

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Termination of HOME Subrecipient Agreement with Housing & Neighborhood Development Services of Central Florida, Inc.

DEPARTMENT: Planning & Development **DIVISION:** Community Resources

AUTHORIZED BY: Dan Matthys *DM* **CONTACT:** Buddy Balagia *TSworn* **EXT.** 7379

Agenda Date 11/15/05 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

Approve and authorize the Chairman to execute the attached Resolution to terminate the HOME Subrecipient Agreement with Housing & Neighborhood Development Services of Central Florida, Inc. ("HANDS") for the rehabilitation of Lake Jennie II Apartments.

District 5 – Commissioner Carey

BACKGROUND:

On May 24, 2005 the Board entered into a HOME Program Subrecipient Agreement with HANDS to provide \$584,204 to rehabilitate the 40-unit Lake Jennie II Apartment complex in Sanford. However, through an oversight, HANDS did not report to the County that the project had previously received HOME funds in 1997 and was therefore not eligible for HOME funding at this time.

HOME Program regulations stipulate that no additional HOME funds may be invested in any HOME-funded project during any effective affordability period. Although HANDS was informed not to proceed, it is necessary to formally terminate the Agreement.

The attached Resolution terminates the Agreement, pursuant to section 20 of same. The affected funding has been reallocated to other projects. Such termination will take effect immediately upon execution of the Resolution, which authorizes the Community Resources Division Manager to provide written notice to HANDS immediately.

Staff Recommendation:

Approve and authorize the Chairman to execute the attached Resolution to terminate the current HOME Subrecipient Agreement with HANDS for the rehabilitation of Lake Jennie II Apartments.

Reviewed by:	<i>[Signature]</i>
Co Atty:	<i>[Signature]</i>
DFS:	
Other:	<i>[Signature]</i>
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
File No.	<u>cpdc01</u>

Attachments: 1. Resolution

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT THEIR REGULARLY SCHEDULED MEETING OF _____, 2005.

WHEREAS, the County has heretofore entered in that certain Seminole County/Housing and Neighborhood Development Services of Central Florida, Inc. HOME Program Community Housing Development Organization Subrecipient Agreement Program Year 2004-2005 dated May 27, 2005 (the "Agreement") with Housing and Neighborhood Development Services of Central Florida, Inc. ("HANDS") wherein the County committed the sum of FIVE HUNDRED EIGHTY-FOUR THOUSAND TWO HUNDRED FOUR AND NO/100 DOLLARS (\$584,204.00) for renovation of the Lake Jennie Phase 2 Apartments in Sanford, Florida; and

WHEREAS, in 1997 HANDS used substantial HOME funds supplied through the State of Florida for the initial construction of the Lake Jennie Phase 2 Apartments as a part of its ongoing affordable housing program in the County; and

WHEREAS, in 1997 the County required that the completed apartment complex be used only for transitional rental housing for qualified Low Income and Very Low Income households for a period of fifty (50) years after completion (the Affordability Period"); and

WHEREAS, 24 CFR Section 92.214(a)(6) prohibits the expenditure of additional HOME funds on a project of the type envisioned by the Agreement during the term of an established Affordability Period arising from a previous HOME funding; and

WHEREAS, County staff has provided written notice to HANDS of the legal inability of the County to provide the recently agreed upon funding and further directing HANDS to cease and desist from making any commitments in anticipation of receiving any HOME funds under the Agreement; and

WHEREAS, the County believes that termination of the Agreement is now required pursuant to section 20 thereof as a result of the County's belated discovery of the Federal prohibition of supplemental funding as described above:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, THAT:

1. The above recitals are incorporated herein by reference and form an integral part of this Resolution.

2. Pursuant to the provisions of section 20 of the Agreement, the Agreement is hereby terminated for legal cause. Such termination shall take effect immediately upon the adoption of this Resolution.

3. The Community Resources Division Manager is hereby directed to promptly provide written notice to HANDS of the Agreement's termination directed to the appropriate person identified in section 24 of the Agreement.

4. This Resolution shall take effect upon its adoption as of the date below.

ADOPTED this _____ day of _____, 2005.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
CARLTON HENLEY, Chairman

Date: _____