to \$30,000,000.00 in

Documentary Stamps Surtax or State Housing Initiative Partnership funds for the construction and rehabilitation of affordable and workforce single-family housing for sale on County-owned land. For purposes of this resolution the term “single-family housing” shall mean a dwelling on a single lot for the use of one family only or a single residence building with two dwelling units, or two dwelling units in separate buildings, designed for, or used as the separate homes or residences of two families on a single lot.

Section 3. This Board further directs the County Mayor or County Mayor’s designee to ensure that the advertised solicitation for the creation of the prequalification construction pool includes, but not is not limited to, the following requirements for purposes of evaluation:

- (a) Compliance with Implementing Orders 8-4 and 3-44, and all other applicable laws and regulations;
- (b) Ensure that each proposer is able to meet required bonding and insurance requirements;
- (c) Ensure that each proposer has a systematic approach to guarantee optimum utilization of available funds and timely completion of projects;
- (d) Ensure that each proposer meets certain performance measures and benchmarks that are established to ensure that any County funds are spent in a timely manner and that all the properties meet the affordability requirements as set forth in the solicitation;
- (e) Ensure that each proposer has the capacity and qualified staff or team to perform the functions required for construction and/or rehabilitation of properties;
- (f) Ensure that each proposer provides documentation that demonstrates experience and capacity in the construction and/or rehabilitation, and sale of single-family homes as defined herein; and
- (g) Such other requirements as the County Mayor or County Mayor’s designee, in their sole discretion, deems necessary to meet the purposes of this resolution.

Section 4. This Board hereby creates a revolving loan program that utilizes the funds identified in section 2 of this resolution. Upon the repayment of the loans by the recipient of such funds, or any portion thereof, this Board directs the County Mayor or County Mayor's designee to ensure that such payments are utilized solely to fund the revolving loan program and for the purposes set forth herein.

Section 5. This Board authorizes the County Mayor or County Mayor's designee to (a) solicit pricing and award contracts up to an aggregate amount of the allocation authorized by the Board, (b) exercise all provisions of the solicitation documents and any resulting contracts pursuant to section 2-8.1 of the Code of Miami-Dade County, Florida and Implementing Orders 8-4, 3-38 and 3-44, and (c) add vendors to the pool at any time, subject to ratification by the Board on a bi-annual basis. Notwithstanding the foregoing, any contract that includes the conveyance of County property, shall be brought back to this Board in compliance with all applicable ordinances, statutes, and regulations.

Section 6. This Board authorizes the County Mayor or County Mayor's designee to execute conditional loan commitments, standard shell contracts, standard shell loan documents, amendments and other agreements and documents necessary to fulfill the purposes of this resolution. This Board further authorizes the County Mayor or County Mayor's designee, upon a determination that such actions are in the best interest of the County, to subordinate and/or modify the terms of contracts, amendments, and loan documents so long as such modifications are approved by the County Attorney's Office and are not substantially inconsistent with this resolution, and exercise the termination, waiver, acceleration, or other provisions set forth therein.

Section 7. This Board directs the County Mayor or County Mayor's designee to provide this Board with annual reports for a period of five years. The annual reports shall include, but is not limited to the following information:

- (a) the number of single-family homes that were constructed;
- (b) the location of such single-family homes by zip code and Commission District;
- (c) the total amount of each loan provided through the revolving loan program, and
- (d) recommendations, if any, regarding any additional steps this Board may need to take to effectuate the purpose of this resolution.

Pursuant to rule 5.06(j) of the Board's Rules of Procedure, the completed annual reports shall be placed on an agenda of the full Board without committee review.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Anthony Rodriguez** , who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of October, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "TAS", is written over a horizontal line.

Terrence A. Smith
Melanie J. Spencer