MEMORANDUM

Agenda Item No. 11(A)(13)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	April 7, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging the U.S. Congress to pass legislation amending the United States Housing Act of 1937 to to change the recertification period for Elderly Section 8 and public housing tenants and participants

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Bruno A. Barreiro.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 7, 2009

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(13)

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 Mayor'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)(13)
4-7-09

RESOLUTION NO. _____

RESOLUTION URGING THE U.S. CONGRESS TO PASS LEGISLATION AMENDING THE UNITED STATES HOUSING ACT OF 1937 TO PERMIT INCOME RECERTIFICATIONS EVERY THREE YEARS, OR ALTERNATIVELY A MINIMUM OF TWO YEARS, OF ELDERLY PUBLIC HOUSING AND SECTION 8 HOUSING CHOICE VOUCHER TENANTS AND PARTICIPANTS

WHEREAS, the United States Housing Act of 1937 ("Act"), as amended, created the federal housing programs known as the Public Housing and Section 8 Housing Choice Voucher ("Section 8") programs; and

WHEREAS, these housing assistance programs are administered by the United States Department of Housing and Urban Development ("HUD"); and

WHEREAS, HUD has promulgated regulations that govern the Public Housing and Section 8 programs codified in Volume 24 of the Code of Federal Regulations; and

WHEREAS, the Act and the regulations authorize HUD to enter into Annual Contribution Contracts ("ACC") with local public housing authorities ("PHA" or "PHAs"); and

WHEREAS, Miami-Dade County ("County") is one of four PHAs in this jurisdiction; and

WHEREAS, the County and HUD have entered into ACCs authorizing the County to receive federal funds to operate and administer Public Housing and Section 8 programs in this jurisdiction; and

WHEREAS, the County operates these housing programs through its housing department, Miami-Dade Public Housing Agency; and

WHEREAS, currently all PHAs are required by the Act and the regulations to conduct annual reviews, commonly known as the certification/recertification process, of the income of all Public Housing and Section 8 tenants and participants; and

WHEREAS, the County assist approximately 3,662 elderly Public Housing and 6238 Elderly Section 8 tenants/participants; and

WHEREAS, in most cases more than ninety percent of the income of these elderly public housing and Section 8 tenants and participants comes from Social Security, Supplemental Security Income, or governmental and private pensions, or a combination thereof; and

WHEREAS, this Board finds that in many instances an annual recertification of these tenants/participants is not necessary and oftentimes cumbersome since these elderly tenants/participants' income either remains the same or is increased minimally each year; and

WHEREAS, during both the 109th Congress, H.R. 5443 was filed by Representative Robert W. Ney, entitled the Section 8 Voucher Reform Act of 2006, but this bill did not pass; and

WHEREAS, during the 110th Congress, H.R. 1851 by Representative Maxine Waters and S. 2684 by Senator Christopher J. Dodd entitled the Section 8 Voucher Reform Act of 2007, and while H.R. 1851 passed the House by a vote of 333-83, it did not pass the Senate; and

WHEREAS, these bills have previously proposed amending the Act to permit PHAs to recertify income only every three years instead of annually for tenants for whom more than 90% of their income comes from a combination of Social Security, SSI, and governmental and private pensions; and

WHEREAS, this Board supports any federal legislation that would permit PHAs to recertify income every three years, or alternatively a minimum of two years, for Public Housing

and Section 8 elderly tenants for whom more than 90% of their income comes from a combination of Social Security, SSI, and governmental and private pensions,

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

Section 1. Urges Congress to pass legislation to amend the United States Housing Act as amended, to permit PHAs to conduct recertification of income every three years, or alternatively a minimum of two years, for Public Housing and Section 8 elderly tenants/participants for whom more than 90% of their income comes from Social Security, SSI, or governmental and private pensions, or a combination thereof.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the members of the Florida Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to include this item in the 2009 Federal Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Bruno A. Barreiro. It was 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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of April, 2009. 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