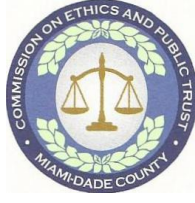


# MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST



June 2, 2021

Ms. Patty Rodriguez  
City of Miami, Office of the City Manager  
Via email: [pattyrodriguez20@outlook.com](mailto:pattyrodriguez20@outlook.com)

RE: INQ 2021-87

Dear Ms. Rodriguez,

You inquire whether a conflict of interest exists that would prevent your immediate family from participating in a housing preservation/ replacement/repair program administered by the City of Miami and funded with City of Miami Forever Bonds.<sup>1</sup>

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 Receptionist/ Typist Clerk in the Office of the City Manager.
2. Your parents own and reside in a home in the City of Miami.
3. Your parents have applied for participation in the Homeownership Preservation Program (HPP).
4. You reside with your parents.
5. You do not participate in the selection, enforcement, or administration of the HPP (or the Miami Forever Bond Program Citizens' Oversight Board).
6. Your parents qualify under HPP's eligibility criteria.
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. The City of Miami selects a contractor from a City of Miami procured JOC Contracting firm. The work is inspected by Housing and Community Development inspectors and contractors are paid for completed work following approval by the homeowner and the inspector. After the application period has closed, *a computerized lottery is held to establish a numerical order for processing applications.*<sup>2</sup>

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<sup>1</sup> The Miami Forever Funds Program is funded through a General Obligation Bond approved in November 2017 for capital projects and repaid through residential tax bill.

<sup>2</sup> 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>

## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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) of the County Ethics Code.<sup>3</sup>

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 [ family member] meets all the criteria of the program and provided that the city manager approves the participation of the employee [ 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) programs from the County’s Public Housing and Community Development Department (or City equivalent) if they meet certain conditions, including that the employee/ family member is eligible to receive the assistance and the employee does not work in the department that oversees or administers the program.

Consequently, provided your parents qualify for the HPP and your employment as Receptionist/Clerk Typist in the City Manager’s Office will 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.

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

Sincerely,  
*Martha D. Perez*  
Martha D. Perez  
General Counsel, COE

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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>

<sup>3</sup> See RQO 09-44; INQ 11-60; INQ 15-106