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11/2013

## 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 the Housing Authority of the City of Daytona Beach on its Sept. 5 groundbreaking for Northwood Village II. This 27-unit property will be the first new affordable housing of this type constructed in Daytona Beach in nearly 30 years.



If you would like to contribute to Sounding Off, please email your comments to Susan Trainor, FAHROgram editor, [editor.trainor@gmail.com](mailto:editor.trainor@gmail.com).

## PRESIDENT'S MESSAGE continued from page 1

On the federal level, your board and staff have begun work on the development of a vision and a policy paper for the future of public housing authorities. This document, which will be carefully vetted for members' feedback, will become the basis for a communication program with the Florida congressional delegation and the public on what we need, as an industry, to continue to fulfill our mission.

As we prepare to flex our political muscle in FAHRO, we are only as strong as our support. We must have your participation, not just in the association by being members and providing input when requested, but also by reaching out to your

state senators, state representatives, members of Congress and U.S. senators. They and their staffs need to hear from you, visit your developments and understand the challenges you are facing. Only by working together and developing these relationships, and not just when we need something, can we truly hope to make a difference.

The path ahead is not going to be easy, but together we will innovate a new path for Florida's housing authorities that will ensure our perpetual success.

Respectfully,  
*Maria A. Burger*  
President

## LEGISLATIVE AFFAIRS continued from page 1

\$40 million, and all 119 local governments have approved local Housing Assistance Plans capable of expending the allocated funds and addressing the additional program guidelines, which include the requirements for each local government to use 20 percent of its funding to serve persons with special needs.

Grants funding in the amount of \$10 million will be distributed to develop housing for the homeless. This homeless funding is for permanent supportive housing of 15 units or fewer. Grants will also fund housing targeted for persons with developmental disabilities in the amount of \$10 million. While funding is targeted more narrowly to persons with developmental disabilities, it

is integrated into developments that serve families and individuals of all kinds.

The State Apartment Incentive Loan (SAIL) fund received funding in the amounts of \$25 million for elderly housing, \$10 million for construction or rehabilitation of housing with 10 to 25 percent of units targeted to persons with developmental disabilities and \$25 million for housing for extremely low income residents.

In the upcoming Legislative Session, there is going to be a big push to recommit to the Sadowski Act funding that created a permanent funding source for housing in the state.

# Growing Pains

With Jack and Tom growing so fast, every day is a new experience—and a reminder. I am shocked at the memories that come back to me as my sons react to the world around them. I can recall the feelings, the confusion and the fear that sometimes come with growing up. In addition to the emotional aspects, there are also physical components like losing teeth, skinned knees and the aches that come from young muscles and bones growing so fast. Knowing what it is and being able to explain it helps, but it doesn't make the pain go away, and sometimes not even the fear.

I share this because I believe that is what is happening in FAHRO and the affordable housing industry today. In this case, it's probably more like kids leaving the nest, but thankfully I have a while before I have to deal with that, so I will stick with what I know.

In truth, we have been (mostly) comfortable with the scenario in which we grew up. Our "parents" (HUD/Congress) told us what to do and ensured that we were fed. Not always what we wanted or even enough, but they generally covered the basics. Their rules may have been arbitrary and excessive, but again, they were manageable. However, we now find ourselves going hungry and in an overly strict/borderline abusive relationship. In fact, some of us even fear death from starvation. I thank God that Jack and Tom will never know that experience. I also know that could very well be the reality for countless children, were we not here to do what we do. The only answer, as highlighted in President Maria Burger's theme for this year, is to Innovate. Perpetuate.

Regardless of what happens with our "parents," we absolutely must continue to pursue our mission of providing decent, safe and affordable housing to the most vulnerable Floridians. It means we will have to grow up too fast, without the support and

the guidance we ought to have and deserve. We have to find a way to survive and thrive, with help from where we can get it, but on our own if we must. Some are exploring the formation of "orphanages" or mergers of agencies to achieve economies of scale. Like an orphanage, a merger could be a very bad thing if done poorly. However, unlike the children in my analogy, we are experienced and knowledgeable adults who are capable of assessing and deciding what is best for our agencies.



*Corey Mathews, CAE*

FAHRO remains committed to exploring any reasonable suggestion on how we might innovate new solutions to perpetuate our agencies. However, we are even more committed to the principle that our members are capable and therefore absolutely must be able to choose their own future. We are unequivocally committed to the position that nothing should happen to your agency without your consent. So, whether we are talking about rental assistance demonstration, agency merger or any other emerging potential solution to the challenges we face, we will fight with everything we have to give you the power to choose.

As we explore new possibilities and expose ourselves to these growing pains, I realize very few guarantees can be offered, much like it is for me raising Jack and Tom. Short of keeping them locked in their room in a bubble, there are no absolutes. However, I am an experienced, active and involved dad who is taking all reasonable steps to ensure they continue to grow and flourish. Similarly, your highly capable team of leaders, staff and consultants at FAHRO is here to ensure that you not only survive, but thrive. 🌱

## Developing & Managing Project-Based Vouchers January 14-16, 2014

Housing Authority of the City of Fort Myers  
4224 Renaissance Preserve Way • Fort Myers, FL 33916

### How to Register

*Online registration is available at [www.FAHRO.org/events](http://www.FAHRO.org/events) until Jan. 6, 2014.*

### Program Details

**Instructor: Sharon Cosey**

The Project-Based Voucher (PBV) Program is an optional program that provides PHAs with a flexible tool to increase housing opportunities for low-income families and may provide PHAs with improved voucher utilization in tight markets. This course focuses on the concepts that you need to master in order to successfully select and manage project-based voucher properties.

PHAs have a lot of flexibility to tailor the PBV program to seize opportunities for long-term affordable housing and

to meet local needs. While the PBV program is a component of the Housing Choice Voucher program, many of its rules are different. Understanding the key programmatic differences and PBV rules provides a foundation for successful program management. On the other hand, not understanding and managing the program to comply with program rules can be very costly in time, money and consequences. You may view and print the agenda by visiting [www.FAHRO.org/events](http://www.FAHRO.org/events).

### Hotel Information

Hyatt Place: 2600 Champion Ring Road, Fort Myers, FL 33905 • 239/418-1844  
Group Code: G-PBS8 • Rate: \$85 until Jan. 2, 2014

**For more information, contact Cherie Pinsky at [cherie@FAHRO.org](mailto:cherie@FAHRO.org) or 850/222-6000.**

# State Attorney Finds Text Messages Constitute Public Records

by Tracy M. Evans, Esq.

A recent investigation and report released by the state attorney for Orange County, Fla., analyzed the applicability of Florida's law regarding the retention and destruction of public records in the context of digital text messages received by public officials. The investigation and report were prompted after a complaint was filed with the state attorney requesting an investigation into the actions of the members of the Orange County Board of County Commissioners for alleged unlawful destruction of public records. The records at issue were text messages exchanged during a public meeting regarding a paid sick-time ballot measure between several board members, the mayor, lobbyists and private citizens against the measure. All of the board members in question admitted to receiving the text messages and to deleting the messages, but all contended they were unaware that the text messages were public records.

The report released by the state attorney emphasized the duty imposed on public officials and agencies to maintain and provide access to all official records, as provided in Florida Statutes § 119.011. The report further detailed what constitutes a public record in Florida. Public records are defined by Florida Statutes § 119.011(12) as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." The report pointed out the broad, all-encompassing nature of this definition, finding that the plain language of the statute included the text messages in question because the text messages all related to official business of the board, specifically with respect to the board's decision to place a particular initiative on the ballot for an upcoming election. The report pointed out that had this information come in the form of letters, it is extremely unlikely that such letters would have been destroyed by the board members since they would have easily identified such letters as public records.

The report also took into consideration the position of many of the board members that the text messages were transitory or temporary in nature and therefore were excluded from the requirements of Chapter 119. The report, however, failed to find any authority within the statute providing for such a distinction.

Further, the report noted that the only characteristic of the text messages that would make them transitory in nature is the ease with which the messages could be deleted.



Tracy Evans

Based on these findings, the report found that the text messages were public records and unlawfully disposed of by the board members and the mayor. The report noted that the investigation did not uncover sufficient evidence to establish that the deletion of the text messages was done willfully or knowingly, and accordingly imposed the lowest level of sanctions provided by the statute, a \$500 civil fine on each individual who violated the statute.

This recent report should serve as a cautionary reminder to all housing authorities within the state of Florida to be ever cognizant of the statutorily imposed duty to maintain and to provide access to all public records. With the constant evolution of technology and various modes of communication, precisely what constitutes a public record will undoubtedly also continue to evolve. Any doubt as to whether a particular communication or document constitutes a public record should be seriously considered and fully evaluated before any destruction or deletion of the record is contemplated in order to avoid potential violations of Florida law.

It has been our advice in the past to take several actions to reduce the likelihood of a violation of the public records laws in regard to text messages. First, establish a policy that prohibits employees and board members from communicating any official business of the housing authority by text messaging. Second, the policy should also prohibit employees from using personally owned communication devices to transmit any official business of the housing authority. Third, if there is any communication by text messaging in violation of the policy, there should be a procedure established to preserve the text messages before they are deleted. Finally, the housing authority, if financially feasible, should provide its employees with communication devices owned by the housing authority that have the text messaging capability disabled.

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

## Attention Members! Keep FAHRO Up-to-Date!

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

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

Thank you!

# FPHASIF FACTS



## Floods: What You Should Know

Every location is in a flood zone, but some zones are more prone to flooding than others. A bad flood zone translates to a high-risk zone and is referred to as a Special Flood Hazard Area (SFHA) by FEMA (Federal Emergency Management Agency). These zones are Zones AE, A, AH, AO, A99, AR, VE, V and VO. Generally, a bad flood zone is one where the risk is in a 100-year floodplain, also said to be within a 1 percent annual flood risk floodplain. The “good” flood zones, where the location appears to be outside the 100-year floodplains, are Zones B, C and X and are said to be low-to-moderate risk zones.

All flood zones are recorded on FEMA’s Federal Insurance Rate Map (FIRM). FIRM is the official map of a community and is where FEMA indicates the special hazard areas that are applicable to the community.

FEMA is well along in its effort to update and remap flood zones, with completion targeted for 2014. Revised flood maps can include changes in the flood risk represented. The flood zone modernization project also includes a conversion to digital processing that incorporates satellite images with flood zone overlays.

Re-zoning and remapping have resulted in properties not previously in a SFHA suddenly to be in one. There is no defined protocol or requirement for FEMA to notify lenders, insureds or insurance brokers of the changes and issuance of new maps.

The Florida Public Housing Authority Self Insurance Fund Inc. (FPHASIF) and its professional insurance partners stand ready to assist you in identifying flood exposures for your locations. This article is a series of brief articles designed to keep you abreast of significant breaking news in the claim and loss control areas that could affect your operations or exposures. Additional information about this and other topics can be obtained by contacting the FPHASIF.



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## KNOW YOUR ALPHABET!

**ZONE:** A geographical area shown on a map that reflects the severity or type of flooding in the area.

**FEMA:** The federal agency within the Department of Homeland Security that is tasked with responding to, planning for, recovering from and mitigating against manmade and natural disasters.

**FIRM:** Official map of a community on which the mitigation division administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

**SFHA:** A FEMA-identified high-risk flood area where flood insurance is mandatory for properties. An area having special flood, mudflow or flood-related erosion hazards.

**NFIP:** A federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods.

# FPHASIF's Insurance Legislative Briefing

by Richard Pinsky, Akerman Senterfitt, FPHASIF Lobbyist

## Citizens' Take-Out Program

Former Citizens Property Insurance Corp. President Robert Ricker has founded an insurer that will start assuming homeowners' policies from Citizens in December. Ricker, who led the state-backed Citizens from 2003 through 2006, is president of Tallahassee-based Elements Property Insurance Co. (EPIC). The state Office of Insurance Regulation has announced that seven companies, including EPIC, have been approved to take out policies from Citizens in December. EPIC says it also plans to start selling coverage through what is known as the "voluntary" insurance market in early 2014.

## Universal P&C Fined \$1.26 Million

Universal Property and Casualty Insurance Company, the state's second largest property insurer, has agreed to pay a \$1.26 million fine after facing questions about how it handled claims, complaints, rate filings, financial transactions and underwriting. "The 'post-claim underwriting' resulted in some policyholders having unpaid claims or having coverage cancelled without sufficient notice," the state Office of Insurance Regulation found. The initial order found that between Mar. 10, 2010, and May 19, 2011, policyholders in 262 cases were not given a required 100-day notice of cancellation or nonrenewal to find new coverage. The

company, a subsidiary of Fort Lauderdale-based Universal Insurance Holdings Inc., has more than 542,000 policyholders and \$765 million in written annual premiums in Florida.

## American Security Insurance Company Ordered to Reduce Rates

American Security Insurance Company has been ordered by the state Office of Insurance Regulation to reduce rates 10 percent for lender-placed coverage. The Delaware-based American Security, which has more than 140,000 lender-placed policies in Florida, representing \$500 million in premiums, had requested no change in its average statewide rates. The state office estimates the reduction will save American Security customers \$51 million. American Security, an affiliate of Assurant Inc., sells property insurance that lenders impose on homeowners who find themselves without coverage. The policies are typically more expensive than standard insurance, and the lender passes on the costs to the property owners.

## National Flood Insurance Program – Florida Senate

State lawmakers continue to consider how they can protect homeowners covered by the National Flood Insurance Program from a planned hike in rates, with a focus now on possibly altering regulations so private insurers can have more flexibility in offering the coverage. And absent a private solution, the state may need to consider establishing a state agency as a last resort for the roughly 270,000 Florida homeowners who could face unaffordable insurance under the national program, said Senate Banking and Insurance Chair-

man David Simmons, R-Altamonte Springs. "I don't think it's their fault; they bought a home under a national flood insurance program that has now changed the rules on them, in the middle of the game," Simmons said.

Lawmakers have continued to express concern about the anticipated end of federal flood-insurance subsidies that Realtors claim could devastate Florida's economy. State lawmakers have called on Congress to postpone implementation of the Biggert-Waters Flood Insurance Reform Act, which phases out subsidies on older properties in flood zones. With Florida accounting for about one-third of the policies in the federal program, Simmons said it is hoped that the threat of Florida's withdrawal from the program will spur the federal government to take action.

## National Flood Insurance Program – Governor Scott

Gov. Rick Scott has called for President Barack Obama to delay pending rate increases confronting Florida homeowners who are subsidized through the National Flood Insurance Program.

"The president signed the bill. He can have an impact by stopping this," Scott said when asked about the possibility of the state getting in the flood-insurance business. Scott had previously requested the U.S. Senate to act to delay the increases.

"We're a significant donor state; my understanding is we've paid \$16 billion in since it got started, and we've only gotten \$4 billion back," Scott said. "So it's hard to believe these rates should be going up like they are."

About 270,000 Florida homeowners could be impacted by the rate adjustments, many in Pinellas, Hillsborough and Miami-Dade counties.



Richard Pinsky



# FAHRO Presents Three Vincent Scholarship Awards

FAHRO recognized three outstanding students during its annual awards banquet held during the 2013 Annual Convention and Trade Show in Orlando, Fla. The 2013 recipients of the Deborah L. Vincent/FAHRO Education Scholarship awards are Melissa Hui, nominated by the Bartow Housing Authority, and Cheyenne Avery and Dontavius King, nominated by the Housing Authority of the City of Daytona Beach.

Melissa Hui is a sophomore college student attending Polk State College and a previous student at The Pennsylvania State University. She graduated in the top 20 of her class from Bartow High School in 2012 with high honors. An aspiring nurse-anesthetist, Melissa is working toward completing her associate's degree in 2014 and transferring to another university in Florida to graduate with a bachelor's of science.



Bartow, Fla., scholarship recipient Melissa Hui

"As a winner of the Vincent scholarship, I have been able to help pay for my college finances to further my education toward my future career goals," Melissa says. "It's been a true blessing to receive such funds because the tuition costs for college are just through the roof! This scholarship has been a great help to

me, and I appreciate all who have made this scholarship available to aspiring students like myself."

Cheyenne Avery is a recent Spruce Creek High School graduate. She plans to attend college and major in culinary arts.



Pictured from left going up and then down the stairs are Karen King, Vanessa Mosley, CEO/Executive Director Anthony E. Woods of the Housing Authority City of Daytona Beach, scholarship recipient Cheyenne Avery, scholarship recipient Dontavius King, Lavetta King and Pierre Louis, director of Neighborhood Networks Centers.

Dontavius King, a recent Mainland Senior High School graduate, plans to attend Bethune Cookman University and major in the field of nursing.

This year, FAHRO partnered with the UNCF-United Negro College Fund to make the dream of attending college a reality for these three deserving students. The scholarship is for high school seniors and graduates who are residents of federally assisted housing or recipients of assistance through the Community Development Block Grant program in Florida. 🌿

## HA Spotlight

# Panhandle Directors Hold Quarterly Meeting

by Pam Brewster

The directors from the housing authorities in Florida's panhandle get together once a quarter to discuss the housing issues we face today. During our most recent meeting, we discussed the pros and cons of RAD (Rental Assistance Demonstration program), the continued budget cuts we all face and the possibility of mergers. After the meeting, we went to eat at a local restaurant in Chipley, where we joined with retired executive directors Dorothy Sasser (Chipley) and Melissa Alford (Niceville). We all enjoyed our time together. 🌿



Paul Mills, executive director, Springfield; Tara Finch, executive director, Chipley; David Clark, program analyst, Crestview; Joe Woods, executive director, Panama City; Bonnie Horne, executive director, Marianna; Pam Brewster, executive director, DeFuniak Springs; and Tom Baker, executive director, Walton County gather for their quarterly meeting; not pictured but also present was Dottie Avery, executive director, Niceville Housing.



Bonnie Horne, executive director, Marianna; Dorothy Sasser, retired executive director, Chipley; Melissa Alford, retired executive director, Niceville; and Pam Brewster, executive director, DeFuniak Springs

# HUD Recognizes the HACFM's Annual Father's Day Event

The U.S. Department of Housing and Urban Development recently recognized the Housing Authority of the City of Fort Myers for its 2013 Father's Day initiative.

In its online newsletter, available at [www.HUD.gov/fathersday](http://www.HUD.gov/fathersday), and in a downloadable PowerPoint, HUD highlighted photos and information about the HACFM's event held on June 15.

According to HUD, 322 housing authorities and local organizations hosted events for the third annual Reconnecting Families and Dads Initiative. HUD lauded housing authorities across the country for partnering with various organizations to host its events despite the numerous challenges faced by PHAs, particularly the sequester. In addition to games and face painting, many PHAs provided booths with important resources such as job training, legal concerns and health checks for fathers and their families. The goal of this initiative is to empower fathers



*A father and son enjoy the HACFM's annual Father's Day celebration.*

to achieve a more stable future for their families while bonding with their children in a fun, loving environment.

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

## 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](mailto:editor.trainor@gmail.com)  
(attach in MS Word format)

**Photographs are welcome!**

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## Daytona Beach FSS Graduate Achieves Self Sufficiency

Catina Johnson, a participant in the Housing Authority of the City of Daytona Beach Public Housing Family Self Sufficiency (PHFSS) program since 2008, has achieved her goals of self sufficiency and a career in health care. Johnson enrolled in Caregivers Academy to pursue her health care license while maintaining her full-time employment. On Aug. 10, 2013, Johnson passed the certification exam with an excellent score, earning certification as a certified nursing assistant.

Over the past five years, Johnson was able to build an escrow account in the amount of \$6,217. On Aug. 16, 2013, the housing authority presented Johnson with a certificate of graduation from the PHFSS program along with a check for the funds she had accumulated during her participation in the program. The housing authority celebrates Johnson and her achievement of becoming self sufficient, the purpose of the PHFSS program.



*Anthony E. Woods, CEO of the Housing Authority of the City of Daytona Beach; Catina Johnson, PHFSS graduate; and Joyce Johnson, PHFSS coordinator*

## Another Family Self-Sufficiency Success Story

The Housing Authority of the City of Daytona Beach recently had one of its Housing Choice Voucher FSS graduating participants relinquish her Housing Choice Voucher for a lifestyle that is government assistance free. Shelia Alexander, a mother of four children, worked hard to receive her GED, become a certified nursing assistant and be promoted to supervisor. In addition to these accomplishments while in the FSS program, Alexander enrolled in college to become a licensed practical nurse. Now married, Alexander and her family have two incomes and are able to pay fair market rent for their four-bedroom apartment.



*Anthony E. Woods, CEO of the Housing Authority of the City of Daytona Beach, congratulates Shelia Alexander as she relinquishes her Housing Choice Voucher.*

## Celebrating Students' Success

On July 6, 2013, the Daytona Neighborhood Networks Centers held its 4<sup>th</sup> annual Honor Roll Dinner for students who appeared on the Volusia County Honor Roll. During the school year, students attend the afterschool homework assistance program at one of the centers. Their grades and school projects are carefully monitored by a coordinator at each center. The coordinator pays particular attention to areas that need improvement, assists the youth with their assignments and provides academic worksheets to help the students improve.

The evening began with chauffeured limousines picking up the kids at the housing authority developments and taking the kids to the event at Martinis Chophouse. During the dinner, Pete Gamble, CEO, Daytona Beach Housing Development



*Mayor Derrick Henry recognizes employees of the Housing Authority of the City of Daytona Beach with an honorary key to the city. Employees received a certificate of recognition for their work that helped at-risk students to appear on Volusia County's Honor Roll. The youth attend the afterschool activities at the Daytona Neighborhood Networks Centers.*

Corporation, offered words of encouragement to inspire the kids to continue working smart in school. Gamble also presented

each student with keys and a certificate of recognition for their academic achievement signed by the mayor.



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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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