



Homeless Trust
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miamidade.gov

March 7, 2024

The Honorable Tim Meerbott
Mayor, Town of Cutler Bay
10720 Caribbean Boulevard
Suite 105
Cutler Bay, FL 33189
tmeerbott@cutlerbay-fl.gov

Dear Mayor Meerbott:

While we all await a status report on possible alternative locations in Miami-Dade County Commission District 8 that would be suitable to house persons seeking to exit homelessness, we want to take this opportunity to address lingering concerns expressed and addressed about the Homeless Trust's proposed acquisition and conversion of the La Quinta Hotel. Most of the concerns were expressed during the Town of Cutler Bay Council meeting on February 21, 2024.

Our interest has always been to create permanent affordable apartments in the community. We have never proposed siting a shelter, a needle exchange, or a drug and alcohol treatment program at the La Quinta location. We are happy to include this as a condition of any purchase. We have repeatedly assured you and your Council of that fact.

We intend to prioritize seniors experiencing homelessness for this residential property, as one in every four persons entering homelessness in Miami-Dade is 55 and over. We are prepared to commit that over 60% of the future residents will be seniors. At the same time, we do not want to exclude other persons we serve solely on the basis of age, including disabled veterans, youth aging out of foster care, and persons who are wheelchair bound, blind, developmentally disabled or have other special needs. Three of every 4 households we serve do not include someone 55 and older.

The Homeless Trust will assess and prioritize individuals and/or couples from the Miami-Dade community and within our Continuum of Care for referral, mindful of the sensitivities of the Cutler Bay community and our shared desire to have a rental property which seamlessly integrates with planned development in the area. It is true that many of those we serve have barriers that make it harder for them to obtain housing. This includes individuals on fixed incomes, those with poor credit, and some with evictions on their record. We are not opposed to conducting background checks, but we do not intend to screen out households with housing and employment barriers, as these are households that need our assistance in order to achieve economic stability.

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We have attached a document titled “Standards and Processes that Lower Barriers to Rental Housing Entry.” That has been required to be followed by the Florida Housing Finance Corporation (FHFC) since 2019, when working with affordable housing developers across the state that are seeking competitive housing credits and State Apartment Incentive Loan (SAIL) funding. While we are not seeking this type of funding, we, like the FHFC, are committed to creating equitable, affordable, and accessible housing for those we serve, and as such, would seek to adopt tenant selection criteria similar to the attached, which is designed to reduce barriers to access that are critical to our efforts.

We received on November 27, 2023 correspondence from Keith Poliakoff, Esq., who represents the owner of the Southland Mall redevelopment. Mr. Poliakoff indicated he may be in a position to seek a global compromise. We promptly shared our response to a list of 19 prospective conditions on November 29, 2023. The city administration was copied on this correspondence, which is again attached. In November, you recall that we appeared before Cutler Bay’s Town Council and answered all questions posed by council members and the public. We continue to be available to you, your colleagues on the dais, the administration, the developer and the public to address any lingering questions or concerns. We remain open to further dialogue to better understand where we might find common ground. We seek a compromise that is not only tenable, but beneficial to those we serve and the community as a whole.

Lastly, we respectfully disagree with any suggestion that the Homeless Trust “runs in the dark” and has “very little accountability.” That is pure rhetoric, and I believe you know that.

- We are an agency and instrumentality of Miami-Dade County government.
- We participate in the county’s budget process, inclusive of a Budget Narrative, Business Plan, Quarterly Budget Report and Quarterly Scorecard Performance process.
- We are part of the county’s Annual Comprehensive Financial Report, prepared in accordance with generally accepted accounting principles, as promulgated by the Government Accounting Standards Board and audited by a firm of independent certified public accountants.
- As a recipient of local, state and federal funding dedicated to serving people experiencing homelessness, the Homeless Trust is also subject to auditing by the United States Department of Housing and Urban Development and the Florida Department of Children and Families.
- The Homeless Trust participates in the Sunset Review of County Boards, in accordance with Section 2-11.40 of the Miami-Dade County Code.
- The Homeless Trust compiles an annual report to the Board of County Commissioners summarizing and evaluating our programs. This report includes an end-of-year financial report with all revenues and expenses.
- We have a diverse 27-member board, which includes elected officials and leaders from the business, academic, judicial, health care, faith-based and non-profit sectors, among others.
- All of our Board meetings are publicly noticed and televised.

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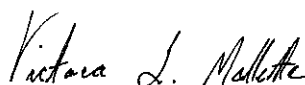
Our acquisition and renovation strategy continues to be discussed publicly. We proactively reached out to the administration of Cutler Bay in March, 2023 to begin a dialogue on the proposed acquisition, and it was during a walkthrough alongside your city administrators that we learned the property was in the county's Rapid Transit Zone and not under the jurisdiction of Cutler Bay.

We continue to make ourselves available to you and your colleagues.

Sincerely,



Ronald L. Book
Chairman



Victoria L. Mallette
Executive Director

Attachments

c: Hon. Danielle Cohen Higgins, Commissioner, Miami-Dade County - District 8
Jeve Clayton, Chief of Staff, Miami-Dade County - District 8
Hon. Michael P. Callahan, Vice Mayor, Town of Cutler Bay
Hon. Robert Duncan, Council Member, Town of Cutler Bay
Hon. Suzy Lord, Council Member, Town of Cutler Bay
Hon. Richard Ramirez, Council Member, Town of Cutler Bay
Rafael G. Casals, Town Manager, Town of Cutler Bay
Jared E. Munster, Ph.D., Community Development Director, Town of Cutler Bay
Ronald Gaither, Chief Development Officer, American Landmark Apartments
David Lederman, American Landmark Apartments
Chad S. Friedman, Partner, Law Firm of Weiss, Serota, Helfman, Cole & Bierman
Mitchell A. Bierman, Partner, Law Firm of Weiss, Serota, Helfman, Cole & Bierman

Spiegel, Martha (HT)

From: Ron Book <Ron@rlbookpa.com>
Sent: Monday, November 27, 2023 7:20 PM
To: Keith Poliakoff
Cc: rcasals@cutlerbay-fl.gov; Jared E. Munster; Ron Gaither; David Lederman; Chad Friedman; Mitch Bierman; Mallette, Victoria (HT); Summerset-Williams, Shannon (CAO)
Subject: RE: Homeless Trust's Consideration of the Cutler Bay La Quinta Property

EMAIL RECEIVED FROM EXTERNAL SOURCE

Keith,

Thank you and hope your Thanksgiving was equally good.

We will look these over and try to agree where we can. However, I am not sure we can or will agree to some. That said I can assure you and your client that we will covenant that this will never be a shelter and will never be a needle exchange and that every tenant will be pre-screened as we already do. We have 5,000 plus individuals housed daily and you never read a peep out of them or landlords as our formerly homeless are good stewards over the rentals they live in throughout our community. In my role as Chair of The Trust Board, I assure again that these will all be given fair and reasonable consideration.

I will get back to you with our collective thoughts and appreciate your reaching out. I did see Chad at the meeting but did not get a chance to visit.

Ron

From: Keith Poliakoff <Keith@govlawgroup.com>
Sent: Monday, November 27, 2023 5:24 PM
To: Ron Book <Ron@rlbookpa.com>
Cc: Rafael G. Casals <RCasals@cutlerbay-fl.gov>; Jared E. Munster <jmunster@cutlerbay-fl.gov>; Ron Gaither <rgaither@alaps.com>; David Lederman <dlederman@alaps.com>; Chad Friedman <cfriedman@wsh-law.com>; Mitch Bierman <mbierman@wsh-law.com>
Subject: Re: Homeless Trust's Consideration of the Cutler Bay La Quinta Property

Hi Ron, I hope this email finds you well and that you had a nice Thanksgiving.

As you may know, I represent the ownership of Southland Mall, which is currently working on a \$1.5 billion dollar redevelopment of the entire mall property. We have recently become aware of your client, the Homeless Trust, desire to convert the adjacent La Quinta Hotel property into transitional housing. While such use could threaten our redevelopment effort, and we would hope that you would find an alternative location, we were encouraged to hear your latest remarks that if the Homeless Trust moves forward, the transitional housing would be akin to the Mia Casa property, and that the Homeless Trust would be willing to enter into a Declaration of Restrictive Covenants to help limit the impacts to the surrounding community.

While we have not yet shared our thoughts with the Town, I have copied the Town on this email so that it can better understand what the mall would be seeking to help protect its substantial investment in the community.

We understand that there will be a public meeting on November 29th, and that more information may come to light at that meeting. As a result, the below may not be the mall's final thoughts, but we wanted to get it to you prior to the meeting so that you can discuss same with your client to see if it is amenable to such conditions. In addition, although we recognize that the Town is steadfast in its opposition to this use, we would hope that the Town would review the mall's thoughts in case an alternative location cannot be found, and the purchase is consummated over the municipality's objections.

Based on your proffer that this transitional housing would be run similar to the Mia Casa property, it seems likely that your client would agree to the following, which would be recorded as a Declaration of Restrictive Covenants on the property. As you will see, most of these conditions are standard requirements of Florida Housing.

1. **Housing will be leased apartments**
2. **62 years of age and older**
3. **Background checks prior to rental to exclude renters with felony convictions**
4. **No more than two seniors per apartment**
5. **Minimal financial requirements (income verification at least 80% AMI)**
6. **Employment verification for tenants**
7. **Zero tolerance policy (if violate rule or commit criminal act lose lease)**
8. **Restricted entry access including security gate for vehicles and fob secured entrance to building**
9. **No loitering outside property or on mall property**
10. **No storage on balconies or laundry hung from balconies or windows**
11. **Property brought up to Building & Zoning Code standards**
12. **Maintained in accordance with Town & County Code**
13. **On site management**
14. **On site 24-hour security**
15. **CCTV and license plate readers**
16. **No short term rentals**
17. **Follow CPTED standards**
18. **Signage shall only reflect property address, and shall be in accordance with the Town Code, and compatible with the Southland Mall property**
19. **The property will not offer a needle exchange or similar program**

On behalf of the Southland Mall Redevelopment, we would appreciate your review of these items to confirm that your client would be willing to enter into these conditions.

Thank you for your attention to this matter.

Best Regards, Keith Poliakoff



Keith M. Poliakoff, Esq.

kpoliakoff@govlawgroup.com

O: 954.909.0590 | M: 917.532.6492

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Admitted in FL and NY



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miamidade.gov

November 29, 2023

Keith M. Poliakoff, Esq.
Government Law Group
200 S. Andrews Avenue, Suite 601
Fort Lauderdale, FL 33301
Keith@govlawgroup.com

Dear Keith:

Thank you for reaching out. For more than a year now, there has been a rental housing crisis in Miami-Dade. The number of people experiencing homelessness for the first time has skyrocketed. Some of the people hit hardest are seniors on fixed incomes and disabled individuals who cannot bear the unreasonable rent increases that are becoming all too common. To combat this issue, resources have been set aside by a number of communities to tackle this issue, and the Homeless Trust is seeking to be part of the solution by creating extremely affordable housing units.

As you are aware, one of several properties identified is in Cutler Bay. It will provide 107 studios with no more than two persons per unit. We are not and never have proposed a shelter, a homeless services center or a drug and alcohol treatment program for this location. We have not and will not entertain a needle exchange program. Case managers and security services will be on site for the safety of all.

We believe our proposed project is compatible with area development and aligned with vision outlined by the community and local leaders, *"A broad array of uses is expected in a pattern which integrates shops, restaurants, services, workplaces, civic, educational, and public assembly uses, and higher density housing in a compact, pedestrian-oriented environment."*

In line with the Fair Housing Act, prospective tenants are entitled by law to rent a place to live without consideration of their race, color, national origin, sex, handicap, familial status or religion. Individuals will be required to sign a one-year lease and be required to abide by the terms of that lease. As with any lease, terms include paying rent on time, maintaining their unit and being a good neighbor. Tenants who do not abide by the terms of their lease will also be subject to eviction.

However, there is absolutely no reason, evidence or statistics to suggest that prospective tenants for this rental property will be anything but law-abiding citizens, contributing to the community, and working to rebuild their lives after a financial crisis, health emergency or other event. Tenants upholding their lease should expect the peaceful enjoyment of their rental property without unreasonable expectations.

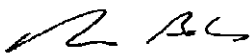
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The Homeless Trust will assess and prioritize individuals and/or couples from the Miami-Dade community for referral. We are not opposed to background checks, but we will not screen out households with housing and employment barriers, as these are households that need our assistance in order to achieve economic stability. Among others, seniors and disabled persons, including veterans, will be welcomed.

We know housing. We have been successfully doing this work for three decades, which is why Miami-Dade County has one of the lowest per capita rates of unsheltered homelessness anywhere in the nation. When we house people, they retain their housing 98-percent of the time. Tonight, there will be more than 5,000 households permanently housed in our care in the greater Miami-Dade community, living peacefully, without issue or incident. We protect and respect their right to privacy and the peaceful enjoyment of their homes. We do not set out to advertise where they live or their status as formerly homeless, which only perpetuates negative stigmas.

We are looking forward to this evening's workshop and having a conversation with local leaders and the residents of the Town of Cutler Bay including you and your client. It is our goal to lay out the facts, clear up widespread misinformation and assuage unfounded fears.

Sincerely,



Ronald L. Book
Chairman



Victoria L. Mallette
Executive Director

c: Commissioner Danielle Cohen Higgins, Miami-Dade County - District 8
Jeve Clayton, Chief of Staff, Miami-Dade County - District 8
Rafael G. Casals, Town Manager, Town of Cutler Bay
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Standards and Processes that Lower Barriers to Rental Housing Entry

Introduction

In March 2018, Florida Housing convened a workgroup to address a 2017 Affordable Housing Workgroup recommendation regarding lowering barriers for extremely low-income (ELI) households to access rental housing in Florida Housing's portfolio. The workgroup's charge was to help Florida Housing develop comprehensive low barrier entry standards and requirements that the Corporation could consider adopting and incorporating into future requests for applications. The workgroup was comprised of members with expertise in affordable housing development, property ownership and management, provision of supportive housing and support services, fair housing, and advocacy for homeless households or persons with special needs. The organizations represented were the Florida Supportive Housing Coalition, Coalition of Affordable Housing Providers, Florida Housing Coalition, Florida Coalition for the Homeless, Florida Legal Services, Atlantic Pacific Management, and Gracepoint. The following are the recommendations developed by the workgroup over a series of five meetings. This set of recommendations is a consensus document that includes proposed requirements, standards and processes to reduce or alleviate application and selection barriers for households seeking tenancy at a Florida Housing financed rental development. During the workgroup's discussions, many of the recommendations developed from being ELI household specific to ones that should be considered for all income-eligible households.

Tenant Selection Criteria and Approach Requirements (All households)

- Owners must maintain written Tenant Selection Criteria following Florida Housing requirements pursuant to the Request for Application (RFA). The criteria and approach under which an applicant was screened must be included in the household's file.

Tenant Application Packet (All households)

- The development's tenant application package must prominently and distinctly provide the following items:
 - A description of reasonable accommodations or reasonable modifications for persons with disabilities, pursuant to Section 504 of the Rehabilitation Act of 1973. The description shall include accommodations that must be considered by the Development such as physical dwelling unit modifications for greater accessibility and use, as well as individualized assessments of mitigating factors related to a disability that adversely affected a household's credit, eviction or criminal history. The description shall also include the process of requesting a reasonable accommodation, the determination approach, and decision-making timelines.
 - A description of an applicant or existing tenant's protections pursuant to the Violence Against Women Reauthorization Act of 2013.
 - The approach regarding a household's notification and appeal process and timeline, if the household's application is rejected or determined ineligible.

Application Fees (ELI households)

- A fee of no more than \$35 may be charged to each adult in an extremely low-income household for processing a tenancy application, including conducting credit and background checks.

Deposits (ELI households)

- A rental deposit for a unit set aside for an extremely low-income household will be no more than one month's rent.
 - The development should offer a payment plan to split the deposit in at least two to three payments.
 - A deposit or fee to hold a rental unit for a stated period of time until the tenant pays the first month's rent or security deposit is prohibited regardless of whether the fee is applied toward the security deposit.

Income Requirements (All households)

- The eligibility income requirement for an applicant's household income must not be more than 2 times the monthly rent.
- All eligibility income requirements must consider any rental assistance that an applicant household receives from a federal or state program, such as HUD Section 8 Housing Choice Vouchers. Developments must exempt households with rental assistance from the income requirement policy itself or base the income requirement on a household's tenant paid portion of the rent.

Credit Record Checks (ELI households)

- Credit history related to medical expenses, cable and internet services may not be taken into consideration when conducting credit checks for applicants that are income eligible for units set aside for extremely low-income households.

Criminal History (All households)

- Florida Housing shall emphasize in its RFAs and relevant closing documents that Developments must adhere to the criminal history check guidelines entitled, "Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records" issued by HUD on April 4, 2016. The guidelines include:
 - Arrest records alone may not be used as a selection criterion; and
 - The development must offer each applicant the option to request that the development conduct an individualized assessment that gives the applicant the opportunity to submit, with the application, evidence of mitigating circumstances related to a criminal conviction(s);
- When an individualized assessment is conducted by the development, the determination should include assessing the following factors:
 - the seriousness of the criminal offense;
 - the relationship between the criminal offense and the safety and security of residents, staff and property;
 - the age of the household at the time of the offense;
 - the number of and nature of any other criminal convictions;
 - evidence of rehabilitation, such as employment, participation in a job training program, education, recommendations from professionals or employers in the community relevant to the rehabilitation and mitigating factors; and
 - formal tenancy supports or other risk mitigation services the applicant will receive during tenancy.

- Florida Housing should convene a workgroup to develop a comprehensive tenant selection approach regarding a household applicant's criminal history. The focus of the workgroup would be to develop standardized procedures and tenant selection criteria that take into consideration the type of conviction, exclusion timeframes, and mitigating circumstances as determining factors. The workgroup should include members that have experience/expertise in affordable housing rental management and tenant selection policies, provision of supportive services for ELI households, and Fair Housing.

Evictions (ELI households)

- Developments must establish no more than a 5-year look-back period when reviewing evictions of applicants eligible to lease an extremely low-income unit.
 - Applicants with one eviction during a 5-year look-back period will not be disqualified from tenancy, unless the eviction was due to causing physical harm to development staff, tenants or intentional property damage.
 - Applicants with more than one eviction within the look-back period may be required to pay a security deposit equal to no more than two times the monthly rent.
 - The development will give the applicant the opportunity to submit, with the application, evidence of mitigating circumstances related to evictions. Individual mitigating circumstances should be reviewed as part of the development's standard application review process.

Rejected or Ineligible Applicant Notification (All households)

- Rejected or ineligible applicants must be notified of the property's decision through a documented process such as a written letter or email to the address provided by the applicant. In addition to the written notice, a telephonic notification should be considered to alleviate any difficulties in attempting to notify the applicant within the required timeframe. Applicants must be provided information on the reason for the denial and/or how ineligibility was determined. The notification must be provided to the applicant within 3 business days after a determination is made and must include information on how an applicant may appeal the decision.