MEMORANDUM Agenda Item No. 11(A)(46)

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

DATE: June 30, 2009

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

SUBJECT: Resolution urging Congress and President Obama's Administration to amend the One Strike Policy, the Housing Opportunity Program Extension Act of 1996 and the U.S. Housing Act of 1937

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

RESO\2078

MEMORANDUM

(Revised)

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

DATE: June 30, 2009

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

SUBJECT: Agenda Item No. 11(A)(46)

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)(46)

6-30-09

RESOLUTION NO. _____

RESOLUTION URGING CONGRESS AND PRESIDENT OBAMA'S ADMINISTRATION TO AMEND THE ONE STRIKE AND YOU'RE OUT POLICY, THE HOUSING OPPORTUNITY PROGRAM EXTENSION ACT OF 1996 AND THE U.S. HOUSING ACT OF 1937 TO COVER PRIVATELY OWNED HOUSING THAT PARTICIPATE IN FEDERALLY SUBSIDIZED HOUSING PROGRAMS

WHEREAS, on March 28, 1996, President Clinton announced a "One Strike and You're Out" policy ("One Strike Policy") for public housing residents only; and

WHEREAS, the One Strike Policy was designed to enhance the ability and related efforts of public housing authorities ("PHA" or "PHAs") to develop and enforce stricter screening and eviction policies as a part of their anti-drug and anti-crime initiatives; and

WHEREAS, President Clinton also signed into law the "Housing Opportunity Program Extension Act of 1996," ("Extender Act") which provides additional authority to PHAs in the areas of screening, lease enforcement, and eviction in order to help PHAs fight crime in public housing communities; and

WHEREAS, through the Extender Act, PHAs are authorized to deny occupancy on the basis of illegal use of a controlled substance or alcohol abuse when such use or abuse leads to behavior that threatens the health, safety or right to peaceful enjoyment of the premises by other residents; and

WHEREAS, the U.S. Housing Act of 1937 ("Housing Act") also states that each "public housing agency shall utilize leases which provide that any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants or any drug-related criminal activity on or off such premises, engaged in by a public housing tenant, any member of the tenant's household, or any guest or other person under the tenant's control, shall be cause for termination of tenancy"; and

WHEREAS, the County presently administers the public housing, Section 8 Housing Choice Voucher, Section 8 Moderate Rehabilitation and other federally subsidized housing programs ("Housing Programs") through its housing department, Miami-Dade Public Housing Agency; and

WHEREAS, the County has successfully implemented the One Strike Policy in its Housing Programs; and

WHEREAS, notwithstanding the County's implementation of the One Strike Policy, many of the requirements of the One Strike Policy and the Extender Act do not cover privately owned housing that receive subsidy through the County's tenant and project-based programs; and

WHEREAS, because these laws and policy do not cover private housing in the same manner as they cover PHAs, it makes it difficult for private owners to evict tenants who engage in drug-related or other criminal activity without fear of reprisal; and

WHEREAS, this Board finds that private owners who contract with the County to provide federally subsidized housing for the residents of Miami-Dade County should be covered by the One Strike Policy, the Extender Act and the Housing Act; and

WHEREAS, this Board also finds that the extension of these laws and policy to private owners will guarantee that all residents of Miami-Dade County are protected from any type of criminal activity that threatens their health, safety, or right to peaceful enjoyment of their homes,

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

Section 1. Urges Congress and President Obama's Administration to amend the One Strike Policy, the Extender Act and the Housing Act to cover private housing that participates in federally subsidized housing programs in order to ensure that residents are protected from any type of criminal activity that threatens their health, safety, or right to peaceful enjoyment of their homes.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to Senators Martinez and Nelson, the members of the Miami-Dade County Congressional Delegation and the Secretary of the U.S. Department of Housing and Urban Development.

Section 3. Directs the County's federal lobbyists to advocate for the passage of the legislation set forth in Sections 1 above, and authorizes and directs that the 2009 and 2010 Federal Legislative Packages be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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:

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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 30th day of June, 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