

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: May 7, 2024 [X] Consent Ordinance [] Regular Public Hearing

Department: Housing and Economic Development

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Amendment 005 to Loan Agreement R2021-1076 with Habitat Housing Solutions for \$315,672, for the construction of three (3), for-sale, single family homes, to extend the certificate of occupancy issue date from September 30, 2023 to May 31, 2024 and to extend the date by which the units are to be sold by and placed into service from December 31, 2023 to July 31, 2024.

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 005 modified the Loan Agreement to extend the certificate of occupancy issue date to May 31, 2024, and to extend the date by which the units are to be sold by and placed into service to July 31, 2024. Amendment 005 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 R2018-1061 as approved by the BCC on July 10, 2018 that delegated authority to the County Administrator or designee to execute standard forms, certifications, funding agreement, amendments thereto, and all other documents necessary for implementation of the Action Plan, CDBG, HOME and ESG activities. County PPM CW-O-051 provides that all contracts, agreements and grants signed with delegated authority 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, and Amendment 004 (R2023-1864) dated September 27, 2023, modified the loan agreement to include eligible developer fee reimbursement expenses.

Attachments:

1. Amendment 005 to a Loan Agreement with Habitat Housing Solutions, Inc.
2. Amendment request email from Habitat Housing Solutions, Inc.

Recommended By: Jonathan Brown 3/29/2024
Department Director Date

Approved By: [Signature] 4/8/24
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

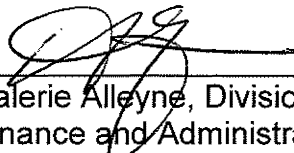
Budget Account No.:

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

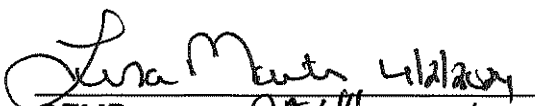
C. Departmental Fiscal Review:

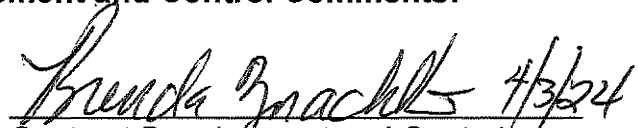


 Valerie Alleyne, Division Director II
 Finance and Administrative Services, DHED

III. REVIEW COMMENTS

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


 OFMB GA III DA 4/2


 Contract Development and Control
 Feb 4/2/24

B. Legal Sufficiency:


 Assistant County Attorney 4/4/24

C. Other Department Review:

 Department Director

AMENDMENT 005 TO A LOAN AGREEMENT
WITH
HABITAT HOUSING SOLUTIONS, INC.

Amendment 005 to the Loan Agreement is made and entered into on February 29, 2024 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, Amendment 003 (R2023-0317) on March 14, 2022, and by Amendment 004 (R2023-1864) on September 27, 2023 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:

- Certificates of Occupancy to be issued by September 30, 2023, is extended to May 31, 2024.
- Units to be sold and placed into service by December 31, 2023, is extended to July 31, 2024.

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 005 to be executed on the date first above written.

Signed, sealed and delivered in the presence of:

Witnesses:

[Signature]
Witness Signature
Tara Oiler
Print Witness Name

Address: 6758 N Military Trail, West Palm Beach

[Signature]
Witness Signature

[Signature]
Print Witness Name

Address: 6758 N. Military Tr
WPB, FL 33467

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization on this 8th day of February, 2024, 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.

BORROWER:

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

By: [Signature]
Donald Gill, Chief Operating Officer

(SEAL)
Corporation not-for-profit



Signature: [Signature]

Notary Name: BRAD JANKOWSKI
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 Brown
Jonathan B. Brown, Director
Dept. of Housing & Economic Development

Date: 2/29/2024

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: cn=Howard J. Falcon III, E=hfalcon@pbccgov.org, OU=Enterprise, OU=PBCCgov, DC=pbccgov.org
I am approving this document
2024.02.29 09:12:51-0500
PDF Editor Version: 12.1.0

By: Sherry Howard
Sherry Howard
Deputy Director

Marcel Pessoa

From: Tara Okler <tara.okler@habitatgreaterpbc.org>
Sent: Friday, March 1, 2024 4:05 PM
To: Marcel Pessoa
Subject: Habitat Housing Solutions Extension
Attachments: Amend005_LoanAgreement_Draft.docx

This Message Is From an External Sender

This message came from outside your organization.

Hi Marcel,

We would like to request a change to the 2019 grant that includes three properties for the amount of \$315,672. I attached a copy of the most recent amendment. We are asking for this extension to accommodate FPL installing new power poles at two of the properties. We would like to extend the CO date to 5/31/24 and the closing date to 7/31/24. Please let me know if there is anything else that you need.

We have received CO's for the 5 properties included in the second grant.

Thank you for your help with this.

Thank you,

Tara Okler

Chief Operating Officer, Habitat for Humanity of Greater Palm Beach County

181 SE 5th Avenue, Delray Beach, FL 33483

direct: (561) 440-4624

Tara.Okler@habitatgreaterpbc.org | habitatgreaterpbc.org

greater together...greater reach, greater impact, greater palm beach county