

FAHROgram

FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

November/December 2016

President's Message

Finishing the Year Strong

Dear friends and colleagues:

FAHRO continues to monitor current housing items, including the proposed rule for the Section 8 Housing Choice Voucher administrative fee formula, Affirmatively Furthering Fair Housing (AFFH) rule implementation and the Housing Opportunities Through Modernization Act (HOTMA). These items pose additional challenges to PHAs throughout the state in a time of fiscal restraint. Particularly worrisome is the prospect that if the proposed administrative fee is implemented, Florida PHAs collectively stand to lose over \$10 million annually in administrative fees, which will then be transferred to other states. To that effect, FAHRO has submitted new comments to U.S. HUD raising these concerns. Please see the article on page 5 for more information.

On a brighter note, following the success of the first-ever FAHRO Housing Summit with the participation of high-ranking officials from the nation's leading housing advocacy groups, planning is already underway for the next summit. This coming year, the Housing Summit will be incorporated as part of the Executive Directors' Forum, which will be held in Key West, May 17-19, 2017. All attendees of the ED Forum will be invited to stay for the one-day Housing Summit and are encouraged to introduce items for discussion. Stay tuned!



Miguell Del Campillo

Happy Thanksgiving to you and your families! Enjoy the holiday season! 🌿

Calendar

FAHRO REGIONAL TRAINING Procurement & Section 3
November 14-16, 2016
Ft. Myers Housing Authority

FAHRO REGIONAL TRAINING HCV Specialist
December 5-9, 2016
Lakeland, Florida

FAHRO Executive Directors' Forum
May 17-19, 2017
Key West, Florida

FAHRO Housing Summit
May 19, 2017
Key West, Florida

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

Legal Update

Public Records and Contractors Doing Business With Your Agency

by Ricardo L. Gilmore, Esq.

Many of you have expressed some confusion about whether contractors doing business with your housing authority are subject to the Florida public records laws and to what extent. Further, what is your housing authority's responsibility regarding a contractor's responsibility to comply with applicable Florida public records laws? Below is an overview.

First, let's look at what the law requires. Section 119.0701, Florida Statutes, was adopted in 2013 and requires the adoption of

Public Records Act requirements in contracts with private companies by agencies subject to the Act, including housing authorities. Many contractors are now subject to public records requirements and could face penalties for failure to comply with the Act. Private companies are subject to the



Ricardo Gilmore

See **LEGAL UPDATE** on page 6

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www.FAHRO.org

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We accept advertising relating to the housing and redevelopment profession. Our advertising rates for members are: back cover - \$250; inside front cover - \$225; inside back cover - \$200; full page - \$175; 1/2 page - \$125; 1/4 page - \$95; business card size - \$75. There is a discount for multiple insertions. Non-member rates: add \$50 to member rates. The next deadline for camera-ready art is 12/9/16. All articles, RFPs and classified ads must be received by 12/9/16.

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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 FAHRO Executive Director Corey Mathews on his September 3 marriage to Billie Rosian!



Family and friends gathered at the beach to celebrate this new family, which includes Corey's twin sons, Jack and Tom, and Billie's children, Selena, Andrea and Ian.

- The leadership and staff of FAHRO wish everyone in the FAHRO family a very happy holiday season! We look forward to another year of working together to ensure that all of Florida's citizens have clean, safe and affordable housing.

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

The FAHRO Family

**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 arcadiahousing@embarqmail.com.





We Love Our Lindsey Software.

Bartow Housing Authority
Executive Director: Catherine E. Reddick
Bartow, Florida

“I have been using Lindsey for more than 23 years, and I would not use anything else. Lindsey has so many good shortcuts, that it doesn't take me long to do anything!”

— CATHERINE REDDICK —

KEY TAKEAWAYS

- User-friendly software
- Easy to learn
- Economical
- 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.”

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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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Rules & Regulations

FAHRO Responds to Proposed HCV Rule

FAHRO has expressed its concerns regarding the unintended and potentially disparate impacts of the proposed rule for the Section 8 Housing Choice Voucher (HCV) administrative fee formula. In an October 3 letter written to the Office of General Counsel, U.S. Department of Housing and Urban Development, FAHRO Executive Director Corey Mathews states:

Under the proposed rule, Florida PHAs collectively stand to lose over \$10 million annually in administrative fees which will then be transferred to other states. The magnitude of the impact amounts to defunding of successful programs and threatens to destabilize the entire public housing structure in our state.

Mathews explains that the proposed rule is the result of a controversial fee study that examined only 60 agencies. The rule does away with Fair Market Rents (FMRs) as a central variable and replaces it with variables that will compound the negative ef-

fect on PHAs in Florida. In particular, the “earned income” variable would result in lower administrative fees being paid to PHAs for assisting elderly, disabled and homeless participants who are unable to work and earn an income.

“FAHRO sees zero justifiable reason to include a variable in the admin fee formula that gives a preference and incentive to house families with earned income,” Mathews states in his letter. “[T]hat by default discounts other populations who are protected classes and are in need of housing.”

FAHRO is calling for more study of this issue, inclusion of the FMR as a variable in any formula and elimination of the “earned income” variable, which runs counter to the principles of fair housing that guide PHAs, particularly since the U.S. Supreme Court’s opinion on disparate impact. We will keep members apprised of future developments on the proposed rule. 🏠

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!



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Act to the extent they possess “public records.” A contractor may also be subject to the Act to the extent the contractor has been deemed to be *acting on behalf of a public agency*. This can arise when a private entity contracts with a public agency to *perform an agency function*. What do *acting on behalf of an agency* and *performing an agency function* mean? Are all of the contractors that do business with a housing authority subject to the requirements of the Act?

The attorney general issued an opinion in 2014, interpreting the term *contractor* as used in Section 119.0701, Florida Statutes. See, Fla. AGO 2014-06. This statute mandates that public entities include a provision in all of their contracts with contractors, requiring said entities to comply with the Act. The question presented was whether the language “... and is acting on behalf of the public agency ...” contained in Section 119.0701(1)(a) causes the nature of the services provided to be the determining factor as to the applicability of Section 119.0701 to a contractor; or instead, whether a contract for services with a public agency, regardless of the nature of the services, automatically results in that contractor being subject to the Act’s requirements.

The attorney general opined that since the term *contractors* is defined in the statute as those “enter[ing] into a contract for services with a public agency and ... acting on behalf of the public agency ...,” the statutory requirements for contractual provisions relating to Florida’s public records law apply only to those “contractor[s]” coming within the scope of the statute, that is, those who not only enter into a contract for services with a public agency, but are also “acting on behalf of the public agency” in providing those services. In reaching that determination, the attorney general relied, in part, upon language from the opinion in *Parsons & Whittemore, Inc. v. Metropolitan Dade County*, 429 So. 2d 343 (Fla. 3d DCA 1983), where the court noted, in pertinent part: “We are unaware of any authority which supports the proposition that merely by contracting with a governmental agency a corporation acts ‘on behalf of’ the agency.” The attorney general summarized her ultimate conclusion as follows:

In sum, it is my opinion that the requirements of section 119.0701, Florida Statutes, apply to “contractor[s]” who contract

with public agencies and are acting on behalf of the public agency in providing those services. Thus, based on the terms of section 119.0701(1)(a), Florida Statutes, the nature and scope of the services provided by a private contractor determine whether he or she is “acting on behalf of” an agency and thus, would be subject to the requirements of the statute.

Even though the language in the above referenced attorney general’s opinion helps, it does not give a clear guideline as to how to determine when a contractor is acting on behalf of an agency or performing a governmental function of an agency. Further, in July of this year, a new law amended Section 119.0701, Florida Statutes, to require the following language be added (in at least 14-point boldfaced type) to any contract with an individual or entity providing services to a public agency and acting on behalf of said public agency:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (telephone number, e-mail address, and mailing address).

This is in addition to the other public records language already required to be in such contracts. The law also puts more specific requirements on contractors complying with the public records laws including, but not limited to, providing records upon request from the public agency’s custodian of public records, and keeping/maintaining and transferring public records to the agency upon completion of the contract.

Requests for public records are still to be made directly to the agency, but if the records are not possessed by the agency, the agency must immediately notify the contractor of the request and the contractor must provide the records within a reasonable time or be subject to penalties.

The contract requirements apply to contracts for services entered into or

amended on or after July 1, 2016. So, if you have not added this language to your standard contracts with contractors or as an amendment to contracts already entered into, you should do so immediately. This should be done with all contractors doing business with your housing authority at this point. Whether a contractor is acting on behalf of your housing authority or performing a governmental function of your housing authority can be determined later, as this type of clarity is still developing in the law. The contracting officer at your housing authority should consult your legal counsel regarding appropriate contract language. The custodian of records at your housing authority should contact your legal counsel regarding compliance with a public records request involving a contractor to help determine whether the particular contractor is subject to the applicable Florida public records laws.

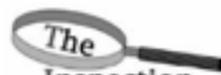
Ricardo L. Gilmore, Esq., is a senior partner and co-founder of Saxon Gilmore & Carranay P.A. He has practiced law for more than 30 years and specializes in the areas of business and corporate law, real estate, public finance and commercial litigation. He serves as special counsel to housing authorities in Florida and other states relative to affordable housing development matters.

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(Especially ones involved with the HUD/REAC Process)

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Habitat for Humanity of Pinellas County and Pinellas County HA Partner on Get Ready Program

Every day in Pinellas County, and throughout the United States, the American dream of homeownership is becoming a reality for families in need through the work of Habitat for Humanity. The Pinellas County Housing Authority and Habitat for Humanity of Pinellas County have partnered on the new Get Ready program to help families in public housing move forward toward their dream of homeownership.

The mission of the Pinellas County HA is to provide safe, quality housing for persons in need and to cultivate healthy, vibrant neighborhoods for Pinellas County. Seeking to put God's love into action, Habitat for Humanity of Pinellas County brings people together to build homes, communities and hope.

"The family and community stability that homeownership brings can go a long way toward breaking the cycle of poverty for generations. The fact that every time a family in public housing moves up and out and into homeownership another family in need can receive rental assistance makes the Get Ready partnership a win-win for everyone," says Angela Rouson, chairwoman of the PCHA Board of Commissioners.

"The relationship between the Pinellas County Housing Authority and Habitat for Humanity of Pinellas County has provided great synergy around affordable housing in our county. The



Cindi Hagler, VP of homeowner services with Habitat for Humanity Pinellas, provides orientation to Get Ready participants.

Pinellas County Housing Authority continues to provide innovative programs and education to Pinellas County residents, where they can then use that education and resources to become first-time homeowners through the Habitat for Humanity program.

Continues on next page...

Habitat appreciates the work the housing authority continues to do to make Pinellas County a better place to live!" says CEO Mike Sutton of Habitat for Humanity Pinellas.

The first Get Ready orientation was held on September 22 at the housing authority offices, and approximately 30 residents attended. PCHA resident Marquita Kendrick said that she wants to own her own home so she can "show her kids that good things take time and they are worth working toward." PCHA resident Kelly Ruger said that she's looking forward to owning her own home "to have stability for her family and to be able to leave something behind" for them one day.

Participants in the program will receive the wrap-around services needed for them to get ready to purchase their own home. These may include, but are not limited to, one-on-one homeownership counseling, first-time homebuyer training, credit repair expertise and assistance, and financial management readiness. In addition, when homeowner candidates complete their homeownership and financial budgeting sessions, they will receive their first-time homebuyer certificates that may help with down payment assistance.

"We're very excited to partner with Habitat for Humanity for the Get Ready program for our residents. Habitat for Humanity brings people together to build homes, communities and hope. Habitat Pinellas is one of the leading Habitats in the United States, having constructed more than 365 homes for low-income families to purchase locally. Many low-income families in pub-



CEO Mike Sutton of Habitat for Humanity Pinellas speaks with Get Ready participants.

lic housing are working hard and are 'almost there' in terms of homeownership readiness. The Get Ready partnership will provide the resources they need to successfully become homeowners," says Debbie Johnson, PCHA's executive director.

Volunteers and future homeowners construct the homes, which are sold at no profit and financed with a zero-interest loan. Habitat for Humanity Pinellas homeowner candidates earn 30% to 80% of the area median income. For Pinellas County, that translates to as little as \$27,000 a year for a family of four.

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Housing Secretary Castro Visits Fort Myers

On September 28, U.S. Department of Housing and Urban Development Secretary Julián Castro visited Fort Myers and saluted the region's housing market comeback and importance in the nation's recovery from the Great Recession.

The visit marks just the second time since 2009 that a federal official at Castro's level has visited the city. The first was by President Obama who came to survey the damage of the housing crash.

Castro also met with residents in Lehigh Acres, considered ground zero of the housing crash, who were also helped by the stabilization program.

"We at HUD are committed to working with local partners to make affordable opportunities available," Castro said.

Castro congratulated Mayor Randy Henderson of Fort Myers and HACFM Executive Director Marcus Goodson on becoming the 29th U.S. city to find housing for all of its veterans, and for leveraging a \$20 million HUD Hope VI grant into a \$100 million replacement of dilapidated Michigan Avenue public housing with fresh, contemporary apartments.



Mayor Randy Henderson, HUD Secretary Julián Castro, City Manager Saeed Kazemi and HACFM Executive Director Marcus Goodson

FAHRO's Latest Initiative: Affordable Housing Month

FAHRO led housing authorities across the state in celebrating October as Affordable Housing Month. Following are the materials that FAHRO provided to housing authorities to help

publicize the work they do to promote safe, affordable housing in their communities, including a proclamation of Affordable Housing Month and letters to elected officials and the press.



Mayor John Holic of Venice, Florida, reads a proclamation designating the month of October 2016 Affordable Housing Month, presented to the Venice Housing Authority: Martha Thomas, executive director; Kathy Lehner, chair; and Aundria Castleberry, vice chair.



The Deerfield Beach HA celebrated affordable housing in October, hosting a Renovation Kickoff Ceremony for Stanley Terrace Apartments. This initiative is the first in the state to conduct a RAD conversion utilizing 4% credits with tax-exempt bonds and the first in the nation to use the one-day loan model.

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AFFORDABLE HOUSING MONTH

OCTOBER 2016



Making a Difference!

CITY OF [YOUR CITY]
[Image of City Seal]

Proclamation

WHEREAS, the City of [Your City] acknowledges the work that Housing Authorities do with regards to strengthening the resolve of our communities and promoting the positive, affective, secure, educational, and familial ties of our neighbors and friends; and

WHEREAS, by instituting policies, formalities, regulations, and standards for adherence, Housing Authorities are devoted stewards that help to make society a better place through the positive uplifting of our citizens and communities through the lens of affordable housing; and

WHEREAS, Housing Authorities strive to promote the cultivation of progressive and forward-thinking values, preserve and protect the well-being of well-intentioned communal circles, and contribute to the betterment of those who strive to better themselves; and

WHEREAS, Affordable Housing is regulated by all fifty states in the Union on the basis of its recognized significance in providing housing solutions to those who are deserving, hardworking and upwardly mobile; and

WHEREAS, Housing Authorities are to be honored for their discipline, unwavering commitment, time, and talents which serve the community in ways that will exact positive generational change;

NOW, THEREFORE, I, [NAME OF CITY MAYOR], Mayor of the City of [Your City], Florida, on behalf of the [Governing City Body], do hereby proclaim October 2016 to be

AFFORDABLE HOUSING MONTH

in [Your City] and call upon each citizen and business to recognize the many contributions of Housing Authorities and appreciate the efforts they make in fortifying the steadfastness of our communities through affordable home ownership and civic togetherness.

IN WITNESS WHEREOF, I
have set my hand hereto on this
[10th day of October, 2016], the
[100th] year of the incorporation
of the City of [Your City].

[Mayor's Signature]

[Mayoral Seal]

Dear [Editor of Newspaper]:
A wonderful time for housing authorities and the importance of what we do has arrived with Affordable Housing Month in October!

The work that we do as Housing Authorities extends beyond the mere statistics. In order to strengthen the resolve of our society and promote universal positivity, we must first begin with positive growth in our communities. Such is achieved by providing affordable housing opportunities to individuals and families who are in need of a viable roof under which to raise families and cultivate values. This is what makes the work that we do as housing authorities of the utmost importance.

[Paragraph detailing what you are doing and what is happening with regards to affordable housing in your community]

With all of this in mind, we invite you to join us in recognition of Affordable Housing Month. We will be promoting the milestone throughout the month via various means, including social media, and welcome the opportunity for you to be side-by-side with us as we continue to promote the importance of community togetherness and resiliency, which is made all-the-more potent thanks to affordable housing. Thank you, and here's to a happy and productive Affordable Housing Month!

Sincerely,
[Your Name]
Executive Director, [Your Housing Authority]
[Your Signature]



Housing authorities used this letter to alert local newspapers about Affordable Housing Month.

Dear [Elected Official(s)]:
The month of October is Affordable Housing Month, and in observance, we would like to invite you to [your housing authority] for an opportunity for us to discuss some of the pertinent issues that play a significant role in the improvement of our communities!

[Paragraph detailing a housing authority issue that is specific to your community that you wish to discuss with your visitor]

While the duty of providing affordable housing to deserving families and individuals is a year-round effort, this unique time during the year is a great way to showcase the strides that such an effort makes toward strengthening our citizenry's resolve and promoting a happier, healthier community. We look forward to having you join us here at the [your housing authority].

Sincerely,
[Name of Housing Authority Executive Director]
[Signature of Housing Authority Executive Director]



Planning the Holiday Office Party? Here Are Some Smart Planning Tips Brought to you by FPHASIF!

Planning a party for the holiday season? There's liability lurking in the punch bowl or the coatroom. Here are a few things to consider:

1. A good place to start might be to survey your employees. Some workplaces choose to eliminate a party or other gathering, and instead dedicate a day to serving those less fortunate in the community.
2. Some choose to have a party to kick off the new year, held after January 1, which relieves some of the demands on employees, especially those who are parents, to attend all the school-related November and December activities that the holiday season brings.
3. Attendance at any holiday party should be voluntary.
4. Don't serve alcohol. Alcohol leads to more sexual harassment and assault complaints than you would imagine. For example, at a London Zoo zookeepers' Christmas party, wine consumption led to a former meerkat expert having to pay compensation to a monkey handler that the meerkat expert attacked with a wine glass over a "love spat over a llama-keeper." AP, "When animal experts attack: Zookeepers caught in love triangle," www.foxnews.com (Oct. 15, 2015).
5. Alcohol might bring out wild animal behavior in your guests, too, but if you do choose to serve alcohol, limit available amounts and have services available to drive employees home. And don't hang mistletoe.
6. Be careful what foods you serve. Consider gluten, peanut, shellfish and other allergies, as well as vegetarian and vegan requirements. Clearly mark ingredients for dishes that do not have obvious contents.
7. Create a holiday celebration policy, and publish it ahead of time. Restate your harassment policies and that they are still in effect for the celebration, no matter the location of the gathering. Train your managers to set the example and to be observant at the event to ward off potential problems.

With clear boundaries and expectations, your party can be festive and fun, as well as safe and respectful.

This informational piece, written by Leslie Zieren, Esq., was published on My Community Workplace, Oct. 26, 2015. Republished from mycommunityworkplace.org/article.htm?id=6313&format=print on behalf of Hunt Insurance Group, LLC.



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*Season's Greetings & Warm Wishes
To All!!*



*One of the real joys of the Holiday Season
Is to say Thank You
And to wish all of the Public Housing Community
The best for the New Year!!*

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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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