

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:	May 7, 2024	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Ordinance	<input type="checkbox"/> Regular <input type="checkbox"/> 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 R2021-1078 with Habitat Housing Solutions for \$625,000 in HOME funding and a \$65,000 HOME/CHDO grant, for the construction of five (5), for-sale, single family homes, to extend the certificate of occupancy issue date from September 30, 2023 to February 28, 2024 and to extend the date by which the units are to be sold by and placed into service from December 31, 2023 to May 31, 2024.

Summary: The Loan Agreement (R2021-1078) with Habitat Housing Solutions, Inc., provided \$625,000 in HOME funding and a \$65,000 HOME/CHDO grant, toward the construction of five (5) single family affordable housing units located at 641 SW Ave D, Belle Glade, 135 SW 10th Ave, South Bay, 275 Begonia Drive, Pahokee, 109 NW 6th Ave, Belle Glade, and 322 N E Street, Lake Worth Beach. Amendment 004 modified the Loan Agreement to extend the certificate of occupancy issue date to February 28, 2024, and to extend the date by which the units are to be sold by and placed into service to May 31, 2024. Amendment 004 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 6D-1 as approved by the BCC on July 14, 2020 that delegated authority to the County Administrator or designee to execute standard forms, certifications, funding agreements, amendments thereto, and all other documents necessary for implementation of the Consolidated Plan, 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 3 & 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 (R2022-0704) dated June 6, 2022, reduced the number of units to be constructed from five (5) to four (4), reduced the HOME/CHDO funding amount from \$690,000 to \$552,000, and extending the completion date from December 31, 2022 to December 31, 2023; Amendment 002 (R2022-1280) dated August 31, 2022, increased the number of units to be constructed from four (4) to five (5) and increasing the HOME/CHDO funding amount from \$552,000 to \$690,000; and Amendment 003 (R2023-0502) dated February 15, 2023, deleted the 50% loan expenditure date of January 31, 2023.

Attachments:

1. Amendment 004 to a Loan Agreement with Habitat Housing Solutions, Inc.
2. Amendment request letter from Habitat Housing Solutions, Inc.

Recommended By:	<u>Jonathan Braun</u> Department Director	<u>3/29/2024</u> Date
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Approved By:	<u>[Signature]</u> Assistant County Administrator	<u>4/8/24</u> Date
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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

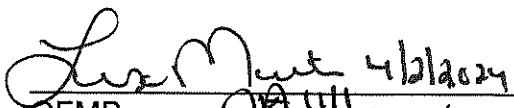
C. Departmental Fiscal Review:

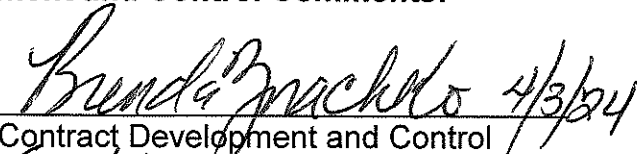


 Valerie Alleyne, Division Director II
 Finance and Administrative Services, DHED

III. REVIEW COMMENTS

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


 OFMB JA 4/1 DA 4/2 4/2/24


 Contract Development and Control 4/3/24
JA 4/2/24

B. Legal Sufficiency:


 Assistant County Attorney 4/4/24

C. Other Department Review:

_____ Department Director

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

Amendment 004 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 (R2021-1078) with Borrower on June 9, 2021, as amended by Amendment 001 (R2022-0704) on June 6, 2022, Amendment 002 (R2022-1280) on August 31, 2022, and by Amendment 003 (R2023-0503) on February 15, 2023 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 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 amend the Performance Requirements date 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:

- Certificates of Occupancy to be issued by September 30, 2023, is extended to February 28, 2024.
- Units to be sold and placed into service by December 31, 2023, is extended to May 31, 2024.

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 004 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

Jana Ok
Witness Signature

By: [Signature]
Donald Gill, Chief Operating Officer

Tara Olier
Print Witness Name

(SEAL)
Corporation not-for-profit

Address: 6758 N.

Military Trail, West Palm Beach

[Signature]
Witness Signature



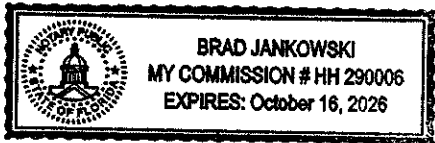
Josh P. Russell
Print Witness Name

Address: 6758 N. Military Tr

WB, FL 33407

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.




(NOTARY SEAL ABOVE)

Signature: [Signature]

Notary Name: BRAD JANKOWSKI
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

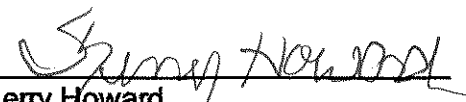
Date: 2/29/2024

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@pbgov.org, OU=Enterprise, OU=PBgov, DC=pbgov, CN=Howard J. Falcon III, E=hfalcon@pbgov.org
Reason: I am approving this document
Date: 2024.02.29 09:12:51 -0500
PDF FDF Editor Version: 12.1.0

By: 
Sherry Howard
Deputy Director



**Habitat Housing
Solutions, Inc.**

January 17th, 2024

Jonathan Brown
Director
Department of Housing and Economic Development
Palm Beach County
West Palm Beach, FL

Re: Loan Agreement Amendment (HES.2019.1 and HES 2020.1)

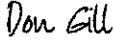
Habitat Housing Solutions Inc. Requests an amendment to the subject loan agreements.

The following changes to the previous amendments are requested:

- Completion of construction of units with certificate of occupancy by February 28th, 2024
- Sale of homes to eligible buyers by May 31st, 2024

All other components should remain unchanged.

Thank you,

DocuSigned by:

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Don Gill

Chief Operating Officer
Habitat Housing Solutions, Inc.
6758 N Military Trail, Suite 301
Riviera Beach, FL 33407