



MEMORANDUM

Agenda Item No. 11(A)(14)

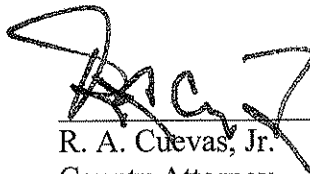
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: December 6, 2011

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

SUBJECT: Resolution urging owners participating in the Section 8 Housing Choice Voucher Program to negotiate reduction in rents with Section 8 participants to relieve tenant rent burden; and directing the Mayor to distribute this resolution to all owners and participants in the Section 8 Housing Choice Voucher Program

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

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

DATE: December 6, 2011

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

SUBJECT: Agenda Item No. 11(A)(14)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(14)

12-6-11

RESOLUTION NO. _____

RESOLUTION URGING OWNERS PARTICIPATING IN THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM TO NEGOTIATE REDUCTION IN RENTS WITH SECTION 8 PARTICIPANTS TO RELIEVE TENANT RENT BURDEN; AND DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO DISTRIBUTE THIS RESOLUTION TO ALL OWNERS AND PARTICIPANTS IN THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

WHEREAS, Miami-Dade County ("County") is one of the public housing authorities ("PHA") in this jurisdiction and the Miami-Dade Board of County Commissioners ("Board") serves as the PHA's board of commissioners; and

WHEREAS, the County has entered into a Section 8 Consolidated Annual Contribution Contract ("ACC") with the United States Department of Housing and Urban Development ("HUD") to administer the County's Section 8 Housing Choice Voucher Program ("Section 8 Program"); and

WHEREAS, the County, as a PHA, has the primary responsibility for administering the Section 8 Program subject to the laws, rules and regulations implemented by HUD and the ACC; and

WHEREAS, the purpose of the Section 8 Program is to provide subsidized rental housing assistance to eligible low-income families, the elderly and disabled ("Section 8 Participants"), who rent dwelling units from private owners ("Section 8 Owners"); and

WHEREAS, the County is required to enter into a housing assistance payment contract (hereinafter the "HAP") with each Section 8 Owner before any rental payments are issued by the County to the Section 8 Owner; and

WHEREAS, prior to entering into each HAP, the County must ensure that (1) the Section 8 Owner's dwelling unit meets and passes HUD's housing quality standards; (2) a rent determination is made by the County; and (3) a lease is executed between the Section 8 Participant and the Section 8 Owner detailing the tenant portion of the contract rent; and

WHEREAS, the County's rent determinations are based on the fair market rents ("FMR") published by HUD for each market area in the United States as well as by the payment standard schedule adopted by the County; and

WHEREAS, the County's payment standard amounts are based on unit size, which must be at a level between 90 percent 110 percent of HUD's published FMR, unless approved by HUD to be below 90 percent or higher than 110 percent; and

WHEREAS, in recent years the County's payment standard schedule ranged from 97 to 110 percent of HUD's published FMR; and

WHEREAS, based on proposed federal budgets for fiscal year 2012, the County currently faces a potential reduction in funding to the Section 8 Program up to \$12 million; and

WHEREAS, beginning November 2011, the County, through its housing department, Miami-Dade Public Housing and Community Development ("PHCD") lowered the voucher payment standard to 90 percent of the FMRs published by HUD effective October 1, 2011; and

WHEREAS, this reduction to the payment standard will allow PHCD to serve the same number of residents rather than terminate assistance to as many as 2,000 Section 8 Participants; and

WHEREAS, although the County will be able to serve the same amount of Section 8 Participants, the reduction in the payment standard will have a significant impact upon Section 8 Participants' ability to pay their portion of the contract rent; and

WHEREAS, this increased rent burden may force many Section 8 Participants, who cannot afford the higher rental payment, to move and search for another dwelling unit with a lower rent; and

WHEREAS, the burden of this reduction in the payment standard is a condition outside the control of the Section 8 Participants; and

WHEREAS, Section 8 Owners have benefitted in previous years with a payment standard that exceeded the FMRs by as much as 10 percent,

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

Section 1. The matters contained in the foregoing recitals are incorporated in this resolution by reference.

Section 2. The Board urges each Section 8 Owner to negotiate with their Section 8 Participant to lower the rents of their subsidized dwelling unit(s) to ensure that the tenant portion of the contract rent remains affordable for the Section 8 Participant.

Section 3. The Board directs the Mayor or the Mayor's designee to distribute copies of this resolution to Section 8 Participants and Section 8 Owners and to post said resolution on the PHCD's website.

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The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. 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:

- | | |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman | |
| Audrey M. Edmonson, Vice Chairwoman | |
| Bruno A. Barreiro | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of December, 2011. 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