

MEMORANDUM

Agenda Item No. 11(A)(4)

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

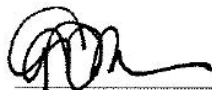
DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving and
authorizing the County Mayor
to execute a Memorandum of
Understanding between the
County and Annie Coleman
Resident Council, Inc. in
accordance with 24 Code of
Federal Regulations part 964;
and authorizing the County
Mayor to exercise all provisions
contained therein

Resolution No. R-669-20

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



Abigail Price-Williams
County Attorney



APW/smm

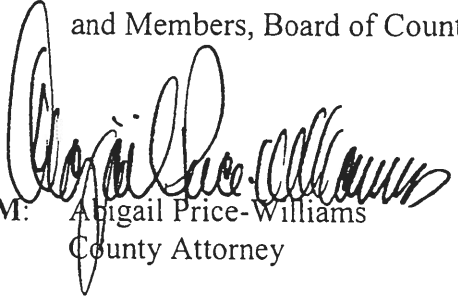


MEMORANDUM

(Revised)

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

DATE: July 8, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(4)

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 present ____, 2/3 membership ____, 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. 11(A)(4)

7-8-20

RESOLUTION NO. R-669-20

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY AND ANNIE COLEMAN RESIDENT COUNCIL, INC. IN ACCORDANCE WITH 24 CODE OF FEDERAL REGULATIONS PART 964; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, the public housing program, which is administered by the United States Department of Housing and Urban Development ("HUD"), was established by the United States Congress to provide decent and safe rental housing for eligible low-income families, the elderly and persons with disabilities; and

WHEREAS, the County is a "public housing agency," as defined in the United States Housing Act of 1937 (42 U.S.C. § 1437 *et seq.*, as amended), and is the owner and operator of 12 public housing asset management developments, which include over 9,000 units; and

WHEREAS, Miami-Dade Public Housing and Community Development Department is responsible for administering the public housing program on behalf of the County; and

WHEREAS, the County, as a public housing agency, must comply with the federal laws and regulations related to the public housing program, including, but not limited to, those certain federal regulations pertaining to tenant participation, which are codified in 24 Code of Federal Regulations ("CFR") part 964 ("Tenant Participation Regulations"); and

WHEREAS, according to the Tenant Participation Regulations, public housing agencies, such as the County, are required, among other things, to: (i) promote resident participation and the active involvement of residents in all aspects of each public housing agencies' overall missions

and operations; (ii) permit residents to organize and elect resident councils to represent their interests; and (iii) recognize the duly elected resident council to participate fully through a working relationship with the public housing agencies; and

WHEREAS, the Tenant Participation Regulations further require that a public housing agency shall provide certain funds it receives from HUD to the duly elected resident council at each development and/or those jurisdiction-wide resident councils eligible to receive the resident portion of the tenant services account to use for resident participation activities, which shall be in addition to the Performance Funding System, to permit public housing agencies to fund \$25 per unit per year for units represented by duly elected resident councils for resident services, subject to the availability of appropriations; and

WHEREAS, of this amount, \$15 per unit per year must be provided to fund tenant participation activities for duly elected resident councils and/or jurisdiction-wide councils and \$10 per unit per year must be used by the public housing agency to pay for costs incurred in carrying out tenant participation activities, including the expenses for conducting elections, recalls or arbitration required under the Tenant Participation Regulations; and

WHEREAS, according to the Tenant Participation Regulations, this will guarantee the resources necessary to create a bona fide partnership among the duly elected resident councils, the public housing agency and HUD; and

WHEREAS, the Tenant Participation Regulations require that funding provided by a public housing agency to a duly elected resident council may be made only under a written agreement between the public housing agency and a resident council, which includes a resident council budget and assurance that all resident council expenditures will not contravene provisions of law and will promote serviceability, efficiency, economy and stability in the operation of the local public housing development; and

WHEREAS, on April 8, 2003, this Board adopted Resolution No. R-305-03, which authorized the execution of the agreements required by the Tenant Participation Regulations with resident councils and the jurisdiction wide resident council, the Overall Tenant Advisory Council, Inc. (“OTAC”); and

WHEREAS, since the adoption of Resolution No. R-305-03, the County has executed many agreements with various resident councils and OTAC as required by the Tenant Participation Regulations and the before-mentioned resolution; and

WHEREAS, however, the County has not executed a similar agreement with the Annie Coleman Resident Council, Inc., which is the duly elected and recognized resident council for public housing residents residing in Annie Coleman 14, a public housing development owned by the County; and

WHEREAS, the County has determined that due to health and safety reasons the residents of Annie Coleman 14 and one other public housing development, Harry Cain, will have to relocate from their respective developments; and

WHEREAS, on November 19, 2019, this Board adopted Resolution No. R-1181-19, which, in part, authorized the County Mayor or the County Mayor’s designee to execute tenant relocation agreements with the before-mentioned residents to ensure that such residents have certain rights during and after the process of their relocation from the before-mentioned public housing developments; and

WHEREAS, on December 3, 2019, this Board also adopted Resolution No. R-1329-19, which established, among other things, the process for the future closure of public housing developments; and

WHEREAS, Resolution Nos. R-1181-19 and R-1329-19 were adopted by this Board to provide assurances to all residents living in the County's public housing developments, including, but not limited to, Annie Coleman 14 and Harry Cain, that this Board is concerned about the well-being of these residents and to guarantee certain protections are afforded to them; and

WHEREAS, in an effort to provide further assurances to the residents of Annie Coleman 14, this Board wishes to approve a memorandum of understanding between the County and the Annie Coleman Resident Council, Inc., which provides for funding to the resident council in accordance with the Tenant Participation Regulations and the donation of a computer and printer/copier/fax machine by County Commission District 3 to the resident council in accordance with 24 CFR § 964.18,

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

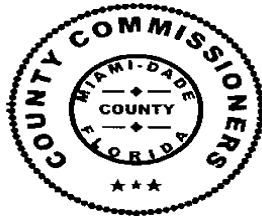
Section 1. The matters contained in the foregoing recitals are incorporated in this resolution by reference.

Section 2. This Board approves and authorizes the County Mayor or the County Mayor's designee to execute a Memorandum of Understanding between the County and the Annie Coleman Resident Council, Inc., in substantially the form attached hereto as Attachment A and incorporated herein by reference, in accordance with 24 CFR part 964. This Board further authorizes the County Mayor or the County Mayor's designee to exercise all provisions contained therein.

The Prime Sponsor of the foregoing resolution is Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 2020. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "TAS", written over a horizontal line.

Terrence A. Smith

ATTACHMENT A

MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN MIAMI-DADE COUNTY AND ANNIE COLEMAN RESIDENT COUNCIL, INC.

This Memorandum of Understanding (hereinafter referred to as a "MOU"), is made and entered into this 27th day of April, 2020 by and between Miami-Dade County, a political subdivision of the State of Florida, (hereinafter referred to as the "COUNTY") and the Annie Coleman Resident Council, Inc., a Florida not for profit corporation (hereinafter referred to as "RESIDENT COUNCIL"). The RESIDENT COUNCIL has requested to formally change its name to "Annie Coleman 14 Resident Council, Inc." and that request is pending with Florida's Secretary of State. The parties hereto agree as follows:

WHEREAS, the Miami-Dade Board of County Commissioners (the "Board") adopted Resolution No. R-305-03, which authorized the COUNTY to execute this MOU; and

WHEREAS, the COUNTY through its housing department, Miami-Dade Public Housing and Community Development or its successor department (hereinafter referred to as "PHCD"), is mandated by the United States Department of Housing and Urban Development (hereinafter referred to as "USHUD") to ensure effective public housing resident participation in all facets of its public housing operations; and

WHEREAS, Annie Coleman 14 Resident Council is the duly recognized resident council for public housing residents residing in Annie Coleman 14, a public housing development of Miami-Dade County; and

WHEREAS, 24 CFR § 964.150 requires the establishment of the Performance Funding System by Public Housing Authorities (hereinafter referred to as PHAs), subject to the availability of USHUD appropriations, and to fund twenty-five dollars 00/00 (\$25.00) per eligible unit per year for resident participation activities, for duly elected and PHA-recognized resident councils (Tenant Participation Funds or TP Funds). Of this amount, the County has agreed to disburse fifteen dollars 00/00 (\$15.00) per eligible unit annually to fund resident participation activities for duly elected and recognized resident councils, and ten dollars 00/00 (\$10.00) per eligible unit annually to be used by PHCD to fund costs including, but not limited to, resident participation activities, elections, recalls and arbitrations; and

WHEREAS, recognized RESIDENT COUNCILS are eligible to submit a request for TP Funds based on the number of eligible units, and

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WHEREAS, in addition, the TP Funds, the RESIDENT COUNCIL requested and the COUNTY, in accordance with 24 CFR §964.18, desires to provide the RESIDENT COUNCIL with one (1) Hewlett Packard computer and one Hewlett Packard all-in-one printer/scanner/copier/fax, which shall be utilized by the RESIDENT COUNCIL for the sole purpose of conducting its business as required by applicable laws and regulations; and

WHEREAS, the parties desire to enter into this MOU, which has been authorized by the Board on _____, 2020, upon the adoption of Resolution No. R_____-20,

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained the sufficiency of said consideration being hereby acknowledged, the parties hereto agree as follows:

I. MIAMI-DADE COUNTY RESPONSIBILITIES

- A. On an annual basis the COUNTY through PHCD shall disburse the TP Funds as mandated by 24 CFR § 964.150, subject to the availability of USHUD appropriations, to the duly elected and PHCD recognized resident councils, for resident participation activities. However, the first disbursement under this MOU shall cover start-up costs provided in the budget as described in Subsection C below. Notwithstanding the foregoing, PHCD will deduct from the total eligible amount for unaccounted receipts from prior funding disbursements. No further disbursements will be made until copies of receipts are provided.
- B. PHCD shall determine the total amount of the TP Funds to be paid to the RESIDENT COUNCIL for each year (the "Total Maximum Amount") as follows:
 - a. Each fiscal year during the three years of this MOU, PHCD agrees to fund the RESIDENT COUNCIL at \$15 per unit based upon the number of occupied units at Annie Coleman 14 on September 30, 2019 (198), or \$2,970 per year.
 - b. RESIDENT COUNCIL budget funds do not rollover from one fiscal year to next unless funds are obligated prior to the end of the fiscal year via a budget request approved by PHCD.
- C. The RESIDENT COUNCIL will submit an annual budget for the use of the Total Maximum Amount to PHCD for approval (TP Fund Budget) in accordance with Exhibit A. PHCD must provide a written explanation for any denied requests, which should provide specific details as to why the request failed to meet established evaluation criteria for budget approval. The RESIDENT COUNCIL may request PHCD's approval of budget amendments, which shall not be unreasonably withheld. However, the RESIDENT COUNCIL shall be permitted to make line item adjustments not to exceed 10% from one line item to another and such adjustment shall not be deemed a budget amendment requiring PHCD approval. The RESIDENT COUNCIL must submit any adjusted budget

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not requiring PHCD's approval to PHCD within ten (10) business days of such adjustment.

- D. PHCD shall maintain reports, statements, documents, and information with respect to these funds for the purpose of reporting same to the USHUD.
- E. PHCD shall provide training to the officers of the duly elected and recognized RESIDENT COUNCIL to comply with disbursements of receipts and overall responsibilities.
- F. PHCD shall provide technical support to the RESIDENT COUNCIL, whenever requested and as required by the federal regulations.
- G. PHCD, if requested by the RESIDENT COUNCIL and as prescribed by the federal regulations, shall provide a duly recognized RESIDENT COUNCIL, free of charge, air-conditioned office space, phone equipment, utilities (including phone line(s)), and meeting facilities preferably within the development it represents. As set forth herein, the COUNTY has agreed to provide the RESIDENT COUNCIL with one (1) Hewlett Packard computer and one (1) Hewlett Packard all-in-one printer/scanner/copier/fax. PHCD will reimburse the RESIDENT COUNCIL for WiFi service for a period of one year commencing on the effective date of this MOU, which such reimbursement shall be made to RESIDENT COUNCIL upon the submission of a valid bill for such WiFi service and proof of payment of such bill by the RESIDENT COUNCIL.
- H. PHCD will provide written notification to the RESIDENT COUNCIL should any of the officers fail to remain in good standing with the COUNTY. For purposes of this MOU the term "good standing" means "In compliance with all the terms and conditions of the lease and policies" associated with the units they are leasing.
- I. PHCD shall monitor, and if necessary, make written objections to decisions related to the expenditure of participation funds. In the event of irreconcilable differences, the matter shall be referred to the Field Office for intervention pursuant to 24 CFR §950(a)(3) and PIH notices thereunder.

II. RESIDENT COUNCIL RESPONSIBILITIES:

- A. RESIDENT COUNCIL shall provide to PHCD a copy of the RESIDENT COUNCIL By-Laws which have been approved and ratified by all members of the RESIDENT COUNCIL for purposes of complying with election notification.
- B. RESIDENT COUNCIL shall at all times maintain a board with at least three (3) positions filled.

- C. RESIDENT COUNCIL officers must remain in "good standing" status throughout their entire elected term.
- D. RESIDENT COUNCIL officers and board of directors shall attend the training provided by PHCD for disbursements of receipts and overall responsibilities. If an officer or director does not attend this training, the officer or director is not authorized to have signing authority on any accounts or to request disbursement of funds.
- E. RESIDENT COUNCIL shall comply with proper financial procedures, which is attached hereto as Exhibit A and incorporated by reference, and maintain and provide all official reports and information relative to RESIDENT COUNCIL's activities as may be requested by PHCD.
- F. RESIDENT COUNCIL shall provide copies of receipts on expenditures for funds disbursed within thirty (30) days of disbursement period. RESIDENT COUNCIL, by and through its treasurer, is responsible for submitting copies of receipts for funds expended to PHCD Resident Services unit.
- G. RESIDENT COUNCIL shall comply with PHCD policies and procedures, which are attached hereto as Exhibit B and incorporated by reference, regarding accountability for use and control of community space designated for their use as office space and/or meeting facilities, including but not limited to, accountability for keys and access. Designated space must not be subleased without the prior consent of the COUNTY, and shall be used exclusively for RESIDENT COUNCIL business.
- H. RESIDENT COUNCIL shall be responsible for retaining and transferring capital equipment purchased with RESIDENT COUNCIL funds. Capital equipment purchased with RESIDENT COUNCIL funds or provided by the County must remain in the RESIDENT COUNCIL'S office and be used for resident services only. Capital equipment is to be transferred to the newly elected successor and is subject to inventory by PHCD.
- I. RESIDENT COUNCIL shall use any equipment provide to it by the COUNTY as set forth and more fully described in paragraph I(G) of this Agreement for the sole purpose of conducting the business of the RESIDENT COUNCIL.
- J. *RESIDENT COUNCIL* shall indemnify and hold harmless the County and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorney's fees and cost of defense, which the County or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings, of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the RESIDENT COUNCIL or its employees, agents, servants, partners principals or subcontractors. The RESIDENT COUNCIL shall pay all claims and losses in connection

therewith and shall investigate and defend all claims, suits or actions of any kinds or nature in the name of the County, where applicable, including appellate proceedings, and shall pay all costs, judgments and attorney's fees which may ensue thereon. The RESIDENT COUNCIL expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by the RESIDENT COUNCIL shall in no way limit the responsibility to indemnify, keep and save harmless and defend the County or its officers, employees, agents and instrumentalities as herein provided. Notwithstanding the foregoing, the RESIDENT COUNCIL's duty to indemnify the County shall be limited to the RESIDENT COUNCIL's misappropriation or misuse of the funds provided to the RESIDENT COUNCIL under this Agreement. The RESIDENT COUNCIL shall have no duty to indemnify or hold harmless the County for the acts of the County or the failure of the County to act under this Agreement.

- K. The duly elected Resident Council shall work in partnership with PHCD. Residents shall be involved and participate in the overall policy development and direction of Public Housing operations as described in 24 CFR 964.135.
- L. PHCD shall involve RESIDENT COUNCIL officers and other interested residents at the public housing development through education and direct participation in all phases of the 5-Year and Annual PHA Plan process, RAD conversion and budgetary process. PHCD shall provide the RESIDENT COUNCIL with the annual budget for maintenance and operations for Annie Coleman 14 once approved as part of the annual PHCD budgeting process.

III. GENERAL PROVISIONS

- A. Modifications of provisions of this MOU shall be valid only when in writing and signed by duly authorized representatives of each party. The parties agree to renegotiate this MOU if the COUNTY determines, in its sole and absolute discretion, that federal, state, and/or COUNTY revision of any applicable laws or regulations, or increases or decreases in budget allocations make changes in this contract necessary. The COUNTY shall be the final authority in determining whether or not funds for this MOU are available due to federal, state and/or COUNTY revisions of any applicable laws or regulations.
- B. This MOU may, at the sole and absolute discretion of the COUNTY, remain in effect. However, the COUNTY shall have no obligation or responsibilities to make any payment, except those described herein, or provide any type of assistance or support to the RESIDENT COUNCIL if this MOU has expired or has been terminated.
- C. The authorized representatives of the parties are as follows:

President of the Resident Council

Page 5 of 10

Rev. 3/30/20

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Division Director, PHCD, Public Housing Division

IV. TERM

This MOU shall commence upon execution and shall remain in effect for a period not to exceed three (3) years unless the COUNTY in its sole and absolute discretion exercises its option to renew this MOU for an additional term of not more than three (3) years.

V. NOTICE

Notice under this Agreement shall be sufficient if made in writing and delivered personally or sent via certified mail, return receipt requested, postage prepaid, to the parties at the following addresses (or to such other party and at such other address as a party may specify by notice to others):

As to the COUNTY:

Miami-Dade Public Housing and Community Development
701 N.W. 1st Court, 16th Floor
Miami, Florida 33136
Attention: Division Director, PHCD, Public Housing Division

As to the RESIDENT COUNCIL:

ANNIE COLEMAN 14 RESIDENT COUNCIL
2301 NW 50th Street, #B
Miami, Florida 33142
Attention: Resident Council President

VI. TERMINATION

- A. Termination for Breach: The COUNTY may terminate this MOU, in whole or in part when the COUNTY determines, that the RESIDENT COUNCIL is not complying or has not complied with any term or provision of this MOU or no longer satisfies any of the requirements of the federal regulations to be or to serve as a duly elected and PHCD-recognized resident council. Provider shall be given written notice of the claimed breach and 10 business days to cure same. Unless the RESIDENT COUNCIL's breach is waived by the COUNTY in writing, or unless the RESIDENT COUNCIL shall have failed after receiving written notice of the claimed breach by the COUNTY to take steps to cure the breach within 10 business days after receipt of breach, the COUNTY may, by written notice to the RESIDENT COUNCIL, terminate this MOU upon no less than twenty-four (24) hours' notice. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. Waiver of breach of any provision of this MOU shall not be deemed to be a waiver of any other breach and shall not be

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construed to be a modification of the terms of this MOU. The provisions herein do not limit the COUNTY's right to legal or equitable remedies.

- B. **Misappropriation of Funds:** The COUNTY may terminate this MOU in the event the RESIDENT COUNCIL fails to provide eligible receipts for resident participation funds. The monies must be spent in an appropriate manner consistent with the submitted budget and regulations established by the USHUD. Failure to do so may result in suspension of funding and reporting to USHUD/ Office of Inspector General (OIG).

VII. PUBLIC RECORDS

As it relates to this MOU, the RESIDENT COUNCIL, pursuant to Section 119.0701, Florida Statutes, shall:

- A. Keep and maintain public records that ordinarily and necessarily would be required by the COUNTY in order to perform under this MOU;
- B. Upon request of from the COUNTY's custodian of public records identified herein, provide the COUNTY with a copy of the requested records or allow the public with access to public records on the same terms and conditions that the COUNTY would provide the records and at a cost that does not exceed the cost provided in the Florida Public Records Act, Miami-Dade County Administrative Order No. 4-48, or as otherwise provided by law;
- C. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this MOU's term and following completion of the work under this MOU if the RESIDENT COUNCIL does not transfer the records to the COUNTY; and
- D. Meet all requirements for retaining public records and transfer to the COUNTY, at no cost to the COUNTY, all public records created, received, maintained and/or directly related to the performance of this Agreement that are in possession of the RESIDENT COUNCIL upon termination of this MOU. Upon termination of this MOU, the RESIDENT COUNCIL shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the COUNTY in a format that is compatible with the information technology systems of COUNTY.

For purposes of this section, the term "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of the COUNTY.

In the event the RESIDENT COUNCIL does not comply with the public

records disclosure requirements set forth in Section 119.0701, *Florida Statutes*, and this article, the COUNTY shall avail itself of the remedies set forth in this MOU. The RESIDENT COUNCIL's obligations under this section shall survive the termination of this MOU.

IF THE RESIDENT COUNCIL HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE RESIDENT COUNCIL'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, PLEASE CONTACT THE COUNTY'S CUSTODIAN OF PUBLIC RECORDS AT:

Miami-Dade County
Miami-Dade Public Housing and Community Development
701 N.W. 1st Court, 14th Floor
Miami, Florida 33136
Attention: Lizette Capote
Email: LCAPOTE@miamidade.gov

VIII. MISCELLANEOUS PROVISIONS

- A. This MOU is the complete and exclusive statement of all the arrangements between the COUNTY and RESIDENT COUNCIL.
- B. In the event a dispute arises between PHCD and the RESIDENT COUNCIL, including any dispute over compliance with this MOU, the parties shall endeavor in good faith to resolve the dispute informally. Informal disputes shall first be resolved through a meeting between RESIDENT COUNCIL'S representatives and representatives from PHCD's Resident Services Department. If a dispute cannot be resolved informally at that level, the RESIDENT COUNCIL shall contact the Division Director, Public Housing Division. If the dispute is not resolved at the level of the Division Director, the RESIDENT COUNCIL shall contact the PHCD Director.
- C. Except as otherwise enumerated herein, no amendment to this MOU shall be binding on either party unless in writing and signed by both parties and approved by the County Attorney's Office, provided, however, that the COUNTY may effect amendments to this Agreement without the written consent of RESIDENT COUNCIL, to conform this MOU to changes in the laws, directives, guidelines, and objectives of County, State and Federal governments.
- D. Nothing herein shall alter, affect, modify, change or extend any other agreement between the RESIDENT COUNCIL and the COUNTY, or any department of the COUNTY unless specifically stated herein.
- E. The invalidity of all or any part of this MOU shall not render invalid the remainder of this MOU or the remainder of such section, if the remainder would then conform to the requirements of applicable law.

- F. This MOU shall be governed under the laws of the State of Florida as to all matters, including but not limited to matters of validity, construction, effect and performance. Venue for any litigation between parties regarding this MOU shall lie only in State and Federal courts in Miami-Dade County, Florida.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused the Memorandum of Understanding to be executed by their officials thereunto duly authorized.

ATTEST:

FOR MIAMI-DADE COUNTY
FLORIDA, a political subdivision of the
State of Florida

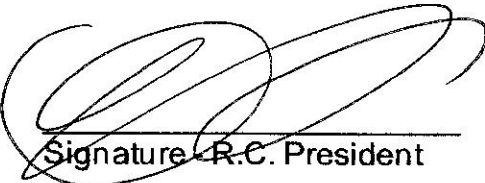
Deputy Clerk
Clerk of the Board

Maurice L. Kemp
Deputy Mayor

Approved as to form and legal sufficiency: _____
Terrence A. Smith
Assistant County Attorney

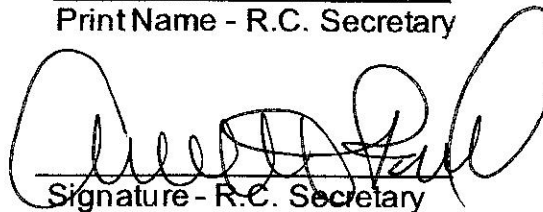
FOR THE ANNIE COLEMAN RESIDENT COUNCIL

Arlene Adams
Print Name - R.C. President



Signature - R.C. President

Annette Paul
Print Name - R.C. Secretary



Signature - R.C. Secretary

Exhibit A

**Memorandum of Understanding
Between Miami-Dade County and Resident Council**

PHCD Financial Procedures

**Tenant Participation Funding Guidelines and Procurement Policies
For
Resident Council Funding**

- 1) Resident Council must enter into a written agreement with Miami-Dade County in order to receive the tenant participation funds.
- 2) Resident Council establishes a budget and forwards it to the Resident Services Unit for review.
 - a. Resident Service Coordinators are available to lend technical assistance to resident council in development of the budget.
 - b. Budget must contain cost quotes for items requested.
 - c. When funding is requested for activities, the benefit to the residents must be included as a budget justification. PHCD will evaluate requests for use of Tenant Participation funds in accordance with the proposed criteria in PIH 2013-21.
- 3) Within 7 business days of receiving the budget, Resident Services staff reviews the budget for compliance with United States Department of Housing and Urban Development (USHUD) and PHCD funding guidelines (See Attachment A, Allowable and Unallowable Activities).
 - a. Budget adjustments may be necessary and resident councils will be notified of any required changes and the revised final budget request pursuant to 24 CFR § 964.140 and 964.150.
- 4) Resident Council budget request is forwarded to PHCD Resident Services staff, then forwarded to the PHCD Public Housing Division Director and Executive Director for approval within 7 business days.
- 5) PHCD's Finance Division processes the request and issues payment to the Resident Council or directly to the vendor for approved expenses:
 - a. Payment may be direct deposited into the resident council bank account, if established, picked up by a RC member or delivered to the site.
 - b. Only board members with signature authority will be allowed to sign for and receive payments.
- 6) Receipts are due to the Resident Services Unit within 30 days of the disbursement. Resident Services staff will inform the RC on the eligibility of the receipts and inform the RC of the amount available for funding as well as the unaccounted amount within 14 business days after receiving the receipts.
- 7) PHCD will deduct from the total eligible amount for unaccounted receipts from prior funding disbursements. No further disbursements will be made until copies of receipts are provided.

Attachment A

Resident Council Funding (Allowable and Unallowable Activities)

Allowable Activities

- **Those included in PIH Notice 2013-21 and those outlined in § 964.140 and 964.150:**
 - Consultation and outreach efforts that support active interaction between the PHA and residents
 - Activities that inform residents on issues and/or operations that affect resident households and their living environment
 - Resident surveys and other mechanisms to collect resident input
 - Annual membership events or site-based community activities that enhance resident participation
 - Resident Council (RC) training, resident advisory board (RAB) training, leadership development, household training, orientation and training for new and existing residents on resident responsibilities
 - Resident Council elections and organizing
 - Planning functions for matters such as the Public Housing Agency Plan (PHA Plan), revitalization, safety and security, property management and maintenance, and capital improvements
 - Reasonable costs for refreshments and light snacks that are directly related to resident meetings for the activities discussed in this section
 - Stipends to resident council officers who serve as volunteers in their public housing development.
- **Self-sufficiency and capacity building activities, such as those listed in § 964.205:**
 - Social support needs (such as self-sufficiency and youth initiatives) including: coordination of support services; training of residents for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs, and senior programs; training programs on health, nutrition and safety; child abuse and neglect prevention; tutorial services, including those in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire and Big Brother/Big Sisters, etc.; youth education and sports programs; drug use and violence prevention programs; financial literacy and credit counseling
 - Resident management training for residents in skills directly related to the operation, management, maintenance, and financial systems of a project as potential employees of an existing or proposed resident management corporation (RMC), including training on nondiscrimination and equal opportunity requirements
 - Training related to the development of resident-owned businesses and technical assistance for job training and placement in RMC developments

Unallowable Activities

Any activity outside the scope of the PHA policy and HUD regulatory requirements behind Tenant Participation (TP) funds and activities. Unallowable expenses also include any activities prohibited by laws related to fair housing and non-discrimination. In addition, the Office of Management and Budget's (OMB) Circular A-87 prohibits the use of federal funds, including TP funds, for the following:

- Purchase of alcoholic beverages
- Entertainment, where the dedicated purpose of the event falls under the following categories:
 - Amusement (trips to theme parks, county fairs, etc.)
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 - Social activities (parties, bowling nights, etc.)
 - Any directly associated costs for the events in the categories above (tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities)
- Organized fund raising costs, including financial campaigns, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions, regardless of the purpose for which the funds will be used

Although TP funds cannot be used for the activities listed above, the Department encourages RCs and PHA to seek additional funds or partnerships to provide activities with beneficial outcomes to public housing residents and communities.

Exception to Direct Pay to Vendor Procedure

- The payment of the reasonable costs for refreshments and light snacks directly related to resident meetings may be paid directly to the Resident Council via direct deposit.

Proposed Criteria for Evaluating Use of TP Funds

HUD encourages PHAs and RCs to consider the following criteria in conducting the evaluation of proposed TP fund expenditures:

- Is the proposed TP activity consistent with the written agreement between the PHA and the RC regarding TP funding?
- Is the requested activity consistent with the intent of HUD's regulations and the PHA's policies?
- Is the request clear? What exact activity or resource is being requested by the RC?
- Will residents have equal or broad access to the resource being provided? Will this expense benefit an individual or is it being made available to a larger group?
- Is the proposed TP activity reasonable in cost? Does the request include consideration of other more affordable alternatives? Can other vendors provide a similar resource at a lower cost? Will this expense present any conflicts of interest? Does the proposed expense abide by applicable procurement policies?
- Is the requested expense reasonable considering the PHA's size, residents served, and the amount of TP funds available?
- Is the proposed TP activity to take place locally? If not, is there a compelling reason for the activity to take place outside of the PHA's jurisdiction?
- Are the needs of the community, such as those documented in the PHA Plan, being met by the proposed TP activity?
- Will the RC be able to provide the appropriate receipts and invoices for auditing purposes?

Exhibit B



**MIAMI-DADE PUBLIC HOUSING and COMMUNITY DEVELOPMENT
Public Housing Division**

USE OF COMMUNITY SPACE

POLICIES AND PROCEDURES

Effective: October 15, 2018

USE OF COMMUNITY SPACE

POLICIES AND PROCEDURES

TABLE OF CONTENTS

	<u>Page</u>
I. Purpose	3
II. Policy	3
III. General Rules	3
IV. Rules and Procedures for Request of Community Space	3
A. Rules and Procedures for Residents' Request of the Space	3
B. Rules and Procedures for Resident Council's Request of the Space	4
V. Rules and Procedures for Use of Community Space	4
A. Rules and Procedures for Residents' Use of the Space	4
B. Rules and Procedures for Resident Council's Use of the Space	4
C. Maintaining Community Space Calendar	5
D. Response to Requests to Use Community Space	5
E. Resident Services' Rejection of Request to Use Space	5
F. Presentation of Proposed Rules and Procedures to Residents	5
G. Posting and Distribution of Approved Rules and Procedures	5
H. Rules and Procedures for Non-Residents' Request to Use Community Space	5
I. Rules and Procedures for Use of Community Space Leased to Outside Agencies	5
J. Failure to Comply with Community Space Policy and Procedures	6
VI. Resident Services' Responsibility for Monitoring Use of Community Space Policy and Procedures	6

MIAMI-DADE PUBLIC HOUSING and COMMUNITY DEVELOPMENT

Public Housing Division

Use of Community Space Policies and Procedures

I. PURPOSE

Public Housing and Community Development (PHCD) has established and maintains space designated as "community space" at many of its public housing developments. This space, often a large room located in a Residential building or a separate facility that may include offices and activity rooms, is for the benefit and use of all legal Residents of public housing developments in which they are located. In some instances, this space has been leased to service providers who operate activities and services for the benefit of Residents. In those cases, access to the space or Resident activities may be limited. The limitations on the use of that space by the Resident Council and/or Residents of the development are described in the lease for the space between the service provider and PHCD. However, where community space is accessible for Resident activities, PHCD establishes a policy governing control and use of that space.

II. POLICY

Where community space at a housing site is not legally and contractually designated for other purposes that space shall be available to all legal Residents of the development on a fair and impartial basis in accordance with the procedures established by PHCD. This policy applies to Residents and resident councils. All other entities interested in using public housing community space must complete a Public Housing and Community Development (PHCD) Community Space Request Form or enter into a Community Space Lease Agreement.

In accordance with 24 CFR 964.18 (a) (5), If requested, a HA should provide a duly recognized resident council office space and meeting facilities, free of charge, preferably within the development it represents. If there is no community or rental space available, a request to approve a vacant unit for this non-dwelling use will be considered on a case-by-case basis.

III. GENERAL RULES

- a. Residents must be in good standing with the lease to use the community space. All members of household are bound by the status of the head of household.
- b. All requests for use of community space must be submitted to the public housing site's AMP Administrator for approval.
- c. Requests for use of community space must be made in writing on the PHCD Community Space Request Form at least two (2) weeks prior to the activity.
- d. Residents are responsible for any damages that are the direct result of their use of the community space and will be charged under the Maintenance Charge procedures the costs of any damages.
- e. In the event of damage to the community space as a result of the Resident's use of the community space or any incident requiring the response of law enforcement, the responsible Resident(s) shall be prohibited from using the community space for a period of one (1) year.

IV. RULES AND PROCEDURES FOR REQUEST OF COMMUNITY SPACE

A. Rules and Procedures for Residents' Request of the Space:

1. Resident must be in good standing with the lease to use community space. All members of household are bound by the status of the head of household.
2. Resident's request must be made in writing to AMP Administrator's office at least two (2) weeks prior to event.
3. The request must be forwarded to the Public Housing Division Director's office for approval.
4. Upon approval of the request, a pre-inspection of space shall be conducted by PHCD and the Resident.
5. Post event inspection will be conducted by PHCD and the Resident during working hours.

B. Rules and Procedures for Resident Council's Request of the Space

1. Resident Councils are encouraged to submit a calendar of activities
2. Resident Councils must complete and submit a PHCD Community Space Request Form to the AMP Administrator.
3. The request must be forwarded to the Public Housing Division Director's office for approval.

V. RULES AND PROCEDURES FOR USE OF COMMUNITY SPACE

A. Rules and Procedures for Residents' Use of the Space

1. No Resident may be charged a fee for the use of the space. The community space will be inspected before and after the event/activity. Residents whose requests to use the space are approved must also be notified in writing that any damages will be charged to them under the Maintenance Charge procedures.
2. Serving any alcohol in the community space is prohibited.
3. Adolescent parties, commercial and for-profit ventures, etc., are prohibited.
4. Disturbing the peaceful enjoyment of the community is prohibited. The activity must be confined to the community space and the participants must meet the capacity limits of the community space.
5. The Resident assumes all responsibility for determining and acquiring security.

B. Rules and Procedures for Resident Council's Use of the Space

1. Resident Meetings: Duly elected resident councils are entitled to use community space for Resident meetings. Resident councils are encouraged to schedule meetings for the year and to make adjustments as needed. A calendar of regularly scheduled meetings must be provided to the AMP Administrator with reasonable notice prior to the meeting. **One week is considered reasonable notice.**
 - a. Community Space under Lease with Service Providers: If service providers occupy the community space, the resident council must submit a list of dates and times the community space is needed for Resident meetings with reasonable notice to allow the coordination of the access to the community space with the service provider.
2. Resident Participation Activities: Resident councils must submit a PHCD Community Space Request Form with reasonable notice in advance of the activity to allow management to plan for adjusted work schedules to accommodate the activity.
3. Serving any alcohol in the community space is strictly prohibited.
4. Adolescent parties, commercial and for-profit ventures, etc., are prohibited.
5. The activity must be confined to the community space and the participants must meet the capacity limits of the community space.
6. The Requestor assumes responsibility for determining and acquiring security.

C. Maintaining Community Space Calendar

The AMP Administrator must maintain a calendar for the community space and make it available to Residents upon request.

D. Response to Requests to Use Community Space

The AMP Administrator will be responsible for forwarding copies of all requests to use the space to the Public Housing Division Director for review and approval. The AMP Administrator must review the requests and forward his/her comments to the Public Housing Division Director.

In accordance with the procedure for requesting use of the community space, the Public Housing Division Director will review each request in a timely manner and provide a written response to the requestor.

E. Public Housing Division's Rejection of Request to Use Space

A request for use of community space may be denied for the following reasons:

- a. If the requested use violates federal, state or local laws and regulations or creates a danger to the health, safety or welfare of the Residents or may result in damage to the property.
- b. If the requested date and time conflicts with another scheduled use of the community space.
- c. If the head of household or the requestor is under eviction for violation of the lease.
- d. If the head of household or requestor is delinquent in rent payments.
- e. If the request is not submitted in sufficient time to plan for staff coverage.

F. Presentation of Proposed Rules and Procedures to Residents

The AMP Administrators must present the rules for use of the space to the entire Resident population at a mass meeting for which all Residents have received at least one (1) week's notice.

G. Posting and Distribution of Approved Rules and Procedures

Once the rules and procedures are approved by the Public Housing Division, the resident council will post them in the resident council office and the site management office will provide copies upon request. If necessary, sending copies to all the Residents should be the responsibility of the AMP Administrators.

H. Rules and Procedures for Non-Residents Request to Use Community Space

In the event a Section 3 business, not-for-profit community organization or governmental entity request to use PHCD community space, the request for use must be for the benefit of public housing residents. Such requests require the review and approval of the Public Housing Division. Non-Residents, who may be eligible to request the use of the space, must complete a PHCD Community Space Request Form or enter into a Community Space Lease Agreement.

I. Rules and Procedures for Use of Community Space Leased to Outside Agencies

Where community space is leased to an outside agency, but some part of the space is available for limited Resident use, the AMP Administrator will monitor the use of the space including but not limited to the receipt of requests to use the space, retention of the keys, etc.

J. Failure to Comply with Use of Community Space Policy and Procedures

If a Resident or resident council fails to comply with the requirements of this policy and its procedures, it may forfeit the privilege of using the community space for any uses other than Resident meetings. When the Public Housing Division receives information that the resident council is not complying with this policy and its procedures, it will notify the resident council in writing of violations and advise the resident council that Public Housing staff will conduct an investigation. If Public Housing determines that the resident council violated this policy and its procedures, the resident council will be notified that they have a period not to exceed thirty (30) days to correct the problem or the Public Housing Division may determine that the resident council has forfeited the privilege of using the space. In either event, the Public Housing Division must notify the resident council of the decision in writing. In addition to the decision, the notice will include the reason for the action, the specific steps the resident council must follow to correct the problem or set aside the forfeiture decision and the procedure for appealing the decision.

Appeals will be reviewed by the Public Housing Division within thirty (30) days of the initial decision and the Public Housing Division will render a decision, which will be final within thirty (30) days of the appeal.

VI. Resident Services' Responsibility for Monitoring Use of Community Space Policy and Procedures

Resident Services is generally responsible for monitoring Residents' and Resident Councils' compliance with this policy and procedure. However, AMP Administration must notify Resident Services when they observe non-compliance by a resident council.

PHCD, in the implementation of this policy, does not discriminate against any Resident or resident council based on race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, gender identity, veteran status or source of income

Exhibit A

Memorandum of Understanding Between Miami-Dade County and Resident Council

PHCD Financial Procedures

Tenant Participation Funding Guidelines and Procurement Policies For Resident Council Funding

- 1) Resident Council must enter into a written agreement with Miami-Dade County in order to receive the tenant participation funds.
- 2) Resident Council establishes a budget and forwards it to the Resident Services Unit for review.
 - a. Resident Service Coordinators are available to lend technical assistance to resident council in development of the budget.
 - b. Budget must contain cost quotes for items requested.
 - c. When funding is requested for activities, the benefit to the residents must be included as a budget justification. PHCD will evaluate requests for use of Tenant Participation funds in accordance with the proposed criteria in PIH 2013-21.
- 3) Within 7 business days of receiving the budget, Resident Services staff reviews the budget for compliance with United States Department of Housing and Urban Development (USHUD) and PHCD funding guidelines (See Attachment A, Allowable and Unallowable Activities).
 - a. Budget adjustments may be necessary and resident councils will be notified of any required changes and the revised final budget request pursuant to 24 CFR § 964.140 and 964.150.
- 4) Resident Council budget request is forwarded to PHCD Resident Services staff, then forwarded to the PHCD Public Housing Division Director and Executive Director for approval within 7 business days.
- 5) PHCD's Finance Division processes the request and issues payment to the Resident Council or directly to the vendor for approved expenses:
 - a. Payment may be direct deposited into the resident council bank account, if established, picked up by a RC member or delivered to the site.
 - b. Only board members with signature authority will be allowed to sign for and receive payments.
- 6) Receipts are due to the Resident Services Unit within 30 days of the disbursement. Resident Services staff will inform the RC on the eligibility of the receipts and inform the RC of the amount available for funding as well as the unaccounted amount within 14 business days after receiving the receipts.
- 7) PHCD will deduct from the total eligible amount for unaccounted receipts from prior funding disbursements. No further disbursements will be made until copies of receipts are provided.

Attachment A

Resident Council Funding (Allowable and Unallowable Activities)

Allowable Activities

- **Those included in PIH Notice 2013-21 and those outlined in § 964.140 and 964.150:**
 - o Consultation and outreach efforts that support active interaction between the PHA and residents
 - o Activities that inform residents on issues and/or operations that affect resident households and their living environment
 - o Resident surveys and other mechanisms to collect resident input
 - o Annual membership events or site-based community activities that enhance resident participation
 - o Resident Council (RC) training, resident advisory board (RAB) training, leadership development, household training, orientation and training for new and existing residents on resident responsibilities
 - o Resident Council elections and organizing
 - o Planning functions for matters such as the Public Housing Agency Plan (PHA Plan), revitalization, safety and security, property management and maintenance, and capital improvements
 - o Reasonable costs for refreshments and light snacks that are directly related to resident meetings for the activities discussed in this section
 - o Stipends to resident council officers who serve as volunteers in their public housing development.
- **Self-sufficiency and capacity building activities, such as those listed in § 964.205:**
 - o Social support needs (such as self-sufficiency and youth initiatives) including: coordination of support services; training of residents for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs, and senior programs; training programs on health, nutrition and safety; child abuse and neglect prevention; tutorial services, including those in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire and Big Brother/Big Sisters, etc.; youth education and sports programs; drug use and violence prevention programs; financial literacy and credit counseling
 - o Resident management training for residents in skills directly related to the operation, management, maintenance, and financial systems of a project as potential employees of an existing or proposed resident management corporation (RMC), including training on nondiscrimination and equal opportunity requirements
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Unallowable Activities

Any activity outside the scope of the PHA policy and HUD regulatory requirements behind Tenant Participation (TP) funds and activities. Unallowable expenses also include any activities prohibited by laws related to fair housing and non-discrimination. In addition, the Office of Management and Budget's (OMB) Circular A-87 prohibits the use of federal funds, including TP funds, for the following:

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Rev 03-30-20

Exception to Direct Pay to Vendor Procedure

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- Will the RC be able to provide the appropriate receipts and invoices for auditing purposes?

Exhibit B



**MIAMI-DADE PUBLIC HOUSING and COMMUNITY DEVELOPMENT
Public Housing Division**

USE OF COMMUNITY SPACE

POLICIES AND PROCEDURES

Effective: October 15, 2018

USE OF COMMUNITY SPACE
POLICIES AND PROCEDURES

TABLE OF CONTENTS

	<u>Page</u>
I. Purpose	3
II. Policy	3
III. General Rules	3
IV. Rules and Procedures for Request of Community Space	3
A. Rules and Procedures for Residents' Request of the Space	3
B. Rules and Procedures for Resident Council's Request of the Space	4
V. Rules and Procedures for Use of Community Space	4
A. Rules and Procedures for Residents' Use of the Space	4
B. Rules and Procedures for Resident Council's Use of the Space	4
C. Maintaining Community Space Calendar	5
D. Response to Requests to Use Community Space	5
E. Resident Services' Rejection of Request to Use Space	5
F. Presentation of Proposed Rules and Procedures to Residents	5
G. Posting and Distribution of Approved Rules and Procedures	5
H. Rules and Procedures for Non-Residents' Request to Use Community Space	5
I. Rules and Procedures for Use of Community Space Leased to Outside Agencies	5
J. Failure to Comply with Community Space Policy and Procedures	6
VI. Resident Services' Responsibility for Monitoring Use of Community Space Policy and Procedures	6

MIAMI-DADE PUBLIC HOUSING and COMMUNITY DEVELOPMENT

Public Housing Division

Use of Community Space Policies and Procedures

I. PURPOSE

Public Housing and Community Development (PHCD) has established and maintains space designated as "community space" at many of its public housing developments. This space, often a large room located in a Residential building or a separate facility that may include offices and activity rooms, is for the benefit and use of all legal Residents of public housing developments in which they are located. In some instances, this space has been leased to service providers who operate activities and services for the benefit of Residents. In those cases, access to the space or Resident activities may be limited. The limitations on the use of that space by the Resident Council and/or Residents of the development are described in the lease for the space between the service provider and PHCD. However, where community space is accessible for Resident activities, PHCD establishes a policy governing control and use of that space.

II. POLICY

Where community space at a housing site is not legally and contractually designated for other purposes that space shall be available to all legal Residents of the development on a fair and impartial basis in accordance with the procedures established by PHCD. This policy applies to Residents and resident councils. All other entities interested in using public housing community space must complete a Public Housing and Community Development (PHCD) Community Space Request Form or enter into a Community Space Lease Agreement.

In accordance with 24 CFR 964.18 (a) (5), If requested, a HA should provide a duly recognized resident council office space and meeting facilities, free of charge, preferably within the development it represents. If there is no community or rental space available, a request to approve a vacant unit for this non-dwelling use will be considered on a case-by-case basis.

III. GENERAL RULES

- a. Residents must be in good standing with the lease to use the community space. All members of household are bound by the status of the head of household.
- b. All requests for use of community space must be submitted to the public housing site's AMP Administrator for approval.
- c. Requests for use of community space must be made in writing on the PHCD Community Space Request Form at least two (2) weeks prior to the activity.
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- e. In the event of damage to the community space as a result of the Resident's use of the community space or any incident requiring the response of law enforcement, the responsible Resident(s) shall be prohibited from using the community space for a period of one (1) year.

IV. RULES AND PROCEDURES FOR REQUEST OF COMMUNITY SPACE

A. Rules and Procedures for Residents' Request of the Space:

1. Resident must be in good standing with the lease to use community space. All members of household are bound by the status of the head of household.
2. Resident's request must be made in writing to AMP Administrator's office at least two (2) weeks prior to event.
3. The request must be forwarded to the Public Housing Division Director's office for approval.
4. Upon approval of the request, a pre-inspection of space shall be conducted by PHCD and the Resident.
5. Post event inspection will be conducted by PHCD and the Resident during working hours.

B. Rules and Procedures for Resident Council's Request of the Space

1. Resident Councils are encouraged to submit a calendar of activities
2. Resident Councils must complete and submit a PHCD Community Space Request Form to the AMP Administrator.
3. The request must be forwarded to the Public Housing Division Director's office for approval.

V. RULES AND PROCEDURES FOR USE OF COMMUNITY SPACE

A. Rules and Procedures for Residents' Use of the Space

1. No Resident may be charged a fee for the use of the space. The community space will be inspected before and after the event/activity. Residents whose requests to use the space are approved must also be notified in writing that any damages will be charged to them under the Maintenance Charge procedures.
2. Serving any alcohol in the community space is prohibited.
3. Adolescent parties, commercial and for-profit ventures, etc., are prohibited.
4. Disturbing the peaceful enjoyment of the community is prohibited. The activity must be confined to the community space and the participants must meet the capacity limits of the community space.
5. The Resident assumes all responsibility for determining and acquiring security.

B. Rules and Procedures for Resident Council's Use of the Space

1. Resident Meetings: Duly elected resident councils are entitled to use community space for Resident meetings. Resident councils are encouraged to schedule meetings for the year and to make adjustments as needed. A calendar of regularly scheduled meetings must be provided to the AMP Administrator with reasonable notice prior to the meeting. **One week is considered reasonable notice.**
 - a. Community Space under Lease with Service Providers: If service providers occupy the community space, the resident council must submit a list of dates and times the community space is needed for Resident meetings with reasonable notice to allow the coordination of the access to the community space with the service provider.
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5. The activity must be confined to the community space and the participants must meet the capacity limits of the community space.
6. The Requestor assumes responsibility for determining and acquiring security.

C. Maintaining Community Space Calendar

The AMP Administrator must maintain a calendar for the community space and make it available to Residents upon request.

D. Response to Requests to Use Community Space

The AMP Administrator will be responsible for forwarding copies of all requests to use the space to the Public Housing Division Director for review and approval. The AMP Administrator must review the requests and forward his/her comments to the Public Housing Division Director.

In accordance with the procedure for requesting use of the community space, the Public Housing Division Director will review each request in a timely manner and provide a written response to the requestor.

E. Public Housing Division's Rejection of Request to Use Space

A request for use of community space may be denied for the following reasons:

- a. If the requested use violates federal, state or local laws and regulations or creates a danger to the health, safety or welfare of the Residents or may result in damage to the property.
- b. If the requested date and time conflicts with another scheduled use of the community space.
- c. If the head of household or the requestor is under eviction for violation of the lease.
- d. If the head of household or requestor is delinquent in rent payments.
- e. If the request is not submitted in sufficient time to plan for staff coverage.

F. Presentation of Proposed Rules and Procedures to Residents

The AMP Administrators must present the rules for use of the space to the entire Resident population at a mass meeting for which all Residents have received at least one (1) week's notice.

G. Posting and Distribution of Approved Rules and Procedures

Once the rules and procedures are approved by the Public Housing Division, the resident council will post them in the resident council office and the site management office will provide copies upon request. If necessary, sending copies to all the Residents should be the responsibility of the AMP Administrators.

H. Rules and Procedures for Non-Residents Request to Use Community Space

In the event a Section 3 business, not-for-profit community organization or governmental entity request to use PHCD community space, the request for use must be for the benefit of public housing residents. Such requests require the review and approval of the Public Housing Division. Non-Residents, who may be eligible to request the use of the space, must complete a PHCD Community Space Request Form or enter into a Community Space Lease Agreement.

I. Rules and Procedures for Use of Community Space Leased to Outside Agencies

Where community space is leased to an outside agency, but some part of the space is available for limited Resident use, the AMP Administrator will monitor the use of the space including but not limited to the receipt of requests to use the space, retention of the keys, etc.

J. Failure to Comply with Use of Community Space Policy and Procedures

If a Resident or resident council fails to comply with the requirements of this policy and its procedures, it may forfeit the privilege of using the community space for any uses other than Resident meetings. When the Public Housing Division receives information that the resident council is not complying with this policy and its procedures, it will notify the resident council in writing of violations and advise the resident council that Public Housing staff will conduct an investigation. If Public Housing determines that the resident council violated this policy and its procedures, the resident council will be notified that they have a period not to exceed thirty (30) days to correct the problem or the Public Housing Division may determine that the resident council has forfeited the privilege of using the space. In either event, the Public Housing Division must notify the resident council of the decision in writing. In addition to the decision, the notice will include the reason for the action, the specific steps the resident council must follow to correct the problem or set aside the forfeiture decision and the procedure for appealing the decision.

Appeals will be reviewed by the Public Housing Division within thirty (30) days of the initial decision and the Public Housing Division will render a decision, which will be final within thirty (30) days of the appeal.

VI. Resident Services' Responsibility for Monitoring Use of Community Space Policy and Procedures

Resident Services is generally responsible for monitoring Residents' and Resident Councils' compliance with this policy and procedure. However, AMP Administration must notify Resident Services when they observe non-compliance by a resident council.

PHCD, in the implementation of this policy, does not discriminate against any Resident or resident council based on race, color, religion, ancestry, national origin, sex, pregnancy, age, disability, marital status, familial status, sexual orientation, gender identity, veteran status or source of income