



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

### **CONTRACTS / AWARDS / GRANTS**

☐ Award ☒ Contract ☐ Grant

Requested Board Meeting Date: 06/09/20

\* = Mandatory, information must be provided

or Procurement Director Award ☐

**\*Contractor/Vendor Name/Grantor (DBA):**

TMM Family Services, Inc.

**\*Project Title/Description:**

Marana Apartments

**\*Purpose:**

The program used HOME funds to construct an eighty (80) affordable rental housing units for low- and moderate-income households. Ten (10) of the units are HOME-assisted which must be rented to households earning at or below 50% of the Area Median Income ("AMI"). HOME regulations include a mandatory 20 year Period of Affordability from the date of the completion of the project's construction.

This amendment corrects the starting date of the Period of Affordability to the date construction was completed - October 23, 2003 and not the date of recordation of the Declaration.

Attachment Contract Number CT-CD-20-286.

**\*Procurement Method:**

This Subrecipient Agreement is a non-procurement contract and not subject to Procurement Rules.

**\*Program Goals/Predicted Outcomes:**

Goal: Create decent, accessible, and affordable rental housing that meets the needs of low- and moderate-income households.

Outcome: The HOME-assisted rental units will improve housing opportunities for the low- and moderate-income households.

**\*Public Benefit:**

An increase in the amount of affordable rental housing units for low- and moderate-income households in Pima County.

**\*Metrics Available to Measure Performance:**

Ten (10) of the 80 units constructed will be rented to households earning at or below 50% of the Area Median Income for a period of twenty (20) years beginning with the date construction was completed.

**\*Retroactive:**

Yes, to 10/24/2003. At the time the contract was executed, it contained a discrepancy between the body of the contract and a contract exhibit regarding the starting date of the 20 year Period of Affordability. As the Period of Affordability approaches the end, the Owner noticed this discrepancy which must be rectified to ensure these units remain in compliance with HOME regulations for the full twenty-year Period of Affordability.

To: BOB 5.21.20  
Ver. - 3  
RFS - 3 (1)

**Contract / Award Information**

Document Type: \_\_\_\_\_ Department Code: \_\_\_\_\_ Contract Number (i.e., 15-123): \_\_\_\_\_

Effective Date: \_\_\_\_\_ Termination Date: \_\_\_\_\_ Prior Contract Number (Synergen/CMS): \_\_\_\_\_

☐ Expense Amount: \$ \_\_\_\_\_ ☐ Revenue Amount: \$ \_\_\_\_\_**\*Funding Source(s) required:**Funding from General Fund? ☐ Yes ☒ No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_Contract is fully or partially funded with Federal Funds? ☐ Yes ☐ No**If Yes, is the Contract to a vendor or subrecipient?** \_\_\_\_\_Were insurance or indemnity clauses modified? ☐ Yes ☐ No*If Yes, attach Risk's approval.*Vendor is using a Social Security Number? ☐ Yes ☐ No*If Yes, attach the required form per Administrative Procedure 22-10.***Amendment / Revised Award Information**Document Type: CT Department Code: CD Contract Number (i.e., 15-123): 20\*286Amendment No.: 01 AMS Version No.: 02 / 03Effective Date: 10/24/2003 New Termination Date: 10/24/2023

Prior Contract No. (Synergen/CMS): \_\_\_\_\_

☒ Expense or ☐ Revenue Increase ☐ Decrease Amount This Amendment: \$ \_\_\_\_\_Is there revenue included? ☐ Yes ☒ No If Yes \$ \_\_\_\_\_**\*Funding Source(s) required:** HUD Home Investment Partnerships ProgramFunding from General Fund? ☐ Yes ☒ No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_**Grant/Amendment Information** (for grants acceptance and awards) ☐ Award ☐ Amendment

Document Type: \_\_\_\_\_ Department Code: \_\_\_\_\_ Grant Number (i.e., 15-123): \_\_\_\_\_

Effective Date: \_\_\_\_\_ Termination Date: \_\_\_\_\_ Amendment Number: \_\_\_\_\_

☐ Match Amount: \$ \_\_\_\_\_ ☐ Revenue Amount: \$ \_\_\_\_\_**\*All Funding Source(s) required:****\*Match funding from General Fund?** ☐ Yes ☐ No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_**\*Match funding from other sources?** ☐ Yes ☐ No If Yes \$ \_\_\_\_\_ % \_\_\_\_\_**\*Funding Source:** \_\_\_\_\_**\*If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?** \_\_\_\_\_Contact: Marcos Ysmael, Program Manager, 724-2462/Ana Durazo 724-2696Department: Community Development and Neighborhood Conservation Telephone: 724-2696Department Director Signature/Date: [Signature] 4/10/2020Deputy County Administrator Signature/Date: [Signature] 2/1/2020County Administrator Signature/Date: [Signature] 4/22/2020  
(Required for Board Agenda/Addendum Items)



# PIMA COUNTY

COMMUNITY DEVELOPMENT

## MEMORANDUM

Date: May 18, 2020

To: Francisco Garcia,  
Deputy County Administrator

From: Daniel Tylutki, *DT* Interim Director

Marcos Ysmael, Program Manager

Re: Agenda Item for Board of Supervisors Meeting – June 9, 2020  
CT-CD-20-286 (formerly No. 07-39-T-130932-0702)  
TMM Family Services, Inc. Marana Apartments Project

### Background:

1. This is a NO COST amendment, *it corrects a date discrepancy and some typos...*
2. The Board of Supervisors awarded \$250,000 in FY 2002-2003 federal HUD HOME Investment Partnerships Program ("HOME") funds to TMM Family Services for the development of an eighty-unit affordable rental complex for low-income households in the Town of Marana.
3. Project construction was completed upon the issuance of Certificates of Occupancy for all units on October 23, 2003.
4. Beginning on October 23, 2003, the Period of Affordability when all federal laws and regulations for the use of HOME shall apply to the Project, will continue for a period of twenty (20) years.

### Discussion:

1. The contract provided the correct starting date for the 20-year Period of Affordability, but the Declaration of Covenants, Conditions, and Restrictions did not; this Amendment corrects the Declaration so that the Period of Affordability begins on date the Declaration was recorded in the Office of the Pima County Recorder.
2. Throughout the Declaration, the word "Mordability" rather than "Affordability" appeared erroneously; this amendment corrects that error.
3. This Amendment defines the Period of Affordability as 20 years from the date of October 24, 2003 ending at 12:01 a.m. on October 24, 2023 with the word "Affordability" rather than "Mordability".
4. There is no change to the scope of work.
5. This contract will terminate on October 24, 2023 at 12:01 a.m.

### Fiscal Impact:

This is a grant funded developer contract. There is no fiscal impact to the general fund.

### Recommendation:

CDNC recommends approval of this HOME CCR Amendment to correct errors in the Declaration.

When Recorded, Return To:

Pima County Housing Center  
Attn: HOME Program Manager  
801 W. Congress Street  
Tucson, AZ 85745

<b>CONTRACT</b>	
NO.	<u>CT-CD-20-286</u>
AMENDMENT NO.	<u>01</u>
This number must appear on all invoices, correspondence and documents pertaining to this contract.	

**AMENDMENT ONE**  
**TO THE**  
**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS**  
**FOR**  
**MARANA APARTMENTS**

This is Amendment No. One (1) to the Declaration of Covenants, Conditions, and Restrictions for Marana Apartments made in favor of Pima County, a political subdivision of the State of Arizona ("County"), by Marana Apartments, L.P., an Arizona limited partnership ("Owner") and recorded in the Office of the Pima County Recorder at Sequence 20021550007 and recorded again by Owner at Sequence 20022491328 ("the Declaration").

The Property subject to the Declaration and the terms of this Amendment No. One is located at 13387 North Lon Adams Road, Marana, Arizona, 85653 and is specifically described in the Declaration.

**RECITALS**

- A. On July 2, 2002, County and Owner entered into Pima County Contract No. 07-39-T-130932-0702 (now CT-CD-20\*286) ("the Contract") whereby County provided Owner with HOME Investment Partnership Program Grant Funds in the amount of \$250,000.00 ("HOME funds").
- B. Owner used the HOME funds to construct an eighty (80) unit affordable rental housing complex for low-income households. Ten (10) of the units are HOME-assisted which must be rented to households earning at or below 50% of Area Median Income (50% AMI).
- C. Pursuant to Articles III and IV of the contract and the incorporation of 24 CFR Part 92 into the Declaration, the HOME regulations, which include a mandatory Period of Affordability, apply to the Property.
- D. 24 CFR §92.252(e) states that the Period of Affordability for new construction assisted with HOME funds will be 20 years from the date of completion.

- E. Contrary to the HOME regulations, the Declaration erroneously defined the Period of Affordability as 20 years from the date of recordation of the Declaration.
- F. Construction was completed upon the issuance of Certificates of Occupancy for all units by the Town of Marana on October 23, 2003.
- G. To comply with the terms and conditions set forth in federal law and regulations for the use of the HOME funds, the Declaration must be amended to correct the Period of Affordability.

NOW, THEREFORE, Owner and County agree as follows:

**Part II – Covenants, Conditions and Restrictions** is amended as follows:

- 1. “Mordability” is replaced with “Affordability” throughout.
- 2. **Paragraph 2.** is deleted in its entirety and replaced with the following:

**Period of Affordability:** The Period of Affordability for the Property commenced on October 24, 2003 and will end at 12:01 a.m. on October 24, 2023. During the Period of Affordability, all of the HOME-assisted units will:

- a) be rented only to households that qualify as Very Low Income Families (at or below 50% Area Median Income); and
- b) remain affordable, pursuant to these covenants which run with the land.

ALL OTHER PROVISIONS OF THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR MARANA APARTMENTS REMAIN UNCHANGED.

IN WITNESS THEREOF, the undersigned have hereunto affixed their signatures as of the date listed below.

**SIGNATURES ON FOLLOWING PAGE**

PIMA COUNTY

\_\_\_\_\_  
Ramón Valadez, Chairman, Board of  
Supervisors

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of the Board

Date: \_\_\_\_\_

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Interim Director, Community Development  
and Neighborhood Conservation

Date: 5.20.2020

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen S. Friar, Deputy County Attorney

MARANA APARTMENTS, L.P.

\_\_\_\_\_  
By: Jamie Snyder, President and Chief Executive Officer, TMM Family Services, Inc.

State of Arizona       )  
                                  ) ss  
County of Pima        )

Acknowledged before me on May 11, 2020, by Jamie  
Snyder, as President and Chief Executive Officer of TMM Family Services, Inc., an Arizona  
non-profit corporation operating in Pima County, Arizona on behalf of Marana Apartments, L.P.

Alma R. Lopez  
Notary Public

My commission expires: 08/16/2022

