

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2022 | 2023 | 2024 | 2025 | 2026 |
|-------------------------|------|------|------|------|------|
| Capital Expenditures | | | | | |
| Operating Costs | | | | | |
| External Revenues | | | | | |
| Program Income (County) | | | | | |
| In-Kind Match (County) | | | | | |
| NET FISCAL IMPACT | -0- | | | | |

| | | | | | |
|-----------------------------------------|--|--|--|--|--|
| # ADDITIONAL FTE POSITIONS (Cumulative) | | | | | |
|-----------------------------------------|--|--|--|--|--|

Is Item Included In Current Budget? Yes X No
 Does this Item include the use of Federal funds? Yes X No

Budget Account No.:

Fund Dept. Unit Object Program Code/Period Various

B. Recommended Sources of Funds/Summary of Fiscal Impact:

NO FISCAL IMPACT

C. Departmental Fiscal Review: *Shairette Major*
 Shairette Major, Division Director II

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

Shairette Major 6/15/22
 OFMB *WDC* *6/14* *(Vp)* 6-14-22

Ann J. Sawbo 6/23/22
 Contract Development and Control
 6-23-22 *AW*

B. Legal Sufficiency:

[Signature] 6/24/22
 Assistant County Attorney

C. Other Department Review:

 Department Director

AMENDMENT 001 TO THE LOAN AGREEMENT
WITH
HABITAT HOUSING SOLUTIONS, INC.

Amendment 001 to the Loan Agreement is made and entered into on June 6, 2022, by and between **Palm Beach County** ("County") and **Habitat Housing Solutions, Inc.** ("Borrower").

WITNESSETH:

WHEREAS, the County entered into a Loan Agreement (R2021-1078) with Borrower on June 9, 2021, to provide \$625,000 of HOME Investment Partnerships Program (HOME) funds and a grant of \$65,000 of HOME/CHDO operating funds for the purpose of constructing five (5) affordable housing units in the Glades Area; and

WHEREAS, the Borrower has experienced significant issues with the feasibility of one of the sites and project implementation that has been impacted by the COVID-19 pandemic; and

WHEREAS, the Borrower has requested that the Agreement be revised to accurately reflect the changes required to successfully complete these affordable homes; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The HOME Loan shall be reduced from \$625,000 to \$500,000 and the HOME/CHDO Grant shall be reduced from \$65,000 to \$52,000.
 - \$125,000 in HOME funds shall be returned to the County's overall HOME allocation. The Loan Agreement's per unit allocation remains unchanged at \$125,000/unit.
 - \$13,000 in HOME-CHDO funds shall be returned to the County's HOME/CHDO allocation. The CHDO grant award per unit remains unchanged at \$13,000/unit.
2. The project shall be reduced from five (5) units to four (4) units and be made up of three (3) - four bedroom units and one (1) - two bedroom unit. The site of a proposed duplex is deleted from the scope of work due to soil compatibility issues; and
 - The sites are further explained in Exhibit A-1, attached hereto and made a part hereof. (Exhibit A-1 replaces Exhibit A in the Agreement)

3. The following performance requirements dates shall be revised and extended as follows:

- 50 % of Loan to be expended by January 31, 2022 is extended to January 31, 2023
- 100% of Loan to be expended by July 31, 2022 is extended to July 31, 2023
- Certificates of Occupancy to be issued by September 30, 2022 is extended to September 30, 2023
- Units to be Sold/Placed into Service By December 31, 2022 is extended to December 31, 2023
- 100% of CHDO Grant expended by September 30, 2022 is extended to December 31, 2023

The Parties acknowledge that all Sections of the Loan Agreement impacted by these changes are deemed to be revised to reflect the revisions noted above.

(REMAINDER OF PAGE INTENTIONALLY BLANK)

IN WITNESS WHEREOF, Borrower and the County have caused this Amendment 001 to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

BORROWER:

Witnesses:

HABITAT HOUSING SOLUTIONS, INC.,
a Florida not-for-profit corporation

[Signature]
Witness Signature

By: [Signature]
Donald Gill, Chief Operating Officer

Tara Ocker
Print Witness Name

(SEAL)
Corporation not-for-profit

[Signature]
Witness Signature



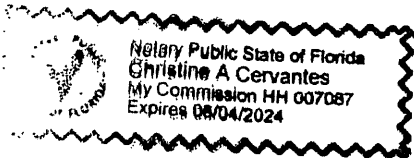
[Signature]
Print Witness Name

STATE OF FLORIDA
COUNTY OF PALM BEACH

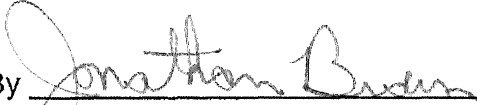
The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 20 day of May, 2022 by Donald Gill, as Chief Operating Officer of Habitat Housing Solutions, Inc., who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

Signature: [Signature]
Notary Name: Christine Cervantes
Notary Public - State of Florida

(NOTARY SEAL ABOVE)



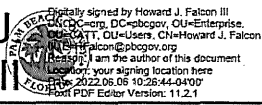
**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida
FOR ITS BOARD OF COUNTY COMMISSIONERS**

By 
Jonathan B. Brown, Director
Dept. of Housing & Economic Development

Date: 6/6/2022

Approved as to Form and
Legal Sufficiency

Approved as to Terms and Conditions
Dept. of Housing and Economic Development

By: **Howard J. Falcon III**

Howard J. Falcon III
Chief Assistant County Attorney

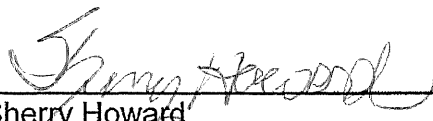
By: 
Sherry Howard
Deputy Director

EXHIBIT A-1

LEGAL DESCRIPTIONS

The West 80 feet of the East 315 feet of the South 85 feet of the North 1075 feet of Lot 30, Section 31, Township 43 South, Range 37 East.

PCN: 04-37-43-31-01-030-0810
Address: 641 SW Avenue D, Belle Glade

Lot 7, of Armstrong Addition to Pahokee, according to the Plat Thereof, as recorded in Plat Book 23, Page 12, of the Public Records of Palm Beach County, Florida.

PCN: 48-37-42-18-03-000-0070
Address: 275 Begonia Drive, Pahokee

FISHERS SECOND ADDITION LOT 6, BLOCK A. The above being the real property described under Tax Certificate Number 22934 in the Tax Deed recorded in Official Records Book 19437, Page 1928, Public Records of Palm Beach County, Florida.

PCN: 58-36-44-14-05-001-0060
Address: 135 SW 10th Avenue, South Bay

The North 60 feet of the South 165 feet of the West One Half of Lot 20, Section 31, Township 43, Range 37 East, Less the East 165 feet thereof, Less the West 25 feet thereof for the right-of-way of Northwest 6th Street Less the North 41 feet of the South 146 feet of the West 95 feet of said Lot 20

PCN: 04-37-43-31-01-020-0440
Address: 109 NW 6th Street, Belle Glade

AMENDMENT 001 TO THE LOAN AGREEMENT
WITH
HTG HERON ESTATES FAMILY, LLC

Amendment 001 to the Loan Agreement is made and entered into on May 1, 2022, by and between **Palm Beach County** ("County") and **HTG Heron Estates Family, LLC**. ("Borrower").

WITNESSETH:

WHEREAS, the County entered into a Loan Agreement (R2020-1888) with Borrower on October 5, 2020, to provide \$500,000 of HOME Investment Partnerships Program (HOME) funds for the purpose of constructing seventy nine (79) rental housing units in Riviera Beach, of which ten (10) are HOME assisted; and

WHEREAS, the Borrower has experienced construction delays due to material shortages and impediments related to the COVID-19 virus; and

WHEREAS, the Borrower has requested, attached hereto as Attachment 1, that the Loan Agreement be revised to reflect the project timeline and related Performance Requirements to successfully complete these HOME assisted units; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION 3: THE LOAN AND LOAN EXPENDITURE REQUIREMENTS

The following Performance Requirements and dates are revised as follows:

- Complete Construction and obtain Certificates of Occupancy by June 30, 2022, is extended to September 30, 2022.
- Units to be Rented/Placed into Service by September 30, 2022, is extended to January 30, 2023.

The Parties acknowledge that all Sections of the Loan Agreement impacted by these changes are deemed to be revised to reflect the revisions noted above.

IN WITNESS WHEREOF, Borrower and the County have caused this Amendment 001 to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

BORROWER:

Witnesses:

HTG HERON ESTATES FAMILY, LLC
a Florida limited liability company

Nicholas Bailkin
Witness Signature

By: HTG HERON ESTATES FAMILY MANAGER LLC,
a Florida limited liability company
its Manager

Nicholas Bailkin
Print Witness Name

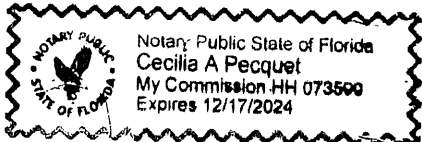
By: _____
Matthew Rieger, Manager

[Signature]
Witness Signature

Benjamin M Besunder
Print Witness Name

STATE OF FLORIDA
COUNTY OF PALM BEACH Miami-Dade

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 19 day of May, 2022, by Matthew Rieger, as Manager of HTG Heron Estates Family Manager, LLC., who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.



(NOTARY SEAL ABOVE)

Signature: Cecilia A Pecquet
Notary Name: CECILIA A. PECQUET
Notary Public - State of Florida

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida
FOR ITS BOARD OF COUNTY COMMISSIONERS**

By Jonathan Brown
Jonathan B. Brown, Director
Dept. of Housing & Economic Development

Date: 6/6/2022

Approved as to Form and
Legal Sufficiency

By: **Howard J. Falcon III**
Howard J. Falcon III
Chief Assistant County Attorney

Digitally signed by Howard J. Falcon III
DN: c=US, o=Palm Beach County, ou=Users,
ou=CATT, email=hfalcon@pbcgov.org,
cn=Howard J. Falcon III,
reason: I am the author of this document
Date: 2022.06.06 10:42:43-04'00'
Adobe PDF Editor Version: 11.2.1

Approved as to Terms and Conditions
Dept. of Housing and Economic Development

By: Sherry Howard
Sherry Howard
Deputy Director



Date: March 31, 2022

Mr. Jonathan Brown, Director
 Palm Beach County Housing & Economic Sustainability
 100 Australian Avenue, Suite 500
 West Palm Beach, FL 33406

Re: Request to Modify Performance Requirements - **Heron Estates Family**

Dear Mr. Brown:

Please consider this the HTG Heron Estates Family, LLC request for the modification to the Completion of Construction and Placed in Service / Occupied deadlines for the Heron Estates Family HOME loan.

Heron Estates Family has run into construction delays due to material shortages and impediments related to the global COVID-19 pandemic.

Please consider the modification of the schedule as follows:

| <u>Performance Requirements</u> | <u>APPROVED</u> | <u>REQUESTED</u> |
|---------------------------------|--------------------|--------------------|
| Complete Construction | June 30, 2022 | September 30, 2022 |
| Units rented and in service | September 30, 2022 | January 30, 2023 |

Funding sources have not been impacted by this delay. To date, all HOME funding has been drawn and spent on construction hard costs for Heron Estates Family.

Our current construction schedule estimates construction completion of June 15, 2022; however, we are seeking this extension in an abundance of caution.

Should any additional data be required, please let me know.

Sincerely,

Jason Larson
 HTG Heron Estates Family, LLC

AMENDMENT 001 TO THE LOAN AGREEMENT
WITH
HTG BANYAN, LLC

Amendment 001 to the Loan Agreement is made and entered into on May 1, 2022, by and between **Palm Beach County** ("County") and **HTG Banyan, LLC**. ("Borrower").

WITNESSETH:

WHEREAS, the County entered into a Loan Agreement (R2020-1886) with Borrower on November 2, 2020, to provide \$550,000 of HOME Investment Partnerships Program (HOME) funds for the purpose of constructing ninety four (94) rental housing units known as Flagler Station, of which ten (10) units are HOME assisted; and

WHEREAS, the Borrower has experienced construction delays due to material shortages and impediments related to the COVID-19 virus; and

WHEREAS, the Borrower has requested that the Loan Agreement be revised to reflect the project timeline and related Performance Requirements to successfully complete these HOME assisted units; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, and various other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION 3: THE LOAN AND LOAN EXPENDITURE REQUIREMENTS

The following Performance Requirements and dates are revised as follows:

- Complete Construction and obtain Certificates of Occupancy by June 30, 2022, is extended to September 30, 2022.
- Units to be Rented/Placed into Service by September 30, 2022, is extended to January 30, 2023.

The Parties acknowledge that all Sections of the Loan Agreement impacted by these changes are deemed to be revised to reflect the revisions noted above.

IN WITNESS WHEREOF, Borrower and the County have caused this Amendment 001 to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

BORROWER:

Witnesses:

HTG BANYAN, LLC
a Florida limited liability company

Nicholas Ballkin
Witness Signature

By: HTG BANYAN MANAGER LLC,
a Florida limited liability company

Nicholas Ballkin
Print Witness Name

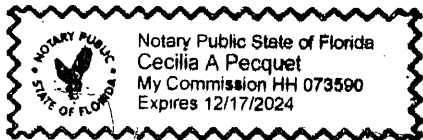
By: [Signature]
Matthew Rieger, Manager

[Signature]
Witness Signature

Benjamin M Besunder
Print Witness Name

STATE OF FLORIDA
COUNTY OF PALM BEACH MIAMI-DADE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization on this 19th day of MAY, 2022, by Matthew Rieger, as Manager of HTG Banyan Manager, LLC., who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.




(NOTARY SEAL ABOVE)

Signature: [Signature]

Notary Name: CECILIA A. PECQUET
Notary Public - State of Florida

**PALM BEACH COUNTY, FLORIDA, a
Political Subdivision of the State of Florida
FOR ITS BOARD OF COUNTY COMMISSIONERS**

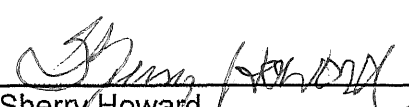
By 
Jonathan B. Brown, Director
Dept. of Housing & Economic Development

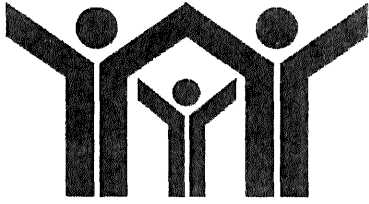
Approved as to Form and
Legal Sufficiency

Approved as to Terms and Conditions
Dept. of Housing and Economic Development

By: **Howard J. Falcon III**
Howard J. Falcon III
Chief Assistant County Attorney

Digitally signed by Howard J. Falcon III
DN: c=us, o=Palm Beach County, DC=pbcgov, OU=Enterprise,
CN=Howard J. Falcon III, OU=Users, CN=Howard J.
Falcon III, E=HFalcon@pbcgov.org
Reason: I am the author of this document
Location: your signing location here
Date: 2022.08.06 10:21:26-04'00'
PDF Editor Version: 11.2.1

By: 
Sherry Howard
Deputy Director



**Habitat Housing
Solutions, Inc.**

March 23, 2022

To: Joe Greco

As discussed, I would like to confirm the changes that Habitat Housing Solutions would like to request relative to the \$650,000 Loan Agreement dated June 9, 2021.

The agreement will now include four (4) properties including:

109 NW 6th St, Belle Glade
641 SW Ave D, Belle Glade
135 SW 10th Ave, South Bay
275 Begonia Drive, Pahokee

Please note that 109 NW 6th St. Belle Glade lot will be a two bedroom home while the other three lots will be four bedroom homes

We would like to push all the completion date back by 12 months specifically:

Draw 50% of loan by Jan 31, 2023

Draw 100% of loan by July 31, 2023

Final Certificate of completion (CO's) by Sept 30, 2023

Borrower to have sold all 4 homes to first time homebuyers by Dec 31, 2023

Hopefully these requested changes are clear but if you have any further questions, please let me know.

Best regards,

Don Gill
Chief Operating Officer
Habitat Housing Solutions, Inc.

4639 Lake Worth Road, Greenacres FL 33463
Email: donaldg@hhsipbc.org

Phone/Fax: 561 420-0508
Cell: 973-879-8065

ATTACHMENT 4



Date: March 31, 2022

Mr. Jonathan Brown, Director
Palm Beach County Housing & Economic Sustainability
100 Australian Avenue, Suite 500
West Palm Beach, FL 33406

Re: Request to Modify Performance Requirements - **Heron Estates Family**

Dear Mr. Brown:

Please consider this the HTG Heron Estates Family, LLC request for the modification to the Completion of Construction and Placed in Service / Occupied deadlines for the Heron Estates Family HOME loan.

Heron Estates Family has run into construction delays due to material shortages and impediments related to the global COVID-19 pandemic.

Please consider the modification of the schedule as follows:

| <u>Performance Requirements</u> | <u>APPROVED</u> | <u>REQUESTED</u> |
|---------------------------------|--------------------|--------------------|
| Complete Construction | June 30, 2022 | September 30, 2022 |
| Units rented and in service | September 30, 2022 | January 30, 2023 |

Funding sources have not been impacted by this delay. To date, all HOME funding has been drawn and spent on construction hard costs for Heron Estates Family.

Our current construction schedule estimates construction completion of June 15, 2022; however, we are seeking this extension in an abundance of caution.

Should any additional data be required, please let me know.

Sincerely,

Jason Larson
HTG Heron Estates Family, LLC



Date: March 31, 2022

Mr. Jonathan Brown, Director
Palm Beach County Housing & Economic Sustainability
100 Australian Avenue, Suite 500
West Palm Beach, FL 33406

Re: Request to Modify Performance Requirements - **Flagler Station**

Dear Mr. Brown:

Please consider this the HTG Banyan, LLC request for the modification to the Completion of Construction and Placed in Service / Occupied deadlines for the Flagler Station HOME loan.

Flagler Station has run into construction delays due to material shortages and impediments related to the global COVID-19 pandemic.

Please consider the modification of the schedule as follows:

| <u>Performance Requirements</u> | <u>APPROVED</u> | <u>REQUESTED</u> |
|---------------------------------|--------------------|--------------------|
| Complete Construction | June 30, 2022 | September 30, 2022 |
| Units rented and in service | September 30, 2022 | January 30, 2023 |

Funding sources have not been impacted by this delay. To date, all HOME funding has been drawn and spent on construction hard costs for Flagler Station.

Our current construction schedule estimates construction completion of June 30, 2022; however, we are seeking this extension in an abundance of caution.

Should any additional data be required, please let me know.

Sincerely,

Jason Larson
HTG Banyan, LLC