



**TO:** Honorable Mayor & Members of the  
Fort Lauderdale City Commission

**FROM:** Lee Feldman, ICMA-CM, City Manager

**DATE:** June 4, 2013

**TITLE:** Motion – Legal Aid’s Housing Opportunities for Persons with HIV/AIDS  
(HOPWA) Agreement

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**Recommendation**

Due to the fact that Legal Aid was unable to provide the letter from White and Case LLP, as requested by the City Commission on May 7, 2013, staff recommends that the Commission direct the Community Services Board (*which serves as the HOPWA Advisory Board*) to review the need and progress of the existing HOPWA agencies and present a recommendation to the City Commission to reallocate this funding.

**Background**

During the RFP Evaluation of all HOPWA proposals, the Community Services Board (CSB) recommended an award of \$250,556.98 to Legal Aid for Non-Housing Support Services. On September 18, 2012, the City Commission reviewed and discussed the HOPWA Proposal received and recommended by CSB for the 2012-2013 FY.

On November 20, 2012, the City Commission directed the City Attorney’s Office to work with Legal Aid and prepare an Agreement that will not conflict with the HOPWA regulations.

On December 4, 2012, this item was deferred, as both City staff and Legal Aid had sought a “waiver” from HUD which would allow for the elimination of certain clauses in the Agreement, which could be a conflict with an “Attorney-Client” relationship.

On April 16, 2013, the City Commission was presented with a letter from HUD on whether or not HOPWA policy can be waived. Additionally, the Commission was provided the Florida Bar’s interpretation on whether there is a conflict.

In order to issue a final decision on the funding request, the City Commission requested a signed Affidavit from Sharon Bourassa (Legal Aid), stating that she was / is not aware of any fraud in the HOPWA Program.

On April 26, 2013, White & Case LLP (counsel for appellants in *City of Ft. Lauderdale v. Scott*), issued a letter to the City Attorney's Office stating that the claims pending on appeal do not involve the City's administration of federal grant money. To date, the requested affidavit concerning previous fraud claims has not been received.

On May 7, 2013, the City Commission reviewed the documentation provided and requested another letter from White & Case LLP confirming that they would not pursue the claims on remand. White and Case LLP has not provided a letter, but Legal Aid has provided a response (see **Exhibit #1**).

**Resource Impact**

Funding is provided through the Department of Housing & Urban Development and it has no impact on the General Fund.

Please note that these are FY 12-13 program dollars which must be obligated by September 30, 2014 and must be spent by September 30, 2017.

FISCAL YEAR	FUND	SUB FUND	FUND NAME	INDEX #	INDEX NAME	SUB OBJECT #	SUB OBJECT NAME	AMOUNT
2013	108	01	HOUSING & COMMUNITY DEVELOPMENT GRANT	HP132087	Legal Aid Non Housing Support	8001	PROGRAM FUNDS	\$234,164.84
2013	108	01	HOUSING & COMMUNITY DEVELOPMENT GRANT	HP132088	Legal AID-Admin	8001	PROGRAM FUNDS	\$16,391.54

**Related CAM's:** #12-1052, #13-0019, #13-0552 and #13-0682

**Attachments:**

Exhibit 1 – HOPWA Legal Aid Letter

Prepared by: Jonathan Brown, Housing & Community Development Manager

Department Director: Greg Brewton, Sustainable Development