

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND/OR AUTHORIZING THE FOLLOWING ACTIONS: (1) AUTHORIZING THE CITY MANAGER TO RECAPTURE \$296,795.88 OF HOME INVESTMENT PARTNERSHIP (HOME) FUNDS, PREVIOUSLY ALLOCATED TO THE MADELEINE VILLAGE APARTMENTS SEAWALL REHABILITATION PROJECT, AND REALLOCATE SAID FUNDS TO HUD'S FY 2022 ACTION PLAN FOR THE ACQUISITION OF SCATTERED SITES OR MULTI-FAMILY UNITS, TO BE USED AS AFFORDABLE HOUSING UNITS WITHIN THE CITY; AND (2) APPROVING AND AUTHORIZING THE CITY MANAGER TO TRANSMIT TO HUD A SUBSTANTIAL AMENDMENT TO THE HUD FY 2022 ACTION PLAN; SAID AMENDMENT REFLECTING THE ALLOCATION OF THE RECAPTURED HOME FUNDS TO THESE PROGRAM PRIORITIES.

WHEREAS, the City is an entitlement recipient of U.S. Department of Housing and Urban Development (HUD) formula grant programs and therefore is a recipient of HOME Investments Partnership (HOME) funds; and

WHEREAS, HOME funds are used for affordable housing activities, including multi-family rentals, and first-time homeownership; and

WHEREAS, HUD requires each entitlement community to submit an annual *Action Plan* describing how it will utilize funding and resources to address priority needs identified in the City's *Consolidated Plan*; and

WHEREAS, from time to time, it may be necessary for the City to process a "Substantial Amendment" to the *Five-Year Consolidated Plan* and the annual *Action Plan* to allow for the funding of new activities, modification of existing activities, or other program administrative actions; and

WHEREAS, pursuant to 24 CFR §91.505 (a), the City is required by HUD to identify the criteria to be used in determining if a proposed action will be considered a "Substantial Amendment," as follows:

1. A change in allocation priorities or a change in the method of distributing funds;
2. Funding an activity using funds from any program covered by the Plan (including program income) not previously described in the One Year Action Plan; or
3. A change in the purpose, scope, location, or beneficiaries of an activity; and

WHEREAS, any proposed amendment considered a Substantial Amendment requires approval by the City Commission; and

WHEREAS, in accordance with 24 CFR §91.505 (b), a Substantial Amendment requires Citizen Participation; and

WHEREAS, HOME funds must be expended pursuant to the guidelines delineated in 24 CFR Part 92; and

WHEREAS, the HOME Program has timeliness requirements regarding the expenditure of funds; and

WHEREAS, HOME funds must be committed to a project within two years of the City's receipt and expended within five years; and

WHEREAS, the annual *Action Plan* is monitored throughout the year to ensure compliance with federal regulations and progress towards the National Objective, which stipulates that HOME-funded activities must create housing units that benefit low- and moderate-income persons who earn at or below 80% of the Area Median Income (AMI); and

WHEREAS, the Madeleine Village Rehabilitation Project ("Project") reached substantial completion in October 2022, and a balance of \$296,795.88 ("Project Balance") remains; and

WHEREAS, the Project Balance was previously allocated to the Project from HOME Investment Partnership (HOME) funds from the following prior HUD fiscal years: FY 16 (\$16,853,44); FY 17 (\$12,751.93); FY 18 (\$223,811.05); and FY 19 (\$43,379.46); and

WHEREAS, the Administration recommends recapturing the Project Balance and reallocating these HOME funds to the HUD FY 2022 *Action Plan* for the acquisition of scattered-sites and/or multi-family units within the City, to increase affordable housing units and ensure timely and compliant expenditure of HUD funds; and

WHEREAS, a Substantial Amendment would be required in order to incorporate the recaptured Project Balance into the HUD FY 2022 *Action Plan* for these designated priorities; and

WHEREAS, as part of the citizen participation process, the City will schedule a public hearing for March 27, 2023 and publish a thirty (30) day public comment period, from March 13, 2023 to April 12, 2023, for the proposed Substantial Amendment to the FY 2022 annual *Action Plan*; and

WHEREAS, the City Manager is the designated agent for all HUD formula grants and executes the grant applications, grant agreements, and other applicable documents on behalf of the City.


NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and/or authorize the following actions: (1) authorize the City Manager to recapture \$296,795.88 of HOME Investment Partnership (HOME) funds, previously allocated to the Madeleine Village Apartments Seawall Rehabilitation Project, and reallocate said funds to HUD's FY 2022 Action Plan for the acquisition of scattered sites or multi-family units, to be used as affordable housing units within the City; and (2) approve and authorize the City Manager to transmit to HUD a Substantial Amendment to the HUD FY 2022 Action Plan; said Amendment reflecting the allocation of the recaptured HOME funds to these program priorities.

PASSED and ADOPTED this ____ day of _____, 2023.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
FOR EXECUTION

City Attorney *[Signature]* 3-3-23
Date