

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: December 19, 2023 Consent Ordinance Regular Public Hearing

Department: Housing and Economic Development

I. EXECUTIVE BRIEF

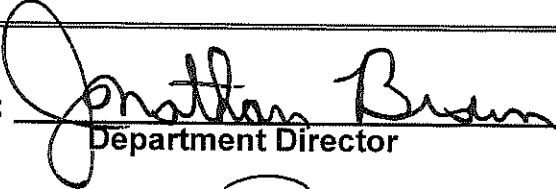
Motion and Title: Staff recommends motion to receive and file: Amendment 004 to Loan Agreement R2021-1076 with Habitat Housing Solutions for \$315,672, for the construction of three (3), for-sale, single family homes, to modify eligible reimbursable expenses.


Summary: 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. Amendment 004 modified the Loan Agreement to include eligible developer fee reimbursement expenses totaling \$10,522.40 and 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. 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. Amendment 001 (R2022-0343) dated February 25, 2022; Amendment 002 (R2022-1281) dated August 31, 2022; and Amendment 003 (R2023-0317) dated March 14, 2022, all extended the performance requirements dates due to Habitat Housing Solutions, Inc. experiencing ongoing delays in project implementation.

Attachment:

1. Amendment 004 to a Loan Agreement with Habitat Housing Solutions, Inc.

Recommended By:  12/5/2023
 Department Director Date

Approved By:  12/13/23
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2024	2025	2026	2027	2028
Grant Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					

# ADDITIONAL FTE POSITIONS (Cumulative)					
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Is Item Included In Current Budget? Yes X No
 Does this Item include the use of Federal funds? Yes X No
 Does this Item include the use of State funds? Yes X No


Budget Account No.:

Fund 1103 Dept. 143 Unit 1434 Object 8201 Program Code/Period Various

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

No additional fiscal impact

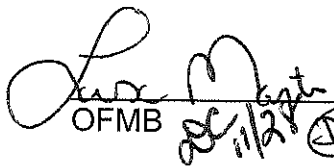
C. Departmental Fiscal Review:

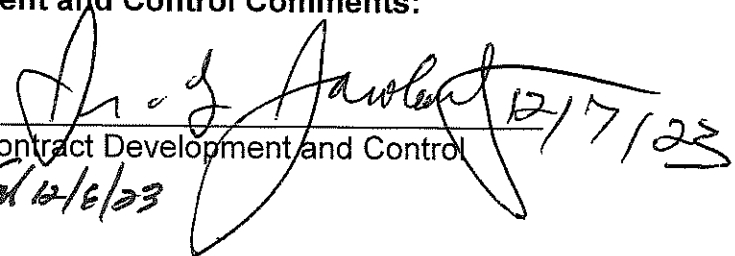


 Valerie Alleyne, Division Director II
 Finance and Administrative Services, DHED

III. REVIEW COMMENTS

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


 OFMB 11/21/23
 DA 11/28


 Contract Development and Control 12/17/23
12/16/23

B. Legal Sufficiency:


 Assistant County Attorney 12/13/23

C. Other Department Review:

 Department Director

AMENDMENT 004 TO A LOAN AGREEMENT
WITH
HABITAT HOUSING SOLUTIONS, INC.

Amendment 004 to the Loan Agreement is made and entered into on September 27, 2023 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, Amendment 002 (R2022-1281) on August 31, 2022, and Amendment 003 (R2023-0317) on March 14, 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, Developer fees are an eligible expense for reimbursement, however, this reimbursable expense was inadvertently not referenced in the Loan Agreement; and

WHEREAS, the Borrower has requested that the Loan Agreement for the HOME funds be revised to include developer fees as an eligible reimbursable expense.

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 7: DISBURSEMENT OF LOAN FUNDS FOR ELIGIBLE PROJECTS COSTS:

Is revised to include the following:

(D) Developer Fees:

The Borrower may receive payment of a **developer fee not to exceed \$10,522.40 per HOME Assisted Unit** for each of the three (3) HOME Assisted Units as follows:

- (i) **\$3,000**: upon presentation to the County of a building permit for the HOME Assisted Unit.
- (ii) **\$7,522.40**: upon presentation to the County of a Certificate of Occupancy for the HOME Assisted Unit.

The County shall, in its sole discretion, determine the sufficiency of the documentation submitted by the Borrower for the payment of developer fees.

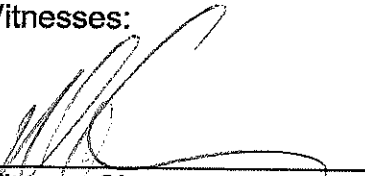
IN WITNESS WHEREOF, Borrower and the County have caused this Amendment 004 to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

BORROWER:

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

Witnesses:


Witness Signature

MICHAEL R. WILSON
Print Witness Name


Witness Signature

Robert Gonzalez
Print Witness Name

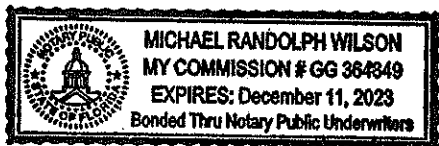
By: 
Donald Gill, Chief Operating Officer

(SEAL)
Corporation not-for-profit



**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization on this 18 day of September, 2023, 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.

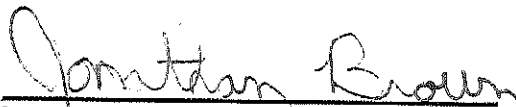


(NOTARY SEAL ABOVE)

Signature: 

Notary Name: MICHAEL R. WILSON
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

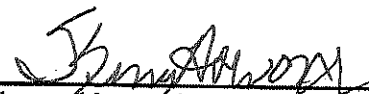
Date: 9/27/2023

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, ou=Users, cn=Howard J.
Falcon III, email=HFalcon@pbgov.org
I am approving this document
Date: 2023.09.22 14:14:48-04'00'
PDF Editor Version: 12.1.0

By: 
Sherry Howard
Deputy Director