

Item # 54₍₂₎

**ADDITIONAL MATERIAL
Regular Meeting
September 21, 2021**

SUBMITTED AT THE REQUEST OF

**COMMISSIONER MARK
BOGEN**

Parking Garage			
Commissioner	Issue	Assigned To	Status
Furr	Solid Waste Working Group / Alpha 250	Other	In Progress
BOCC	Spectrum Building Analysis	Staff	In Progress
Rich	Renovations at Everglades Holiday Park	Staff	In Progress
Bogen	Emergency Shelters	Staff	In Progress
Bogen	17 th Floor Courtroom	Staff	In Progress
Furr	C & SF Flood Resilience Study	Staff	In Progress
Furr	Coastal Link Real Estate Property Appraisal	Staff	In Progress
Furr	Coastal Link Station Identification	Staff	In Progress
Sharief	Film Office	Staff	In Progress
Rich	Rental Assistance	Staff	In Progress
Bogen	Courthouse Parking Garage	Staff	In Progress
Bogen	HUD Performance Improvement Plan	Staff	In Progress



U.S. Department of Housing and Urban Development
Region IV Office of Fair Housing and Equal Opportunity
Five Points Plaza
40 Marietta Street, 16th Floor
Atlanta, GA 30303-2806

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

September 2, 2021

Averill L. Dorsett, Esq.
Business Manager
Broward County Professional Standards/Human Rights Section
115 S. Andrews Avenue, Room 427
Fort Lauderdale, Florida 33031

Dear Ms. Dorsett:

Subject: Performance Improvement Plan
Broward County Office of Intergovernmental Affairs and Professional Standards,
Human Rights Section

The purpose of this letter is to inform you that the 120-day Performance Improvement Plan (PIP) previously issued to the Broward County Office of Intergovernmental Affairs and Professional Standards Human Rights Section (OIAPS) under authority provided by federal regulations at 24 CFR §115.210 is scheduled to end on September 30, 2021. The purpose of this PIP is to assist the agency in addressing performance deficiencies noted for the past several years. At the end of the 120-day period, HUD will determine if the following benchmarks have been met, or the agency will be suspended from the Fair Housing Assistance Program:

1. No more than 25% of the open cases shall be between 101 and 300 days old (excluding cause cases, systemic, and novel/complex cases).
2. No more than 10% of the open cases shall be over 300 days old (excluding cause cases, systemic, and novel/complex cases); and
3. Zero (0) open cases shall be over 450 days old.

As of August 23, 2021, OIAPS has failed to bring its performance into compliance. As demonstrated in the charts below, a significant number of aged cases remain in its inventory.

Open Cases		
Case Age	# of Cases	%
100 days or under	6	15%
101 - 300	16	39%
301-450	6	15%
Over 450	13	32%
TOTAL	41	100%

HUD's Office of Fair Housing and Equal Opportunity (FHEO) asked to meet with OIAPS leadership to discuss these concerns and chart a path forward. However, after rescheduling several times at the request of OIAPS, a meeting between senior leadership was scheduled and confirmed for August 23, 2021, but OIAPS failed to attend. Given the agency's continued performance deficiencies as well as a perceived lack of partnership, FHEO has strong concerns regarding the agency's ability to meet the above benchmarks and implement the other corrective actions listed in the PIP.

If the agency does not agree to implement the PIP or does not implement the corrective actions identified in the PIP within the time allotted, then the FHEO Regional Director may suspend the agency's interim certification or certification.

Procedures for withdrawing from the Fair Housing Assistance Program

If the agency does not believe the remaining time is sufficient to correct the performance deficiencies in full or would like to avoid a suspension, then no later than September 13, 2021, OIAPS may make a formal written request that HUD waive the remainder of the PIP performance period and may voluntarily withdraw from the program. If the agency decides to withdraw from the program, HUD will schedule a TEAMS call to discuss the procedures for withdrawal, to include, but not limited to:

1. HUD-referred cases
 - a. Within 7 days, HUD to provide a list of previously-referred HUD complaints that remain open
 - b. Within 14 days, OIAPS to upload all documentation related to identified complaints in HEMS
 - c. Within 21 days, HUD to reactivate HUD-referred cases
2. Open cases - Within 14 days, OIAPS to provide HUD a list of cases they want reviewed for payment
3. Global Waiver
 - a. Within 7 days, HUD to provide a global waiver for all future inquiries and complaints that would otherwise be referred to the agency
 - b. Within 14 days, OIAPS to sign and return global waiver
4. Assessment of Performance
 - a. By September 13, 2021, OIAPS to provide a letter requesting a full and immediate withdrawal from the Fair Housing Assistance Program
 - b. Within 90 days, HUD to provide Performance Assessment Report to OIAPS

5. Future participation in FHAP

- a. After 180 days, the OIAPS may reapply for participation in the Fair Housing Assistance Program
- b. Within 30 days of receipt of request, HUD will schedule a monitoring review of the agency's performance

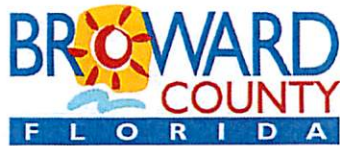
If you have any questions, please contact your FHAP Branch Chief, Dustin Parks, by email at Dustin.A.Parks@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carlos Osegueda', written in a cursive style.

Carlos Osegueda, Regional Director
Region IV, Office of Fair Housing and Equal Opportunity

Enclosures



Office of the County Administrator
PROFESSIONAL STANDARDS/HUMAN RIGHTS SECTION

115 S. Andrews Avenue, Room 427 • Fort Lauderdale, Florida 33301 • 954-357-7800 • FAX 954-357-7817 • TTY 954-357-6181

September 13, 2021

Via Electronic Mail

Dustin Parks
Enforcement Branch Chief /
Fair Housing Assistance Program Branch Chief
U.S. Department of Housing and Urban Development
Office of Fair Housing & Equal Opportunity
Region IV – Miami, Florida

Dear Mr. Parks,

Thank you for your letter dated September 2, 2021, reminding Broward County that the Performance Improvement Plan ("PIP") previously issued by HUD is scheduled to end on September 30, 2021.

While the end date is several weeks away, we wanted to share with you the vigorous efforts put forth by Broward County to meet the goals outlined in the PIP. Thus far, Broward County has done the following:

- 1) Hired an additional full time staff person on December 13, 2020,
- 2) Contracted with a law firm to finalize investigations and write determinations,
- 3) Promoted an internal candidate from intake to investigator trainee; and
- 4) Added 2 additional full-time positions in the FY 2022 budget which begins October 1, 2021. Recruitment for those positions will begin in the next two weeks.

One of the requirements noted in the PIP was that Broward County "*on or before September 15, 2021, demonstrate that it has closed or charged 95% of its aged complaints carried over from the FY 2020 case processing year that ended on July 1, 2020.*" By our calculation, there are 25 cases that fall into the previously mentioned category. However, one of those cases is currently being litigated in state court and our legal counsel has advised us to close the case once trial commences. To date, we have closed 22 cases and anticipate that we will close or charge a total of 24 cases by September 30, 2021. This goal can be achieved in spite of the fact that we have had one staff member out on FMLA either continuously or intermittently since March of this year.

As you know, Broward County has been a trusted and committed partner with HUD in the fair housing arena since 2008. We have never been on a PIP nor has our MOU been suspended. Our intent is to continue our relationship with HUD on behalf of the residents

of Broward County as evidenced by our direct and continued discussions and meetings since the implementation of the PIP. However, we are respectfully requesting a 60-day extension of the PIP to November 30, 2021, to have the Section's case inventory come fully into compliance with all of HUD's performance expectations specifically listed in the PIP, to wit:

- No more than 25% of the open cases shall be between 101 and 300 days (excluding cause cases, systemic, and novel/complex cases)
- No more than 10% of the open cases shall be over 300 days old (excluding cause cases, systemic and novel/complex cases); and
- Zero (0) open cases shall be over 450 days old.

Thank you in advance for your consideration. We look forward to hearing back from you as soon as possible as to the disposition of our extension request.

Sincerely,



Averill L. Dorsett
Business Manager
Professional Standards/Human Rights Section

ec: Monica Cepero, Broward County Administrator Designee
Rhonda Wiltshire, Broward County Equal Opportunity Officer
Alecia Kemp, Equal Opportunity Specialist, HUD, Office of Fair Housing and Equal Opportunity, Region IV