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STAFF GENERAL COUNSEL

September 10, 1999

Rene Rodriguez  
Director  
Miami-Dade Housing Agency  
1401 N.W. 7<sup>th</sup> Street  
Miami, FL 33125

**RE: REQUEST FOR ADVISORY OPINION 99-34**

Dear Mr. Rodriguez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 9, 1999 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding county employees serving as landlords under the Section 8 program.

In your letter you advised the Commission that the Section 8 program provides rental assistance to low and moderate income families. Families pay thirty percent of the rent payment and the county pays the additional amount through contracts executed with the owner of the rental property. Under the agreements, owners must establish a vendor ID number and execute contracts with Miami-Dade County including furnishing the affidavits required of all county contractors.

The Miami-Dade Housing Agency has several units under county contract that are owned and managed by county employees including employees of the Housing Agency and the Board of County Commissioners.

The Commission found that The Conflict of Interest and Code of Ethics ordinance prohibits employees, elected officials and immediate family members (defined in the ordinance as spouse, parents and children) from contracting with the county's Section 8 program. Section 2-11.1(c) provides that no employee " shall enter into a contract or transact any business in which he or a member of his immediate family has a financial interest, direct or indirect with Miami-Dade County or any person or agency acting for Dade County and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable." The agreements between the Section 8 landlords and the Miami-Dade Housing Agency are contracts and employees are prohibited from entering these contracts by Section 2-11.1(c). Therefore, all employees, whether or not they are employees of the Miami-Dade Housing Agency, are prohibited from entering into Section 8 contracts.

If you have any questions regarding the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director