

MEMORANDUM

Agenda Item No. 11(A)(16)

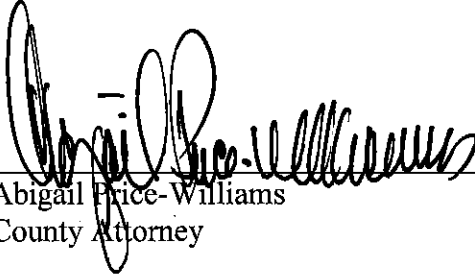
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: September 5, 2018

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging President Donald Trump and the Department of Homeland Security to maintain the current interpretation of the public charge rule; and opposing any federal regulatory change that would negatively impact immigrant families

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/uw

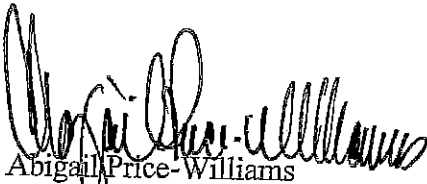


MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: September 5, 2018

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County Attorney

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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 ____) 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)(16)
9-5-18

RESOLUTION NO. _____

RESOLUTION URGING PRESIDENT DONALD TRUMP AND THE DEPARTMENT OF HOMELAND SECURITY TO MAINTAIN THE CURRENT INTERPRETATION OF THE PUBLIC CHARGE RULE; AND OPPOSING ANY FEDERAL REGULATORY CHANGE THAT WOULD NEGATIVELY IMPACT IMMIGRANT FAMILIES

WHEREAS, according to a draft proposal obtained by the Washington Post, the Department of Homeland Security (“DHS”) is contemplating a rule change for determining when an individual may be considered a “public charge”; and

WHEREAS, a person who is likely to become “primarily dependent” on government services is considered a “public charge” and may not be able to become a legal permanent resident of the United States, and may be subject to removal proceedings; and

WHEREAS, at present, only receipt of direct cash assistance for income maintenance—Temporary Assistance for Needy Families or Supplemental Security Income—or institutionalized long-term care at the government’s expense can be considered as factors when determining if an individual is a “public charge”; and

WHEREAS, per the proposed DHS rule, receipt of non-cash assistance such as health insurance subsidies, Medicaid, KidCare, Supplemental Nutrition Assistance Program benefits, earned-income tax credits, housing subsidies, and other public benefits, including the receipt of such benefits by noncitizens lawfully present in the U.S. or U.S. citizens’ family members, could negatively impact an immigrant applying for admission or lawful permanent residence; and

WHEREAS, Florida has the fourth highest number of families with at least one noncitizens member who receives at least one income-based public benefit from the federal government; and

WHEREAS, over 832,600 Florida residents who are not citizens received some type of public benefit based on their income, with many such residents living in Miami-Dade County; and

WHEREAS, such a rule change may dissuade many families from seeking the benefits they need for fear of the repercussions from receiving such benefits; and

WHEREAS, according to a May 2018 report by the Kaiser Family Foundation, up to 75 percent of children would lose health insurance if their parents disenroll them from Medicaid or KidCare; and

WHEREAS, according to the Florida Health Justice Project, nearly 109,000 U.S.-born children with at least one noncitizen parent are enrolled in Medicaid or KidCare programs in Miami-Dade County; and

WHEREAS, according to the Florida Health Justice Project, approximately 28,000 children in Miami-Dade County could become uninsured if the proposed changes to the public charge rule are enacted; and

WHEREAS, pregnant women, including those who are lawfully present or are U.S. citizens, who are in mixed immigrant family households, may choose to forego Medicaid-covered prenatal care out of fear that receiving such coverage may negatively impact the ability of the family to stay together; and

WHEREAS, the loss of Medicaid and KidCare coverage for Miami-Dade County residents, including children and pregnant women, could result in an increase in uncompensated care costs for safety-net hospitals, including Jackson Health System, when these individuals require medical treatment; and

WHEREAS, this Board opposes any proposed change to the public charge rule which might negatively impact families in Miami-Dade County,

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

Section 1. Urges President Donald Trump and the Department of Homeland Security to maintain the current interpretation of the public charge rule.

Section 2. Opposes any federal regulatory change that would negatively impact immigrant families.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States, the members of the Florida Congressional Delegation, and the Secretary of the Department of Homeland Security.

Section 4. Directs the County's federal lobbyists to advocate for the action described in Section 1 and oppose the action described in Section 2 above, and directs the Office of Intergovernmental Affairs to amend the 2018 Federal Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. 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:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 5th day of September, 2018. 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.

Javier Zapata

