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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 11(A)(5)

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

DATE: June 21, 2011

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

SUBJECT: Resolution urging the United States States Congress through the U.S. Department of Housing and Urban Development to fund the Miami-Dade County Section 8 Housing Choice Voucher Program

Resolution No. R-498-11

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/up

MEMORANDUM

(Revised)

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

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SUBJECT: Agenda Item No. 11(A)(5)

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
6-21-11

RESOLUTION NO. R-498-11

RESOLUTION URGING THE UNITED STATES CONGRESS THROUGH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO FUND THE MIAMI-DADE COUNTY SECTION 8 HOUSING CHOICE VOUCHER PROGRAM AT THE FULLY AUTHORIZED LEVEL

WHEREAS, Section 8 of the United States Housing Act of 1937, as repeatedly amended, authorizes the payment of rental housing assistance to private landlords on behalf of approximately 3.1 million low-income households throughout the United States; and

WHEREAS, federal housing programs are regulated and administered by the United States Department of Housing and Urban Development ("HUD"); and

WHEREAS, the largest Section 8 program, the Housing Choice Voucher (HCV) program, is a valuable resource used by over 2 million low-income households to provide decent safe and affordable housing opportunities for an extremely vulnerable population in the United States; and

WHEREAS, affordable housing has reached a crisis in our community and communities around the nation; and

WHEREAS, two-thirds of Section 8 housing vouchers issued in any year go to families with children, with the remainder predominantly going to people with disabilities and the elderly; and

WHEREAS, nearly one million families with children are currently served by the voucher program, almost twice the number of families with children in the public housing program; and

WHEREAS, Section 8 provides one way to help low and moderate income individuals and families obtain adequate housing; and

WHEREAS, public housing authorities ("PHA" or "PHAs") are required to enter into Consolidated Annual Contributions Contract ("ACC") in order to receive funding from HUD to administer the HCV program within their locales; and

WHEREAS, the County is a PHA in this jurisdiction and as such has entered into a ACC with HUD to administer and operate its HCV program; and

WHEREAS, the County's HCV program is administered and operated through its housing department, Miami-Dade Public Housing Agency ("MDPHA"); and

WHEREAS, the federal Omnibus Appropriations Act of 2009 ("Act") required HUD to reduce renewal funding eligibility for housing agencies that have "excess" reserve balances (i.e., Net Restricted Assets), with the understanding that agencies will spend down those balances to make up for the reduction in renewal funding; and

WHEREAS, HUD was required to recapture $750 million in unspent HCV funds from approximately 2,400 Public Housing Authorities ("PHA") administering the HCV program across the country; and

WHEREAS, pursuant to the Act, HUD recaptured approximately $43 million ("Recaptured Funds") from the County's HCV program; and

WHEREAS, the Recaptured Funds represents the second largest recapture amount taken from the ten largest PHAs' HCV programs in the country; and

WHEREAS, the County's HCV program is not one of the ten largest HCV programs in the country; and

WHEREAS,, the amount of Recaptured Funds is disproportionate in relation to the size of the other large PHAs' respective HCV programs and is fundamentally unfair since MDPHA's excess reserve balances were accumulated, in part, while HUD was in temporary possession of MDPHA's programs and projects from October 2007 through December 2008; and

WHEREAS, HUD subsequently placed MDPHA under an enhanced HUD oversight by way of a Memorandum of Understanding between HUD and the County from January 2009 through December 2010; and

WHEREAS, loss of the Recaptured Funds has placed an undue programmatic and financial burden on the County's resources; and

WHEREAS, Miami-Dade County and the residents of this County have been severely and adversely impacted by the apparent inequitable execution by HUD of the aforementioned recapture,

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

Section 1. Urges the United States Congress through the United States Department of Housing and Urban Development to identify any PHA in HUD administrative receivership during fiscal year 2008 (and at the time of passage of the Omnibus Appropriation Act of 2009)

that was subject to recapture of unspent Section 8 net restricted assets funds, and fully fund these agencies in fiscal year 2012 up to the full level of Section 8 HCVs authorized for these agencies for no less than 24 months beginning October 1, 2011.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to Secretary of the Department of Housing and Urban Development and Members of the Miami-Dade Congressional Delegation.

Section 3. Directs the County's federal lobbyists to advocate for the legislation set forth in Section 1 above, and that same be included in the 2012 Federal Legislative Package.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of June, 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: DIANE COLLINS
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Martin W. Sybblis