



FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

July/August 2017

President's Message

Emerging Ideas

Dear friends and colleagues:

Thank you all once again for attending and helping to make FAHRO's recent events a tremendous success. On May 17-18, the Executive Directors' Forum was held in Key West. Additionally, the second annual Florida Housing Summit included attendees of various housing groups, including PHADA. These events provided a great opportunity to address and discuss emerging ideas in how to better regulate federal housing programs in an era of prorated funding.

Capitalizing on the opportunity to bring about significant improvements to housing programs, FAHRO has taken an increasingly proactive approach in identifying and formulating initiatives to ensure that our programs will remain successful in the long run. Currently, the Section 8 HCV program is increasingly experiencing uncertainty of

funding while suffering from antiquated regulations that need to be modernized. Therefore, during the ED Forum, FAHRO proceeded to convene a committee to analyze how to develop a Section 8 program for the 21st century. This committee will review the shortcom-



Miguell Del Campillo

ings of the current program and is tasked to write a replacement program with the goal of ensuring effective and efficient delivery of housing programs.

During the 2017 FAHRO Annual Convention and Trade Show in Orlando this summer, the FAHRO membership will have a unique opportunity to participate in

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Calendar

FAHRO REGIONAL TRAINING

Eligibility, Rent Calculation, Occupancy July 17-21, 2017 Tampa Housing Authority

FAHRO Annual Convention & Trade Show July 31-August 3, 2017 Disney Grand Floridian Orlando

FAHRO Basketball Tournament August 3-5, 2017 (Note: revised dates) Orlando

Need specific training or classes? Email Laura@FAHRO.org to help set them up!

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Internal Circulation

Legal Update

Getting Technical About Social Media and Public Records

by Tracy M. Evans, Esq.

Social media has become a staple in everyday life. Millions of people rely on it as a source of news and information, and as a forum for public engagement in business, politics and government. The number of public agencies maintaining a social media account on one or more social media platforms has grown considerably over the past 10 years, to being commonplace. As a result, the question of whether the content on a public agency's social media page is subject

to public records laws has become a hot topic in recent years, especially in Florida where public records laws are very broad. All public agencies, including housing authorities, should be aware of how public records laws



Tracy M. Evans, Esq.

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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.

Magnolia Gardens Assisted Living Community in Pinellas Park recently welcomed home PFC Donald Eugene Clifford from his visit to the War Memorial in Washington, D.C. PFC Clifford, an Army veteran of World War II, along with 79 other local wartime veterans traveled to Washington, D.C., with the Honor Flight of West Central Florida. Thank you, PFC Clifford, for your service!



PFC Clifford and daughter Kathy as they arrive home at the St. Petersburg/Clearwater Airport



The U.S. Department of Housing and Urban Development has designated the Housing Authority of the City of Fort Myers a high performer in the Public Housing Assessment System (PHAS) report for 2016. The PHAS scored the HACFM 94 points out of a possible 100. Congratulations to Executive Director Marcus D. Goodson and the entire HACFM team!

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

a collaborative effort to envision and bring about a sustainable regulatory environment for housing programs. The time is now to actively pursue the transformation of housing programs to ensure they remain effective tools in addressing the growing housing challenges impacting our communities.

- Make Plans Now to Attend -**FAHRO Annual Convention & Trade Show** July 31 - August 3, 2017



Disney Grand Floridian • Orlando FAHRO.org/events

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apply to their social media pages, and should ensure proper policies and safeguards are in effect to be in compliance.

Florida has a strong public policy in favor of open government, and very broad enforcement laws. Chapter 119, Florida Statutes, in particular, imposes a duty on all public agencies to maintain and provide public access to public records. Public records are defined broadly in Chapter 119 as "all documents ... regardless of physical form ... made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."

In opinion number 2009-19, dated April 23, 2009, the Florida attorney general issued an advisory opinion regarding whether Chapter 119 applies to information contained on the Facebook page of the City of Coral Springs, Florida. The Florida attorney general answered this question affirmatively, under the presumption that the material contained on the city's Facebook page met the definition of a public record under Chapter 119. The Florida attorney general also determined that the city was under an obligation to follow public records retention schedules established by law for all information on the city's Facebook page constituting a public record.

Using the guidance of the Florida attorney general's 2009 opinion, public agencies maintaining a social media account should take affirmative steps to preserve the information on their social media pages for compliance with Chapter 119. Compliance requires saving and archiving all content appearing on a public agency's social media page. Initially, this may seem easy to accomplish, but there are a number of complicating factors. For instance, the public's ability to freely interact through posts and comments presents an issue. There is a risk that these posts will be deleted by the third party posting them prior to the posts being captured and archived for public record purposes. If the post is deleted prior to capture by the public agency, this could be considered a violation of public records law.

There is also the issue of third-party posts or comments containing derogatory or offensive language, pictures or information. To the extent these posts violate the social media platform's user agreement, they could be automatically removed by the website without notice. Social media platforms are under no obligation to preserve content, which further complicates a public agency's efforts to ensure everything is preserved.

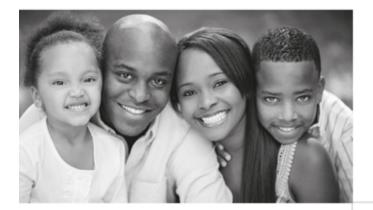
Another issue is the effect of a government agency posting on a "friend's" page or post. If the information was made or received regarding the transaction of official business by or on behalf of a public agency, then this information is considered public record under Chapter 119, and must be archived.

To overcome these challenges, it is crucial for all public agencies to establish and regularly update detailed and strict policies regarding use of the agency's social media account, including how content is retained, maintained and produced in response to a public records request. Some public agencies choose to manually document their social media page's content. This option requires constant monitoring to be

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Bartow Housing Authority

Executive Director: Catherine E. Reddick Bartow, Florida

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."

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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."



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Name #6

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Please print each registrant name below, then circle the correct amount for each.						
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#2	\$399	\$479	\$219	\$299	\$5 0	\$
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Lakeland HA Hosts Groundbreaking for Micro-Cottages at Williamstown

Lakeland Housing Authority hosted a groundbreaking ceremony on May 16 for its latest development project, the Micro-Cottages at Williamstown. The list of guest speakers included Helen Miller, regional outreach director of U.S. Senator Bill Nelson's Orlando office and City of Lakeland city commissioners Phillip Walker and Jim Malless. LHA Executive Director Benjamin Stevenson said, "The City of Lakeland City Commission and staff were very helpful while LHA was going through the approval process. Commissioners Walker and Malless are big supporters of the affordable housing efforts in Lakeland."

Rev. Richard Richardson, LHA vice chairman, served as master of ceremony, and Chairman Michael Pimentel gave the occasion. Chairman Pimentel said he is "very excited to see new housing for seniors and veterans being built by LHA."

The project will create 48 micro-cottage apartments in a duplex community for low-income seniors. The unit mix consists of 10 one-bedroom and 38 two-bedroom housing units. The micro-cottage design limits each unit to a maximum size of 550 square feet and employs an open floor plan for spaciousness, flexibility and accessibility. All housing units in this new community will be 100% affordable. All of the housing units will be UFAS adaptable and restricted to seniors age 62 and older with a total household income at or below 80% AMI, with a preference for veterans.

Association News

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 *director@housingarcadia.com.*



Pictured on the front row are Bernice Saxon, LHA legal counsel; Michael Pimentel, LHA board chairman; Eddie Hall, LHA commissioner; Valerie Brown, LHA VP of development; Dorothy Sanders, LHA commissioner; Stephen Gately, field representative, Congressman Dennis Ross; YouthBuild student; Carrie Oldham, board member, Polk County Housing Developers; and Rev. Richard Richardson, LHA vice chairman. Pictured on the back row are Benjamin Stevenson, LHA executive director; Jim Malless, City of Lakeland city commissioner; Carlos Pizarro, LHA VP of housing; Don Selvage, City of Lakeland city commissioner; Lorenzo Robinson, LHA commissioner; Phillip Walker, City of Lakeland city commissioner; YouthBuild student; YouthBuild student; Cory Miller, owner, Miller Construction; and Steve Boyington, partner, Wallace Murphey Boyington Architects.

The LHA has set up community partnerships to provide supportive and volunteer health care services for the residents of the new community. Various community partners have provided health care services for senior citizens at several LHA communities over the years. All on-site services will be provided free of charge to residents of the new community. The site will have a preference for veterans of the U.S. Armed Forces. The LHA has partnered with U.S. Department of Veteran Affairs to identify potential residents.

The LHA is self-developing the project using its development entity, Polk County Housing Developers, Inc. The \$6 million cost of construction for the development is being funded with a mixture of HOPE VI, RHF and Public Housing funds through the U.S. Department of Housing and Urban Development. The LHA will also self-manage the property using its property management entity, West Lake Management, Inc. WLM has experience managing public housing, tax credit and Section 8 properties.

Williamstown was designed by Wallace Murphey Boyington Architects, Inc., of Lakeland. The site design will maintain the existing wooded and buffered vegetation and will provide four village rose walks, a central garden and a community building. Miller Construction Management, Inc., another local contractor, will serve as the general contractor to build the new development. Miller has agreed to use YouthBuild labor during the construction process. The Williamstown site was included in the 2016 YouthBuild Lakeland grant awarded to the LHA by the U.S. Department of Labor. The youth will work on the construction of three housing structures. The project has a 14-month construction schedule.

Pinellas County HA and Partners Break Ground on New Mixed-Income Housing in Largo

The Pinellas County Housing Authority and developer Norstar Development USA have begun construction on Palms of Pinellas, a 92-unit mixed-income community. The new apartment homes will provide much needed affordable workforce housing for essential workers in the community, including those workers working in the tourism and service industries. Nineteen of the apartments will have income restrictions of 50% AMI, and another 10% will be restricted to 80% AMI. The remaining units will be for individuals and families earning up to 150% of AMI.

"A unique public-private partnership was created for the development of Palms of Pinellas," said Debbie Johnson, PCHA executive director. "Through US AmeriBank we were able to take advantage of low interest rates to make the conventional financing for this deal work, and our partners, Pinellas County and the Housing Finance Authority of Pinellas County, stepped in to provide the needed gap financing and the land purchase through the Land Assembly Fund."

Brian Evjen, LP director of development for Norstar Development USA, stated, "Norstar is honored to partner with PCHA to develop this unique mixed-income community that will further advance PCHA's mission of providing safe, quality housing for persons in need in Pinellas County."



A groundbreaking celebration was held on May 10 for Palms of Pinellas. The new community will open for occupancy in summer 2018.

Angela Rouson, PCHA board chair, said, "When people can afford to live closer to where they work, entire communities see the benefit. Commute times ease, neighborhoods are more diverse and provide the opportunity for families to live and grow, and employers can attract and retain essential workers. The entire community is strengthened."

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Northwood II - Daytona Beach Housing Authority NAHRO Merit Award Winner



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Building Better Communities Offers New Workforce Housing in Fort Lauderdale

Building Better Communities, an affiliate of the Broward County Housing Authority, hosted a ribbon cutting ceremony on May 11 commemorating the newly opened Manors at Middle River, spacious affordable workforce housing townhouse rentals located at 1716-1738 North Dixie Highway in Fort Lauderdale, near the center of Wilton Manors.

This new pedestrian friendly, Key West-style community consists of 12 townhouses, giving it an exclusive small neighborhood feel. The mix of two- and three-bedroom townhomes is ideal for families with rents lower than those of nearby market-rate properties, offering residents the opportunity to live in a luxurious and modern townhome at an affordable price. The minimum qualifying annual income for a two-bedroom home is \$60,960 and for a three-bedroom home, \$75,600. The maximum income limit is 120% of the area median income (AMI).

"There is a tremendous demand for affordable housing in South Florida, and we are extremely proud to introduce the Manors at Middle River," said Ann Deibert, assistant secretary of Building Better Communities. "This community was tailored to support the needs of the Fort Lauderdale/Wilton Manors workforce. It delivers quality, convenience and rents that are at-



Mayor Jack Seiler of Fort Lauderdale; Secretary Mark O'Loughlin of Building Better Communities (BBC); BBC Assistant Secretary Ann Deibert; BBC Director Mercedes J. Núñez (seated); BBC Treasurer Karyne Pompilus; BBC President Mike Long; BBC Director Russell Marcus; and Fort Lauderdale Commissioner Dean Trantalis

tainable while respecting the aesthetic standards of the Middle River neighborhood." \mathcal{K}



Senior Resident Dreams Big, Why Education Matters

by Vivian Watkins

Philia Vilmeus was born in Haiti, and she migrated to the United States in 1988. When she arrived in Fort Myers, Ms. Vilmeus said she was broken mentally and physically, but she did not allow her physical condition or mental state of mind to stop her from living a purposeful life.

Ms. Vilmeus was about to undergo a transformation that would impact her life immensely. She did not speak English but recognized very quickly that in order for her to seek an education, her first step would be to learn English as a second language.

Ms. Vilmeus attended the GED classes at the Housing Authority of the City of Fort Myers in 2009 and received her GED in 2010. The next step in furthering her education came when she enrolled at Florida SouthWestern State College (formerly Edison College). She earned an Associate of Arts degree in general studies in 2013.

Focused on her future endeavors, Ms. Vilmeus was inspired by her past accomplishments to persevere. She was also encouraged by her siblings and children to stay the course. Through Ms. Vilmeus's persistence, on Saturday, May 6, she walked across the stage of Germain Arena with a huge smile. As her family cheered her on, Ms. Vilmeus received a Bachelor of Science degree in social work from Florida Gulf Coast University.



Philia Vilmeus celebrates with her sister after the FGCU graduation ceremony at Germain Arena.

The HACFM congratulates Ms. Vilmeus, not only on this latest accomplishment, but also on her consistent hard work in the last several years.



LEGAL UPDATE continued from page 4

effective, and is prone to error, especially when considering how quickly a third-party user can make and delete a post or comment. A more effective and efficient option is to utilize a professional archiving service. These services offer programs with the capability to continuously and constantly capture posts and comments, regardless of how long they appear on the page.

To assist in limiting the breadth of content on the public agency's social media page, a public agency should consider adopting a policy designating a single individual who is authorized to post from the agency's social media account, or otherwise limit the number of authorized individuals. Also, a public agency should consider establishing policies limiting the types of activity the agency will engage in from its social media account, such as limiting to posting on its own page and prohibiting commenting or posting to another user's page.

Public agencies should also keep third-party users informed that their posts and comments are subject to public records laws. The inclusion of a disclaimer on the social media account visible to all users may help to deter inappropriate comments or posts. In addition, public agencies should establish a policy for how to handle archiving third-party posts that violate the terms of use or are otherwise objectionable. For instance, if a post violates the terms of use, the policy in place should provide for the preservation and archival of the post prior to removal from public view, and immediate notification to the individual who made the violation.

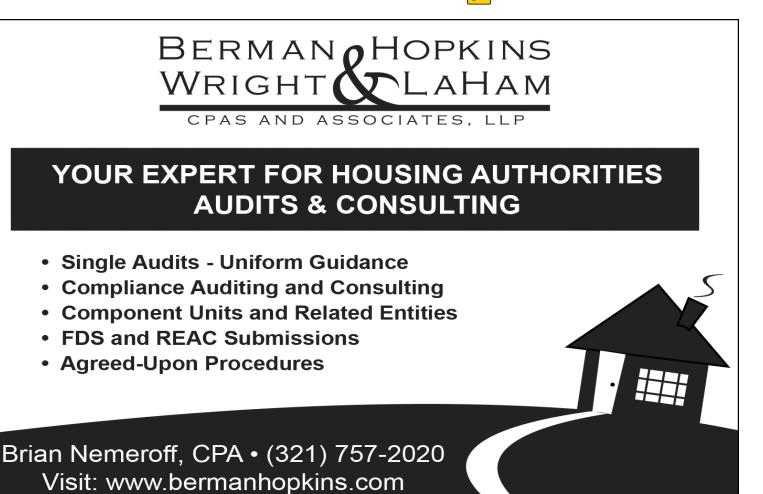
Even if the public agency already has policies in place regarding preserving its social media records, it is important to revisit these policies annually. Technology is constantly evolving, terms of use agreements are updated frequently and new features on the various social media platforms are always appearing. Public agencies should regularly review their policy and procedures for updates, and determine whether any revisions are necessary.

Finally, public agencies should make sure employees are properly trained on all policies and procedures. Employees need to be made aware of any changes, and should also receive regular training on the public agency's standing policies and procedures. Proper training and communication are essential to ensure employees stay well informed and properly trained on all records retention policies.

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

PINELLAS COUNTY continued from page 9

The majority of the \$13 million development cost was financed through US AmeriBank at competitive terms. Pinellas County provided a \$1.5 million loan for gap financing, and with assistance from the Housing Finance Authority of Pinellas County as trustee, Pinellas County's Land Assembly Program acquired the land for \$950,000. The land is now in the Pinellas County Land Assembly Trust. PCHA has leased the land and will make an annual lease payment to the Housing Finance Authority, assuring the project continues to provide affordable housing for years to come.





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EAHR



Hurricane Season Is Here 10 Commercial Property Tripwires After a Major Loss

At the onset, Hurricane Katrina didn't appear significant, according to Duncan Ellis, U.S. property practice leader with Marsh, a global insurance broking and risk management company. Once the levies broke, that changed.

While most people don't read their insurance policy until after a loss, Ellis stressed the importance of businesses knowing what's covered ahead of time. As an example, he said many businesses were surprised to find out they were not covered for storm surge losses, the main coverage issue resulting from Katrina.

Ellis and Paul McVey, Marsh's U.S. property claims practice leader, developed the following list of the top 10 tripwires in a property policy arising as a result of a major loss.

- 1. Business interruption The main questions related to whether business interruption was covered and how it was calculated. "Probably the most misunderstood coverage," said Ellis. He added that it's important to note that business interruption coverage does not replace revenues, but rather it replaces profits that are lost. According to McVey, another area of confusion is related to the indemnity period, which is intended for the time frame to reinstate and repair a property to its pre-loss condition.
- 2. Sublimits McVey said this usually applies to flood coverage and includes such things as pure extra expense, expediting expense and time sublimits for civil authority.
- 3. Deductible applications Ellis said the most common questions had to do with whether a deductible applied by occurrence or location. Separate deductibles can also apply to time element loss, by unit of insurance and even by percentages.
- 4. Service interruption McVey said businesses should understand the scope of the coverage and understand causation and indemnity period. A service interruption must be caused by peril that is insured against. There can be distance limitations, qualifying or waiting periods that may apply to each location. He emphasized there is no coverage for cutting off service voluntarily.
- 5. Contingent business interruption Ellis said businesses need to understand which suppliers or customers—direct or indirect—are covered. McVey recommended reviewing what constitutes a direct supplier and

the contractual relationship that exists. Perils purchased for a business's locations will apply to suppliers, but if a peril isn't insured against, suppliers won't have coverage.

- 6. Wide area impact or idle period Allianz Global Corporate & Specialty outlined the top three causes of global property losses during 2009-2013 as fire, earthquake and machinery breakdown. These remain the main causes of wide area impact and idle periods.
- 7. Civil authority, ingress/egress It's important to know how this can trigger coverage, Ellis said, noting that there is typically a limitation around the number of days covered.
- 8. Named windstorm or flood Determine if it includes or excludes storm surge, McVey said.
- **9.** Flood definition of special high hazard flood zone – Ellis explained that a special hazard flood area (SHFA) and a 100-year flood zone/plain are the same things. He pointed out that there will likely be an internal sublimit for flood with a further sublimit for SHFA.
- **10.** Loss management planning and communication protocol – Pre- and post-loss management planning as well as a communication protocol is critical, said McVey. Businesses should consider such things as alternate vendors, partial payments, public relations, etc.

Borrowed from Insurance Journal: www.insurancejournal.com/news/national/2015/08/05/377541.htm



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