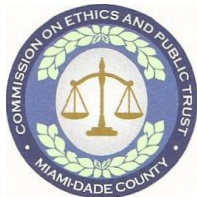


MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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March 16, 2021

VIA US Mail and Electronic Mail

Sabrina Velarde
Miami Homes for All
1951 NW 7th Ave #600
Miami, FL 33136

Re: Ethics Inquiry Request, INQ – 2021-46

Dear Ms. Velarde,

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding any potential conflict of interest under the Miami-Dade County Ethics Code where your organization is receiving funding from Miami-Dade County Public Housing and Community Development and your Executive Director is currently serving as a member of the County appointed Miami-Dade Affordable Housing Trust Fund and the Miami-Dade Homeless Trust.

Background: Your non-profit organization, Miami Homes For All, has recently been awarded a grant in the amount of \$20,000 by the Miami-Dade County Public Housing and Community Development (PHCD) to conduct community outreach on behalf of PCHD including advertisement of available rental assistance programs to residents.

PHCD manages more than 8,000 public housing apartments and provides financial help through the federal Section 8 program to more than 18,000 families. Their support services include assisted living facilities for the elderly and self-sufficiency programs for tenants. PCHD relies on federal and state grant programs to fund its programs. PHCD works closely with the U.S. Department of Housing and Urban Development's (HUD) on public housing and, with the State of Florida on the development of affordable housing.

Your organization, Miami Homes For All, is a non-profit working in Miami-Dade County on issues involving affordable housing, youth homelessness, and adult homelessness. Your research and policy recommendations are aimed at creating new homes affordable to those earning a wide range of incomes, preserving existing housing stock, and keeping people and families in the homes they already have. Miami Homes For All is the backbone support to The HOMY Collective, Helping Our Miami-Dade Youth ("HOMY") originally the Youth Homelessness Initiative. The HOMY Collective is composed of over 100 agencies and they work together to make sure our community's young people have safe and stable housing in addition to the wraparound services that will grow them into resilient adults. HOMY is currently funded by the support of The Children's Trust. Miami Homes For All also collaborates with service providers and system leaders to increase access to shelter. Your mission is to end and prevent homelessness also striving to achieve a continuum of affordable housing solutions for everyone.

Annie Lord currently serves as the Executive Director for Miami Homes For All. Ms. Lord also serves on two County appointed boards - the Miami-Dade Affordable Housing Trust Fund and the Miami-Dade Homeless Trust.

The Affordable Housing Trust Fund (AHTF) serves as a permanent, renewable, source of revenue to meet, in part, the housing needs of the residents of Miami-Dade County. The objective of the AHTF is to foster a housing supply accessible to a range of family incomes in developments assisted by the Trust Fund and to disperse affordable housing units throughout the County, in accordance with objectives, goals, and policies set within the housing elements of the Community Development Master Plan. Ms. Lord is the Chair of this Board.

The Miami-Dade County Homeless Trust serves as the lead agency for Miami-Dade County's homeless Continuum of Care (CoC), responsible for the oversight, planning and operations of the entire CoC including: administering proceeds of a one-percent (1%) food and beverage tax; implementing the Miami-Dade County Community Homeless Plan; serving as the collaborative applicant for federal and state funding opportunities; administering grants and overseeing operations and fiscal activities for over 120 housing and services programs operated by more than 20 competitively selected non-profit providers and government entities; managing Miami-Dade County's Homeless Management Information System (HMIS); and developing policy and serving in an advisory capacity to the Board of County Commissioners on issues involving homelessness.

Miami Homes For All is now applying to become a vendor with the County as part of the process of accepting the grant from PCHD. You further advise that neither the AHTF nor the Homeless Trust boards have any authority over, are involved with, or administer the grant provided by PCHD.

Analysis and Opinion:

The Miami-Dade County Ethics Code allows a board member to transact business with the County but not with any department or agency which is subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board in which he or she serves. *See* RQO 18-03.

In INQ 12-89, Ethics Commission staff opined that the spouse of a Homeless Trust board member may not contract with any agency or department of Miami-Dade County which is subject to the

regulation, oversight, management, policy-setting or quasi-judicial authority of the Homeless Trust. Additionally, in INQ 18-25, a Homeless Trust board member was found to have a prohibited conflict of interest because the board of which he is a member entered into a professional services agreement with his privately owned company, and said board oversees, administers, and enforces the contract his firm would be entering into with the County. *See also* INQ 12-89.

Since neither AHTF nor the Homeless Trust regulate, oversee, manage, set policy, or exercise any quasi-judicial authority over PCHD, you are not prohibited from accepting the grant funds. Based on the information that have you presented, it does not appear that a conflict of interest exists under the Miami-Dade County Ethics Code because the County appointed boards on which Ms. Lord serves would not be involved in any aspect of the grant awarded to Miami Homes For All by PCHD.

However, as a County board member Ms. Lord would have to adhere to the following provisions of the County Ethics Code:

- Section 2-11.1(c)(3) prohibits a board member from contracting with any County department or agency that is subject to the regulation, oversight, management, policy-setting, or authority of the board on which they serve.
- Section 2-11.1(g) prohibits a board member from using his or her County board position to secure special privileges or exemption for himself/herself or others.
- Section 2-11.1(h) prohibits a board member from disclosing confidential information acquired by reason of his or her board position.
- Section 2-11.1(m)(2) prohibits a board member, either directly or through an associate from appearing before the board on which he or she serves to make a presentation or seek a benefit (i.e. grant or other source of funding) on behalf of a third party. This means that the board member must not “lobby” or try to influence or persuade his/her board for the benefit of a third party.
- Section 2-11.1(v) prohibits a board member from voting on matters presented to the board on which the member sits IF the board member would be directly affected by the action of the board he or she serves and he or she has any of the following relationships with the third party: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor. Consequently, a member of a board may not participate or vote on matters concerning a third party where he or she is an officer.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.

We appreciate your consulting with the Commission in order to avoid possible prohibited conflicts of interest. We hope that this opinion is of assistance and we remain available to discuss any

matters addressed in this letter, if necessary, at your convenience. If the facts associated with your inquiry change, please contact us for additional guidance.

Sincerely,



Loretta M. Felix, Staff Attorney

cc: All Commission on Ethics Attorneys

INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by 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.