

FAHROgram

FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

May/June 2017

President's Message

HUD Secretary Visits Miami Area Public Housing

Dear friends and colleagues:

On April 12-13, U.S. HUD Secretary Ben Carson took his national listening tour to the Miami area. During the two-day visit, numerous activities and events were scheduled with the mayors of entitlement communities, local public housing authorities and HUD Miami Field Office officials. The secretary visited several housing complexes where he was able to hear directly from participants about their experiences. In addition, as FAHRO president, I was privileged to have lunch with Secretary Carson and discuss current housing opportunities and challenges to federal programs as we implement them in Florida.

Secretary Carson provided ample opportunity for housing officials to provide

input, ideas and suggestions to better serve and meet the growing demand for housing services. Among the topics most widely discussed was the need to find creative ways to accomplish sensible regulatory relief and to provide new flexibility. A strong emphasis was placed on public/private partnerships that could provide new sources of funding to develop and maintain quality housing, with the goal being to better meet the demand. Another theme discussed was the necessity to provide holistic housing programs, with features such as education that provide



Miguell Del Campillo

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

Legislative Affairs

2017 Legislature Tackles Big Issues, Passes Few Bills

by Oscar Anderson, FAHRO State Affairs Consultant

As our state legislators finally leave Tallahassee until committee weeks start in a few short months, the 2017 Legislative Session has been one of the least productive as it relates to the number of bills passed. Some of the big issues tackled this year include the removal of the "wall" between grocery and liquor stores, dramatic reductions in funding for Enterprise Florida and VISIT FLORIDA, a constitutional amendment for an increase in the homestead exemption

and Lake Okeechobee water storage to help with excessive freshwater discharge.

Housing Trust Funds

Shortly before adjournment, the House and the Senate agreed to \$250 million in total funding



Oscar Anderson

See **LEGISLATIVE AFFAIRS** on page 4

Calendar

FAHRO REGIONAL TRAINING
Hearing Officer Workshop
June 13-14, 2017
St. Petersburg Housing Authority

FAHRO Basketball Tournament
July 28-30, 2017
Orlando

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

- Don't miss the 2017 FAHRO Annual Convention & Trade Show, July 31-August 3, at the Disney Grand Floridian in Orlando—and consider arriving a few days early so you can cheer on our youth as they compete in the FAHRO Basketball Tournament, July 28-30!
- Thank you to Oscar Anderson, FAHRO legislative consultant, for his hard work



during the 2017 Legislative Session. Oscar's end-of-session report is included in this edition of the *FAHROgram*. See page 1.

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

benefits aiming to make participants successful in their lives and able to avoid long-term program dependency.

During the meeting, on behalf of FAHRO and the more than 140,000 families assisted by our housing programs, I extended an informal invitation to Secretary Carson to attend one of our upcoming FAHRO events. The secretary recognized the good work that FAHRO and its members are doing throughout Florida. FAHRO now has a unique opportunity to advocate to make housing a priority of the federal government and to find creative ways to implement regulatory relief. 



FAHRO President Miguell Del Campillo enjoys lunch with U.S. HUD Secretary Ben Carson during the secretary's recent visit to Miami.

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for affordable housing. Assuming the governor signs into law the affordable housing funds, here is a breakdown of the funding. The Legislature kept \$100 million in the Local Housing Trust Fund for SHIP, with \$5.2 million transferred to the Department of Economic Opportunity and the Department of Children and Families to deal with homelessness.

The remaining \$150 million for SAIL is made up of \$113 million in available Guarantee Fund dollars and \$37 million in State Housing Trust Fund dollars. The State Housing Trust Fund includes proviso that requires: 1) at least 50% be used for SAIL, including a small set aside for persons with special needs; 2) \$10 million be used for a competitive grant to serve persons with special needs; 3) \$100,000 for administration of the Affordable Housing Task Force; 4) \$40 million for Workforce Housing; and 5) language that prohibits state funds for developers with an administrative complaint (the Pinnacle Housing provision).

It should be noted that using the proceeds from the Guarantee Fund (\$113 million this year) is drawing down a dramatically diminishing pot of money. Starting next year, FAHRO will work with other members of the Sadowski Coalition to fight for keeping as much of the housing trust funds as possible in the budget.

Affordable Housing Task Force

Senator Jeff Brandes (R-St. Petersburg) pushed for legislation that created an affordable housing task force to make recommendations to address the state's affordable housing needs. The legislation failed, but the House and the Senate agreed to put the language into the budget conforming bill. In essence, the 14-person affordable housing task force will have until December of this year to put together recommendations and deliver them to the board of the Florida Housing Finance Corporation, the governor, the president of the Senate and the speaker of the House.

Affordable Housing Property Tax Break

One last affordable housing issue that passed the Legislature was an item in the \$75 million tax package to create a property tax break for affordable housing. Essentially, once a tax credit development hits the 15-year mark, the owner may agree to continue serving low-income residents and receive a 50% tax break on property taxes.

Florida Housing Finance Corporation and RAD

In an effort to get a more favorable interpretation from the Florida Housing Finance Corporation regarding Rental Assistance Demonstration (RAD) projects, Corey Mathews and I met with FHFC Executive Director Trey Price to educate him on this specific issue, as well as to talk about public housing authorities in general. We had a very productive meeting, and Mr. Price emphasized a desire to work with FAHRO on issues at the FHFC moving forward. 🌿



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Executive Director: Catherine E. Reddick
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— CATHERINE REDDICK —

KEY TAKEAWAYS

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

THE SITUATION

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

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

THE SOLUTION

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

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

MOBILE

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

HOUSINGMANAGER.COM

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

TRAINING & SUPPORT

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

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

Florida Supreme Court Validates Payment in Lieu of Taxes Agreement

by Tracy M. Evans, Esq.



by Tracy M. Evans, Esq.

In a unanimous decision, the Florida Supreme Court recently issued its opinion in the case of *City of Largo, Florida v. AHF-Bay Fund, LLC*, validating a payment in lieu of taxes agreement (PILOT Agreement) between a nonprofit housing developer and a city. The *City of Largo* case dealt exclusively with the ad valorem tax exemption for nonprofit organizations provided under Section 196.1978, Florida Statutes, but housing authorities may be left wondering what effect, if any, this case may have on the tax exemption provided to housing authorities under Chapter 423, Florida Statutes.

Understanding the background and underlying facts in the *City of Largo* case is necessary to analyze the possible impact the case may have on Chapter 423. RHF-Brittany Bay (RHF), a nonprofit organization, acquired certain real property with plans to develop the property to provide affordable housing for low- to moderate-income families (the Project). Pursuant to Section 196.1978, Florida Statutes, the Project was exempt from ad valorem tax because it was an affordable housing project owned by a 501(c)(3) organization.

In order to finance the Project, RHF obtained tax-exempt bonds from the City of Largo (the City), and in exchange, RHF entered into the PILOT Agreement with the City agreeing to make annual payments to the City in an amount equal to the ad valorem taxes on the property the City would have otherwise been entitled to receive if the property were fully taxable. The PILOT Agreement stated that it was binding on any subsequent owners.

AHF Bay Fund, LLC (AHF), also a nonprofit, acquired the Project several years later, and failed to make the payments under the PILOT Agreement. AHF denied knowledge of the PILOT Agreement, and the City filed suit against AHF. The trial court found in favor of the City, awarding \$695,158.23 in damages and interest.

The Second District Court of Appeal (Second DCA) reversed the trial court, finding that the PILOT Agreement violated public policy of promoting affordable housing and was therefore void. The Second DCA also held that because the PILOT Agreement payments were the substantive equivalent of taxes and AHF was

See LEGAL UPDATE on page 12



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Increase Security and Decrease Costs With Today's Cutting-Edge Technology

by Jason Mulvihill

Everyone wants to have increased security as well as decreased costs.

Today's interactive, cutting-edge technology far surpasses the limitations of yesterday's passive electronic security systems and makes it possible to reduce crime and to protect people and property. The following are a few examples of "future" technology available today.

Facial Recognition

Imagine no need for keys, cards or codes to enter the building. A person's face is the key. Authorized users do not need to slow down, sign in or stop. They are identified in motion, and granted seamless access, while unauthorized users are barred access. The software also allows you to upload a database from local or national criminal registries.



Access Control Using Smartphones

In addition to facial recognition, your smartphone can now be used for access control. It is not only more convenient, less expensive and more secure than other technologies, but it is always with you!

Your Smartphone Is Your Video Intercom

Now imagine seeing who is at the door and even letting them in with a push of a button. A resident's smartphone can serve as a video intercom. But that's not all. The app records every visitor with cloud-based data storage. No smartphone? No problem. Residents can still receive a phone call to open the door.

Video Analytics

Video analytics analyzes closed-circuit TV (CCTV) images to detect alarm conditions, such as an intruder moving into a restricted area. It detects objects, such as people, while ignoring unrelated objects. It then tracks these objects considering perspective, size, speed, direction of travel and distance moved. When specific conditions are met, an alarm is generated.

Relying on video analytics to automatically monitor cameras for events is much more effective than relying on a human guard. The average guard watching CCTV monitors cannot remain alert and attentive for more than 20 minutes. Video analytics saves

manpower costs and increases the effectiveness of the surveillance system operation.

Virtual Patrols

This is much more than a person looking at cameras. By combining an advanced surveillance system with highly trained staff at the monitoring station, virtual patrols are more reliable, less time consuming and more cost effective than on-site patrols. Virtual patrols offer various tour schedules. If there is suspicious activity or threats, dispatchers can react by blasting speakers, turning on lights and closing gates—and of course, contacting the police when needed.

A Search Engine for Video

An event happens and you need to go back into your video system to try and find it. That used to mean watching the video end-to-end and hoping to see the incident. Today's technology allows you to search easily for the date, time and event in seconds, saving valuable time and money.

The security industry's newest and most advanced innovations are now available with better security and lower costs to address any security challenges you may face today and tomorrow. 🌿

Jason Mulvihill is director of business development for Kent Technologies.

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 arcadiahousing@embarqmail.com. 🌿



Gainesville HA Announces Student Winners

The Gainesville Housing Authority (GHA) Youth Program awarded local students prizes at its inaugural oratorical contest in celebration of Black History Month. Youth of all ages practiced for two weeks with the assistance of GHA staff and presented speeches on their chosen African-American leader. Contestants were evaluated on voice, body language, appearance and enthusiasm. Eight winners were announced and received prizes of various monetary values.

The following students won in their respective category:

- Elementary School: Shaperia Ross, Angelica Gonzalez and Amari Johnson
- Middle School: Aniya Johnson, Tomiya Banks and Michael Williams
- High School: Asija Johnson and Amber Johnson

“One of the goals of GHA’s Youth Program is to reach each child intellectually,” says GHA Job Training and Entrepreneurial Program Director Tavarous Parks. “We wanted each child to learn the history of where they come from, and know that there is no limit to how far they can go.”

“The Gainesville Housing Authority appreciates the opportunity to commemorate the contributions of current and past African American leaders through today’s youth,” says GHA Executive Director Pamela Davis. “We wanted to engage our youth while enhancing their knowledge of African-American history and developing their confidence and public-speaking skills. We believed that an oratorical contest was the best way to empower each child to carry on the legacy of those who came before them.”



Row 1 (l-r): Tomiya Banks; Angelica Gonzalez; Shaperia Ross; Michael Williams; Amari Johnson; and Row 2 (l-r): Sylvia James, resident services coordinator; Pamela Davis, executive director; Tavarous Parks, job training and entrepreneurial program director; Asija Johnson; Amber Johnson; and Aniya Johnson

GHA invited community leaders to serve as judges. GHA Commissioner Angela Tharpe and University of Florida professors Kenneth Nunn and Vincent Adejumo, PhD, composed the judging panel.

Members of the community brought their families and friends to the event held at the Gainesville Technology Entrepreneurship Center to support the youth participating in the contest.

“We look forward to hosting this event again next year,” says Davis. “With each iteration, we will work with the Gainesville academia and business community to creatively engage and invest into our youth.” 🌿

The FAHRO Family

Apply Now for Deborah L. Vincent FAHRO Education Scholarship Deadline: June 30

The Deborah L. Vincent FAHRO Education Scholarship program provides up to \$1,500 scholarships for residents of federally assisted housing or recipients of assistance through the Community Development Block Grant program in Florida. Applicants must be a high school senior and meet income requirements as defined by HUD for public/assisted housing and Community Development Block Grant targeted area recipients. Applicants must have a sponsor that is an active member of FAHRO as a housing authority/agency or a community development agency that is willing to support travel expenses to attend the awards banquet at the FAHRO Annual Convention to receive a scholarship, if selected. A minimum 2.5 GPA is required. The deadline to apply is June 30, 2017. Please share this information with families with high school seniors served by your agency.

On behalf of FAHRO, the Pinellas County Housing Authority is soliciting donations and silent auction items to benefit the scholarship program. A silent auction will be held at the FAHRO Annual Convention, and all proceeds will benefit the scholarship fund. PCHA is asking agencies and companies to donate an item to the silent auction if they are able to do so. Items can be sent to the address below, or you may contact PCHA at djohnson@pinellashousing.com to add your item to the list of auction items and bring the item with you to the event. 🌿

FAHRO Silent Auction
c/o Pinellas County Housing Authority
Attention: Stephanie Rinkenberg
11479 Ulmerton Road
Largo, FL 33778

Lakeland HA Completes Sale of Property to Commercial Developer

The Lakeland Housing Authority (LHA) has announced the sale of a four-acre lot on its HOPE VI site. Executive Director Benjamin Stevenson negotiated for several months with commercial developer Gryboski, Howe and Gravley (GH&G) for the sale of the property, which was completed in February for \$1.3 million. LHA will use the sales proceeds to fund other affordable housing development activities.

GH&G is building a Circle K store on the site. The store will be Circle K's new prototype design for competing with WaWa and Thornton stores. The store will feature a kitchen that serves hot food and 10 full-service gas pumps under a covered canopy. GH&G is also looking to add to two other commercial enterprises on the site.

LHA and GH&G spent the past few months obtaining zoning and permit approvals from the City of Lakeland and the Florida Department of Transportation. Construction of the new commercial store should be completed in approximately six months.

Circle K has agreed to host a job fair and will give hiring priority to residents of the neighborhood surrounding the site. 🌿



The Circle K store being built on the four-acre lot sold by LHA will prioritize hiring of neighborhood residents.

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*Northwood II - Daytona Beach Housing Authority
NAHRO Merit Award Winner*



New OneBusAway App Provides Helpful Information!

The Pinellas County Housing Authority recently alerted residents about a new app that will make it easier to plan trips to work, shopping and more, saying:

There is a new FREE app available now for download that will allow you to locate the closest bus stop to you, and view the up-to-date arrival time of the next bus.

Never worry again about not knowing the bus routes and/or numbers, the bus stop locations, or if the bus is arriving on time. You have the opportunity to hold those answers right in the palm of your hand—literally!



Residents were provided direct links to the App Store (iPhones) and Google Play (Android) to download the app to their phones.

For additional information, visit OneBusAway.org. So far, Tampa is the only city served in Florida, but the work is open-source software so others may reuse and build upon it. OneBusAway was started by students at the University of Washington, and it was deployed in Tampa by the University of South Florida in collaboration with Georgia Tech University. 🌿

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East Tampa Boys and Girls Club Receives \$50,000 From Lowe's

For hundreds of Tampa youth, back to school means more than class time; it also means "club time" as they spend after-school hours at the local Wilbert T. Davis Boys and Girls Club center located at Belmont Heights Estates in East Tampa.

To create the largest single initiative ever undertaken by Lowe's and the Boys and Girls Clubs of America, one club in each state around the country was selected from clubs in need of significant repair and improvements. Lowe's will support a wide range of enhancements from kitchen repairs to amenities that include new flooring, interior painting and new furnishings at the Wilbert T. Davis branch.

"These funds will help us create a state-of-the-art space for our teens and will allow us to better serve this population. This grant was critical to improving the overall club environment and experience for our club members as well," says Tampa Housing Authority (THA) President/CEO Jerome D. Ryans. "Many of our members and their families realize the value of Boys and Girls Clubs in bringing hope and strength to kids and teens in need of a safe and inspiring place to go for meaningful after-school activities."

Representatives from Lowe's and DPR Construction met with staff and club members to help imagine and create a space just



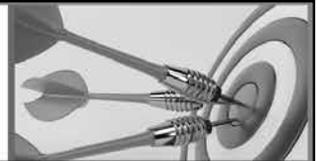
The Wilbert T. Davis Boys and Girls Club celebrates receiving a Lowe's Renovation Across the Nation grant to renovate its facilities.

for them. Working in teams of four, the youth put their skills to work and learned everything from creating a blueprint to building a 3D model of a floor plan. The groups (teens and company representatives) worked on research, design, marketing and development strategies as well.

"Boys and Girls Clubs drive academic success, influence positive health and wellness and build good character and citizenship," says THA Board Chairwoman Susan Johnson-Velez. "We look forward to working with Lowe's to achieve the kind of Boys and Girls Club that we all can be proud of." 



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exempt from taxation under Section 196.1978, the PILOT Agreement violated Article VII, § 9(a) of the Florida Constitution, which provides that cities may only impose taxes as permitted by law.

In overturning the Second DCA's decision, the Florida Supreme Court first looked at the language of Section 196.1978, determining that the statute does not expressly prohibit ad valorem taxation, but rather provides an exemption that requires affirmative steps to receive. If the affirmative steps are not taken, the exemption is waived. Similarly, because the statute does not expressly prohibit payment of ad valorem taxes or payments equal to the amount of taxes, a property owner can waive the exemption and enter into a valid contract for payment of these amounts.

The Court also found that the PILOT Agreement was not against public policy. To the contrary, the Court determined that if it were not for the PILOT Agreement, RHF may not have been able to obtain financing to build the Project, so the PILOT Agreement actually supported the public policy favoring affordable housing. This, coupled with the strong public policy in favor of freedom of contract, led the Court to conclude that the PILOT Agreement was not void.

The Court also looked at the PILOT Agreement's constitutionality under Article VII, § 9(a), and determined that the negotiated payments under the PILOT Agreement were not a tax and did not implicate Article VII, § 9(a).

The scope of the *City of Largo* decision appears limited to Section 196.1978, Florida Statutes, and does not appear likely to impact Chapter 423. Unlike the exemption under Section 196.1978, which requires application for exemption status each year, the exemption provided under Section 423.02 is automatic for all housing projects owned by housing authorities, and other property used in connection therewith also owned by housing authorities. There is no annual application requirement to receive the exemption. Further, Section 423.02 already expressly authorizes housing authorities to enter into PILOT agreements. If anything, the *City of Largo* decision may provide persuasive support for any challenges to the validity of a housing authority's existing PILOT agreement. 🌿

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

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Dick Pierpont

Dick Pierpont, FPHASIF executive director, joined the self-insurance fund in January 2016 after a 40-year career as a commercial insurance risk management consultant and broker in Chicago, Boston, New York and Jacksonville. Dick's background includes insurance program design and placement for commercial nonprofit and for-profit organizations. Dick holds the Associate in Risk Management (ARM) and Chartered Property Casualty Underwriter (CPCU) designations.

Dick grew up in New England and graduated from Amherst College and Emory University (MBA), and served in Vietnam as a naval officer. He is married with two grown children and is a grandfather to three wild boys. He looks forward to personally introducing himself to each one of you.

Dick joins FPHASIF following its successful creation of the leading self-insurance program for public/affordable housing in the state. If your organization hasn't reviewed how FPHASIF can improve your coverage and lower your costs, we invite you to contact us for a comprehensive review.

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