Agenda Item #: 3I-10

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	March 14, 2023	[X] Consent [] Ordinance	[] Regular [] Public Hearing
Department:	Housing and Economic I	Development	

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Amendment 003 to Loan Agreement R2021-1076 with Habitat Housing Solutions for \$315,672, for the construction of three (3), for-sale, single family homes, extending the completion date from March 31, 2023 to September 30, 2023.

Summary: The attached HOME document has been executed on behalf of the Board of County Commissioners (BCC) by the Director of the Department of Housing and Economic Development (DHED) in accordance with Agenda Item 5A-3 as approved by the BCC on February 11, 2020.

The Loan Agreement (R2021-1076) with Habitat Housing Solutions, Inc., provided \$315,672 in HOME funding toward the construction of three (3) single family affordable housing units located at 540 SW 8th Street in Belle Glade, 205 S. Barfield Highway in Pahokee, and 290 Cypress Avenue in Pahokee. Construction delays has impacted the project thereby the need to extend the project completion date from March 31, 2023 to September 30, 2023.

County PPM CW-O-051 provides that all delegated contracts, agreements and grants must be submitted by the initiating department as a receive and file agenda item. HOME Program grant funds are Federal funds which require a 25% local match provided by SHIP funds. District 6 (HJF)

Background and Justification: The U.S. Department of Housing and Urban Development provides an annual allocation of CDBG and HOME grant funding to Palm Beach County. HOME works to provide affordable rental housing and homeownership opportunities for persons with incomes no greater than 80% of Area Median Income.

Attachment(s):

1. Amendment 003 to a Loan Agreement with Habitat Housing Solutions, Inc.

2. Amendment request Email (HOME Loan Agreement) from Habitat Housing Solutions, Inc.

Recommended By:	Dern Helpy	2-24-23	
-	Department Director	Date [#]	
Approved By: _	Assistant County Administrator	2/28/2023 Date/	

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Department Director

Fiscal Years	2023	2024	2025	2026	2027
Grant Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					
s Item Included In Current	Budget?	Ye	s <u>X</u> N	0	
Does this Item include the			s X N	0	
Budget Account No.:					
Fund <u>1103</u> Dept. <u>143</u> Unit <u>143</u>	<u>34</u> Object <u>820</u>	1 Program Cod	de/Period <u>Va</u>	<u>rious</u>	
B. Recommended Sour	ces of Funds	s/Summary of	Fiscal Impa	ct:	
No additional fiscal i	mpact	N1			
C. Departmental Fiscal		alerie Alleyne,	- Division Dire	ctor II	_
	III. <u>REVI</u>	V EW COMMEN	<u>TS</u>		
A. OFMB Fiscal and/or	Contract Dev	relopment and	Control Co	mments:	
Lor Mate	Shelson My	Contract	Developmen	1.001	9 <u>/1/7/</u> 2
OFMB 05/15	2/14	(A) (3/13	103 (/		
OFMB (15)	2/114	VW 2 /13	103		
OFMB Sufficiency: Assistant County Atto	2/22/ rney	WK =117 23	103 (/		

AMENDMENT 003 TO A LOAN AGREEMENT WITH HABITAT HOUSING SOLUTIONS, INC.

Amendment 003 to the Loan Agreement is made and entered into on 12-20-22, by and between **Palm Beach County** ("County") and **Habitat Housing Solutions, Inc.** ("Borrower").

WITNESSETH:

WHEREAS, the County entered into a Loan Agreement (R2021-1076) with Borrower on May 1, 2021, as amended by Amendment 001 (R2022-0343) on February 25, 2022, and by Amendment 002 (R2022-1281) on August 31, 2022, to provide \$315,672 of HOME Investment Partnerships Program (HOME) funds for the purpose of constructing three (3) affordable housing units in the Glades Area; and

WHEREAS, the Borrower has experienced construction and title related delays on the three (3) homes which will impact the projected completion dates in the Loan Agreement; and

WHEREAS, the Borrower has requested that the Loan Agreement for the HOME funds be revised to accommodate the Borrower's revised construction schedule and allow for them to meet the Performance Requirements contained herein.

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:

- 100% of the HOME funds to be drawn by March 31, 2023, is extended to September 30, 2023.
- Certificates of Occupancy to be issued by March 31, 2023, is extended to September 30, 2023.
- Units to be sold and placed into service by June 30, 2023, is extended to December 31, 2023.

The Parties acknowledge that all Sections of the Loan Agreements 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 003 to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Witnesses:

Witness Signature

<u>し3な しゅゅんか</u> Print Witness Name

Witness Signature

Print Witness Name

BORROWER:

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

By:

Donald Gill, Chief Operating Officer

(SEAL) Corporation not-for-profit

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STATE OF FLORIDA COUNTY OF PALM BEACH

JENNIFER A. THOMASON
MY COMMISSION #HH034728
EXPIRES: AUG 20, 2024
Bonded through 1st State Insurance

(NOTARY SEAL ABOVE)

Signature:

Notary Name:

Notary Public - State of Florida

PALM BEACH COUNTY, FLORIDA, a Political Subdivision of the State of Florida

FOR ITS BOARD OF COUNTY COMMISSIONERS

Jonathan B Brown Director

Approved as to Terms and Conditions

Dept. of Housing and Economic Development

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

Date: 12-20-22

Approved as to Form and Legal Sufficiency

Howard J.
Falcon III
Forward J. Falcon III
Forward J. Falcon III
Forward J. Falcon III
Forward J. Falcon III
Forward J. Falcon III
Forward J. Falcon III
Forward J. Falcon III

Howard J. Falcon III
Chief Assistant County Attorney

Bv:

Sherry Howard Deputy Director

Marcel Pessoa

From: Don Gill < dgill619@gmail.com > Sent: Thursday, October 27, 2022 4:42 PM To: Joe Greco < JGreco2@pbcgov.org >

Cc: Peter Gates peter@habitatpbc.org>; Greg Brown gregb@habitatpbc.org>; Tara Okler <<pre>taraok@habitatpbc.org>;

Josh Burrell < jpburrell@habitatpbc.org > Subject: Amendment Request 2019 Loan

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Joe,

As discussed with you yesterday, we would like to request a third amendment to the 2019 (3 property) loan project. The amendment will be to extend the completion dates by six months and these dates will now essentially align with the dates of the 2020 (5 home project). There will be no changes requested to the 2020 loan.

The requested new dates for the 2019 loan are as follows:

- -100% of loan to be drawn by September 30, 2023
- -CO's to be issued by September 30, 2023
- -Units to be sold/placed into service by December 31, 2023

We very much appreciate all the support and patience that Palm Beach County has provided to Habitat regarding these projects and we look forward to a successful completion in late 2023. Let me know if you have any questions with this request and we look forward to receiving the amendment document from you in the near future.

Best Regards, Don Gill Habitat Housing Solutions Inc.

Sent from my iPad