

MEMORANDUM

CEERC
Agenda Item No. 2(A)

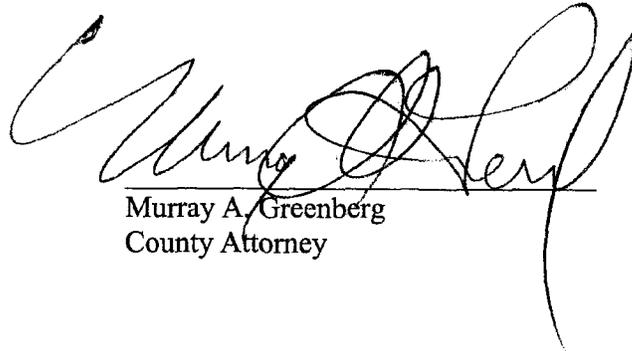
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 17, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to the
One Strike Policy

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Barbara J. Jordan and Commissioner Katy Sorenson.



Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:**
and Members, Board of County Commissioners

FROM: *Murray A. Greenberg*
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

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

Agenda Item No.

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE PRESIDENT, THE UNITED STATES CONGRESS AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) TO RECONSIDER THE APPLICATION OF THE “ONE STRIKE” POLICY

WHEREAS, Miami-Dade County (“County”) is the public housing authority (“PHA”) in this county; and

WHEREAS, the County, through Miami-Dade Housing Agency (“MDHA”) administers federally subsidized housing programs such as public housing and the Section 8 Housing Choice Voucher Program; and

WHEREAS, the County and MDHA have entered into an Annual Contributions Contract (“ACC”) with the United States Housing and Urban Development (“HUD”) to operate, administer and fund these housing assistance programs; and

WHEREAS, these housing assistance programs are governed by the United States Housing Act of 1937, HUD’s implementing regulations, policies and notices, and the terms and conditions of the ACC; and

WHEREAS, MDHA is required to conduct an eligibility screening of all applicants of the public housing and Section 8 programs as well as the current residents and participants in these programs; and

WHEREAS, as part of this eligibility screening MDHA is required to conduct criminal background checks on all applicants, residents and participants who are 16 years of age or older; and

WHEREAS, HUD implemented the “One Strike and You’re Out” Policy (“One Strike Policy”), which mandates all PHAs to deny or terminate public housing assistance on the basis of violent criminal activity, drug-related activity and sexual offense; and

WHEREAS, Congress also enacted the Housing Opportunity Program Extension Act of 1996 and the Quality Housing Work responsibility Act of 1998 (collectively the “Acts”) to give PHAs new authority and obligations to deny occupancy on the basis of illegal drug-related activity and criminal activity; and

WHEREAS, the Acts establish a three year ban on public housing for those evicted from public housing for drug-related activity and allows PHAs to bar applicants believed to be using drugs or abusing alcohol, or anyone who the public housing authority finds has a pattern of drug or alcohol abuse that could threaten the health and safety of residents;

WHEREAS, the One Strike Policy encourages public housing authorities to not only screen all applicants’ criminal records but to develop their own exclusion criteria; and

WHEREAS, to ensure that all PHAs screen applicants, the One Strike Policy notes that each PHA’s ratings and funding are tied to whether they are “adopting and implementing effective applicant screening;” and

WHEREAS, the effect has been PHAs have adopted stringent exclusionary policies; and

WHEREAS, on October 11, 2005 the County Manager presented a report on the effects of the implementation of the One Strike Policy; and

WHEREAS, it has been estimated that approximately seven hundred seventy-seven (777) households assisted through public housing and Section 8 are impacted by the One Strike policy; and

WHEREAS the implementation of the One Strike Policy has a negative impact upon innocent household members, who have not engaged in drug-related activity, violent criminal activity or sex offenses; and

WHEREAS, the One Strike Policy has a disparate impact upon the poor who rely on public assistance and who face homelessness if evicted because they are found to have violated the One Strike Policy; and

WHEREAS, the County does not have the means to absorb additional homeless individuals and families,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The United States Congress, and HUD are urged to reconsider and amend the Housing Opportunity Program Extension Act of 1996 and the Quality Housing Work responsibility Act of 1998, and HUD's implementing regulations to provide greater discretion to public housing authorities to implement the One Strike Policy.

Section 2. The Clerk of the Board is directed to transmit a certified copy of this resolution to the members of the Miami-Dade County Congressional Delegation and the Secretary of HUD.

Section 3. The County's federal lobbyists are directed to advocate for the passage of the legislation set forth in Section 1 above, and the Office of Intergovernmental Affairs is directed to include this item in the 2006 Federal Legislative Package.

The foregoing resolution was sponsored by Commissioner Barbara J. Jordan and Commissioner Katy Sorenson 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:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey M. Edmonson
Sally A. Heyman
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2005. 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