



FAHROgram

FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

March/April 2014

President's Message

Spring Abounds With Opportunity



It seems as if we just completed the holidays, and now spring is already upon us. It's a great time of year as the cold and gloominess of winter give way to new growth, opportunity and hope.

All of these were present as FAHRO members and our executive director traveled to Washington, D.C., as part of the NAHRO Legislative Conference to carry your message to our congressional delegation on "The Hill" that our programs cannot continue to be neglected, both in funding and regulatory relief. While we clearly recognize the federal budget pressures, something has to give, or unfortunately that something will be our clients.

I am pleased to report that FAHRO representatives were able to meet directly with the chief architect of the president's housing budget, who reported on the funding recommendations that President Barack Obama has made to help our predicament. Additionally, great meetings were held with representatives of our senators as well as with Congressman Mario Diaz-Balart and Congresswoman Debbie Wasserman Schultz, who indicated they are willing to reach across the aisle to help with our proposals for regulatory relief. While we all know there is still a long way to go, this progress is encouraging.

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

State Legislative Affairs

Legislative Watch: Funding Proposals Look Promising for Affordable Housing

by Oscar Anderson, FAHRO State Affairs Consultant

The Florida Legislature convened in Regular Session on March 4 and will continue its work for 60 days, ending *sine die* on May 2.

The House and Senate leaderships have indicated they plan to discuss a number of issues this legislative session, including the expansion of gaming, pension reform for government workers, ethics reform, adoption of new educational standards and transportation.

The budget forecast predicted \$1 billion in additional revenue for the upcoming year. As it relates to funding for af-

fordable housing, everyone is expecting a good year.

The governor's proposed budget included money for both the State Housing Initiatives Partnership program (SHIP, \$20 million) and the State Apartment Incentive Loan program (SAIL, \$69 million). At the time of this writing, the



Oscar Anderson

See **LEGISLATIVE AFFAIRS** on page 6

Calendar

May 27-30, 2014
St. Pete Beach, Florida
FAHRO Executive Directors' Forum
TradeWinds Island Grand Resort

August 8-10, 2014
Orlando, Florida
Statewide Basketball Tournament
Orlando Sports Complex

August 12-14, 2014
Orlando, Florida
FAHRO Annual Convention & Trade Show
Disney's Yacht Club Resort

Online registration for FAHRO events available at www.FAHRO.org

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Email: maria611sh@aol.com

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Email: mdelcampillo@mbha.org

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Email: mgoodson@hacfm.org

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Phone: 850/438-8561 • Fax: 850/438-1743
Email: excedir@areahousing.org

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David Morgan, Commissioner
Sarasota Housing Authority
40 S. Pineapple Ave., Sarasota, FL 34236
Phone: 941/361-6210 • Fax: 941/366-3731
Email: davelmorgan@hotmail.com

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Pamela Brewster, Executive Director
DeFuniak Springs Housing Authority
120 Oerthing Dr., DeFuniak Springs, FL 32435
Phone: 850/892-2823 • Fax: 850/892-2823
Email: defuniakspingsha@yahoo.com

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Lisa Landers, Executive Director
Winter Haven Housing Authority
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Phone: 863/294-7369 • Fax: 863/291-0266
Email: llanders1@tampabay.rr.com

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Bartow Housing Authority
P.O. Box 1413, Bartow, FL 33831-1413
Phone: 863/533-6311 • Fax: 863/533-0655
Email: catherine.bha@verizon.net

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West Palm Beach Housing Authority
1715 Division Ave., West Palm Beach, FL 33407
Phone: 561/655-8530 • Fax: 561/832-8962
Email: lrobinson@wpbha.org

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William Russell, Executive Director
Sarasota Housing Authority
40 S. Pineapple Ave., Sarasota, FL 34236
Phone: 941/361-6210 • Fax: 941/366-3731
Email: wrussell@sarasotahousing.org

Member at Large

Jerome Ryans, Executive Director
Tampa Housing Authority
1529 W. Main St., Tampa, FL 33607
Phone: 813/253-0551 • Fax: 813/367-0778
Email: irenew@thaff.com

Member at Large

Anthony Woods, CEO
Daytona Beach Housing Authority
211 North Ridgewood Ave., Daytona Beach, FL 32114
Phone: 386/253-5653 • Fax: 386/255-2136
Email: woods@dbhafl.org

Executive Director (Non-Voting Member)

Corey Mathews, CAE, Executive Director
FAHRO Headquarters
1390 Timberlane Road, Tallahassee, FL 32312
Phone: 850/222-6000 • Fax: 850/222-6002
Email: corey@fahro.org

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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.

- Congratulations to Debbie Martin, chief financial officer of the Pinellas County Housing Authority, on being named a finalist for the *Tampa Bay Business Journal's* CFO of the Year. The PCHA team is very proud of Debbie's nomination for CFO of the Year and wishes her the best of luck. PCHA can also take pride in Palm Lake Village Apartments, which was named 2014 Affordable Community of the Year by the Bay Area Apartment Association. Congratulations, PCHA!
- Winter Haven Housing Authority has been named a finalist in Bright House Networks' Regional Business Awards competition. This honor is part of a larger competition created by Bright



House Networks through local chambers of commerce to honor and showcase the successes of outstanding local businesses throughout the Tampa Bay community. Congratulations!

- Marcus D. Goodson, executive director of the Lee County Housing Authority, announces that the agency has achieved a High Performer rating in its Real Estate Assessment Center (REAC) score. "We are very pleased to have received such a high score for two years running," said Goodson. "This agency previously had challenges with mismanagement, but this score obviously shows we are maintaining strides to improve our operations."

If you would like to contribute to Sounding Off, please email your comments to Susan Trainor, FAHROgram editor, *editor*.
trainor@gmail.com. 🌿

PRESIDENT'S MESSAGE continued from page 1

Another opportunity of spring is our annual Executive Directors' Forum, which is scheduled for May 27-30, 2014, at the TradeWinds Island Grand Resort in St. Pete Beach. This will be a critical time for us to gather and talk about the challenges we face and how we can help one another overcome them. We also will discuss much-needed language that will enable agencies to merge,

if they believe it is for the good of their agencies and communities, while ensuring that agencies that wish to remain independent can do so.

It is imperative that we unite with a single voice, not to obstruct progress, but rather to create a pathway that is in fact progress and not yet another bad hand we are dealt. See you in St. Pete! 🌿

Attention Members! Keep FAHRO Up-to-Date!

Help us serve you better by keeping our record of your mailing address, telephone, fax, email address and website address up-to-date.

Whenever you make a change, please send your new information via email to Cherie Pinsky, Cherie@FAHRO.org, call 850/222-6000 or fax 850/222-6002.

Thank you!

Why Building a Relationship With Elected Officials Is Important to Your Agency

Whether interacting with a newly elected official or a seasoned incumbent, building and maintaining a relationship with your elected officials is critical to supporting your agency and the residents it serves. Though some elected officials may seem unapproachable or intimidating, developing a relationship with your policymakers is no different than getting to know a new friend or acquaintance.

Establish the Relationship

Go to meetings where you can introduce yourself as a member of your elected official's community. You can look on your community calendar for town hall meetings, community planning meetings or campaign events. Make sure you tell policymakers who you are and where you are from. Now you may not agree with everything your elected officials say or support, but you can look for common ground. Remember this: Never speak poorly of an official personally or publicly; this will close the doors you plan to walk through later down the line.

Offer yourself as a resource for issues that might come up. Provide education to your officials, and do not assume they know who you are or what you are talking about. Show your elected officials how you can assist in communicating this information to their constituents.

Remember that there are hundreds of industries in their districts, so they need help understanding your unique struggles and how they can help you.

Maintain the Relationship

Invite officials to visit your agency for a tour. Make sure they know what your agency does for the community and how many residents you assist, along with the challenges you face. After the meeting, follow up and keep them updated on the status of your agency. Feel free to check in with them monthly or quarterly to let them know how things are going. If you receive any support from an official, thank him or her quickly and publicly through the press for helping your agency.

Invite officials to special events you are having at your agency as a way of promoting continuing communications. Remember to share any relevant news to your officials, such as your annual report, new board members or groundbreaking.



*Corey Mathews, CAE,
FAHRO Executive Director*

See COREY'S COMMENTS on page 5



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New Public Records Law Creates Contractual Requirements for Certain Government Contractors

Under a recently enacted Florida statute, certain individuals and entities entering into contracts to perform services for public agencies will now be contractually required to comply with Florida's Public Records Act. Florida Statutes § 119.0701 went into effect on July 1, 2013, and requires Florida state and local agencies to include provisions regarding the contractor's retention, maintenance and disclosure of public records in all contracts for services where the contractor will be acting on behalf of the public agency. The new statute does not impose any new public records disclosure requirements that did not already exist, but rather it creates a new mechanism for the enforcement of the existing obligations.

According to the statute, contracts for services where the contractor will be acting on behalf of the public agency must require the contractor to do each of the following:

- Keep and maintain public records that ordinarily and necessarily would be required by the public agency in order to perform the service.
- Provide the public with access to public records on the same terms and conditions that the public agency would provide the records and at a cost that does not exceed the cost provided in F.S. Chapter 119 or as otherwise provided by law.
- Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- Meet all requirements for retaining public records and transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the public agency in a format that is compatible with the information technology systems of the public agency.

In the event that a contractor violates these provisions of the contract, the statute requires the public agency to enforce the contract against the contractor. Depending on the contract, possible consequences could include default, termination of the contract or possible financial penalties.

Under the new statute, a contractor is defined as "an individual, partnership, corporation, or business entity that enters into a contract for services with a public agency and is acting on behalf of the public agency." This definition does not encompass every entity entering into a contract to provide services to a public agency, but rather only those that will be acting "on behalf of" the public agency in the scope of their services. In the past, courts have looked at the totality of a number of factors to determine whether a private entity is acting "on behalf of" a public agency, including: 1) the level of public funding; 2) commingling of funds; 3) whether the activity was conducted on publicly owned property; 4) whether services contracted for are an integral part of the public

agency's chosen decision-making process; 5) whether the private entity is performing a governmental function or a function that the public agency otherwise would perform; 6) the extent of the public agency's involvement with, regulation of or control over the private entity; 7) whether the private entity was created by the public agency; 8) whether the public agency has a substantial financial interest in the private entity; and 9) for whose benefit the private entity is functioning (*News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc.*, 596 So. 2d 1029 (Fla. 1992)).



Tracy M. Evans, Esq.

Housing authorities should avoid arbitrarily incorporating the contractual provisions required by the new statute into every contract for services. Instead, housing authorities should assess each contract on an individual basis to determine whether the contractor will truly be acting on behalf of the agency in its performance of services. The execution of a contract that includes the new provisions could be considered an express admission that the contractor is acting on behalf of the agency, contrary to the intent or the understanding of either party, and could potentially create liability under the Public Records Act that would not have otherwise existed. Therefore, it is important to assess the nature and scope of the contractor's duties and services to determine if the contractor will be acting on behalf of the housing authority before adding the new provisions to the contract. As always, it is important to consult your legal counsel to help determine when it is appropriate to add these contractual provisions. 🌿

Tracy M. Evans is an associate with Saxon Gilmore. She practices in the areas of creditors' rights and real estate litigation. She can be reached at 813/314-4513 or tevans@saxongilmore.com.

COREY'S COMMENTS continued from page 4

Get to Know Legislative Staff

Building a good working relationship with legislative staff is as important as developing a relationship with your senator or representative. It's easier to reach and speak with staff. Staff members play a key role in helping legislators reach decisions.

Staff people may know a lot, or nothing, about public housing issues. If your legislators sit on key committees responsible for public housing, they or someone on their staffs is likely to focus on housing. Get to know the staff member responsible for housing related bills, policies and legislation. This will be especially useful if you plan on communicating frequently.

The level of expertise may vary, depending on where the staff person works—in Tallahassee, in Washington, D.C., or in one of the district offices. District office staffers should be included in your outreach. They are the eyes and ears for the legislator on how issues are playing back home. 🌿

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Meet the team: (front) Sarah Hunt Ellin, client services specialist; James Woodside, principal; Scott Hunt, president; (back) Stephen Blake, account manager; Jeffrey Cheesborough, program developer; and (not pictured) Carey Boucher, account manager).

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LEGISLATIVE AFFAIRS continued from page 1

House and the Senate have each put in more money than the governor's recommendations. The House is proposing \$45 million for SHIP and \$45 million for SAIL. The Senate is proposing even more, \$158 million for SHIP and \$68 million for SAIL. Once the House and the Senate pass their versions of the budget, they will appoint conference committees to begin to work out the differences. The net result at the end of the process will likely be some significant funding in both SHIP and SAIL for affordable housing.

One substantive issue that will be discussed this session is a rewrite of F.S. 189 related to special districts. We are working with the bill sponsors and legislative staff to try to find some language to prevent housing authorities from having to file the annual financial statements with the state, given that funding comes from the federal government.

Keep an eye out for the post-session article that will give you a breakdown of all the legislation and funding that impact housing authorities. 🌿

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
(attach in MS Word format)

Photographs are welcome!



FAHRO Peer Assistance Network Stands Ready to Help

FAHRO offers many great resources to members, including education, advocacy and communications relevant to your agency. One of the greatest benefits of membership, however, is being a part of the FAHRO family. Many agencies have relied on the members and staff of FAHRO to help them out of a tough situation when they had many questions and very few, if any, answers.



One way to receive support is by contacting the FAHRO Peer Assistance Network. This committee, chaired by Becky-Sue Mercer of the Arcadia Housing Authority, provides members with solutions to their toughest problems. The committee consists of 12 members of variously sized housing authorities eager to assist you with whatever your issue might be. If you would like help from the committee, please email Becky-Sue at arcadiabousing@embarqmail.com. 🌿

Finance Director

The Ocala Housing Authority (OHA) is recruiting a finance director to manage the financial operations of the agency. Answers directly to the CEO and will maintain control of the general ledger, including preparation of internal and external financial reports. Requirements: knowledge of HUD and other federal, state and local regulations related to the financial operations of a public housing authority and nonprofit organization; direct experience working with GAAP and GASB; direct experience preparing and submitting VMS and FDS reports to REAC; experience preparing public housing operating subsidy budgets; B.S. degree in accounting, finance or business administration from an accredited college or university, plus 10 years of progressively responsible experience in accounting to include a minimum of seven years of management experience. Email, mail or fax a cover letter, resume and three verifiable work references, along with a complete salary history and minimum salary requirement, to:

Gwendolyn B. Dawson, CEO
Ocala Housing Authority
1629 NW 4th Street
Ocala, FL 34475
gdawson@ocalahousing.org
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A full job description is available at the office or via email. 🌿

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Sarasota Housing Authority Partners for 2nd Annual Honor the Badge Event

The Sarasota Housing Authority (SHA), City of Sarasota Police Department and Target partnered to provide underprivileged youths with a unique holiday experience.

SHA's Honor the Badge shopping event is an initiative designed to help build mutual trust and respect between law enforcement officials and children of families living in SHA communities.

Honor the Badge paired 80 underprivileged children with local law enforcement officers to shop for holiday gifts at a local Target store early one Saturday prior to the store's opening. SHA, through donations received from the Sarasota Police Department, local businesses, religious organizations and individuals, provided the funds for the gifts purchased by police officers.

"Our goal is to help underprivileged children from our community come

together with local law enforcement in an inclusive, non-threatening environment that will encourage open and honest communication with law enforcement officers to remove any fear the youths may have when interacting with officers. The event will help educate them regarding the role that the officers play in our community," said Captain Lucius Bonner, Bureau of Professional Standards, Sarasota Police Department.

"Having a safe, strong, vibrant community begins with having mutual respect and trust between community members and the men and women sworn to protect them," said SHA Executive Director William Russell. "Honor the Badge works to build this respect and trust through this fun and positive experience during the holiday season."

Those wishing to donate for next year's event can do so through the Sarasota



Children from Sarasota Housing Authority communities celebrate the holidays with local law enforcement officers.

Housing Authority. Checks can be made out to the Sarasota Housing Funding Corporation with "Honor the Badge" in the memo line. Checks or cash donations can be dropped off at the Sarasota Housing Authority, 269 South Osprey Avenue in Sarasota, Monday through Friday from 9 a.m. to 5 p.m. For more information, call SHA at 941/361-6210. 🌿



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Tampa HA Breaks Ground on Fourth Building to Go Vertical at ENCORE!®

It was a standing room only crowd that included Mayor Bob Buckhorn of Tampa, Congresswoman Kathy Castor and a host of other business and community affiliates as the Tampa Housing Authority held its fourth groundbreaking ceremony, Thursday, February 13, to commemorate the Tempo at ENCORE!®. The Tempo will be a seven-story multifamily apartment building that will offer one-, two-, three- and four-bedroom units. Built with the active family in mind, the Tempo will house a performance theater, retail spaces and a two-story clubhouse equipped with a recording studio and much more.

“Another exciting step for Tampa,” said Kathy Castor, U.S. Congresswoman. “With the money received from the Choice Neighborhood Grant, this vision is now a reality; we are definitely headed in the right direction.”

Scheduled for completion in 2015, the Tempo will be a LEED Silver development. Named in honor of the rich musical history of Downtown Tampa’s



Artist's rendering of Tampa's The Tempo at ENCORE!®

Central Avenue, the Tempo is a joint public-private partnership venture with Banc of America Community Development Corporation and the Tampa Housing Authority.

“THA has taken a drug-infested, violent neighborhood and turned it around,” said Mayor Bob Buckhorn. “In a few years this neighborhood will connect Ybor to downtown Tampa and be a place that we can all be proud of.”

At build out, the ENCORE! will include 794 mixed-income rental housing units, 300 market-rate ownership units



Tampa leaders and officials break ground for another ENCORE!® building.

and 268,000 sq. ft. of commercial office and retail space. This former public housing site is expected to return nearly \$425 million in real estate value to the property tax rolls, including more than 4,000 construction jobs and 1,200 permanent jobs over the next five to seven years.

“Every building on this site was designed with the stability of our families in mind,” said Jerome D. Ryans, THA president and CEO. “We are well on our way. What started out as a concept in the minds of architects and developers is surely a reality. This is only the beginning. We are invested in the success of ENCORE!®”

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Fort Walton Beach Celebrates Opening of Sound Side Apartments

Fort Walton Beach's Sound Side Apartments had its grand opening on March 18. There was a large turnout in celebration of the new affordable housing complex.



A gourmet kitchen at Sound Side Apartments in Fort Walton Beach

Sound Side is a 200-unit affordable housing development that sits on a 13-acre site at Carson Drive in Fort Walton Beach. It features one-, two-, three- and four-bedroom units, a swimming pool, a clubhouse, a fitness center and a computer café. The apartments have 9-foot ceilings, gourmet kitchens, washers and dryers and screened porches.

The Fort Walton Beach Housing Authority would like to give a special thank you to all who attended, including Mayor Mike Anderson, members of the city council, city staff, the FWBHA board of directors and a very special thanks to Helen Rigdon from Congressman Jeff Miller's office. Sound Side could not have been possible without all those who were involved in the project. 🌿



The ribbon cutting for Fort Walton Beach's newest affordable housing development

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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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