

MEMORANDUM

Agenda Item No. 11(A)(2)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 17, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution amending Resolution No. R-1253-19 related to evictions of residents of public housing or other County-owned affordable housing at the time the Governor, the County Mayor or other public official declares a state of emergency due to a disaster or emergency and during the pendency of the state of emergency; and authorizing the County Mayor, unless prohibited by federal or state laws, regulations, or directives, to commence the eviction process of residents who engage in certain activities in violation of their lease during the pendency of the state of emergency

Resolution No. R-493-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: May 17, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(2)

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)(2)
5-17-22

RESOLUTION NO. _____ R-493-22

RESOLUTION AMENDING RESOLUTION NO. R-1253-19 RELATED TO EVICTIONS OF RESIDENTS OF PUBLIC HOUSING OR OTHER COUNTY-OWNED AFFORDABLE HOUSING AT THE TIME THE GOVERNOR, THE COUNTY MAYOR OR OTHER PUBLIC OFFICIAL DECLARES A STATE OF EMERGENCY DUE TO A DISASTER OR EMERGENCY AND DURING THE PENDENCY OF THE STATE OF EMERGENCY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE, UNLESS PROHIBITED BY FEDERAL OR STATE LAWS, REGULATIONS, OR DIRECTIVES, TO COMMENCE THE EVICTION PROCESS OF RESIDENTS WHO ENGAGE IN CERTAIN ACTIVITIES IN VIOLATION OF THEIR LEASE DURING THE PENDENCY OF THE STATE OF EMERGENCY

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 projects; and

WHEREAS, the County is also the owner of other affordable housing projects; and

WHEREAS, the County, as a steward of the public housing program and as owner of certain public housing developments and other affordable housing developments, has an obligation to provide decent, safe, and sanitary housing for all residents of such housing; and

WHEREAS, this Board wanted to ensure that following a natural disaster, such as Hurricane Irma, or other emergency that no resident should be forced to vacate their residential unit when a state of emergency has been declared; and

WHEREAS, accordingly, on November 19, 2019, this Board adopted Resolution No. R-1253-19, which directed the County Mayor or County Mayor’s designee to take all necessary and appropriate steps to ensure that neither the Public Housing and Community Development

Department (“PHCD”) or the Miami-Dade Police Department take any actions to facilitate the eviction of residents of public housing or other County-owned affordable housing at the time the Governor, the County Mayor, or other public official declares a state of emergency due to a disaster or emergency and during the pendency of the state of emergency; and

WHEREAS, because of coronavirus disease 2019 and subsequent variants of the disease, declarations of emergency have been declared by the Governor and the County Mayor; and

WHEREAS, pursuant to Resolution No. R-1253-19 and the current local state of emergency declared by the County Mayor, PHCD has been unable to move forward with the eviction of residents who have failed to comply with the terms of their leases, including, but not limited to, those residents who (1) engage in drug-related activity or criminal activity in violation of the lease agreement; (2) threaten the health or safety or right of peaceful enjoyment of the premises by other residents or County employees; (3) damage or pose an immediate and significant risk of damage to County property managed by PHCD or other management agent; (4) violate any applicable building code, health ordinance, or similar regulation relating to health and safety, when such violation concerns or affects County-owned property managed by PHCD or other management agent; or (5) abandon their unit, allow illegal boarders, violate income limits, or violate any other U.S. Department of Housing and Urban Development (HUD) program requirement(s) that will cause PHCD to be in non-compliance with any rule(s), regulation(s) or formal guidance related to the administration of federal funds and HUD programs; and

WHEREAS, this Board believes that providing decent, safe, and sanitary housing for all residents and protecting County employees is of paramount interest to this Board; and

WHEREAS, however, this Board believes that residents who engage in certain activities that pose a threat to residents and County employees should be evicted regardless of whether there is a state of emergency; and

WHEREAS, accordingly, this Board wishes to amend Resolution No. R-1253-19 to provide certain exceptions,

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.

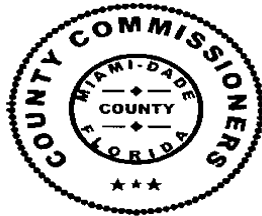
Section 2. This Board hereby amends Resolution No. R-1253-19 to authorize the County Mayor or County Mayor's designee, unless prohibited by federal or state laws, regulations, or directives, to commence the eviction process of any residents of public housing or other County-owned affordable housing who (1) engage in drug-related activity or criminal activity in violation of the lease agreement; (2) threaten the health or safety or right of peaceful enjoyment of the premises by other residents or County employees; (3) damage or pose an immediate and significant risk of damage to County property managed by PHCD or other management agent; (4) violate any applicable building code, health ordinance, or similar regulation relating to health and safety, when such violation concerns or affects County-owned property managed by PHCD or other management agent; or (5) abandon their unit, allows illegal boarders, violates income limits, or violates any other U.S. Department of Housing and Urban Development (HUD) program requirement(s) that will cause PHCD to be in non-compliance with any rule(s), regulation(s) or formal guidance related to the administration of federal funds and HUD programs. Notwithstanding the foregoing, the County Mayor or County Mayor's designee shall continue to comply with the requirements of Resolution No. R-1253-19, and shall take all necessary and

appropriate steps to ensure that neither the PHCD or the Miami-Dade Police Department take any actions to facilitate the eviction of residents of public housing or other County-owned affordable housing who do not engage in the activities described in the preceding sentence at the time of or during the time the Governor, the County Mayor, or other public official declares a state of emergency due to a disaster or emergency and during the pendency of the state of emergency.

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz. It was offered by Commissioner **Kionne L. McGhee**, who moved its adoption. The motion was seconded by Commissioner **Sen. Rene Garcia** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	absent	Danielle Cohen Higgins	absent
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of May, 2022. 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

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

Terrence A. Smith