



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Aimee Gandarilla
Procurement Assistant II
City of Miami Department of Procurement

FROM: Loressa Felix, Staff Attorney
Commission on Ethics and Public Trust

SUBJECT: INQ 2021-98

DATE: June 28, 2021

CC: All COE Legal Staff

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

Facts:

You are employed with the City of Miami Department of Procurement as a Procurement Assistant II. In your application, you stated you would like to participate in the City of Miami’s HPP. You inquire whether a conflict of interest exists that would prevent you from participating in a housing preservation/replacement/repair program administered by the City of Miami and funded with City of Miami Forever Bonds.¹

You advise that you own and reside in the home listed on your application for participation in the HPP. You are not involved in the selection, enforcement, or administration of the HPP (or the Miami Forever Bond Program Citizens’ Oversight Board). You are also not

¹ 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.

employed by the City of Miami Department of Housing and Community Development, which administers the HPP.

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.*²

Discussion:

Based on the facts as described herein, you 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.³ See INQ 2021-87.

Section 2-612(a) of the City of Miami Code allows a city employee to participate in housing programs administered by the department of community development “provided that the employee meets all the criteria of the program and provided that the city manager approves the participation of the employee 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 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 is eligible to receive the assistance and the employee does not work in the department that oversees or administers the program.

Consequently, provided you qualify for the HPP and your employment as a Procurement Assistant II in the City’s Procurement Department will not require you to be involved in any way in the selection, administration, or enforcement of the HPP, you are not prohibited by the County Ethics Code from participating in the Program.

² 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>

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

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.

Please submit this opinion to Public Housing and Community Development department for inclusion in your file. The Ethics Commission does not submit this memorandum on your behalf.