

## MEMORANDUM

Agenda Item No. 11(A)(3)

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

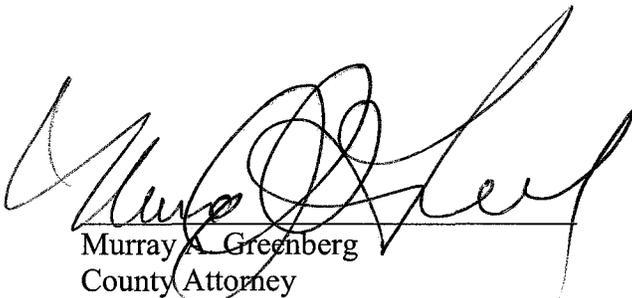
**DATE:** December 19, 2006

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

**SUBJECT:** Resolution directing County  
Manager to amend the Miami-  
Dade Housing Agency's  
admissions and continued  
occupancy policy for public  
housing

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.



Murray A. Greenberg  
County Attorney

MAG/bw



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(3)

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. 11(A)(3)  
12-19-06

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MANAGER TO AMEND THE MIAMI-DADE HOUSING AGENCY'S ADMISSIONS AND CONTINUED OCCUPANCY POLICY FOR PUBLIC HOUSING TO COMPLY WITH SECTION 3 OF THE UNITED STATES HOUSING ACT OF 1937 AS AMENDED BY THE VIOLENCE AGAINST WOMEN ACT AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005 AND TO ADDRESS THE TENANCIES OF PUBLIC HOUSING TENANTS WHO ARE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING; DIRECTING THE COUNTY MANAGER TO PROVIDE FOR A THIRTY-DAY COMMENT PERIOD AND PUBLIC HEARING; REQUIRING FINAL APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS

**WHEREAS**, on January 5, 2006, President Bush signed the Violence Against Women Act and Department of Justice Reauthorization Act of 2005 ("VAWA") into law; and

**WHEREAS**, the VAWA prohibits the eviction of and removal of assistance from certain persons living in public housing or Section 8-assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA; and

**WHEREAS**, on June 23, 2006, U.S. Department of Housing and Urban Development ("HUD") issued PIH 2006-23 requiring all public housing authorities (PHAs) to inform tenants participating in all public housing and voucher programs as well as owners participating in the Section 8 voucher programs aware of the requirements of VAWA; and

**WHEREAS**, the VAWA requires all PHAs to include in their five-year annual PHA Plans to contain information regarding any goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence,

sexual assault, or stalking, and to protect said victims and their immediate family members from losing their HUD-assisted housing as a consequence of the abuse of which they are a victim; and

**WHEREAS**, HUD intends at some future date to promulgate regulations regarding the VAWA; and

**WHEREAS**, pursuant to the federal regulations promulgated by the United States Department of Housing and Urban Development, (“HUD”) Miami-Dade County, by and through MDHA, is required to adopt and implement policies and procedures, which shall include but not be limited to tenant selection, the assignment process in public housing and the execution of lease agreements with public housing tenants; and

**WHEREAS**, on March 1, 2005, the Board adopted the Miami-Dade Housing Agency’s (“MDHA”) Admissions and Continued Occupancy Policy (ACOP), which was approved by HUD; and

**WHEREAS**, the current ACOP does not comply with the requirements of the VAWA and PIH 2006-23,

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

Section 1. Directs the County Manager to amend the MDHA ACOP, subject to approval by the County Attorney, the Board and HUD, to comply with Section 3 of the United States Housing Act of 1937 as amended by VAWA and any future regulations implemented by HUD to address public housing tenants, who are victims of domestic violence, dating violence or stalking.

Section 2. Directs the County Manager to provide for a thirty (30) day comment period to include a public hearing on the ACOP amendments.

Section 3. Directs the County Manager to seek final approval from the Board following the close of the comment period and public hearing.

The foregoing resolution was sponsored by Commissioner Sally A. Heyman 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	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

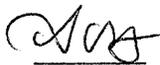
The Chairman thereupon declared the resolution duly passed and adopted this 19<sup>th</sup> day of December, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

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