



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: María Carolina Trujillo Díaz
Special Aide, Office of Commissioner Carollo, City of Miami

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

SUBJECT: INQ 2022-51 , City Employee transacting with the City (Housing Program),
§2-11.1(c), County Ethics Code; Section 2-612 (a), City of Miami Code

DATE: March 24 , 2022

CC: COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding your participation in the First Time Homebuyer Program (“FTH”) administered by the City of Miami Department of Housing and Community Development.¹

Background

Based on the responses we received, the facts are as follows:

1. You are employed in the City of Miami as Special Aide for District 3 Office of Commissioner Carollo.
2. You are applying for participation in the FTH Program available to City employees wishing to purchase a residence within City limits.²
3. It is expected that you will qualify under FTH’s eligibility criteria.
4. You have not, in the past or presently, participated in the selection, enforcement, or administration of the FTH Program.
5. The program is administered by the City of Miami Department of Housing and Community Development.

Issue

Whether there exists a conflict of interest that would prevent you from participating in the FTH Program administered by the City of Miami Department of Housing and Community Development.

¹ The City's First Time Homebuyer program provides zero percent (0%) deferred loans to first-time homebuyers purchasing a property in the City of Miami if they qualify based on their income category. <https://www.miamigov.com/Housing-Assistance-Recovery/Home-Ownership/Apply-for-First-Time-Homebuyer-Assistance>

² The buyer selects their own eligible property to purchase and meets with one of the participating lenders to be pre-qualified for a mortgage loan. The City of Miami underwrites the loan based on the first mortgage lender's commitment. <http://archive.miamigov.com/communitydevelopment/firsttimeprogram.html>

Discussion and Conclusion

Based on the facts as described herein, you are not prohibited from participating in the FTH Program, 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 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 programs (i.e., economic development-based; rehabilitation loans; housing initiatives; and home investment) 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.

Consequently, given that you qualify for the FTH Program and your employment as Special Aide in District 3 Office of Commissioner Carollo does not require you to be involved in any way in the selection, administration, or enforcement of the FTH Program, you are not prohibited by the County Ethics Code from participating in the FTH 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.

³ See RQO 09-44; INQ 11-60; INQ 15-106; INQ 21-87; INQ 21-90; INQ 21-98