



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

Website: ethics.miamidade.gov

MEMORANDUM

TO: Malcom Moyse
City of Miami Police Department

FROM: Martha D. Perez, General Counsel
Commission on Ethics & Public Trust

SUBJECT: INQ 2021-101, Immediate Family Member transacting with the City (Housing Assistance), §2-11.1(c), County Ethics Code

DATE: July 9, 2021

CC: COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding your parents' participation in the Homeownership Preservation Program ("HPP") administered by the City of Miami Department of Housing and Community Development.

Background

Based on your email, followed by our telephone discussion, the facts are as follows:

1. You are employed in the City of Miami as a Police Officer assigned to Community Relations.
2. Your parents, Ola and Marcel Moyse, own and reside in a home in the City of Miami.
3. Your parents applied for participation in the Homeownership Preservation Program (HPP).
4. Your parents qualified under HPP's eligibility criteria and were chosen (No.1) on June 14, 2021 from a lottery.
5. You do not reside with your parents and have no affiliation with their house.
6. You do not participate in the selection, enforcement, or administration of the HPP (or the Miami Forever Bond Program Citizens' Oversight Board).
7. The program is administered by the City of Miami Department of Housing and Community Development.

8. The HPP provides low- or no-interest loans to homeowners in the City of Miami to repair eligible properties. ¹After the application period closes, *a computerized lottery is held to establish a numerical order for processing applications.* ²

Issue

Whether there exists a conflict of interest that would prevent your parents from participating in a housing preservation/ replacement/repair program administered by the City of Miami Department of Housing and Community Development.

Discussion and Conclusion

Based on the facts as described herein, your parents are not prohibited from participating in the HPP, provided you abide by Section 2-612 (a) of the City of Miami Code and Section 2-11.1(c)(5)(5) of the County Ethics Code. ³

Section 2-612(a) of the City of Miami Code allows a city employee and/or his or her family members (i.e., parents) to participate in housing programs administered by the department of community development “provided that the employee [or family member] meets all the criteria of the program and provided that the city manager approves the participation of the employee [or family member] and that the employee is identified as being an employee of the city in applicable documents.”

Similarly, Section 2-11.1(c)(5)(5) allows (City) employees and their immediate families to apply for housing assistance (rehabilitation/repair) programs from the County’s Public Housing and Community Development Department (or the City’s equivalent entity) if they meet certain conditions, including that the (City) employee/ family member is eligible to receive the assistance and the (City) employee does not work in the department that oversees or administers the program.

¹ Funding for exterior repairs includes repair or replacement of roofs, replacement of windows or doors and/or installation of hurricane shutters, necessary to bring the home to decent, safe and sanitary conditions, and to reinforce the property’s exterior to better withstand natural weather occurrences while maximizing the home’s energy efficiency. See <https://www.miamigov.com/Residents/Housing/Homeownership-Preservation-Program>

² All submissions are screened for general eligibility and included in a computerized lottery to be held at a later date, that will draw a waitlist to set the numerical order in which applicants will be processed, based on funding availability. See <https://www.miamigov.com/Notices/News-Media/CITY-OF-MIAMI-HOMEOWNERSHIP-PRESERVATION-PROGRAM-WILL-ACCEPT-APPLICATIONS-FROM-APRIL-1-THROUGH-APRIL-30>

³ See RQO 09-44; INQ 11-60; INQ 15-106; INQ 21-87

Consequently, given that your parents qualified for the HPP and your employment as Police Officer does not require you to be involved in any way in the selection, administration, or enforcement of the HPP, your parents are not prohibited by the County Ethics Code from participating in the Program.

Please submit this opinion to the City of Miami Housing and Community Development department. We do not submit this memorandum on your behalf.

This opinion is limited to the facts as you presented them to our office regarding potential conflicts with Sections 2-11.1(c) of the County Ethics Code. Should you have any questions, do not hesitate to contact us.

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the General Counsel and the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.