

MEMORANDUM

Agenda Item No. 14(A)(8)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: January 23, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to prepare and submit a report related to the effects of the Federal Government Shutdown on the Federal Housing Programs administered by Miami-Dade Public Housing and Community Development Department and the steps that are being taken or will be taken to limit the impact of such shutdown on participants in the Federal Housing Programs

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsor Chairwoman Audrey M. Edmonson.



Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

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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
- Statement of social equity 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 ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 14(A)(8)
1-23-19

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO PREPARE AND SUBMIT A REPORT RELATED TO THE EFFECTS OF THE FEDERAL GOVERNMENT SHUTDOWN ON THE FEDERAL HOUSING PROGRAMS ADMINISTERED BY MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT AND THE STEPS THAT ARE BEING TAKEN OR WILL BE TAKEN TO LIMIT THE IMPACT OF SUCH SHUTDOWN ON PARTICIPANTS IN THE FEDERAL HOUSING PROGRAMS

WHEREAS, the United States government officially entered a shutdown ("Federal Shutdown") at midnight on December 21, 2018 after the United States Congress failed to come to agreement on President Trump's \$5 billion border wall; and

WHEREAS, although a number of federal departments and agencies were funded through September 2019 because of previously passed appropriations bills, on December 21, 2018, funding expired that covers the Department of Homeland Security, the Justice Department, the State Department, the Interior Department, the Department of Agriculture and the Department of Housing and Urban Development ("HUD"), among some other federal entities; and

WHEREAS, according to HUD's website "due to the lapse in Congressional Appropriations for Fiscal Year 2019, [HUD] is closed;" and

WHEREAS, according to a recent National Public Radio ("NPR") article on the effects of the Federal Shutdown on programs administered by HUD, NPR reports that "many housing advocates fear thousands of low-income Americans are at risk of being evicted; and

WHEREAS, the article further states that “more than 1,000 government-backed housing contracts have already expired and potentially more will do so in the coming weeks;” and

WHEREAS, the article further states that “since the shutdown began, approximately 1,150 federal rental assistance contracts have not been renewed due to funding lapses at HUD;” and

WHEREAS, the article also states that “these lapses impact Project-Based Rental Assistance agreements between private property owners and the federal government;” and

WHEREAS, according to the National Low Income Housing Coalition, which is a national organization dedicated solely to achieving socially just public policy that assures people with the lowest incomes in the United States have affordable and decent homes, approximately 840 units could be affected in Miami Dade County by the Federal Shutdown; and

WHEREAS, according to a January 6, 2019 article in the *Washington Post* it was reported that HUD sent letters to 1,500 landlords on January 4, 2019 as part of a last-minute effort to prevent the eviction of thousands of tenants; and

WHEREAS, the letters instructed the landlords to use their reserve accounts so that no one is evicted; and

WHEREAS, this Board believes that HUD’s solution to preventing evictions is short-term, especially if the Federal Shutdown continues for much longer; and

WHEREAS, the Federal Shutdown already has been determined to be the longest in United States history; and

WHEREAS, Miami-Dade County (the “County”) is a “public housing agency” as defined in accordance with the provisions of the United States Housing Act of 1937, as amended (42 U.S.C. § 1401, et. seq.); and

WHEREAS, as a public housing agency the County has established the Miami-Dade Public Housing and Community Development Department (“PHCD”) to administer the federal housing programs, including, but are not limited to, public housing, Section 8 Housing Choice Voucher, and Section 8 Moderate Rehabilitation programs (collectively the “Federal Housing Programs”), which are subsidized by HUD; and

WHEREAS, presently PHCD has operating funds through February 2019 for the County’s public housing properties all of which are subsidized by HUD, and its Section 8 Housing Choice Voucher program; and funds through March 2019 for its Section 8 Moderate Rehabilitation program; and

WHEREAS, this Board wishes to ensure should the Federal Shutdown continue after February 2019 that the participants all Federal Housing Programs administered by the County are not negatively impacted, including, but not limited to, through eviction or termination of assistance; and

WHEREAS, accordingly this Board wishes to know the steps that the County Mayor or the County Mayor’s designee has taken or will be taking to limit the impact of the Federal Shutdown, including, but not limited to, steps to ensure that participants in the Federal Housing Programs are not negatively impacted,

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

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

Section 2. This Board directs the County Mayor or the County Mayor's designee to prepare and submit a report on the effects of the Federal Shutdown on the Federal Housing Programs administered by PHCD. The report shall include, but is not limited to the following:

- (1) Steps that are being taken or will be taken by the County Mayor or the County Mayor's designee to limit the impact of the Federal Shutdown, including, but not limited to, steps to ensure that participants in the Federal Housing Programs are not negatively impacted either through termination of assistance or eviction;
- (2) Steps that can be taken by the County's private partners who are presently redeveloping or have redeveloped certain County public housing developments to limit the impact of the Federal Shutdown, including, but not limited to, steps to ensure that participants in the Federal Housing Programs are not negatively impacted either through termination of assistance or eviction;
- (3) Steps that will be taken to work with private owners participating in the Section 8 Housing Choice Voucher and Section 8 Moderate Rehabilitation programs to ensure participants in these programs will not be evicted, including ensuring that such private owners comply with the federal regulations governing these programs, including, but not limited to, 24 Code of Federal Regulations section 982.310, which prohibits owners from terminating the tenancy of participants in the Section 8 Housing Choice Voucher Program because of the County's non-payment of the County's portion to such participants' rents;
- (4) Identification of other County funding sources, including, but not limited to, the County General Funds, that can be used on March 1, 2019 to assist participants in the Federal Housing Programs should the Federal Shutdown continue past February 28, 2019;

- (5) Indicate whether any of the approximately 840 housing units in Miami-Dade County that have been identified by the National Low Income Housing Coalition that could be affected by the Federal Shutdown are under contract with the County; and
- (6) Such other steps that can be taken by the County related to any other housing issues.

The report required herein shall be submitted to this Board within 15 days of the effective date of this resolution and such report shall be placed on an agenda of this Board in accordance with Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins and the Co-Sponsor is Chairwoman Audrey M. Edmonson. 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:

- | | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 23rd day of January, 2019. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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