

MEMORANDUM

Agenda Item No. 8(K)(1)

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

DATE: March 19, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving, after a public hearing, substantial amendments to the Fiscal Year (FY) 2013-2023 Action Plans and the corresponding FY 2013-2017, as extended through FY 2019, and FY 2020-2024 Consolidated Plans, in order to recapture \$1,144,183.28 of FY 2013-2023 CDBG funds and \$1,000,000.00 of FY 2018 HOME funds; authorizing the County Mayor to award the reallocated funds to eligible applicants and activities, execute the conditional loan commitments, standard shell contracts, agreements, loan documents, and amendments to accomplish the purposes set forth herein, shift funds and funding sources awarded to a project to any new affiliated entities created for the purpose of carrying out a project, and, upon a determination that such actions are in the best interest of the County, subordinate and/or modify the terms of contracts, amendments and loan documents, and exercise termination, waiver, acceleration and other provisions in said agreements and documents

Resolution No. R-217-24

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Chairman Oliver G. Gilbert, III.



Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

Memorandum



Date: March 19, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution approving, after a public hearing, the Substantial Amendments to the FY 2013-2023 Action Plans and the corresponding FY 2013-2017, as extended through FY 2019, and FY 2020-2024 Consolidated Plans for the Recapture and Reallocation of CDBG and HOME Funds

Executive Summary

The purpose of this item is to seek the Board of County Commissioners' (Board) approval of the recommendations to recapture and reallocate Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds.

Recommendation

It is recommended that the Board:

1. Approve substantial amendments to the FY 2013, 2015, and 2018-2023 Action Plans and the corresponding FY 2013-2017, as extended through FY 2019, and FY 2020-2024 Consolidated Plans, in order to recapture \$1,144,183.28 of FY 2013-2023 CDBG funds and \$1,000,000.00 of FY 2018 HOME funds which will be reallocated to activities as set forth in Attachments 1 and 2 of the resolution;
2. Authorize the County Mayor or County Mayor's designee to award the reallocated funds to eligible applicants and activities identified in Attachment 2 of the resolution;
3. Authorize the County Mayor or County Mayor's designee to execute the conditional loan commitments, standard shell contracts, agreements, loan documents, and amendments (Attachment 3 of the resolution) to accomplish the purposes set forth in this legislation, and to shift funds and funding sources awarded to a project to any new affiliated entities created for the purpose of carrying out a project;
4. Authorize 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's Attorney's Office as to form and legal sufficiency and are not substantially inconsistent with this resolution, and to exercise termination, waiver, acceleration and other provisions in said agreements and documents.

Scope

This item seeks to authorize the substantial amendments to the FY 2013-2023 Action Plans and the corresponding FY 2013-2017, as extended through FY 2019, and FY 2020-2024 Consolidated Plans, to recapture and reallocate CDBG and HOME funds. This agenda item has a countywide impact.

Fiscal Impact/Funding Source

This item consists of the recapture and reallocation of \$1,144,183.28 of FY 2013-2023 CDBG funds and \$1,000,000.00 of FY 2018 HOME funds. The funding allocations recommended in this item have no negative fiscal impact on the County's General Revenue fund.

Track Record/Monitor

Alex R. Ballina, Director, Public Housing and Community Development Department (Department) will monitor all CDBG and HOME activities. The Department will monitor all projects to ensure compliance with Federal, State, and County guidelines and policies.

Delegation of Authority

This item requests a delegation of authority to authorize the County Mayor or County Mayor's designee to: (1) award the allocated funds to eligible activities identified in Attachment 2 that is attached to the resolution; (2) execute all conditional loan commitments, standard shell contracts, agreements, loan documents, and amendments to accomplish the purposes set forth in this legislation, and to shift funds and funding sources awarded to a project to any new affiliated entities created for the purpose of carrying out a project; and (3) upon a determination that such actions are in the best interest of the County, subordinate and/or modify the terms of contracts, amendments and loan documents so long as such modifications are approved by the County's Attorney's Office as to form and legal sufficiency and are not substantially inconsistent with this resolution, and to exercise termination, waiver, acceleration and other provisions in said agreements and documents.

Citizen Participation Requirements

The substantial amendment was advertised for public comment on October 25, 2023, with a 30-day comment period that ended on November 27, 2023. Advertisements were placed in English in the Miami Herald and Miami Times, as well as in Spanish, and Creole publications. The substantial amendment was posted on the Department's website for public review.

SUBSTANTIAL AMENDMENTS

CDBG and HOME Recapture and Reallocation Recommendations

The Department recommends the recapture from agencies that have completed activities with minimal remaining balances, as outlined in Attachment 1 of the resolution and/or activities that were cancelled due to the inability to meet a United States Department of Housing and Urban Development's (HUD) National Objective, as follows:

- \$1,144,183.28 of FY 2013-2023 CDBG funds; and
- \$1,000,000.00 of FY 2018 HOME funds.

A reallocation of these recaptured funds is recommended in Attachment 2 of the resolution.

Summary

The County is committed to continuing to serve low- and moderate-income residents and neighborhoods throughout the County and to achieving HUD's national objectives. The County continues to work with its community development partners to enhance its programs and to better meet the public service, economic development, housing, and capital improvement needs of low- and moderate-income residents and neighborhoods.



Morris Copeland
Chief Community Services Officer



MEMORANDUM

(Revised)

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

DATE: March 19, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(K)(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. 8(K)(1)
3-19-24

RESOLUTION NO. R-217-24

RESOLUTION APPROVING, AFTER A PUBLIC HEARING, SUBSTANTIAL AMENDMENTS TO THE FISCAL YEAR (FY) 2013-2023 ACTION PLANS AND THE CORRESPONDING FY 2013-2017, AS EXTENDED THROUGH FY 2019, AND FY 2020-2024 CONSOLIDATED PLANS, IN ORDER TO RECAPTURE \$1,144,183.28 OF FY 2013-2023 CDBG FUNDS AND \$1,000,000.00 OF FY 2018 HOME FUNDS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD THE REALLOCATED FUNDS TO ELIGIBLE APPLICANTS AND ACTIVITIES, EXECUTE THE CONDITIONAL LOAN COMMITMENTS, STANDARD SHELL CONTRACTS, AGREEMENTS, LOAN DOCUMENTS, AND AMENDMENTS TO ACCOMPLISH THE PURPOSES SET FORTH HEREIN, SHIFT FUNDS AND FUNDING SOURCES AWARDED TO A PROJECT TO ANY NEW AFFILIATED ENTITIES CREATED FOR THE PURPOSE OF CARRYING OUT A PROJECT, AND, UPON A DETERMINATION THAT SUCH ACTIONS ARE IN THE BEST INTEREST OF THE COUNTY, SUBORDINATE AND/OR MODIFY THE TERMS OF CONTRACTS, AMENDMENTS AND LOAN DOCUMENTS, AND EXERCISE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS IN SAID AGREEMENTS AND DOCUMENTS

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

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

Section 1. This Board ratifies and adopts the matters set forth in the accompanying justification memorandum as if fully set forth herein.

Section 2. This Board approves substantial amendments to the Fiscal Year (FY) 2013, 2015, and 2018-2023 Action Plans and the corresponding FY 2013-2017, as extended through FY 2019, and FY 2020-2024 Consolidated Plans, in order to recapture \$1,144,183.28 of FY 2013-2023 CDBG funds and \$1,000,000 of FY 2018 HOME funds which will be reallocated to activities as set forth in Attachments 1 and 2 which are attached hereto and incorporated herein by reference.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to award the reallocated funds to eligible applicants and activities as identified in Attachment 2.

Section 4. This Board authorizes the County Mayor or County Mayor's designee to execute the conditional loan commitments in substantially the form attached as Attachment 3 which is attached hereto and incorporated herein by reference, standard shell contracts, agreements, loan documents, and amendments to accomplish the purposes set forth herein, and to shift funds and funding sources awarded to a project to any new affiliated entities created for the purpose of carrying out a project.

Section 5. This Board 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 as to form and legal sufficiency and are not substantially inconsistent with this resolution, and to exercise termination, waiver, acceleration and other provisions in said agreements and documents.

The foregoing resolution 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	aye
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 19th day of March, 2024. 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.

mmg

Melissa M. Gallo

Miami-Dade County Department of Public Housing and Community Development
Recapture Recommendations

RECAPTURE RECOMMENDATIONS							ATTACHMENT 1	
Program Year	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	District Activity Located	Reason for Recapture	Amount to be Recaptured
CDBG - SERVICES AND COUNTY ALLOCATIONS								
2023	Miami-Dade County Public Housing and Community Development	Public Service	PS	Provide Public services for Countywide residents, allocated in each Commission District	701 NW 1st Court, Miami, FL 33136	CW	New activities have been identified for funding.	\$ 169,564.48
2020-2023	Miami-Dade County Public Housing and Community Development	Economic Development/Housing	PS	Provide Public services for Countywide residents, allocated in each Commission District	701 NW 1st Court, Miami, FL 33136	CW	New activities have been identified for funding.	\$ 81,557.18
CDBG - SERVICES AND COUNTY ALLOCATIONS RECAPTURE SUBTOTAL:								\$ 251,121.66
CDBG – PUBLIC FACILITIES AND CAPITAL IMPROVEMENTS - (PFCI):								
2013	Miami-Dade County Public Housing and Community Development	Broadway Corridor Small Business Façade Improvement Program	PFCI	Agency to administer façade/business improvement loans to existing businesses located along the Broadway Corridor	NW 18th Avenue and NW 62nd Street	3	The project has a remaining unused balance.	\$ 263,740.73
2014-2019	Department of Transportation and Public Workd	Sidewalk Improvements	PFCI	Program will provide sidewalk improvements in low- to moderate-income areas within District 6	Various locations within District 6	6	The project is complete and a balance remains.	\$ 29,910.67
2019	Latin Mission Ministries, Inc.	New Life Apartments	PFCI	Rehabilitation and other improvements to an occupied existing residential building.	1123 Krome Terrace, Homestead, FL 33030	8	The project is complete and a balance remains.	\$ 1,000.00
2013	RMV Culinary Enterprise Center, LLC	RMV Culinary Experience Center	PFCI	Renovation of existing building to create the Culinary Enterprise Center for training students and entrepreneurs. Create 16 new jobs.	24420 South Dixie Highway, Naranja, FL 33032	9	The project has stalled.	\$ 311,989.60
2018	Sunrise Community, Inc.	Emergency Power Plan	PFCI	Rehabilitation of the Eureka Adult Day Training Center to include, but not limited to, the installation of a permanent back up power generator.	11241 SW 180th Street, Miami, FL 33157	9	The project is complete and a balance remains.	\$ 1,000.00
2018 & 2019	City of Sweetwater	Phase 8 Storm Water Improvement Project	PFCI	Installation of pumps, catch basins, and other drainage improvements.	NW 107th Ave to 109th Avenue and NW 14th Street to NW 25th Street, Sweetwater, FL 33174	12	The project is complete and a balance remains.	\$ 882.50
2019	Town of Medley	Lakeside Community Center Improvements	PFCI	Building renovations to include demolition and construction of new facilities.	10601 NW 105th Way, Medley, FL 33178	12	The project is complete and a balance remains.	\$ 1,000.00
CDBG - PFCI RECAPTURE SUBTOTAL:								\$ 609,523.50

Miami-Dade County Department of Public Housing and Community Development
Recapture Recommendations

RECAPTURE RECOMMENDATIONS								ATTACHMENT
Program Year	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	District Activity Located	Reason for Recapture	Amount to be Recaptured
CDBG - ECONOMIC DEVELOPMENT - BUSINESS INCUBATOR ASSISTANCE PROGRAM (BIAP):								
2019	Florida State Minority Supplier Development Council (FSMSDC)	Economic Gardening	ED	Business Incubator - Assistance Program in Commission Districts 2 and 3. Creation of 6 jobs.	9499 NE 2nd Avenue, Suite 201, Miami, FL 33138	3	The project is complete and a balance remains.	\$ 745.25
						CDBG - BIAP RECAPTURE SUBTOTAL:		\$ 745.25
CDBG - SPECIAL ECONOMIC DEVELOPMENT (SPED):								
2015/5788	Opa-Locka Community Development Corporation, Inc.	Opa-Locka Terminal Marketplace - 2015	SPED	New construction of a food and retail marketplace with the creation of 6 jobs.	757 Ali Baba Avenue, Opa-Locka, FL 33054	1	The project is cancelled	\$ 177,591.20
						CDBG - SPECIAL ECONOMIC DEVELOPMENT TOTAL		\$ 177,591.20
CDBG - PUBLIC SERVICE-TECHNICAL ASSISTANCE (PS-TA):								
2021	Dynamic Community Development Corporation	Technical Assistance Program	PSTA	Provide business technical assistance to 45 low and moderate income businesses.	3550 Biscayne Blvd., Suite 304, Miami, FL 33137	3	The project is complete and a balance remains	\$ 1,350.69
2021	South Florida Puerto Rican Chamber of Commerce	Technical Assistance Program	PSTA	Provide business technical assistance to 45 low and moderate income businesses.	3550 Biscayne Blvd., Suite 306, Miami, FL 33137	3	The project is complete and a balance remains	\$ 2,116.35
						CDBG - PS-TA RECAPTURE SUBTOTAL		\$ 3,467.04
CDBG - PUBLIC SERVICE - COMISSION DISTRICT FUNDS (CDF):								
2022	The Kiwanis of Little Havana Foundation, Inc.	Underserved Youth Health and Education	PS	Underserved Youth Health and Education [CDF 5 = \$44,639.07]	1400 SW 1st Street, Miami, FL 33135	5	The project is cancelled	\$ 44,639.07
2022	Miami New Drama, Inc.	Youth Arts Program	PS	Youth arts programming. [CDF 5 = \$40,000]	1040 Lincoln Rd, Miami Beach, FL 33139	5	The project is cancelled	\$ 40,000.00
2023	City of West Miami	West Miami Recreation Center Summer Camp	PS	Summer camp for ages 6-14. [CDF 6 = 10,000]	901 SW 62nd Ave, Miami, FL 33144; 1700 SW 62 Avenue Miami, FL 33155	6	The project is cancelled	\$ 10,000.00
2022	City of South Miami	Senior Meals	PS	Provide meals to seniors. [CDF 7 = \$30,000]	6701 SW 62nd Ave Miami, FL 33143	7	The project is complete and a balance remains.	\$ 4,100.76
2020	Goulds Coalition of Lay Ministers, Inc.	Decreasing the symptoms of poverty	PS	Offering case management services [CDF 9 = \$20,000]	11500 SW 220th Street, Goulds, FL 33170	9	The project is complete and a balance remains.	\$ 1,224.09
2021	Goulds Coalition of Lay Ministers, Inc.	Decreasing the symptoms of poverty	PS	Offering case management services [CDF 9 = \$10,000]	11500 SW 220th Street, Goulds, FL 33170	9	The project is complete and a balance remains.	\$ 1,770.71
						CDBG - PUBLIC SERVICE - CDF RECAPTURE SUBTOTAL		\$ 101,734.63
						CDBG GRAND-TOTAL		\$ 1,144,183.28
HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) - ACQUISITION/NEW CONSTRUCTION/REHABILITATION OF AFFORDABLE RENTAL HOUSING								
2018	Centro Campesion Farmworker Center, Inc.	Palm Villa Apartments	Housing	Rehabilitation of 16 buildings, including re-roofing, HVAC replacement, pool improvements, and other improvements	50 SW and 728 W Palm Drive, Florida City, FL 33034	6,9	The developer failed underwriting.	\$ 1,000,000.00

Miami-Dade County Department of Public Housing and Community Development
Recapture Recommendations

RECAPTURE RECOMMENDATIONS								ATTACHMENT 1
Program Year	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	District Activity Located	Reason for Recapture	Amount to be Recaptured
HOME-ACQUISITION/NEW CONSTRUCTION/REHABILITATION OF AFFORDABLE RENTAL HOUSING RECAPTURE SUB-TOTAL: \$								1,000,000.00
HOME GRAND-TOTAL: \$								1,000,000.00
LEGEND								* CW = Countywide

**Miami-Dade County Department of Public Housing and Community Development
Reallocation Recommendations**

REALLOCATION RECOMMENDATIONS							ATTACHMENT 2
Program Year	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	Commission District	Amount to be Reallocated
CDBG - SERVICES AND COUNTY ALLOCATIONS							
2014-2022	Miami-Dade County Public Housing and Community Development	Economic Development/Housing	ED	Provide economic development and housing activities for Countywide residents, allocated in each Commission District	701 NW 1st Court, Miami, FL 33136	CW	\$ 40,473.27
CDBG - SERVICES AND COUNTY ALLOCATIONS REALLOCATION SUBTOTAL:							\$ 40,473.27
CDBG - PUBLIC FACILITIES AND CAPITAL IMPROVEMENTS - (PFCI):							
2016	Miami-Dade County Transportation and Public Works	NW 18 Avenue Project	PFCI	Infrastructure improvements along the NW 18th Avenue corridor	NW 18th Ave from NW 62nd Street to NW 71st Street	3	\$ 263,740.73
2019	Centro Mater Child Care Services,	Building Upgrades to Child Care Center	PFCI	Energy efficient and hurricane windows installation, building updates, and other improvements to the child care center	418 SW 4th Avenue, Miami, FL 33130	5	\$ 110,000.00
2019	Agape Network, Inc.	Wings Health Center Rehab	PFCI	Rehabilitation and other improvements of a community health center in Goulds.	11000 SW 220th Street, Miami, FL 33170	9	\$ 40,000.00
2019	Miami-Dade County Transportation and Public Works	NW 46th Street Improvements	PFCI	Infrastructure improvements along the NW 46 Street corridor	NW 46th Street from NW 2nd Avenue to NW 37th Avenue	3	\$ 321,091.20
CDBG - PFCI REALLOCATION SUBTOTAL:							\$ 734,831.93
CDBG - PUBLIC SERVICE - COMISSION DISTRICT FUNDS (CDF)							
2023	Josefa Castano Kidney Foundation, Inc.	Nutrition for Elderly Disabled Persons	PS	Provide nutrition balanced lunch meals for elderly disabled dialysis patients. [CDF 5 = \$25,000]	2141 SW 1st Street, Suites 101-102, Miami, FL 33135	CW	\$ 25,000.00
2023	The Kiwanis of Little Havana Foundation, Inc.	Summer Camp	PS	Summer camp program that provides educational and recreational activities for under-served children. (CDF 5 = \$59,564.48)	1400 SW 1st Street, Miami, FL 33135	CW	\$ 59,564.48
2023	Miami Lighthouse for the Blind and Visually Impaired, Inc.	Youth Programs	PS	Youth educational services for children in Pre-K through 2nd Grade. [CDF 5 = \$25,000]	601 SW 8th Ave, Miami, FL 33130	CW	\$ 25,000.00
CDBG - PUBLIC SERVICE CDF SUBTOTAL							\$ 109,564.48
CDBG - ECONOMIC DEVELOPMENT - MICRO ENTERPRISE LENDING AND SPECIAL ECONOMIC DEVELOPMENT LENDING							
2023	Partners For Self Employment, Inc.	Entrepreneurial Institute	ED	Loans to businesses with 5 jobs created. [CDF 5 = \$166,196.25]	3000 Biscayne Blvd Suite 215, Miami, FL 33137	CW	\$ 166,196.25
CDBG - ECONOMIC DEVELOPMENT - MICRO ENTERPRISE LENDING AND SPECIAL ECONOMIC DEVELOPMENT LENDING SUBTOTAL							\$ 166,196.25

**Miami-Dade County Department of Public Housing and Community Development
Reallocation Recommendations**

REALLOCATION RECOMMENDATIONS						ATTACHMENT 2	
Program Year	Agency Name	Activity Title	Activity Category	Activity Description	Activity Address	Commission District	Amount to be Reallocated
CDBG - HOUSING							
2020	Miami-Dade County Public Housing and Community Development	Public Housing Rehabilitation	Housing	Provide substantial rehabilitation of public housing units.	701 NW 1st Court, Miami, FL 33136	CW	\$ 23,117.35
2023	Miami-Dade County Community Action and Human Services Department (CAHSD)	District 6 Homeowner Rehabilitation	Housing	Providing rehabilitation of low- and moderate-income owner-occupied single-family homes. [CDF 6 = \$70,000]	701 NW 1st Ct, 10th Floor, Miami, FL 33136	6	\$ 70,000.00
CDBG - HOUSING SUBTOTAL							\$ 93,117.35
CDBG REALLOCATIONS GRAND TOTAL:							\$ 1,144,183.28
SURTAX/SHIP/HOME REQUEST FOR APPLICATIONS (RFA)							
2023/2024	Miami-Dade County Public Housing and Community Development	Surtax/SHIP/HOME Request for Applications	Housing	Request for Applications (RFA) for Documentary Stamp Surtax (Surtax), State Housing Initiatives Partnership (SHIP), and Home Investment Partnerships (HOME) funding for Multifamily Rental: New Construction, Redevelopment and Rehabilitation activities	701 NW 1st Court, Miami, FL 33136	CW	\$ 1,000,000.00
SURTAX/SHIP/HOME REQUEST FOR APPLICATIONS (RFA) SUBTOTAL							\$ 1,000,000.00
SURTAX/SHIP/HOME RFA GRAND TOTAL							\$ 1,000,000.00
LEGEND							
* CW = Countywide							

MDC013

Miami-Dade County
Conditional Loan Commitment

Date

To:

Re:

Dear Borrower:

We are pleased to advise you that on _____, **2023**, the Board of County Commissioners (BCC) approved a Conditional Loan Commitment for development activity at the above-listed property (the "Property"). This Conditional Loan Commitment is made based upon the application submitted by Borrower in response to the FY 2023 Request for Applications for Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), and Emergency Solutions Grant (ESG) funds, or based on the request submitted by the borrower for loan funds and conditionally allocating up to \$_____ of _____ program funds to _____ and is subject to the following terms and conditions:

Borrower: _____, or related entity

Project: _____, located at _____, in Miami-Dade County, FL, within Commission District _____. The development/activity will serve _____ with incomes at and below 80% of area median income ("AMI"). See the conditions below regarding applicable AMI for residents based upon the source of funds for the Loan.

Loan Amount: The loan shall be in an amount of not-to-exceed \$_____ as approved by the BCC in Resolution **No. R-____-23** for \$_____ and includes all terms and conditions of such BCC approval, including project scope, activity type and, for federal funds, national objective to be achieved (the "Loan"). The loan amount may be decreased as determined by the Mayor or the Mayor's designee, based upon Underwriting (defined below) and information and documentation provided by Borrower.

Conditions: The Loan is conditioned upon the terms, conditions and requirements set forth below (the "Conditions"). The County shall not issue a final unconditional loan commitment, enter into a funding contract, close on the Loan, or disburse the Loan funds until all the Conditions are met.

Collateral: Upon satisfaction of the Conditions, Miami-Dade County (County) and Borrower will enter into a funding contract and loan agreement. The Loan shall be evidenced by a promissory note and secured by a construction/permanent mortgage with assignment of leases and rents, a collateral assignment of leases and rents, a collateral assignment of construction documents, a rental regulatory agreement (where applicable), and any other security or collateral as deemed appropriate by the Mayor or Mayor's designee, in his or her sole discretion, with approval of the County Attorney's Office. Borrower shall additionally be required to provide the County with an environmental indemnification agreement, a UCC-1, title affidavit, partnership affidavit (if applicable), corporate resolution approving the loan documents, opinion of counsel, certification of borrower to borrower's counsel, and title

policy making the County an insured. The Collateral shall be determined based upon financial feasibility and subsidy layering underwriting to be performed by County staff in an internal process and by an independent underwriter and paid for by Borrower ("Underwriting") following review of a current title search. Additional forms of security may be required if liens, encumbrances, restrictions or covenants exist on the Property which the Mayor or Mayor's designee determines, in his or her sole discretion, threaten the County's Collateral. The Mayor or Mayor's designee shall determine, in his or her sole discretion and in consultation with the County Attorney's Office, whether the Collateral provided by Borrower is sufficient to close and disburse the Loan.

Interest Rate: Loan terms, including the interest rate, are those set forth in the FY 2023 HOME Request for Applications (RFA) for affordable housing projects. Those terms are **0%** interest during years 1 and 2-and **1.0%** interest-only payments from development cash flow in years 3–30, with another **1.0%** interest accruing and due at maturity. Full principal is due at maturity; and as modified prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting.

Repayable: There will be no penalty for prepayment of the Loan (payment of Loan balance before the end of the repayment term). Repayment terms are those set forth in the FY 2023 HOME RFA for repaid loan funds in accordance with Section 17-02 of the Code. All terms may be modified prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting. The prepayment of any Loan shall not affect the term of affordability set forth in the Rental Regulatory Agreement or in any of the other Loan Documents.

Term: The Loan will be for 30 years, or as may be established prior to closing by the Mayor or Mayor's designee in accordance with the results of Underwriting.

Conditions:

1. Underwriting, as explained above, shall include financial feasibility review, subsidy layering review, and credit review. Underwriting is performed to protect the County's scarce affordable housing funds and is performed to ensure that the Project has sufficient financing to be completed timely and that the Project is not over-subsidized, meaning the Loan is not needed or the Loan Amount is too high. The County reserves the right to reduce the Loan Amount subject to Underwriting. The County further reserves the right to refuse to issue a final, unconditional loan commitment to Borrower or to enter into a contract for the Loan or to close on the Loan in the event that Underwriting determines that the project is financially unfeasible or otherwise is unfeasible. The costs of Underwriting are to be paid by Borrower.
2. Borrower must prove control of the Property through purchase or lease, as evidenced by a deed or lease and recorded memorandum of lease in Borrower's name. Absence of any threat of foreclosure, taking by eminent domain, or pending bankruptcy are additionally required.
3. Borrower must provide the County with written financing commitments showing committed financing for the entire Development Cost of the Project, including any gaps between the Loan and the overall costs to develop the Project. The Development Cost of the Project means the total cost of completing the entire Project, from acquisition to the issuance of Certificate of Occupancy, including but not limited to the costs for acquisition, design and planning, zoning and variances, financing costs, legal costs, construction, and permitting. In the event of a dispute as to what amount constitutes the actual Development Cost, Borrower and County will use the amount determined by Underwriting to be the Development Cost.
4. Conformance of the Project with the County legislation approving the Loan.
5. Complete plans and specifications of the Project.
6. Payment and performance bond in the amount of the entire construction budget or otherwise in conformance with applicable law. Where a payment and performance bond is not required by law, the Mayor or Mayor's designee may alternatively accept – at the Mayor or Mayor's designee's sole discretion – a letter of credit in an amount acceptable to the Mayor or Mayor's designee.

7. Appraisal of the Property showing that the value of the Project and Property, when completed, exceeds the total amount of debt from all sources to be secured by the Project, unless waived by the Mayor or Mayor's designee.
8. A Phase I environmental report requiring no further action.
9. For CDBG and HOME funds, the cost of the HUD environmental assessment, if required will be paid by the borrower.
10. Such other conditions which are customary and reasonable for a loan of this nature, such as adhering to all Federal, State and local regulations, ordinances, codes and standards.
11. Meeting all requirements of the State Housing Initiatives Partnership ("SHIP"), Documentary Surtax or Home Investment Partnerships Program ("HOME") and Community Development Block Grant (CDBG) programs, as applicable, and County resolutions and ordinances governing affordable housing development.
12. Compliance with Resolution No. R-346-15, establishing a maximum total development cost per unit; and, where applicable, Resolution No. R-343-15, establishing a maximum amount of total development costs that may be paid with Documentary Surtax funds.
13. The Loan, if SHIP or Surtax funds, may only be used for the development of affordable housing for residents with household incomes not greater than 140% of AMI. The Loan, if HOME or CDBG funds, may only be used for the development of affordable housing for residents with household incomes not greater than 80% of AMI.
14. Pursuant to the Miami-Dade Board of County Commissioners' Resolution No. R-34-15, Developers, its agents and/or representatives, shall provide written notice to the County related to the availability of rental opportunities, including, but not limited to, the number of available units, bedroom size, and rental prices of such rental units at the start of any leasing activity; requiring the developer advertise the information described in newspapers of general circulation.

This Conditional Loan Commitment will expire in six (6) months if not extended by Miami-Dade County. An extension of this Conditional Loan Commitment may be granted at the sole and absolute discretion of Miami-Dade County. Any extension granted will be contingent upon compliance with and in accordance with Resolution No. R-232-14, as applicable and must be signed by the Mayor or Mayor's Designee to be valid. If the loan does not close prior to the expiration or extension of this Conditional Loan Commitment, the funds will be subject to recapture and allocated to other projects. This Conditional Loan Commitment is not assignable. This Conditional Loan Commitment is the sole and complete agreement between the parties as to the terms of the Loan described herein. The terms of this Conditional Loan Commitment may only be changed in writing in a document signed by the Mayor or the Mayor's designee. No representations, written or verbal, of Miami-Dade County employees, or others purporting to act on behalf of Miami-Dade County, may change the terms of this Commitment.

Miami-Dade County wishes to thank you for your proposal and the opportunity to provide financing for this development, and we look forward to closing this transaction.

Sincerely,

Miami-Dade County

Daniella Levine Cava, Mayor

Date: _____

c: Morris Copeland, Chief Community Service Officer

Approved as to Form and Legal Sufficiency

Assistant County Attorney

Date _____