MEMORANDUM

Agenda Item No. 11(A)(8)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	September 3, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution directing the County Mayor, Public Housing and Community Development and Miami-Dade Police Department's Nuisance Abatement Unit to develop a written notice to be provided to Section 8 property owners whose properties may be the target of drive-by shootings

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co-Sponsors Commissioner Audrey M. Edmonson and Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 3, 2014

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

SUBJECT: Agenda Item No. 11(A)(8)

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 Mayor'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)(8)
9-3-14

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, PUBLIC HOUSING AND COMMUNITY DEVELOPMENT AND MIAMI-DADE POLICE DEPARTMENT'S NUISANCE ABATEMENT UNIT TO DEVELOP A WRITTEN NOTICE TO BE PROVIDED TO SECTION 8 PROPERTY OWNERS WHOSE PROPERTIES MAY BE THE TARGET OF DRIVE-BY SHOOTINGS OR ARE USED FOR OTHER CRIMINAL ACTIVITY; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND MIAMI-DADE POLICE DEPARTMENT TO DEVELOP SIMILAR NOTICE TO BE PROVIDED TO OWNERS OF RESIDENTIAL AND COMMERCIAL PROPERTIES; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO DEVELOP A USEABLE DATABASE THAT CAN BE SHARED BETWEEN PUBLIC HOUSING AND COMMUNITY DEVELOPMENT, MIAMI-DADE POLICE DEPARTMENT, OTHER LAW ENFORCEMENT AGENCIES AND OTHER PUBLIC HOUSING AGENCIES; AND URGING MUNICIPALITIES AND PUBLIC HOUSING AGENCIES TO DEVELOP SIMILAR CRIME PREVENTION INITIATIVES

WHEREAS, in March 2007, the United States Department of Justice Office of Community Oriented Policing Services published a guidebook titled "Drive-By Shooting" ("Guide") to give law enforcement agencies guidance on how to reduce incidences of gun violence, and more specifically drive-by shootings in their respective communities; and

WHEREAS, the Guide defines a "drive-by shooting" as "an incident when someone fires a gun from a vehicle at another vehicle, a person, a structure, or another stationary object"; and

WHEREAS, the Guide notes that (1) many drive-by shootings involve multiple suspects and multiple victims; (2) in some situations, such shootings are gang-related while in others

situations, they are the result of road rage or personal disputes between neighbors, acquaintances, or strangers and are not related to gang membership; and (3) that notwithstanding the increasing number of reported drive-by shootings, there is no comprehensive national, statewide or local database where this information is compiled annually; and

WHEREAS, notwithstanding the lack of a database, organizations such as the Violence Policy Center, which is a national non-profit educational organization that conducts research and public education on violence in America and provides information and analysis to policy makers, journalist, advocates and the general public, have begun to compile data on the number of drive-by shooting incidences that have occurred nationwide; and

WHEREAS, in July 2010, the Violence Policy Center published the second edition of "Drive-By America," which listed Florida as the third state behind California and Texas as having the highest number of drive-by shootings in the nation; and

WHEREAS, the prevalence of and reports on drive-by shootings in Miami-Dade County appears to be on the rise; and

WHEREAS, the Board finds that federal, state and local governments along with the public must do more to reduce or eliminate the number of drive-by shootings and other gun-related violence in our communities; and

WHEREAS, because many drive-by shootings occur in both residential neighborhoods and commercial areas, the Board finds that property owners should be more accountable for their properties to ensure that such properties are not used as or become targets of gun violence and other criminal and drug related activities; and

WHEREAS, oftentimes property owners are unaware that their properties are used for criminal activities because they do not reside at or near their properties; and

WHEREAS, residential property owners who rent their properties have an obligation to maintain them in a decent, safe and sanitary manner as required by the Florida Landlord Tenant Act, their lease agreements, and in the case of Section 8, the Section 8 laws, regulations and the Section 8 Housing Assistance Payment Contract; and

WHEREAS, the County as the steward of public housing and Section 8 has an obligation to ensure that those persons who participate in these programs are afforded decent, safe and sanitary housing free from gun violence and other criminal activity; and

WHEREAS, the Board finds that private residential property owners, such as Section 8 owners can help in the reduction of drive-by shootings and other criminal and drug related activity if they among other things (1) conducted more tenant background checks that included criminal background checks every time they rent their properties; (2) included a strict guest policy in their lease agreements that holds tenants accountable for actions of their guests and limits long-term guests; (3) performed frequent property inspections to catch criminal behavior as soon as possible; (4) listened to other tenants and neighbors' complaints when they have concerns about crime on the property; and (5) worked with the local law enforcement agencies, such as the Miami-Dade Police Department and its Nuisance Abatement Unit, Public Housing and Community Development ("Housing Department"), municipal governments and other public housing agencies; and

WHEREAS, the Board also finds that commercial property owners should be encouraged to take similar steps as described above and any additional steps to reduce crime in their communities; and

WHEREAS, the Board also finds that local law enforcement agencies, the Housing Department, municipalities and other public housing agencies can offer assistance to both residential and commercial property owners by providing them with proper written notification whenever their properties have been the subject of drive-by shootings or other criminal and drug-related activity; and

WHEREAS, the Board finds that this collaboration between the Housing Department, local law enforcement agencies, municipal governments, other public housing agencies and property owners will aid in the reduction of the number of drive-by shootings and other criminal activities in our community,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. The Board directs the County Mayor or the County Mayor's designee, the Housing Department and Miami-Dade Police Department's Nuisance Abatement Unit to develop a notice(s) that can be mailed or otherwise delivered to Section 8 property owners and other private owners who receive federal housing subsidy from the Housing Department whenever the Housing Department or the Miami-Dade Police Department becomes aware that such properties have been involved in a drive-by shooting or other criminal activity. The Board further directs the Housing Department to include this notice on the Housing Department's website and in all literature distributed to Section 8 property owners and other private owners who receive federal housing subsidy from the Housing Department.

Section 3. The Board directs the County Mayor or the County Mayor's designee and the Miami-Dade Police Department's Nuisance Abatement Unit to develop a similar notice(s) as described in Section 2 of this resolution that can be mailed or otherwise delivered to non-federally subsidized residential property owners and commercial property owners.

Section 4. The Board directs the County Mayor or the County Mayor's designee, the Housing Department and the Miami-Dade Police Department's Nuisance Abatement Unit to work together to develop a useable database, which includes the names, addresses and telephone numbers of Section 8 property owners and other private owners who receive federal housing subsidy from the Housing Department. Such database should also include information related to any criminal activity that may have occurred on any property subsidized through one of the federal housing subsidy programs. The Board also directs the County Mayor or the County Mayor's designee and the Miami-Dade Police Department's Nuisance Abatement Unit to develop a similar useable database for private owners of non-federally subsidized residential property and commercial property owners. The information contained in this database(s) may be shared between the Housing Department, Miami-Dade Police Department, other law enforcement agencies and other public housing agencies.

Section 5. The Board urges all municipal governments and public housing agencies in Miami-Dade County to adopt similar crime prevention measures as described herein.

Section 6. The Board directs the Clerk of the Board to transmit certified copies of this resolution to the Mayor and/or City Manager of each municipality in Miami-Dade County, to the President of the Miami-Dade County League of Cities, and to the Executive Directors of the Housing Authority of the City of Miami Beach, the Hialeah Housing Authority, and the City of Homestead Housing Authority.

The Prime Sponsor of the foregoing resolution is Commissioner Dennis C. Moss and the Co-Sponsors are Commissioner Audrey M. Edmonson and Commissioner Sally A. Heyman. 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. 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