



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

Overtown Transit Village North
701 Northwest 1st Court · 8th Floor · Miami, Florida 33136
Phone: (305) 579-2594 · Facsimile: (305) 579-0273
Website: ethics.miamidade.gov

MEMORANDUM

TO: Olga Bello
Administrative Aide
Office of Commissioner Manolo Reyes

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

SUBJECT: INQ 2022-41, Section 2-11.1(c), County Ethics Code; Section 2-612, City of Miami Code

DATE: March 16, 2022

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 Single-Family Rehabilitation Program administered by the City of Miami, Department of Housing and Community Development.

Facts:

You are employed with as an Administrative Aide for the Office of Commissioner Manolo Reyes. Your duties include the handling, logging, and tracking of constituent complaints, assisting with holiday events, and other general administrative tasks. You are seeking to participate in the City of Miami's Single Family Rehabilitation Program (SFRP). You inquire whether a conflict of interest exists that would prevent you from participating in a program administered and funded by the City of Miami, Department of Housing and Community Development.

You advise that you own and reside in the home listed on your application for participation in the SFRP. You indicated that neither you nor a family member are involved in the selection, enforcement, or administration of the SFRP. Additionally, neither you nor a family member are employed by the City of Miami, Department of Housing and Community Development, which administers and funds the SFRP.

The City of Miami's SFRP provides loan funding¹ for low-income homeowners for the rehabilitation (including emergency or replacement) of their owner-occupied properties to achieve decent, safe, and sanitary conditions.² The program seeks to Prevent moderately declining neighborhoods in the City from further deteriorating by providing assistance for rehabilitation; provide safe and decent housing to residents in the City; encourage interest in preservation in the broader neighborhood through rehabilitation activities; and partner with contractors and the construction industry in providing access to jobs by encouraging the hiring of neighborhood residents. The contractor is selected based on the lowest responsible bid. The work is inspected by Housing & Community Development inspectors and contractors are paid for completed work following the approval by the homeowner and City inspector.

Discussion:

Based on the facts as described herein, you are not prohibited from participating in the SFRP, 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.

You should also be aware that the County Ethics Code prohibits municipal employees from exploitation of their official position. This means that you may not use your position as an

¹ The maximum loan amount of \$70,000 and 3% non-amortizing 10-year deferred loan. The entire principal and accrued interest is forgiven at the end of the loan term if the homeowner continues to own and reside in the property. See <https://www.miamigov.com/My-Government/Departments/Housing-Community-Development/Single-Family-Rehabilitation-Program>.

² The property must be in City of Miami boundaries and the assessed value must be no more than 90% of the Average Area Purchase Price for Miami-Dade County, currently at \$352,371, as issued by the Florida Housing Finance Corporation annually for SHIP-funded Programs. See <https://www.miamigov.com/Housing-Assistance-Recovery/Home-Ownership/Apply-for-Single-Family-RehabilitationReplacement-Low-Income>.

³ See also RQO 09-44; INQ 11-60; INQ 15-106.

Administrative Aide for the Office of Commissioner Manolo Reyes to secure special privileges or exemptions with respect to the SFRP program, your application for the SFRP program, or any resulting agreement with the City. *See* Section 2-11.1(g), Miami-Dade County Ethics Code.

Consequently, provided you qualify for the SFRP and your employment as an Administrative Aide for the Office of Commissioner Manolo Reyes will not require you to be involved in any way in the selection, administration, or enforcement of the SFRP, you 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.

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.