

FAHROgram

FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

July/August 2013

President's Message

Hope Springs Eternal ... Or Does It?



Marcus D. Goodson

Greetings!

This time of year, "hope springs eternal," but often this optimism seems to fade as summer turns to fall. With all that housing authorities are dealing with, however, the aforementioned expression is most likely inapplicable altogether this year. As you know, we can't just sit and wait for positive things to happen; we must be the change agent. Being a change agent takes planning and a willingness to research ways to positively impact your community, or in our case, the affordable housing industry. That is why FAHRO is committed to providing opportunities where members and non-members can come together to collaborate on ways to improve their agencies, in spite of the constant barrage of unfunded mandates from Washington placing an unbearable drain on

our already scarce financial resources.

For those who attended the Executive Directors' Forum held at the Marriott South Beach in Miami Beach on May 7-9, 2013, you were treated to two days of behind closed doors strategy sessions that included a roundtable discussion with Jose Cintron, HUD regional director. As usual, Mr. Cintron was very candid about the current situation at HUD and about how congressional budget decisions will impact all housing authorities. In addition to spending time with Mr. Cintron, which was enough to justify attending the forum, we also received a visit from Florida State Representative Darryl Rouson (D-St. Petersburg), who spoke to the group about Florida's legislative process and what steps FAHRO should take to have our affordable housing issues and concerns considered during the 2014 Legislative Session.

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

State Legislative Affairs

Changes to Florida's Landlord-Tenant Statute

New Law Eases Evictions Procedure

by Ricardo L. Gilmore, Esq., Saxon, Gilmore, Carraway & Gibbons PA



I enjoyed seeing those of you who attended the annual Executive Directors' Forum last month. During the session I conducted, I mentioned that even though FAHRO was not as successful as we would have liked with getting significant proposed legislation passed by the Legislature, at least one significant change passed during this

session. House Bill 0077 (2013) made it through the House and the Senate, and Governor Scott signed it into law on June 7. This bill changes parts of Chapter 83, Florida Statutes, which is the landlord-tenant statute. The new law goes into effect on July 1.

See **LEGISLATIVE AFFAIRS** on page 5

Calendar

July 18-20, 2013
NAHRO Summer Conference
Denver, Colorado

August 6-9, 2013
FAHRO Annual Convention & Trade Show
Loews Portofino Bay Hotel
Orlando

October 24-26, 2013
NAHRO National Conference
Cleveland, Ohio

Online registration for FAHRO events available at www.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 Tim Thomas, investigator at Broward County HA, on being designated a Certified Fraud Examiner (CFE) by the Association of Certified Fraud Examiners. CFEs have expert knowledge in the areas of fraudulent financial transactions, criminology and ethics, legal elements of fraud and fraud investigation methods.
- Congratulations to Ben Stevenson, executive director, and the staff of the Lakeland HA on the agency's award of two NAHRO Awards of Merit in Housing and Community Development. LHA's Office Skills Training and Youth-Build programs were recognized for



their effectiveness in providing opportunities for residents to learn employability skills while earning an hourly stipend and in assisting disadvantaged young adults between the ages of 18 and 24 years of age with completing their high school education, construction training, leadership development, job placement and promoting economic self-sufficiency, respectively.

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

Now that summer has arrived, I know you are busy with summer programs and other initiatives to keep your school-aged residents occupied with positive projects, to include participating in housing authority-sponsored resident services activities. Like many of you, we are partnering with local service providers to help offset some of the cost of providing community-based programs in which our residents, particularly the youth, can participate. If used wisely, summer recess can serve as a catalyst for learning and preparing students for the upcoming school session. Make learning fun this summer while keeping our youth out of negative situations that run counter to our mission of uplifting families.

I was happy to read the latest version of the *SERCulator*, where several of our housing authorities were highlighted for their success and trailblazing ideas. I am proud of the accomplishments of our many members and non-members as we constantly redefine our role as housing providers for the most vulnerable families in Florida. Our creative programs are often highlighted in housing

journals, which are then emulated by housing authorities outside of Florida. Your good works are not overlooked, and your communities will continue to reap the benefits of seeds sown on good soil.

It is almost time for our annual convention, which for me is the highlight of the year. The annual convention provides the opportunity for FAHRO members and non-members to come together in one central location, which has been Orlando for the last several years, to hear and learn from HUD, local politicians, colleagues and leading consultants in our industry. And most importantly, we spend time with peers who we see annually at the convention. Once again we will be in Orlando, but the location of the convention has moved to the Loews Portofino Bay Hotel. Trust me when I tell you this is a gorgeous property and you will have the time of your life. Please join me in Orlando for FAHRO's Annual Convention & Trade Show, August 5-7, 2013. I look forward to seeing you there.

Marcus D. Goodson

Tying the Knot

As most of you already know, I married the love of my life in May, and we are blissfully living as newlyweds. During the ceremony, our priest delivered a spot-on sermon that spoke not only to my impending marriage, but also to a larger point that affects us all, both in business and in life.

We've all referred to marriage as "tying the knot," a symbolic reference to the joining together that occurs. For our wedding, Beth learned that some folks choose to literally tie a knot during the ceremony to provide a physical reminder. It was a new concept to me, and surprisingly it was also a new concept to Father Ted and most everyone else at our wedding.

So, in his sermon, Father Ted took the opportunity to discuss the very nature of a knot and how any Boy Scout or sailor can tell you the importance of knots in general, as well as the importance of tending them. He also shared how he found it relatively easy recently to take a large group of necklaces for the youth group that had become knotted and steadfastly pick at them until they were untangled. Father Ted's point was clear: Whether through negligence or incessant "picking," a knot can be undone. However, through proper care and due attention, a knot can bind both securely and in perpetuity.



Corey and Beth Mathews

Aside from the obvious implications for my new marriage, I couldn't help but see the applicability of this message to all that we do, most especially in all of our relationships. Whether we are talking about your suppliers, your staff, your bosses, your regulators or your clients, these are the ties (or knots, rather) that bind. They are woven together to make up the fabric of our businesses and lives, and again referring to our knot experts—scouts and sailors—they would assure us that not picking and not neglecting the important knots in our lives is far easier and more productive than having to tie them anew. 🌿

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Even though the bill makes many changes to aspects of Chapter 83, F.S., I want to concentrate on three significant changes to Section 83.56. As you are no doubt aware, the current subsection 83.56 (5) states:

If the landlord accepts rent with actual knowledge of a noncompliance by the tenant or accepts performance by the tenant of any other provision of the rental agreement that is at variance with its provisions, or if the tenant pays rent with actual knowledge of a noncompliance by the landlord or accepts performance by the landlord of any other provision of the rental agreement that is at variance with its provisions, the landlord or tenant waives his or her right to terminate the rental agreement or to bring a civil action for that noncompliance, but not for any subsequent or continuing noncompliance. Any tenant who wishes to defend against an action by the landlord for possession of the unit for noncompliance of the rental agreement or of relevant statutes shall comply with the provisions in s. 83.60(2). The court may not set a date for mediation or trial unless the provisions of s. 83.60(2) have been met, but shall enter a default judgment for removal of the tenant with a writ of possession to issue immediately if the tenant fails to comply with s. 83.60(2). This subsection does not apply to that portion of rent subsidies received from a local, state, or national government or an agency of local, state, or national government; however, waiver will occur if an action has not been instituted within 45 days of the noncompliance.

Under this subsection, as it currently is applied, if a housing authority accepts partial rent from a resident with full knowledge that it is not for the full amount due, the housing authority waives the right to terminate the rental agreement or to bring a civil action for eviction. The application of this law has discouraged housing authorities from accepting partial payments from residents.

Effective July 1, the new law provides that a landlord does not waive the right to terminate a rental agreement or to bring a civil action for noncompliance by accepting partial rent. If accepted, the landlord must provide the tenant with a dated receipt for the partial payment and, if eviction is sought, place the partial payment in the court's registry, or supply another notice of eviction. The bill does not specify if this change applies only to acceptance of partial rent in nonpayment of rent cases only, or if it applies also to any noncompliance with the rental agreement for which eviction is sought. Now that the bill has been signed into law, I'm sure this will get clarified quickly. Although this appears to be a real beneficial change for housing authorities as they attempt to get any part of the rent they can get "in hand" from residents that may fall behind and are in good standing for other purposes pursuant to the rental agreement, I must advise some caution in using this method without obtaining a well-worded stipulation. Please consult your legal counsel for recommended procedures to implement.

Additionally, the legislation brings some much-needed wording to make the "45 day rule" more realistic in its application. The proposed legislation adds a subsection (c) that states: "This subsection does not apply to that portion of rent subsidies received from a local, state, or national government or an agency

of local, state, or national government; however, waiver will occur if an action has not been instituted within 45 days *after the landlord obtains actual knowledge* of the noncompliance" (*emphasis added*).

As most of you know from experience, since HUD regulations require a longer period of notice than applicable Florida law, meeting the requirement for filing in court within 45 days of the noncompliance can be challenging. This is especially true for criminal activity violations, which may not be brought to the housing authority's attention until well after this time period. Legal services, other opposing counsel and judges have all made use of this rule on many occasions to defeat procedurally what would otherwise be a valid, well-documented eviction case. This new law provides a much-needed clarification that the housing authority is taking action within 45 days of when it obtains actual knowledge of the noncompliance with the rental agreement.

Finally, subsection 83.56(2)(b), F.S., has been clarified in the legislation. This subsection states:

If such noncompliance is of a nature that the tenant should be given an opportunity to cure it, deliver a written notice to the tenant specifying the noncompliance, including a notice that, if the noncompliance is not corrected within 7 days from the date the written notice is delivered, the landlord shall terminate the rental agreement by reason thereof. Examples of such noncompliance include, but are not limited to, activities in contravention of the lease or this act such as having or permitting unauthorized pets, guests, or vehicles; parking in an unauthorized manner or permitting such parking; or failing to keep the premises clean and sanitary. The notice shall be adequate if it is in substantially the following form:

You are hereby notified that (cite the noncompliance). Demand is hereby made that you remedy the noncompliance within 7 days of receipt of this notice or your lease shall be deemed terminated and you shall vacate the premises upon such termination. If this same conduct or conduct of a similar nature is repeated within 12 months, your tenancy is subject to termination without your being given an opportunity to cure the noncompliance.

A resident eviction may be grounded in either monetary default or non-monetary default. Non-monetary defaults fall into two categories: those that may not be cured and those that may. In the past, some residents or their legal representatives have taken the position that a noncompliance with opportunity to cure still requires an additional termination notice upon the re-occurrence of the offense before filing for eviction. The legislation amends subsection 83.56(2)(b), F.S., to clarify that such additional notice is not required. It also adds to the written warning that the tenancy is subject to termination without further warning if the curable conduct is repeated within 12 months. It also provides that the written notices set out in Section 83.56, F.S., for non-compliance of any kind, including nonpayment of rent, may not be waived in the lease. The new law will necessitate some additional language in your notices to residents. Please consult your legal counsel for recommended changes in this regard. 🌿

LHA Director Embraces School Career Day

by Cynthia E. Zorn-Sham, LHA Newsletter Editor

A strong supporter of education, Benjamin Stevenson, executive director of the Lakeland Housing Authority (LHA), welcomed an opportunity to participate in Seth McKeel Academy's Career Day. On May 1, Rashard S. Johnson, a sixth-grade student at SMA, arrived at the agency with pen and pad in hand to shadow Stevenson. Throughout the day, Rashard asked questions and took notes about Stevenson's role at the agency. He also had the opportunity to meet various staff members.

A highlight of Rashard's day was attending the annual meeting and 30th year celebration of VISTE (Volunteers in Service To the Elderly), an agency that provides meals and services to LHA's elderly population. The luncheon meeting was held at the Lakeland Yacht Club. After the meeting, Rashard was introduced to Alice O'Reilly, president and CEO of VISTE, and to her husband, Frank O'Reilly, a former mayor of the City of Lakeland.

Rashard's mother, Vanessa Johnson, had this to say about her son's experience:

"He really enjoyed spending the day with Mr. Stevenson. Rashard was really impressed that Mr. Stevenson talked to him, answered his questions and made the day all about Rashard," she says.

Johnson, who is also an employee of LHA, appreciates how Stevenson welcomed the idea of her son shadowing him for a



Rashard Johnson, VISTE President/CEO Alice O'Reilly, LHA Executive Director Ben Stevenson and Resident Services Director Earl W. Haynes

school project. She also appreciates that as her employer, Stevenson is easy to talk to and shows concern for staff members. Rashard appreciates Stevenson as well.

"I like what he (Stevenson) does; it's different from what my mom does here," says Rashard.

Rashard has a 3.0 GPA, and it appears that his day spent with Stevenson definitely had an impact on him. Perhaps the seeds Stevenson sowed into Rashard's life will help him grow into a housing authority executive director in the future. 

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News From THA

The Tampa Housing Authority in partnership with the Hillsborough County Aging Services department honored seniors with its annual Elderly Affairs Celebration on May 9. More than 600 seniors attended the event themed “Unleashing the Power of Age!” Local county commissioners and community leaders thanked the seniors for their years of guidance and service to the community, and keynote speaker Kenneth Otero, former superintendent of public



Hillsborough County seniors “unleash the power of age” at the Elderly Affairs Celebration in Tampa.

schools, recalled his coming of age and the lessons he learned along the way.

After all of the formalities, our seniors had no problem with “unleashing their power of age” as the festivities moved to an outdoor tent equipped with prizes and a DJ. The crowd moved and grooved to the beats of yesterday and today, and everyone enjoyed a lunch hosted by the THA and Hillsborough County.

The Housing & Education Alliance held its annual “Heart” Awards banquet on May 17 to honor leaders in the community and to celebrate the success stories of those they serve. THA’s SVP/COO Leroy Moore was among those honored for his contribution with the housing authority in helping to house families from disadvantaged circumstances. The evening was nothing less than amazing as the theme the “Emerald City” resonated throughout the banquet. After all, “There is no place like home.”

Keynote speaker Karen Jackson-Sims brought tears to everyone’s eyes when she recounted a personal story of how homelessness had affected her family. She chal-



Mistress of Ceremony Lisa Campos of ABC Action News, SVP/COO Leroy Moore of Tampa Housing Authority and Director Sylvia Alvarez of Housing Education Alliance

lenged everyone to help make a difference in the lives of families they may not know, but to whom we all can relate.

The THA’s fifth annual golf tournament was a sold-out event with 20 teams of four, and it provided enough funds to ensure that more than 100 kids will be able to attend the Boys and Girls Club for the summer. For the past five years, the THA has raised money to help youth

See THA NEWS on page 10

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Fort Myers HA Holds 3rd Annual Father's Day Event

In partnership with the Lee County Housing Authority, Boys & Girls Clubs of Lee County and Lee County Black History Society, the Housing Authority of the City of Fort Myers (HACFM) hosted its 3rd Annual Father's Day Event on Saturday, June 15, at Clemente Park in Fort Myers.

The HACFM combined the Lee County Black History Society's Juneteenth celebration and its Father's Day festivities into one celebratory event that promoted President Obama's nationwide Fatherhood and Mentoring Initiative. The day was filled with a variety of fun and entertainment for the whole family, including a BBQ cook-off, a youth basketball tournament, youth games, live entertainment, an essay contest and more.

President Obama's Fatherhood and Mentoring Initiative is a nationwide day of events encouraged by the U.S. Department of Housing and Urban Development. The Fatherhood and Mentoring Initiative is a partnership between the Administration for Children and Families, White House Office of Faith-Based and Neighborhood

Partnerships, National Responsible Fatherhood Clearinghouse, fathers, mothers, family-serving organizations and other leaders from across the country who wish to be positive role models and mentors for the children in their lives and communities.

"It is the goal of the HACFM and LCHA to encourage all fathers, especially absent fathers, to become a strong and vital part of their children's lives," says Marcus D. Goodson, the HACFM's executive director. "It is our belief that with a strong family unit in place, children will thrive and become an instrumental part of the communities in which they live."

Some 200 housing authorities in 33 states participated in Father's Day 2013 and partnered with other organizations including the NFL, NBA, Boys & Girls Clubs of America, Legal Services Corporation and the National Fatherhood Initiative, an organization created in 1993 to raise awareness of the importance of fathers. Together, these groups are delivering a clear message—America needs dads.



A father and his family enjoy watching the basketball tournament.

"We are so appreciative to the community businesses that have joined us in supporting this initiative," says Twaski Jackson, the HACFM's director of client services. "Every night, one out of three children go to bed in a home without a father. These events bring fathers and their children together and connect the dads to the social and economic resources they need to be the best parents possible, including job training, health screenings and education opportunities." 

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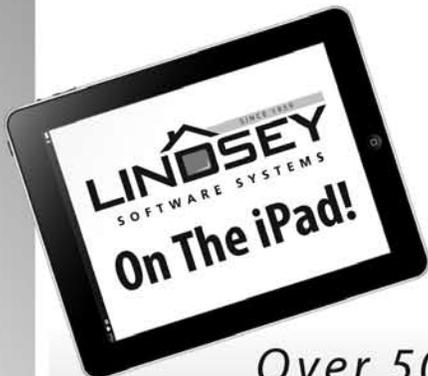
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SVP/COO Leroy Moore of Tampa Housing Authority with other golf enthusiasts

from extremely low-income families navigate the duration of a potentially idle summer by providing them with worthwhile activities all summer long.

This year's golf tournament was held at the beautiful Saddlebrook Resort and Spa at Wesley Chapel. Major sponsors included Care Plus, Core Construction, GTE Financial and the Gulf Ridge Council of the Boy Scouts of America. 🌿

K-12 Scholarships

Step Up For Students is a nonprofit organization that administers the Florida Tax Credit Scholarship for low-income students (K-12). Many families still don't know the option exists, but Florida has the nation's largest scholarship program giving low-income families the ability to choose the school that best meets their children's needs.



The scholarships are targeted for three groups of children—those with household incomes that qualify for the free or reduced-price lunch, those in foster care and those who are homeless.

Scholarships are based on income, not academic performance. Scholarships are awarded on a first-come, first-served basis. Parents or guardians have the freedom to choose from more than 1,500 participating private schools statewide. For the 2013-2014 school year, Step Up will be awarding scholarships worth up to \$4,880 for private school tuition, or \$500 to help cover transportation costs to attend a public school in another county. Please check www.StepUpForStudents.org for additional eligibility requirements, application deadlines and to apply or sign up for the interest list.

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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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