MEMORANDUM

Agenda Item No. 7(G)(2)(B)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: April 13, 2004

FROM: Robert A. Ginsburg County Attorney

SUBJECT: Resolution approving MDHA plan to fill vacancies in public housing

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Bruno A. Barreiro and Commissioner Dorrin D. Rolle.

Robert A. Ginsburg
County Attorney

RAG/jls

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: April 13, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(G)(2)(B)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(G)(2)(B)
4-13-04

RESOLUTION NO. _____

RESOLUTION APPROVING MIAMI-DADE HOUSING AGENCY'S (MDHA) PLAN (PLAN) TO FILL THE VACANCIES IN PUBLIC HOUSING; AUTHORIZING MDHA TO IMPLEMENT THE PLAN

WHEREAS, Resolution. No. R-1268-03 ("Resolution") was adopted by the Board of County Commission ("Board") on November 6, 2003; and

WHEREAS, the Resolution directed the County Attorney, with the assistance of MDHA, to discuss, in part, with the United States Department of Housing and Urban Development ("HUD"), the legal counsel representing the Class Plaintiffs in the case of *Anne-Marie Adker v. Miami-Dade County*, and Low Income Families Fighting Together and Miami Workers Center's (collectively "LIFFT/MWC") legal counsel, a plan to streamline the process for filling the vacancies in public housing; and

WHEREAS, on February 11, 2004, the County Attorney submitted to the Board a report ("Report"), which is attached hereto as Exhibit A, in which he advised the Board that MDHA had developed a Plan to fill the vacancies in public housing; and

WHEREAS, the County Attorney further advised that HUD, the Plaintiffs and LIFFT/MWC have no objections to MDHA's implementation of the Plan, which is attached hereto as Exhibit B; and

WHEREAS, the County Attorney also advised that HUD approved the Plan contingent on the Board adopting a resolution approving and authorizing the implementation of the Plan; and

WHEREAS, as the Board of Directors of the housing authority in Miami-Dade County, the Board is required to adopt and authorize MDHA to implement the Plan prior to its implementation,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that that this Board approves and authorizes MDHA to implement the Plan to fill the vacancies in public housing.

The foregoing resolution was sponsored by Commissioner Bruno A. Barreiro and Commissioner Dorrin D. Rolle and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro	Jose "Pepe" Diaz
Betty T. Ferguson	Sally A. Heyman
Joe A. Martinez	Jimmy L. Morales
Dennis C. Moss	Dorrin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 13th day of April, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith

EXHIBIT A

MEMORANDUM

Agenda Item No.

TO: Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE:

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Report regarding Miami-Dade Housing Agency's vacancies in the Public Housing Program and modification of the terms and conditions of the Adker Consent Decree

I. Summary

This report serves as an update on the County Attorney and Miami-Dade Housing Agency's ("MDHA") efforts and progress to achieve the goals set forth in Resolution. No. R-1268-03 ("Resolution") adopted by the Board of County Commission ("Board") on November 6, 2003. The Resolution directed the County Attorney, with the assistance of MDHA, to re-negotiate the terms and conditions of the Consent Decree ("Decree") entered against Miami-Dade County ("County") in the case of *Anne-Marie Adker v. Miami-Dade County* with legal counsel ("Plaintiffs' Legal Counsel") representing the Class Plaintiffs ("Plaintiffs"), and the United States Department of Housing and Urban Development ("HUD") Specifically, the County Attorney was directed to re-negotiate the terms and conditions related to (a) the reopening of the waiting lists from every two (2) years to every three (3) years; (b) streamlining the process set forth in the Decree for filling public housing vacancies; (c) include, but not be limited to, in his discussions with Plaintiffs' legal counsel and HUD consideration of the October 8, 2003 proposal submitted by Low Income Families Fighting Together and the Miami Workers' Center ("LIFFT/MWC") for filling vacancies; and (d) reorganization of the waiting lists into three (3) geographic zones. In addition, the Resolution directed the County Attorney and MDHA to negotiate with HUD to obtain and expend additional funds to ensure compliance with and implementation of the Decree.

II. Background and Decree Requirements

The lawsuit, brought by Plaintiffs against HUD and the County, alleged that Black public housing tenants in the County were discriminated against on the basis of race in the operation of the County's public and federally-assisted housing, and that public housing conditions did not meet the standards required by law.

MEMORANDUM

(Revised)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: March 16, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 12(B)(1)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

The purpose of the Decree was to reach a final settlement, without any admission of liability by the County and HUD, of all class members' claims. The Decree sets forth a series of actions to endeavor to desegregate the County's federally-assisted housing programs, increase desegregative housing choices and opportunities for class members and applicants on MDHA's project-based and tenant-based waiting lists.

The terms and conditions of the Decree that are impacted by the Resolution are Paragraphs 10, 22, 25 and 35. These terms and conditions are summarized below:

- Paragraph 10 requires that prior to making any offer to applicants for a vacant desegregative public housing unit shall be offered the opportunity to participate in group and individual counseling.
- Paragraph 22 sets forth the process for filling vacancies in public housing;
- Paragraph 25 sets forth the process to create three (3) geographic zones; and
- Paragraph 35 sets forth the process of dissolving and re-opening the tenant and project-based waiting lists after every two (2) years.

III. The Report

On December 15, 2003, the County Attorney and MDHA participated in a conference call with Plaintiffs' Legal Counsel, HUD's legal counsel, the United States Department of Justice ("DOJ") and legal counsel for LIFFT/MWC to discuss reopening the waiting lists from every two (2) years to every three (3) years; streamlining the process set forth in the Decree for filling public housing vacancies; the October 8, 2003 proposal submitted by LIFFT/MWC; and the reorganization of the waiting lists into three (3) geographic zones.

A. Reopening of the Waiting Lists

Prior to the adoption of the Resolution, the County Attorney along with Plaintiffs' Legal Counsel, HUD and DOJ (collectively the "Parties") initially discussed the possibility of extending the time period for re-opening the waiting lists from every two (2) years to every five (5) years. At that time, each of the parties agreed that five (5) years was more realistic than every two (2) years. This conclusion was based in part on several factors: (1) the lengthy process and costs to MDHA and the County that was associated with opening the waiting lists (i.e. seeking HUD approval and advertisement in various media sources such as the newspaper and radio); (2) the unexpected number of applicants applying for housing assistance (i.e. approximately 63,000); (3) the unfairness to applicants who have waited two (2) years on the present project and tenant-based waiting lists to have to reapply and be re-ranked all over again; and (4) the lengthy process and cost associated with inputting the data received from each applicant prior to the implementation of the waiting lists. The Parties further discussed that any extension of the time period set forth in the Decree, i.e. Paragraph 35, would require Court approval.

However, in light of the Board's directive to discuss the reopening of the waiting lists from every two (2) years to every three (3) years instead of five (5) years, the positions of the Parties[1], as demonstrated below are significantly different.[2]

(i) Plaintiffs' Position

Plaintiffs agree that the dissolution and re-opening of the waiting lists every two (2) years is not optimal, and have no objection to extending the time to every three (3) years. Plaintiffs also have no objection to increasing the time period to every five (5) years.

(ii) HUD's Position

HUD's position is that the County must look at this issue globally and in light of the limited financial resources that presently MDHA has. HUD has consistently stated that in light of the number of applications received the last time MDHA opened the waiting lists, the benefits of extending the dissolution and re-opening of the waiting list from every two (2) years to every five (5) years justifies requesting the Court to make this change in the Decree. The factors that were considered included the costs associated with opening the lists and managing the process; the frustration to applicants from repeatedly participating in the process at two-year intervals, without results; and the increased ability to house families on the existing waiting list without having to dissolve the waiting lists and start over every twenty (24) months.

On the other hand, HUD has expressed concerns relating to the County's present proposal. Specifically, HUD's position is that it sees no significant benefits or difference from increasing the time period by only one (1) year. Although a one-year increase in the life of the waiting lists may provide some minimal benefit, HUD does not believe that such a marginal return would justify asking the Court to modify the Decree. Moreover, given the large number of applicants that remain on the waiting lists (i.e. approximately 30,000) along with the number of vacancies, HUD would prefer to see MDHA make inroads into the present waiting list in order to increase the number of lease ups. For these reasons, although HUD would support a proposal to re-open the waiting list for a period of four or more years, HUD does not favor a period of less than four years.

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[1]Unless otherwise indicated, the summary of the positions are that of each of the Parties and LIFFT/MWC, who were given the opportunity to provide comments during the drafting of this report, and do not reflect the position or opinion of the County Attorney and/or MDHA.

[2] Notwithstanding the Decree's requirements pertaining to the waiting lists, federal regulations governing public housing permit where there are insufficient applicants on a waiting list, for example for a specific bedroom size, MDHA may accept applications.

~~Another concern that the County has raised with Plaintiffs' Legal Counsel, HUD and~~ DOJ and which the Parties can mutually agree upon relates to the continuity between the time period when the County dissolves the old waiting lists and reopens the registration period. Presently, the Decree is silent as to what occurs immediately following the dissolution of the waiting lists. In short, when the waiting lists are dissolved there will be no operational waiting lists to be utilized to fill vacancies in public housing or to offer other types of available housing assistance like Section 8. As such, the Parties agree that MDHA should continue to utilize the present waiting lists until the next lists are ready to be implemented. HUD has further expressed that this continuity would be preferable to having a hiatus during which no waiting lists are in operation. Notwithstanding this, HUD would not want to request the Court to amend the Decree just for this purpose, but would support a request to the Court for a modification of the Decree to permit for this additional change if and when the parties request the Court to extend the waiting-list period.

B. Plan for Filling the Vacancies in Public Housing

Presently, there are 438 vacant public housing units that are ready for occupancy and 642 vacant units that must be made ready for occupancy consistent with the federal Quality Housing Standards. The Board directed the County Attorney and MDHA to include in his discussions with Plaintiffs' Legal Counsel and HUD the possibility of a plan to streamline the process for filling these vacant units. As part of this discussion, the Board also directed that County Attorney and MDHA request Plaintiffs' Legal Counsel and HUD to consider the October 8, 2003 proposal submitted by LIFFT and MWC to the Board on November 6, 2003.

Prior to the December 15, 2003 conference call, MDHA Director, Rene Rodriguez, formed a taskforce, which included LIFFT and MWC, to address the concerns relating to the vacant public housing units. During the course of its meetings with the taskforce and prior to the December 15, 2003 conference call, MDHA also evaluated the possibilities of implementing the October 8, 2003 proposal. MDHA concluded that it was operationally and administratively infeasible to implement the proposal. Alternatively, MDHA developed a plan ("Plan"), which was presented to Plaintiffs' Legal Counsel, HUD, DOJ and LIFFT/MWC's legal counsel. A summary of the Plan is attached hereto as Exhibit A. The following is a summary of each of the conference call participants' position.

(i) Plaintiffs' Position

Plaintiffs presently have no objections to the Plan and believe it can be implemented in a manner consistent with the Paragraph 22 of the Decree.

(ii) HUD's Position

HUD currently finds the proposed procedures stated in the Plan to be in compliance with existing HUD regulations. If they are approved by the Board and all other parties involved in the Decree HUD will have no objections to their implementation.

(iii) LIFFT/MWC's Position

LIFFT/MWC's sole focus has been the filling of the vacancies in Miami-Dade public housing so as to maximize the number of units available to the low income families on the project-based waiting list. In order to accomplish that purpose LIFFT/MWC proposed to MDHA's a plan for filling those vacancies which, it believed, would not require the modification of the Decree. The MDHA staff reviewed that proposal and rejected it as not workable.

Subsequently, the County has developed its own proposal which it circulated to LIFFT/MWC and the Parties. LIFFT/MWC believe that the County's new proposal does not incorporate the fundamental changes in the County's plan that were proposed in the LIFFT/MWC plan and, instead, is simply a modification of the County's current system. Thus, LIFFT/MWC does not foresee the proposal as having an impact on the vacancies.

LIFFT/MWC continue to be vitally interested in filling the public housing vacancies and will continue to work and advocate with respect to this issue. LIFFT/MWC believe that the only measure of the success of any modified plan should be whether or not the modifications decrease the vacancies.

C. Geographic Zones

MDHA and Miami-Dade County Department of Planning and Zoning have determined that the creation of three (3) geographic zones is not feasible in light of the requirements set forth in the Decree. However, the Plan would accomplish the underlying goals of the Decree, i.e. providing applicants on the project-based waiting lists with desegregative offers and further offer them housing choice, i.e. they will be offered five (5) vacant public housing units, located in five (5) different public housing developments located in five (5) different locations in Miami-Dade County, and which meet the Decree's definition of desegregative housing, i.e., "housing in a development where the household's race does not predominate, i.e., does not exceed 65 percent."

D. Additional Funds

Finally, the County Attorney and MDHA have requested additional funds from HUD in order to implement the Decree. However, HUD has expressed to the County Attorney that there are no available funds and any official request for such funds will be categorically denied. On the other hand, HUD has agreed to continue to offer non-

~~monetary technical support to MDHA by making available local HUD staff during the~~ process of implementing the Plan and other aspects of the Decree.

IV. Summary

- The Plaintiffs will support the County's request to the Court to modify the Decree to increase the time period for dissolution of the waiting lists from every two (2) years to every three (3) years. HUD will not support the County on this issue, but will support the County's proposal to allow for the exiting waiting lists to remain operational during the time period when the waiting lists are dissolved and the new waiting lists are implemented by MDHA. Whether the Parties agree on three (3) years or five (5) years, they must seek final Court approval to modify or amend the Decree.
- The Plaintiffs and HUD have approved MDHA's proposed Plan for filling the vacancies in public housing. LIFFT/MWC, although unable to give its support of the Plan, has no objections to its implementation.
- As the Board of Directors for the housing authority in Miami-Dade County, the Board is required to adopt the Plan by resolution. The resolution must further authorize MDHA to implement said Plan.
- The creation of three (3) geographic zones is not feasible, but the Plan will accomplish the goals of the Decree and the Board's Resolution.
- HUD has denied the County's request for additional funds to implement the Decree and has stated that there are no additional funds available for technical support, but will offer non-monetary technical support.

EXHIBIT A

PROCESS TO EXPEDITE FILLING
PUBLIC HOUSING UNITS FROM THE WAITING LIST

The Miami-Dade Housing Agency (MDHA) will modify its process in offering vacant and available public housing units to applicants on its waiting list. The purpose of modifying the process is to provide applicants a choice in where they wish to live in public housing thereby increasing the acceptance rate and expediting the filling of units. The process, which is summarized below does not require additional funds to implement as presented herein. Attorneys representing the plaintiffs for the Adker Consent Decree (Decree), LIFFT and the United States Department of Housing and Urban Development have endorsed the proposed process. The process can be implemented within 30 days after final approval.

Process of Offering and Filling Public Housing Units

One hundred applicants per week are mailed an appointment letter. As before, applicants will continue to be selected in the order of their ranking on the waiting list, bedroom size required and program requirements. Units being made available under this process will not include any units previously offered to and accepted by an applicant. The number of mailings will be adjusted based on the availability of units and number of applicants on waiting list.

For units in developments where desegregative offers are not required (where the black population of the development is more than 35 but less than 65 percent), the following process will be used:

1. Applicants are mailed an appointment letter to come into the Applicant and Leasing Office for determination of eligibility.
2. After determination of eligibility, applicants are considered to be in ready pool status and will be given a briefing of the process and provided a list of five available units, with at least one unit from each region.
3. A unit will be given to the first eligible applicant who responds with an acceptance, based on the date and time acceptance response is received.
4. If the unit is unavailable, another unit will be made to the applicant in the same development.
5. If another unit is not available in the development, the applicant will return to the waiting list with their original ranking (no site-based list) to await another offer for public housing.
6. If the applicant rejects the unit without good case, as defined by the Decree, they are removed from the waiting list.

For units where desegregative offers are required, (where the black population is less than 35 or more than 65 percent) pursuant to the Decree:

1. Applicants are mailed an appointment to come into the Applicant and Leasing Office for determination of eligibility.
2. During the process for determination of eligibility, the appointment, applicant will be given a briefing of the process and the desegregative counseling options required by the Decree. If the applicant is determined eligible, they are placed in ready pool status.

3a. Opting for Counseling - If an applicant opts for counseling, the applicant is referred to the Fair Housing Center (HOPE, Inc.) for counseling. The applicant must complete and provide proof of same. After counseling, the applicant will be mailed five available desegregative units, including at least one desegregative unit from each region.

3b. Opt-out of Counseling - If the applicant elects to accept a desegregative offer without attending counseling, the applicant will be given five available desegregative units, including one desegregative unit from each region.

4. The process for an applicant accepting a desegregative offer with or without attending counseling will continue as the process (steps 3-6) described above for non-desegregative units.

Applicants removed from the waiting list for any reason have a right to an informal review for reinstatement to the waiting list, pursuant to the federal code of regulations 24 CFR 960.208(a).

A vacant unit, which is not selected by an applicant who is offered the unit as a desegregative offer shall be offered, pursuant to Paragraph 22 of the Decree to the next ranking applicant on the waiting list regardless of race.

An initial media campaign will be directed towards those waiting list applicants going through the new process. This will avoid any confusion to the general public about the new process, who may misinterpret that the waiting list is opened. A news release would accompany the establishment of the new pilot program. In addition, MDHA is developing a fact sheet to advise applicants about the new process. An automated information line will be established so applicants could find out what ranking mailings were being made and information how to follow-up if applicants did not receive a mailing.

A larger media campaign to include radio, TV, and newspaper advertisements will occur at a time the waiting list is re-opened, either for a specific bedroom size(s) or for an overall waiting listing opening, if the pilot program proves successful in filling vacant public housing units. The larger media campaign will advertise the opening of the waiting list and the process used in filling the units.

In developing the revised process, research was conducted on the processes used by other housing agencies to offer and fill their public housing developments. The summaries below describe some that meet the requirements under a consent decree or settlement.

San Antonio Housing Agency (SAHA) uses a single community-wide waiting list. Under an agreement with USHUD, developments are considered racially balanced if the percentage of a racial group does not exceed by 10% or more, the percentage represented by its racial group in the jurisdictions income-eligible population. SAHA adopted Tenant Selection Areas (TSAs) to comply with this mandate. Applicants are given an opportunity to choose up to 3 TSAs that each include developments where they wish to be offered a unit The elderly may choose to live in an elderly development or may choose a development with a mix of families and elderly. SAHA uses a desegregative preference, meaning that if an applicant chooses a preference, they would accept an offer at a development where the race does not predominate. Applicants choosing a desegregative preference receive offers before applicants with same size unit who do not.

Chicago Housing Authority (CHA) had the longest housing case, the Gautreaux case. In 1966, black residents of Chicago's public housing filed lawsuits against the HA and HUD claiming the HA was in violation of the Civil Rights Act by locating its public housing in black neighborhoods and steering black applicants against projects located in white neighborhoods. The plaintiffs secured a judgment against the CHA in 1969 and a consent decree in 1981 against USHUD. The judgment was to remedy discrimination site selection and tenant assignment and prohibited the HA from constructing new public housing in neighborhoods where more the 30% of families were black. The decree barred HUD from funding Section 8 if more than 30% of the assisted units were located in limited areas.

Minneapolis Public Housing Authority, HUD, the City of Minneapolis, and others were sued by Legal Aid and the NAACP for plaintiffs living in public housing (*Hollman v. Cisneros*) alleging that public housing and Section 8 perpetuated racial and low income segregation. Filed in 1992, in 1995 the parties signed a consent decree that committed to deconcentrating family public housing. In 1998, the Center for Urban and Regional Affairs (CURA) evaluated the implementation of the decree, concluding that implementation of the decree produced mixed result with respect to construction of replacement housing, reduction of race and poverty concentration in public housing and use of special mobility certificates.

2/5/04

Miami-Dade Housing Agency (MDHA)
Applicant and Leasing Center (ALC) Flow Chart for
Non-Desegregative and Desegregative Public Housing Offers

Pursuant to the Adker Consent Decree and MDHA's Plan, the following shall occur:

Where desegregative offers are not required:

- Selections from the Public Housing program waiting list are made based on applicant's ranking and bedroom size required
- Applicants will be given a scheduled appointment to begin the verification process for housing eligibility
- Once the applicant's eligibility has been determined, the file is placed in Ready Pool status
- Applicants will be offered (5) available units, which will include at least one unit from each region.
- The applicant is given 72 hours (which includes 24 hours for mailing) to respond to housing offers
- The applicant must indicate which unit he or she selected and fax or bring the response to ALC
- The unit will be given to the first applicant that responds with an acceptance, based on the date and time acceptance letter is received
- If unit is unavailable, another offer will be assigned to the applicant
- Acceptances are recorded in ECS System and Offer Log
- Quality Assurance by Supervisor and file forwarded to Management for leasing

Where desegregative offers are required:

- Selections from the Public Housing program waiting list are made based on applicant's race, ranking, and bedroom size required
- Applicants will be given a scheduled appointment to begin the verification process for housing eligibility
- During the eligibility screening process, desegregative counseling options will be discussed with applicant
- Once the applicant's eligibility has been determined, the file is placed in Ready Pool status
- If the applicant elects to attend desegregative counseling, the applicant is referred to the Fair Housing Center (HOPE, Inc)
- The applicant must complete the counseling session and provide proof of attendance
- If the applicant elects to accept a desegregative offer without attending counseling, offers will be made
- Applicants will be offered (5) available units, which will include at least one unit from each region
- The applicant is given 72 hours (which includes 24 hours for mailing) to respond to housing offers
- If unit is unavailable, another offer will be assigned to the applicant
- Acceptances are recorded in ECS System and Offer Log
- Quality Assurance by Supervisor and file forwarded to Management for leasing

If an applicant refuses an offer for "good cause", a second offer can be made. If an applicant refuses a valid offer, or fails to respond to an offer, the applicant shall be removed from the program's waiting list.

EXHIBIT B

PROCESS TO EXPEDITE FILLING
PUBLIC HOUSING UNITS FROM THE WAITING LIST

The Miami-Dade Housing Agency (MDHA) will modify its process in offering vacant and available public housing units to applicants on its waiting list. The purpose of modifying the process is to provide applicants a choice in where they wish to live in public housing thereby increasing the acceptance rate and expediting the filling of units. The process, which is summarized below does not require additional funds to implement as presented herein. Attorneys representing the plaintiffs for the Adker Consent Decree (Decree), LIFFT and the United States Department of Housing and Urban Development have endorsed the proposed process. The process can be implemented within 30 days after final approval.

Process of Offering and Filling Public Housing Units

One hundred applicants per week are mailed an appointment letter. As before, applicants will continue to be selected in the order of their ranking on the waiting list, bedroom size required and program requirements. Units being made available under this process will not include any units previously offered to and accepted by an applicant. The number of mailings will be adjusted based on the availability of units and number of applicants on waiting list.

For units in developments where desegregative offers are not required (where the black population of the development is more than 35 but less than 65 percent), the following process will be used:

1. Applicants are mailed an appointment letter to come into the Applicant and Leasing Office for determination of eligibility.
2. After determination of eligibility, applicants are considered to be in ready pool status and will be given a briefing of the process and provided a list of five available units, with at least one unit from each region.
3. A unit will be given to the first eligible applicant who responds with an acceptance, based on the date and time acceptance response is received.
4. If the unit is unavailable, another unit will be made to the applicant in the same development.
5. If another unit is not available in the development, the applicant will return to the waiting list with their original ranking (no site-based list) to await another offer for public housing.
6. If the applicant rejects the unit without good case, as defined by the Decree, they are removed from the waiting list.

For units where desegregative offers are required, (where the black population is less than 35 or more than 65 percent) pursuant to the Decree:

1. Applicants are mailed an appointment to come into the Applicant and Leasing Office for determination of eligibility.
2. During the process for determination of eligibility, the appointment, applicant will be given a briefing of the process and the desegregative counseling options required by the Decree. If the applicant is determined eligible, they are placed in ready pool status.

3a. Opting for Counseling - If an applicant opts for counseling, the applicant is referred to the Fair Housing Center (HOPE, Inc.) for counseling. The applicant must complete and provide proof of same. After counseling, the applicant will be mailed five available desegregative units, including at least one desegregative unit from each region.

3b. Opt-out of Counseling - If the applicant elects to accept a desegregative offer without attending counseling, the applicant will be given five available desegregative units, including one desegregative unit from each region.

4. The process for an applicant accepting a desegregative offer with or without attending counseling will continue as the process (steps 3-6) described above for non-desegregative units.

Applicants removed from the waiting list for any reason have a right to an informal review for reinstatement to the waiting list, pursuant to the federal code of regulations 24 CFR 960.208(a).

A vacant unit, which is not selected by an applicant who is offered the unit as a desegregative offer shall be offered, pursuant to Paragraph 22 of the Decree to the next ranking applicant on the waiting list regardless of race.

An initial media campaign will be directed towards those waiting list applicants going through the new process. This will avoid any confusion to the general public about the new process, who may misinterpret that the waiting list is opened. A news release would accompany the establishment of the new pilot program. In addition, MDHA is developing a fact sheet to advise applicants about the new process. An automated information line will be established so applicants could find out what ranking mailings were being made and information how to follow-up if applicants did not receive a mailing.

A larger media campaign to include radio, TV, and newspaper advertisements will occur at a time the waiting list is re-opened, either for a specific bedroom size(s) or for an overall waiting listing opening, if the pilot program proves successful in filling vacant public housing units. The larger media campaign will advertise the opening of the waiting list and the process used in filling the units.

In developing the revised process, research was conducted on the processes used by other housing agencies to offer and fill their public housing developments. The summaries below describe some that meet the requirements under a consent decree or settlement.

San Antonio Housing Agency (SAHA) uses a single community-wide waiting list. Under an agreement with USHUD, developments are considered racially balanced if the percentage of a racial group does not exceed by 10% or more, the percentage represented by its racial group in the jurisdictions income-eligible population. SAHA adopted Tenant Selection Areas (TSAs) to comply with this mandate. Applicants are given an opportunity to choose up to 3 TSAs that each include developments where they wish to be offered a unit The elderly may choose to live in an elderly development or may choose a development with a mix of families and elderly. SAHA uses a desegregative preference, meaning that if an applicant chooses a preference, they would accept an offer at a development where the race does not predominate. Applicants choosing a desegregative preference receive offers before applicants with same size unit who do not.

Chicago Housing Authority (CHA) had the longest housing case, the Gautreaux case. In 1966, black residents of Chicago's public housing filed lawsuits against the HA and HUD claiming the HA was in violation of the Civil Rights Act by locating its public housing in black neighborhoods and steering black applicants against projects located in white neighborhoods. The plaintiffs secured a judgment against the CHA in 1969 and a consent decree in 1981 against USHUD. The judgment was to remedy discrimination site selection and tenant assignment and prohibited the HA from constructing new public housing in neighborhoods where more the 30% of families were black. The decree barred HUD from funding Section 8 if more than 30% of the assisted units were located in limited areas.

Minneapolis Public Housing Authority, HUD, the City of Minneapolis, and others were sued by Legal Aid and the NAACP for plaintiffs living in public housing (*Hollman v. Cisneros*) alleging that public housing and Section 8 perpetuated racial and low income segregation. Filed in 1992, in 1995 the parties signed a consent decree that committed to deconcentrating family public housing. In 1998, the Center for Urban and Regional Affairs (CURA) evaluated the implementation of the decree, concluding that implementation of the decree produced mixed result with respect to construction of replacement housing, reduction of race and poverty concentration in public housing and use of special mobility certificates.

2/5/04

Miami-Dade Housing Agency (MDHA)
Applicant and Leasing Center (ALC) Flow Chart for
Non-Desegregative and Desegregative Public Housing Offers

If an applicant refuses an offer for "good cause", a second offer can be made. If an applicant refuses a valid offer, or fails to respond to an offer, the applicant shall be removed from the program's waiting list.

TIME LINE FOR IMPLEMENTING THE PILOT PROGRAM FOR
FILLING VACANT PUBLIC HOUSING UNITS

~~March 17- April 12, 2004~~	~~Pre-BCC approval MDHA actions:~~ Development of media plan Development of fact sheet Finalization of ALC offer letter and other documents Training of ALC staff on new process
April 13, 2004	Expected approval of the plan by Board of County Commissioners Issue news release that vacancy plan is approved for implementation effective April 25, 04 (if no mayoral veto). Question & Answer Fact Sheet placed on MDHA website and made available in hard copy Propose coordinating press conference with County Commissioner sponsoring resolution
April 26, 2004	Implement media plan targeted to existing waiting list applicants with updated news release establishing pilot program for filling vacant public housing units Applicant and Leasing Center (ALC) begins mailing appointment letters to waiting list applicants (target of 100 appointments a week)
May 10, 2004	Appointments begin with determination of eligibility for housing. At appointment, desegregative offers will be explained with options for counseling Once eligibility is completed, eligible applicants are placed in a ready pool. Applicant opting for counseling must complete the counseling and will then be placed in a ready pool for a desegregative offer.
May 24, 2004	Offers of 5 available units to applicants in ready pool begin. Offer letter includes map(s) of areas where developments located.
72 hours later	Deadline for applicant to respond to offer and select unit by fax or in person. Applicant will be issued housing offers upon the completion of their eligibility screening. Housing offers will be made in person or by U.S. mail. If the offers are made in person, the applicant must respond within 48 hours. If the offer is by mail, the applicant must respond in 96 hours. Public Housing unit is assigned to first responding applicant. If unit is unavailable, another unit in same development is assigned. If unit previously accepted with no other unit available, applicant returns to waiting list for next offer. Appointment letters, appointments, counseling, offers and processing of accepted units will continue on an on-going basis until units are filled.
August 23, 2004	90 day assessment of pilot plan issued

The time frame from the time of the eligibility appointment through acceptance of the unit is from approximately two to three weeks.

MDHA is also employing the use of the Department of Human Services for case management to assist public housing applicants n expeditiously moving into units. This effort is complementary to the pilot plan of making five offers to applications to expedite the filling of public housing units.