

# FAHROgram

FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

November/December 2017

## President's Message

### Continuing FAHRO's Positive Momentum

Dear FAHRO members:

First, let me thank you for the tremendous honor of serving as FAHRO president. It is truly a privilege to work with an outstanding board of directors on behalf of all Florida agencies. The board that you have elected represents all member housing authorities, large and small. Together we will work to ensure that we keep FAHRO's vision and mission on the forefront as we advocate for needed change and the flexibility to implement housing solutions that best fit our individual communities.

I want to thank Miguell Del Campillo, FAHRO's past president, and the board for doing such a great job during the past two years. We had very successful conferences, regional trainings and executive director forums, and, most importantly, we had unity.

Thank you also to FAHRO's advocacy committee chaired by William Russell of the Sarasota Housing Authority. The committee has developed a rent reform proposal for FAHRO with a menu of options to promote policies that encourage increased earned income and a path out of poverty for work-able families, while simultaneously achieving rent simplification and ultimately housing more families. Most recently, I had the opportunity to accompany William to Washington, D.C., to present FAHRO's rent reform proposal to members of HUD staff as well as to staff of the U.S. Senate



Debra Johnson

See **PRESIDENT'S MESSAGE** on page 3

## Legislative Affairs

### Opportunity

by Oscar Anderson, FAHRO State Affairs Consultant

This will be a critical year for affordable housing. Between Hurricane Irma's impact on the housing stock in South Florida, Hurricane Maria's devastation in Puerto Rico causing an exodus to Central Florida and the legislatively mandated Affordable Housing Workgroup, everyone is talking about affordable housing. All of this conversation creates a tremendous opportunity for FAHRO.

I have spoken to many members of the Legislature, and there is a real sense among them that something must be done in the area of affordable housing. The question will be: what is enough to address the challenges?

Can you create immediate housing stock through things like micro-units to address the needs in Central Florida? Does putting more money into the trust funds help build units fast enough to solve the current problems? Will the Affordable Housing Workgroup have enough time to create some bold recommendations that will deal with the short-term as well as the long-term issues?



Oscar Anderson

See **LEGISLATIVE AFFAIRS** on page 6

## Calendar

**Florida Legislative Session**  
January 9-March 9, 2018  
Committee Schedule:  
Weeks of Nov. 6, Nov. 13, Dec. 4

**FAHRO Regional Training**  
**UPCS Inspection Protocol**  
**The Inspection Group**  
January 17-18, 2018  
Housing Authority of the  
City of Fort Myers

Need specific training or classes?  
Email [Laura@FAHRO.org](mailto:Laura@FAHRO.org) to help set them up!

### Visit the FAHRO Website!



[www.FAHRO.org](http://www.FAHRO.org)

## Internal Circulation

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## Member Feedback

*Do you need help with a project or issue and want to see if any of our readers have the answer? Has a colleague done something wonderful that deserves an attaboy or attagirl? Or are you just frustrated and want to vent? Here is your chance to (anonymously if you wish) say thanks, ask for assistance, vent your frustrations, express your opinion or let us know how you feel.*

• The Broward County Housing Authority (BCHA) was recently honored with the 2017 Nan McKay & Associates (NMA) Resident Service Award for its involvement in the innovative *Summer BreakSpot Mobile Program of Broward County*. The BCHA partnered with Children Services Council of Broward, Florida Impact and South Florida Meals on Wheels in response to the growing need for nutritious meals for children and young adults up to age 18. Today, the Mobile Program has grown to 75 locations and is on track to surpass 100 sites in 2018.



*Summer BreakSpot provides nutritious meals for children and young adults.*



• Fort Myers Police Department (FMPD) recently opened a police substation at Southward Village Apartments on Dora Street. Southward Village is owned by the Housing Authority of the City of Fort Myers (HACFM).



*Rev. Israel Suarez, HACFM Executive Director Marcus D. Goodson, Councilwoman Terolyn Watson, Councilman Mike Flanders, City Manager Saeed Kazemi, Fort Myers Police Chief Derrick Diggs and Procurement Officer Jeanne Dufresne*

If you would like to contribute to Sounding Off, please email your comments to Susan Trainor, FAHROgram editor, [editor.trainor@gmail.com](mailto:editor.trainor@gmail.com).

## PRESIDENT'S MESSAGE from page 1

Appropriations Committee and the U.S. House Committee on Financial Services. We received very positive feedback from our meetings, and although there is more work to be done, I firmly believe the excellent ideas for reform put forth by FAHRO will weigh heavily as future regulatory changes are considered.

And lastly, thank you to Marcus Goodson of the Ft. Myers Housing Authority for allowing FAHRO to partner with the Southwest Florida Affordable Housing Choice Foundation, Inc., to create a disaster relief fund for the Puerto Rico Housing Authority as it struggles through the aftermath of the recent disasters. If your agency hasn't yet contributed, please consider it. Our neighbors in Puerto Rico have a very long road ahead, without even the basic necessities. Even the smallest contributions will help.

In closing, I can't begin to express how tremendously excited I am about working with all of you to continue FAHRO's positive momentum. Your input and participation is the key to a strong, successful FAHRO!

Sincerely,  
Debbie

## Send Your News to FAHRO!

Tell us about your accomplishments, milestones and other interesting member news. Your fellow members want to know!

**Submit your news to FAHRO via email:** [editor.trainor@gmail.com](mailto:editor.trainor@gmail.com)  
(attach in MS Word format)  
**Photographs are welcome!**



# Extending Sovereign Immunity to a Housing Authority's Corporate Entities

by Tracy M. Evans, Esq.

Under Florida law, housing authorities can claim limited sovereign immunity as instrumentalities of the State. Housing authorities are expressly authorized by statute to create for-profit or not-for-profit corporate entities to develop, acquire, lease, construct, rehabilitate, manage or operate multifamily or single-family residential projects. The question of whether a housing authority's corporate entities can also claim limited sovereign immunity has not yet been directly addressed by the Florida Legislature or the judiciary. Recent case law supporting the extension of limited sovereign immunity to statutorily authorized entities created by the State, its subdivisions or agencies may have equal application to a housing authority and its corporate entities. This case law could be used to support an argument that corporate entities created by a housing authority to fulfill its public purpose should also receive limited sovereign immunity.

In *Keck v. Emissor*, 104 So.3d 359 (Fla. 2012), the Florida Supreme Court determined the issue of whether an employee of a transit management corporation (the Management Corporation), wholly controlled by a transit authority (the Authority) was entitled to limited sovereign immunity. It was undisputed that the Authority was an independent establishment of the State entitled to limited sovereign immunity, but the question was whether the Management Corporation, as an instrumentality of the Authority, could also be considered an instrumentality of the State. The Court determined that because the State acts through its agencies and independent establishments, a corporate instrumentality of an agency or independent establishment must also be an instrumentality of the State. Because the Management Corporation was determined to be an instrumentality

of the State, its employee was entitled to individual sovereign immunity for acts performed within the scope of her employment.

In the case of *Pagan v. Sarasota County Public Hosp. Bd.*, 884 So.2d 257 (Fla. 2d DCA 2004), the governing board of a hospital district (the Hospital Board) created a physicians group (the Physicians Group) that operated as a nonprofit corporation and provided medical services to the public. The Hospital Board, which had limited sovereign immunity under Florida law, created the Physicians Group under the Hospital Board's express statutory authority to establish, operate or support



Tracy M. Evans, Esq.

See **LEGAL UPDATE** on page 6

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## **Bartow Housing Authority**

Executive Director: Catherine E. Reddick  
Bartow, Florida

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not use anything else.  
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good shortcuts, that it  
doesn’t take me long  
to do anything!”*

— CATHERINE REDDICK —

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- Saves time
- Free, unlimited training
- Great support
- Mobile solutions
- Online rental applications

### **THE SITUATION**

Catherine Reddick, Executive Director of Bartow Housing Authority in Florida loves to talk about Lindsey software. With more than 23 years as a user, she feels that Lindsey is user-friendly, very easy to learn and helps her do her job more effectively.

Catherine began her career in public housing at the Winter Haven Housing Authority. After 13 years, she moved to the Bartow Housing Authority as Executive Director and has been there for 11 years.

### **THE SOLUTION**

Lindsey is a total solution for Catherine and her staff and she is not afraid to tell other agencies. “I know I am not their largest client, but they always treat me like I am,” says Catherine.

Bartow HA uses almost every module Lindsey has, plus the mobile solutions and HousingManager.com online rental applications. They have made an investment in the entire package and like the way everything works together.

### **MOBILE**

Catherine comments, “When we first got the mobile products, I was a little afraid of making the change. Then I went out and did an inspection on the iPad myself and realized that it was much easier than I ever expected.”

### **HOUSINGMANAGER.COM**

Moving applications online has been extremely beneficial in reducing tenant traffic in the office. Tenants are very versatile and have adapted well to filling out applications from their computer, tablet or mobile device.

### **TRAINING & SUPPORT**

Catherine and her staff take advantage of the free training opportunities whenever possible, attending webinars and using the online Portal. “We use support when there is a problem, or something I just cannot figure out. They know me by my first name,” says Catherine with a smile.

Bartow Housing Authority is a satisfied Lindsey customer. After 23 years using Lindsey, Catherine says it would be hard to find another company that could change her mind. “Lindsey has made an investment in this industry by creating products that make my job easier, and I have made an investment in Lindsey.”

The final product of the Affordable Housing Workgroup will be an important roadmap for the conversation in Tallahassee that is already starting. At a meeting of the Workgroup held in Miami on October 30, the members of the panel wrestled with funding challenges regarding the trust funds, whether the lottery system is the best way to decide which projects to fund and even if litigation is making the process too slow. The Legislature also charged the Workgroup with looking at things like land use and building code issues, and if they impede affordable housing development.

FAHRO has put together comments for the Affordable Housing Workgroup, and I share them with you here:

### **Affordable Housing Workgroup Recommendations**

1. Eliminate the lottery for the 9% credits and determine a better way to rate and rank applications based on merit. Include the applicant's ability to layer rental assistance to a percentage of ELI households as a ranking factor.
2. Avoid making proximity the application differentiator, as PHAs more often than not get unfairly penalized. This is due to the fact that PHA properties are located where they are located, and unlike developers, PHAs do not have the luxury of going out and finding land that will score the maximum proximity points.
3. Create a set-aside for applications that involve land owned by a PHA and leased to the tax credit partnership. For this set-aside, we propose one deal for large county RFA and two deals for small-medium county RFA.
4. Give a preference for applications where private developers partner with PHAs to redevelop public housing sites, encouraging public-private partnerships.
5. Give recognition to redevelopment projects that have more than nominal local government investment. These deals leverage FHFC resources and seem more worthy than the typical 9% applications that have no, or minimal, public investment.
6. Recommend that the state Legislature leave the full amount of monies in the housing trust fund to be distributed each year. This funding generates jobs and greatly needed affordable housing units throughout the state.

As this conversation continues up to and throughout the Legislative Session, FAHRO will continue to advocate for PHAs and work to create opportunities for PHAs to have an even larger role in the development of affordable housing in our state. 🌿

subsidiaries and affiliates to assist the Hospital Board in fulfilling its public purpose. As a result of a malpractice lawsuit filed against the Physicians Group and several of its physicians, the Hospital Board, the Physicians Group and the physicians filed a separate declaratory judgment seeking a definitive ruling that the Physicians Group and its physicians were entitled to limited sovereign immunity as a matter of law, as an instrumentality of the Hospital Board. The trial court determined that the Physicians Group and its employees had sovereign immunity because the Hospital Board created the Physicians Group and had structural control over the group. The appeals court affirmed the trial court's ruling, but clarified that the ruling was restricted to the Physicians Group and the one doctor who remained active in the declaratory judgment action, and declined to extend the ruling to all employees of the Physicians Group because they were not parties to the declaratory judgment action.

More recently, in the case of *Plancher v. UCF Athletics Ass'n, Inc.*, 175 So.3d 724 (Fla. 2015), the Florida Supreme Court addressed the question of whether a direct-support athletics association (the Association) was entitled to limited sovereign immunity as an instrumentality of a state university (the University). In determining the Association was entitled to limited sovereign immunity, the Court looked at several factors, which established that the University had sufficient control over the Association's day-to-day operations. These factors included the University's right to control the Association's board of directors, the University's sole authority to dissolve the Association, the University's right to control the Association's operations and activities, the University's control of the Association's budget and finances and, pursuant to state law, the Association's inability to pursue financing mechanisms without the University's approval.

While the above case law does not address the issue directly in the context of a housing authority and its corporate entities, these holdings could be equally applicable. A housing authority may be able to argue successfully that its statutorily authorized corporate entities created to fulfill its public purpose, over which it maintains sufficient control, are entitled to the same limited sovereign immunity granted to the housing authority under Florida law. Until such time that the Florida Legislature or the judiciary directly addresses the issue, however, a corporate entity seeking to apply these arguments and claim sovereign immunity as an instrumentality of the housing authority should always consult with its general counsel. 🌿

*Tracy M. Evans, Esq., is an associate at Saxon Gilmore & Carraway PA.*

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## **NEWS You Can USE**

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**Attention, Housing Authorities:**

# **DFS Financial Reports No Longer Required**

The Florida Department of Economic Opportunity Special District Accountability Program reports that numerous housing authorities are continuing to file an Annual Financial Report with the Department of Financial Services. Housing authorities are no longer required to file these reports. Housing authorities with questions may contact Jack Gaskins, Jr., with the Florida Department of Economic Opportunity at 850/717-8430 or [Jack.Gaskins@DEO.MyFlorida.com](mailto:Jack.Gaskins@DEO.MyFlorida.com). 🌿

# Broward County Has New Apartment Community

Building Better Communities and the Broward County Housing Authority have announced the opening of Oakland Preserve, the new craftsman-style, 80-unit affordable housing community in Oakland Park.

The not-for-profit Building Better Communities, Inc. (BBC) operates as a perpetual community improvement company and engages the Broward County Housing Authority (BCHA) to coordinate development, planning, construction and operations.

“Oakland Preserve is a transformational addition to the neighborhood,” says Michael Long, president of the board of directors of Building Better Communities. “We are so proud to have our first families moving in now with more to come. They are starting a new chapter in their lives.”


Oakland Preserve offers distinctive one-, two- and three-bedroom apartments priced from \$784 to \$1,085 per month. Each apartment features a fully equipped kitchen, energy-saving appliances, washer and dryer and hurricane-impact windows and doors.

All buildings in Oakland Preserve are smoke-free and energy-efficient. Amenities include a gym, a playground, a tot room, a cyber lounge, on-site maintenance and shared common areas



*Flowering shrubs line the waterfront walkway of Oakland Preserve.*

with shaded patio seating, a grill and ample recreational space overlooking the water.

“This is our second affordable housing community to open in Broward County this year, and we continue to serve as many families as we possibly can,” says Ann Deibert, CEO of the BCHA and assistant secretary of BBC. “With demand that far exceeds the supply, we continue to collaborate with our community partners to bring affordable workplace housing and innovative, results-oriented programs and services to families in Broward County.” 



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# Gainesville Residents Walk for Wellness

The Gainesville Housing Authority (GHA) recently implemented a 5K Wellness Walking Program, an incentive-based wellness initiative for GHA residents. According to the American Heart Association, research has shown that walking can have a significant impact on health by lowering the chances of heart disease.

GHA designed the program in response to the challenge of living a healthier lifestyle without having the expense of high-cost

gym memberships. The agency's Job Training and Entrepreneurial Program (JTEP), administered by Tavarous Parks, JTEP director, and Sylvia James, resident services coordinator, in collaboration with Pamela D. Koons, president and CEO of the At The WELLness Network, kicked off the program on October 17 at Sunshine Park Apartments and on October 19 at Oak Park Apartments. Ms. Koons opened the event with stretching and yoga activities. Participants were given a ticket for each lap completed. The person with the most tickets received a prize. The residents had a great time. A total of 58 residents participated in the 5K walks. The 5K Wellness Walking Program will be conducted monthly. 🌿

## FAHRO Family

### Meet Josh Watson

Josh Watson is the newest addition to the Membership Services team and is serving as deputy director of FAHRO. With a diverse background in management, Josh holds multiple insurance licenses in the state of Florida. As a local from Tallahassee, Josh is passionate about serving his community and has spent years performing music on the East Coast, starting with a recording contract with Embassy Music at age 18. A father of two, Josh values service, hard work and integrity, and he looks forward to working with the members of FAHRO. 🌿



*Josh Watson*



*GHA residents and staff enjoy the first of many 5K wellness walks at Oak Park Apartments.*

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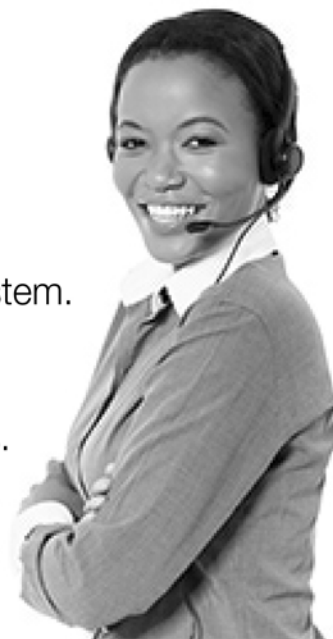
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## Managing Holiday Stress: Why There Is No Time Like the Present

Job pressure, money, relationships, poor nutrition and sleep deprivation are among the primary causes of stress in the United States, according to *statisticbrain.com*. End of the year events, like the holidays, job deadlines and sales goals, simply worsen the stress.

Forty-eight percent of people say stress negatively impacts their personal and work life. At the same time, 77 percent regularly experience physical symptoms of stress, and 73 percent experience psychological symptoms.



*Stress is inevitable, but there are ways to help manage it.*

As a manager or supervisor, what can you do to help yourself and your employees manage stress?

Scheduling now for the holidays can help relieve your stress. Ask employees to request leave for the remainder of the year as soon as possible so you can find replacements or adjust work schedules.

The holiday season is also the cold and flu season, so plan now for illnesses. Although you cannot anticipate absences from illness, knowing that you may need to ask current employees to cover shifts or make requests for temporary employees will help minimize the chance of a scheduling crisis.

Make time to manage your workloads. When there is little room for flexibility with deadlines and goals, put off avoidable projects until the next quarter whenever possible.

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Finally, take care of yourself. Don't let the holidays become an excuse to let your healthy habits go by the wayside.

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Finally, take care of yourself. Don't let the holidays become an excuse to let your healthy habits go by the wayside. Get plenty of sleep, eat healthy, stay hydrated and include some type of exercise every day. Even a 20-minute walk can improve stress.

If you or any of your employees are experiencing excessive fatigue, headaches, upset stomach, irritability, nervousness and lack of energy, encourage your employees to seek medical attention. The longer symptoms persist, the worse they can become.

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*Season's Greetings & Warm Wishes  
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*Mission Statement*

*FAHRO is committed to the professional development of the people who provide public and assisted housing in Florida by offering a network for increased communication and education. We will continue to support legislation for the improvement and development of affordable housing and economic opportunities.*

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