



Avoiding Conflict of interest issues with staff, contractors and local officials



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AFFORDABLE HOUSING CATALYST PROGRAM

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Catalyst Training Schedule

A banner for SHIP Catalyst Training. The left side features a photograph of a diverse group of people in a meeting, with a woman in the foreground smiling. Overlaid on this photo is the SHIP logo, which consists of a green house icon with a blue cube inside, and the text 'SHIP' in bold black letters, with 'housing a stronger Florida' in smaller text below. The right side of the banner has a teal background with white text. It reads 'Fine Tune Your SHIP Program' and 'REGISTER NOW FOR' in smaller font, followed by 'CATALYST TRAINING' in large, bold, white capital letters. At the bottom of the banner, a dark teal bar contains the text 'Register Now for SHIP Catalyst Training!' in white. Below the banner, there are four small, light gray circles.

Fine Tune Your SHIP Program
REGISTER NOW FOR
**CATALYST
TRAINING**

Register Now for SHIP Catalyst Training!

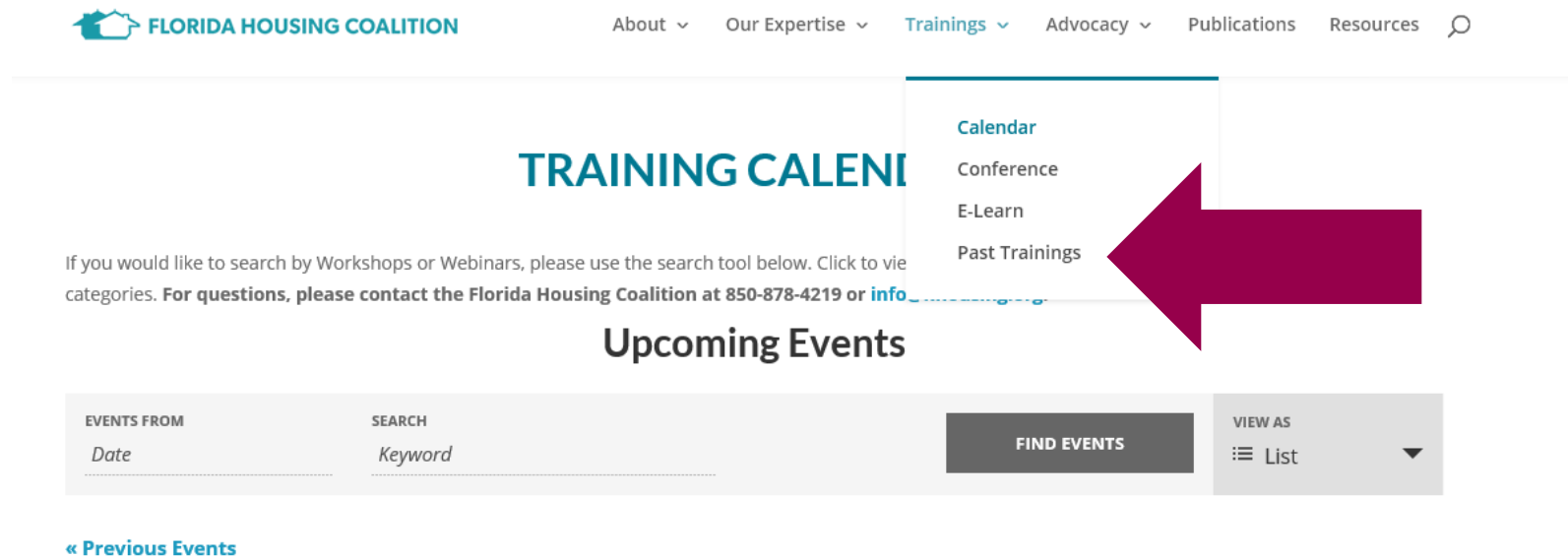
The Coalition is Florida's affordable housing training and technical assistance provider.

www.flhousing.org

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Catalyst Trainings



The screenshot shows the Florida Housing Coalition website's navigation bar with links for About, Our Expertise, Trainings, Advocacy, Publications, and Resources. The 'Trainings' dropdown menu is open, displaying options: Calendar, Conference, E-Learn, and Past Trainings. A large red arrow points to the 'Past Trainings' option. Below the navigation bar, the 'TRAINING CALENDAR' section is visible, including a search tool and a 'Find Events' button. A link for '« Previous Events' is also present.

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TRAINING CALENDAR

If you would like to search by Workshops or Webinars, please use the search tool below. Click to view categories. **For questions, please contact the Florida Housing Coalition at 850-878-4219 or [info@fhc.org](#)**

Upcoming Events

EVENTS FROM *Date* SEARCH *Keyword* **FIND EVENTS** VIEW AS *List* ▾

[« Previous Events](#)

‘Past Catalyst Trainings’

Webinar logistics

- Participants are muted
- Enter your questions in the box in your webinar panel
- Forgot to ask a question or want to ask privately?

Email me at: andujar@flhousing.org or
glazer@flhousing.org

- This webinar is being recorded and will be available at www.flhousing.org under past trainings.
- A survey will immediately follow the webinar;
please complete it! Thanks!

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Poll question

Do you have a process in your organization to address potential conflict of interest?

- Yes
- No
- Don't know



Poll question

Do program applicants sign a conflict-of-interest declaration form?

- Yes
- No
- Don't know



Agenda

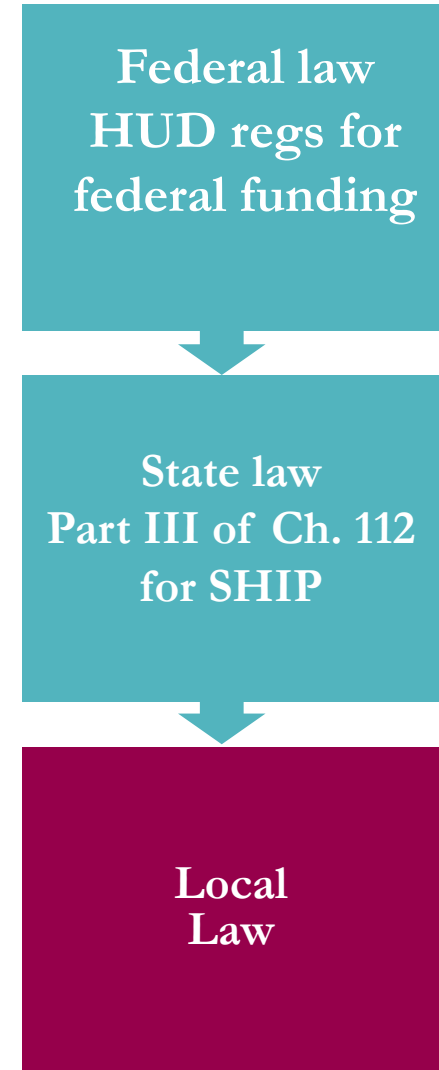
- Florida Code of Ethics for Public Officers and Employees
- HUD regulations on conflict of interest
- Local spotlight: City of Pompano Beach

Goals of today's webinar

- Legal disclaimer: this Webinar is for informational purposes only and should not be relied upon as legal advice
- The goal is not for you to be able to recite all of the relevant laws and regulations on conflict of interest issues
- The intent is to make you aware of some of the legal mechanisms that exist and where to look if a potential issue arises in your housing program
- **If you leave with one takeaway, it should be that your first call should always be your City or County Attorney if something feels, looks, or is a potential conflict of interest.**

Code of Ethics for SHIP Staff

- The SHIP Statute and Rule do not specifically address conflict of interest policies
- Part III of Ch. 112 of the Florida Statutes is the state's "Code of Ethics for Public Officers and Public Employees"
- Part III of Ch. 112 governs conflict of interest policies for local government staff, including SHIP staff
- Local governments can have conflict of interest policies that are stricter than state law
- Generally, follow the strictest law but be mindful of certain required processes in each legal scheme



Code of Ethics for public officers & employees

- Part III of Ch. 112 of the Florida Statutes is the state's "Code of Ethics" for public officers and public employees
- F.S. 112.311. Legislative intent and declaration of policy:

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. **The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.**

What is a conflict of interest?

- F.S. 112.312 contains key definitions for the Florida Code of Ethics
- A “Conflict” or “conflict of interest” means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest. F.S. 112.312(8).
- A public officer or employee must not:
 - Have any interest, financial or otherwise, direct or indirect;
 - Engage in any business transaction or professional activity; or
 - Incur any obligation of any nature **which is in substantial conflict with proper discharge of his or her duties in the public interest.**
- Ethics laws generally consist of two types of provisions: 1) those prohibiting certain actions; or 2) those requiring that certain disclosures be made to the public

Who is covered by the Florida Code of Ethics?

- CH 112, part III is very broad.
- Generally applies to all officers and employees of an “agency” as defined in F.S. 112.312. This includes SHIP administrators!

“Agency” means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; any public school, community college, or state university; or any special district as defined in s. 189.012.

Standards of conduct for public officers, employees, and local government attorneys (F.S. 112.313)

- 1) No solicitation or acceptance of gifts. F.S. 112.313(2)/F.S. 112.3148.
 - No public officer shall solicit or accept anything of value, **including a gift, loan, reward, promise of future employment, favor, or service, based on any understanding that the vote, official action, or judgment would be influenced.**
 - Ex) If Build a Home, Inc. offers a job to Smilesville, FL's SHIP admin if they provide construction funding and the SHIP admin follows through, that action violates this section

For these slides, “public officer” is used to mean elected officials, local government staff, and others covered by this statute.

~Reminder: all AHAC members are subject to most these standards of conduct as well~

Standards of conduct for public officers, employees, and local government attorneys (F.S. 112.313)

2) No doing business with one's agency. F.S. 112.313(3).

- Shall not either directly or indirectly **purchase, rent, or lease any realty, goods, or services for his or her own agency** from any business entity of which the officer or the officer's spouse or child is an officer, partner, director, or proprietor or in which such officer or the officer's spouse or child, or any combination of them, has a material interest.
- Competitive bidding exception (F.S. 112.313(12)(b):
 - Business is awarded under sealed, competitive bidding to lowest or best bidder;
 - The official or their spouse in no way participated in the bid decision;
 - Official/spouse or child in no way used or attempted to use the official's influence to persuade the deciding agency other than the mere submission of the bid; and
 - Local officer, prior to submission of the bid, has disclosed their interest, or the interest of the official's spouse or child, and the nature of the intended business

Standards of conduct for public officers, employees, and local government attorneys (F.S. 112.313)

2) No doing business with one's agency. F.S. 112.313(3).

- Additional exceptions relevant to housing. F.S. 112.313(12):
 - AHAC members are not subject to this requirement if certain standards are met
 - An emergency purchase or contract that must be made in order to protect the health, safety, or welfare of the people
 - The business entity involved is the only source of supply within the local government and there is full disclosure by the employee of their interest
 - Total amount of transactions does not exceed \$500/calendar year

Standards of conduct for public officers, employees, and local government attorneys (F.S. 112.313)

- 3) No unauthorized compensation. F.S. 112.313(4).
 - Officers cannot accept any compensation, payment, or thing of value they know is given to influence a vote or other action which the officer was expected to participate in
- 4) No misuse of public position. F.S. 112.313(6).
 - Cannot corruptly use or attempt to use an official position or any property or resource to secure a special privilege, benefit, or exemption for himself, herself, or others.
 - Ex) Do not use your status as a SHIP administrator to give a special benefit to family member or friend
 - Article II, Section 8(g)(2) of Fla. Constitution: Public employees cannot abuse their positions to obtain a disproportionate benefit for themselves or certain others
- 5) No disclosure or use of certain information. F.S. 112.313(8)
 - Cannot disclose or use information not available to members of the general public and gained by reason of the official position for personal gain

Standards of conduct for public officers, employees, and local government attorneys (F.S. 112.313)

- 6) No conflicting employment or contractual relationship. F.S. 112.313(7).
- No public officer can hold any employment or contractual relationship with any business entity which is the subject of regulation, or is doing business with, an agency of which he or she is an officer or employee, unless permitted by law
 - Ex) SHIP staff cannot also be the employee of a local Habitat affiliate that applies for SHIP funding
 - AHAC members are typically waived from this requirement. F.S. 112.313(12).
 - Competitive bidding exemption also applies to this standard of conduct
 - Nonprofit exemption:
 - F.S. 112.313(15): No elected public officer will be held in violation if officer maintains employment relationship with a 501(c)(3) organization and the officer's employment is not directly/indirectly compensated as a result of a government relationship; and
 - Officer fully discloses interest and does not participate in the local government's decision to contract with the 501(c)(3)

Anti-Nepotism Law (F.S. 112.3135)

- A public official **(which includes a SHIP staffer with the authority to employ, recommend, or promote a potential hire)** cannot appoint, promote, or advance, or advocate for appointment, employment, promotion, or advancement any individual who is a relative within the jurisdiction or control of the official.
- Exceptions:
 - Municipalities with less than 35,000 population
 - Persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services
- “Relative” means:

“an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister”

Voting Conflicts – F.S. 112.3143

- A local public officer cannot vote on any matter the officer knows would inure to his or her **special** private gain or loss or the gain or loss of a relative or business associate
- Any public officer who abstains from voting on a potential conflict must disclose his or her interest
- “Public officer” includes any person elected or appoint to hold office in any agency, **including any person serving on an advisory body.**

“Special Private Gain or Loss”

- “Special private gain or loss” – private interests must be affected to a significantly greater (or lesser) degree than the class of persons affected by the vote
- Ask:
 - What is the size of the affected class? The larger the class, the less likely the gain is special
 - Is the gain speculative?
 - What kind of vote is being taken?

AHACs and the Code of Ethics

- AHAC members are subject to most of F.S. 112.313 regarding standards of conduct AND F.S. 112.3143 regarding voting conflicts
- Standards of conduct that can be waived for AHAC members. F.S. 112.313(12):
 - Doing business with one's agency
 - Conflicting employment or contractual relationship
- Voting conflicts – F.S. 112.3143(4):
 - No appointed AHAC member shall participate in any matter which would inure to the member's **special** private gain or loss; or which the member knows would insure to the gain or loss to the member's employer or relative;
 - UNLESS the member first discloses the nature of his or her interest
- “Special private gain or loss” – private interests must be affected to a significantly greater (or lesser) degree than the class of persons affected by the vote

AHACs and the Code of Ethics - Considerations

- If your AHAC makes funding recommendations, be aware of members' potential conflict of interest with their organizations
- If the AHAC is only making land use & incentive recommendations, and the recommendations apply generally to all housing developers & institutions, less risk of a conflict issue
- Reminder: Voting conflict laws only ban **special private gain or loss**
- When in doubt, disclose the potential conflict & contact your City or County Attorney

Relatively speaking...

- A recurring question we get is what happens if a relative, friend, or acquaintance applies for SHIP funds
- Relevant provisions:
 - F.S. 112.313(6): Misuse of public position – do not use or attempt to use your position to secure a special benefit for yourself or others
 - F.S. 112.313(8): Disclosure or use of certain information – do not disclose or use information not available to members of the general public by reason of your official provision
 - Local conflict of interest policy
- What should you do if a relative applies for SHIP funds?
 - **Talk to your City or County Attorney.**

What happens if a government employee applies for SHIP?

- Relevant provisions:
 - F.S. 112.313(6): Misuse of public position – do not use or attempt to use your position to secure a special benefit for yourself or others
 - F.S. 112.313(8): Disclosure or use of certain information – do not disclose or use information not available to members of the general public by reason of your official provision
 - Ex) do not give government employees a “heads-up” that applications for a first-come, first-served program will open on April 1
 - Local conflict of interest policy
- What should you do if a government employee applies for SHIP funds?
 - **Talk to your City or County Attorney.**

Penalties – F.S. 112.317

Any violation of the Florida Code of Ethics can result in:

- Impeachment
- Removal or suspension from office or employment
- Demotion
- Reduction in salary
- A civil penalty not to exceed \$10,000
- Restitution of benefits received because of the violation committed
- Public censure
- In addition to any criminal or other civil penalty involved

Florida Code of Ethics takeaways

- If it feels bad or smells bad, it's probably bad – bring any potential issues to your City or County Attorney
- State law, in some cases, is stricter than HUD conflict of interest policies
- Be aware of any local policies in addition to state law
- Use common sense

CDBG conflict of interest rules

- CDBG - 24 CFR 570.611
- In the procurement of supplies, equipment, construction, and services by recipients and by sub recipients, the conflict-of-interest provisions in 2 CFR 200.317 and 200.318 shall apply.
- § 200.317 Addresses Procurements by states.
- When procuring property and services under a Federal award, a **State must follow the same policies and procedures it uses for procurements from its non-Federal funds.** The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.

§ 200.318 General procurement standards

- (a) The non-Federal entity must have and use documented procurement procedures, consistent with State and local laws and regulations for the acquisition of property or services. The documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.
- (b) Non-Federal entities **must maintain oversight to ensure that contractors** perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

§ 200.318 General procurement standards cont'd.

C. Must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

Such a conflict of interest would arise when the **employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.**

The officers, employees, and agents of may not solicit nor **accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.**

The entity may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.

Must have disciplinary action for violations by officers, employees, or agents.

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Non-Procurement

Includes the **acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance** (e.g., rehabilitation, preservation, and other improvements of private properties or facilities; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to § 570.203, 570.204, 570.455, or 570.703(i)).

HOME Program conflict on interest

CPD Notice 98-8 – HOME Program Conflict of Interest Provisions

Procurement of goods and services by HOME PJs, State recipients and subrecipients is the procurement regulations located at 24 CFR parts 84 and 85.

§92.356 cover situations not covered by parts 84 and 85 (non-procurement).

1) Employees and other representatives of PJs, State recipients and subrecipients may not obtaining a financial interest or benefit from any HOME assisted activity; and

2) Owners and developers of HOME-assisted housing and their employees and other representatives should not occupy HOME-assisted units.

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Minimum written standards

No employee, officer or agent of the PJ may participate in the selection, award or administration of a contract supported by HOME if a conflict of interest, real or apparent, would be involved.

Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for award:

- Employee, agent or officer of the PJ;
- Any member of an employee's, agent's or officer's immediate family;
- An employee's, agent's or officer's partner; or
- An organization that employs or is about to employ any of the above.

Written standards cont'd.

- Requires that the employees, agents and officers of the PJ or subrecipient not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements.
- However, the local government may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value;
- Stipulate provisions for penalties, sanctions or other disciplinary actions for violations of such standards, to the extent permitted by State or local law.

Applies to subrecipients

Examples of possible conflicts of interest

Scenario: A PJ wants to contract with a real estate appraisal firm to provide qualified appraisals of properties to be acquired with HOME funds. The selection will be made through a competitive bidding process. The husband of the PJ's Housing Division Manager is employed by a local appraisal firm which plans to bid on the contract. Can the Housing Division Manager participate in this procurement? Would the selection of this firm constitute a conflict of interest?

Example of conflict of interest

The Housing Division Manager may not participate in the procurement of a contract upon which her husband's firm plans to bid. However, selection of the husband's firm is permitted, if made in accordance with the requirements of 24 CFR Part 85 and the local government's procurement procedures.



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Financial interest or benefit from a HOME-assisted activity

- Persons covered: **Any person who is an employee, agent, consultant, officer or elected or appointed official of the PJ, State recipient or subrecipient which is receiving HOME funds.**
- Prohibited Conflict: No covered person who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME funds or who is in a position to participate in a **decisionmaking process or gain inside information with regard to these activities**, may obtain a financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for **themselves or those with whom they have family ties, during their tenure and for one year thereafter.** Occupancy of a HOME-assisted unit by a covered person constitutes a financial interest or benefit and is a prohibited conflict.

Exceptions:

- A PJ may request from HUD an exception to these provisions in writing. The PJ's request must include:
- A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made;
- An opinion of the PJ's or State recipient's attorney that the interest for which the exception is sought would not violate State or local law.

Considerations by HUD

- Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program which would otherwise not be available;
- Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class;
- Whether the affected person has withdrawn from his or her function or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;
- Whether the interest or benefit was present before the affected person was in a position constituting the conflict of interest.
- Whether undue hardship will result either to the PJ or the person affected when weighed against the public interest served by avoiding the prohibited conflict.
- Any other relevant considerations.

Examples

- Scenario 1: A development firm is applying to the PJ for HOME funds to rehabilitate a property it owns. The mayor has a financial interest in the firm. Can HOME funds be awarded to this project?
- No. Because the Mayor is in a position to make decisions with respect to the use of HOME funds, award of funds to a firm in which he has a financial interest would constitute a conflict of interest.
- Scenario 2: A PJ operates a HOME-funded owner-occupied rehabilitation program. Can a secretary with the Housing and Community Development Department receive assistance under this program?
- No. The secretary is a covered person under the regulations and would be prohibited from receiving assistance. However, in this instance, the PJ might consider requesting an exception to the conflict of interest provisions from HUD.



Examples

- Scenario 3: A maintenance worker employed by the PJ applies to rent a unit in a HOME-assisted project. Can the employee be permitted to lease a HOME-assisted unit?
- Yes. While the maintenance worker is a covered person under the regulations, he does not exercise any functions or responsibilities with respect to HOME funds.

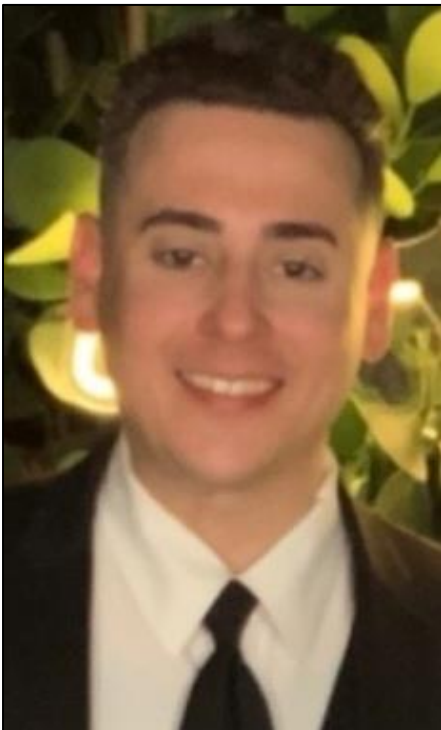
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Examples

- Scenario: A CHDO develops a 6-unit rental project with HOME funds that it will own and manage. Can the employees of the CHDO rent units in this building?
- No. The employees of the CHDO are covered persons under Section 92.356(f) of the regulations and, thus, are prohibited from occupying a HOME-assisted housing unit in the development owned by the CHDO. Further, these units must be affirmatively marketed. However, on a case-by-case basis, the PJ could consider granting an exception to the prohibition as permitted by the HOME regulations.

City of Pompano Beach



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Conflict of Interest Discussion Breakdown

- Conflict of Interest Policy Overview (HOME Program-Purchase Assistance)
- How we Determine if a Conflict of Interest Exists
- Steps Taken to Address the Conflict
- Documentation Submitted to City Attorney
- City Attorney Opinion (Example)
- Advertising (What to included)
- Input from Public
- Submitting Conflict of Interest Waiver to HUD (What to Include)
- HUD's Opinion on the Conflict (Example)
- Timeline of Process

Conflict of Interest Policy Overview (HOME Program)

- Section 92.356, Title 24, U.S. Code of Federal Regulations ([Link](#)) is applicable to the City administering grant funds under the HOME Program.
- No Loans will be made to City employees or their immediate relatives without express written opinion from the City Attorney and the funding source (HUD).
- Full disclosure on the part of the applicant is required at the time of the application.
- Failure to disclose said relationship will result in an immediate rejection of the loan and/or will require full repayment of the loan including interest accrued at the maximum interest rate allowed.
- All program participants will be required to sign a Conflict of Interest Disclosure Form.

Determining if a Conflict of Interest Exists

- All applicants interested in participating in the City's HOME Purchase Assistance program are required to sign a Conflict of Interest Disclosure form as part of their application.
- City staff will review the applicants responses to determine if a conflict exists.



CITY OF POMPAÑO BEACH
OFFICE OF HOUSING AND URBAN IMPROVEMENT

CONFLICT OF INTEREST DISCLOSURE

As a prospective applicant of the City of Pompano Beach's Purchase Assistance (HOME) Program, I understand that I must disclose my relationship with other persons who I may be associated within the City of Pompano Beach. I, therefore, attest to the following:

Mark Yes or No to indicate your answer.

_____ I am not a current City of Pompano Beach official, employee, board member, Commissioner, agent and/or other representative of the City.

_____ I am a current City of Pompano Beach official, employee, board member, Commissioner, agent and/or other representative of the City.

Position/Title _____

_____ I am a former City of Pompano Beach official, employee, board member, Commissioner, agent and/or other representative of the City.

Position/Title _____

Date Employment/Term Ended _____

_____ To the best of my knowledge, I am not aware of any current City of Pompano Beach official, employee, board member, commissioner, agent and/or other representative of the City who is related to me or with whom I am a business associate.

_____ I am related to or have a business relationship with a current City of Pompano Beach official, employee, board member, commissioner, agent and/or other representative.

His/her name is _____

This person is associated with the City in the capacity as: _____

The relationship of the person is as follows:

___Parent ___Spouse ___Immediate family ___Business associate ___Other

Applicant's Name (Print)

Applicant's Signature

Date

Applicant's Mailing Address

PENALTY FOR FALSE OR FRAUDULENT STATEMENT, U.S.C. Title 18, Section 1001, provides: "Whoever in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies... or makes any false fictitious or fraudulent statement of representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both."

City of Pompano Beach Purchase Assistance Application

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Steps Taken to Address the Conflict

- Prepare a Conflict of Interest Disclosure Memo to City Attorney's Office requesting their legal opinion of Conflict of Interest.
- Prepare Public Notice (for a minimum 30 day comment period) to be posted in the local paper's legal advertising section.
- Prepare a letter to the HUD regional office to the attention of your HUD representative and Program Manager.
- Document HUD's response letter in the client's file.

Documentation Submitted to City Attorney

Information Included in the Conflict of Interest Disclosure Memo:

- Name of Program (HOME-Purchase Assistance)
- Name of Applicant
- Job Title of Applicant (if City employee) or Job title of family member employed by the City
- Cite Applicable Regulation (Section 92.356, Title 24, U.S. Code of Federal Regulations)
- Request written opinion from CAO that the interest for which the exception is sought does not violate state or local law

Example of City Attorney Opinion

- City Employee Participating in the City's Purchase Assistance Program
- “In furtherance of your Department's review of (applicant's name) application to participate in the City's HOME Purchase Assistance Program, this Office issues this **No-Conflict** legal opinion, in accordance with Section 92.356, Title 24, U.S. Code of Federal Regulations.”

Advertising (What to Include)

- Prepare a Public Notice to be published in the Sun-Sentinel (local paper) legal advertising section (30 day public comment period).
- “Public Disclosure of an Application-Purchase Assistance Program-HOME Funds”
- Name of applicant, job title of applicant (if City employee), nature of potential conflict, cite regulation, HUD exception language, public comment, contact information of City for public comment.
- Publish Notice on City’s Website and place a hard copy in the lobby of City Hall as well for maximum exposure.

Input from Public

- Residents are encouraged to review the complete opinion and provide written comments.
- Written public comments shall identify the author by name, address, and summary of how you or your organization would be impacted negatively or positively.
- Comments received during the 30 day comment period will be reviewed by the Department Director and provided to HUD with the Conflict of Interest Waiver Letter.
- No public comments received.

Submitting Conflict of Interest Waiver Letter to HUD (What to Include)

- “This office is requesting a Conflict of Interest Waiver, as required by HUD, for a City employee, (applicant's name), applying for the City’s federally funded Purchase Assistance Program administered by the (title of your office).”
- A legal opinion on the matter was requested from the Office of the City Attorney, who issued an opinion on (insert date) that there was no violation of any local Conflict of interest Code.
- In accordance with HUD regulations, a Public Notice was advertised in the (local paper) on (date), notifying the public of the employee request to participate in the program and requesting input.
- Include name of applicant, job title and that the functions of their job do not influence the HOME Purchase Assistance Program or its operation, there was no special benefit granted to the employee.
- The participation of City staff in the Purchase Assistance Program has been given the same scrutiny as other participants.
- Attach Public Notice Affidavit of Publication and COI Legal Opinion to letter.

HUD's Opinion on the Conflict (Example)

- HUD will review the information you submitted and issue a formal written opinion.
- “We have reviewed the information submitted in connection with the request for (applicant’s name) and have determined that (applicant) may be permitted to participate in the City’s HOME Program, provided that (1) they meet the eligibility criteria for receipt of benefits, (2) they are not granted any preferences as City employees/family members of City employees, (3) their application is not considered ahead of members of the general public and (4) applicant does not receive more benefits or different benefits than other applicants, not employed by the City, who may also qualify for the program.”

Timeline of Conflict of Interest Process

The process typically takes **90 days** from initial request to City Attorney to sending HUD request and receiving HUD's response.

How to avoid conflict of interest with homeowners

- Ask the owner questions related to potential conflict of interest at the time of application for assistance.
- Document potential conflict of interest in the file.
- Have a process in place if the applicant states there is a conflict on interest.



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How to avoid conflict of interest with contractors

- Must make contractors aware of conflict-of-interest laws and regulations at the time of application to participate in the program.
- Provide training and materials explaining potential conflict of interest.
- Include conflict of interest provisions in the written agreement and penalties for not disclosing potential conflicts.
- Review conflict provisions with contractors when executing written agreements.



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Avoiding conflict of interest with elected officials

Make public officials aware of local conflict of interest laws on a regular basis

- Written Policies and Procedures
- Disclosure Process
- Webinars, videos an online training



Other potential conflicts of interest:

- Staff
- Non-Profit Partners
- For-Profit Partners
- Board members
- Subrecipients
- Sponsors
- Developers
- CHDO's



Resolving conflict of interest

- Develop policies and procedures at the local level of resolve conflict of interest that were not disclosed
- Involve your City/County Attorney in the resolution process
- Contact your HUD field office
- What are the penalties for not disclosing conflict of interest
 - Repayment of funds
 - Removal from participation in program
 - Present conflict to City/County Commission for further action

FLORIDA HOUSING COALITION PUBLICATIONS

Access these valuable resources and more under the Publications tab at Flhousing.org

Housing News Network Journal

Florida Home Matters Report

Accessory Dwelling Unit (ADU) Guidebook

Affordable Housing in Florida

Affordable Housing Resource Guide

Affordable Housing Incentive Strategies

Case Management Guidebook

CLT Primer

CLT Homebuyer Education – Buyer’s Guide

CLT Homebuyer Education – Teacher’s Guide

Community-Based Planning Guide

Creating Inclusive Communities in Florida

**Creating a Local Housing Disaster
Recovery Strategy**

**Credit Underwriting Guide for Multi-Family
Affordable Housing in Florida**

Disaster Management Guide for Housing

**Effectively Engaging Individuals with Disabilities in
Consolidated Planning**

Eyesore to Asset – Adaptive Reuse Guide

Florida Community Land Trust Best Practices

**Guide to Developing and Operating Small Scale
Rental Properties**

Guide to Using SHIP for Rental Housing

Guidebook for SHIP Administrators

PSH Property Management Guidebook

Residential Rehabilitation Guide

Surplus Lands Guidebook

The Community Allies Guide to Opportunity Zones



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