

MEMORANDUM

Agenda Item No. 11(A)(7)

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

DATE: July 8, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor, subject to applicable laws and regulations, to amend the Section 8 Administrative Plan for Miami-Dade Public Housing and Community Development Department to ensure that applicants on the current tenant-based waiting list do not lose their current ranking on such waiting list or have to reapply for housing assistance; to seek Board approval prior to opening and/or dissolving the waiting list; to present the amended administrative plan to the Board for its approval after receiving public comment; and to open the tenant-based waiting list to receive additional applications as set forth herein

Resolution No. R-672-20

This item was amended at the 6-8-20 Housing, Social Services and Economic Development Committee to update the total number of applicants remaining on the Tenant-based Waiting List.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez.



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

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

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County Attorney

SUBJECT: Agenda Item No. 11(A)(7)

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)(7)
7-8-20

RESOLUTION NO. R-672-20

RESOLUTION DIRECTING THE COUNTY MAYOR, SUBJECT TO APPLICABLE LAWS AND REGULATIONS, TO AMEND THE SECTION 8 ADMINISTRATIVE PLAN FOR MIAMI-DADE PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT TO ENSURE THAT APPLICANTS ON THE CURRENT TENANT-BASED WAITING LIST DO NOT LOSE THEIR CURRENT RANKING ON SUCH WAITING LIST OR HAVE TO REAPPLY FOR HOUSING ASSISTANCE; TO SEEK BOARD APPROVAL PRIOR TO OPENING AND/OR DISSOLVING THE WAITING LIST; TO PRESENT THE AMENDED ADMINISTRATIVE PLAN TO THE BOARD FOR ITS APPROVAL AFTER RECEIVING PUBLIC COMMENT; AND TO OPEN THE TENANT-BASED WAITING LIST TO RECEIVE ADDITIONAL APPLICATIONS AS SET FORTH HEREIN

WHEREAS, the Section 8 Housing Choice Voucher program (“Section 8 Program”) is one of the United States Department of Housing and Urban Development’s (“HUD”) major housing programs that is designed to assist very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market; and

WHEREAS, the Section 8 Program is administered locally by public housing agencies that receive federal funds from the HUD to administer the program; 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 one of the public housing agencies in Miami-Dade County that administers the Section 8 Program; and

WHEREAS, on October 18, 2007, the County and HUD entered into a Settlement Agreement by which HUD took temporary possession of the federally funded housing programs administered by the County, such as the Section 8 Program; and

WHEREAS, pursuant to an amendment to the Settlement Agreement, dated August 5, 2008, the County and HUD agreed that the County would outsource the Section 8 Program; and

WHEREAS, through a competitive selection process, the County engaged the services of a private entity to provide oversight and management services related to the County's Section 8 Program; and

WHEREAS, presently Nan McKay and Associates, Inc. provides the before-mentioned services; and

WHEREAS, on June 20, 2017, this Board adopted Resolution No. R-653-17, which approved the County Public Housing Agency Plan ("PHA Plan"); and

WHEREAS, the PHA Plan includes a requirement that the Department may choose from various options regarding when and how to open, administer, and populate the waiting lists, subject to approval by the Board of County Commissioners; and

WHEREAS, the last time the waiting list for the Section 8 Program ("Tenant-based Waiting List") was opened was in 2008 at which time approximately 71,000 applicants applied through a lottery system established by the County's housing department, Miami-Dade Public Housing and Community Development Department formerly known as Miami-Dade Public Housing Agency ("PHCD"); and

WHEREAS, currently there are approximately ~~[[34,912]]~~¹ >>5,200<< applicants remaining on the Tenant-based Waiting List; and

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, in accordance with the federal regulations promulgated by HUD, public housing agencies' boards of commissioners must adopt written administrative plans that establish local policies for administration of the Section 8 Program and Section 8 Moderate Rehabilitation program in accordance with HUD requirements; and

WHEREAS, on July 6, 2016, this Board adopted Resolution No. R-582-16, which approved the Section 8 Administrative Plan ("Administrative Plan") for PHCD; and

WHEREAS, the Administrative Plan provides, in part, that PHCD may elect to dissolve the waiting list as needed and once the waiting list is dissolved, applicants regardless of their ranking on the old waiting list, if applicable, must submit new applications during the open registration period in order to be added to the new waiting list; and

WHEREAS, the Administrative Plan further provides that "[n]otwithstanding the dissolution of the waiting list, applicants who are being processed prior to dissolution of the waiting list will continue to be processed by PHCD"; and

WHEREAS, this Board desires to amend the Administrative Plan to ensure (i) that once the Tenant-based Waiting List is opened, the applicants currently on the list are not required to submit new applications and are able to keep their current ranking on the list; and (ii) that prior to opening and/or dissolving the waiting list, the County administration must seek the approval of this Board to do so; and

WHEREAS, this Board further desires to open Tenant-based Waiting List to receive new applicants while preserving the position of the before-mentioned applicants on the current Tenant-based Waiting List,

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

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

Section 2. This Board hereby directs the County Mayor to amend the Section 8 Administrative Plan for the Public Housing and Community Development Department (“Administrative Plan”) to read as follows:

2.3 Opening and Closing of the Waiting List

A. Timing

- 1) PHCD, subject to the Board of County Commissioners’ approval, may elect to dissolve the waiting list as needed. Once the waiting list is dissolved, applicants who are on the waiting list at the time the waiting list dissolved shall keep their ranking and shall not be required to submit new applications during the open registration period. Notwithstanding the dissolution of the waiting list, applicants who are being processed prior to dissolution of the waiting list will continue to be processed by PHCD.
- 2) One lottery is conducted for the tenant-based waiting list and another lottery is conducted for the project-based programs. Ranking for each list is done through a computerized application and is verified by a neutral third party.
- 3) PHCD, subject to the Board of County Commissioners’ approval, may elect to open the waiting list if there are insufficient applicants for a particular bedroom size, type (e.g., general occupancy, elderly designated buildings, accessible or non-accessible, Assisted Living Facilities (ALF), or for one or more of the local preferences.
- 4) The opening and closing of registration periods will be advertised in the media, as described in Section 2.1 of this chapter, for the purpose of reaching all segments of the community and providing advance notice.

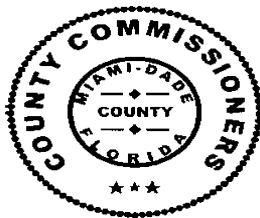
This Board directs the County Mayor to present the amended Administrative Plan to this Board within 90 days of the effective date of this resolution. Prior to submitting the amended Administrative Plan to this Board for its approval, the County Mayor shall comply with all applicable laws and regulations governing the Section 8 Program, including, but not limited to, providing the public with an opportunity to comment on the amended Administrative Plan.

Section 3. Upon approval of the Section 8 Administrative Plan by this Board, this Board directs the County Mayor to open the Tenant-based Waiting List within 180 days of such approval.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. 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
Jose "Pepe" Diaz	aye
Eileen Higgins	aye
Joe A. Martinez	aye
Dennis C. Moss	aye
Xavier L. Suarez	aye
Daniella Levine Cava	aye
Sally A. Heyman	aye
Barbara J. Jordan	aye
Jean Monestime	aye
Sen. Javier D. Souto	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

Terrence A. Smith