



MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MEMORANDUM

TO: Gerald Desterol, Engineering Technician III
City of Miami Department of Resilience and Public Works

FROM: Nardia Haye, Staff Attorney
Miami-Dade Commission on Ethics and Public Trust

SUBJECT: INQ 2025-49, Section 2-11.1(c), County Ethics Code; Section 2-612, City of Miami Code

DATE: May 28, 2025

CC: All COE Legal Staff

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust (“Ethics Commission”) to request our guidance regarding your application to participate in the First-Time Homebuyer Program administered by the City of Miami Department of Housing and Community Development.

Facts

You are employed by the City of Miami Department of Resilience and Public Works as an Engineering Technician III. Your job duties primarily involve inspecting construction sites to ensure compliance with national standards and regulations, particularly relating to drainage.

You are seeking to contract with the City of Miami to participate in the First-Time Homebuyer Program. You indicated that neither you nor a family member have any oversight or administration of the First-Time Homebuyer Program. Additionally, neither you nor a family member are employed by the City of Miami Department of Housing and Community Development, which administers and funds the program.

The City of Miami’s First-Time Homebuyer Program offers prospective homebuyers a 0% deferred loan to purchase a property in the City of Miami if their household income is less than or

equal to 80% of the area median income adjusted for family size.¹ Applicants must contribute at least \$500 of personal funds towards the downpayment and/or closing costs. Moreover, the maximum sales price must be \$451,000 for existing and new construction homes. Lastly, applicants must not have owned a home in the past three years.

Issue

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent you from contracting with the City of Miami Department of Housing and Community Development to participate in the First-Time Homebuyer Program.

Discussion and Opinion

Based on the facts as described herein, you are not prohibited from participating in the First-Time Homebuyer Program, provided you abide by Section 2-612(a) of the City of Miami Code and Section 2-11.1(c)(5) of the County Ethics Code.² *See* INQ 2021-87.

Section 2-612(a) of the City of Miami Code allows a city employee to participate in housing programs administered by the Department of Community Development “provided that the employee meets all the criteria of the program and provided that the city manager approves the participation of the employee and that the employee is identified as being an employee of the city in applicable documents.”

Similarly, Section 2-11.1(c)(5)(5) of the County Ethics Code provides that (City) employees and their immediate family members who are otherwise eligible for assistance through the County’s Department of Housing and Community Development (or City equivalent) should be permitted to seek such assistance, so long as the employee does not administer the program.

You should also be aware that the County Ethics Code prohibits municipal employees from exploiting their official position. This means that you may not use your position as an Engineering Technician III for the City of Miami Department of Resilience and Public Works to secure special privileges or exemptions with respect to the First-Time Homebuyer Program, your application for the First-Time Homebuyer Program, or any resulting agreement with the City. *See* County Ethics Code § 2-11.1(g).

Consequently, provided you qualify for the First-Time Homebuyer Program and your employment as an Engineering Technician III for the City of Miami Department of Resilience and Public Works will not require you to be involved in any way in the selection, administration, or enforcement of

¹ *See Home Ownership, APPLY FOR FIRST-TIME HOMEBUYER PROGRAM, <https://www.miami.gov/Housing-Assistance-Recovery/Home-Ownership/Apply-for-First-Time-Homebuyer-Assistance>.*

² *See also* RQO 09-44; INQ 11-60; INQ 15-106.

the First-Time Homebuyer Program, you are not prohibited by the County Ethics Code from participating in the program.

Please submit this opinion to the City of Miami Department of Housing and Community Development for inclusion in your file. The Ethics Commission does not submit this memorandum on your behalf.