MEMORANDUM

Agenda Item No. 11(A)(3)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	September 1, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution directing the Mayor to ensure that Adker type safeguards are incorporated in all County-administered housing programs

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan, and Co-Sponsors Commissioner Dorrin D. Rolle and Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

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

DATE: September 1, 2009

FROM: R. A. Cuevas, Jr. 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 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)(3)
9-1-09

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO ENSURE THAT ADKER TYPE SAFEGUARDS ARE INCORPORATED IN ALL COUNTY-ADMINISTERED HOUSING PROGRAMS

WHEREAS, a class action lawsuit was filed by public housing residents against Miami-Dade County (County) and the United States Department of Housing and Urban Development (HUD) in the case of *Adker v. United States Department of Housing and Urban Development and Miami-Dade County ("Adker")*; and

WHEREAS, the Plaintiffs sought to desegregate the County's Section 8, public housing and other housing programs administered by the County; and

WHEREAS, on July 22, 1997, the Board adopted Resolution No. R-950-97, which authorized the County to execute the Settlement Agreement and Consent Decree; and

WHEREAS, on June 6, 1998, the federal district court entered the consent decree ("Decree") ordering the County and HUD to achieve desegregation in the County's housing programs in compliance with the terms and conditions of the Decree; and

WHEREAS, the Decree is scheduled to expire on August 1, 2009; and

WHEREAS, notwithstanding the expiration of the Decree, it remains the policy of this Board, in the exercise of its police power for the public safety, health and general welfare, to eliminate and prevent discrimination in housing because of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, or source of income; and

WHEREAS, it is the Board's policy to also eliminate and prevent housing discrimination in all County-administered housing programs; and

WHEREAS, this Board finds that the goals of the Decree of creating desegregative opportunities in the County's housing programs, including public housing, the Section 8 Housing Choice Voucher program, the Section 8 Moderate Rehabilitation program, and other federal, state and local housing programs administered by the County, has been accomplished; and

WHEREAS, this Board also finds that notwithstanding the expiration of the Decree, the County must make it a priority to always housing opportunities to the residents of Miami-Dade County without consideration of their race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, or source of income; and

WHEREAS, this Board finds that in order to achieve this goal safeguards for providing equal opportunities in all County-administered housing programs must be established,

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

Section 1. Directs the Mayor or the Mayor's designee to ensure that appropriate *Adker* type safeguards are incorporated in all County-administered housing programs, including but not limited to the following:

a. Ensuring that the mandates of the *Adker* Consent Decree of providing desegregative opportunities to all residents, participants and applicants of public housing, Section 8 Housing Choice Voucher, Section 8 Moderate Rehabilitation and other federally

subsidized project-based and tenant-based housing programs administered by the County are continued;

b. Maintaining the current *Adker*-related provisions in the Miami-Dade Public Housing Agency's Admissions and Continued Occupancy Policy and Section 8 Administrative Plan;

c. Ensuring that similar housing opportunities as described in subsection b of this resolution are provided in all other County-administered housing programs, including but not limited to the Surtax, HOME, SHIP and Infill Housing Initiative programs;

d. Including in all County-funded affordable housing contracts terms and conditions that prohibit the recipient of County funds from discriminating on the basis of race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, or source of income;

e. Including in all County-funded affordable housing contracts terms and conditions that authorizes the County to conduct monitoring reviews of said contracts to ensure compliance with the anti-discrimination provisions; and

f. Designating a person(s) or division within each County department that administer the County's housing programs to be responsible for ensuring compliance with the terms of this resolution by their respective department.

Section 2. The Mayor or the Mayor's designees shall provide a written report to the Housing and Community Development Committee or its successor committee on a quarterly basis. The report shall include information and data that related to the implementation of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan, and the Co-Sponsors are Commissioner Dorrin D. Rolle and Senator Javier D. Souto. 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 1st day of September, 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