

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

MEETING DATE: 7/14/20 [X] Consent [] Regular
[] Ordinance [] Public Hearing

Department: Equal Opportunity

Submitted By: Equal Opportunity

I. EXECUTIVE BRIEF

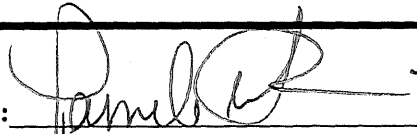
Motion and Title: Staff recommends motion to: receive and file the 2020 Addendum to the Memorandum of Understanding (Addendum) with the Department of Housing and Urban Development (HUD) retroactive to March 23, 2020.

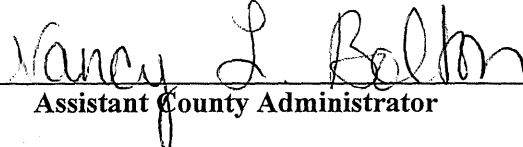
Summary: The Addendum addresses the work sharing relationship in effect between OEO and HUD regarding the processing and referral of complaints of housing discrimination. The Memorandum of Understanding (MOU) between HUD and OEO expired on April 17, 2013. The most recent Addendum between OEO and HUD was executed on February 12, 2015, and extended certification until February 12, 2020. The purpose of the Addendum is to renew and extend the original Memorandum of Understanding (MOU) (including all subsequent addenda) between HUD and OEO for five years from the date signed by all appropriate signatories. On November 17, 2015, the BCC delegated authority to the County Administrator or designee, OEO Director, to sign renewals and extensions of the MOU with HUD that do not change the scope of work or terms and conditions. Countywide (DO)

Background and Policy Issues: On February 4, 1997, the BCC approved an Agreement between OEO and HUD which provided for the processing and referral of housing discrimination complaints between the respective agencies. On November 17, 2015, the BCC delegated authority to the County Administrator or designee, OEO Director, to sign renewals and extensions of the MOU with HUD that do not change the scope of work or terms and conditions.

Attachment:

- 1. 2020 Addendum to the Memorandum of Understanding

Recommended by:  6 July 2020
Department Director Date

Approved by:  7/6/2020
Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2020	2021	2022	2023	2024
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
 NET FISCAL IMPACT **	 -0-	 -0-	 -0-	 -0-	 -0-
 # ADDITIONAL FTE POSITIONS (Cumulative)	 ___0___	 ___0___	 ___0___	 ___0___	 ___0___

Is Item Included in Current Budget? Yes _____ No _____
 Does this item include the use of federal funds? Yes _____ No _____
 Budget Account No.: Fund ___ Department ___ Unit ___ Object ___
 Program Category ___



B. Recommended Sources of Funds/Summary of Fiscal Impact:

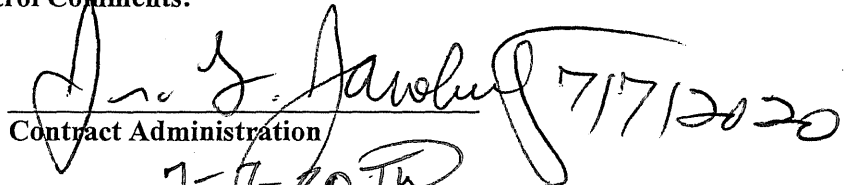
**This item has no additional fiscal impact, time extension only.

C. Departmental Fiscal Review:

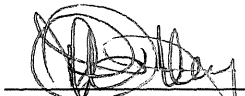
III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:


 OFMB  7/6/20


 Contract Administration
 7-7-20 TW

B. Legal Sufficiency:


 Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

**2020 ADDENDUM TO THE MEMORANDUM OF UNDERSTANDING BETWEEN
THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AND
PALM BEACH COUNTY OFFICE OF EQUAL OPPORTUNITY**

I. PURPOSE

The purpose of this 2020 Addendum to the Memorandum of Understanding (hereinafter "2020 Addendum") is to renew and extend the original Memorandum of Understanding (MOU) (including all subsequent addenda) between the Department of Housing and Urban Development and the Palm Beach County Office of Equal Opportunity (PBCOEO). This 2020 Addendum also provides updates to certain provisions of the MOU as specified at section IV herein.

II. AUTHORITY

The federal Fair Housing Act, at § 810(f)(5), requires that "not less frequently than every five years, the Secretary shall determine whether each agency certified under this subsection continues to qualify for certification." The implementing regulation, at 24 C.F.R. § 115.208(a), states "if the Assistant Secretary affirmatively concludes that the agency's law and performance have complied with the requirements of this part in each of the five years of certification, the Assistant Secretary may renew the certification of the agency."

On February 11, 2020, the agency certified that the Palm Beach County Fair Housing Ordinance, both "on its face" and "in operation" continues to provide substantive rights, procedures, remedies and judicial review procedures for alleged discriminatory housing practices that are substantially equivalent to those provided in the federal Fair Housing Act. During the five years of certification, the Department's regional office has conducted performance assessments of the agency.

In accordance with 24 C.F.R. § 115.208, a determination of continued certification is based on the performance assessments and the agency certification.

III. RENEWAL AND EXTENSION OF CERTIFICATION

The MOU between the Department and PBCOEO expired on April 17, 2013. The most recent Addendum between PBCOEO and the Department was executed on February 12, 2015, and extended certification until February 12, 2020. This 2020 Addendum renews and extends the MOU, including all subsequent addenda and any special provisions or restrictions contained in any prior agreement, for five years from the date it is signed by all appropriate signatories.

IV. UPDATES

The MOU is updated as follows:

All references to the term TEAPOTS in the MOU, including all subsequent addenda and any special provisions or restrictions contained in any prior agreement, now refer to the HUD Enforcement Management System (HBMS).

Section VII(F)(5) now reads:

Where a reasonable cause determination is made, the Agency must use its authority to seek and assess appropriate civil penalties against the respondent in administrative proceedings or arrange to have adjudicated at Agency expense, the award of the appropriate punitive damages against the respondent. **The Agency will not summarily close a case where a complainant has not made an affirmative request for an administrative hearing under § 15-55 of the PBCFHO in the absence of a judicial election.**

V. LIAISON

The signatories agree to name a specific individual as well as an alternate, to serve as the principal contact person for each and all communications between them. The individuals so designated are:

For the Department:	Liaison Aphrodite (Dita) McCarthy, GTM
	Alternate Vicki A. Ray, GTR
For the Agency:	Liaison Pamela Guerrier
	Alternate


VI. SIGNATURES

Executed by the undersigned on the dates shown below, pursuant to the respective authorizations of the U.S. Department of Housing and Urban Development and the PBCOEO.




Assistant Secretary for Fair Housing
and Equal Opportunity

03/04/2020
Date



FHEO Region IV Director

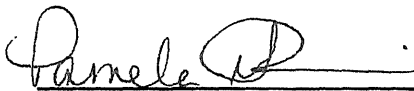
4/17/20
Date



Director, Palm Beach County Office
of Equal Opportunity

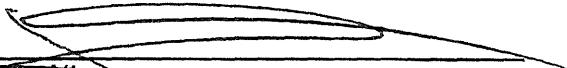
23 March 2020
Date

APPROVED AS TO TERMS AND CONDITIONS



Pamela Guerrier, Director
Office of Equal Opportunity

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



County Attorney