

Date: December 13, 2016

To: The Honorable Mayor and Council

From: Tanya Wilson-Sejour, AICP, Planning Zoning & Development Director

RE: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING A SECOND AMENDMENT TO THE COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND LITTLE HAITI HOUSING ASSOCIATION, INC. D/B/A HAITIAN AMERICAN COMMUNITY DEVELOPMENT CORPORATION TO ALLOW FOR AN EXTENSION TO THE TERM OF THE AGREEMENT AND PROJECT COMPLETION DATE; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

RECOMMENDATION

It is recommended that the Mayor and Council approve the attached Resolution, authorizing the City Manager and the City Attorney to amend and extend the agreement between the City and Haiti American Development Corporation (HACDC) formerly known as Little Haiti Housing Association, Inc. (LHHA) consistent with U.S. Department of Housing and Urban Development (HUD) HOME Program allocation requirement.

BACKGROUND

The City of North is the recipient of HOME Investment Partnerships Program Funds from the U.S. Department of Housing and Urban Development (HUD), for the execution and implementation of Housing Programs in the City Pursuant to Title 1 of the Cranston Gonzalez National Affordable Housing Act, HOME Investment Partnership Act (HOME). HOME requires a minimum of fifteen (15) percent of its annual allocation to be reserved for investment to be developed and owned by a Community Housing Development Organizations (CHDOs). As such, for the past nine (9) years, the Little Haiti Housing Association, Inc, d/b/a Haitian American Community Development Corporation (HACDC), has been qualified CHDO and a provider of affordable housing in the city of North Miami.

PURPOSE & INTENT

On September 10th 2014, The City Council of the City of North Miami unanimously passed Resolution 2014-R-78 which authorized the City Manager and City Attorney to enter into agreement with HACDC formerly known as Little Haiti Housing Association Inc. (LHHA) under the HOME Investment Partnership Program funds totaling Sixty-One Thousand One Hundred Ninety Seven (\$61,197.00). The

purpose of this agreement was to provide for the acquisition, demolition and development of 4 units at 1535 NE 128 Street with a completion date of October 31, 2015. After the preliminary lot analysis, the CHDO reduced the project scope from four (4) units to three (3) units, each unit containing 1,327 sq. ft. in size. However, the time period was insufficient to complete the proposed project resulting in a request for a first extension to October 2016 to finalize the project. However, the initial financing of the project fell through and HACDC is in discussions with a new lender to obtain a formal commitment from the Reinvestment Fund. On September 7th, 2016, staff from HACDC met with Community Planning and Development to request a second amendment to the agreement and additional disbursement in the amount of Ten Thousand Dollars (\$10,000.00) in order to move forward with obtaining architectural drawings to complete the appraisal and the plans requested from the lender.

CONCLUSION

Based on the US Department of Housing and Urban Development (HUD) guidelines, the proposed project must be completely developed and extension to the term of the agreement granted to avoid being in non-compliance with HUD regulations. As such, the proposed resolution seeks to extend the project completion date to September 2017 to allow HACDC to move forward with the proposed plans to create 3 units (triplex) on the subject site before September 2017.

- Attachments:**
- 1) Resolution
 - 2) Agreement
 - 3) Map of location

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE PREVIOUSLY ADOPTED FISCAL YEAR 2016-2017 ACTION PLAN AND THE COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) FUND AWARDS TO NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS (“CBOS”) TO REALLOCATE AN AWARD IN THE AMOUNT OF SEVEN THOUSAND DOLLARS (\$7,000.00) FROM SANT LA HAITIAN NEIGHBORHOOD CENTER, INC., TO THE YOUTH OPPORTUNITY BOARD (“YOB”) SUMMER INTERNSHIP PROGRAM, CONSISTENT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) GUIDELINES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the City of North Miami (“City”) has been designated as an “Entitlement Community” and therefore receives direct annual funding from the U.S. Department of Housing and Urban Development (“HUD”) for Community Development Block Grant (“CDBG”) and Home Investment Partnership (“HOME”) programs; and

WHEREAS, since 1994, the City has received CDBG funds from HUD, in order to provide a source of funding for various community and economic development programs and projects; and

WHEREAS, since 2003, the City has received HOME funds, in order to provide a local source of funding for community housing programs in accordance with Chapter 420, Part V, Florida Statutes, as amended from time to time; and

WHEREAS, HUD program regulations require that the City prepare an annual Action Plan (“Action Plan”) for the use of grant funds with input from the public; and

WHEREAS, on June 28, 2016, the Mayor and City Council passed and adopted Resolution No. 2016-R-70, approving and adopting the Fiscal Year 2016-2017 Action Plan under the CDBG and HOME Programs; and

WHEREAS, CDBG funding was provided for Fiscal Year 2016-2017, to fund various community and economic development programs and projects within the City; and

WHEREAS, since 1999, the City has used CDBG funds for awards to not-for-profit Community Based Organizations (“CBOs”) in order to provide funding to support local social services to assist the City’s at-risk population (“Awards”); and

WHEREAS, on June 28, 2016, the Mayor and City Council passed and adopted Resolution No. 2016-R-71, approving the Award of Fiscal Year 2016-2017 CDBG funds to CBOs; and

WHEREAS, in accordance with Resolution No. 2016-R-71, the amount of Twenty-Eight Thousand Three Hundred Thirty-Three Dollars (\$28,333.00) was allocated to the Youth Employment Board (“YOB”) Summer Internship Program, and a total of Eighty Thousand Dollars (\$80,000.00) allocated to eleven (11) CBOs one of which, Sant La Haitian Neighborhood Center, Inc. (“Sant La”), subsequently notified the City in writing that it would have to forgo the FY 2016-2017 Award in the amount of Seven Thousand Dollars (\$7,000.00), as a result of their loss of program staff; and

WHEREAS, the City desires to reallocate the unused Award sum of Seven Thousand Dollars (\$7,000.00) from Sant La to the YOB to provide employment opportunities for seven (7) additional high school students; and

WHEREAS, the YOB continues to qualify under CDBG and serves to recruit income eligible students, who are currently enrolled in high school and who are 16 years of age or older and residing in the City for placement in paid internships with the City allowing such applicants an opportunity to learn and become involved in the workings of local government; and

WHEREAS, City administration respectfully requests an amendment to the previously adopted Fiscal Year 2016-2017 Action Plan and the CDBG fund awards to CBOs to reflect a reallocation of an Award in the amount of Seven Thousand Dollars (\$7,000.00) from Sant La to the YOB; and

WHEREAS, the Mayor and City Council find the proposed amendments, with the effect of increasing the YOB allocation from Twenty-Eight Thousand Three Hundred Thirty-Three Dollars (\$28,333.00) to Thirty-Five Thousand Three Hundred Thirty-Three Dollars (\$35,333.00), serves the best interest of the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Approval of Amendments to FY 2016-2017 Action Plan and CDBG Award to CBO. The Mayor and City Council of the City of North Miami, Florida, hereby amend the previously adopted Fiscal Year 2016-2017 Action Plan and the Community Development Block Grant (“CDBG”) fund awards to not-for-profit Community Based Organizations (“CBOs”) to reallocate an Award in the amount of Seven Thousand Dollars (\$7,000.00) from Sant La Haitian Neighborhood Center, Inc., to the Youth Opportunity Board (“YOB”) Summer Internship Program, consistent with the Department of Housing and Urban Development (“HUD”) guidelines.

Section 2. Effective Date. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this ____ day of _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.

_____ (Yes) _____ (No)

Vice Mayor Alix Desulme

_____ (Yes) _____ (No)

Councilman Scott Galvin

_____ (Yes) _____ (No)

Councilwoman Carol Keys, Esq.

_____ (Yes) _____ (No)

Councilman Philippe Bien-Aime

_____ (Yes) _____ (No)

**SECOND AMENDMENT TO COMMUNITY HOUSING
DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT
BETWEEN THE CITY OF NORTH MIAMI AND
LITTLE HAITI HOUSING ASSOCIATION, INC.
D/B/A
HAITIAN AMERICAN COMMUNITY DEVELOPMENT
CORPORATION**

THIS SECOND AMENDMENT, entered into on this ____ day of _____, 2016, by and between **THE CITY OF NORTH MIAMI**, a Florida municipal corporation (hereinafter referred to as the “CITY”), with its office located at 776 N.E. 125th Street, North Miami, Florida 33161 and **LITTLE HAITI HOUSING ASSOCIATION, INC. d/b/a HAITIAN AMERICAN COMMUNITY DEVELOPMENT CORPORATION**, (hereinafter referred to as “AWARDEE”), located at 181 N.E. 82 Street, Miami, Florida 33138 (collectively the “Parties”).

RECITALS

WHEREAS, the Parties desire to amend the original agreement which was entered into on September 10, 2014 for HOME Investment Partnership Program (HOME) Funds under the City’s entitlement allocation; and

WHEREAS, under the terms of the original agreement, this project was originally scheduled to be completed by October 31, 2015; and

WHEREAS, the parties entered into an amendment to the agreement whereby the original time period was extended to October 31, 2016 and the scope of the project was reduced from four (4) units to three (3) units; and

WHEREAS, the extended time period is insufficient for AWARDEE to properly allow for the completion of the project; and

WHEREAS, the original agreement contains a scrivener’s error in the project address; and

NOW, THEREFORE, in consideration of the mutual terms and conditions set forth below, the Parties agree as follows:

1. Section II - Article 2. Term is hereby amended. The Term of the agreement is hereby extended to September 30, 2017.
2. Section IV – Project Requirements, Subsection A. Commencement Date and Completion Date is hereby amended. The substantial completion date shall be extended to September 30, 2017.

3. Section III – The Project, The Project Description is hereby amended to reflect a project location of 1535 N.E. 128 Street.
4. Exhibit A – Scope of Work, Section B is hereby amended to reflect a project location of 1535 N.E. 128 Street.
5. All other terms and conditions of the original agreement remain in full force and effect.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed by their respective and duly authorized representatives effective as of the date first written above:

CITY OF NORTH MIAMI

LITTLE HAITI HOUSING ASSOCIATION,
INC. d/b/a HAITIAN AMERICAN
COMMUNITY DEVELOPMENT
CORPORATION
“Awardee”

By: _____

By: _____

Title: City Manager

Title: Authorized Representative

Signature: _____

Signature: _____

Date: _____

Date: _____

Witness Signature _____

Typed/Printed Name of Witness

ATTEST:

Michael A. Etienne
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

Jeff P. H. Cazeau
City Attorney

Parcel Map 1535 NE 128th Street

Legend

-  water
-  Tri_Rail
-  Train_Line
-  Train
-  NomiProp
-  1535_NE_128th
-  streets
- Google Streets

