Memorandum

MIAMI-DADE COUNTY

Date: May 4, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 8(G)(1)(A)

From: George M. Burgess
County Manager

Subject: Resolution Approving Miami-Dade Public Housing Agency's Section 8 Administrative Plan for the Housing Choice Voucher and Moderate Rehabilitation Programs

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Recommendation
It is recommended that the Board of County Commissioners (BCC) approve the attached Miami-Dade Public Housing Agency's (MDPHA) Section 8 Administrative Plan for the Housing Choice Voucher and Moderate Rehabilitation Programs.

Scope
This resolution is associated with the Housing Choice Voucher and Moderate Rehabilitation programs administered by MDPHA. Other housing authorities exist within Miami-Dade County, such as Hialeah Housing Authority, Housing Authority of Miami Beach, and Homestead Housing Authority, which administer their independent Housing Choice Voucher and Moderate Rehabilitation Programs along with the policies approved in their Administrative Plan.

Fiscal Impact
This resolution does not create a negative fiscal impact to the County.

Background
Pursuant to the federal regulations promulgated by the United States Department of Housing and Urban Development (US HUD), MDPHA is required to adopt and implement policies and procedures for its Housing Choice Voucher and Moderate Rehabilitation Programs, including policies for selection from the waiting list, program eligibility requirements, unit selection, and program hearings and termination. The BCC approved the current Administrative Plan on July 10, 2007 through Resolution R-800-07.

The purpose of the Administrative Plan is to establish policies for MDPHA to follow in determining eligibility for the admission of applicants and the continued assistance of program participants under the Housing Choice Voucher and Moderate Rehabilitation Programs. These guidelines are governed by the regulations and requirements set forth by US HUD.

Effective April 1, 2009, the Housing Choice Voucher program is under the administration of a private contractor, Florida Quadel.

Overall revisions throughout the Section 8 Administrative Plan

- The Agency's name is now reflected as MDPHA, and the address and telephone numbers are updated as a result of the relocation to the Overtown Transit Village North.
- Added reference to the fact that the program is administered by MDPHA and/or its authorized contractor.
- Removed all references to assisting Mobility Pool members under the now expired Ann Marie Adker Decree.
- Removed references to the old Welfare To Work Program.

A summary of the changes recommended by staff is listed below by chapter in the Section 8 Administrative Plan. As detailed in the following section, additional changes were recommended as a result of the comment period.

Ch. 1 Program Administration

- Language related to the now expired Ann Marie Adker Consent decree was modified to reflect this fact.
- Incorporated the requirements of the BCC Resolution R-1075-09, adopted on September 1, 2009, to ensure the continuation of certain provisions as a result of the Adker Consent Decree.

Ch. 2 Eligibility for Admission and Processing of Applications

- Ensured consistency between the Administrative Plan and the MDPHA ACOP for affirmative marketing, waiting list administration, qualification for and denial of admission to the program, and the screening process.
- Updated the policies related to the interview and verification process and the requirement for Social Security numbers from all household members, regardless of age.
- Added a preference for the new admissions of veterans.
- Included information regarding the use of US HUD's Enterprise Income Verification system during the eligibility determination process.
- Project-based units (such as Moderate Rehabilitation) will be offered by geographical zones.

Ch. 7 Determination and Verification of Annual Income

- Increased the threshold for reporting fraud cases to the Office of the Inspector General from $4,800 per year to $10,000 per year.

Ch. 10 Housing Quality Standards and Inspections

- Removed references to inspection procedures.
- Revised timeframes for completing required corrective actions.
- Deleted reference to non-Housing Quality Standards (HQS) requirements.
- Clarified the responsibilities of the property owner and the tenant with regard to providing timely access for inspections, expectations for timely corrective action, and penalties for non-compliance.

Ch. 12 Security Deposits and Late Fees

- Clarified under what circumstances property owners may be eligible to request and receive a fee from MDPHA for late HAP payments, which is 60 days after an owner should have received the HAP payment.
- Added a stipulation that no late fee shall exceed $50 per occurrence.

Ch. 29 Informal Hearing and Review Procedures

- Revised the time allowed to request a hearing from 30 to 15 calendar days.
- Revised the time for the MDPHA or its authorized contractor to schedule a hearing from 21 to 30 calendar days.

The Administrative Plan for the Housing Choice Voucher and Moderate Rehabilitation Programs was posted for public comment during a 30-day period, from December 29, 2009 through January 27, 2010. A public hearing was held on February 10, 2010. Comments were received and reviewed. Pursuant to the comments, the following additional revisions to the Administrative Plan were incorporated.

Overall revisions throughout the Section 8 Administrative Plan

- Minor scrivener's errors were corrected and sections reworded to provide further clarification.

Ch. 13 Tenancy Approval

- To comply with settlement agreement in Coronado v. Miami-Dade County (Case No. 08-22019), Request for Tenancy Approval (RFTA) will be processed within 15 days instead of 30 given all documents are submitted, completed and executed, the rent is determined as reasonable or negotiated, and the unit passes HQS inspection.

Ch. 14 Housing Assistance Payments

- When a landlord terminates a lease, payments will continue until the tenant vacates the unit instead of the date on the landlord's notice.

Ch. 23 Foreclosures

- To comply with US HUD Public and Indian Housing (PIH) Notice 2009-17, wording added to protect tenant in case of foreclosure of the property.

Attachments

Irene Taylor Wooten
Special Assistant to the County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 4, 2010

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(G)(1)(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(G)(1)(A)
5-4-10

RESOLUTION NO. _____

RESOLUTION APPROVING THE SECTION 8 ADMINISTRATIVE PLAN FOR THE MIAMI-DADE PUBLIC HOUSING AGENCY (MDPHA) HOUSING CHOICE VOUCHER AND MODERATE REHABILITATION PROGRAMS; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO MODIFY AND APPROVE CHANGES TO SECTION 8 ADMINISTRATIVE PLAN AS REQUIRED BY REGULATORY, AMENDMENTS, OR COURT ORDERS, DECREES OR SETTLEMENT AGREEMENTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which are incorporated herein by reference; and

WHEREAS, a copy of the Section 8 Administrative Plan for the Miami-Dade Public Housing Agency (MDPHA) Housing Choice Voucher and Moderate Rehabilitation Programs is attached hereto and incorporated herein by reference; and

WHEREAS, MDPHA is responsible for providing safe, decent and sanitary affordable housing opportunities to the income groups defined by the United States Department of Housing and Urban Development (HUD) as extremely low, low, and very-low income residents living in public housing,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA that this Board approves the revisions to MDPHA's Section 8 Administrative Plan for the Housing Choice Voucher and Moderate Rehabilitation Programs, and authorizes the Mayor or the Mayor's designee to modify and approve changes to the Section 8 Administrative Plan as required by regulatory amendments or court orders, decrees or settlement agreements.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of May, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith

...USING AUTHORITY OF THE CIT... ...F MIAMI BEACH
PUBLIC COMMENT NOTICE
PUBLIC HEARING NOTICE

The Housing Authority of the City of Miami Beach (HACMB) is placing for public view and comment, its 5-Year Plan and Annual Plan for the Fiscal Year 2010. The Plans will be placed for public view and comment for 45 days starting on Thursday, January 7, 2010 through Monday, February 22, 2010 between the hours of 9:00 a.m. and 5:00 p.m. in the HACMB Executive Office, located at 200 Alton Road, First Floor, Miami Beach, Florida. All comments must be submitted in writing and received no later than February 23, 2010 at 9:00 a.m. at the following address:

HACMB Executive Office
Ref: Annual Plan/Plans
200 Alton Road
Miami Beach, FL 33139

There will be a Public Hearing at the HACMB for the purpose of discussing its 5-Year Plan and Annual Plan for Fiscal Year 2010. The hearing will take place on Tuesday, February 23, 2010 beginning at 9:00 a.m. in the Rebecca Towers North Multi-Purpose Room, 200 Alton Road, Miami Beach, Florida. All interested persons are welcomed to attend and shall be heard.

In compliance with the Americans with Disabilities Act (ADA), please contact the Housing Authority of the City of Miami Beach at (305) 532-6401 one week in advance if special accommodations are required.

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PUBLIC NOTICE

THIS IS A CORRECTION TO A PRIOR NOTICE

Miami-Dade Public Housing Agency
Update of the Section 8 Administrative Plan

COMMENT PERIOD and PUBLIC HEARING
Miami-Dade Public Housing Agency (MDPHA) hereby advertises the proposed updates for the Administrative Plan for Miami-Dade Public Housing Agency, Housing Choice Voucher and Moderate Rehabilitation Programs.

30-day comment period: 12-29-09 to 1-27-10. Send written comments to Director, MDPHA, 701 NW, 1 Ct., 16. Floor, Miami, FL 33136.

Public Hearing: 2/10/10 – MDPHA Board Room, 1401 NW 7 St., Miami, FL 33125, 4 PM.

For more information visit: www.miamidade.gov/housing.

MDPHA does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-4229 at lease five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.

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DEATHS

KIM PEEK, 58

Inspired 'Rain Man'

BY BRUCE WEBER
New York Times Service

In 1988 the film *Rain Man*, in which Dustin Hoffman played an autistic savant, shed a humane light on the travails of autism while revealing the extraordinary powers of memory that a small number of otherwise mentally disabled people possess, ostensibly as a side effect of their disability.

The film won four Oscars, including best picture, best actor and, for Barry Morrow and Ronald Bass, best original screenplay. But it never would have been made if Morrow hadn't had a chance meeting with Kim Peek, who inspired him to write the film.

Peek was not autistic — not all savants are autistic and not all autistics are savants — but he was born with severe brain abnormalities that impaired his coordination and made ordinary reasoning difficult. He could not dress himself or brush his teeth without help. He found metaphoric language incomprehensible and conceptualization baffling.

But with an astonishing skill that allowed him to read facing pages of a book at once — one with each eye — he read as many as 12,000 volumes. Even more remarkable, he could remember what he had read.

Peek, who died Dec. 19 at home in Salt Lake City, had perhaps the world's most capacious memory for facts. He was 58. The cause was a heart attack, said his father, Fran Peek.

Almost all documented savants — people with an extraordinary depth of knowledge and the ability to recall it — have been restricted in their expertise to specific fields like mathematics, chess, art or music. But Peek had a wide range of interests and could instantly answer the most arcane questions on subjects as diverse as history, sports, music, geography and movies.

"He was the Mount Everest of memory," said Dr. Darold A. Treffert, an expert on savants who knew Peek for 20 years.

YVES ROCHER, 79

Beauty products magnate

PARIS — (AP) — French businessman Yves Rocher, founder of a global chain of beauty products and a pioneering advocate of the use of plants and other natural elements in cosmetics, has died in Paris at age 79, officials said.

Rocher, who died Saturday, is to be buried Wednesday in the Brittany town of La Gacilly where he was born and where he served as mayor from 1962 to 1988, according to the town's website.

Inspired by the herbs and plants of his native region, Rocher founded the company that bears his name in 1959 as a mail order company.

He transformed it into one of France's most well-known beauty brands, with annual sales of $2.88 billion and with 2,000 stores worldwide.

President Nicolas Sarkozy paid homage to Rocher in a statement, calling him "a great French industrialist, inventor of plant-based cosmetics and a pioneer of mail order sales."

The Groupe Yves Rocher also owns other brands, including 'children's apparel company Petit Bateau.

Rocher's 31-year-old grandson, Bris, succeeds his grandfather at the company's head, according to reports in French newspapers.

DEATHS | JOHANN GOKOOL, 1978-2009

Sailor disabled in USS Cole attack

• GOKOOL, FROM 1B

so if he has an attack, he won't distract or hurt me."

Gokool, say relatives, frequently stayed up all night chatting online with military buddies around the world.

During the day, he couldn't make plans, his sister said.

"He didn't like to be in public in strange places . . . He'd be stuck in his room for days. He lived like an owl" she said

He talked about the explosion all the time, she said. "Anybody who would listen, he would talk."

Born in Trinidad, Johann Gokool was 8 years old when the family moved to South Florida. His father, Ramish, is Hindu, of Indian heritage; his mother, Liah, is French Creole Catholic.

Brothers Angelò and Hamish Gokool of Homestead, and Owen Paponette of Richmond, Va., also survive.

After graduating from Southridge High School in 1997, Johann joined the U.S. Army, then transferred to the Navy and went through boot camp at Chicago's Naval Station Great Lakes.

"He would have been a 'lifer,'" said Natala, herself an Army veteran. "He loved it so much."

But on Oct. 12, 2000, as the Cole refueled at the port of Aden, Yemen, terrorists rammed it with an explosives-filled boat, tearing a 40-foot gash in the hull and triggering deadly fires.

Gokool was in the mess hall.

"When the explosion went off, everything was in slow motion, like a movie," he told The Miami Herald in 2005. "My body spun around and I could smell smoke and fuel."

He fell four stories into an engineering room, where he lay unconscious for half an hour. When he awoke, he tried to climb into an escape trunk: a four-story ladder inside a metal tube.

Then he realized his legs were mangled.

"I don't want to die here," he told himself as he inched up the ladder, hand over hand.

At the top, he found himself trapped by a damaged steel door. He banged on it until rescuers found him.

His family saw the news on television.

"The same day, I knew he was alive," Ramish Gokool said, "but [Navy officials] never told us the extent of the injuries."

Johann was flown to a military hospital in Germany, then to the Naval Medical Center Portsmouth in Virginia. Gangrene was spreading up his left leg.

"Johann made the decision to take the leg off," said his father, a police officer in Trinidad and security guard in South Florida. "That took such a weight off me."

President Bill Clinton visited the hospital, and shook Johann Gokool's hand.

"The president . . . told me to hang in there," Gokool told The Herald. "I told him not to worry, that I'd make it, and to prove it, I'd open a nightclub and he'd be the first musician I'd invite so he could watch me dance on one leg while he played the sax. I mean, I was on morphine at the time."

As he recovered, Gokool learned to get around on a prosthetic leg — three, actually, his father said: one for walking, one for running track, one for swimming. And he sought PTSD treatment at the Veterans' Administration Medical Centers in Miami and Homestead.

They tried hypnosis and a hyperbaric chamber, Ramish Gokool said, but nothing helped. Several years ago, Johann stopped taking mood-altering medications because of the side effects, Natala said.

When he was awake, the episodes were generally mild, she said. When they struck in his sleep, he would thrash uncontrollably.

"We had to restrain him," said Natala, project coordinator for a Miami architecture firm. "Once, he got loose and hit me with such force I went through the [open] front window."

Later, he'd have no memory of the incidents.

"When he was doing well, he was outgoing," she said. "He spoke to everyone and was very friendly," a practical joker who would play tricks with his prosthetic leg.

"When he wasn't doing well, it was physically exhausting."

When he could, Gokool spoke to school kids about overcoming adversity. He played cards on Monday evenings, and had an on-again, off-again relationship with a longtime girlfriend.

He loved Buffalo wings, Caribbean dishes like curried crab and shrimp, and all kinds of music, from German punk rock to a bagpipe version of *Amazing Grace* to Sean "Diddy" Combs' raps.

He was clean-cut and preppy, Natala said. "He didn't own a pair of jeans."

Drenched in Davidoff's Cool Water cologne, he'd declare: "I want to look sharp and smell good."

A Naval honor guard will participate in funeral services after the 9-to-11 a.m. visitation Saturday at Branam Funeral Home, 809 N. Krome Ave., Homestead.

The family plans to take his ashes to Arlington National Cemetery, where the Cole dead lie in a special section.

"He always said he wanted to be interred with his buddies up there," his father said.

ENVIRONMENT

Mining could spark outcry

BY DAVID FLESHLER
Sun Sentinel

The Seminole Tribe has applied for a permit to expand a rock mine in a remote corner of northwest Broward County in a proposal that could generate opposition from environmentalists concerned about the Florida panther.

The tribe has asked the U.S. Army Corps of Engineers for permission to destroy 198 acres of wetlands to mine limestone on its Big Cypress Reservation, a place of pastures, forests and wetlands where panthers hunt deer, hogs and other prey.

The rock would be used mainly to rebuild a bridge, widen shoulders and make other safety improvements to Snake Road, a notoriously dangerous road that winds through the reservation.

But the project could face a fight from conservationists concerned about the construction of housing developments, roads and other developments in the endangered cat's shrinking habitat.

"The panther is getting squeezed," said Matthew Schwartz, Everglades chairman of the Broward Group of the Sierra Club, who has led hikes through the area and seen panther tracks. "Each development may not be the final nail in the coffin, but it's the cumulative impact. It's not just the rock mine, it's the residential development on the western side of Big Cypress."

The Corps of Engineers plans to seek an opinion from the U.S. Fish and Wildlife Service on the likely impact on the panther. But many environmentalists have little faith in the government's willingness to stop or restrict projects that could threaten the endangered cat.

Although rock mining typically involves blasting, no explosives would be used for this one, according to the Corps of Engineers. Using a backhoe, the tribe's workers would mine in strips 20 feet deep, 200 feet wide and 2,195 feet long, leaving behind rock pit lakes.

To mitigate the loss of wetlands, a federal requirement, they have proposed making improvements to 736 acres of existing wetlands on the west side of the reservation, which the tribe says will improve the habitat for panthers and endangered wood storks.

AROUND FLORIDA

• FORT PIERCE

Cops: Man shot boy with a pellet gun

From Miami Herald wire services

A St. Lucie County man is accused of trying to teach a boy a lesson by shooting him with a pellet gun.

According to a St. Lucie County Sheriff's Office arrest report, Christopher Fred Cady, 39, shot the boy in the chest with the pellet gun, a Christmas gift, after the child shot an autistic cousin with the gun.

Cady reportedly was trying to show the boy that getting shot with a pellet gun can hurt.

According to online records, Cady was charged with cruelty toward a child without great harm and held on $500 bond. He was also charged with violating sex-offender laws by failing to report a name or residence change.

• WEST PALM BEACH

BORDER AGENT ARRESTED IN STANDOFF

Authorities said a U.S. Border Patrol agent remained hospitalized after a weekend standoff with Palm Beach County sheriff's deputies.

Luis Paul Rodriguez, 52, was arrested Sunday at his home near West Palm Beach.

Authorities say a domestic dispute between Rodriguez and his wife escalated into an armed standoff that ended with Rodriguez being shot by a deputy with a nonlethal weapon.

They said Rodriguez pointed a gun at deputies.

Rodriguez faces multiple charges, including aggravated armed assault on a law officer.

• FORT MYERS

WOMAN ENTERS PLEA IN SOLDIER'S DEATH

A Southwest Florida woman has pleaded no contest in connection with a fatal car crash that killed a 23-year-old soldier and seriously injured his wife.

Ashley Brooke East entered the plea Monday, more than two years after the December 2007 crash. She will be sentenced in February, and could serve up to 30 years in prison.

Authorities said East fled after her Ford pickup truck slammed into Staff Sgt. Danny Beougher's vehicle. East was arrested in New Jersey and charged with driving under the influence and other charges.

Beougher was a member of the 82nd Airborne Division and had served in Afghanistan and Iraq. He was visiting his family in Cape Coral when he was killed.

• OCALA

BABY WHOOPING CRANES COMING TO STATE

Twenty endangered birds are learning how to migrate to Florida.

Operation Migration pilots in ultralight aircraft have been leading whooping crane chicks from Wisconsin since Oct. 16. Half the chicks will end their journey at St. Marks National Wildlife Refuge in the Florida Panhandle. The others will stop at the Chassahowitzka National Wildlife Refuge in Central Florida.

In the spring, the birds will return north on their own.

The 12 male and eight female chicks are grounded in Franklin County, Ala., until at least Tuesday, waiting for crew members to return from a holiday break.

Officials say this year's birds will boost the total to 100 whooping cranes in the eastern migratory flock. The only existing wild migrating flock flies from Canada to the Texas Gulf Coast.

• NEW SMYRNA BEACH

JANITOR CLEANS UP WITH OLYMPICS JOB

A 57-year-old New Smyrna Beach janitor is headed to the 2010 Olympic Games.

Tony Hamilton won't compete in Vancouver — he'll be helping clean up. Hamilton has been selected as one of eight housekeeping supervisors who will oversee cleaning crews working in athletes' rooms.

Hamilton will take three months off from his regular job at the Bert Fish Medical Center to assume his responsibilities at the Vancouver Games.

MIAMI-DADE COUNTY

PUBLIC NOTICE

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Miami-Dade Public Housing Agency
Update of the Section 8 Administrative Plan

COMMENT PERIOD and PUBLIC HEARING
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30-day comment period: 12-29-09 to 1-27-10. Send written comments to Director, MDPHA, 701 NW, 1 Ct., 16 Floor, Miami, FL 33136.

Public Hearing: 2/10/10 – MDPHA Board Room, 1401 NW 7 St., Miami, FL 33125, 4 PM.

For more information visit: www.miamidade.gov/housing.

MDPHA does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-4229 at least five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.

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ADEM641

8

BUENOS AIRES (EFE).- El sobreseimiento de la causa por presunto enriquecimiento ilícito contra la presidenta argentina, Cristina Fernández, y su esposo y antecesor, Néstor Kirchner, fue apelado por el abogado que había denunciado al matrimonio.

Fuentes judiciales indicaron que el abogado Enrique Piragini presentó un escrito en el que sostiene que el reciente sobreseimiento es una "prematura decisión judicial al no haberse agotado la pesquisa ni realizado toda una serie de medidas concernientes a la comprobación de hechos investigados".

Piragini amplió a comienzos de este mes la denuncia contra el matrimonio, que en julio pasado habían presentado legisladores de la opositora Coalición Cívica, luego de que la prensa local informara que el patrimonio de los Kirchner aumentó un 158 por ciento el año pasado.

"Resulta llamativo que el magistrado se haya conformado con un informe presentado por dos peritos de la Corte Suprema de Justicia, pertenecientes a un cuerpo sobre el que pesan graves sospechas", señaló en el escrito Piragini, quien debe ser confirmado como querellante por la Cámara Federal de Buenos Aires para que su apelación sea tomada en cuenta.

El texto añade que "el juez nunca convocó a los inquilinos que aparecen pagando sumas de alquileres desproporcionadas, ni estableció la veracidad de la documentación que respalde los asientos contables".

El pasado 1º de diciembre, el juez federal Norberto Oyarbide sobreseyó la causa por presunto enriquecimiento ilícito contra la presidenta y su esposo, después de que el magistrado recibiera los resultados de unas pericias efectuadas por expertos de la Corte Suprema de Justicia.

Oyarbide ordenó esa pericia después de que la Oficina Anticorrupción emitiera un dictamen con algunas observaciones sobre la declaración jurada que el matrimonio presidencial hizo a la Administración Federal de Ingresos Públicos.

Ni el fiscal Eduardo Taiano ni la Fiscalía de Investigaciones Administrativas apelaron hoy, cuando se cumplía el plazo, la resolución de Oyarbide, por lo que el sobreseimiento de la causa está a un paso de quedar firme, indicaron fuentes judiciales.

La inacción de Taiano fue repudiada por la Unión Cívica Radical (UCR), el principal partido de la oposición, que aseguró que promoverá un juicio político contra el fiscal.

Argentina celebra boda gay

Primera en Latinoamérica

BUENOS AIRES (AFP) - Alex Freyre y José María Di Bello se casaron en un registro civil de la ciudad de Ushuaia (3.500 km al sur de Buenos Aires) y se transformaron en los primeros protagonista de una boda gay en Argentina y en América latina, confirmó la pareja a la prensa.

"Hoy nos casamos en Ushuaia", reveló Freyre en comunicación telefónica desde la ciudad austral, al canal Todo Noticias de Buenos Aires.

Freyre (39 años) y Di Bello (41) habían intentado casarse el pasado 1 de diciembre, tras obtener una autorización para el enlace, pero cuando todo estaba preparado para la ceremonia en un registro civil porteño, una controversia judicial impidió el trámite.

Ambos se encontraban en la capital de la provincia de Tierra del Fuego cumpliendo tareas ad honorem que realizan para el Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo (INADI).

"Es un hecho histórico", dijo Claudio Morgano, testigo de la boda y presidente del INADI, el organismo oficial que ofició de facilitador del matrimonio, en declaraciones a la prensa desde Ushuaia.

MIAMI-DADE COUNTY

AVISO PÚBLICO

ESTO ES UNA CORRECCION A UN AVISO ANTERIOR

Agencia de Viviendas Públicas de Miami-Dade Actualización del Plan Administrativo de la Sección 8

PERÍODO DE COMENTARIOS Y AUDIENCIA PÚBLICA

La Agencia de Viviendas Públicas de Miami-Dade (MDPHA, sigla en inglés) anuncia por la presente que se propone realizar actualizaciones al Plan Administrativo de la Agencia de Viviendas Públicas de Miami-Dade, a el Vale para la Selección de Viviendas y al Programa de Rehabilitación Moderada.

Período de 30 días para presentar comentarios: 12-29-09 hasta el 1-27-10. Envíe los comentarios por escrito a: Director, MDPHA, 701 NW, 1 Ct., 16 Floor, Miami, FL 33136.

Audiencia Pública - 2/10/2010, a las 4:00 p.m., en el Salón de la Juntas (Boardroom) de MDPHA, 1407 NW 7th Street, Miami, Florida 33125.

Para obtener más información visite: **www.miamidade.gov/housing**

La MDPHA no discrimina por razón de raza, sexo, color, religión, estado matrimonial, origen nacional, discapacidad, ancestros, orientación sexual, edad, embarazo o situación familiar, en lo relacionado al acceso a, o admisión a, o empleo en programas o actividades de la vivienda. Si necesita un intérprete del lenguaje de las señas o materiales en formato accesible para este evento, sírvase llamar al 786-469-4229 con no menos de cinco días de anticipación. Los usuarios de TDD/TTY pueden contactar al Florida Relay Service al 800-955-8771.

DIARO LAS AMERICAS 12-29-09

SECTION 8 ADMINISTRATIVE PLAN

FOR THE

MIAMI–DADE PUBLIC HOUSING AGENCY

HOUSING CHOICE VOUCHER

AND

MODERATE REHABILITATION PROGRAMS

Miami-Dade Public Housing Agency
701 NW 1st Court, 16th Floor
Miami, Florida 33136-3914

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MIAMI-DADE PUBLIC HOUSING AGENCY

ADMINISTRATIVE PLAN
HOUSING CHOICE VOUCHER PROGRAMS

Chapter 1. Program Administration

1.1. Purpose of the Plan

This Administrative Plan is a supporting document to Miami-Dade Public Housing Agency's (MDPHA) Public Housing Agency (PHA) Plan. It shall be available for public review during regular office hours Monday through Friday at its main administrative offices located at 701 NW 1st Court, 16th Floor, Miami, Florida 33136-3914.

The purpose of this Administrative Plan is to establish written policies in accordance with the United States Department of Housing and Urban Development (USHUD) regulations in regards to matters which are not covered under the USHUD regulations, but left to local discretion, for the Housing Choice Voucher and the Moderate Rehabilitation Programs (unless specifically stated as being solely a Moderate Rehabilitation Program requirement, all references to these programs are referred to as the "Housing Choice Voucher" Program). The programs are established under Section 8 of the United States Housing Act of 1937. The regulations that govern the programs are documented in 24 Code of Federal Regulations (CFR) Parts 5, 982, and other applicable regulations promulgated by the USHUD.

The goal of this Administrative Plan for the Housing Choice Voucher and Moderate Rehabilitation Programs is to achieve three major objectives:

1. To provide improved living conditions for low income families while maintaining their rent payments at an affordable level;

2. To provide decent, safe, and sanitary housing for eligible program participants; and

3. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments.

In addition this Plan advocates the following:

1. Protection of the rights of owners and participants in all neighborhoods

2. Protection of low income working families assisted through the Housing Choice Voucher Program from inflated rents

3. Provision to any resident of Miami-Dade County who wants access to a copy of this Plan and to explain how to file complaints

4. Ensure Housing Choice Voucher Program owners meet all financial obligations to local governments

5. Requires owners and tenants to meet requirements of federal housing regulations and this Administrative Plan

1.2 Miami-Dade Public Housing Agency (MDPHA)

Miami-Dade County, the local government entity responsible for affordable housing programs, administers the Housing Choice Voucher Programs through one of its departments, the Miami-Dade Public Housing Agency, hereafter referred to as "MDPHA." The MDPHA has contracted with a private contractor (Quadel Consulting Corporation) for day-to-day administration of its Housing Choice Voucher Programs. The current contract term ends on December 31, 2010 with the possibility to extend the term for up to three (3) additional years. Any policy revisions to this Administrative Plan after its adoption requires approval from the Miami-Dade Board of County Commissioners or other authorized MDPHA officials. References made to "MDPHA or its authorized contractor" in this Administrative Plan refer to the private contractor for the MDPHA, based upon its scope of work with MDPHA.

Administration of the Housing Choice Voucher programs shall comply with applicable Federal, State and local law, the Housing Choice Voucher regulations, handbooks, and policies promulgated by USHUD, and other federal laws including the Fair Housing Act, as amended, The Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 3 of the Housing and Urban Development Act of 1968, as amended.

1.3 Jurisdiction of the Agency

MDPHA has jurisdiction throughout all of incorporated and unincorporated Miami-Dade County for the Housing Choice Voucher Program. Although several housing agencies have been established within the various municipalities of Miami-Dade County, federal regulations allow the Voucher holder (also known as Housing Choice Voucher participant) to use the assistance anywhere there is a housing agency or authority implementing the Housing Choice Voucher program (see Chapter 18 on "Portability").

1.4 Location of Office

The MDPHA's authorized contractor maintains a main office at 7400 NW 19th Street, Bay H, where Housing Choice Voucher applicants and program participants are served. The MDPHA may, at its sole discretion, authorize the private contractor to establish/relocate or close its offices in order to serve the participants of Miami-Dade County more effectively. Therefore, the office serving a client may change and the MDPHA or its authorized contractor will so notify the affected tenants. The MDPHA or its authorized contractor's offices shall be accessible to persons with disabilities.

1.5 Administrative Fee Reserve

Federal regulations require the Board of County Commissioners establish the maximum amount of Annual Contributions Contract (ACC) funds that may be charged against the administrative fee reserve *without specific* Board approval. However, the MDPHA will request Board approval to access the administrative fee reserve in the ACC for awards and contracts exceeding $100,000.

1.6 Ann Marie Adker Consent Decree, et al v Miami-Dade County and USHUD (Adker Decree)

The Adker Decree expired August 1, 2009. MDPHA will ensure that the eligibility process is completed for mobility pool members that commenced the process prior to the expiration of the Adker Decree. Notwithstanding the expiration of the Adker Decree, MDPHA shall comply with Miami-Dade Board of County Commissioners' Resolution No. R-1075-09 adopted on September 1, 2009. Pursuant to that resolution, MDPHA and all County departments that administer affordable housing programs shall:

1. Ensure that the mandates of the Adker Decree of providing desegregative opportunities to all residents, participants and applicants of public housing, Section 8 Housing Choice Voucher, Section 8 Moderate Rehabilitation and other federally subsidized project-based and tenant-based housing programs administered by the County are continued;

2. Maintain the current Adker-related provisions in the Miami-Dade Public Housing Agency's Admissions and Continued Occupancy Policy (ACOP) and Section 8 Administrative Plan;

3. Designate a person(s) or division within the Agency to be responsible for ensuring compliance with the terms of Board's resolution; and

4. Provide any reports required by the Board, the Mayor or the Mayor's designee.

1.7 Translation of Documents and Plan for Language Assistance for Limited English Proficiency (LEP) Persons

Executive Order 13166, "Improving Access to Services for Person with Limited English Proficiency", published on August 16, 2000, at 65 CFR 50121, requires every federal agency and its funding recipients including MDPHA to provide Limited English Proficiency (LEP) persons with meaningful access to the benefits, services, information, and other important portions of its programs and activities for LEP individuals and therefore comply with Title VI regulations.

Language for Limited English Proficiency (LEP) persons can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

The MDPHA and its contractor are committed to ensuring the accessibility of its programs and activities to all eligible applicants and program participants, including LEP persons. MDPHA or its authorized contractor staff shall ensure responsible steps are taken to provide high quality customer service and meaningful access to its programs and services to all eligible LEP persons by implementing the following activities:

1. When adult family members are LEP persons, staff will request the adult member to show the *Language Identification Flashcard*, created by the Census Bureau, if necessary, in order for the family to identify what language they speak. The MDPHA or its authorized contractor will identify staff or agencies fluent in Spanish, Creole, and American Sign Language to assist LEP applicants or tenants. For other languages, an interpreter will be contacted to assist staff in serving the family.

2. The primary language of all applicants and tenants will be identified in computer and tenant files to ensure appropriate resources are identified to provide assistance to LEP families, where applicable, with their appointments and interviews.

3. When the number of families speaking a non-English language exceeds five percent (5%) or 1,000 persons, whichever is less, of the number of persons eligible to be served or likely to be affected or encountered, the MDPHA or its authorized contractor translates vital documents into this language. Vital is defined as those documents addressing safety, participant rights, participant obligations, and communication regarding the loss of housing (i.e., eviction or program termination). The MDPHA has identified Spanish and Creole as a non-English language exceeding five percent (5%) of the program participants.

4. When the number of families speaking a non-English language exceeds 5% or 1,000, whichever is less, of the number of persons eligible to be served or likely to be affected or encountered, the MDPHA or its authorized contractor will actively recruit staff that speak, read and write this language. The MDPHA has identified Spanish and Creole as a non-English language exceeding 5% of the program participants.

5. The MDPHA or its authorized contractor will post signs in public places in languages known to be spoken by LEP applicants and participants to inform them help is available in their own language.

6. The MDPHA or its authorized contractor will provide training to new and current staff at employee orientation and annually regarding their role in assisting LEP families and to disseminate current information about resources available for LEP families and how to access these resources.

7. The plan shall be updated as required to comply with Executive Order 13166.

Chapter 2. Eligibility for Admission and Processing of Applications

2.1 Affirmative Marketing

MDPHA's marketing plan ensures inclusion on its waiting list of all people without regard to race, national origin, color, sex, religion, age, disability, familial and marital status, ancestry, sexual orientation, or source of income.
The opening of the waiting list will be advertised at a minimum in each of the following newspapers: *The Miami Herald*, the largest paper of daily general circulation; *The Miami Times*, the paper with the largest circulation among African-Americans; *Diario Las Americas,* a Spanish publication, the *Haiti en March*, a Haitian publication, and *The Voice*, a publication for disabled people. The opening and closing dates of any open waiting list period will be advertised in advance. The waiting list ranking process will be conducted per the State of Florida laws by lottery.

1. Outreach to Very-Low Income Families

   Efforts will be taken to ensure outreach to Miami-Dade County's eligible population providing information of all opportunities to apply for program assistance. In order to reach the widest eligible population, the agency may use special outreach in any of the following methods

   A. Notice to churches, synagogues, and other places of worship,

   B. Notice to government offices including but not limited to Miami-Dade County regional libraries, Miami-Dade County Community Action Agency, Social Security Administration, State of Florida Department of Children and Families, Legal Services of Greater Miami, Inc., or other agencies designed to assist the low income community;

   C. Notice to agencies that assist the elderly or disabled;

   D. Public service announcement on radio or television;

   E. Announcement at public meetings; and

   F. Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

2. Marketing and informational materials will:

   A. Comply with Fair Housing Act requirements on wording, logo, etc.;

   B. Describe the application process, waiting list and preference structure accurately;

   C. Use clear and easy to understand terms and distribute in more than English-language print media;

D. Contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/504/ADA-adaptable units are offered to applicants who need their features;

E. Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and

F. Be clear about MDPHA's responsibility to provide reasonable accommodations to people with disabilities.

2.2 Waiting List Management

MDPHA has one community-wide open enrollment that is organized by one waiting list with separate rankings for two programs, one for Project-based programs and another for Tenant-based programs:

1. The Project-based includes the following programs:

   A. Conventional Public Housing, including Assisted Living Facilities,

   B. County--owned Section 8 New Construction (*); and

   C. Section 8 Moderate Rehabilitation

   (*) County-owned Section 8 New Construction Developments: Miami Gardens, Wynwood, Singer Plaza, Little Havana I, Riverside, Gibson Plaza, Coconut Grove, Goulds and Perrine Rainbow. Effective February 1, 2008, the Section 8 New Construction developments have been transferred to the Office of Housing and Community Development (HCD). MDPHA will continue managing the Section 8 New Construction program waiting list and certifying eligible families until a formal request from HCD is approved to oversee the Section 8 New Construction program waiting list.

2. The Tenant-based may include the following programs:

   A. The Housing Choice Voucher Program, and all targeted programs including but not limited to,

   B. Family Unification Program;

   C. Mainstream Vouchers for Non-Elderly Persons with Disabilities; and

   D. Project-Based Voucher Program.

3. Position on Waiting List

   For the Project-based programs, each applicant will be categorized by the type (e.g., general occupancy, elderly designated buildings, unit with accessible features and size (number of bedrooms required) of unit.) Applicants who qualify for any local preferences that may be established shall be given priority for housing placement over non-preference applicants.

4. Movement on the Waiting List

   A. Each applicant moves up the waiting list in sequence, based upon:

      1) A neutral lottery system that determines the applicant's ranking on each waiting list by program.

2) Local preference.

3) Type and size of unit required.

When an applicant reaches the top for the Project-based program, the applicant's information will be verified, including any local preference request, so that the applicant may be certified eligible to receive benefits. Applicants failing to provide verification of local preference will not be eligible for said preference and will be restored to the general waiting list. Applicants determined ineligible for local preference will be promptly notified of their change in status.

Applicants determined ineligible will be promptly notified of their ineligibility and the reason for the determination, and shall be provided an opportunity for an informal review if requested within thirty (30) days of the notice.

B. Making Housing Offers to Eligible Applicants

1) MDPHA has divided the Project-based properties within Miami-Dade County into three geographical zones for purposes of making housing offers. Each zone shall have a mix of properties from the available programs (Public Housing, Section 8 New Construction, and Section 8 Moderate Rehabilitation). The geographical zones are described as follows: North, Central, and South. MDPHA reserves the right to adjust the boundaries and/or number of properties within the geographical zones.

2) To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, age, national origin, disability, ancestry, marital status, familial status, sex orientation or source of income, the following procedures will be used to make unit offers.

   a. The first qualified applicant in sequence on the waiting list is made unit offers of an appropriate size and type. Where possible, the offered units will be located in the Central, North, and South zones of Miami-Dade County.

   b. Maximum of twenty (20) eligible applicants are offered up to five (5) units; numbers may be altered depending on availability of units and other factors.

   c. The unit will be given to the first eligible applicant who responds with an acceptance, based on the date and time the acceptance response is received. If the applicant does not accept one (1) of the offers or does not respond to the offers within five (5) business days, he/she will be removed from the waiting list.

   d. If an applicant accepts one (1) of the units offered during the offer period, but the unit was assigned to another applicant based on the date and time of the acceptance response, he or she will receive additional offers.

   e. Subject to the process described above, any applicant who refuses an offer shall be removed from the Project-Based programs except if the applicant demonstrates good cause (as defined in Section E of this Chapter) for rejecting the offer.

   f. If during the first year of his/her lease, an applicant who has accepted a tenant-based subsidy and subsequently receives an offer for project-based assistance, or an applicant who has accepted project-based assistance and subsequently receives an offer for tenant-based assistance, must comply with the term of his/her lease. They may arrange a mutually agreed upon termination of the lease with the owner, provided that during the period in which the applicant is fulfilling the term of the existing lease, the applicant shall retain his or her position on the waiting list for the other type of housing program.

5. Changes to Family Composition

Changes to the family composition shall be considered and documented at the time of the initial certification of eligibility for the Housing Choice Voucher Program.

A. Requests for additions to the family composition are to be made in writing by the head of household and are restricted to:

1) Spouses, co-heads, or domestic partners, children born to, adopted, or otherwise granted custody by operation of law, including foster children. MDPHA or its authorized contractor will require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor in the family composition. Addition of minors may also be permitted for families in which one (1) or more children live with the designee of the parent or legal custodian, with the parent or custodian's written consent. Documentation can include but is not limited to court documents, pre-need guardian, school records, other state and federal public assistance documentation, or power of attorney.

2) Immediate relatives (sons, daughters, brothers, sisters, parents, grandparents and grandchildren), may be added for humanitarian and extraordinary reasons, including reasonable accommodation for a family member on a case-by-case basis and approved by the division director or designee.

B. Addition of a Live-in Aide

1) MDPHA or its authorized contractor will consider approval of a written request for a live-in aide as a reasonable accommodation, upon written verification that the elderly, near elderly or disabled person requires the services of a live-in aide.

2) The live-in aide is a household member not a family member. The income of the live-in aide is not considered towards the calculation of the family's annual income.

3) The live-in aide may live in the unit solely to care for the disabled family member and qualifies for occupancy as long as the individual requires the supportive services

4) A relative may be considered as a live-in aide, but must meet all the above criteria and be qualified to provide the care for the family member. The head of household and the live-in aide shall acknowledge that the live-in aide does not have any right to the voucher.

5) Under extraordinary circumstances, upon approval of the MDPHA or its authorized contractor, relatives satisfying the definition of a live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in aide. In such case, the relative's income will be considered in the family's annual income.

6) An eligible live-in aide must meet the admission criteria described in this chapter. This includes proof of citizenship or eligible immigration status and mandatory social security number. Criminal and sex offender background checks of the proposed live-in aide shall be completed prior to his/her approval. MDPHA or its authorized contractor has the right to deny the request for a live-in aide that does not meet the criteria described herewith.

C. Removals from the Family Composition:

1) Applicants:
   a. Any adult family member including the head of household requesting to be removed from the family composition must provide a notarized statement agreeing to the removal. MDPHA, at its discretion, may request additional documentation to verify the permanent relocation of the family member requesting removal.

   b. If the adult family member is unable to provide the notarized statement agreeing to removal from the lease, the head of household must provide a written statement explaining the reason why the family member is unable to provide the statement and provide supporting documentation, if available (e.g. death certificate, jail order).

2) Resident (continuous assistance):

   a. Any adult family member, including the head of household, requesting to be removed from the family composition, must provide a notarized statement agreeing to the removal, signed by the adult family member and the head of household. The notarized statement must be accompanied by two (2) pieces of supporting documentation showing that the family member is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, a copy of the dwelling lease agreement and official mail properly dated and showing the new address. MDPHA, at its discretion, may request additional documentation to verify the permanent relocation of the family member requesting removal.

   b. If the adult family member is unable to provide the notarized statement agreeing to removal from the household, the head of household must provide a written statement explaining the reason why the family member is unable to provide the statement and provide supporting documentation, if available (e.g. death certificate, jail order).

D. Removal of Applicant Names from Waiting List

1) If an applicant does not respond to notices of scheduled appointments or to Agency correspondence, even if no correspondence was received by the applicant because of a change in address, the applicant's name will be removed from the waiting list.

2) While each applicant is responsible for keeping MDPHA apprised of changes in address, phone number, income or other circumstances, no applicant shall be removed from the applicable waiting list (project or tenant-based) from which he/she has been called, except when one of the following situations occur:

   a. The applicant receives and accepts an offer of housing for project-based assistance from the project-based list or is issued a voucher for tenant-based assistance from the tenant-based list;

   b. The applicant requests that his/her name be removed from the project or tenant-based list.

2.3 Opening and Closing of the Waiting List

1. Timing

A. MDPHA may elect to dissolve the waiting list approximately every five (5) years. Once the waiting list is dissolved, re-application is necessary during the open registration period in order to be added to the new waiting list.

B. One lottery is conducted for the tenant-based waiting list and another lottery is conducted for the project-based waiting list. Ranking for each list is done through a computerized application and is verified by a neutral third party.

C. MDPHA may open the waiting list prior to the five (5) years if there are insufficient applicants for a particular bedroom size, type (e.g., general occupancy, elderly designated buildings, accessible or non-accessible), or for one or more of the local preferences.

D. The opening and closing of registration periods will be advertised in the media, as described in Section A of this chapter, for the purpose of reaching all segments of the community and providing advance notice.

2. Open Registration at Designated Locations

A. People interested in applying for the programs offered by MDPHA may do so during open registration periods described herein.

B. Applications will be available on-line at designated locations. Media advertisement and marketing providing notice of the opening of the waiting list will be conducted. The designated locations will be accessible to people with disabilities and will be part of the notice.

3. Submission of Applications

A. The waiting list registration period shall remain open for at least five (5) days.

B. Applications will be available electronically during the open registration period at www.miamidade.gov/housing. Assistance with the online submission may be available at locations specified in the media announcement throughout Miami-Dade County to enable access to all eligible applicants.

C. In the event that MDPHA decides to accept applications in person at designated locations, MDPHA will make reasonable accommodations for applicants with disabilities.

D. Only one application is allowed per family. Duplicate applications will be disregarded. Applications will be screened for duplicity to ensure that the applicant or any other adult family member listed in the application has not submitted another application.

E. If an applicant is determined ineligible, the applicant is entitled to an informal review.

2.4 Processing Applications for Admission

All applicants will certify that the information provided in the pre-application is true and accurate. Verification of all information provided will be sought as part of the eligibility process.

1. All applicants are responsible for updating MDPHA regarding changes of address and other contact information. If an applicant does not respond to notices of scheduled appointments or MDPHA correspondence requiring information, the applicant's name will be removed from the waiting list. If removed from the waiting list, applicants will have a right to request an informal review in accordance with Section 29.2, (Applicant reviews).

2. Applications are nontransferable, except under the following conditions:

A. If the head of household deceases prior to or during the application process, one of the remaining adult family members on the application will automatically become the head of

household, provided such person meets all eligibility requirements. In circumstances where there is more than one (1) surviving adult family member, the family shall determine which surviving family member should be head of household as long as they are part of the original application. MDPHA shall not make the determination nor create more than one (1) application.

B. If the head of household is deceased and the remaining family members are minors, the person granted legal custody of such children will become the head of household and is entitled to the original application and ranking number, provided such person meets all eligibility requirements.

C. Only one application is allowed per family. Therefore, if a family divides, MDPHA will consider the following circumstances in determining which family member shall assume the application:

1) The desires of the family;

2) The interest of minor children, or disabled or elderly family members;

3) Any instance of actual or threatened physical violence against a family member by another family member;

4) Which family members were part of the original application for assistance; or

5) If a court determines property disposition between the family members, MDPHA will abide the court's determination.

2.5 Administering the Applicant Waiting List

Applications for admission will be processed centrally. Initial intake, screening, and voucher issuance will be made by the MDPHA or its authorized contractor.

2.6 Qualifying for Admission

1. Placement on the waiting list does not indicate that the applicant is eligible for admission. A final determination of eligibility will be made when the applicant is selected for interview from the waiting list. It is MDPHA's policy to admit into its housing programs only qualified applicants.

2. An applicant is qualified if he/she meets all of the following criteria:

A. Is a family, as defined in the Appendix

B. Meets USHUD requirements on citizenship or immigration status as described in item # 3 below;

C. Is within USHUD's established income limits for new applicants or continually assisted tenants;

D. Provides documentation of Social Security numbers for all family members, except for those individuals who do not contend that they have eligible immigration status (as described in item # 4 below-Mandatory Social Security Numbers).

E. A full or part-time student at an institution of higher education is not eligible for the program if they also meet the following criteria:

1) is under the age of 24;

2) is not a veteran of the U.S. military;

3) is unmarried;
4) has no dependent children;

5) is not a person with a disability; and

6) is not otherwise eligible, or has parents who, individually or jointly, are not income eligible for the program.

3. Citizenship or Eligible Immigration Status

In order to determine the family's eligibility for full assistance or prorated assistance, MDPHA is required to determine the citizenship and/or immigration status of each individual family member, unless they do not contend that they have eligible immigration status. To be eligible to receive housing assistance at least one family member must be either a citizen, a national of the United States, or have eligible immigration status. A "mixed family" includes ineligible noncitizens and may be eligible for prorated assistance. Details of the requirements are described below:

A. There are four categories of citizenship/immigration status:

1) Eligible citizen

2) Eligible noncitizen

3) Ineligible noncitizen

4) Pending verification

B. The Declaration of Citizenship or Eligible Immigration Status form must be signed by all family members (or by parent or guardian if family member is a minor) and must submit proof as follows:

C. Acceptable documentation of eligible citizenship status is one of the following documents:

1) U.S. Passport (unexpired)

2) U.S. Birth Certificate

3) Certificate of Citizenship

4) Naturalization Certificate

5) Voter's Registration

D. A noncitizen must have permanent residence, refugee or asylee status to be eligible for assistance. Acceptable document of eligible immigration status for noncitizens is one of the following documents:

1) Permanent residents: Permanent Resident Card (Form I-551), also known as the "Green Card."

2) Asylees: Asylum Approval Notice and Employment Authorization Document (EAD), or Arrival-Departure Record (Form I-94), along with government-issued ID card with photo.

3) Refugees: Refugee Approval Notice and Employment Authorization Document (EAD).

4) Non-citizens sixty-two (62) years of age and older receiving assistance under a covered program on September 30, 1996 or applying for assistance after that date: Signed declaration of eligible immigration status and proof of age.

E. Documents must be current and unexpired.

F. Declaration of Ineligible Immigration Status: An individual may contend not to have eligible immigration status. The family must identify in writing which family member does not contend to have eligible immigration status. A single member household without eligible citizenship or immigration status is not eligible for assistance and may not be admitted into the program.

G. As long as one family member is either a citizen or eligible noncitizen, the family may qualify as a "mixed family" and the housing assistance must be prorated based on the family members who are either citizens or eligible immigrants, which means they will pay a higher rent than they would if all family members were either citizens or eligible (24 CFR 5.508).

H. A mixed family is composed of both eligible and ineligible members. A mixed family may be qualified for continued assistance if it meets all of the following conditions:

1) The family was receiving assistance under a Section 214 covered program on June 19, 1995, which is when the Noncitizens rule became effective.

2) The head of household, spouse, or co-head has eligible immigration status (24 CFR 5.506).

3) The family does not include any person without eligible immigration status other than the head of household, spouse, co-head, and parents or children of the head, spouse, or co-head. A family granted continued assistance before November 29, 1996 is entitled to receive non-prorated assistance. A family granted assistance after November 29, 1996 must receive prorated assistance (24 CFR 5.518(a) (2).

I. Documentation proving citizenship or eligible immigration status must be provided to MDPHA or its authorized contractor within ten (10) business days. MDPHA or its authorized contractor may extend the submission period, which shall not exceed thirty (30) days. The family members coded as eligible noncitizens are required to submit evidence of changes in eligible immigration status while being continuously assisted under the program. MDPHA or its authorized subcontractor shall verify with INS through primary, and if necessary, secondary verifications of documentary evidence submitted by the family to determine the eligibility of each family member. The INS SAVE system provides access to names, file numbers and admission numbers of noncitizens.

J. Pending Verification of immigration status: When the primary verification (via SAVE) and secondary verification (manual verification request to Department of Homeland Security (DHS) of any immigration documents that were timely submitted has not been completed. Also, when an appeal by the individual with DHS is pending.

K. Once the applicant or participant has submitted the documents of eligibility, MDPHA or its authorized contractor may not deny, delay or terminate assistance solely on the basis that the primary or secondary verification of the immigration documents has not been completed.

L. In circumstances where INS has not verified eligibility, the family will be provided with a written notice that shall include:

1) That the family has a right to request an appeal to INS of the results of the verification of immigration status;

2) That the family has the right to request an informal hearing with MDPHA or its authorized contractor upon completion of the INS appeal;

3) That housing assistance may not be denied or terminated until the conclusion of the INS or MDPHA appeal process; and

4) Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

4. Mandatory Social Security Numbers

Effective January 31, 2010, all members of the household, except those that do not contend they have eligible immigration status, must provide appropriate documentation of his or her Social Security Number (SSN) before the household is admitted into the program. Each program participant whose initial determination of eligibility began before January 31, 2010, except for those 62 years or older as of January 31, 2010, must submit their SSN at the next interim or regularly scheduled reexamination if the participant has (24 CFR 5.216 & 5.218):

- Not previously disclosed a SSN to the agency; or
- Previously disclosed an SSN that USHUD or Social Security Administration (SSA) determined was invalid; or
- Been issued a new SSN.

A. Disclosure requirement for assistance applicants

At the time applicant's eligibility is determined, each applicant must submit: 1) the complete and accurate SSN assigned of the applicant and each member of the applicant's household, including the live-in aide and children under the age of six (6), unless the member of the household does not contend that they have eligible immigration status, and 2) required documentation to verify each SSN as referred in paragraph (c) below.

B. Disclosure requirement for program participants

1) Initial Disclosure: Each participant whose initial determination of eligibility began before January 31, 2010, except for those age 62 or older as of January 31, 2010, must submit a complete and accurate SSN and documentation to verify the SSN at the next interim or regularly scheduled reexamination if the participant has:

a. Not previously disclosed a SSN to MDPHA; or
b. Previously disclosed an SSN that USHUD or SSA determined was invalid; or
c. Been issued a new SSN.

2) Subsequent Disclosure:

When an additional household member is added to the household, including a new born or live-in aide, a complete and accurate SSN for each new member must be provided and verification provided at the time of the request or at the time of processing the interim reexamination or recertification of family composition that includes the new member, unless the member of the household does not contend that they have eligible immigration status. If the additional household member is under the age of six (6) and they have no SSN, a SSN must be applied for and documentation submitted at the time of the request to add the child to the household.

C. Verification of SSNs

Applicants and participants must submit one of the following documents to confirm their SSN:

1) A valid SSN card issued by SSA, or

2) An original document from a federal or state government agency that contains the individual's name and SSN, along with identifying information of the individual (i.e. address, date of birth, etc.)

Referral sources for applicants and participants who need to request SSN card or obtain information: cards is available at www.socialsecurity.gov or 800- 772-1213.

D. Time frame to submit documents to confirm the SSN

1) Applicants: If at the time of eligibility, the documents to verify the SSN for each family member cannot be submitted and the applicant is otherwise eligible, the applicant may retain his or her place on the waiting list for the program, but cannot become a program participant until the required documents to confirm the SSN is provided. Applicants may be given up to 90 days, or 120 days for applicants 62 years or older, to submit documents confirming each household member's SSN.

2) Program Participants: Next annual or interim reexamination or within 90 days of request date, or 120 days for participants 62 years or older.

3) MDPHA or its authorized contractor may grant additional time up to 90 days, only if there are unforeseen circumstances beyond the family's control that prevent the family from complying with the SSN requirements.

E. Penalties for failing to disclose and verify SSN

1) Applicants: MDPHA or its authorized contractor must deny the eligibility of an assistance applicant if the assistance applicant does not meet the applicable SSN disclosure, documentation and verification requirements by the time eligibility is determined or within the period of time established by MDPHA to provide documentation in item (d).

2) Program participants: MDPHA or its authorized contractor must terminate the assistance or the tenancy, or both, of a participant if the participant does not meet the applicable SSN disclosure, documentation and verification requirements.

F. Individuals who do not contend eligible immigration status

1) A single member household without citizenship or immigration status is not eligible for assistance and shall not be admitted into the program.

2) A family otherwise eligible for assistance, including household member(s) not contending eligible immigration status (other than the head of household) may be admitted into the program provided prorated assistance. An alternative identification number will be requested to USHUD for the family member not contending eligible immigration status.

5. Legal Capacity:

The head of household of the family must be eighteen (18) years of age or older at the time of application, or have been emancipated by a court of competent jurisdiction, otherwise the family will be removed from the waiting list. The head of household must have the capacity under state and local law to enter into a legally binding lease agreement, where the tenant is bound by the terms of the lease.

2.7 Denial of Assistance

1. Eviction or Termination from Federally Assisted Housing

MDHA shall deny assistance if any household member has been evicted from subsidized or unsubsidized housing, or if a public housing agency (PHA) has ever terminated assistance.

2. Monies Owed

Assistance will be denied in the following circumstances unless the family can provide proof of debt cancellation or reversal of the adverse termination within ten (10) days of notice.

A. If the applicant or any member of the applicant family currently owes rent or other amounts to MDPHA or any other housing agency in connection with Section 8 or public housing assistance under the 1937 Act, or any applicant who previously lived in public housing or an assisted unit and vacated leaving an unpaid balance, will not be offered assistance until the outstanding balance is paid in full.

B. If the applicant or any member of the applicant family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

C. If the applicant or any member of the applicant family breaches an agreement with any housing agency to pay amounts owed to the housing agency, or amounts paid to an owner by the housing agency.

3. Abusive Behavior

If the applicant or any member of the applicant family has engaged in or threatened abusive or violent behavior toward MDPHA personnel within five (5) years of eligibility determination. Applicants being denied housing for abusive behavior must be reviewed and approved by the director of Applicant Leasing Center.

4. Criminal Activity

A. MDPHA or its authorized contractor may deny admission when the screening process shows a pattern or prior history of engaging in drug or criminal activities, and history of inability to comply with the terms of previous leases, as verified by previous landlords or other entities.

B. Where the family has no pattern of repeated engagement in criminal activity or arrest and the disposition of the offense is dropped, *nolle* prosse, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the family shall not be denied assistance for that criminal activity, except in cases specified below as permanent denial.

C. MDPHA or its authorized contractor must notify the household of the proposed rejection, the reason for the denial of admission, and provide an opportunity to dispute the accuracy and relevance of the record. If the denial is because of criminal background, MDPHA or its authorized contractor, must provide the household member with copy of the criminal records, upon request. Criminal records for minors available to MDPHA or its authorized contractor by operation of law will be released to the head of household, parent or legal guardian of the minor, upon request.

D. MDPHA or its authorized contractor may propose to deny assistance in the following instances whether the person had been arrested or convicted.

1) Ten (10) years from date of arrest for criminal activities under the One Strike Policy:

a. Drug-related, including but not limited to, eviction or termination from federally assisted housing.

b. Violent criminal activities shall include any criminal activity that has as one (1) of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage with the exception of violent criminal activity noted under paragraph (3)(c) below.

c. Non-violent criminal activities that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents. Examples are crimes that involve disturbing the peace, crimes against the property such as burglary, larceny and robbery, and crimes that impose a financial cost such as vandalism, bribery and fraud, including fraud in connection with federally assisted housing.

d. Alcohol abuse or pattern of abuse, if MDPHA or its authorized contractor has reasonable cause to believe that the person's abuse or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

e. In determining denial of assistance related to drug or alcohol abuse, MDPHA or its authorized contractor must take into consideration: Evidence of drug or alcohol rehabilitation, as indicated under mitigating circumstances below, and if the drug or alcohol abuse is related to a disability, as determined by MDPHA's or its authorized contractor's ADA Coordinator.

2) Five (5) Years for Other Non-criminal Activities:

- Inability to comply with the lease terms (e.g., record of disturbance of neighbors, destruction of property, living and housekeeping habits) that may adversely affect the health, safety or welfare of other tenants or cause damage to the unit or property.

3) Permanently:

   a. Methamphetamine manufacturers on premises of federally assisted housing.

   b. Sex offenders subject to a lifetime registration under a state sex offender registration program.

   c. Violent-related, including but not limited to murder, arson, aggravated battery and sex-related crimes not subject to lifetime registration under a state sex offender registration program.

In searching for sex offenders, MDPHA or its authorized contractor will perform background checks in the state of Florida and nationwide, if necessary, as found in the Florida Department of Law Enforcement website: www.fdle.state.fl.us.

2.8 Applicants Claiming Mitigating Circumstances

If negative information is received about an applicant, the MDPHA or its authorized contractor shall consider the time, nature, and extent of the applicant's conduct and factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.

Mitigating circumstances are facts relating to the applicant's criminal history, that, when verified, indicate: (1) the reason for the unsuitable criminal history or behavior; and (2) that the reason for the unsuitable criminal history or behavior is no longer in effect or is under control, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

If the applicant asserts that mitigating circumstances relate to a disability, medical condition or treatment, the MDPHA or its authorized contractor shall evaluate the evidence and verify the mitigating circumstance. The MDPHA or its authorized contractor shall also have the right to request further information to verify the mitigating circumstance. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation (see MDPHA's Reasonable Accommodation Policies and Procedures document under Attachment C of this Plan), which will be used by the MDPHA or its authorized contractor as the source document to process reasonable accommodation requests for persons with disabilities.

In its decision to deny assistance, the MDPHA or its authorized contractor may consider the seriousness of the case, and the effect of denial of assistance on other family members who were not involved in the action or failure to act. The MDPHA or its authorized contractor, if it admits such a family to the program, may impose as a condition of assistance, the requirement that family members who participated in or were culpable for the action or failure to act will not reside in the assisted unit, upon approval of the MDPHA or its authorized contractor or hearing officer.

Ineligibility of applicants due to an ongoing open criminal case is not appealable and an informal hearing will not be scheduled until final disposition (closure of the case), unless the household member with the criminal case is removed from the application.

The factors below will be taken into consideration, as well as any pattern of repeated engagement in criminal activity. These factors are not the only allowable mitigating circumstances. The MDPHA or its authorized contractor will consider other mitigating circumstances as appropriate. Providing documentation of mitigating circumstances as described below is the responsibility of the family. It is incumbent upon the family to provide documentation, evidence and any and all other third party proof at any time, including but not limited, to the investigation interviews, appointments with the MDPHA or its authorized contractor staff, at the time of the informal review or within the time limit set by the hearing officer to provide substantiating information challenging the recommendation to deny assistance.

1. Request to Remove Family Member with One-Strike Policy Violation

   If an applicant family notifies the MDPHA or its authorized contractor and advises of any criminal activity that is in violation of the One Strike Policy of a family member, or if the MDPHA or its authorized contractor determines a violation of the One Strike Policy or other criminal activity as described within this Administrative Plan, through the Criminal Justice Information System or any other source, including but not limited to, referrals from law enforcement agencies, the U.S. or State Attorney's Offices, USHUD, then the applicant may request removal of the offending family member permanently from the family composition and the family member may not remain on the application nor reside in the Housing Choice Voucher unit in order for the family to be assisted in the program.

   If the offending family member(s) is not removed, then the entire family shall be recommended for denial of assistance from the Program. In circumstances where the offending family member is the head of household, the entire family shall be recommended for denial of assistance from the Program.

2. Non-Violent Charges Involving Firearms

   Charges limited to the specific crime of illegal possession or unlawful display of firearm shall not constitute a violation of the One Strike Policy.

3. Prior Criminal History

   In cases of multiple prior charges of one or more family members where the disposition of the cases was dropped, nolle prosse, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the MDPHA or its authorized contractor may take both the family and individual family member's history and/or outcome into consideration at arriving at a final determination whether to deny assistance.

4. Violation of Peaceful Enjoyment

   Prior to the MDPHA or its authorized contractor's decision to recommend denial of assistance for criminal activity that threats the health, safety or right of peaceful enjoyment of the premises by other participants, the MDPHA or its authorized contractor may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action. Upon determination by the hearing officer or the MDPHA or its authorized contractor may require an applicant to exclude a household member in order to receive housing assistance, where that household member has participated in or been culpable for the action or failure to act that warrants denial of assistance.

5. Substance Abuse Rehabilitation

   Upon determination by the hearing officer, or the MDPHA, or its authorized contractor, whether to recommend denial of assistance for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, may consider whether such household member was remanded by the court and is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the MDPHA or its authorized contractor shall require the applicant to submit evidence of the household member's current participation in, or successful

completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

6. Domestic Violence

   A. Provided the applicant has no pattern of repeated engagement in criminal activity, in circumstances of domestic violence, sexual assault/battery, dating violence or stalking, where an individual certifies on form HUD-50066 as may be amended or can provide evidence in lieu of, or in addition to, that they have been a victim of domestic violence, these may be considered as mitigating factors on their behalf by the hearing officer or the MDPHA or its authorized contractor. Such certification and /or documents must be provided by the applicant at the informal review or upon request by the hearing officer subsequent to the hearing for consideration of continued assistance. In addition, if mandated by the court, the individual must show successful completion of any court-mandated diversion program and bring proof of same. See Section 2.15 for further information.

   B. Violence Against Women and Justice Department Reauthorization Act
   The Violence Against Women and Justice Department Reauthorization Act (VAWA) of 2005 affords protection for victims of domestic violence, dating violence, or stalking as defined under Section 2.15 below. The MDPHA or its authorized contractor shall afford applicants that are otherwise eligible who are victims of domestic violence, dating violence, or stalking, who provide certification or documentation, as described in this section herein, in its decision to exercise discretion and approve admission to the Housing Choice Voucher Program.

   The MDPHA or its authorized contractor will request an applicant to certify that he/she is a victim of domestic violence, sexual assault, dating violence, or stalking and that the incidence(s) of threatened or actual abuse are bona-fide in determining whether the protections afforded to such individuals are applicable under VAWA. The family must complete and submit form HUD form 50066, Certification of Domestic Violence, Dating Violence, or Stalking, or information in lieu of, or addition to, this certification within 14 business days of receiving the written request for this certification. The certification or alternate documentation must be returned to the MDPHA or its authorized contractor. If the family has not provided the requested certification or documentation by the 14th business day or any extension as authorized by the MDPHA or its authorized contractor, none of the protections afforded by VAWA apply for consideration of admittance into the program.

   All information provided by the applicant or his/her representative will be retained in a confidential manner. Documents that may be submitted in lieu of HUD form 50066, or in addition to the certification form, are: a police or court record, or documentation signed by an authorized employee, agent, or volunteer of a victim service provider, such as the Miami-Dade County Rape Treatment Center, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of such abuse, in which the professional must attest to the certainty that the incident(s) in question are bona fide incident(s) of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.

Other examples of mitigating circumstances may include:

1. Circumstances leading to the eviction or criminal activity no longer exist;

2. Evidence of the applicant family's participation in social service or other appropriate counseling service; or

3. Evidence of successful and sustained modification of previous disqualifying behavior.

Consideration of mitigating circumstances does not guarantee that the applicant will qualify for admission. The MDPHA or its authorized contractor will consider such circumstances in light of:

1. The applicant's ability to provide documentation to verify the mitigating circumstances and prospects for improved future behavior;

2. The applicant's overall performance with respect to all the screening requirements; and

3. The nature and seriousness of the criminal activity, especially drug related and criminal activity that appears in the applicant's record.

2.9 Qualified and Unqualified Applicants

Verified information will be analyzed and a determination made with respect to:

1. Eligibility of the applicant as a family,

2. Eligibility of the applicant with respect to income limits for admission;

3. Eligibility of the applicant with respect to citizenship or eligible immigration status;

4. Unit size required for and selected by the family; and

5. Qualification of the applicant with respect to the selection criteria

Qualified families will be notified by the MDPHA or its authorized contractor of the approximate date of admission insofar as that date can be determined; however the date stated by the MDPHA or its authorized contractor is an estimate and does not guarantee that applicants can expect to be housed by that date.

Applicants who do not respond within thirty (30) days to a notice of ineligibility to receive program benefits, or a notice to come in for processing, or do not cooperate with MDPHA or its authorized contractor in providing all required information, will be notified in writing that his/her name will be removed from the Tenant-based or Project-based Waiting List, as applicable, unless he/she requests an informal review by contacting MDPHA or its authorized contractor in writing within thirty (30) days of the notice. If an applicant does not respond because of the family member's disability, the MDPHA or its authorized contractor will review and recommend whether to reinstate the applicant to the family's former position on the waiting list in accordance with the MDPHA's Reasonable Accommodation Policies and Procedure (Attachment C of this plan).

The applicant shall be provided an opportunity for an informal review if requested within thirty (30) days of the notice.

In the event an applicant's hearing does not occur prior to the dissolution of the existing waiting lists, then no hearing will be afforded to the applicant because the relief upon which they have appealed, i.e., to be reinstated, cannot be legally provided by the MDPHA or its authorized contractor.

Eligible applicants, who are known to have a disability, but fail to meet the applicant selection criteria in this chapter, will be offered an opportunity to submit documentation in support of their claims that mitigating circumstances related to disabilities or reasonable accommodations would make it possible for them to be housed in accordance with the screening procedures. MDPHA or its authorized contractor will review such claims in accordance with MDPHA or its authorized contractor's Reasonable Accommodation Policies and Procedure (Attachment C of this plan).

2.10 Preferences

The Quality Housing and Work Responsibility Act of 1998 no longer require the MDPHA to consider federal preferences in its selection and admission process. Local preferences to the extent authorized by law may, however, be established following public hearings. Should such local preferences become established, this Administrative Plan shall be revised accordingly. Local preferences shall be supported by third-party verifications deemed appropriate by MDPHA.

1. Preferences to Disaster-Affected Families

   Families who are Public Housing residents or Housing Choice Voucher holders from another jurisdiction and who are displaced by federally declared disasters will receive preference over other waiting list placeholders, subject to USHUD's approval. The MDPHA or its authorized contractor may use existing available Public Housing units to assist either displaced Public Housing or voucher participants affected by the disaster. If the family arrives without any documentation, the MDPHA or its authorized contractor will obtain the name and social security number of the Head of Household and verify current eligibility by calling the Real Estate Assessment Center (REAC) at 888-245-4860.

2. Veterans

   MDPHA provides preference over new admissions from the project-based waiting list to applicants whose head or co-head are eligible veterans.

   A. A veteran is a person who:

      1) Had at least 180 days of regular active duties and was honorably discharged or released; or

      2) Had at least 90 days of active duty service, of which at least one (1) day of service was in a war conflict and was honorably discharged or released, or

      3) Served in a war conflict and was awarded a Purple Heart or became disabled, regardless of completion of days of active duty.

   B. Veteran status extends to spouses, widows, widowers and parents of the military killed during a time of war.

   C. Applicants claiming a veteran's preference must provide a copy military service record, proof of service, or the discharge documents (Form DD214) of the veteran for whom the preference is claimed.

Applicants failing to provide verification of local preference at initial eligibility screening will not be eligible for the local preference and will be restored to the general waiting list for selection in accordance to the movement on the waiting list. Applicants determined ineligible for the requested local preference will be notified of their ineligibility and shall be provided an opportunity for an informal review if requested within thirty (30) days of the written notice.

MDPHA will not relax eligibility or screening criteria to admit otherwise unqualified applicants with a preference.

Applicants requesting a preference should be properly coded on the waiting list.

2.11 The Applicant Selection System

The factors that may affect applicant selection are described below:

1. Tenant Based Programs

   The number of applicants selected will be based on the availability of assistance. The USHUD funding levels are generally not sufficient to fund all allocated vouchers. A family at the top of any of the tenant-based program waiting lists may not be skipped over for a smaller family but will be admitted when sufficient funds are available to subsidize the unit selected by the family within the allowable occupancy limits.

2. Income Targeting

   The MDPHA or its authorized contractor will comply with USHUD income targeting requirements indicated below or as may be amended by USHUD. At least seventy-five percent (75%) of families initially provided tenant-based assistance in any fiscal year shall be families whose incomes do not exceed thirty percent (30%) of the area median income as established by USHUD. This income targeting requirement does not apply to:

   A. Low-income families continuously assisted (as defined in Chapter 2.6 2. of this section)

   B. Low-income or moderate-income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out

   C. Moderate Rehabilitation Program

2.12 Interviews and Verification Process

1. As applicants approach the top of the waiting list, they will be contacted by mail and scheduled for an initial eligibility interview to commence their screening. Once selected from the waiting list, the applicant will be contacted by mail and scheduled for an eligibility interview to complete the applicant file. Applications will be withdrawn if an applicant fails to attend a scheduled interview or cannot be contacted to schedule an interview. Notwithstanding this, MDPHA will make an exception for those people with a disability requiring a reasonable accommodation as described in MDPHA's Reasonable Accommodation Policy and Procedures.

2. The following items will be verified to determine qualification for admission to MDPHA

   A. Family composition and type (elderly/disabled/near elderly /non-elderly);

   B. Annual income;

   C. Assets and asset income;

   D. Deductions from income;

   E. Local preferences;

   F. Social security numbers of all family members;

   G. Applicant screening information; and

   H. Citizenship or eligible immigration status.

   I. Current landlord references

J. Criminal background, including any arrest due to drugs, and if registered as a sex offender

K. Debts owed to a public housing authority and termination of assisted housing through USHUD's Enterprise Income Verification (EIV) system

L. Housing assistance (avoiding double subsidy) by a public housing agency through USHUD's Enterprise Income Verification (EIV) system

M. Public Records (eviction history).

3. Enterprise Income Verification (EIV) At Time of Admission

MDPHA will verify information of each household member through EIV for:

A. Double Subsidy: If during the eligibility process, EIV shows that a family or any household member is receiving subsidy from another housing authority (i.e. shown as residing in another housing authority or program), the family or household member must show documentation of intent to vacate from the other housing authority or program before approval for admission. MDPHA may provide up to thirty (30) days for the family or household member to show proof of intent to vacate from the other housing or program. Assistance will be denied if the applicant or participant does not provide proof that they moved from another housing authority or program before the expiration of the 30–days. A 30-day extension to show intent to vacate or termination of tenancy documentation may be provided in extenuating circumstances and upon good cause.

B. Debt owed: If the EIV information shows that a family or household member was a former MDPHA tenant, moved from another housing authority or program leaving a debt, or was terminated for adverse reason(s), the family will be responsible for clearing the debt or termination information within ten (10) business days. Assistance will be denied if the family cannot or does not provide proof of debt cancellation or reversal of the termination prior to the expiration of the ten (10) days.

C. MDPHA may verify in EIV whether the applicant is receiving or has the potential of receiving double subsidy, has a debt owed to another housing authority or program, or whether a prior termination has been cleared. The family has the right to dispute information obtained from EIV by requesting an informal review or informal hearing in accordance with hearing procedures in Chapter 29 of this Plan. MDPHA will not attach a copy of the EIV information to the denial notice in an effort to protect the family's privacy. However, at the family's request, MDPHA will inform the family as to what information was found.

4. Applicants reporting zero income will be asked to complete the *Monthly Family Expense* and *Income Contribution* forms to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses. The *Income Contribution* form is a certification signed by the person who provides the income contribution and must be notarized.

5. Applicant Interview Process:

Each eligibility interview appointment letter must include a list of all the documents required by MDPHA at the interview and the *Personal Declaration* form, or any other approved form for the same purpose.

A. To the greatest extent possible, eligibility interviews are conducted in privacy. Reasonable accommodations will be provided for people with disabilities who may require special services.

   Original documents such as birth certificates, social security cards, pay stubs, and receipts will be reviewed, photocopied and included in the applicant's file.

B. During the applicant's formal interviews, the eligibility interviewer will compare new information received with past information stated on the application and query the applicant regarding any discrepancies and/or require additional documentation.

C. Any additional information or documentation specifically requested of the applicant at the eligibility interview must be provided within five (5) business days of the interview date unless an extension is granted.

D. The applicant family must complete all applicable information spaces on the *Personal Declaration* form. Misrepresentation of income, family composition or any other information affecting eligibility and selection criteria will result in the family being declared ineligible. In the event fraud is discovered after admission, the family may be subsequently evicted, even if the family meets current eligibility requirements at the time.

E. After MDPHA has reviewed all information with the applicant, all adult family members (see definition in Attachment A) at the time of the eligibility interview, are required to sign the *Personal Declaration* form and other necessary forms, such as the *Authorization to Release Information* form, prior to conducting background checks.

6. Personal Declaration Form

   The *Personal Declaration* form is a personal statement of information required to evaluate the eligibility for selection of the applicant. Information required on the *Personal Declaration* form relate to the following:

   A. Household composition

   B. Local preferences (if applicable)

   C. Emergency contacts

   D. Previous landlord references

   E. Background references

   F. Care of unit

   G. Family income

   H. Family assets

   I. Child-care expenses

   J. Disability assistance expenses

   K. Medical expenses

L. Criminal background

7. Third Party Verifications

A. For applicants, written verification from third parties are the most desirable forms of verification provided on the *Personal Declaration Form* and other required forms. Third-party verification includes written, oral or electronic verification (internet, faxed or e-mailed information).

B. MDPHA will utilize the verification guidelines under PIH Notice 2004-1, Verification Guidance, and PIH 2006-41, Verification of Social Security and Supplemental Security Income benefits, as applicable, and any subsequent guidelines and regulations issued by USHUD.

C. If attempts to obtain third-party written verification of income, assets and/or expenses are unsuccessful, MDPHA will use 1) verbal (telephone or in-person) verifications, 2) review of documents, and if no other form of verification is available, 3) applicant certifications.

D. At least two (2) documented attempts must be made for written third party verification before obtaining oral (telephone or inperson) third party verifications. Within three (3) business days of sending the written verification, if the written verification is not received, MDPHA will telephone the independent source and request that the information be completed and sent to MDPHA by the following day. If the information is not received by the close of business on the following day, MDPHA will again call the independent source on the next day and request that the information be sent. The file must document the attempts made to obtain third party verification.

E. Oral verifications will be used when written verification is not obtained within ten (10) business days from the date that the written verification was mailed, faxed or e-mailed directly to the independent source. Documentation shall be placed in the applicant or resident file and on MDPHA's computer system notes and shall indicate the name(s) of the person(s) who provided the information and date of the communication, as well as the name of the staff person who obtained the information.

F. If oral third party verification cannot be obtained within two (2) business days, MDPHA will review original documents provided by the applicant. MDPHA must document in the file the reason(s) the third party verification was not available.

G. Personal certifications will only be used as a last resort when all other verifications are not possible. When MDPHA relies on applicant/tenant certification (notarized statement or affidavit), the file must be documented as to the reason the third party verification was not available.

H. In support of the applicant/tenant's declaration of income, MDPHA may review original (authenticated) documents provided by the applicant or resident. All income related documents must be dated less than 60 days preceding the determination date (eligibility interview) and continues to be valid an additional 60 days following the request date. If income related documents expire, the applicant or resident will have to provide new documents. A photocopy will be placed in the file. Acceptable applicant or resident provided documents include: 1) consecutive and original pay stubs; 2) Social Security Administration award letter; 3) bank statements; 4) pension benefit statements; 5) TANF award letter; 6) other official and authentic documents from a Federal, State or local agency.

I. Value of Assets: Each asset must be analyzed to obtain its net value (market/face value less redemption cost). When verifying the value of assets, for example, a bank account, use the

current balance for savings account and the average balance for the last six (6) months for checking accounts. MDPHA will accept original documents (bank statement) to verify assets from checking and savings accounts in lieu of obtaining written or verbal third party verifications, if the balance does not exceed $4,999 and MDPHA is able to verify the asset through review of original documents (bank statement) provided by the applicant or resident.

J. Income from Assets: Based on the total net value of family assets. When the total value of assets is $5,000 or less, MDPHA will use the actual amount of income from assets. If the only asset is an interest bearing bank account, the actual income from the asset is the amount of interest earned shown in the last bank statement. When the total value of assets is over $5,000, use the greater of:

1) The actual amount of income from assets, or

2) The imputed income from assets based upon the established HUD passbook rate. The USHUD form 50058 automatically calculates the passbook rate percentage value of the assets, compares it to the actual income, and picks the greater amount.

K. Income from Employment (Wages): Verification of income from any employer must be submitted directly by the employer by mail or by facsimile. If the information is faxed, it must be confirmed by telephoning the employer and documented with date and time of call. Self-employment declarations must be submitted in writing and notarized.

L. Income from Government Assistance: Any verification of income from the Social Security Administration, Department of Children and Family Services, Veterans Office, or other governmental agency must have an official stamp or other identifying mark.

M. If third party income verification is not otherwise available, a copy of the most recent federal income tax return shall be submitted, including any W-2 information, or six (6) consecutive pay stubs or earnings statements. As stated above, notarized statements or affidavits are the least desirable forms of verifications and shall be accepted only when all other types of verification attempted have failed.

N. MDPHA may obtain verifications from previous landlords to verify the applicant's ability to pay rent and to comply with the lease terms, and will perform criminal background (not including juvenile records) and sex offender registration checks on applicants and family members 18 years of age and over. MDPHA will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses. If MDPHA discovers the family has a history of failure to comply with lease terms under previous landlords or fails the background check, such shall result in removal from the waiting list, withdrawal of an offer, or termination of assistance.

O. Prior to initial certification, applicants shall be informed that MDPHA will subsequently verify the family's income information they have provided MDPHA through USHUD's Enterprise Income Verification (EIV) system. EIV is a computer matching program that compares the income provided by the resident against income information supplied by state agencies on wages, unemployment compensation, and Social Security benefits.

P. An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition, income or rent would result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations

Q. Uncollected child support will not be counted as income so long as the family provides court documents proving the debt uncollectible.

2.13 Screening Applicants for Admission

Any costs incurred to complete the application process and screening will be the responsibility of MDPHA.

1. All applicants shall be screened in accordance with HUD's regulations and with sound management practices Applicant must complete a self proclaimed form certifying their ability to comply with essential provisions of the lease as summarized below;

   A. To pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;

   B. To care for and avoid damaging the unit and common areas;

   C. To use facilities and equipment in a reasonable way;

   D. To create no health, or safety hazards, and to report maintenance needs;

   E. Not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;

   F. Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and

   G. To comply with necessary and reasonable rules and program requirements of USHUD and MDPHA.

2. MDPHA or its authorized contractor shall complete criminal background (excluding juvenile records) and sex offender registration checks on all household members 18 years of age and older for whom criminal records are available during the eligibility process and at any time MDPHA or its authorized contractor deems it necessary; MDPHA will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses

3. MDPHA will perform criminal background (excluding juvenile records) and sex offender registration checks for applicants 18 years of age and older at local and national levels; MDPHA will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses

4. Prior to conducting any criminal (excluding juvenile records) and sex offender registration background check, household members over 16 years of age or older, including the live-in aide, must sign the *Consent Form Authorizing Miami-Dade Public Housing to Obtain Criminal Background Records*. The custodial parent will sign the required form for the minor;

5. Criminal and sex offender background checks will be conducted within five (5) days from the initial eligibility interview appointment.

2.14 Applicant Responsibilities

1. Social Security Numbers

Applicants are required to provide Social Security numbers as per Section 2.6.4.

Social security numbers will be verified through the provision of a valid social security card or one of the following documents if it includes the Social Security number which has been verified by the issuing agency:

A. Driver's license Federal, State or Local Agency I.D.

B. Employer or Trade Union I.D. Medical Insurance Company I.D.

C. Earnings statement of payroll stub bank statements

D. IRS Form 1099 Governmental benefit award letters

E. Retirement benefit letter, life insurance policies

F. Court records verification of Social Security benefits

The MDPHA or its authorized contractor may determine other documents as adequate evidence of a valid Social Security number.

2. Documentation of Citizenship or Eligible Immigration Status

Applicants must provide evidence of citizenship or eligible immigration status as per Section 2.6.3.

3. Annual Updates and Address Changes

The applicant and participant are responsible for updating all address and family composition changes upon occurrence. If the applicant does not respond to a scheduled appointment or to MDPHA or its authorized contractor correspondence, even if the correspondence was not received because of a change of address, the applicant's name will be removed from the waiting list. If removed from the waiting list, applicants will have the right to request an informal review in accordance with this Plan.

2.15 Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking

1. Overview

The pervasiveness and seriousness of domestic violence, sexual assault/battery, dating violence or stalking has illuminated it as an issue of national importance. Domestic violence, sexual assault/battery, dating violence or stalking knows no race, gender, or nationality and its impact on the lives of its victims can be devastating. In many instances, victims of domestic violence, sexual assault/battery, dating violence or stalking suffer not only the physical abuse, but also the devastation of being displaced from their homes. As a result, affordable housing issues become a serious consequence of domestic violence.

This section is intended to establish a framework for the relationship between the MDPHA or its authorized contractor, victims of domestic violence, sexual assault/battery/battery, dating violence or stalking who reside in Housing Choice Voucher housing, and the domestic violence providers who may facilitate measures the MDPHA or its authorized contractor can employ to combat the problem.

2. Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking Preference

Domestic violence, as defined by USHUD, is the "actual or threatened physical violence directed against one or more members of the applicant's family by a spouse or other members of the applicant's household." The State of Florida defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

Sexual assault/battery is defined as the threat of oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, without consent.

Sexual battery is defined as the actual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, without consent.

Dating violence is defined as violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

A. A dating relationship must have existed within the past sic (6) months;

B. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and

C. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

Stalking is defined as the willful malicious, and repeated following, harassing, or cyber stalking of another person, or the making of a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent. In most instances victims of domestic violence, sexual assault/battery, dating violence or stalking are made powerless by the abuse. As such, the inability of victims to access and maintain housing that is decent and safe becomes a consequence of the abuse.

3. Types of Evidence Required as Proof of Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking

Under existing USHUD statutes and regulations, the MDPHA or its authorized contractor is authorized to consider the nature and severity of each offense, and exercise discretion on whether or not household members or their guests may threaten the health, safety, or right to peaceful enjoyment of the premises by others. Currently, the MDPHA or its authorized contractor may consider: 1) the effects of denial or termination of assistance on other family members who were not involved in the offense, and 2) conditions barring the culpable household member from residing in or visiting the unit. In addition, the MDPHA or its authorized contractor is authorized to consider the circumstances relevant to an eviction or termination of tenancy based on the extent to which the person has shown personal responsibility to prevent the offending action, and the time that has elapsed since their arraignment for that crime.

The MDPHA or its authorized contractor has discretion to accept a broad range of evidence as proof of domestic violence, sexual assault/battery, dating violence or stalking. This evidence may include, but is not limited to:

A. A domestic violence, sexual assault/battery/battery, dating violence or stalking victim's statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident, utilizing HUD form 50066 or other approved form. The statement should include a listing of the approximate dates when each incident occurred, discussion of the applicant's fears and injuries and the effect that each abusive incident has had on the applicant and her/his family.

B. Restraining or civil protection orders.

C. Medical records.

D. Police reports, records of telephone calls or visits to the victim's address. This may include telephone calls to the police registering a compliant, a log of police visits made to the residence, copies of all tapes and reports written by officers responding to a call.

E. Criminal court records if a batterer was arrested or convicted of any act of domestic violence or destruction of property relating to the victim (certified copies); a victim's own statement to police or prosecutors, which can be obtained from the prosecutor's office.

F. Statements of workers from a domestic violence shelter or other domestic violence programs attesting to the time the victim spent in the shelter and the reason as linked to incidents of abuse.

G. Statement from counselors, if victim attended counseling.

H. Reports, statements from police, judges and other court officials, clergy, social workers and other social service agencies.

I. Other credible evidence as corroborated by law enforcement or domestic violence providers.

4. Screening and Admission

The MDPHA or its authorized contractor may screen families on the basis of their past criminal activity. In an attempt to ascertain whether domestic violence, sexual assault/battery, dating violence or stalking was a factor in the criminal activity, the MDPHA or its authorized contractor will exercise discretion and inquire about the circumstances that may have contributed to the negative reporting. If it is determined that the negative reporting was a consequence of domestic violence, sexual assault/battery, dating violence and/or stalking against the applicant, the MDPHA or its authorized contractor staff may exercise discretion and approve admission pursuant to this Administrative Plan.

The MDPHA or its authorized contractor should also be cognizant of a victim's need to feel safe and as a result, she/he may be apprehensive about providing certain requested information such as current and previous address. In other instances, victims may have undergone a change in identity. Again, the staff should consult with domestic violence providers to obtain guidance on appropriate types of identification. Beyond policies related to admissions and leasing, the MDPHA or its authorized contractor will develop, to the extent feasible, linkages and referrals to victims of domestic violence, sexual assault/battery, dating violence or stalking to appropriate counseling and law enforcement entities. This linkage and referral program will include, but not be limited to,

collaborative partnerships with a domestic violence service providers, family advocacy coalitions, police, prosecuting attorneys, the State of Florida Office of the Attorney General, mental health, on-site medical professionals and other advocacy groups to create an on-site program that provided tenants with a timely, safe and effective means of alleviating domestic abuse through direct services, education, information and referrals.

5. Continued Occupancy and Transfer Policies

Issues related to the continuation of benefits are more often complicated by the fact that victims of domestic abuse may be evicted for the acts of their abuser. The MDPHA or its authorized contractor will assist these victims in avoiding their abusers and continuing occupancy in Housing Choice Voucher program by immediately approving a change of dwelling, regardless of whether the family has already moved once within a 12-month period, and adopting a special transfer policy for participants in the Moderate Rehabilitation program that takes into account the victim's circumstances.

A special transfer policy for Moderate Rehabilitation participants and immediately approving a change of dwelling for Housing Choice Voucher recipients would assist victims, who are seeking to flee their abusers, in accessing and maintaining stable housing separate and apart from their abuser. In this instance, the MDPHA has adopted a transfer policy for Moderate Rehabilitation tenants that include a preference for victims of domestic violence, sexual assault/battery, dating violence or stalking who wish to move to another Moderate Rehabilitation development. Subject

6. Screening and Termination

While the U.S. Housing Act, the federal regulations and USHUD policies authorize the MDPHA or its authorized contractor to terminate the assistance of households for any criminal activity by a member of the family or a guest that threatens the health, safety or right to peaceful enjoyment of other tenants, the MDPHA or its authorized contractor shall carefully review circumstances where victims of domestic violence, sexual assault/battery, dating violence or stalking may be evicted due to circumstances beyond their control. The MDPHA or its authorized contractor may exercise its discretionary authority in these cases and remove the perpetrator from the household, while allowing the victim to remain in occupancy of the unit. The MDPHA or its authorized contractor may also exercise its discretion in situations where it has been determined that the circumstances warrant an action other than removal of the perpetrator from the unit such as requiring the perpetrator to participate in a domestic violence prevention program. In determining if termination is appropriate, the MDPHA or its authorized contractor shall consider the safety and well-being of victims of domestic violence, sexual assault/battery, dating violence or stalking as well as the health, safety and peaceful enjoyment of other tenants who may be affected by incidents of domestic violence.

The MDPHA or its authorized contractor will develop, as a standard policy, linkages and referrals to victims of domestic violence, sexual assault/battery, dating violence or stalking to appropriate counseling and law enforcement entities.

For mixed families, (defined as a family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status), instances of domestic violence, sexual assault/battery, dating violence or stalking are complicated by USHUD restrictions on assistance to non-citizens who have ineligible immigrant status. In these cases, the MDPHA or its authorized contractor may refer immigrant victims to agencies that can offer immigration relief and counsel the victim on steps to obtaining eligible status.

7. Steps to Protect Victims of Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking

A. The MDPHA or its authorized contractor shall prohibit the culpable perpetrator from occupying the assisted unit.

B. The MDPHA or its authorized contractor shall establish a "no trespass" list for those that have been banned from the assisted unit.

C. To the extent feasible, the MDPHA or its authorized contractor shall establish a relationship with local law enforcement to make unscheduled home visits to the victim's unit. Victims voluntarily submit their names to the list and authorize unscheduled home visits as a way of deterring the perpetrator.

D. The MDPHA or its authorized contractor may coordinate a cell phone donation program where old cell phones are provided to victims to assist in cases of emergency.

E. To the extent permitted by law, the MDPHA or its authorized contractor shall ensure that the private information of victims of domestic violence, sexual assault/battery, dating violence or stalking is protected. Victims of domestic violence, sexual assault/battery, dating violence or stalking shall be referred to the State of Florida Office of the Attorney General apply for participation in the Address Confidentiality Program for Victims of Domestic Violence.

Once victims have applied to Address Confidentiality Program their addresses, corresponding telephone numbers, and social security numbers held by the State of Florida Office of the Attorney General are exempt from s. 119.07(1) of the Florida Statutes and s. 24(a), Art. I of the State Constitution, except the information may be disclosed under the following circumstances: to a law enforcement agency for purposes of assisting in the execution of a valid arrest warrant; if directed by a court order, to a person identified in the order; or if the certification has been canceled. The term "address" means a residential street address, school address, or work address, as specified on the individual's application to be a program participant in the Address Confidentiality Program for Victims of Domestic Violence.

Chapter 3. Non-Waiting List Issuance and Special Programs

When USHUD awards program funding to the Agency that is targeted for families that live in specified units or for a special or targeted Housing Choice Voucher program, the MDPHA may admit a family that is not on the waiting list, or without considering the family's waiting list position upon approval of the MDPHA director or designee. The MDPHA shall maintain records showing that the family was admitted with USHUD-targeted assistance. The MDPHA authorized contractor may thus be authorized by MDPHA to issue vouchers to persons not on the waiting list in the following instances:

3.1 Displacement Due to Governmental Action

Families displaced (as defined in Attachment A of this plan) because of governmental action must be referred and verified by the Relocation Office, Miami-Dade County Housing and Community Development (HCD). The referral for Housing Choice Voucher assistance must be made within six(6) months of the displacement in order for such families to qualify for Housing Choice Voucher assistance. The MDPHA shall, at its discretion, determine the availability of vouchers for displaced persons. Written referrals may also be accepted from USHUD, appropriate federal, state and local law enforcement agencies, the State Attorney's Office, or by the courts, including requests for assistance for eligible clients under witness protection.

3.2 Relocation

Provision of Housing Choice Voucher assistance may be provided to a family being relocated if allowed under the Uniform Relocation Assistance and Real Property Acquisition Regulations for federal and federally assisted programs.

3.3 Settlement of Lawsuits

The MDPHA or its authorized contractor shall comply with any mandates settlements, or directives by a court of the United States or USHUD in relation to the issuing of vouchers to persons not on the waiting list.

3.4 Preservation Housing

Families that reside in a property covered by project-based voucher assistance in which the owner opts out or pre-pays the USHUD insured mortgage or is at or near the end of the housing assistance payment contract may be eligible for Preservation Voucher assistance. The MDPHA or its authorized contractor shall certify families eligible for Preservation Voucher housing pursuant to executed Annual Contribution Contracts (ACC's) by USHUD for mandated or targeted projects.

3.5 Veterans Assisted Supportive Housing (VASH)

To be eligible for the Veterans' Assisted Supportive Housing program (VASH), applicants must fulfill all the following criteria:

1. Be a United States Veteran

2. Be homeless, and

3. Have a severe psychiatric or substance abuse disorder.

The U.S. Department of Veterans Affairs (VA) conducts all interviews, initial applications, and monitoring of the VASH program. The VA notifies the MDPHA or its authorized contractor in writing of eligible applicants. These eligible applicants are scheduled for an appointment for possible certification under the Housing Choice Voucher Program. All Housing Choice Voucher Program regulations apply to these eligible applicants. It is the responsibility of the VA office to notify all ineligible applicants. The number of VASH Program participants shall be restricted to the number of VASH vouchers under contract to the Agency by USHUD.

3.6 Family Unification Program (FUP)

The Family Unification Program (FUP) offers tenant-based housing assistance in coordination with the State of Florida Department of Children and Family Services or other authorized child protective agency. Referrals will be families for whom the lack of adequate housing is a primary factor which would result in:

1. The imminent placement of the family's child(ren) in out-of-home care; or,

2. The delay of the child (ren)'s return to the family from out-of-home care.

"Lack of adequate housing" is defined by the federal regulation as:

1. Substandard or dilapidated housing;

2. Homelessness;

3. Displacement by domestic violence, or

4. Living in an overcrowded unit.

The program will allow families to avoid foster care placement and be unified in stable housing. Applicants for the Family Unification Program shall be referred and certified in coordination with the State of Florida Department of Children and Family Services.

The MDPHA or its authorized contractor's responsibilities under the FUP include the acceptance of families whose eligibility is certified in writing by the State of Florida Department of Children and Families. The MDPHA or its authorized contractor, upon receipt of the original caseload list, not copies or faxes, of families from the Department of Children and Families accompanied by original FUP applications, shall compare the names with those of families already on the MDPHA's Housing Choice Voucher waiting list. Any families on the MDPHA's Housing Choice Voucher waiting list that are also included in the Department of Children and Families' list shall be assisted in order of their position on the waiting list in accordance with the MDPHA admission policies. Any family certified by the Department of Children and Families as eligible, but not on the Housing Choice Voucher waiting list shall be placed on the MDPHA waiting list. If the MDPHA has a closed waiting list, the waiting list shall be opened to accept FUP applicants. If the referred family is already housed in Public Housing, the Residents in Transition Policy must be followed to deter duplicate housing.

The MDPHA or its authorized contractor shall initially advertise the opening of the waiting list for the sole purpose of accepting FUP eligible families only. The advertisement will not be repeated when additional funding is received.
Pursuant to the National Affordable Housing Act, children in temporary foster care shall be counted as part of a family unit for the purposes of determining a family's eligibility for housing assistance. The temporary placement period for children shall be defined as at least six (6) months; however, this time frame shall be determined and changed at the MDPHA or its authorized contractor's discretion based on local needs and conditions.

Once a family is housed using a Housing Choice Voucher under the Family Unification Program, the MDPHA or its authorized contractor shall not cancel the voucher if the family splits so long as the family is otherwise in compliance with Housing Choice Voucher Program rules and regulations.

3.7 Other Specialized Allocations

Other tenant-based voucher allocations that are for special programs in addition to FUP, Mainstream Vouchers for Disabled Families and Designated Housing shall be administered in accordance to criteria stipulated in the Notification for Funding Availability (NOFA) and voucher application.

3.8 Change of Program Issuance

The MDPHA may, at its sole discretion, for humanitarian reasons, including reasonable accommodation for a family member with disabilities, issue a voucher to a family participating in another program (such as the Moderate Rehabilitation program). The MDPHA will confirm that the tenant is in compliance with all assisted housing tenant and lease obligations prior to voucher issuance. Such issuance requires the approval of the MDPHA director or deputy director (or designee). The MDPHA shall consider any request individually on a case-by-case basis. Eligible participants must comply with the MDPHA's Participants in Transition Policies and Procedures.

Chapter 4. Issuing Housing Vouchers

4.1 Issuing and Briefing

Upon selection to participate in the Housing Choice Voucher Program, the family will be scheduled for an appointment with the MDPHA or its authorized contractor. No applicant from the waiting list shall be certified without a file containing a hard (paper) copy of the original application. At the appointment, the family must verify the information on their application, receive a briefing (verbal and written) about the program, their rights, and obligations, and provide documentation as required by federal regulation. Should the family comply with the above-referenced steps, they shall be issued a voucher. The briefing shall include the following topics:

1. How the program works;
2. Family and Owner responsibilities;
3. Where the family may lease a unit, including outside the Agency's jurisdiction;
4. Portability procedures, if applicable; and
5. Advantages of moving to a neighborhood that does not have a high concentration of low-income participants.
6. The family will receive a packet of information at their briefing or initial certification appointment that will include at least the following:
   A. The term of the voucher and the policy on extensions or suspensions of the term,
   B. How the Housing Assistance Payment (HAP) is determined including the payment standard for a unit and total tenant payment,
   C. How the Agency determines the maximum rent for an assisted unit,
   D. The maximum amount the family may pay when moving to a new unit (40% rule of adjusted monthly income, if applicable),
7. What the family should consider in leasing a unit including the condition of the unit, the reasonableness of the rent, the cost of tenant paid utilities, whether the unit is energy efficient, and the location of the unit,
8. Where a family may lease a unit, including portability to another jurisdiction, USHUD-required lease addendum,
9. The *Request for Tenancy Approval* form *(HUD-52517)* and an explanation of how to request the Agency's approval to lease a unit,
10. A statement of the MDPHA or its authorized contractor's policy on providing information about a family to prospective owners,
11. The MDPHA subsidy standards, including when exceptions may be granted,

12. USHUD brochure on how to select a unit,

13. Information on federal, state and local equal opportunity laws, and a copy of the *housing discrimination complaint* form,

14. A list of landlords or others known to the MDPHA and the MDPHA or its authorized contractor, who may be willing to lease a unit to the family or assist the family in locating a unit,

15. If the family includes a person with disabilities, or if the family informs the MDPHA or its authorized contractor that one of its members is a person with disabilities, The MDPHA or its authorized contractor will provide a current listing of available accessible units known to the MDPHA or its authorized contractor, and if necessary, otherwise assist the family in locating an available accessible dwelling unit.

16. Family obligations under the program, including the requirement that family members be U.S. citizens or eligible non-citizens,

17. The grounds on which the MDPHA or its authorized contractor may terminate assistance because of family action or failure to act,

18. The MDPHA or its authorized contractor's informal hearing procedures, including when the MDPHA or its authorized contractor is required to give the opportunity for a hearing and how to request a hearing.

19. The MDPHA or its authorized contractor may include other items as determined necessary and will use available forms or USHUD forms.

4.2 Type of Assistance

The MDPHA or its authorized contractor shall determine whether the family shall be issued a Housing Choice Voucher based on availability of the tenant-based assistance.

4.3 Term of Voucher

The Housing Choice Voucher is valid for a period of sixty (60) days from the date of issuance. Prior to the expiration date, the family may contact the MDPHA or its authorized contractor to request assistance in locating suitable housing. The family must submit a completed Request For Tenancy Approval (RFTA) package within the sixty (60) day period unless an extension (as described in section 4.4) has been granted by the MDPHA or its authorized contractor.

4.4 Extensions of Term

A family may request a maximum of two (2) thirty (30) day extension(s) to the initial sixty (60) day term of an issued voucher for a total voucher term of 120 days. All requests for extensions should be received at least one week prior to the expiration date of the voucher and must be made to the Admissions and Intake department. Requests may be made in person or by telephone. If an extension is granted by telephone, a copy of the voucher will be mailed to the voucher holder indicating the extended expiration date. Extensions are permissible at the discretion of the MDPHA or its authorized contractor primarily for the following reasons:

1. Extenuating circumstances such as hospitalization of a family member or a family emergency over an extended period of time that has affected the family's ability to find a unit within the initial sixty (60) day term.

2. As a reasonable accommodation for a family member with disabilities or for a family member with disabilities to find an accessible unit.

Written notice of extensions will be given to the family. Hearings or informal reviews are not allowed and shall not be given for denial of extensions.

4.5 Suspensions

Suspensions of the term of the voucher can only be granted when family submits a RFTA. The MDPHA or its authorized contractor can only stop the clock on the term of the voucher from the time family submits a RFTA for approval of tenancy until the time when the MDPHA or its authorized contractor approves or denies the request. Additional extension beyond suspension time can only be given by the Director or his/her designee, and will only be considered under the following conditions:

1. If the delay is due to the MDPHA or its authorized contractor administrative reasons and not due to the applicant's delay;

2. The applicant has shown due diligence in locating an appropriate unit during the voucher term; and

3. Denial of the suspension of term would constitute an undue hardship on the family.

Chapter 5. Occupancy Policies

5.1 Subsidy Standards

1. Determination of Voucher Size

   The subsidy standard, (refer to Chapter 8 for more details regarding the "payment standard"), which is used to determine the voucher bedroom size assigned to a family, is based on the following criteria:

Voucher BR Size	Number of Persons in Household		
	Minimum	Maximum	HQS
0 BR	1	1	1
1 BR	1	2	4
2 BR	2	4	6
3 BR	3	6	8
4 BR	6	8	10
5 BR	8	10	12
6 BR	10	12	14

   At the initial certification, annual recertification or during authorization for a change of dwelling, the MDPHA or its authorized contractor shall, to the greatest extent possible, and within the subsidy standards, allow the family the flexibility of bedroom size to best accommodate family members based on age and gender, subject to funding availability. For subsidy standards, an adult is a person eighteen (18) years or older.

   Two (2) persons per bedroom will be the standard for the smallest unit a family may consider. The subsidy standard must be applied consistently for all families of like size and composition. The following principles govern the size of the unit for which a family will qualify. Generally, two (2) people are expected to share each bedroom, except that the subsidy standards will be applied so that:

A. Exceptions to the largest subsidy standards may be made in case of reasonable accommodations for a person with disabilities.

B. Two (2) persons of the opposite sex or different generations will not be required to share a bedroom, although they may do so upon written request from the family.

C. Children under six (6) will be required to share a bedroom regardless of gender.

D. A family that consists of a pregnant woman (with no other members) shall be treated as a two (2) family member.

E. The MDPHA or its authorized contractor will count a child in the subsidy standard who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school.

F. A live-in aide may be assigned a bedroom. Single elderly and disabled tenants with live-in aides in their family compositions will have the live-in aide considered in the subsidy standards.

G. Due to current market conditions, the MDPHA or its authorized contractor will issue a one-bedroom voucher to a single person. .

2. Actual Unit Size Selected

The family may select their choice in unit size other than that listed on the assigned voucher so long as the family is not under-housed. Four factors to consider are:

A. The MDPHA or its authorized contractor shall apply the payment standard for the smaller of: 1) the bedroom size shown on the voucher, or 2) the size of the actual unit selected by the family;

B. The utility allowance used to calculate the gross rent shall be based on the actual size unit selected by the family regardless of the size authorized on the voucher; and

C. Under Housing Quality Standards (HQS) two persons per living/sleeping room are allowed thus the above levels may be exceeded if a room is used as a living/sleeping area as indicated under the HQS column on the above chart.

D. Selection of a unit larger than for which the family is certified may result in an affordability issue.

5.2 Changes in Family Composition

The voucher size issued to a family is determined by comparing the family composition to the MDPHA subsidy standard before the briefing with the family. The family may request a change in the voucher size due to the addition to family composition by birth, adoption, or otherwise granted custody to the family by operation of law, which may include foster children. Except for natural births to, or adoptions by, family members, or court awarded custody or other operation of law, any family seeking to add a new member must request approval in writing and receive approval in writing before the new member is added to the family composition as described below. For purposes of this Section, the use of the term "by operation of law" shall include but not be limited to pre-need guardianships and durable powers of attorney.

All other additions to applicant families after an application is submitted shall be considered only on a case-by case basis by the director overseeing MDPHA's Applicant Leasing Center or his/her designee and must be documented at the times such changes occur. Additions may be made for humanitarian reasons, including reasonable accommodation for family member.

1. Addition of Adult Family Member

   Upon approval of the MDPHA or its authorized contractor, a participant family may add an additional adult family member to the family composition, other than by operation of law, under all the following circumstances:

   A. The adult can be an immediate family member (sons, daughters, brothers, sisters, parents, grandparents, and grandchildren) of an existing household member;

   B. Such member must be eligible for participation in the Housing Choice Voucher program;

   C. Such member's income must be considered in calculation towards rent; and

   D. Addition of the family member shall be in consideration of a reasonable accommodation or for humanitarian reasons; or

   E. Unrelated/unmarried partners who show proof of intention to live as a family.

   Participant families must inform the MDPHA or its authorized contractor in writing of the requested additional adult family member prior to the adult family member being added to the family composition. Requested additions to the family requiring advance approval in writing also include spouses or a request to add a live-in aide.

   Participant families must inform the MDPHA or its authorized contractor within 30 days of additions to the family due to birth, adoption, or otherwise granted custody to the family by operation of law or if a family member moves out. Only those persons listed on the most recent certification form and lease shall be permitted to be included in the family composition.

   All other additions to participant families shall be considered only on a case-by-case basis and must be documented at the times such changes occur. Additions may be made for a reasonable accommodation or for humanitarian reasons. The addition of a family member shall not change the size of the voucher, unless approved by MDPHA or its authorized contractor under extenuating circumstances. Addition of family members shall be the sole discretion of the MDPHA or MDPHA Contractor.

2. Screening of New Family Members

   When an applicant or tenant requests approval to add a new family member, the MDPHA or its authorized contractor will conduct a pre-certification screening of any proposed new adult member 18 years of age and older (excluding juvenile justice records) to determine whether the MDPHA or its authorized contractor will allow the family member to be added to the family composition prior to the MDPHA or its authorized contractor's approval of the new family member. MDPHA will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

   Minor children for whom juvenile justice records are not available or added through a formal custody award or kinship care arrangement are exempt from the pre-certification screening process, although the tenant needs prior approval from the MDPHA or its authorized contractor to add children other than those born to, adopted by, or awarded by the court to the family.

The MDPHA or its authorized contractor will consider the request for approval and require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor. Changes to the family composition may also be allowed for families in which one or more children less than eighteen (18) years of age live with the designee of the parent or legal custodian, with parent or custodian's written consent. Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc.

All persons listed on the most recent certification form and residential lease must use the dwelling unit as their sole residence. Examples of situations where the addition of a family or household member is subject to screening are:

A. Participant plans to be married and requests to add the new spouse to the lease;

B. Participant desires to add a new member to the lease, employ a live-in aide or take in foster child(ren) over the age for which juvenile justice records are available;

C. One of the family members under age eighteen (18) who is not an emancipated minor, or an adult, not part of the original household, requests permission to take over as the head of the household.

Applicants or tenants who fail to notify the MDPHA or its authorized contractor of additions to the household or who permit persons to be added to the family composition without undergoing screening are in violation of program requirements. Persons added without MDPHA or its authorized contractor approval will be considered unauthorized occupants and the entire household will be recommended for termination from the Housing Choice Voucher or Moderate Rehabilitation Programs.

5.3 Foster Children

The applicant and participant family must obtain approval for the addition of a foster child to the family before the new member occupies the unit. The family may request a change in the voucher size based on the following factors.

1. Adding to the Family

   Foster children will be added to the family composition upon written request and so long as the applicant provides documentation by the appropriate agency establishing responsibility. A larger voucher unit size, if available, will only be granted to a family adding a foster child if the maximum occupancy level has been exceeded creating an overcrowded situation.

2. Temporary Placement of Family Member

   A child who normally resides with the family but is temporarily away from the home because of placement in foster care, rehabilitation, treatment, or incarceration for a non-felonious crime, is considered a member of the family.

5.4 Live-In Aide

A live-in aide is defined as a person eighteen (18) years of age or older who resides with one (1) or more elderly, near-elderly, or disabled person/s and who:

1. Is determined to be essential to the care and well-being of the person/s;

2. Is not obligated for the support of the person(s); and

3. Would not be living in the unit except to provide the necessary supportive services.

The MDPHA or its authorized contractor will approve a written request for a live-in aide upon written verification (see Attachment C, Reasonable Accommodation Policies and Procedures, for *Live-in Aide Verification* form) that the elderly, near-elderly or disabled applicant's or program participant's family member requires the services of the live-in aide.

The live-in aide may live in the unit solely to care for the family member and qualifies for occupancy only for as long as the individual requires the supportive services and is living in the unit. The live-in aide must be counted in determining family unit size. The MDPHA or its authorized contractor shall deny occupancy of the unit to the live-in aide(s) after the tenant, for whatever reason, is no longer living in the unit.

A relative may be considered as a live-in aide but must meet all the above criteria and is qualified to provide the care for the family member. The tenant and the live-in aide shall acknowledge that the live-in aide does not have any right to the unit and does not qualify for continued occupancy as a remaining family member by signing the *Live-in Aide Agreement* (see Attachment C, Reasonable Accommodation Policies and Procedures, for the *Live-in Aide Agreement*) which shall become an addendum to the tenant's lease.

Upon approval by the MDPHA or its authorized contractor, under extraordinary circumstances, relatives satisfying the definition of live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in aide. In such a case, the relative's income will be considered in the family's income.

The MDPHA or its authorized contractor has the right to deny a person who does not meet the admission criteria described in Chapter 5.2. B., to become a live-in aide. A criminal and sex offender background check of the proposed live-in aide shall be completed by the MDPHA or its authorized contractor prior to approval of the proposed live-in aide.

If the live-in aide is denied, the applicant or participant has a right to request an informal hearing.

5.5 Medical Equipment

At the sole discretion of the MDPHA or its authorized contractor, an applicant or program participant family may be allowed a larger voucher size to accommodate a family member who requires a hospital bed or other large medical equipment. The equipment must be substantial in size and must be verifiable by a medical doctor as medically necessary in order to justify approval of a larger voucher size.

5.6 Family Absences from Unit

A family may not be absent from the unit for more than sixty (60) consecutive days without prior written approval by the MDPHA or its authorized contractor as described below. It shall also be the responsibility of the family to advise the owner of any absence from the unit. Absence means that no member of the family as listed on the lease is residing in the unit. During all absences, the family must meet all program and lease obligations including the payment of rent, utilities, and complying with inspection and recertification obligations.

Absences from the unit for a period of sixty-one (61) to one hundred and twenty (120) consecutive days must receive prior written approval from a supervisor or higher authority. Absences for more than one hundred and twenty (120) consecutive days will not be approved. Assistance to a family will be terminated if the family is absent from its unit for more than sixty (60) days without prior written approval. If assistance to a family is terminated for such reason, the family may request a hearing within thirty (30)

days of the termination notice. If the family is reinstated as a result of the hearing, the prior lease and contract will not be resumed but a new voucher will be issued and a new lease and contract executed.

The owner or management agent is obligated to reimburse the MDPHA for any housing assistance payment made for the period after the effective date of termination of assistance to the family. Such reimbursement shall be billed by the MDPHA Accounting office and remittance must be made by check or money order and submitted to the MDPHA Accounting Office. Absence from a unit may be verified by any of the following methods: Housing Quality Standards inspection, proof of utility payments, service verifications, through owner/management company verifications, through an investigation or other documentation or means.

5.7 Family Break-up

If an assisted family separates due to a divorce, separation, or by any other operation of law, the MDPHA or its authorized contractor will determine who continues to be assisted under the program. No additional housing voucher will be issued.

The MDPHA or its authorized contractor will take into consideration the following criteria in making its decision as to which family member continues to receive assistance in the program:

1. The desires of the family;

2. The interest of minor children, or of ill, disabled or elderly family members;

3. Whether any family members are going to remain in the assisted unit;

4. Whether there has been any instance(s) of actual or threatened physical violence against a family member by another member of the household;

5. Which family members was part of the original application for assistance;

6. If a court determines property disposition between the family members, the MDPHA or its authorized contractor will adhere to the court's determination as to who shall hold the Housing Choice Voucher assistance; and

7. Whether there is drug-related or violent criminal activity. The MDPHA or its authorized contractor, in its sole discretion, may recommend terminating the entire family.

Chapter 6. Citizen and Immigration Status

6.1 Submission of Documents and Verification

Refer to Section 2.6 for documents to be submitted and related immigration topics.

6.2 Provision of Notice

In circumstances where Immigration and Naturalization Service (INS) has not verified eligibility, the family will be provided with a written notice that shall include:

1. That the family has a right to request an appeal to INS of the results of the verification of immigration status;

2. That the family has the right to request an informal hearing with the MDPHA or its authorized contractor upon completion of the INS appeal. Such hearing shall be in accordance with hearing procedures in Chapter 29 of this plan;

3. That Housing Choice Voucher assistance may not be denied or terminated until the conclusion of the INS or the MDPHA or its authorized contractor appeal process; and

4. Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

Chapter 7. Determination and Verification of Annual Income

7.1 Overview

The determination of eligibility and Total Tenant Payment (TTP) for the Housing Choice Voucher Program require that the applicant's or participant's family adjusted annual income be calculated at the time of admission into the Program and on an annual basis. USHUD regulations specify: the types and amounts of income from all family members that must be included in this calculation; the allowable deductions to be subtracted from the gross annual income to determine the adjusted income and the amount of utilities the tenant is responsible for paying.

7.2 Annual Income

Annual income means all amounts, monetary or not, or anticipated to be received, from a source outside of the household, by the family head or spouse (even if temporarily absent) or any other family member during the twelve (12) month period following the effective date of admission or annual re-examination.

For a participant family which includes persons with disabilities under the Housing Choice Voucher Program (excluding Moderate Rehabilitation), the MDPHA or its authorized contractor's determination of annual income will include the disallowance of increase as provided in 24 CFR § 5.617, if applicable. The Earned Income Disallowance (EID) is the exclusion from the calculation of the family's income, the income increase attributable to new employment or increased earnings, over the income received prior to qualifying for the disallowance. Additional disallowance requirements and the period of income disallowance are further described under 24 CFR § 5.617. The EID carries a maximum 48-month lifetime limitation.

Annual income means all amounts that not specifically excluded by regulation. It includes, but is not limited to:

1. The full amount of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services, before any payroll deductions.

2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service (IRS) regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in IRS regulations. Any withdrawal of cash or assets from

an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by USHUD.

4. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. However, lump sum additions such as insurance payments from worker's compensation are excluded.

6. Temporary Assistance for Needy Families (TANF). If the TANF includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:

   A. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

   B. The maximum amount that the welfare assistance agency could allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

   C. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

   D. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted.

   E. Periodic and determinable allowances, such as alimony and child support payments (see note), and regular contributions or gifts received from organizations or from persons not residing in the dwelling. (Note: uncollected child support will not be counted so long as the family provides court documents demonstrating that the debt is uncollectible or has not been paid or received as directed by the Court for more than six (6) months.

7. All regular pay, special pay, and allowances of a member of the Armed Forces Special pay to a member exposed to hostile fire is excluded.

7.3 Exclusions from Income

Annual income does not include the following:

1. Income from employment of children (including foster children) under the age of eighteen (18) years;

2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;

4. Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member;

5. Income of a live-in aide;

6. The full amount of student financial assistance paid directly to the student or to the educational institution;

7. Special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

8. The amounts received from the following programs:

   A. Amounts received under training programs funded by USHUD;

   B. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

   C. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;

   D. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;

   E. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;

9. Temporary, nonrecurring, or sporadic income (including gifts);

10. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

11. Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse);

12. Adoption assistance payments in excess of $480 per adopted child;

13. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;

14. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

15. Amounts paid by a State agency to a family with a member with a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;

16. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits, including:

    A. The value of the allotment of food stamps

    B. Payments to volunteers under the Domestic Volunteer Services Act of 1973

    C. Payments received under the Alaska Native Claims Settlement Act

    D. Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes

    E. Payments made under the Department of Health and Human Services' Low-Income Energy Assistance Program

    F. Payments received under the Job Training Partnership Act

    G. Income from the disposition of funds of the Grand River Band of Ottawa Indians

    H. The first $2,000 per capita received from judgment funds awarded for certain Indian claims

    I. Amount of scholarships awarded under Title IV including Work-Study

    J. Payments received under the Older Americans Act of 1965

    K. Payments from Agent Orange Settlement

    L. Payments received under the Maine Indian Claims Act

    M. The value of child care under the Child Care and Development Block Grant Act of 1990

    N. Earned income tax credit refund payments

    O. Payments for living expenses under the AmeriCorps Program

7.4 Adjusted Annual Income

Adjusted income is the annual income of family members residing in or intending to reside in the rental unit, less allowable deductions of:

1. $480 for each dependent

2. $400 for any elderly family or disabled family

3. Child care

4. Medical expenses (must exceed three percent (3%) of gross annual family income)

5. Disability assistance (must exceed three percent (3%) of gross annual family income)

7.5 Enterprise Income Verification (EIV), Third Party Verification, and Factors Affecting Eligibility and Family Rent

Accurate determination of income eligibility, allowances, and family rent can occur only if all factors related to income and family circumstances are verified. Employment income, Temporary Assistance for Needy Families (TANF), veteran's benefits, unemployment compensation and social security income, interest and dividends, as well as factors affecting the determination of income, such as full-time student status or child care expenses must be verified directly via third party sources (written or verbal) and/or by documents provided by the applicant, certifications, and self-declarations.

If Enterprise Income Verification (EIV) as described below is not available, third-party verification will be used. If third party verification is not available, the reasons must be clearly and specifically stated in the tenant's file. Verification requirements are set forth in USHUD regulations at 24 CFR Part 982. Acceptable documents include:

1. Financial statements or tax returns for self-employed

2. Copies of insurance policies

3. Real estate tax statements

4. Copies of birth certifications

5. Copies of court orders concerning custody.

USHUD's EIV system is the preferred form of verifying income that is provided by the tenant on the Housing Choice Voucher Applicant/Participant Information Worksheet. If the household's income in EIV matches the tenant-provided income, or if it is not substantially different, then third party verification is not necessary. However, third party verification may continue to be necessary to complement EIV income verification, for example, when the tenant disputes the data. It will not be considered as an automatic substitute for other third party verification, and may supplement other verification documentation, such as original, current tenant provided documents. The MDPHA or its authorized contractor will obtain as much information as possible about employment income, such as start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next twelve months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form. EIV is used to verify income for recertification, annual, interim and change of dwelling, or on a random basis.

EIV information cannot be accessed unless a current unexpired *Authorization to Release Information (HUD form 9886)* has been signed by all adult family members. This form expires fifteen (15) months after it is signed by the tenant. If income information in EIV is not available or if it is substantially different from tenant-provided information, then written verification from third parties is the next most desirable form of verification. Currently, a substantial difference requiring third party verification in cases where EIV income data differs from tenant-provided and/or other verified income information is defined as being $200 or more per month or $2,400 per year, unless amended by the MDPHA or its authorized contractor. If EIV income data is not substantially different than current tenant-provided income documentation, the following guidelines for projecting annual income will be used:

1. If EIV income data is less than current tenant-provided documentation, the MDPHA or its authorized contractor will use tenant-provided documents to calculate anticipated income.

2. If EIV income data is more than current tenant-provided documentation, the MDPHA or its authorized contractor will use EIV income data to calculate anticipated annual income unless the tenant provides the MDPHA or its authorized contractor with documentation of a change in circumstances (i.e., change in employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, the MDPHA or its authorized contractor will use tenant-provided documents to calculate anticipated annual income.

In cases where EIV income data is substantially different than tenant-reported income, the MDPHA or its authorized contractor will utilize the following guidelines:

1. Request written third party verification from the discrepant income source. For EIV Social Security Administration (SSA) benefit discrepancies, the MDPHA or its authorized contractor shall require the tenant to obtain a current original SSA benefit letter within ten (10) business days of the interview date.

2. Review historical income data for patterns of employment, paid benefits, or receipt of other income, when the MDPHA or its authorized contractor cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.

3. Analyze all data (EIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy.

4. Use the most current verified income data (and historical income data if appropriate) to calculate anticipated annual income.

In verified differences of $200 or more per month or $2,400 or more a year, the MDPHA or its authorized contractor shall require the family to enter into a repayment agreement for monies owed. Should the family refuse to enter in a repayment agreement or not fulfill its obligations under its repayment agreement, the MDPHA or its authorized contractor shall recommend termination and may refer the case to the USHUD Office of the Inspector General. The MDPHA or its authorized contractor, in its sole discretion, may recommend terminating assistance for tenant fraud on a case-by-case basis, e.g., forgery or has demonstrated a pattern of unreported or under-reported income in between or at prior reexaminations. In such cases, the MDPHA or its authorized contractor will make the determination whether to recommend terminating assistance and forwarding the case to the USHUD Office of Inspector General via the MDPHA.

In instances where fraud (as defined in Attachment A of this policy), as opposed to tenant error (as defined in Attachment A of this policy), has occurred by the tenant and the difference is verified as being $10,000 per year, the MDPHA or its authorized contractor shall recommend terminating housing assistance and shall forward cases to the USHUD Office of Inspector General for fraud prosecution, where authorized by MDPHA.

Tenant income information derived from the EIV system is confidential and cannot be released to outside parties or unauthorized staff. This information is exempt from the disclosure requirements of the Florida Public Records Act and HUD requires PHAs to keep said information private under penalty of Federal law. Any EIV-derived information is required to be kept guarded under lock and key and must be shredded and destroyed when no longer needed. Copies are not kept in tenant files to avoid risking the release of such information to anyone other than the client and authorized MDPHA or its authorized contractor staff. MDPHA or its authorized contractor shall provide the participant with information obtained through EIV upon the participant's request.

Unauthorized disclosure or inspection of EIV data can result in a felony conviction punishable by a fine up to $5,000 or five (5) years imprisonment, as well as civil penalties, pursuant to the Privacy Act of 1974 as amended, 5 U.S.C. § 552(a).

Chapter 8. Payment Standard and Housing Assistance Payments

8.1 Payment Standard

Under the Housing Choice Voucher program a payment standard is used to calculate the monthly housing assistance payment for families of different sizes and compositions. The payment standard is based on the area Fair Market Rent (FMR) published by the USHUD and is established by bedroom size. The payment standard is the maximum monthly subsidy payment the MDPHA or its authorized contractor will make for a family based on the unit size that the MDPHA or its authorized contractor determines as appropriate for the family.

The payment standard per bedroom size may not be less than ninety percent (90%), or more than one hundred and ten percent (110%) of FMR. The MDPHA or its authorized contractor shall review its payment standard annually after the FMR is published. The review shall include:

1. Capacity for families to be mobile (i.e., ability of families to locate housing outside of high poverty areas);

2. Fair housing choice (i.e., the ability of families to locate housing outside areas of minority concentration), and

3. When families have difficulty locating housing for lease within the term of the voucher.

The Agency shall also review the payment standard for adequacy when thirty percent (30%) or more of the families have high rent burdens.

In order to maximize the number of families to be served based on available funds, the MDPHA may adjust, upon a waiver from USHUD, the payment standards when USHUD publishes the FMR. The MDPHA may adjust the payment standard amounts within these limits in order to assure continued affordability of units within the Miami-Dade County jurisdiction.

8.2. Exception Payment Standard

The MDPHA may request an exception payment standard amount from USHUD for all units or all units with a given number of bedrooms in a designated "exception rent area" if it is determined that an exception rent is needed to help families find housing in low-poverty areas based on market conditions, or if voucher holders are experiencing difficulty in finding housing for lease under the program terms.

The MDPHA shall apply to USHUD for approval of payment standard amounts whenever deemed necessary by the analysis of need for a geographic area or neighborhood consistent with the Miami-Dade County Consolidated Plan.

8.3 Calculating Housing Assistance Payments

The MDPHA or its authorized contractor shall use the applicable payment standard schedule for the FMR area or the USHUD-approved exception rent area to calculate the housing assistance payment for a family. The payment standard for a family is the lower of the payment standard for the family unit size determined by the MDPHA or its authorized contractor as appropriate for the family composition or the payment standard for the unit actually rented by the family.

During the Housing Assistance Payment (HAP) contract term for the unit, the payment standard is determined by the FMR rent limits effective at the most recent regular reexamination of family income and composition after the beginning of the HAP contract term.

The payment standard for a family shall not drop below the payment standard in effect at the time of Request For Tenancy Approval (RFTA) unless:

1. The rent to owner decreases;

2. There is a change in family size or composition; or

3. The family enters into a new lease. A family entering into a new lease at a current or new unit shall have the current payment standard in effect.

8.4 Reasonable Accommodation

As a reasonable accommodation for a family that includes a person with a disability, the MDPHA may establish a higher payment standard for that family up to one-hundred and ten percent (110%) of the published FMR. With approval of the HUD Field Office, the payment standard can be up to one-hundred and twenty percent (120%) of the published fair market rent. The applicant, participant, or representative must request this exception (Refer to Attachment C for MDPHA's Reasonable Accommodation Policies and Procedures).

Applicants with Accessibility or Special Needs:
Applicants whose family includes a disabled person may request a current list of accessible units known to the Agency. The Agency shall not be held responsible for certifying the unit as accessible. Such verification is the responsibility of the family. Verification of the handicap or disability of the family member may be necessary to determine the need for an accessible unit as well as for any disability assistance expenses that the applicant may be able to make a claim.

If the need for an accessible unit is clearly evident, verification of need is not required. The MDPHA or its authorized contractor will conduct outreach efforts to encourage owners with accessible units to participate in the Housing Choice Voucher program (See Attachment C for MDPHA's Reasonable Accommodation Policies and Procedures).

Chapter 9. Rent Comparability and Reasonableness

9.1 Comparability

Rent charged for a unit under the Housing Choice Voucher Program must be reasonable. The MDPHA or its authorized contractor must assure that the rent for the unit assisted is not more than rents charged for comparable units in the private housing market and that the rents approved by the Housing Choice Voucher Program for any units placed under lease do not have the effect of inflating rents in the area or neighborhood. In order to determine comparability the MDPHA or its authorized contractor performs surveys of comparable rents by field visits and through published rental data analyses. The MDPHA or its authorized contractor reserves the right to contract with a private entity to perform surveys of comparable rent.

At the time of initial move-in or change of dwelling, where the rent reasonableness study establishes a contract rent for a unit which is less than the amount requested by the owner and also less than the payment standard, the tenant does not have the option to pay the owner more than the MDPHA or its authorized contractor's approved contract rent nor the determined tenant portion of the rent.

If the rent reasonableness study for an initial move-in or change of dwelling establishes a contract rent that is greater than the payment standard, i.e., (the unit's value is greater than the payment standard) the family may agree to pay the difference in the rent given the family's ability to pay. The MDPHA or its authorized contractor will not approve a rent amount that is beyond the family's ability to pay and under no circumstances approve a tenant portion more than forty percent (40%) of the family's adjusted monthly income if the gross rent is above the payment standard at time of initial move-in or change of dwelling.

Under no circumstances may an owner charge an amount to a tenant that is more than is approved by the MDPHA or its authorized contractor nor demand side payments in addition to the approved rent.

9.2 Initial Determination of Rent

A comparable unit shall be defined as a unit which is similar to the subject unit using the following criteria for comparison:

1. Square footage
2. Number of bedrooms/bathrooms
3. Type, i.e., single family, townhouse, duplex, multi-family, etc.
4. Location
5. Condition or maintenance
6. Amenities
7. Year Built (Age)
8. Quality
9. Housing Services

On occasion, assessing the rent influence of a non-conforming design or condition may require unsupported but reasoned appraisal judgment. In many cases, however, the effect on the rent can be determined from market data.

In general, a minimum of two (2) to three (3) comparable private market (unassisted) units will be used. At the request of the family, the MDPHA or its authorized contractor will assist the family in negotiating the rent, if the rent reasonableness study shows that the unit is valued less than the amount requested by the owner. As part of the rent reasonableness documentation, the MDPHA or its authorized contractor may require the owner to provide a rent roll of unassisted comparable units in buildings of two or more units that shall consist of, at minimum, the apartment or unit number, bedroom size, contract or full rent charged, and the utilities included in the rent, unless there are comparable, assisted units in the complex or building.

The MDPHA or its authorized contractor may require such documentation at lease-up and every time the owner requests an annual or special adjustment (increase). The MDPHA or its authorized contractor may request the owner to provide information on units in the general area for comparability.

9.3 Documentation and Record Keeping

The MDPHA or its authorized contractor will maintain in a database listing (by zip code or census tract) the reasonable rents approved for units under a Housing Choice Voucher HAP contract for a minimum of

three (3) years. Such documentation shall include the bedroom size of unit, address, last rent charged and date of last rent adjustment.

Copies of rental survey forms shall be maintained for three (3) years by the MDPHA or its authorized contractor and indexed to ensure easy reference. A copy of the approved survey shall also be maintained in the tenant file. The MDPHA or its authorized contractor shall also retain and maintain completed survey forms returned by owners.

Chapter 10. Housing Quality Standards and Inspections

The MDPHA or its authorized contractor will inspect all units to ensure that the units are in a decent, safe and sanitary condition in accordance with the Housing Quality Standards (HQS) as described in 24 CFR § 982.401,interpretative guidance of acceptability criteria in Form HUD 52580-A Inspection Checklist the HUD Housing Inspection Manual.

Emergency HQS Violations
The following items are considered emergency fails:

1. No electricity
2. No running water
3. No gas if heat, hot water or range are powered by gas
4. Natural gas leak or fumes from fuel burning appliances/equipment
5. Major plumbing leaks or flooding, (such as sewer back up or water line breakage)
6. No operational sanitary facilities
7. Any electrical fixture or equipment that smokes, sparks, or short circuits creating a fire hazard
8. Uninhabitable units due to fire, tornado, flood, or destroyed/vandalized units that prevent a tenant from using the bathroom or kitchen.

10.1 Initial Inspections

No unit will be placed under an initial contract until the unit is inspected and any and all violations are corrected and the unit is approved by the MDPHA or its authorized contractor.

If the unit fails inspection, the family and owner will be advised of the repairs needed to pass inspection and given ten (10) business days to correct the failed items. The reinspection will be automatically scheduled and completed (ten) 10 business days following the initial fail unless the owner or tenant decides to cancel the RFTA for the unit before the expiration of the ten days. If the unit does not pass re-inspection, the Request for Tenancy Approval will be voided and the family must find another suitable unit, if the family has time remaining on the Housing Choice Voucher.

Approval for the tenant to move in will not be given until the unit passes inspection, reasonable rent has been established, and the executed lease has been submitted.

10.2 Annual Inspections

Each unit under contract will be inspected at least annually or any other time and as often as deemed necessary by the MDPHA or its authorized contractor to determine compliance with the MDPHA or

inspection standards. Written notice of the annual inspection date will be mailed to the tenant, with a copy to the owner. It is the tenant's responsibility to ensure the MDPHA or its authorized contractor access to the unit and premises. Failure to gain access to the unit and premises to conduct annual inspections and any subsequent re-inspections is a violation of the family's obligations and grounds for termination from the program.

The family is responsible for HQS violations caused by:

1. The family's failure to pay for tenant supplied utilities;

2. The family's failure to provide and maintain tenant supplied appliances;

3. Damage caused by the family or guest to the assisted unit or premises.

All other HQS violations must be corrected by the owner.

The MDPHA or its authorized contractor will provide written notice to owners and tenants of specific HQS requirements that fail the Inspection. The notice will note whether violations are the tenant's or the owner's responsibility.

The participant must allow inspections to be made by the MDPHA or its authorized contractor. Additionally, the participant must allow the owner to make repairs upon reasonable notice and at reasonable hours. Failure of the participant to give access to the unit to allow inspections and/or repairs in compliance with the lease and housing program rules and regulations shall result in the family's termination from the program.

Owners and tenants will be given twenty-four (24) hours to correct any HQS violation that is considered an emergency as described above. Owners and tenants must correct all other HQS violations within fifteen (15) business days of the annual inspection. The date of reinspection will be automatically set by MDPHA's contractor and appear on the notice to owner and tenant describing the failed items. Failure to gain entry to the unit and premises for the purposes of conducting a reinspection will result in sanctions to the owner and/or tenant.

1. Non Compliance Due to Violations that are Owner Responsibility

   If an owner fails to comply with corrective action within the time period ordered by the MDPHA or its authorized contractor, the Housing Assistance Payment (HAP) will be abated beginning no later than the first day of the month following the specified correction period. The unit will remain in abatement status for a maximum of 90 days. If the unit has not passed HQS inspection within ten (10) business days from notification of the abatement of HAP the tenant will be issued a voucher to move to another unit provided the tenant is in compliance with all program regulations including HQS. It is the owner's responsibility to request a new compliance inspection if violations are corrected after the compliance date and prior to the HAP contract termination date. If the violations are corrected and verified by inspection before the HAP contract is terminated, the payments will be reinstated as of the date the unit passes inspection, as long as there is a current lease in place and the tenant still resides in the unit. If the violations are corrected after the termination, the owner and the tenant must execute a new lease and HAP contract. Another inspection must be conducted to verify there are no HQS deficiencies.

   The MDPHA or its authorized contractor will notify the tenant in writing to request a change of dwelling due to violations that are the owner's responsibility and not corrected within the MDPHA or its authorized contractor-required time frame. The tenant will be contacted by the Intake Department to begin the change of dwelling (COD) process. If there are both tenant and owner responsible violations, HAP will be abated and the tenant assistance may be recommended for termination according to HUD regulations. or

2. Noncompliance due to Violations that are Tenant Responsibility

   For violations that are deemed the tenant's responsibility and are not corrected within the above time frames, the tenant will be recommended for termination from the program. Both the owner and tenant shall be notified in writing by the MDPHA or its authorized contractor. If the tenant requests a second reinspection within ten (10) business days from the date of notice of intent to terminate program assistance, and the unit passes, MDPHA will cancel the termination process. Should a tenant's participation be recommended for termination for HQS violations in the unit, they will be entitled to a hearing in accordance with this Administrative Plan. While the hearing proceedings and decision are pending, HAP will continue to the owner provided the owner is in compliance with all other provisions of the HAP Contract, but not for longer than a period of ninety (90) days from the date of the failed inspection or the end of the tenancy, whichever is shorter. Should the owner evict the tenant for tenant-responsible HQS violations, the owner may be paid through the date of eviction. For the payment to be approved, the owner must provide evidence that the eviction has been completed.

   In the event that the family's participation is terminated as a result of a hearing decision, and the family remains in the unit, the family is responsible for the full rent to the owner. The MDPHA or its authorized contractor shall notify the owner and tenant by mail of the determination of a unit failing compliance inspection, abatement or termination of assistance. If there are both tenant and landlord responsible violations, HAP will be abated and tenant's assistance may be recommended for termination according to HUD regulations.

10.3 Complaint Inspections

Complaints regarding legitimate HQS issues will be investigated by the MDPHA or its authorized contractor. Complaint inspections will be scheduled by mail or telephone. HQS failures as a result of complaint inspections will be enforced by the MDPHA or its authorized contractor in the same manner as annual inspections.

10.4 Quality Control Inspections:

Quality Control inspections will be conducted to ensure that inspections are in conformance with HQS, to verify the accuracy and efficiency of inspection personnel, and to monitor and document program performance. It is the intent that these inspections and the keeping of records will assist in the identification and prevention of repeated violations. Quality Control inspections will be conducted by a staff member of the MDPHA or its authorized contractor, trained and experienced in conducting unit inspections. The quality control inspection is a re-inspection of units recently inspected. Selection of the units for quality control inspections is done randomly by the Quality Control Inspector or Supervisor from a computer listing of all recently inspected units and should be a cross-section of neighborhoods and a cross-section of the work of inspectors to include the work of each inspector. HQS failures resulting from quality control inspections will be enforced in the same manner as annual inspections.

10.5 Ongoing Maintenance required for Compliance with 24 CFR Part 35, Lead-based Paint

The owner and MDPHA Contractor is required to conduct a visual assessment for deteriorated paint and failure of any hazard reduction at time prior to move-in and at least annually. In addition, the owner is required to make corrections of deteriorated paint and any failed lead hazards reduction measures.

10.6 Extensions of Time to Cure Inspection Violations

Reasonable extensions to the time limitations for compliance established in this section may be granted by the MDPHA or its authorized contractor in extenuating circumstances. Requests for such extensions

must be submitted in writing prior to the MDHCV reinspection compliance date and supported by documentation. Examples of extenuating circumstances may include but are not limited to the following:

1. Inclement weather
2. Verification of unavailability of necessary parts or
3. Emergency situations such as a natural disaster

In the event that the item(s) is/are caused by a natural disaster, extensions to the compliance inspection date may be granted, but for no longer than sixty (60) days. In order to approve such an extension, The MDPHA or its authorized contractor may request evidence of insurance claims, estimates for repair or other related documents.

Chapter 11. Utilities

11.1 Utility Allowance Schedule

The MDPHA or its authorized contractor maintains utility allowance schedules for all commonly used utilities. Utility allowances are not meant to provide a dollar for dollar recapture of utility payments, but are an estimate of the monthly cost of a reasonable consumption of utilities by energy-conservative households that occupy housing of similar size and type in the same locality. The utility allowance schedules are reviewed and revised annually. If there is a ten percent (10%) increase or decrease in utility rate in any utility category since the last revision, the utility allowance schedules shall be revised.

The utility allowance schedules are by unit size and typical unit types in the Miami-Dade County area. The MDPHA maintains utility allowance schedules that apply to the Housing Choice Voucher, Shelter Plus Care, Moderate Rehabilitation and Moderate Rehabilitation Single Room Occupancy units. A copy of the revised utility allowance schedules are provided to local USHUD office annually for their review and comments prior to their implementation on the effective date.

11.2 Utility Reimbursements

Where the utility allowance exceeds the total tenant payment of the family, the MDPHA or its authorized contractor will provide a utility reimbursement payment. Payment for utility reimbursement will be made monthly. If the family owes any sums to the MDPHA or any other housing authority, the MDPHA or its authorized contractor may use any utility reimbursement amount owed to the family as payment.

The MDPHA or its authorized contractor, at its discretion and as deemed operationally feasible may make utility reimbursement payments directly to the utility company. Such direct payment shall not require the family's consent; however, MDPHA or its authorized contractor shall inform the family immediately upon its decision to make payments directly.

11.3 Tenant-Responsible Utilities

Utilities for which the tenant has agreed to be responsible, as stated in the Request for Tenancy Approval (RFTA), are a family responsibility as specified at 24 CFR § 982.404 and failure to do so may result in a recommendation for termination.

Chapter 12. Security Deposits and Late Fees

12.1 Security Deposits

For all housing assistance payments contracts, an owner may collect a security deposit from the tenant. It shall be the owner's responsibility to collect the security deposits from the family. The amount of the security deposit must be consistent with common practice in the Miami-Dade private rental market and not in excess of security deposits collected for owner's unassisted tenants and not to exceed one month's rent.

12.2 Late Fees

Late fees by MDPHA or its authorized contractor shall not be assessed on Housing Assistance Payments except when each of the following conditions is met:

1. Such penalties are in accordance with generally accepted practices and law, as applicable in the local housing market, governing penalties for late payment of rent by a tenant;

2. It is the owner's practice to charge such penalties for assisted and unassisted tenants; and

3. The owner also charges such penalties against the tenant for late payment of family rent to owner.

Late fees may be assessed at the written request of the owner if payment of the HAP has been delayed in excess of sixty (60) days from the effective date of the HAP contract or from any other date after the rental payment has not been timely paid by MDPHA or its authorized contractor. In instances where USHUD determines that payment is not made due to circumstances beyond the MDPHA or its authorized contractor's control, which affect payments to other owners, late fees shall not be assessed. Late fee(s) are paid to the landlord based on the same monthly late charge fee the landlord charges his/her tenants stipulated in the dwelling lease. However, no late payment penalty shall exceed $50 per occurrence.

Owners shall submit a claim on a MDPHA-approved form which can be either mailed to the Owner or (via U.S. mail or electronic mail) can be found on the MDPHA website. Late fee(s) are paid to the landlord based on the same monthly late charge fee the landlord charges his/her tenants stipulated in the dwelling lease. However, no late payment penalty shall exceed $50 per occurrence.

For new leases or change of dwellings, MDPHA or its authorized contractor is obligated to make housing assistance payments within sixty (60) days from the HAP effective date. Except for new leases or changes of dwellings, generally HAP's are due to the owner on the first of each month. HAPs shall be considered made when the check is issued or electronically submitted to the owner. After the first two calendar months of the HAP contract term, owners can submit late payment claims to the MDPHA or its authorized contractor and the MDPHA or its authorized contractor may be required to pay late fees for any months the payment is past due. Owners must submit any late payment claims on a MDPHA-approved Claim Form within thirty (30) days after receipt of the late housing assistance payment from MDPHA or its contractor. The *Claim Form* will be made available for downloading from the County's website located at www.miamidade.gov/housing and will also be provided to new owners during the orientation described in Section 13.1 of this Administrative Plan. Failure of the owner to make a claim within thirty (30) days waives his/her right to make a claim for late payment penalties. If there is any dispute over the amount of the late fee or a denial of the late fee, MDPHA or its contractor will endeavor to attempt to resolve the dispute. After receiving USHUD's approval, MDPHA or its authorized contractor will inform an owner when processing of payments may be delayed and that the Agency will not pay late fees should this situation occur. This may include, but not be limited to, delays in payments to new contracts or reactivation of payment following abatements due to HQS violations.

Chapter 13. Tenancy Approval

13.1 Documents to be Submitted

When the voucher holder has located a unit during the term of the housing voucher, he/she must submit a completed Request for Tenancy Approval package to the MDPHA Contractor containing the following:

1. *Request for Tenancy Approval Form HUD-52517*, fully executed and signed by both owner and voucher holder tenant;

2. *Affidavit of Disclosure* fully completed, executed by the owner and notarized;

3. Proof of Ownership: if currently on the computerized Miami-Dade County property rolls, the tax bill or other document indicating the folio number may be submitted; if not current on the tax rolls, then a valid deed may be submitted;

4. An unexecuted lease and Tenancy Addendum for review by Housing Choice Voucher staff. The owner may provide his/her own lease, which the owner uses for rental to unassisted tenants. An owner-supplied lease must be in conformance with state and local statute; the owner also has the option to use a lease approved by MDPHA.

5. Condominium, co-op, or homeowner association approval letter, if applicable and required by such association;

6. *Housing Choice Voucher Landlord Certification of Responsibility Form* executed by the owner;

7. Tax Identification Number or Social Security Number, as applicable, for the owner; and

8. Other affidavits, as required by Miami-Dade County.

In circumstances where clarification of ownership is required, the MDPHA or its authorized contractor may request appropriate documentation and may verify such ownership with other Miami-Dade County Agencies and the County Attorney's Office.

Prior to the approval of the assisted tenancy, the MDPHA or its authorized contractor will request the following from the owner: *IRS Form W-9*, completed and executed, unless previously provided by the owner.

New owners will be provided with an orientation to advise them of their rights and responsibilities under the HAP. The MDPHA, or its authorized contractor, may provide the option to attend this orientation or view an orientation video at a designated site including, but not limited to, the MDPHA website. Ownerships by trusts and corporations shall conform to Internal Revenue Service and the State of Florida requirements. A W-9 shall be completed for every ownership entity with a different tax identification number.

13.2 Approval of Assisted Tenancy and Approval to Move In

The MDPHA or its authorized contractor must review and approve all submitted documents, the rent must be reasonable; the unit must pass HQS initial inspection, and receive an executed lease prior to granting authorization for the family to move into the unit. The tenant shall be responsible for the full contract rent to owner if the family moves into the unit prior to being given authorization to move in. To the greatest extent possible, the MDPHA or its authorized contractor will approve tenancy within fifteen (15) days of

RFTA acceptance given all documents are submitted, completed and executed, the rent is determined as reasonable or negotiated and the unit passes HQS inspection.

The MDPHA or its authorized contractor shall not approve a family for initial tenancy of a unit under Housing Choice Voucher if the family's portion of the rent exceeds forty percent (40%) of the family's monthly adjusted income. This requirement is subject to change in conformance with USHUD federal regulations.

13.3 Use of Unit for Business

A tenant may conduct small-scale legal business in the unit if all of the following conditions are met. An example of a business includes, but is not limited to, cottage industries such as sewing and alteration service. Conditions for use of unit for business are:

1. Must be included in the lease or as an addendum to the lease,
2. Must be approved by owner,
3. Income derived from the business must be included and calculated as part of the family's income,
4. Business is in compliance with local zoning codes and other ordinances; and
5. Business does not conflict with federal housing quality standards regarding space and occupancy standards.

Chapter 14. Housing Assistance Payments

Payments under valid Housing Assistance Payments (HAP) contracts will be made on or about the first of the month for which the payment is due. HAP shall be considered made when the check is issued or electronically transmitted to the owner. Initial payments, due to processing steps, may be delayed. However, all amounts due to date will be paid when processing is complete.

14.1 HAP Contract and Lease Termination

HAP payments will continue so long as the unit passes inspection, the family completes recertification annually, and is qualified and eligible for continuation in the Housing Choice Voucher program or until the HAP contract or lease is terminated by the owner, the tenant, or the MDPHA or its authorized contractor in accordance with federal regulations. If the HAP contract or lease is terminated, the assistance payment will terminate as follows:

1. If the tenant moves, the HAP will be paid through the notice to move date. If the tenant gives a notice of intent to vacate or executes a mutual lease termination agreement with the owner and does not move out of the unit by the date indicated, and the owner is willing to allow the tenant to remain in the unit, a cancellation of the notice to move is required to be signed by landlord and tenant. The existing lease will remain if it has a provision for continuation or a new lease or addendum will be required to be signed. Payment should continue on behalf of the family.
2. If the owner terminates the lease, the HAP payment will terminate when the tenant vacates the unit. The MDPHA or its authorized contractor must be given a copy of owner initiated notice of termination of lease. The MDPHA or its authorized contractor will review any notice of lease termination to determine that it complies with the lease provisions.

3. If the owner plans to evict the tenant for violating the terms of the lease, such notice must be given to tenant with a copy to the MDPHA or its authorized contractor prior to commencement of any eviction action. Such notice may not be simultaneous to eviction process.

4. If the MDPHA or its authorized contractor terminates the contract, payment will stop on the date indicated in the Notice.

5. See Chapters 22 & 23 for Change of Ownership or Foreclosure.

14.2 Right to Recoup Amounts Paid

1. Recapture by the MDPHA
   If a contract is terminated after payment has been made or a stop payment is not possible, the MDPHA or its authorized contractor reserves the right to recoup amounts paid erroneously to owners by withholding any payment owed to that owner, even if the payment owed is for another Housing Choice Voucher tenant or for another program. If the owner has no other valid Housing Choice Voucher contracts, he/she will be responsible for making repayment to the MDPHA promptly upon request. The MDPHA reserves the right to place a lien on the property for any amounts owed after efforts to recoup funds are unsuccessful. The MDPHA or its authorized contractor may deny any new Requests for Tenancy approvals until the payment is made by the owner.

2. County Obligations
   The MDPHA reserves the right to withhold payments if an owner owes funds to another Miami-Dade County department. Such withholding is pursuant to County ordinance and administrative order and will only be made upon request by the affected department and with written notice to the owner.

14.3 Termination of HAP Contract for Insufficient Funding

The MDPHA or its authorized contractor may terminate the HAP contract if it is determined, in accordance with USHUD requirements, that the funding under the consolidated ACC is insufficient to support the continued assistance for families in the program. In the event that termination of HAP contracts becomes necessary, the MDPHA or its authorized contractor shall exempt the following:

1. Elderly persons, sixty-two (62) years and older

2. Disabled families

3. Housing Choice Voucher Homeownership Program participants

4. Families receiving voucher assistance as a result of relocation due to HOPE VI development or

5. Families receiving voucher assistance through special allocations in VASH, Access 2000 and Mainstream programs

The MDPHA or its authorized contractor reserves the right to determine the methodology of termination of HAP contracts. Such methodology shall be based on income. Families currently paying seventy-five percent (75%) or more of contract rent will have the HAP contracts terminated. If after terminating families paying seventy-five percent (75%) or more of contract rent there continues to be insufficient funding, then families paying fifty percent (50%) to seventy-four percent (74%) of contract rent will be terminated. If there continues to be insufficient funding, then families paying twenty-five percent (25%) to forty-nine percent (49%) of contract rent will be terminated. The order of families being terminated in these payment groups shall be conducted on a first in first out basis (i.e., those families who have participated the longest in the program by lease-up date will be the first HAP contracts terminated). Notice of the HAP

contract termination will be provided to the tenant and owner. Families terminated due to lack of sufficient HAP funding leaving in good standing shall be afforded, where available, other housing opportunities, including homeownership opportunities and affordable rental housing. Families removed from the program shall be placed on a list until funding is available for re-housing.

Chapter 15. Annual and Interim Re-certification

15.1 Annual Re-certification

1. Scheduling of Appointments

   Each family participating in the Housing Choice Voucher and Moderate Rehabilitation Programs is required by federal regulation to be recertified every twelve (12) months. Re-certification requires the program participant to provide information regarding family income and composition to MDPHA so that tenant rent for the coming year may be established.

   The MDPHA or its authorized contractor will notify the Housing Choice Voucher family approximately ninety (90) to one hundred and twenty (120) days of re-certification time and will notify the family of documentation the family will be required to provide. Re-certification can be conducted either in person, by mail or home visit depending upon circumstances, at the discretion of the MDPHA or its authorized contractor. The MDPHA or its authorized contractor may access criminal records of any household members with the purpose of determining continued assistance under the program, at re-certification, change of dwelling, and at any time the MDPHA or its authorized contractor deems necessary. The *Consent Form Authorizing Miami-Dade Housing Agency to Obtain Criminal Background Checks* must be signed by all appropriate family members. The tenant's consent and authorization terminates upon the tenant's termination of tenancy in the program.

2. Number of Appointments and Missed Appointments

   A family shall be allowed to miss no more than two appointments to complete the re-certification. If the family fails to keep the first appointment, a second notice shall be mailed stating that failure to complete the re-certification at the second appointment will be grounds for termination from participation in the Housing Choice Voucher program.

   Exceptions may be granted by the MDPHA or its authorized contractor on a case-by-case basis with consideration of the reason or circumstances for not meeting the re-certification requirements. The MDPHA or its authorized contractor may require documentation from the family to prove any extenuating circumstances. The same number of appointments and procedure stipulated above shall apply to all programs, including the Family Unification program, Veterans Assisted Supportive Housing (VASH), and other targeted Housing Choice Voucher programs. The Florida Department of Children and Families shall be copied on the second appointment notification to Family Unification Program participants in an effort to provide any necessary intervention.

3. Acceptable Verification of Income

   The MDPHA or its authorized contractor will utilize the verification guidelines under PIH Notice 2004-1 Verification Guidance, PIH Notice 2006-41 Verification of Social Security and Supplemental Security Income Benefits, and subsequent guidelines or regulations that may be issued by USHUD.

Enterprise-Income Verification (EIV), when available, and third party written verification of information, are the most desirable types of documentation. If EIV information conforms to the family's declared income as described under Chapter 7.5, third party verification may not be required. The MDPHA or its authorized contractor staff will utilize the third-party verification criteria stipulated in Chapter 2, Section 2.13, for tenants under the program.

4. Student Eligibility

   A full or part-time household student must meet federal regulation eligibility requirements.

15.2 Interim Re-certifications

1. Increase in Family Income or Family Composition Changes

   If the family's income increases $200 or more per month, the family shall report the income increase in writing within ten (10) calendar days of the change. Tenants will be provided a statement at annual recertification that they are required to report changes in income of $200 or more per month and that failure to report such changes may result in their termination from the program. For family composition changes due to birth, adoption or otherwise granted custody to the family by operation of law, or upon a family member moving out of the unit, the family must inform the MDPHA or its authorized contractor in writing within thirty (30) calendar days. Any other additions to the family must be requested in writing and approved by the MDPHA or its authorized contractor prior to the family member being added to the family composition as further described under Chapter 5.2, Changes in Family Composition.

2. Decrease in Family Income

   If the family experiences a decrease in income that will be for a period longer than thirty (30) calendar days, an appointment for an interim review will be scheduled at the earliest possible date upon the family's request. As long as information is provided in a timely manner by the tenant, decreases in rent will be made effective on the first day of the month following the month in which the change is reported.

   Rent will not be adjusted as a result of a family's income decreasing because of a reduction in Temporary Assistance to Needy Families (TANF) due to sanctioning by the welfare agency, State of Florida Department of Children and Families. The family is entitled to a hearing, should it wish to appeal such decision by the MDPHA or its authorized contractor not to reduce the tenant portion of the rent.

Chapter 16. Family Moves

16.1 Tenant Notice

With proper notice, a participant family may move to another unit either within or beyond the MDPHA's jurisdiction at the expiration of the lease term. Moves after the initial year of the lease term are limited to not more than one move in any 12-month period. A second move within the same calendar year may be allowed only under hardship conditions upon the approval of the MDPHA or its authorized contractor and for victims of domestic violence, sexual assault/battery, dating violence, and stalking, as described under Section 2.15. The notice to move must be in accordance with the lease, addressed to the owner with a copy to the MDPHA or its authorized contractor.

A family may move under the Housing Choice Voucher program with a change of dwelling approved by the MDPHA or its authorized contractor so long as the family has not committed any actions that are

grounds for termination under Chapter 27, Part I, or failed to comply with obligations under 24 CFR §§ 982.551 and 982.553.

16.2 Mutual Lease Termination

A participant may move from an assisted unit, prior to the end of the first year of lease, by obtaining a mutual lease termination executed by the participant, the owner and the MDPHA or its authorized contractor. The Housing Assistance Payments contract with the owner will be terminated by the MDPHA or its authorized contractor as of the date the lease is mutually terminated. A mutual lease termination in the initial lease term only applies under the conditions stated in 16.1.

16.3 Owner Responsibility on Tenant Move-Out

The owner is required to provide the MDPHA or its authorized contractor with a copy of any notice to the tenant upon move-out. The notice must include a provision for, but not limited to, return of security deposit. If the tenant gives a notice of intent to vacate or executes a mutual lease termination agreement with the owner and does not move out of the unit by the date indicated, and the owner is willing to allow the tenant to remain in the unit, a cancellation of the notice to move is required to be signed by landlord and tenant. The existing lease will remain if it has a provision for continuation or a new lease or addendum will be required to be signed. Payment should continue on behalf of the family.

Chapter 17. Tenant Rents and Owner Rent Increases

17.1 Tenant Rents

The minimum rent imposed on tenants is in accordance with federal regulations. The MDPHA or its authorized contractor has adopted a minimum tenant rent of $50.00 per month. If the family can demonstrate a long-term hardship (over ninety (90) days) in paying the minimum rent that would result in the family being evicted from the unit for its inability to pay the minimum rent, the MDPHA or its authorized contractor shall temporarily exempt the family from payment and will review the tenant's circumstances at the next scheduled recertification.

17.2 Rent Increases

An owner may request an adjustment to the contract rent sixty (60) days prior of the anniversary date of the HAP contract. Requests by the owner shall be in writing to the MDPHA or its authorized contractor rent increases are subject to market rent comparability surveys that prohibit paying more for a Housing Choice Voucher unit than a comparable unit on the unassisted market.

The rent to owner will only be increased for housing assistance payments covering months commencing on the latter of: the first day of the first month commencing on or after the contract anniversary date or a minimum of sixty (60) days after the request is received. The MDPHA or its authorized contractor shall not grant a rent increase unless the owner has complied with obligations under the HAP contract, including compliance with the HQS for all contract units. Because increased rent may cause the tenant's rent to increase in the Housing Choice Voucher program, any requests for a rent increase by the owner must be signed by the tenant. The requested rent must still be reasonable as relates to comparable rents in the market and shall be determined by a rent survey.

The MDPHA reserves the right to suspend consideration of the rent increase requests, dependent on available funding provided for the Housing Choice Voucher Program by USHUD.

Chapter 18. Portability

18.1 Moving out of the MDPHA's Jurisdiction

A participant family may move to a unit outside of the MDPHA's jurisdiction after being certified for the Housing Choice Voucher Program so long as they are a resident of Miami-Dade County at the time of certification. The MDPHA or its authorized contractor operates within all of the jurisdictions located within Miami-Dade County.

If the participant family is not a resident of Miami-Dade County at time of certification, the following applies to the family during the first twelve (12) months after admission to the program:

1. The family may lease a unit within the MDPHA's jurisdiction

2. The family does not have any right to portability

3. The MDPHA or its authorized contractor may choose to allow the family to port outside the MDPHA's jurisdiction

4. Both the MDPHA and the receiving housing authority must agree to allow the family to lease a unit outside of the MDPHA's jurisdiction

It is the MDPHA's policy not to allow a family to port out to any other housing agency in Miami-Dade County where MDPHA or its authorized contractor has jurisdiction to administer housing assistance. Exceptions to this policy may be granted at the discretion of MDPHA or its authorized contractor.

18.2 Absorption of Incoming Portables

Absorption of incoming portable vouchers will be based on the following criteria:

1. The MDPHA or its authorized contractor must determine the family's unit size for the portable family according to MDPHA's subsidy standards

2. The MDPHA or its authorized contractor may make the determination to deny or terminate assistance to a portable family in accordance with Chapter 2.7, Denial of Assistance, and Chapter 27, Termination of Assistance

3. The MDPHA or its authorized contractor shall attempt to obtain criminal history checks, including sex offender, in the state(s) where the household members have moved from, in addition to local criminal and State of Florida (www.fdle.state.fl.us) sex offender checks.

4. The same conditions apply for incoming portable families participating in the Family Self-Sufficiency (FSS) program in the PHA initiating the portability process

5. Availability of assistance and funding

6. Number of incoming Portables from a specific jurisdiction

7. Possibility of swapping vouchers within a given jurisdiction

Chapter 19. Family Self-Sufficiency Program

19.1 Overview

The purpose of the Family Self-Sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the Section 8 voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency. The MDPHA FSS is an employment and savings incentive program for low-income families receiving assistance under the Housing Choice Voucher Program. It was designed to encourage program participants' economic self-sufficiency and possibly homeownership via gainful employment, thereby decreasing and ultimately eliminating their dependency on welfare assistance. FSS consists of case management services, which are partnered with social service agencies, schools, businesses, and other organizations, to help families pursue job search training, employment, educational opportunities and supportive services; escrow accounts into which MDPHA deposits the increased rental charges that a family pays as its earnings rise.

19.2 Selection and Screening

Family participation is voluntary and encouraged. Interested families can request information and an application. Housing Choice Voucher program staff reaches out to participants of the Family Unification, and Homeownership programs, as well as others. Applicants must be in compliance with HCV program requirements and family obligations in order to enroll in FSS. Applicants may be screened for interest and motivation to attend FSS orientation sessions or pre-selection interviews and may be assigned certain tasks that indicate their willingness to meet the obligations imposed by the *FSS Contract of Participation (COP)*. Any tasks assigned must be readily achievable by the family, based on its educational level and disabilities, if any. However, they cannot be screened for education, job history or performance, credit rating, marital status, or number of children, and any other factors that could result in discriminatory practices toward individuals with disabilities or those from minority or non-minority groups. Applications to the FSS Program are time dated and considered on a first come/first serve basis, as slots become available.

19.3 Contract of Participation: Term and Conditions

If the last annual or interim reexamination is older than 120 days, an annual or interim reexamination must be conducted before the Contract Of Participation (COP) is executed. Family members must fulfill all requirements to obtain full benefits. The FSS contract requires that the family comply with lease stipulations, that all family members become independent of welfare assistance, and that the head of the family seek and maintain suitable employment that pays a living wage.

The family and case manager will work together to establish goals. The COP must be executed no more than one hundred and twenty (120) days after the household's most recent annual or interim re-examination. It lists the family's current annual income, the amount of earned income included, and the family's Total Tenant Payment (TTP).

During the term of the COP, increases in earned income and TTP are compared to the amounts listed in calculating escrow credits. The initial term of the COP is five (5) years; however, MDPHA may grant an extension of up to two (2) years in response to a written request from the family describing "good cause." Good cause includes circumstances beyond the family's control (e.g., serious illness or involuntary loss of employment) that thwarted the family's ability to remain off of welfare assistance for twelve (12) consecutive months. The COP is considered complete and the family's FSS participation concluded when:

1. The family has fulfilled all of its obligations under the COP on or before the contract expiration date; or

2. Thirty percent (30%) of the monthly adjusted income equals or exceeds the published FMR for the family unit size under MDPHA's subsidy standards. To claim its escrow, no family member can be receiving welfare as defined by the FSS regulations, but the twelve (12) consecutive months requirement does not apply. Although successful completion of the contract requires that no family member be receiving welfare assistance, the family may still receive rental assistance at the time of and after their successful completion of the FSS program.

19.4 Individual Training and Services Plan

The Individual Training and Services Plan (ITSP) identifies appropriate service needs for the head of household and each participant adult family member. Before the COP can be executed, the MDPHA or its authorized contractor must determine if employment goals proposed in the ITSP are appropriate, considering the participant's skills, interests, education, and jobs available in the local market. Based on these employment and personal goals, FSS Program staff refers participants to the appropriate resources and services that are needed for them to achieve their self-sufficiency goals. The ITSP establishes interim and final goals to be achieved within specific deadlines so the family's progress toward self-sufficiency can be measured.

19.5 Services Provided under FSS

Case management services may include, but not be limited to:

1. Child care
2. Transportation
3. Education
4. Job readiness, training, and employment counseling
5. Substance/alcohol abuse treatment or counseling
6. Household skills training
7. Life skills training
8. Homeownership counseling

19.6 The Escrow Account

A single, interest-bearing FSS escrow account is established for each participating family. An escrow credit, based on increases in the family's earned income, is credited to the account by the MDPHA or its authorized contractor during the term of the COP. A portion of this escrow amount can be made available to the family to complete an interim goal (e.g., education). If the family completes the terms of the COP and no member is receiving welfare assistance, the amount of the escrow account is paid to the head of the family. If the FSS contract is terminated, or if the family fails to complete it before the expiration date, the escrow funds are forfeited.

Chapter 20. Expanding Housing Opportunities

20.1 Overview

The MDPHA or its authorized contractor encourages families to search for housing in areas of low poverty and minority concentrations. The MDPHA or its authorized contractor also actively recruits landlords of suitable rental units that are located inside and outside of poverty or minority concentrated areas (as defined by the Miami-Dade County Planning Department, HUD census tract data, and the most recent U.S. Census data) for their participation in the Housing Choice Voucher Program. Likewise, it provides voucher holders with a list of landlords who are participants in the program, information concerning the availability and benefits of mobility opportunities, as well as encouragement, support, and guidance on leasing rental units inside and outside of poverty or minority concentration areas. Moreover, voucher holders are briefed on the effective implementation of portability and other cooperative mobility strategies within and outside of Miami-Dade's jurisdiction. The overall objective is to encourage the availability of affordable housing and maximum geographic diversity; and the movement of voucher families into a broader range of neighborhoods including those of low poverty and minority concentration. It has been shown that when families with children move from high poverty to low poverty communities, school performance and college attendance increases, and the families benefit from reduced crime and greater employment opportunities.

20.2 Outreach to Owners and Owner Referral Lists

The MDPHA or its authorized contractor employs a variety of strategies to recruit owners of units inside, and especially outside areas of high poverty and minority concentration. For the latter group, landlords will be contacted through groups including the Miami-Dade County Realtors Association and Builders Association of South Florida. Additional strategies may include:

1. Newsletters and semi-annual seminars that provide up-to-date information, including program changes, to current and prospective owners

2. Surveys of owners are conducted to identify issues and based on the results, to improve program operation

3. Periodically, the MDPHA or its authorized contractor engages in direct advertising in *The Miami Herald, The Miami Times, Diario Las Americas* periodicals, the *Haiti en March*, and *The Voice*. It also makes public service radio and television announcements

4. Informational letters and flyers are posted at community organizations, neighborhood centers, churches and other places of worship; word-of-mouth leads and referrals are encouraged

5. This Administrative Plan and other information on the Housing Choice Voucher program are provided on the internet at the MDPHA's website so interested landlords or property owners can readily access information

6. Success stories involving the program and its participating families are disseminated via various media

7. Membership in associations of owners/managers of rental properties

8. Direct personal contact with owners

The MDPHA or its authorized contractor will maintain a listing by bedroom size of available rental units, including accessible units for persons with disabilities. Upon request, this list shall be made available to

Housing Choice Voucher participants and shall be placed in public reception areas of the Housing Choice Voucher Program office.

20.3 Information Assistance for Voucher Families

The MDPHA or its authorized contractor will provide all new Housing Choice Voucher holders an information packet, typically distributed at the initial briefing. Maps will be provided showing areas of housing opportunities outside areas of poverty or minority concentration within its and neighboring jurisdictions, and assemble information on the characteristics of these areas (e.g., population demographics, types of housing offered, rent levels, schools, transportation, shopping, and employment options). The information is intended to introduce the family to a full range of neighborhoods where they may lease units and the advantages each offers. The maps and related information are used to brief voucher holders of the full range of areas where they may lease units. The packet requirements are as follows:

1. A list of owner-landlords who are willing to lease units within and outside of poverty or minority concentrated areas, or organizations that are willing to help families find units within and outside of poverty or minority concentration areas

2. A written description of how portability works and a list of contact persons for neighboring housing agencies outside Miami-Dade County (including name, address, and phone numbers) for families who move under portability

3. Information about the existence and availability of units that can accommodate a family member with disabilities.

4. The participants' fair housing rights and what to do if discrimination is encountered will be discussed. In cases where discrimination is suspected, the MDPHA or its authorized contractor will advise and assist the family to file a discrimination complaint with the Department of Housing and Urban Development, the Florida Commission on Human Relations, the Miami-Dade Commission of Human Rights or any other enforcement agency.

The MDPHA's contractor periodically analyzes whether rental voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration; if so, it also analyzes whether it is appropriate to seek approval of exception payment standard amounts within its jurisdiction and seeks HUD approval when necessary.

Chapter 21. Providing Information and Complaints

21.1 Florida Public Records Act

Pursuant to the State of Florida's Public Records Act, Chapter 119 of Florida Statutes, all records generated by public entities during the normal course of business are considered public records and are open to review upon reasonable notice, unless exempted by State of Florida law or as stipulated below. A copy of this Administrative Plan shall be made available to the public at the Housing Choice Voucher Program office, and posted on the MDPHA's website.

Requests to view a file must be made in writing or by submitting a Public Information Request to the MDPHA or its authorized contractor during normal business hours. Upon requesting a file the person making the request shall be notified of the location at which the file may be accessed. Files may not be available at the time requested. If a file is not available, the MDPHA or its authorized contractor shall provide the requestor with the date or date/time the file will be available for viewing. The MDPHA or its

authorized contractor shall obtain the requestor's name and telephone number to contact the requestor of any change in date or time the file is available for reviewing.

Copies of file documents may be requested. There will be a charge for copies in accordance with the Public Records law and Miami-Dade County Administrative Order No.4-48. Requests that require extensive staff time, or information checking resources, may access a charge that reflects the lowest salary (plus fringes) among all clerical workers, and if applicable, among all supervisory/management personnel who might perform such work, or the actual salary and fringes of the specific person or persons performing the work. Files may not be removed from the Housing Choice Voucher office.

Notwithstanding the requirement to comply with Chapter 119 of the Florida Statutes, the MDPHA or its authorized contractor reserves the right to claim any applicable exemption from the general requirements of the statute In instances of families in witness protection, victims of domestic violence, families with restraining orders or other documented circumstances where the file identifies information that places the family at liability, requests for reviewing such files, which include addresses and other identifying information, shall be considered based on a review of the appropriateness of the requestor and individual circumstances.

21.2 Information to Owner

A potential owner will be provided the following information about the program participant on the Owner/Agent Certification form upon request:

1. The participant's current and prior address as shown in MDPHA records;

2. The address of the participant's current and prior landlord; and

3. A statement to the effect that the Agency has not screened the family's background or suitability for tenancy with the exception of a criminal and sex offender background check in accordance with MDPHA's policies.

The landlord is responsible for any other screening to be completed in a non-discriminatory manner. Landlords are responsible for determining whether to conduct their own criminal background checks to decide if the family is suitable for tenancy. If the current or potential owner requests criminal background information on an applicant/tenant, the MDPHA or its authorized contractor may not release details of the criminal background check but may notify the owner verbally over the telephone or in writing whether the family is eligible for assistance.

21.3 Complaints

The MDPHA or its authorized contractor shall promptly notify the owner of any complaints by or about the family concerning its tenancy or housing as it relates to their tenancy or the Housing Choice Voucher program. Such notification shall be in conformance with Miami-Dade County Resolution No. R-1543-97. The MDPHA or its authorized contractor has the right to request action by the owner or a response as to the resolution or outcome of the issue. In responding to a complaint, the MDPHA or its authorized contractor may require the family to come to the Housing Choice Voucher Office for an interview to address its concerns regarding participation in the Housing Choice Voucher program. Members of the public may file complaints against owners, tenants, and employees of the MDPHA or its authorized contractor by submitting a letter describing the specific problems to:

Director, Miami-Dade Public Housing Agency
701 NW 1st Court, 16th Floor
Miami, Florida 33136-3914

The MDPHA and its authorized contractor investigate allegations of fraud or illegal activity committed by housing program applicants and tenants. Incidents of fraud or illegal activity may be reported by calling the MDPHA or its authorized contractor's fraud hotline number. All calls are confidential and callers remain anonymous at all times.

Additional information on the MDPHA's Fraud Program can be found on MDPHA's website. Except as described in Chapter 30, Fair Housing and Equal Opportunity and Grievance Procedures, all non-fair housing and ADA complaints shall be reviewed by an appropriate staff member and answered in no more than thirty (30) calendar days. Persons filing complaints shall be informed on a regular basis as to the progress of their complaint and any decisions made by the MDPHA or its authorized contractor. Persons wishing to report welfare fraud may do so by calling or writing:

Florida Social Services Department
1317 Winewood Boulevard
Tallahassee, Florida 37399
800342-9274

Chapter 22. Transfer of Ownership

Section 14 of the existing HAP contract requires the owner to obtain the prior written consent of the MDPHA or its authorized contractor before any assignment of the HAP contract. In the event prior written consent was not requested nor granted, the HAP contract is terminated. See Chapter 23 for change of ownerships resulting from foreclosures.

Where a transfer of ownership has been approved when a Housing Choice Voucher family is residing in the unit, Housing Choice Voucher staff shall notify Accounting, by providing Accounting with a copy of the Transfer of Ownership documents upon receipt from the owner, but no later than ten (10) business days after receipt. The new owner must submit all necessary paperwork and documents to Housing Choice Voucher Program staff and be qualified as an owner as indicated in Chapter 24. At the time of notification, Accounting shall stop payment to the former owner. If there is an overlap between the transfer of ownership date and the date the payments are stopped, the MDPHA or its authorized contractor shall not be responsible for funds already disbursed to the former owner and Housing Assistance Payment disbursements shall be settled between the new and the previous owners.

Chapter 23. Foreclosure

Any notification of foreclosure of a unit received by the housing agency shall be placed in the tenant file. A change of dwelling shall be given to the family at the discretion of the Agency. Preliminary notice of foreclosure action does not necessitate that the family move. The MDPHA or its authorized contractor may contact the owner or the foreclosing party (mortgage holder) for information. Failure of the MDPHA or its authorized contractor to make housing assistance payments when payment is owed and due shall not be the responsibility of the family. In such cases, the Agency shall expedite payment, including remittance of emergency check to assure continued tenancy for the Housing Choice Voucher family.

If a property is foreclosed during the term of the lease, the new owner cannot require the tenant to vacate the property prior to the effective date of transfer of ownership. However, the tenancy can be terminated as of the effective date of transfer if the owner:

1. Will occupy the unit as a primary resident; and

2. Has provided the tenant 90 days notice to vacate.

Otherwise, the new owner shall assume the same lease and HAP contract that was effective between the prior owner, tenant, and MDPHA or its contractor.

Chapter 24. Disapproval of Owners: Conditions

The MDPHA or its authorized contractor shall limit, deny or terminate participation of owners in any of the following circumstances:

1. When the owner is debarred, suspended, or subject to a limited denial of participation by USHUD;
2. When directed by USHUD as a result of an administrative or judicial action in violation of the Fair Housing Act;
3. When an owner has a history of uncorrected HQS;
4. When an owner has a history of fair housing violations or complaints;
5. When an owner has been convicted of fraud, bribery or any corrupt or criminal act in connection with any federal housing program;
6. When an owner has violated a HAP contract pursuant to the federal regulation at 24 CFR part 982;
7. When an owner has engaged in any drug-related or violent criminal activity;
8. When an owner has not paid local property real estate taxes, fines or assessments;
9. When an owner has claimed homestead exemption on the assisted unit;
10. When the owner is any member of the participant family, unless the MDPHA or its authorized contractor determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities;
11. When the owner or a member of the owner's family, as defined by Miami-Dade County ordinance, is a County employee and has not obtained a waiver from the Ethics Commission;
12. When the owner has not paid in full all utility bills related to the tenancy of a Housing Choice Voucher family that are owner responsibility;
13. When an owner has a history of failing to terminate the tenancy of Housing Choice Voucher tenants for activity engaged by the tenant, any member of the household, guest or other person that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants, for drug- related criminal activity; or violent criminal activity;
14. When the owner fails to execute the Housing Choice Voucher Landlord Certification of Responsibility form.
15. When an owner has a history of being abusive towards the MDPHA or its authorized contractor's staff or program participants.

Nothing in this Administrative Plan is intended to give or confer any rights upon any owner any right to participate in the MDPHA's Housing Choice Voucher Program. There are no appeal rights for the Agency's decision to disapprove owner participation.

Chapter 25. Project-based Voucher Program

25.1 Overview

1. Overall Approach

   The MDPHA or its successor agency, department or contractor may designate a maximum of twenty percent (20%) of its non-targeted housing choice voucher allocation for project-based vouchers in order to administer project-based Voucher assistance. The MDPHA or its successor agency, department or contractor will project-base the vouchers for newly constructed, rehabilitated or existing housing units. MDPHA or its successor agency, department or contractor will enter into a Housing Assistance Payments (HAP) contract with qualified owners to provide project-based voucher assistance in compliance with MDPHA's PHA plan and consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities.

2. Program Objectives

   The project-based voucher program is intended to provide housing assistance to individuals and families, so that specific objectives can be accomplished in accordance with USHUD's regulations as follows:

   A. To encourage developers or property owners, including non-profit housing development corporations, to construct standard, or to upgrade substandard, rental stock throughout the Miami-Dade County;

   B. To make existing, newly constructed or rehabilitated dwelling units available to very-low and low-income persons at rents within the MDPHA's applicable payment standard.

Preference will be given to proposals that intend to attach project-based assistance to larger units, i.e., units with three (3) bedrooms or more.

3. Program Requirements

   At its discretion, the MDPHA or its successor agency, department or contractor will solicit proposals from developers, property owners and nonprofit housing corporations to participate in the project-based voucher program. Project based assistance may be attached to existing units, units to be rehabilitated and newly constructed units. In addition, a maximum of twenty-five percent (25%) percent of the units in any one building may receive project-based voucher assistance. However, single-family properties and properties designated for elderly families, disabled families, or families receiving supportive services are exempt from the twenty-five percent (25%) limit.

   For the purposes of the project-based voucher program, existing units require a maximum expenditure of less than $1,000 per assisted unit, including a prorated share of work on common areas or systems to comply with federal housing quality standards (HQS) at the time the MDPHA or its successor agency, department or contractor notifies the applicant of selection. Rehabilitated units, for the purpose of the project-based voucher program, are units that require a minimum expenditure of $1,000 per assisted unit, including a prorated share of work on common areas or systems to comply with HQS.

All units in the building receiving project-based assistance shall be inspected for HQS, as stipulated in Chapter 10 of this Administrative Plan. The MDPHA or its successor agency, department or contractor shall inspect each unit on an annual basis. Only units that comply with HQS shall be included in the HAP contract.

For units undergoing rehabilitation or new construction concerning site and neighborhood standards apply. The site shall be accessible to social, recreational, educational, commercial, health facilities, and other appropriate municipal facilities and services.

Properties to be assisted under the project-based voucher program will be subject to the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (URA) and the requirements of 49 CFR, Part 24, subpart B.

4. Location of Project-based Vouchers

The MDPHA or its authorized contractor may administer the program on a county-wide basis. In compliance with the federal regulations and the MDPHA's Equal Housing Opportunity Plan, suitable dwelling units must be made available under the project-based voucher program in structures that are located in areas outside of low income and minority concentrations, unless a waiver is requested from and granted by USHUD.

The MDPHA may request exceptions of the requirement that project-based assistance be located in census tracts with a poverty rate of less than twenty percent (20%) percent, based upon the review of the proposals submitted to the MDPHA.

5. Administrative Approach

The MDPHA or its authorized contractor shall perform traditional Housing Choice Voucher program administrative responsibilities associated with the implementation of the project-based voucher program. These functions include, but are not limited to, outreach, review and selection of proposals, inspections, tenant selection from the waiting list, determination of tenant eligibility, and annual recertifications, in accordance with this Administrative Plan, for applications that involve new construction or rehabilitation of units. The MDPHA staff will also perform work write-ups, cost estimates, and feasibility analyses.

The MDPHA reserves the right to solicit proposals from private concerns to perform selected administrative responsibilities in the implementation of the project-based voucher program or may contract with the property owner or developer of the project-based property for any administrative functions that are the responsibility of the housing agency.

25.2 Administration of Project-based Program

1. Solicitation of Owner Proposals

The MDPHA will solicit owner participation by advertising in three newspapers of general circulation, such as *The Miami Herald, Diario Las Americas* and *The Miami Times*, stating proposals to attach rental assistance for specific properties will be accepted.

The advertisement may be published at least three times over a period of not less than thirty (30) days, and will include a statement that applications will not be accepted beyond the specified 30-day deadline. The advertisement will also specify the number of dwelling units the MDPHA estimates that it will be able to assist under the funding that the MDPHA is making available for this purpose and that only applications submitted in response to the advertisement will be considered. The advertisement will also state the MDPHA's selection policies.

For proposals requiring new construction or rehabilitation of assisted units, the MDPHA or its successor agency, department or contractor will establish competitive procedures for the submission of proposals, which will be submitted to USHUD for approval.

An application packet will be prepared for distribution to interested parties, and will also be made available at the MDPHA or its successor agency, department or contractor administrative offices. The packet will contain a description of the project-based voucher program, an outline of the rules and regulations governing the project-based voucher program, the required contents of owner proposals, and the criteria that the MDPHA or its successor agency, department or contractor will use in the selection of eligible proposals.

At the MDPHA or its successor agency, department or contractor's discretion, additional information may be provided at pre-proposal conferences or workshops.

2. Requirements for the Submission of Proposals

The owner's submission of the application to the MDPHA or its successor agency, department or contractor must contain:

A. Description of housing to be assisted, including the number of units by size (square footage); bedroom count; bathroom count; sketches of proposed new construction or rehabilitation, if applicable; unit plans; listing of amenities and services and estimated date of completion for units to be rehabilitated or constructed. For rehabilitation, the description must describe the property "as-is" and must also describe the proposed rehabilitation.

B. Evidence of site control, and for new construction, identification and description of the proposed site, site plan and neighborhood.

C. Evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations or evidence to indicate that the needed rezoning is likely and will not delay the project.

D. The proposed contract rent per unit, including an indication of which utilities, services and equipment are included in the rent and which are not included.

E. Information concerning the occupancy status of the units to be assisted under the project-based voucher program, including applicability of permanent and temporary relocation of site occupants.

F. A certification from the owner that there will be no displacement of residential tenants from units to be assisted under the project-based voucher program.

G. The identity of the owner, developer, builder, architect, management agent (and other participants) and the names of officers and principal members, shareholders, investors, and other parties have a financial interest; a disclosure of any possible conflict of interest by any of these parties; and information on the qualifications and experience of the principal participants, including previous participation in any USHUD programs.

H. The owner's marketing plan.

I. The owner's plan for managing and maintaining the units.

J. Evidence of financing or lender interest and the proposed terms of financing.

K. The proposed term of the HAP Contract.

3. Initial Inspection

Prior to the ranking and rating of proposals, an initial inspection will be performed by the MDPHA or its authorized contractor staff for properties included in proposals accepted for consideration of rating and ranking. The MDPHA or its authorized contractor will not inspect properties included in the proposals that do not meet threshold requirements for further consideration.

A. The inspection will determine if the property is eligible as defined at 24 CFR § 983.101, meets federal HQS, and the occupancy status of the units to be assisted.

B. For proposals which will involve rehabilitation, the inspection will also determine if the property can be rehabilitated without causing displacement of residential tenants from units to be assisted, will identify the rehabilitation work meets the minimum $1,000 per unit requirement, and if the specific work items will bring the units in compliance with HQS.

C. For proposals in which there will be new construction, the inspection will determine that construction work has not begun.

D. Should the MDPHA or its authorized contractor discover as a result of the initial inspection, that the proposal does not meet program requirements, the owner will be informed in writing of the reasons for the rejection.

4. Rating and Ranking of Proposals

The rating and ranking of proposals will be performed by MDPHA staff. With regard to the initial screening of proposals, the criteria that will be utilized to determine whether a proposal should be rejected without further review or accepted for further consideration of rating and ranking will include:

A. Receipt of the proposal by the date and time as specified in the advertisement

B. Receipt of the proposal in the proper format, including submission of all specified forms with all of the entries completed as required

C. Proposals that indicate gross rents will exceed one-hundred and ten percent (110%) of the MDPHA payment standards, or which clearly indicate that the proposed project is infeasible, will be rejected

D. Proposals involving ineligible properties or housing types identified in 24 CFR 983.53will be rejected.

Proposals will be evaluated based on the factors determined by the MDPHA or its successor agency, department or contractor to rate and rank proposals. Among the factors to be considered in the ranking and rating of proposals include: suitability of the site to accommodate the number and type of units proposed for assistance, including environmental and health and safety concerns; design elements, with preference to proposals that offer larger units to be assisted; experience of the owner and other participants in providing affordable housing; plan for the relocation of current tenants, if applicable; and financial feasibility of the project.

For proposals that involve new construction or rehabilitation of units, additional factors will be considered: the estimated cost per unit of construction or rehabilitation, and the experience of the

owner and other participants in construction or rehabilitation of rental properties in accordance with USHUD regulations.

5. Notification to Owners

   Proposals that have been received in response to the MDPHA or its successor agency, department or contractor's advertisement which comply with all of the prescribed selection criteria and procedures and are deemed feasible will be rated and ranked in accordance with the MDPHA or its successor agency or department's written policies. The Owners who submitted the highest ranked feasible proposals will be sent a written Notice of Acceptance stating the tentative number of units to be assisted.

25.3 Agreement to Enter into Housing Assistance Payments Contract

1. Pre-Agreement Process

   For proposals in which there will be rehabilitation or new construction, owners shall have sixty (60) days in which to complete required actions before an Agreement to Enter into a Housing Assistance Payments (AHAP) Contract can be signed.

   Prior to the AHAP execution for rehabilitation projects, the actions required are: preparation of detailed work write-ups, cost estimated, specifications and plans, as appropriate, depending upon the nature of the nature of the identified rehabilitation. Davis-Bacon wage rates are applicable for those buildings containing nine (9) or more units. The work write-ups must address the specific work items identified to meet the $1000 per assisted unit rehabilitation requirement as well as the work items that are needed to bring each unit to be assisted up to the USHUD Housing Quality Standards.

   Prior to the AHAP execution for new construction units, the USHUD shall review owner proposals, which are submitted by the MDPHA, for compliance with site and neighborhood requirements set forth in at 24 CFR 983.154. Davis-Bacon wage rates are applicable for those buildings containing nine (9) or more units. In addition, the Owner must submit the design architect's certification that the proposed new construction reflected in the working drawings and specifications comply with HQS, local codes and ordinances, and zoning requirements.

2. Selection of Contractor

   Owners are responsible for the selection of a competent contractor to undertake the new construction or rehabilitation work under the AHAP contract. The owner, contractor and his/her subcontractors are subject to Section 3 of the Housing and Urban Development Act, as amended in 1968, and the regulations at 24 CFR part 135, which requires that training, employment and contracting opportunities be provided, where feasible, to low-income Section 3 residents. The MDPHA's Administration Division shall provide oversight and assistance regarding the owner's responsibility under Section 3.

3. Uniform Federal Accessibility Standards: Section 504 and Fair Housing Act

   The owner and his/her contractors and subcontractors are subject to compliance with the Fair Housing Acts, Americans with Disabilities Act and Section 504 of the Rehabilitation Act and are required to comply with Uniform Federal Accessibility Standards requirements for persons with disabilities and the Fair Housing Amendments Act. The MDPHA's construction unit will coordinate Section 504/ADA requirements through the MDPHA's ADA Coordinator's office.

4. Execution of the Agreement

When all required pre-Agreement procedures have been satisfactorily completed, the AHAP contract shall be executed. The AHAP must be executed before the start of any new construction or rehabilitation to be performed under the AHAP. Under the AHAP, the owner agrees to construct the units in accordance with the MDPHA approved working drawings and specifications or to rehabilitate the units in accordance with the MDPHA approved work write-ups.

25.4 New Construction or Rehabilitation Phase

1. Timely Performance of Work

   Immediately following the execution of the AHAP contract, the owner shall promptly proceed with the construction or rehabilitation work as provided in the agreement. In the event the work is not so commenced, diligently continued, or completed, the MDPHA may terminate the Agreement or take other appropriate action.

2. Inspections

   MDPHA or its authorized contractor shall conduct periodic inspections during the new construction or rehabilitation phase to ensure that work is proceeding on schedule and is being accomplished in accordance with the terms of the AHAP. Inspections shall be performed at such intervals so as to ensure that the work meets the levels of materials specified in the work write-ups or working drawings and specifications, and meets typical levels of workmanship in the area.

3. Changes to Work

   Owners must obtain prior approval from the MDPHA or its successor agency, department or contractor for any changes from the work specified in the AHAP contract that would alter the design or quality of the required new construction or rehabilitation. If the owner makes any changes without the prior approval of the MDPHA or its successor agency, department or contractor, the MDPHA or its successor agency, department or contractor may request USHUD to lower the initial contract rents in the amount determined by USHUD, and may require the Owner to remedy any deficiencies, prior to, and as a condition for, acceptance of the units. The MDPHA or its successor agency, department or contractor shall have the right to disapprove any changes requested by the owner.

4. Completion of New Construction or Rehabilitation

   The owner must notify the MDPHA or its successor agency, department or contractor n writing when the work is completed and submit evidence of completion. Among the documents the owner must submit is a Certificate of Occupancy, or other official approvals required by the locality, and a certification that the work has been completed in accordance with the requirements of the AHAP.

   The MDPHA or its successor agency, department or contractor will conduct a final inspection to verify the completion of all the work items required by the AHAP and a determination regarding compliance with Section 504/ADA/ Fair Housing Act, and other applicable laws, regulations and executive orders, HQS and the South Florida Building Code. If the MDPHA determines from the review and inspection that the unit(s) has been completed in accordance with the AHAP contract, the MDPHA shall accept the units(s).

   If there are any items of delayed completion that are minor items or that are incomplete because of weather conditions, and in any case that do not preclude or affect occupancy, and all other requirements of the AHAP contract have been met, the MDPHA or its successor agency, department or contractor shall accept the unit(s); however, the MDPHA or its successor agency, department or contractor shall require the owner to deposit in escrow with the MDPHA or its

successor agency, department or contractor's funds in an amount the MDPHA or its successor agency, department or contractor determines to be sufficient to ensure completion of the delayed items. In addition, the owner and the MDPHA or its successor agency, department or contractor shall execute a written agreement, specifying the schedule for completion of these items. If the items are not completed within the agreed time period, the MDPHA or its successor agency, department or contractor may terminate the AHAP contract or exercise other rights under the AHAP contract.

25.5 Housing Assistance Payments (HAP) Contract

1. Time of Execution

   The MDPHA or its successor agency, department or contractor and the owner shall execute the Housing Assistance Payments (HAP) contract if the MDPHA determines from review and inspection that the unit(s) has been completed in accordance with the AHAP contract and the owner has submitted the required evidence of completion as set forth herein. The effective date of the contract may not be earlier than the date of the MDPHA's inspection and acceptance of the unit(s).

2. Term of Contract

   The HAP contract shall have a term no greater than ten (10) years, subject to available funding. At the discretion of the MDPHA or its successor agency, department or contractor and for a term determined by the MDPHA or its successor agency, department or contractor, extension to the contract may be granted beyond the original term, contingent upon continued funding to achieve long-term availability of affordable housing for eligible households or to expand housing opportunities.

3. Initial Contract Rents

   The HAP contract shall establish contract rents that will not exceed one-hundred and ten percent (110%) of the Fair Market Rent (FMR) and will be the lowest of the reasonable rent or the rent requested by the owner. The initial contract rent must be reasonable in relation to rents currently being charged for units in the private unassisted market, taking into account the location, size, structure type, quality, amenities, facilities, and management and maintenance service of the unit.

   If the property has been allocated low-income tax credits, but it is not located in a "qualified census tract", the rent to owner must not exceed the lowest of: the tax credit rent minus any utility allowance, the reasonable rent or the rent requested by the owner.

4. Contract Rent Adjustments

   The HAP contract allows for adjustments in contract rent during the contract term and such adjusted rents shall be reasonable.

5. Vacancy Payment

   If a unit becomes a vacant as a result of a tenant moving out, the MDPHA or its successor agency, department or contractor shall continue to provide assistance for the unit for up to a maximum of sixty (60) days. Such payment will be made only if the vacancy is not a result of the owner's failure to take reasonable action to minimize such vacancies.

6. Reduction of Contract Units after Vacancy

If no eligible family rents a vacant unit with one hundred and twenty (120) days of the vacancy, the MDPHA or its successor agency, department or contractor may terminate its commitment to make additional assistance payments for the unit for the balance of the HAP contract.

25.6 Management Phase

1. Family Selection and Participation

   The selection of tenants for the project-based voucher program will be consistent with the procedures detailed in Chapter 2 of this Administrative Plan. An applicant who rejects an offer of a projected-based unit or who is rejected by the owner of the housing unit will remain in the same position on the tenant-based assistance list, as if the offer had not been made. If a dwelling unit to which assistance is to be attached under the project-based voucher program is occupied, the MDPHA or its successor agency, department or contractor must determine whether the unit's occupants are eligible for assistance. If a unit is occupied by an eligible family and the unit is selected by the MDPHA or its successor agency, department or contractor , the family must be placed in an appropriately size project-based assisted unit in the project without requiring the family to be placed on the MDPHA or its successor agency or department's waiting list.

   In the event that there are an insufficient number of eligible persons on the waiting list, the MDPHA or its successor agency or department shall place applicants referred by the owner on the waiting list. Eligibility for selection in the
   Project-based voucher program shall be consistent with the MDPHA's tenant-based and project-based assistance programs.

   Should a family elect to move from a unit assisted under the project-based voucher program after the initial year, the MDPHA or its authorized contractor must provide the family with a Housing Choice Voucher. If no vouchers are available to the family, the MDPHA or its authorized contractor must give the family priority to receive the next available tenant-based voucher.

2. Briefing of Families

   When a family is selected to occupy a unit under the program, the MDPHA or its authorized contractor shall provide the family with written information concerning the tenant rent and any applicable utility allowance. The information conveyed at the briefing will include, but not be limited to:

   A. Family and owner responsibilities,

   B. That the subsidy is tied to the unit and the family must occupy an approved unit under the program,

   C. The likelihood of the family receiving a Housing Choice Voucher after the HAP contract expires,

   D. The family's options under the project-based voucher, program, if the family is required to move because of a change in family size or composition, and

   E. Hearing procedures, including a description of the circumstances in which the MDPHA or its authorized contractor is required to provide the opportunity for an informal hearing and of the procedures for requesting a hearing.

3. Lease Requirements and Termination of Tenancy

The lease between the family and the owner shall be for one (1) year, or the remaining term of the HAP contract, if the contract will expire within one (1) year. The lease may contain a provision permitting the family to terminate the lease on not more than sixty (60) days advance written notice to the owner. In the case of a lease term for more than one (1) year, the lease must contain a provision permitting the family to terminate the lease on not more than sixty (60) days advance written notice to the owner after the first year of the term.

4. Informal Hearing and Review

   The regulations at 24 CFR §§ 982.554 and 982.555 regarding informal reviews for applicants and informal hearings for participants, apply to this program. See Chapter 29 for the MDPHA or its authorized contractor's informal review and hearing procedures.

5. Overcrowded and Under Occupied and Accessible Units

   If the MDPHA or its authorized contractor determines that a family is occupying an overcrowded or under-crowded unit, or a unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, the MDPHA or its authorized contractor must notify the family and the owner of this determination and of the MDPHA or its authorized contractor's offer of continued assistance. The continued assistance offer may be:

   A. Project-based voucher assistance in an appropriate size-unit (in the same building or another building);

   B. Other project-based housing assistance;

   C. Tenant-based rental assistance under the voucher program;

   D. Other comparable public or private tenant-based assistance (e.g. under the HOME program.)

The determination of the offer of continued assistance will be at the discretion of the MDPHA or its authorized contractor. However, if the MDPHA or its authorized contractor offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the MDPHA or its authorized contractor must terminate assistance payments for the project-based unit at the expiration of the term of the voucher.

If the MDPHA or its authorized contractor offers the family the opportunity for another form of continued housing assistance, except for tenant-based voucher assistance, and the family does not accept the offer, does not move out of the Project-based Voucher unit within a reasonable time, or both, the MDPHA or its authorized contractor must terminate the housing assistance payments for the project-based unit.

Chapter 26. Homeownership under Housing Choice Voucher

26.1 Overview

The MDPHA or its authorized contractor shall administer and offer a homeownership program as allowed under 24 CFR §§ 982.625 through 982.641 to permit eligible Housing Choice Voucher recipients to purchase a home using the voucher subsidy. With the competitive rental market and increasing need for affordable housing in Miami-Dade County, the establishment of a Housing Choice Voucher Homeownership program will create a larger selection of housing choice which eligible Housing Choice Voucher families can use.

The MDPHA or its authorized contractor shall oversee the Housing Choice Voucher Homeownership program, hereafter referred to as the Homeownership program. The MDPHA or its authorized contractor shall determine eligibility of families and enforce the federal regulations regarding homeownership and its Administrative Plan rules.

The goal of the program is to provide homeownership opportunities, along with counseling, self sufficiency, training and support, thereby facilitating economic opportunity within communities while providing parameters to ensure the success of the homebuyer. This program is designed to minimize default of the homeowner, which would have a negative impact on the family and the neighborhood where the unit is located and would enhance economic opportunity for families eligible for such a program.

The MDPHA or its authorized contractor shall be responsible for the overall management of the Homeownership program. They shall perform outreach activities to identify and facilitate the participation of Housing Choice Voucher families in homeownership. Families initially screened and certified eligible will be referred to the Miami-Dade Housing and Community Development (HCD), for mandated homebuyer counseling and home mortgage assistance. HCD, which administers MDPHA's home mortgage programs, shall be responsible for providing second mortgage financing, if needed, qualification determination, and counseling and training. Together these operations will ensure the successful implementation and administration of the Homeownership program.

The MDPHA or its authorized contractor implements a wide range of housing programs designed to enhance housing opportunities for low and moderate-income families, including homeownership for first time homebuyers. The MDPHA's experience in homebuyer opportunity programs dates back to 1984. A maximum of ten percent (10%) of the voucher allocation inventory shall be targeted for homeownership. The percentage may be amended based on the success of the program and need of Housing Choice Voucher families. Upon authorization by USHUD, the MDPHA may opt to administer other types of homeownership programs using the housing subsidy, including but not limited to an alternative down payment assistance program.

26.2 Eligibility of Family

Family eligibility shall be:

1. A family assisted under the homeownership option may be a newly admitted or existing participant in the program;

2. The family must be currently in good standing with the housing agency, including no outstanding debt to the MDPHA for previous housing quality standard damages or unpaid rent;

3. The family must be in compliance with the current lease;

4. The family shall not have tenant responsible housing quality standards violations existing in the unit which have not been corrected within the time provided by the Inspections Department;

5. The family shall not have a history of late rent payments;

6. The family must be a first time homebuyer and not have any member of the immediate family owning a home for a minimum of three (3) years prior to receiving the homeownership assistance. A displaced homemaker or single parent who owned a home with a former spouse is exempt from this requirement;

7. The family must not have any financial interest in any other home while receiving Housing Choice Voucher assistance;

8. The family must not have any outstanding debts which would deem them unqualified for home financing;

9. Any family member must not have been previously assisted under the MDPHA's Homeownership program while an adult and defaulted on a mortgage obtained through a MDPHA Homeownership program; and

10. The family must be income eligible and have at least one adult family member who is employed full time year round for a minimum of one year. Families with an adult family member who is disabled or elderly shall be exempt from the employment requirement.

Families currently enrolled in the Family Self-Sufficiency Program shall be encouraged to participate in the Homeownership program.

26.3 Income Requirements

Homeownership opportunities will be offered to Housing Choice Voucher households having acceptable credit to the private lenders participating in the Homeownership Program. Those families without acceptable credit shall be allowed ample time to clear credit while completing other requirements as defined herein, in order to participate.

Exceptions may be made on a case-by-case basis by the MDPHA or its authorized contractor regarding time limits or other policies to help facilitate usage of the Voucher for homeownership as a realistic goal. Eligible families must demonstrate that the monthly income for the head of household or spouse/partner is sufficient to meet homeownership guidelines and other family expenses for initial qualification for the program. At least one (1) adult member of the household must be currently employed on a full-time basis, or not less than thirty (30) hours per week, and must have been continuously employed full-time for the year before receiving homeownership assistance, with the exception of elderly or disabled families.

Except for disabled families, a family must have a minimum annual income of not less than the federal minimum hourly wage multiplied by 2,000 hours The current amount may change when the minimum wage changes as defined by 24 CFR § 982.627 (c)(1) (i).

Except in the case of an elderly or disabled family, the MDPHA or its authorized contractor shall not count any welfare assistance received by the family in determining the annual income (24 CFR § 982.627 (c)). For an elderly or disabled family, welfare assistance for the adult family members who will own the home will be included for determining if the family meets the minimum income requirement. For disabled families, the minimum annual income is the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by twelve (12). Full time employment records must be submitted and reviewed as part of the qualification process. Families interested in the program will have their income eligibility determined by Housing Choice Voucher staff once determined initially eligible, the family shall be referred to the MDPHA's Homeownership program administrator for an initial briefing regarding the program.

26.4 Income and Credit Verification

The Homeownership program shall use the Housing Choice Voucher definition for income, which is based on annual income. Annual income is the gross amount of income anticipated to be received by all adults in a family (excluding full-time students and authorized live-in aides) during the twelve (12) months following the effective date of the determination. The MDPHA's non-federal funding may be utilized for second mortgage financing which allows for income averaging for the prior two (2) years for candidates that are self-employed, earn commission, tips or overtime.

When the homeownership case is sent to MDPHA's HCD, designated Homeownership staff will conduct an Enterprise Income Verification (EIV) as described under Chapter 7.5. Applicants' income will be verified using the following one or more documents:

1. Last two (2) pay stubs from employer and past two (2) years tax returns

2. If self-employed, past two years tax returns will be required and a profit and loss statement as of the date of application

3. Verification of employment

4. Any other source of income that can be readily verified, i.e., Social Security, SSI (SSI income may be subject to federal restrictions, which may limit their use), pension retirement, and child support

5. Any other form of verification as required by funding.

In addition to federal income tax returns, the number of household occupants shall be verified using any one or more of the following items:

1. Birth certificates on which the parent/applicant's name is listed

2. School records which give the parent's name and address

3. Court-ordered letters of guardianship/adoption

4. Copy of recorded divorce decree and property settlement

A credit report will be generated and at the option of the MDPHA or its authorized contractor, staff will complete a home visit.

26.5 Homebuyer Education and Counseling

As a requirement of the program, the family must attend and complete homeownership education and counseling. Once the MDPHA or its authorized contractor determines eligibility, the Housing Choice Voucher participant is required to participate in the counseling regarding purchasing and financing a home. The MDPHA or its authorized contractor contracts with several homebuyer counseling agencies to provide homeownership training to all low income population groups in Miami-Dade County in English, Spanish, and Creole. The normal homebuyer training curriculum requires a minimum of an eight (8) hours course and an original certificate of completion or certified copy must be part of the loan application.

The counseling shall include such issues as types of financing, how to find appropriate financing, fair housing practices, credit counseling, budget and money management, how to locate a home, selecting a neighborhood including consideration of schools, employment and transportation, how to negotiate a purchase price, and home maintenance. Through counseling, the family will also be encouraged to consider the advantage of purchasing a home in deconcentrated areas.

Post purchase counseling shall also be afforded to assure the success of the family once they assume homeownership.

26.6 Eligible Housing

Eligible voucher families, as defined in Chapter 26.2, participating in the Homeownership program may purchase a home using federal housing assistance. Section 8assistance may be used to purchase an

existing home or a new home under construction, defined as a home where the foundation has been completed with footings in place. The
following housing is eligible:

1. A newly constructed single family or town home (never lived in),
2. An existing single family home or town home,
3. A single family home or town home under construction,
4. A condominium,
5. A cooperative,
6. Twin home (one-side only),
7. Manufactured home meeting the Florida Building Code minimum requirements for construction must have a permanent foundation and a 40-year lease.

Eligible properties to be acquired may be owner-occupied or vacant. Under no conditions will the property be sold to an applicant if the acquisition triggers the relocation requirement. The maximum purchase price of eligible properties shall be reviewed annually. Various funding sources may have requirements regarding maximum purchase price.

26.7 Loan Qualification and Application Process

Homeownership loans to applicants allow for the following ratios:

1. Funding Source First mortgage lender
2. Monthly housing expense-to-income 33 percent
3. Monthly total obligations-to-income 45 percent

Exceptions to the total obligations-to-income ratio may only be made by the MDPHA or its authorized contractor on a case-by-case basis, when compensating factors exist. Participating lenders should bring the ratios as close to the maximum as possible.

Housing Choice Voucher families interested in purchasing a house may do so by purchasing a newly constructed house from a developer in the County's affordable loan program, or purchase an existing house, as defined in Chapter 26.6 in the open market utilizing a participating lender.

The MDPHA or its authorized contractor provides each Housing Choice Voucher family with a pre-qualification letter and HCD provides the family with an affordability study indicating the maximum dollar value of the home to be purchased using the voucher. Once a home is selected, all homebuyers must be approved by a qualified lender. Once the lender takes an application and provides a loan commitment, the lender will forward a copy of the loan file to the MDPHA or its authorized contractor on behalf of the Housing Choice Voucher family in order to reserve the required secondary mortgage financing, if needed.

Upon completion and processing of the loan by the lender and the MDPHA or its authorized contractor, the loan is scheduled for closing by the lender. The MDPHA may provide first mortgage financing in limited instances upon the recommendation of the HCD staff.

26.8 Housing Search

After pre-qualification, the family will be advised they have a period of one hundred and twenty (120) days to locate a home for purchase. Upon initial selection of a unit, the family will be allowed an additional one hundred and twenty (120) days to secure financing and close on the chosen property. During this time, the family shall be allowed to continue to use their Housing Choice Voucher for rental assistance. At the option of the MDPHA or its authorized contractor, due to reasonable documented circumstances, time limitations may be extended or revised on a case-by-case basis.

Should the family be unable or unwilling to complete the purchase of a home through the Homeownership program, the family may continue to use their voucher for rental assistance, so long as they continue to be eligible and comply with MDPHA policies, as contained in this Administrative Plan, and federal housing regulations.

26.9 Down Payment Requirement

The required down payment is three percent (3%) of the purchase price. One percent (1%) must come from the applicant's own funding. The family may be eligible and seek additional funding for down payment and closing costs as assistance to low-income families.

26.10 Program Requirements

Once a family purchases the unit, the family must use the property as their primary residence which will be reflected in the mortgage documents. The family must comply with all mortgage requirements. At the option of the housing agency, the homebuyer may be requested to attend and complete additional homeownership counseling and training.

Ownership must be in fee simple title, a 99-year leasehold interest, or ownership or membership in a cooperative. In cases of a 99-year leasehold interest, the remaining lease term must equal the term of the loan.

Annual recertification by the family is required, for as long as homeownership assistance is being provided. Limitation of homeownership assistance will be a maximum of fifteen (15) years for a home purchased with twenty (20) or more years financing from the date of the first homeownership housing assistance payment and a maximum of ten (10) years in all other cases. If the family qualifies as elderly or disabled upon commencement of the homeownership assistance, there is no time limit by which the family may receive such assistance.

HCD may provide second mortgage financing to Homeownership Program participants. HCD requires that applicants obtain thirty (30) year first mortgage financing from a first mortgage lender in order to obtain the secondary financing. For families who sell the original house and seek to purchase another house under the Homeownership program with continued homeownership assistance, the maximum term commences upon the date of purchase of the first house.

The MDPHA or its authorized contractor shall encourage participants to establish and maintain a savings, credit union, or other type of investment account at the time of the loan closing. The purpose of this account will be to generate a reserve fund for necessary maintenance, replacement or repair needs. Funds would then be withdrawn as needed for the home. The MDPHA or its authorized contractor reserves the right to establish such accounts on behalf of the homebuyer.

26.11 Housing Assistance Payments

The family's monthly Housing Assistance Payment will be the lesser of the Housing Choice Voucher payment standard minus the Total Tenant Payment (TTP) or the monthly homeowner expenses minus the TTP. The MDPHA or its authorized contractor will annually re-examine the family's income and family

composition and make appropriate adjustments to the amount of the monthly Housing Assistance Payment.

Homeownership expenses include, but may not be limited to principal, interest, applicable taxes and insurance on mortgage debt, refinancing charges of mortgage debt, and the MDPHA or its authorized contractor determined utility and maintenance allowances. Other housing expenses that may be incurred by the family include but are not limited to condominium maintenance fees.

Families who have lost their employment will be considered for adjustments, as will families with changes in their family composition. If a family's income increases to a point that they are not eligible to receive a Housing Assistance Payment, eligibility for such payments will continue for one hundred and eighty (180) calendar days. At the end of a continuous period of one hundred and eighty (180) days, eligibility for Housing Choice Voucher assistance will automatically terminate.

To assure the timely mortgage payment, the MDPHA's loan servicing unit will issue the monthly mortgage payment to the first lender. The family shall be responsible for remitting the TTP of the payment to the loan servicing unit by the first of each month along with the payment due on the second mortgage loan, if applicable. If the Housing Assistance Payment is greater than the mortgage payment and taxes and insurance escrow payments, the difference will be paid to the family.

26.12 Financing and Payments

First mortgage financing must meet current lending standards, including Federal National Mortgage Corporation "Fannie Mae" and Federal Home Loan Mortgage Corporation "Freddie Mac." First mortgages shall be offered by a participating lender at prevailing market rates.

The MDPHA or its authorized contractor shall reserve the right to determine whether the Housing Choice Voucher family can afford the proposed financing. In order to protect the family and to meet the parameters of the financial arrangement by the family, the Homeownership program will prohibit any financing which includes balloon payments, variable interest rates, or private seller financing.

For those homebuyers who are FSS participants, the MDPHA or its authorized contractor shall encourage these families to utilize their escrow balance to assist with the down payment and closing costs of the home purchase as well as the capitalization of the escrow reserve. Escrow withdrawals will be permitted for the purchase of required home appliances and for necessary home improvements and repairs, only if the family has fulfilled established interim goals and requires a portion of the FSS escrow for purposes consistent with the contract of participation. Such releases from the FSS escrow reserves will be at the discretion of the Agency.

The amount of the monthly homeownership assistance payment shall include all principal, interest, taxes and insurance and, if applicable, homeownership association fees and maintenance allowance, the allowance for cost of major repairs and replacements and the applicable utility allowance. This payment will be the lower of the payment standard, less the total tenant payment or the family's monthly homeownership expenses, minus the total tenant payment. The total tenant payment will not exceed thirty percent (30%) of the family's gross monthly income, taking into consideration allowances and deductions permitted by regulation.

Second mortgage loan payments may be interest deferred, principal only. Deferred loans may be given to Housing Choice Voucher families on an as-needed basis.

26.13 Inspections Requirements

In accordance with the federal housing regulations and MDPHA loan policies, inspections of the property will be conducted prior to the approval for purchase of the home. An inspection by the Housing Choice Voucher Inspections Department will be conducted for compliance with federal housing quality standards.

A second inspection must be an independent professional home inspection conducted by an independent inspector. The cost of this inspection must be borne by the Housing Choice Voucher family. If the homebuyer is a participant in the FSS program, this inspection may be paid from funds in their FSS escrow account. The inspector shall be certified by the American Society of Home Inspections. Such inspection shall require the inspector to develop a written list of items that are likely to need replacement or repair within the next one to three years. Such an inspection shall include, but not be limited to, cover the major building systems and components, including the foundation and structure, the house's exterior and interior, roofing, plumbing, electrical and air conditioning/heating systems. These inspections shall be performed before closing of all units with the Homeownership program. The MDPHA or its authorized contractor retains the right to disqualify the unit for inclusion in the Homeownership program, based on the inspections.

In addition, on newly constructed properties funded through Miami-Dade County, the County will provide random inspections during the construction of the home and detailed final inspections prior to the placement of the first or second mortgage. Environmental clearances will be required when using federal funds.

26.14 Insurance Requirements

Title insurance will be required. In the case of the Housing Choice Voucher family, the costs for title insurance shall be included in the closing costs. The family shall obtain and maintain hazard, flood and windstorm (if required) insurance, at minimum, in the amount of all financing (first, and if necessary second and subsequent mortgages). The family should be responsible for obtaining such insurance. The cost for the insurance may be included in the loan amount. If the MDPHA has financed any portion of the loan, the MDPHA must be listed as a loss payee. The lender has the responsibility to determine and document whether the unit is in a flood hazard zone. It is the responsibility of the family to insure units in flood zones for flood damage.

26.15 Sales Contract

Housing Choice Voucher families purchasing a home through the Homeownership program must complete a contract of sale with the owner of the property to be purchased. The unit must be substantially built before the contract is executed. The contract must include the price of the unit, terms of sale, the purchaser's inspection requirements, and notice that the sale is condition on the purchaser's acceptance of the inspection reports, and include an agreement that the purchaser is not obligated to pay for necessary repairs.

The contract must also provide a certification from the seller stating the seller has not been debarred, suspended or subject to a limited denial of participation by USHUD.

26.16 Family Obligations

Before closing, the family must execute a statement of homeowner obligation in a form prescribed by the housing agency. To receive homeownership assistance, a family must comply with the following obligations:

1. The family must comply with the terms of the mortgage securing debt incurred to purchase the home;

2. For as long as the family is receiving homeownership assistance, the family may not sell, convey or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home, without the MDPHA or its authorized contractor's knowledge and approval;

3. The family must supply required information regarding income and family composition in order to correctly calculate total tenant payment and homeownership assistance;

4. The family must provide information on any mortgage or other debt incurred to purchase the home and any refinancing of such debt and any sale or other transfer of any interest in the home;

5. The family must notify the MDPHA or its authorized contractor if the family defaults on a mortgage securing any debt incurred to purchase the home;

6. The family must notify the MDPHA or its authorized contractor before the family moves out of the home;

7. The family must, at annual recertification, document that he or she is current on all housing related payment include mortgage, insurance and utility payments;

8. The family cannot refinance without the authorization of the MDPHA or its authorized contractor.

26.17 Portability

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of MDPHA's jurisdiction if the receiving housing agency is administering a Homeownership program and is accepting new families into the receiving housing agency's homeownership program.

26.18 Default and Termination of Assistance

If the family fails to comply with its family obligations as set forth in federal regulations or in this Administrative Plan, the family may be terminated from homeownership assistance. Federal regulations further require the housing agency to terminate homeownership assistance for any family that is dispossessed from the home pursuant to judgment or foreclosure. If the family defaults on the mortgage, the family will have their housing voucher withdrawn and no new voucher will be issued for either homeownership or rental assistance. Exceptions to this policy shall be reviewed on a case-by-case basis, particularly as it relates to income loss of the family. Termination from the homeownership program will be in compliance with Chapter 27.

26.19 Continuation of Assistance

A homeownership family may purchase another home with assistance provided there is no mortgage loan default and the family is in compliance with the statement of homeowner obligations.

26.20 Down Payment Assistance and Other Program Issues

The MDPHA or its authorized contractor shall consider and implement other homeownership program rules as promulgated by USHUD, including but not limited to use of housing assistance payment funding for down payment assistance.

Chapter 27. Termination of Assistance

27.1 Grounds for Termination of Assistance

1. Housing Choice Voucher housing is a scarce resource and the MDPHA holds the position that Housing Choice Voucher families must be held accountable for their actions as it relates to their tenancy under the Housing Choice Voucher program.

The MDPHA shall terminate assistance for a participant family, including Moderate Rehabilitation tenants (where applicable), on any of the following grounds:

A. If the family violates any family obligation stipulated in federal housing regulation under the program;

B. If the family fails to sign and submit consent forms;

C. If any family member participates in criminal activity, specifically drug related or violent criminal activity, including sex offenders. The MDPHA or its authorized contractor shall consider the following:

1) the MDPHA or its authorized contractor shall terminate assistance if a family member has engaged in criminal activity with a disposition of the charge as either:

- Guilty
- Guilty/convicted
- Nolo Contendre
- Convicted
- Fined
- Adjudicated
- Adjudication withheld

2) Where the family has no pre or post pattern of repeated engagement in criminal activity and the disposition of the One Strike Policy offense is dropped, nolle prosse, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the family shall not be recommended for termination of assistance.

3) Open cases shall be held pending final disposition. Upon a disposition from the court, the MDPHA or its authorized contractor shall either recommend termination or take no action based on the outcome as defined above.

4) In circumstances where the family member admits to the crime, whether or not an arrest, charge, or conviction takes place, the family shall be recommended for termination based on the admission.

5) Except as stipulated under Paragraph B. Mitigating Circumstances, the MDPHA or its authorized contractor shall recommend termination for One Strike Policy violations that includes, but is not limited to, battery, rape, robbery, murder, assault/batteries, threatening the livelihood of others, as follows:

a. The MDPHA or its authorized contractor shall recommend terminating assistance for the following violent criminal activities within ten (10) years from the date of arrest, except violent sex-related offenses described under 3 e. iii below:

- First or second degree murder
- Kidnapping
- Arson
- Violent sex-related offenses, including but not limited to rape, sexual assault/battery, sexual battery, or child molestation

b. The MDPHA or its authorized contractor shall recommend terminating assistance within five years from the date of the arrest for manslaughter, sex offenses, except

sex offenses described in 3. e.i above. and 3.e iii. below, or for non-murder violent criminal activity.

c. the MDPHA or its authorized contractor shall terminate assistance permanently for any member of the household subject to a lifetime registration requirement under a state sex offender registration program, as registered on the Florida Department of Law Enforcement website (www.fdle.state.fl.us).

d. If any household member is currently engaged in any illegal use or possession of a drug within one (1) year from date of arrest, or within five (5) years from date of arrest if a pattern of illegal use or possession of a drug by any household member interferes with the health, safety, or right to peaceful enjoyment of the premises by other participants. (24 CFR § 982).

e. If the MDPHA or its authorized contractor determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing (24 CFR § 982.553).

D. If any family member has participated in other criminal activity (non-violent) within three (3) years from the date of arrest that threatens the health, safety or right to peaceful enjoyment of the premises by other participants or persons residing in the immediate vicinity, as provided by 24 CFR §§ 982

E. If any family member is fleeing to avoid prosecution, custody, or confinement after conviction, for a crime or an attempt to commit a crime that is a felony.

F. If any family member violates a condition of probation or parole imposed under federal or state law.

G. If any member of the family has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program within ten years from the date of the act;

H. If the family currently owes rent or other amounts to the MDPHA or to another housing authority in connection with Housing Choice Voucher or public housing assistance under the 1937 Act;

I. If the family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit or other amounts owed by the family under the lease;

J. If the family breaches an agreement with the MDPHA to pay amounts owed to the MDPHA or amounts paid to an owner by the MDPHA;

K. If the family has engaged in or threatened abusive or violent behavior toward the MDPHA or its authorized contractor personnel;

L. If the family has made threatening behaviors to others or has failed to maintain the property or caused severe damage to the unit;

M. If the family fails to pay utilities pursuant to his/her responsibility as stipulated in the lease;

N. If the family repeatedly breaks obligations under the lease or for serious violations of the lease;

O. If the MDPHA or its authorized contractor determines that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants within three (3) years of the abuse (24 CFR §982).

P. Full-time or part-time students who do not meet student eligibility requirements.

Q. Any other grounds for termination permitted by USHUD.

2. Mitigating Circumstances

The factors below will be taken into consideration, as well as the family's pre and post criminal history. If a tenant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, the MDPHA or its authorized contractor shall evaluate the evidence and verify the mitigating circumstance in accordance with MDPHA or its authorized contractor's Reasonable Accommodation Policies and Procedures document included under Attachment C of this Plan. Providing documentation of mitigating circumstances as described below is the responsibility of the family. It is incumbent upon the family to provide documentation, evidence and any and all other third party proof at any time including but not limited to the investigation interviews, appointments with the MDPHA or its authorized contractor staff, at time of the hearing or within the time limit set by the hearing officer to provide substantiating information challenging the recommendation to terminate assistance.

A. Request to Remove Family Member with One-Strike Policy Violation

If a participating Housing Choice Voucher family notifies the MDPHA or its authorized contractor and advises of any criminal activity that is in violation of the One Strike Policy, as described in Chapter 27.1(A) 3, of a family member or if the MDPHA or its authorized contractor determines a violation of the One Strike Policy or other criminal activity as described within this Administrative Plan, through the Criminal Justice Information System or any other source, including but not limited to referrals from law enforcement agencies, the U.S. or State Attorney's Offices, USHUD, then the family may request removal of the offending family member permanently from the family composition and the family member may not reside in the Housing Choice Voucher unit in order for the family to remain in the program. If the offending family member(s) is not removed, then the entire family shall be recommended for termination from the Program.

In circumstances where the offending family member is the head of household, the entire family shall be recommended for termination from the Program.

If the family member is removed but is subsequently found to reside in the unit without the MDPHA or its authorized contractor's approval, the family member is considered an unauthorized boarder and the entire family shall be recommended for termination from the Program pursuant to 24 CFR § 982.

B. Non-Violent Charges Involving Firearms

Charges limited to the specific crime of illegal possession or unlawful display of firearm shall not constitute a violation of the One Strike Policy.

C. Prior Criminal History

In cases of multiple prior charges of one or more family members where the disposition of the cases was dropped, nolle prosse, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the MDPHA or its authorized contractor may take both the

family and individual family member's history and /or outcome into consideration at arriving at a final determination of continued assistance.

D. Violation of Peaceful Enjoyment

Prior to the MDPHA or its authorized contractor's decision to recommend termination of assistance for criminal activity that threats the health, safety or right of peaceful enjoyment of the premises by other participants, the MDPHA or its authorized contractor may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action.

Upon determination by the hearing officer or the MDPHA or its authorized contractor Director, the MDPHA or its authorized contractor may require a tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for the action or failure to act that warrants termination. If the MDPHA or its authorized contractor determines that the family may continue to reside in the unit by excluding the household member (s) who participated in or was culpable for the action or failure to act warranting termination, the MDPHA or its authorized contractor may recommend for termination the family's tenancy if another household member(s) commits a criminal activity warranting termination within five (5) years of the first offending activity.

E. Substance Abuse Rehabilitation

Upon determination by the hearing officer or, the MDPHA or its authorized contractor, in their decision whether to recommend termination for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, may consider whether such household member was remanded by the court and is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the MDPHA or its authorized contractor shall require the tenant to submit evidence of the household member's current participation in or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

F. Domestic Violence

Provided the tenant has no pattern of repeated engagement in criminal activity, in circumstances of domestic violence, sexual assault/battery, dating violence or stalking, where an individual certifies on form HUD-50066 as may be amended or can provide evidence in lieu of or in addition to that they have been a victim of domestic violence, These may be considered as mitigating factors on their behalf by the hearing officer. Such certification or documents must be provided by the tenant at the informal hearing or upon request by the hearing officer subsequent to the hearing for consideration of continued assistance. In addition, if mandated by the court, the individual must show successful completion of any court-mandated diversion program and bring proof of same. See Section 2.15 for further information.

The Violence Against Women and Justice Department Reauthorization Act (VAWA) of 2005 affords protection for victims of domestic violence, dating violence, or stalking as defined under Section 2.15.

The MDPHA or its authorized contractor will request a participant to certify that he/she is a victim of domestic violence, sexual assault, dating violence, or stalking and that the incidence(s) of threatened or actual abuse are bona-fide in determining whether the protections afforded to such

individuals are applicable under VAWA. The family must complete and submit form HUD form 50066, Certification of Domestic Violence, Dating Violence, or Stalking, or information in lieu of this certification within 14 business days of receiving the written request for this certification. The certification or alternate documentation must be returned to the MDPHA or its authorized contractor. If the family has not provided the requested certification or documentation by the 14th business day or any extension as authorized by the MDPHA or its authorized contractor, none of the protections afforded by VAWA apply in the MDPHA or its authorized contractor's decision to terminate assistance under the Housing Choice Voucher program.

Documents that may be submitted in lieu of HUD form 50066, or in addition to the certification form, are: a police or court record, or documentation signed by an authorized employee, agent, or volunteer of a victim service provider, such as the Miami-Dade County Rape Treatment Center, an attorney or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking, or the effects of such abuse, in which the professional must attest to the certainty that the incident(s) in question are bona fide incident(s) of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation. All information provided by the participant family will be retained in a confidential manner.

The MDPHA or its authorized contractor will allow the perpetrator of the domestic violence, dating violence, or stalking to be removed from the household at the request of the family member who is the victim. Additionally, MDPHA or its authorized contractor will implement the provisions and steps under Chapter 2, Section 2.15 to afford victims of domestic violence protections under the law.

27.2 Notice

If the MDPHA or its authorized contractor recommends termination of a family's participation in the program, the family will be notified in writing stating the grounds for proposed termination of assistance and the effective date of termination. The notice will also state whether the participant has a right to a hearing in accordance with the regulations, the procedure for requesting a hearing, and that the participant may be represented at the hearing at their own expense. The owner will receive notice of the recommendation of termination of a family's participation. The same provision stipulated above shall apply to the Family Unification Program. However, the MDPHA or its authorized contractor shall notify the Department of Children and Families if a family is at-risk of termination in order to allow timely intervention.

Chapter 28. Policies Concerning Repayment of Amounts Owed to the MDPHA

Except as otherwise required under Chapter 7.5, Enterprise Income Verification, Third Party Verification, and Factors Affecting Eligibility and Family Rent, the MDPHA or its authorized contractor has the discretion to enter into repayment agreements with program participants for amounts owed to the MDPHA, if it is in the best interest of the MDPHA, the debt has not been expunged by operation of law, and the participant has not intentionally committed any act that led to the amount owed. Currently, the debt will be considered expunged by operation of law if the time period has exceeded five (5) years and the MDPHA or its authorized contractor has not attempted to collect the debt within the five-year period.

28.1 Standards for Repayment

If a repayment agreement is offered to a participant in lieu of full payment, it will be in writing and may be within the following guidelines:

1. Down payment of at least twenty percent (20%) to be paid at time of signing the repayment agreement by money order or cashier's check.

2. The balance is to be paid within twelve (12) consecutive monthly payments starting thirty (30) days from the date of down payment.

28.2 Exceptions

Any terms allowing more time for repayment or for a lower down payment must be approved by Housing Choice Voucher Program director or his/her designee. A hearing officer shall also have the discretion to set the amounts and length of time for repayment, if a repayment agreement is a stipulation of participation determined at an informal hearing. Strict adherence to the terms of the repayment agreement by the participant is necessary otherwise benefits may be terminated in accordance with this plan, as indicated in Chapter 27.

Chapter 29. Informal Hearing and Review Procedures

29.1 Participant Hearings

Informal hearings will be allowed regarding the application of MDPHA policies in this Administrative Plan to a particular participant. Such hearings will not be a means to challenge a policy as a whole. Thus should a program participant consider an MDPHA or its authorized contractor action, such as being terminated from the Housing Choice Voucher program, detrimental to their interest, the participant may request an informal hearing to contest the action, not the policy which resulted in the action.

Hearings are afforded to Housing Choice Voucher participants in accordance with the Code of Federal Regulations 24 CFR § 982.555 and as included in this Administrative Plan. (The process described in the MDPHA's Reasonable Accommodation Policies and Procedures document included under Attachment C will be followed for participants denied reasonable accommodation requests. Further, this document describes the process that must be followed if the hearing officer becomes aware that the reason for the termination of assistance or other adverse action occurred because of the participant's disability.

Hearings are not afforded to families appealing decisions on:

1. HQS violations; except when the family is terminated due to breach of HQS as caused by the family

2. Determination of family unit size under MDPHA's subsidy standards;

3. The MDPHA or its authorized contractor determination not to approve an extension or suspension of a voucher term;

4. The MDPHA or its authorized contractor determination not to approve a unit for lease under Housing Choice Voucher;

5. Discretionary administrative determinations by the MDPHA or its authorized contractor;

6. General policy issues or class grievances;

7. Establishment of MDPHA's utility allowance schedule.

8. The MDPHA or its authorized contractor's determination to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

If the MDPHA or its authorized contractor proposes to terminate assistance on the basis of a criminal record, the MDPHA or its authorized contractor will advise the head of household in the recommendation of denial letter with the (1) name of the affected family member and description of the charge; that (2) the family member with the criminal record and the head of household may request a copy of the criminal record either before or at the informal review and (3) he/she will be provided an opportunity to dispute the accuracy and relevance of that record.

1. Requesting a hearing and pre-hearing procedures

   A hearing may be requested by written request to the Hearing Office at the address indicated on the adverse action notice. The hearing must be requested within fifteen (15) calendar days of the notice date. Failure of the participant to respond within the required time waives the right to a hearing.

   When feasible, the MDPHA or its authorized contractor will schedule the hearing within thirty (30) calendar days of the participant's request. The hearing will be scheduled at the first available hearing date. The participant and any other interested parties will be notified of the date and time for the hearing by mail from the MDPHA or its authorized contractor.

   A program participant shall not be adversely affected by the scheduling of a hearing beyond the thirty (30) calendar days. Payment shall continue to the owner so long as the family remains in the unit and a hearing has been scheduled.

   Before the hearing, the tenant has the right to review any MDPHA documents, including but not limited to the tenant's file, that are directly related to the informal hearing. If the tenant requests to review or make copies of documents, he/she must do so no later than three (3) days prior to the informal hearing. In the event the MDPHA or its authorized contractor fails to make the documents available for examination upon request of the tenant or the tenant's representative, the MDPHA or its authorized contractor is prohibited from relying on the document(s) at the hearing. Participants may be charged for copying costs.

2. Hearing Procedures

   The hearing must be presided over by a hearing officer unassociated with the day-to-day operations of the program.

   The hearing officer's decision will be based solely on the testimony of witnesses, written documentation in the tenant's file, and any other evidence presented at the hearing. The tenant must attend the hearing at the time scheduled as notified by the Hearing Office. The owner may attend. The tenant may be represented by legal counsel or another person chosen as a representative.
   The party that fails to appear for a hearing will relinquish all further hearings or appeals of the adverse action.

   A hearing may be held via telephone conference call in situations where a health condition or portability to another housing agency's jurisdiction prevents either party (tenant or owner) from attending the hearing in person. Hearings held by telephone conferences are not allowed simply for the convenience of the tenant or owner. Any other reasons shall be at the discretion of the hearing office supervisor.

   The decision of the hearing officer shall be forwarded in writing to the participant and other interested parties within thirty (30) calendar days of the hearing. The decision of the hearing officer shall be final, except on the occasion when the MDPHA Director or his/her designee may review, overturn or modify the decision of a hearing officer upon showing of the following:

A. The hearing decision concerns a matter for which MDHA is not required to provide an opportunity for an informal hearing under 24 C.F.R. § 982 or that otherwise exceeds the authority of the person conducting the hearing under MDPHA's hearing procedures.

B. The hearing decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, state of the Code of Miami-Dade County or other local laws.

If MDPHA determines that it is not bound by a hearing decision, MDPHA shall promptly notify the family of the determination, and of the reasons for the determination. The hearing officer's decision shall not abridge any other rights the participants have under law.

29.2 Applicant reviews

Applicants denied program participation or removed from the waiting list shall be entitled to a review conducted by the MDPHA or its authorized contractor in accordance with 24 CFR § 982.554. Applicants will be notified of such determination in writing, generally at the time of their initial certification appointment. Applicants who have not completed application forms as instructed in the Housing Application Instructions will not be processed and their name will not be placed on the waiting list. Applicants in this situation will not be offered an informal review.

The process described in the MDPHA's Reasonable Accommodation Policies and Procedures included under Attachment C will be followed for applicants denied reasonable accommodation requests. Further this document describes the process that must be followed by the hearing officer if he/she becomes aware during the informal review that an applicant's ineligibility determination occurred because of the applicant's disability.

It is an applicant's responsibility to inform the MDPHA or its authorized contractor staff when there is a change in address.

1. Processing Removals

   An applicant or who is determined ineligible for program benefits shall be notified in writing that his/her name will be removed from the waiting list unless he/she requests an informal review by contacting the MDPHA or its authorized contractor within thirty (30) days of the notice. The applicant whose mail is returned by the post office will be automatically withdrawn from the waiting list.

   Applicants who have been removed from the waiting list for failing to respond to notices calling him/her for processing may, within one year of being removed from the waiting list, request an informal review seeking reinstatement to his/her original place on the waiting list.

   If the MDPHA or its authorized contractor proposes to deny admission on the basis of a criminal record, the MDPHA or its authorized contractor will advise the head of household in the recommendation of denial letter with the (1) name of the affected family member and description of the charge; that (2) the family member with the criminal record and the head of household may request a copy of the criminal record either before or at the informal review and (3) he/she will be provided an opportunity to dispute the accuracy and relevance of that record.

   Before the review, the applicant has the right to review any the MDPHA or its authorized contractor documents, including but not limited to the applicant's file, that are directly related to the informal review. If the applicant requests to review or make copies of documents, he/she must do so no later than three (3) days prior to the informal review. Applicants may be charged for copying costs.

2. Requesting a review

Applicants may request a review in writing to the address or fax number indicated on the adverse action letter. The request shall be made within thirty (30) days from the date of the notice. The MDPHA or its authorized contractor, at its discretion, may schedule an informal review at the applicant's request, beyond the thirty (30) days, on a case-by-case basis. The MDPHA or its authorized contractor will schedule the review for the next available hearing date and forward written notification to the applicant.

3. Review Procedures

The review will be conducted by a designated MDPHA or its authorized contractor supervisor. When feasible, the reviewer's decision will be made in writing within thirty (30) calendar days of the review. The decision of the reviewer shall be final. The reviewer's decision, however, shall not abridge any other rights the applicants have under law.

Chapter 30. Fair Housing and Equal Opportunity and Grievance Procedures

30.1 Non-discrimination Policy

It is the MDPHA or its authorized contractor's policy to comply fully with all federal, state, and county antidiscrimination laws including, but not limited to, the Fair Housing Act; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act.

No person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial or marital status, sexual orientation, ancestry, age pregnancy, source of income, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated or funded by the MDPHA.

To further its commitment to full compliance with applicable civil rights laws, the MDPHA or its authorized contractor will provide federal/state/local information to applicants for, and participants in, the Housing Choice Voucher programs regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. The MDPHA or its authorized contractor will display the Fair Housing poster at the Applicant Leasing Center and its contractor's offices. Upon eligibility determination, housing voucher program applicants will be provided with a written Tenant Briefing Package, which includes copy of the *Housing Discrimination Complaint* form and information pertaining to procedures to be followed if the applicant believes he/she has been discriminated against during the housing search.

30.2 Processing Discrimination Complaints and Reasonable Accommodation Requests

All applicable *Fair Housing Information* and *Discrimination Complaint* forms will be made available at the MDPHA or its authorized contractor's ADA Coordinator's office or by the ADA Coordinator mailing copies of information to person requesting same. In addition, all written information and advertisements will contain the appropriate Equal Opportunity language and logo.

The MDPHA or its authorized contractor's ADA coordinator will assist any family that believes they have suffered illegal discrimination by providing copies of the federal and local housing discrimination forms and the addresses of the applicable offices. Also, the MDPHA or its authorized contractor's ADA coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

The MDPHA shall provide Moderate Rehabilitation program applicants information pertaining to housing discrimination complaint filing in the offer letter. If reasonable cause is established that the owner has discriminated against the family, the MDPHA shall offer that applicant the next available Moderate

Rehabilitation unit for which they qualify. Furthermore, owners may be subject to sanctions permitted by federal, state and local laws.

The MDPHA or its authorized contractor will cooperate with USHUD in conducting monitoring and compliance reviews and complaint investigations, pursuant to all applicable civil rights statutes and regulations, Executive Orders, and all civil rights related program requirements.

The MDPHA's Reasonable Accommodation Policies and Procedures is included under Attachment C.

Chapter 31. Special Rules for Moderate Rehabilitation

The foregoing policies and procedures apply in general to the Moderate Rehabilitation Program except as provided below:

31.1 Transfer and Waiting List Referrals

1. Vacancy Notices

   Every unit vacancy, which occurs in the Moderate Rehabilitation Program administered by the MDPHA, must be reported to the MDPHA. Owners or managers must immediately forward the vacancy notice either by hand delivery, facsimile, or mail to the following address:
   Miami-Dade Public Housing Agency
   Attention: Moderate Rehabilitation Program Unit
   701 NW 1st Court, 8th Floor
   Miami, Florida 33136-3914
   Fax: (786) 469-4222

2. MDPHA Transfer Referrals

   The MDPHA approved transferees will be offered available units before applicants from MDPHA's waiting list. Chapter 31.5 details the MDPHA's transfer policy for the Moderate Rehabilitation Program.

   If there are families on the transfer list, the MDPHA's first mail-out will consist of the MDPHA's transfer referrals for a period of eight (8) days to applicants for whom the unit is suited. If applicable, MDPHA will conduct a second mail-out for a period of eight (8) days if: (a) none of the MDPHA's referrals accept the offer; (b) the referrals are rejected by the owner based on a valid, non-discriminatory reason within the ten (10) day period; or (c) there is no response from the applicant. For each unit, the MDPHA will offer up to twenty (20) interested applicants for whom the unit is suited. The MDPHA will assist victims of domestic violence, sexual assault, dating violence and stalking, as detailed under Chapter 2, Section 2.15.

3. MDPHA Waiting List Referrals

   If there are no families on the transfer list, MDPHA will refer applicants to the owner/manager from MDPHA's waiting list.

   In order to deter discrimination by a Moderate Rehabilitation owner/manager (hereafter referred to as owner), the MDPHA shall utilize the following procedure for the screening and selection process. After proper receipt of the vacancy notice from the owner/manager, MDPHA's offer letters (often referred to as "mail-outs") will be made no later than five (5) working days from the date the unit passes Housing Quality Standard (HQS) Inspection. Applicants will have a

minimum of eight (8) calendar days to respond to the MDPHA and the owner/manager of the offered unit concerning their interest.

Owner/managers must make themselves available to accept the referred applicants' and to show the unit. The unit must have passed HQS inspection prior to showing. The MDPHA shall also forward to the owner a log of all applicants referred to the available unit. The owner shall provide to the MDPHA his/her written policy on selection procedures to include the policy regarding the collection of application fees, if applicable.

Owners may only reject applicants for valid, nondiscriminatory reasons and must report the reason for any rejected applicants in writing to the MDPHA.

In the event that the owner/manager request a release of the available unit, MDPHA shall assign a staff person to contact each applicant within the mail out(s), three days after the close of the final mail out to assure that all applicants referred the unit are being treated fairly under the law. The assigned staff shall also confirm that the owner's selection process was expeditious and unbiased. Assigned staff will maintain a log to document all communications with the applicants and owners. The unit will not be released if owner/manager does not comply with submittal of the written policy on selection procedures and written notification of the rejection of applicants.

After the owner selects a prospective tenant for the unit, the owner shall submit to the MDPHA a selection package. This package will include a log of all MDPHA referred applicants, a written letter stating the results of the owner's screening, and justification with supporting documentation for the applicant selected or rejected for tenancy. The MDPHA will review the owner package to confirm that the selection process was without bias.

4. Assignment of Accessible Units

Accessible units will be offered in the following order:

A. Current tenant in the development who requires the accessibility features of the vacant unit;

B. Current tenant(s) in other developments who require the accessibility features of the vacant, accessible unit;

C. Eligible applicant(s) on the waiting list for the project-based program who requires the accessibility feature(s) of the vacant, accessible unit;

D. Eligible applicant(s) on the waiting list for the project-based program who do not require the accessibility features of the vacant, accessible unit.

E. Eligible applicants referred by the owner who require the accessibility features of the vacant, accessible unit; then

F. Eligible applicants referred by the owner who do not require the accessibility features of the vacant, accessible unit.

Transfer requests related to reasonable accommodation for a person with disabilities will be processed in accordance with the MDPHA's Reasonable Accommodation Policies and Procedures included under Attachment C. Transfer requests related to reasonable accommodation must be approved by the MDPHA or its authorized contractor's ADA coordinator.

Further, transfers of tenants with disabilities and placement of applicants with disabilities in units with accessible features will be centrally coordinated through the MDPHA or its authorized

contractor with the assistance of the MDPHA's Applicant Leasing Center. The owner will be encouraged to incorporate language in their lease that requires the tenant to transfer to a non-accessible unit when one becomes available, in situations where an applicant is housed in an accessible unit but does not require the accessibility features.

31.2 Condition of Units

Owners must make units ready for occupancy and HQS inspection by the time applicants are referred to the unit. MDPHA reserves the right to not make referrals for units that are not ready for occupancy.

Units with a history of repeated or habitual violations will be inspected every six (6) months. Inspections shall be performed at the discretion of the MDPHA and shall not require prior notification to the owner as to when an inspection will occur.

31.3 Valid Rejections of Offered Units

An applicant will be made one offer of a housing unit under the Moderate Rehabilitation program. However, the offer is not considered a suitable offer under the following circumstances:

1. The applicant rejects the offer for "good cause," that is, the applicant can demonstrate through objective evidence that a move into the offered unit would result in a hardship related to the ability of the applicant or a member of the applicant's family to retain his or her employment, job training, or retain particular day care, or educational programs for children with disabilities or medical services uniquely suited to the affected individual's needs.

2. The offered unit is not suitable or accessible due to a disability of the applicant or a member of the applicant's family.

3. If the applicant accepts a unit but is rejected by the owner/manager.

4. If the unit is not ready for occupancy and has not passed an initial HQS Inspection.

5. The family demonstrates that accepting the offer will place a family member's life, health, or safety in jeopardy. The family must provide specific and compelling documentation, such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

6. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member.

When an offer is not counted against the applicant, the applicant's name will be reinstated to the waiting list for the project based program in order to receive another offer. MDPHA will maintain a record of units offered, including location, date and circumstances of each offer, and each acceptance or refusal, including the reason for the refusal.

31.4 Changes to Family Composition

Family members will be added to the family composition if they are born to the family during tenancy under the Moderate Rehabilitation program, if the family is awarded custody, guardianship, by any other operation of law, or as otherwise provided under Chapter 5.2 of this plan.

MDPHA or its authorized contractor will consider the request for approval and require documentation that the head of household has authorization to include a minor as part of the household. Court approved

custody or guardianship is not the only mechanism for establishing that the head of household has authorization to include a minor. Changes to the family composition may also be allowed for families in which one or more children less than eighteen (18) years of age live with the designee of the parent or legal custodian, with the parent's or legal custodian's consent.

Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc.

The owner of the family's unit must consent to the addition of any additional family members.

31.5 Transfer Policy

Transfers in the Moderate Rehabilitation Program will be granted if there are available units in the circumstances described below. In all instances, families on the transfer waiting list will be given one (1) offer. If the offer is refused, except for good cause, including reasonable accommodation for a family member with disabilities, the family's name will be removed from the transfer waiting list.

1. Overcrowded or Under-Occupied Units

   If a family has a change in family composition that causes the number of occupants of the unit to be more than the occupancy standards allowed for the bedroom size, or less than the minimum occupancy for the bedroom size, then the family will be required to move. The family shall move into the appropriate size unit or be terminated from participation in the program. If there is an available appropriate vacancy in the same development, the family will be offered such vacancy in the same development. This offer may not be refused, except for good cause, including reasonable accommodation for a family member with disabilities.
   The family shall receive one (1) offer to transfer to an appropriately sized unit in the same geographic area within five (5) square miles.

2. Medical Necessity

   Transfers based on medical or disability need shall be documented and shall relate to either proximity to medical facilities that a family member must attend on a frequent basis (at least once per week) or other verifiable reason, as determined by MDPHA or its authorized contractor's ADA Coordinator, or be related to a condition/s of the unit or complex that must be changed or avoided due to physical health concerns. If a transfer is necessary due to a condition in the unit, the owner of the project has the option to make an accommodation in lieu of the transfer.

   Transfers based on medical necessity shall be given the next available suitable unit based on the date of the requested transfer.

3. Special Circumstances

   Special circumstances that may be considered for transfer include, but are not limited to, the following:

   A. Hate crimes or overt discrimination against a family member;

   B. Habitual violence or victimization against a family member;

   C. Cooperation for a witness protection program; or

   D. Domestic violence.

Transfers for special circumstances shall be documented and shall be required for the immediate safety and welfare of the family. A special circumstance transfer shall be given the next available vacancy that is not in the same project.

31.6 HQS

HQS inspections shall be performed in conformance with the Moderate Rehabilitation standards attached hereto and previously approved by USHUD and the Miami-Dade County Board of County Commissioners by Resolution #1275-92.

Passed Initial HQS inspections are valid for 90 days.

31.7 Occupancy Standards

The general occupancy policies described in Chapter 5 will apply to Moderate Rehabilitation applicants and tenants.

31.8 Single Room Occupancy (SRO) and Shelter Plus Care Programs

All Moderate Rehabilitation Single Room Occupancy Administrative Plans for homeless individuals are developed and submitted to USHUD on a project basis for approval.

All Single Room Occupancy Moderate Rehabilitation Administrative and Shelter Plus Care Plans have been approved.

SRO and Shelter Plus Care Moderate Rehabilitation developments are subject to Section 3 of the Housing and Urban Development Act of 1968, as amended, and Section 504 Uniform Federal Accessibility Standards pertaining to accessible units for persons with disabilities.

ATTACHMENTS

ATTACHMENT A DEFINITIONS

ATTACHMENT B EFFECTIVE COMMUNICATION POLICY:
MDPHA has an Effective Communication Policy to ensure effective communication with applicants, program participants, employees and persons with disabled. Such policy is Attachment B of this Plan.

ATTACHMENT C REASONABLE ACCOMMODATION POLICY AND PROCEDURES:
MDPHA's Reasonable Accommodation Policies and Procedures as referenced throughout this Plan is Attachment C of this Plan.

ATTACHMENT A. DEFINITIONS

Adult
A person who is eighteen (18) years of age or older, or who has been convicted of a crime as an adult under any Federal, State or tribal law.

Child/Minor
Means a member of the family other than the family head or spouse who is under eighteen (18) years of age.

Criminal Records
All criminal arrest records for persons 18 years of age or older, including but not limited to, sex offender records and registration records, and any court dispositions, including but not limited to, *nolo contender, nolle prosequi*, withholds of adjudication and adjudications of guilt. The term "criminal records" does not include records unavailable to the MDPHA by operation of law, including juvenile records, sealed or expunged records, exempt records under Florida's Public Records Act, or other records unavailable to the MDPHA under state and federal laws. MDPHA will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

Dating Violence
Violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

Dependent
A member of the family (excluding foster children, foster adults, or live-in aides) other than the family head or spouse, who is under eighteen (18) years of age, or is a person with disabilities, or is a Full-time student.

Domestic Violence
Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabited with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Desegregative Housing Offer
An offer of a unit that is vacant, appropriate for the household size and type, and meets applicable housing quality standards in a development where not more than 65 percent of the population is the same race as the household.

Disabled Family
A family whose head, spouse, or sole member is a person with disabilities; or two (2) or more persons with disabilities living together; or one (1) or more persons with disabilities living with one or more live-in aides.

Disability Assistance Expenses
Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Disabled Family member and that are necessary to enable the disabled member to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Displaced Family

Includes persons who can document that they have been displaced by a natural disaster declared by the President of the United States, displaced through no fault of their own, by governmental action, or displaced by domestic violence.

Drug-related Criminal Activity
Illegal manufacture, sale, distribution, or use of a drug, or possession of a drug, with the intent to manufacture, sell, distribute or use the drug pursuant to Florida State law.

Elderly Family
A family whose head, spouse, or sole member is a person who is at least sixty-two (62) years of age; or two or more persons who are at least sixty-two (62) years of age living together; or one or more persons who are at least sixty-two (62) years of age living with one or more live-in aides.

Elderly Person
A person sixty-two (62) years of age or older.

Family
Family includes but is not limited to:

- A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
- An elderly family;
- A near-elderly family;
- A disabled family;
- A displaced family;
- The remaining member of a tenant family;
- A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family;
- A single person or a group of persons who reside together; and who are related by blood or marriage, or who exhibit a stable familial relationship. MDPHA will accept documentation proving that adult, domestic partners have a stable relationship (e.g. they have lived together for at least one year).

Family Income
Family Income means the annual income derived from all sources of the family members expected to reside in the dwelling unit and upon which rent is to be based.

Fraud
Deceit or trickery deliberately practiced to gain some advantage dishonestly. Fraud is an intentional deception and is not committed accidentally.

Full-Time Student
A person registered for and carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Geographic zones
The areas of Miami-Dade County which may be divided with USHUD approval for purposes of making offers of, and referrals for, project-based assistance.

Good Cause
With respect to refusal of a housing offer, 'good cause' shall mean that an applicant who is offered a unit can demonstrate through objective evidence that a move into the unit offered would result in a hardship related to the ability of the applicant or a member of the applicant's family to retain his or her employment or retain particular day care or medical services uniquely suited to the affected individual's needs, or is

outside the applicant's preferred geographical zone. In addition, a hardship may relate to the person's inability to conveniently use the facility because of his or her disability and a lack of the necessary accessibility features.

Group Moves
Moves of multiple families arranged by the Housing Center and the MDPHA or its authorized contractor in promoting desegregative housing.

Head of Household
The family member who is 18 years or older and held responsible and accountable for the family, normally considered to be the official tenant of record on the lease.

Income Limits
Income limits are those published by USHUD that determine a family's eligibility for the Housing Choice Voucher and Moderate Rehabilitation Programs.

Immediate Family Members
Immediate family members are as follows: sons, daughters, brothers, sisters, parents, grandparents and grandchildren

Live-in Aide
A person eighteen (18) years of age or older who resides with one (1) or more elderly persons, or near elderly persons, or persons with disabilities who:

- Is determined to be essential to the care and well-being of the persons;
- Is not obligated for the financial support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services.

The live-in aide's income is not counted when determining family income.

Lower Income Family
A family whose Annual Income does not exceed eighty percent (80%) of the median family Income for the area, as determined by USHUD with adjustments for smaller and larger families.

Near-Elderly FamilyA family whose head of household, spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

Offer
The term 'offer' is used in the context of project-based assistance and means an offer of a unit that is vacant, appropriate for the household in size and type, and meets applicable housing quality standards.

Persons with Disabilities
Under federal discrimination law, an individual is disabled if he/she has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. This definition does not include any individual who is a drug addict and is currently using illegal drugs, or an alcoholic, who poses a direct threat to the health, safety, and right to peaceful enjoyment of the premises by other residents.

Reasonable Accommodation
A reasonable accommodation is a change, modification, alteration, or adaptation in a policy, procedure, practice, program facility or unit that provides a person with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing), service or activity.

Reexamination/Recertification Date

The date on which the annual re-examination of eligibility for continued occupancy is due and which may or may not result in a rent change.

Single Person
A person living alone and who does not qualify as an elderly family, disabled family, displaced person, or as the remaining member of a tenant family.

Stalking
To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

Tenant Error
Occurs when the tenant by action or by inaction breaches a lease, regulation or other program requirement because of a misunderstanding of rules. Tenant errors are considered unintentional program violations, as compared to fraud (see definition).

Uniform Federal Accessibility Standards
A dwelling unit that is designed, constructed, altered or adapted to comply with Uniform Federal Accessibility Standards (UFAS) and is located in accessible route.

Units with Accessible Features
A unit which has been altered in a manner that has some accessible features that assist persons with disabilities.

Unrestricted Tenant-Based Benefits
Tenant-based subsidies that have been designated by USHUD or Congress for use only for certain programs, such as:

- Veterans Assisted Supportive Housing (VASH);
- HOPE for Elderly Independence;
- HOPE VI;
- Family Unification Program (FUP);
- Continued assistance for previously assisted families;
- Any other award that USHUD sets aside for particular uses.

Very Low Income Family
A family whose Annual Income does not exceed fifty percent (50%) of the median family income for the area, as determined by USHUD, with adjustments for smaller and larger families.

Violent Criminal Activity
Any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage pursuant to Florida State law.

Waiting List
The list of applicants who are waiting to be verified eligible for admittance to housing programs administered by the MDPHA and offered the benefit as it becomes available.

MIAMI-DADE PUBLIC HOUSING AGENCY

EFFECTIVE COMMUNICATION POLICY

SECTION 8 ADMINISTRATIVE PLAN

ATTACHMENT B

MIAMI-DADE PUBLIC HOUSING AGENCY
EFFECTIVE COMMUNICATION POLICY

It is the policy of the Miami-Dade Housing Agency (MDPHA) to ensure that communications with applicants, residents, program participants, employees, and members of the public with disabilities are as effective as communications with others.

MDPHA, including its employees, agents, contractors and private management companies/agents, shall furnish appropriate auxiliary aids and services, where necessary, to afford individuals with disabilities, including individuals with hearing, visual or cognitive disabilities, an equal opportunity to participate in, and enjoy the benefits of, the programs, services and activities conducted by MDPHA.

AUXILIARY AIDS AND SERVICES:

"Auxiliary aids and services" include, but are not limited to: (1) qualified sign language interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and, (2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

REQUEST FOR EFFECTIVE COMMUNICATION:

When an auxiliary aid or service is required to ensure effective communication, MDPHA will provide an opportunity for an individual with a disability to request the auxiliary aid or service of his or her choice. MDPHA will give primary consideration to the choice expressed by the individual. "Primary consideration" means that MDPHA will honor the choice, unless it can show that another equally effective means of communication is available; or, that use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity or in an undue financial and administrative burden.

The individual will submit his/her request for auxiliary aids or services to the appropriate MDPHA staff person designated below. All requests shall be dated and time-stamped upon receipt by the appropriate MDPHA staff person.

Within forty-eight (48) hours of receipt of the individual's request, the designated MDPHA staff person will consult with the individual with the disability when the preferred type of auxiliary aid or service is not available or not required, and the staff person is attempting to ascertain whether an alternative means of communication will ensure effective communication.

Within five (5) business days following receipt of the effective communication request(s), the designated MDPHA staff person will provide the requesting individual with notification of the proposed auxiliary aid or service to be provided.

The ADA Coordinator will maintain copies of all requests for effective communication, including final disposition, for the duration of this Agreement.

Individual requests for Effective Communication will be directed to the following MDPHA officials:

Tenant Requests:

MDPHA tenant requests for auxiliary aids or services should be made to the MDHCV Office at 305-403-3222.

Applicant Requests:

Applicants for MDPHA housing should make requests for auxiliary aids and services to MDPHA's Applicant and Leasing Center 305-638-6464 phone, 305-638-6014 TDD or the ADA Coordinator 305-403-3222.

Other Requests:

Requests from members of the public who wish to participate in programs, services and/or activities of MDPHA shall submit their request(s) for auxiliary aids and services as directed in MDPHA notices, appointment notifications, forms, or brochures. They may also submit requests for auxiliary aids to the MDPHA 504/ADA Coordinator.

However, individuals with disabilities who request auxiliary aids or services for public events such as public hearings, Board hearings, public meetings, etc., shall make their requests no later than five (5) days prior to the event.

GRIEVANCE PROCEDURES:

If the requesting individual with a disability is not satisfied with the MDPHA's response to the individual's request(s) for an auxiliary aid or service, the individual may file a formal grievance, including appropriate supporting documentation, if any, with MDPHA's Section 504/ADA Coordinator. The grievance may be communicated orally or in writing.

However, all oral grievances must be reduced to writing and maintained in MDPHA's files. In addition, MDPHA shall provide assistance to any individual who requests assistance in filing a grievance, including assistance in reducing the individual's grievance to writing. All grievances shall be dated and time-stamped.

Within seventy-two (72) hours of receipt, MDPHA's Section 504/ADA Coordinator will respond to the individual's grievance.

The Section 504/ADA Coordinator will provide his/her formal decision, in writing, within ten (10) business days after receipt of the grievance.

If the individual is dissatisfied with the MDPHA Section 504/ADA Coordinator's determination, the individual may pursue remedies under MDPHA's HUD-approved Grievance Procedures.

MIAMI-DADE PUBLIC HOUSING AGENCY

REASONABLE ACCOMMODATION POLICIES AND PROCEDURES

ATTACHMENT C OF THE

SECTION 8 ADMINISTRATIVE PLAN

Effective _____

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INTRODUCTION:

Policy Statement:

Miami-Dade Public Housing Agency (MDPHA) is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities, on the basis of disability, in connection with the operations of MDPHA's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a MDPHA policy, MDPHA will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program, or an undue financial and administrative burden or would be neither reasonable nor necessary. In such a case, MDPHA will make another accommodation that will not result in a financial or administrative burden or be either unreasonable or unnecessary.

A reasonable accommodation is a change, modification, alteration or adaptation in policy, procedure, practice, program, or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing) or activity.

MDPHA will post a copy of these Reasonable Accommodation Policies and Procedures in the applicant, resident and program participant waiting areas of the MDPHA Applicant and Leasing Center, Mobility Pool Center, Section 8 Offices, Regional Offices of the MDPHA; the offices of MDPHA's private management companies; and, the management office in each public housing development. In addition, individuals may obtain a copy of these Reasonable Accommodation Policies and Procedures, upon request, from Applicant and Leasing Center Eligibility Interviewers, Public Housing Site Managers, Section 8 Leasing and Contract Specialists, and MDPHA's ADA Coordinator.

For those who do not qualify as a person with a disability as defined by the Fair Housing Amendments Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act, but who have a need for an accommodation because of a physical or mental impairment, MDPHA may still provide an accommodation to meet that need contingent upon reasonableness and availability of resources.

Legal Authority:

MDPHA is subject to Federal, state and local civil rights laws and regulations. This Reasonable Accommodation Policy is based on the following statutes or regulations:

See Section 504 of the Rehabilitation Act of 1973 (Section 504)[1]; Title II of the Americans with Disabilities Act of 1990 (ADA)[2]; the Fair Housing Act of 1968, as amended (Fair Housing Act)[3]; the Architectural Barriers Act of 1968[4], and the respective implementing regulations for each Act, State of Florida Statutes Sections 760.20-760.37, and Chapter 11A, *et. seq.* of the Code of Miami-Dade County.

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[1] 29 U.S.C. § 794; 24 C.F.R. Part 8.
[2] 42 U.S.C. §§ 12101 et seq.
[3] 42 U.S.C. §§ 3601-20; 24 C.F.R. Part 100.
[4] 42 U.S.C. §§ 4151-4157.

Monitoring and Enforcement:

MDPHA's ADA Coordinator is responsible for monitoring MDPHA's compliance with the laws stated herein and this policy. Individuals who have questions regarding this policy, its interpretation or implementation should contact the ADA Coordinator in writing, by telephone, or by appointment, as follows:

ADA Coordinator
701 NW 1 Court, 16th Floor Miami, Florida 33136
(786) 469-4229 phone
(786) 469-4151 fax
Florida Relay Service: (800) 955-8771 (TDD/TYY)

Individuals may contact the ADA Coordinator regarding any complaints regarding their reasonable accommodation request.

In addition, individuals may exercise their right to appeal MDPHA's decision through the local offices of the following agencies:

United Stated Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
909 S.E. 1st Avenue
Miami, FL 33131
(305) 536-4479
TDD/TTY: (305) 536-4743

United States Department of Justice
99 N.E. 4th St.
Miami, FL 33132

General Policy Information:

The requirement to provide reasonable accommodation is intended to provide, for persons with disabilities, equal opportunity to participate in all housing programs administered by MDPHA through modification of policies, procedures, or structures. This policy is not intended to provide greater program benefits to persons with disabilities than to non-disabled residents, program participants or applicants. It may mean, however, that persons with disabilities will sometimes be treated differently, in order to ensure equal access to programs and services.

Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case-by-case basis and takes into consideration the disability and the needs of the individual as well as the nature of the program or activity in which the individual seeks to participate.

Information and documentation regarding the policy of reasonable accommodations will be given to applicants, residents and program participants during the admission and occupancy cycle, including but not limited to during the recertification process, and upon request (see "Notification to Applicants, Residents, and Program Participants Regarding Reasonable Accommodation Requests", page 10). Forms and other documents used for applicants, residents and program participants will, to the extent feasible, be written in plain, intelligible language. When appropriate, MDPHA will provide documents in accessible formats, provide

auxiliary aids, or, upon request, communicate with a third party designated by the applicant or resident.

Reasonable accommodations are made in response to individual requests from a qualified person with disabilities. The request may be made in any manner that is convenient for the person with disabilities. Accommodations will be unique to the individual with disabilities; individuals with the same disability may not need, or desire, the same level of accommodation. There is no standard approach. What works for one person may not work for another in the same situation.

MDPHA will not provide supportive services, e.g., counseling, medical, or social services that fall outside the range of services offered to residents. Further, MDPHA will make modifications in order to enable a qualified applicant/resident with disabilities to live in the housing, but is not required to offer housing of a fundamentally different nature. The test is whether, with appropriate modifications, the applicant/resident can live in the housing that MDPHA offers; not whether the applicant/resident could benefit from some other type of housing that MDPHA does not offer.

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM (HCV)

Effective April 1, 2009 the Miami Dade County Housing Choice Voucher Program (HCV) is being administered by a private contractor, Florida Quadel. This private contractor has an ADA Coordinator on-site to serve HCV participants.

All requests for reasonable accommodations by Section 8 HCV applicants or participants must be made to:

Attention: HCV Program ADA Coordinator
Miami-Dade Housing Choice Voucher Program
7400 N.W. 19 Street, Bay E
Miami, FL 33126
(305) 305-403-3222

The HCV Program ADA Coordinator shall follow the guidance delineated in this plan for the MDPHA ADA Coordinator with respect to processing request. Specifically, as delineated "Reasonable Accommodations Procedures" beginning on page 10, the HCV Program ADA Coordinator will perform the duties assigned to the MDPHA ADA Coordinator. These duties include providing information regarding reasonable accommodations, receiving requests, obtaining verification and making a recommendation to approve or deny the request. Denials of reasonable accommodation requests will be forwarded to the MDPHA ADA Coordinator for further review. The HCV Program's Reasonable Accommodations forms have been modified to included the contact information for the HCV Program ADA Coordinator.

DEFINITIONS:

Applicant: A person who successfully follows all of the required steps identified by MDPHA as necessary for becoming a participant in one of MDPHA's housing programs (for example: the Public Housing, Section 8 Housing Choice Voucher, or Section 8 Moderate Rehabilitation programs).

Assistive Animals: Animals that are used to give assistance to persons with disabilities and are necessary as a reasonable accommodation. Assistive animals are also referred to as service animals, support animals or therapeutic animals.

Major Life Activities: These include caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. This is not an exhaustive list; other life activities can also be major.

Mitigating Circumstances: Situations in which a requested reasonable accommodation enables an applicant, resident, or program participant to become lease compliant.

Resident: A person who successfully follows all of the required steps identified by MDPHA as necessary for residing in a dwelling administered under MDPHA's Public Housing Program.

Person with Disabilities: A person who 1) has a physical or mental impairment that substantially limits one or more major life activities, 2) has a record of such impairment, or 3) is regarded as having such impairment.

Physical Or Mental Impairment: A variety of conditions, diseases, illnesses, disfigurements and disorders including hearing/orthopedic/visual/speech impairments, alcoholism, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), cerebral palsy, cancer, or HIV infection, if the impairment substantially limits one or more major life activities.

Program Participant: A person who successfully follows all of the required steps identified by MDPHA as necessary for participating in MDHA's Section 8 Housing Choice Voucher or Section 8 Moderate Rehabilitation programs).

Reasonable Accommodation: a change, adaptation or modification to a policy, program, service, or workplace, which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Reasonable accommodations may include, for example those, which are necessary in order for the person with a disability to use and enjoy his or her dwelling, including public and common use spaces.

Verification source: a qualified professional (not necessarily a physician) having knowledge of a person's disability who can verify the person's disability and need for a reasonable accommodation.

AUXILIARY AIDS AND EXAMPLES OF REASONABLE ACCOMMODATIONS:

To facilitate communication with persons with disabilities, MDPHA shall furnish appropriate auxiliary aids. "Auxiliary aids" means services or devices that enable persons with impaired sensory, manual or oral skills to have an equal opportunity to participate in, and to enjoy, the benefits of programs and activities. However, MDPHA is not required to provide individually prescribed devices, such as readers for personal use or study, personal hearing aids, walkers, canes, wheelchairs, or other devices of a personal nature. In determining what auxiliary aids are necessary, MDPHA shall give primary consideration to request(s) of the individual with disabilities.

Types of auxiliary aids and reasonable accommodations that MDPHA, when necessary and appropriate, readily supplies to applicants, residents and program participants include but are not limited to:

1. Allowing transfers to another dwelling upon verification by a qualified verification source of a disability-based need for the transfer.

2. Providing additional explanation of program rules and requirements.

3. Offering documents, in accessible formats (e.g., large type, computer disk or Braille) and in plain language.

4. Permitting rent payments and required communications to be mailed rather than delivered in person.

5. Providing accessible housing to applicants and residents.

6. Providing another housing offer if an applicant, resident or program participant can demonstrate good cause that the rejection of the initial housing offer, for example, was because of the disability of an applicant, resident or program participant's household member.

7. Making a dwelling unit, part of a unit or public and common use elements accessible.

8. Providing auxiliary aids, such as pencil and paper for those with speech difficulties, Telecommunication Device for the Deaf (TDD), Assisted Listening Device (ALD), a qualified sign language interpreter, or a reader, when necessary for effective communication between MDPHA and an applicant, resident or program participant.

9. Sending mail or making phone calls to a person designated as a contact person by the person with disabilities.

10. Allowing the use of assistive animals.

11. Considering the impact of "mitigating circumstances" regarding the rejection of an applicant for housing or when terminating the lease or terminating housing assistance to an applicant, resident, or program participant. If the applicant/resident/program participant requests such consideration or if more information is required, MDPHA will ask the applicant/resident/program participant to verify:

    a. that the applicant/resident/program participant has a disability;

b. that the specific situation(s) that led to application rejection or lease/housing assistance termination is/are caused by or occurred because of the disability or that the disability substantially contributes to the specific situation(s) that led to application rejection or lease/housing assistance termination;

c. that the proposed accommodation can reasonably be expected to prevent the recurrence of the situation(s) that led to application rejection or lease/housing assistance termination.

12. Reinstating applications of persons with disabilities, if the reason they did not submit their applications or respond to housing offers in the required time was reasonably related to their disability. Decisions will be made on a case-by-case basis, considering whether, because of the person's disability, the person was prevented from responding in time and considering reasons for reinstating of applications normally allowed for people without disabilities.

13. Reinstating applications of persons with disabilities, if the reason they did not submit their applications or respond to housing offers in the required time was failure on the part of MDPHA to provide effective communication.

14. Allowing a live-in aide to reside in an appropriately-sized dwelling unit.

15. Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment.

16. Permitting an outside agency or family member to assist an applicant, resident or program participant in meeting screening criteria or meeting essential lease obligations.

Aids, benefits, and services, to be equally effective, are not required to produce identical results for individuals with disabilities and non-disabled persons, but to afford individuals with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement.

FUNDAMENTAL ALTERATIONS TO THE PROGRAM OR UNDUE FINANCIAL AND ADMINISTRATIVE BURDEN:

MDPHA will deny reasonable accommodation requests which would require a fundamental alteration in the nature of its programs, services or activities, or which would create an undue financial and administrative burden or which are neither reasonable nor necessary. Determining a requested accommodation to be a fundamental alteration does not eliminate MDPHA's compliance responsibilities. If a requested action would result in a fundamental alteration or undue financial and administrative burden, MDPHA may take another action that would not result in a fundamental alteration but would nevertheless ensure that the person would have an equal opportunity to receive the program benefits and services. MDPHA's determinations with respect to fundamental alterations will be made on a case- by-case basis.

ESSENTIAL OBLIGATIONS OF TENANCY:

To help identify fundamental operations in the programs, six essential obligations of tenancy are listed below:

1. To pay rent and other charges under the lease in a timely manner;

2. To care for and avoid damaging the unit and common areas; to use facilities and equipment in a reasonable way; to create no health or safety hazards and to report maintenance needs;

3. Not to interfere with the rights and enjoyment of others and not to damage the property of others;

4. Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents or staff; not to engage in drug-related criminal activity on or off the premises (for Public Housing, Section 8 Moderate Rehabilitation, Section 8 Housing Choice Voucher (Section 8 Voucher), and all applicable related programs);

5. To comply with all applicable US HUD regulations, and MDPHA rules, and program requirements and documents, (including the MDPHA Public Housing Conventional Lease and Community Policies and Section 8 HAP Contract) and to comply with health and safety codes; and

6. Actions that would change the essential obligations of tenancy.

TYPES OF ACTIONS CONSIDERED BEING A FUNDAMENTAL ALTERATION:

Types of activities that would be considered to be a fundamental alteration to the program include but are not limited to:

1. Actions that require substantial modifications to, or elimination of, essential lease provisions, community policy provisions, or program eligibility or screening requirements based on the obligations of tenancy (e.g., admission of an unqualified family or family member);

2. Actions that require MDPHA to add supportive services; e.g., counseling, medical, or social services, that fall outside the range of existing services offered by MDPHA;

3. Actions that require MDPHA to offer housing or benefits of a fundamentally different nature from the type of housing or benefits that MDPHA offers; or

4. Actions that substantially impair MDPHA's ability to meet its essential obligations as a landlord, as defined in the MDPHA Conventional Public Housing Dwelling Lease (MDPHA Lease). MDPHA's obligations under the MDPHA Lease include management, administration, maintenance, or other services required for the operation of the program or upkeep of the property.

REASONABLE ACCOMMODATION PROCEDURES:

Initial Reasonable Accommodation Procedures:

1. MDPHA's *Reasonable Accommodation Request* form will be provided to all applicants as an attachment to MDPHA's application when the waiting list is opened.

2. During any point in the application process, applicants may make written requests using the Reasonable Accommodation form or if they are unable to complete the form, make a verbal request for reasonable accommodations to the following address and/or by calling the phone number indicated below:

Attention: Manager, Applicant and Leasing Center (ALC)
Miami-Dade Public Housing Agency - ALC
2925 N.W. 18th Ave.
Miami, FL 33142
(305) 638-6464
Florida Relay TDD/TTY: (800) 955-8771

Prior to eligibility interviews, applicants will send completed reasonable accommodation forms, and make all related requests and inquiries to, the ALC Manager. Also during this period, the ALC Manager or designee will send all necessary forms, and process all reasonable accommodation forms, requests and inquiries.

Notification to Applicants, Residents, and Program Participants Regarding Reasonable Accommodation Requests:

MDPHA's Reasonable Accommodation Policies and Procedures, which includes the Reasonable Accommodation Request and Notice of Nondiscrimination on the Basis of Disability, will be posted in appropriate MDPHA business offices listed on page 1. The Notice of Right to a Reasonable Accommodation, Reasonable Accommodation Request, and Reasonable Accommodation Information forms will also be provided at eligibility determination, move-in and recertification by the Site Manager (Public Housing) or MDPHA Contract and Leasing Specialist (Section 8) or their designees. When the designated employee (see "Making a Reasonable Accommodation Request", page 11) provides theses forms, the recipient must sign the Acknowledgement of Receipt of Reasonable Accommodation Documents form, a copy of which must be placed in the recipient's file.

Forms and letters have been developed for an applicant, resident or program participant to request a reasonable accommodation. These forms are listed in the Appendix and are explained in later sections of this policy.

Although the process for requesting a reasonable accommodation is standardized, each request will be treated uniquely. The results will be unique to the individual, the property, and/or circumstances involved. Whenever possible, reasonable accommodation decisions will be made in a timely manner, and both denials and agreements to make accommodations will be documented in writing. If applicable, forms and notifications will be provided to the applicants, residents or program participants in an accessible format (such as Braille, large print, or audio tape) upon request.

Any meetings required by this policy will be held at an accessible location. Auxiliary aids will be provided upon request, where necessary to afford an individual with disabilities an equal

opportunity to participate in, and enjoy the benefits of MDPHA's programs and/or activities. Auxiliary aids are services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, MDPHA's programs or activities and include, but not limited to, qualified sign language interpreters, telecommunication devices for deaf persons (TDD's), Braille materials, audio recordings, materials in large print, note takers, or assistive listening devices. If auxiliary aids are requested by any person, including but not limited to an applicant, resident or program participant, such accommodations shall be made available. This requirement is contingent upon the requestor having given prior notification to MDPHA, e.g., on the application form in the case of an applicant, before any meetings held by MDPHA, etc. A person requiring an auxiliary aid shall make their request to MDPHA by providing a minimum of five (5) days advance notice. In most instances, this will allow sufficient time to provide these accommodations.

Appointments letters, notices of meetings, brochures and other MDPHA communications inform applicants, residents and program participants of their rights to auxiliary aids and how to contact the MDPHA staff person to whom these requests should be made. All MDPHA staff persons receiving requests for auxiliary aids will record these requests on the "Auxiliary Aids Request" form.

If MDPHA is not able to accommodate a disabled person who has requested an auxiliary aid, MDPHA will take appropriate action, including, but not limited to, rescheduling any meetings.

The Miami-Dade County contract for sign language interpreter services has a 48-hour advance cancellation requirement. In order to ensure compliance with this cancellation policy and prevent charges in full if the requirement is not met, the requestor will be required to notify staff or the County no less than 72 hours in advance if he/she anticipates not being able to attend the scheduled activity.

MDPHA will schedule sign language interpreters when a request is received at least five (5) days prior to any scheduled activity.

Making a Reasonable Accommodation Request:

Applicants, residents and program participants may make a reasonable accommodation request at any time. If the applicant/resident/program participant is unable to complete any of the following reasonable accommodation forms (Request Forms): *Reasonable Accommodation Request*, Live-*in Aide Agreement*, or *Release of Disability-Related Special Needs in Case of Emergency Evacuation* (Public Housing Only) forms, the request will still be considered. If the applicant/resident/program participant is unable to complete any of the Request Forms, the Eligibility Interviewer, Site Manager, Contract and Leasing Specialist, or other designated employee must offer assistance and, upon consulting with the applicant, resident or program participant, complete the Request Forms to the best of his or her ability for record-keeping purposes. The designated employee must review the completed Request Forms, as appropriate, with the applicant, resident, or program participant. The designated employee must ensure that all reasonable accommodation requests are written on the applicable forms, no matter how the requests are communicated. The designated employee shall not give any assurances to the applicant, resident, or program participant that the request for reasonable accommodation will be granted or denied, but shall convey to the applicant, resident, or program participant that the requests will be reviewed and a final determination will be made at a later date described within this policy. If the accommodation is reasonable, MDPHA will consider the request.

The general procedures for making a reasonable accommodation request (subsequent to application process) are as follows:

1. At the eligibility determination phase, the Eligibility Interviewer, Contract and Leasing Specialist or other designated employee shall provide the *Notice of Right to a Reasonable Accommodation*, *Reasonable Accommodation Request* (which includes an attachment entitled "Examples of Reasonable Accommodations") and *Reasonable Accommodation Information* forms. The designated employee must obtain the signature of the applicant on the *Acknowledgement of Receipt of Reasonable Accommodation Documents* form indicating that he or she has received these forms. That form must be kept in the applicant's file. The Eligibility Interviewer, Contract and Leasing Specialist or other designee is the person to whom requests should be submitted at this phase. The designated employee shall also read a script entitled *Reasonable Accommodation Script* that clearly and simply indicates what a reasonable accommodation is and the fact that an applicant, resident or program participant has a right to a reasonable accommodation. The designated employee shall ask all applicants if they want to designate a contact person if needed to assist them because of their disability.

2. The Site Manager, Contract and Leasing Specialist or designated employee will notify all Public Housing residents/Section 8 program participants of their right to request a reasonable accommodation by providing them with the *Notice of Right to a Reasonable Accommodation, Reasonable Accommodation Request, and Reasonable Accommodation Information* forms during move-in and recertification. They will also be notified that they may obtain additional *Reasonable Accommodation* forms from the designated employee at any time.

3. Applicants, residents, and program participants will submit all requests for reasonable accommodation to the designated employee as appropriate (see paragraphs 1 and 2 above) on the Request Forms and will obtain the Request Forms from those employees. Applicants, residents, and program participants will also obtain the Authorization for Release of Information from the designated employees as appropriate (see paragraphs 1 and 2) and return completed copies of these release forms to those same employees. If applicants, residents or program participants cannot use or complete a form because of their disability, the designated employee will still respond to their requests for reasonable accommodation and assist the applicant, resident or program participant in completing and using the form.

4. MDPHA shall assure that all medical records or any other documents related to the medical condition of the applicant, resident or program participant are protected from disclosure pursuant to all applicable federal and state laws, including but not limited to the Health Insurance Portability and Accountability Act of 1996 and Chapter 119 of the Florida Statutes (Public Records Law). All documents regarding the medical condition of applicants, residents, and program participants must be stored in secure, locked cabinets in the offices of the Applicant and Leasing Center Tenant Selection Supervisor, Public Housing Regional Manager or Section 8 Tenant Selection Supervisor (as applicable). Medical documents must never be stored with applicant or tenant files. Access to medical documents and information is restricted solely to those employees who must have access to that information in order to provide a reasonable accommodation. This may include the ADA Coordinator, Applicant and Leasing Center Chief (for applicants), Regional Managers (for Public Housing residents), and Tenant Selection Supervisors (for applicants and Section 8 program participants).

5. Within two (2) business days of receipt of the Request Form, the Eligibility Interviewer (for applicants), Site Manager (for Public Housing residents), Contract and Leasing Specialist (for Section 8 Moderate Rehabilitation applicants and for Section 8 program participants) or other designated employee will fax a copy of the Request form and the following Verification Forms (as applicable) to the verification source indicated on the Request Form to verify disability and document the need for the reasonable accommodation: *Reasonable Accommodation Verification*, *Letter to Verification Source for a Reasonable Accommodation Request*, and *Live-in Aide Agreement/Live-in Aide Verification*. The fax notifies the verification source that the completed Verification form must be returned to the designated employee within ten (10) business days and that failure to do so may result in the request being denied.

6. Within two (2) business days of receipt of the Request Form the designated employee will also forward this form to the ADA Coordinator for monitoring purposes.

7. The designated employee places a follow up call to the verification source within one (1) business day of faxing the documents to confirm receipt of the documents. If the forms have not been returned to the designated employee within five (5) days of being sent, the designated employee faxes a reminder to the verification source that the completed Verification form must be returned to the designated employee within five (5) business days and that failure to do so may result in the request being denied. If the Verification form is returned within ten (10) business days of being sent, proceed to step 8 (below). If the verification source does not return the Verification form within ten (10) business days of being sent, the designated employee forwards this information to the Applicant and Leasing Center Tenant Selection Supervisor, Public Housing Regional Manager, Section 8 Tenant Selection Supervisor or other designated supervisor who must forward the documents to the ADA Coordinator with their recommendation for denial.

8. Within two (2) business days of receipt of the completed Verification Form and any supporting documentation, the designated employee will forward the applicant's, resident's, or program participant's Request Form, Verification Form, and any supporting documentation to the designated supervisors in a sealed envelope.

9. The following forms may be used by the designated supervisor (see item 6, above) to communicate with applicants, residents or program participants and verification sources regarding Request and Verification Forms: *Letter to an Applicant, Resident, or Program Participant for a Meeting About Reasonable Accommodation* (if applicable), *Request for More Information or Verification Regarding a Reasonable Accommodation Request*, or *Letter to Verification Source for a Reasonable Accommodation Request* (as applicable).

10. Should the designated supervisor determine that the Verification Form is incomplete or lacking in adequate detail, the designated supervisor will fax the form to the verification source within two (2) business days of receipt. The fax will indicate the necessary changes, and advise the verification source that the necessary changes must be incorporated and the corrected form must be returned within ten (10) business days. The fax also informs the verification source that failure to return the corrected form within the allotted time may result in the request being denied. The designated supervisor will place a follow-up phone call within one (1) business day of sending the fax to confirm receipt. The designated supervisor will send a reminder fax within five (5) business days of sending the fax should the documents fail to be returned within that time, again informing the verification source that failure to return the corrected form within the allotted time (five (5) days) may result in the request being denied. If the verification

source returns the corrected Verification Form within ten (ten) business days, proceed to the decision processes outlined in items 11 and 12 below. Should the verification source fail to return the corrected Verification Form within the allotted ten (10) business days, the designated supervisor will forward all Request and Verification Forms and any other applicable documents to the ADA Coordinator with recommendation that the reasonable accommodation request be denied for lack of proper verification, but that the request will be reconsidered should the requestor wish to resubmit it.

11. All decisions of the designated supervisors to grant reasonable accommodations will be communicated in writing (or in the appropriate, accessible format as previously indicated) to the applicant, resident or program participant and the ADA Coordinator within ten (10) business days of their receipt of correctly completed Request and Verification Forms via the *Approval/Denial of Reasonable Accommodation Request* form. The *Approval/Denial of Reasonable Accommodation Request* (Approval/Denial) form also advises the requestor of a projected date (if that can be estimated at the time of approval) by which MDPHA intends to provide the accommodation and indicates a phone number for the requestor to call in case of questions. If necessary, the ADA Coordinator is available for consultation on these matters. All requests for reasonable accommodation that are approved by the designated supervisors will be implemented or the process of implementation will begin within fourteen (14) days. If the implementation or the initiation of implementation should be longer, the requestor will be notified in writing within fourteen (14) days with an estimated date of completion.

12. All recommendations by the designated supervisor to deny reasonable accommodation requests must be reviewed by the ADA Coordinator prior to being released to the requestor. The designated supervisor will transmit his or her recommendations to deny reasonable accommodation requests to the ADA Coordinator within ten (10) business days of their receipt of the Request and Verification Forms. All decisions of the ADA Coordinator to grant or deny reasonable accommodation requests will be communicated in writing via the *Approval/Denial of Reasonable Accommodation Request* form (or in the appropriate, accessible format) to the applicant, resident, or program participant within thirty (30) business days receipt of the designated supervisor's recommendation, the Request and Verification Forms, and all other supporting documentation. Should the requestor wish to contest any adverse action pursuant to the Reasonable Accommodation Grievances and Appeals section, he or she may do so by requesting a Reasonable Accommodation Grievance or Appeal Hearing (Hearing). The *Approval/Denial of Reasonable Accommodation Request* form provides information regarding MDPHA's grievance/appeals procedure. If the person who wishes to contest an adverse action is unable to do so by written means because of his or her disability, MDPHA will consider alternate means by which the person may communicate the appeal. Should the requestor wish to contest the Reasonable Accommodation Grievance or Appeal Hearing Committee's decision, he or she may do so by following the *Miami-Dade Grievance Process, Americans with Disabilities Act of 1990.*

13. See the "Reasonable Accommodation Grievances and Appeals" section for additional information.

All forms must be date- and time-stamped by the MDPHA employees who receive them.

Determining Whether to Provide the Accommodation:

1. The first step in determining whether to provide the accommodation is to verify whether the party requiring the accommodation meets the definition of an Individual with Disabilities. The designated supervisors will determine this by using the applicable Verification Form(s) re*ceived from verification source.*

    a. *If NO, MDPHA is* not obligated to make a reasonable accommodation, and may deny the request. All final decisions to deny are made by the ADA Coordinator.

    b. If YES, go to step 2.

    c. If more information is needed, the designated supervisor will notify the verification source and/or applicant/resident/program participant (as applicable) about this request, using the standard *Request for More Information or Verification Regarding a Reasonable Accommodation Request* form, or a meeting or discussion will be requested to obtain addit*ional information using the Letter to an Applicant, Resident, or Program Participant for a Meeting About Reasonable Accommodation.*

2. The second step is to verify that the requested accommodation is related to the disability (for example, if a person (who was the only household member) had a disability but no mobility impairment, and requested a wheelchair-accessible dwelling, the requested accommodation would not be related to the disability). The designated supervisor will determi*ne this by using the applicable Verification Form(s) received from ver*ification source.

    a. If NO, MDPHA is not obligated to make the accommodation, and may deny the request. All final decisions to deny are made by the ADA Coordinator.

    b. If YES, go to step 3.

    c. If more information is needed, the designated supervisor will notify the verification source and/or applicant/resident/program participant (as applicable) using the *Request for More Information or Verification Regarding a Reasonable Accommodation Request* form, or request a meeting or discussion using the *Letter to an Applicant, Resident, or Program Participant for a Meeting About Reasonable Accommodation.*

3. Is the requested accommodation reasonable? The Guidelines For Determining Reasonableness listed below will be followed by the designated supervisor in determining the reasonableness of the request.

    a. If YES, MDPHA will approve the request for reasonable accommodation. A written description of the accommodation will be included in the approval letter.

    b. If NO, MDPHA may deny the request or may suggest/offer another alternative accommodation if appropriate. The denial or suggestion/offer will be made in writing (in an accessible format, if requested). All denials must be submitted to the ADA Coordinator for review prior to release to the requestor.

c. If more information is needed, the designated supervisor must either write for more information and notify the verification source and/or applicant/resident/program participant (as applicable) using the standard *Request for More Information or Verification Regarding a Reasonable Accommodation Request* forms, or request a meeting or discussion using the *Letter to an Applicant, Resident, or Program Participant for a Meeting About Reasonable Accommodation.*

Guidelines for Determining Reasonableness:

1. The purpose of the Verification Forms is to verify:

   a. That the requestor is a person with disability;

   b. That the requested accommodation is related to the applicant's, resident's, or program participant's disability; and

   c. That the requested accommodation would (or will) provide the applicant/resident/program participant with an equal opportunity to use and enjoy MDPHA housing programs.

2. MDPHA retains the right to investigate alternatives to the requested accommodation, and/or alternative methods of providing the requested accommodation.

3. If an alternate accommodation satisfies the needs of the person with disabilities and is equally effective, MDPHA may select the accommodation that is most convenient and cost-effective. MDPHA will take the preferences of the applicant/resident/program participant into consideration in making such a determination. An alternative accommodation may include a change in procedure or policy, rather than a structural change, when the policy or procedure change would be equally effective. Under any circumstance, the requestor would still have a right to request an additional accommodation should the alternate accommodation proves unsatisfactory. The requestor retains the right to request an additional accommodation as needed.

4. If the requested accommodation constitutes a fundamental alteration to any MDPHA program, and there are no other appropriate solutions, the request will be denied, and the designated supervisor recommending denial of the request must provide documentation to the ADA Coordinator explaining why the request would constitute a fundamental alteration. The ADA Coordinator shall conduct an independent review to determine if approval or denial of the request is appropriate.

5. If the requested accommodation creates an undue financial and/or administrative burden, and there are no other appropriate solutions, the designated supervisor recommending denial of the request must provide documentation to the ADA Coordinator explaining why the request would constitute an undue financial and/or administrative burden. The ADA Coordinator shall conduct an independent review to determine if approval or denial of the request is appropriate.

Reasonable Accommodation Grievances and Appeals:

If an applicant, resident or program participant disagrees with a reasonable accommodation decision, he or she may request a Reasonable Accommodation Grievance and Appeal Hearing

by submitting a request which may be written, oral or by any other means of communication accessible by the requestor. The name, address and phone number of the contact person for scheduling a Reasonable Accommodation Grievance and Appeal Hearing is:

ADA Coordinator
701 NW 1 Court, 16th, Floor
Miami, Florida 33136
(786) 469-4229 (office)
Florida Relay Service: (800) 955-8771 (TDD/TTY)

MDPHA's Reasonable Accommodation Grievance and Appeal Hearing Committee shall convene the grievance or appeal hearing within thirty (30) business days of the receipt date of the request. The Reasonable Accommodation Grievance and Appeal Hearing Committee is composed of the members of the Section 504/ADA Policy Committee appointed by the MDPHA Director. The Section 504/ADA Policy Committee members are MDPHA Division Directors and other applicable staff whose responsibilities include matters related to Section 504/ADA. No MDPHA employee who was involved in the initial decision(s) regarding a reasonable accommodation request that is the subject of a hearing shall sit on MDPHA's Reasonable Accommodation Grievance and Appeal Hearing Committee during the hearing related to that request.

The applicant, resident or program participant may bring documents, witnesses and/or representatives to the Reasonable Accommodation Grievance and Appeal Hearing in order to contest the manner in which a reasonable accommodation is proposed to be (or was) implemented, the denial of a reasonable accommodation request, or any other applicable disability-related decision made my the ADA Coordinator.

Should the requestor wish to contest the Reasonable Accommodation Grievance and Appeal Hearing Committee's decision, he or she may do so by following the Miami-Dade County ADA Grievance Process.

Discontinuation of Reasonable Accommodation:

MDPHA will not change or discontinue a reasonable accommodation, or a particular method of providing such accommodation, without giving notice. Notice of the change or discontinuation of a reasonable accommodation will be given to the applicant, resident or program participant with disabilities and it will include a request for the resident to indicate if the change would not meet his or her needs, and notification that the resident has the right to appeal the decision to change or discontinue the accommodation.

Application and Waiting List:

The application and/or application instruction forms for all Public Housing, Section 8 Housing Choice Voucher and Section 8 Moderate Rehabilitation programs shall include the following:

1. Notice that if the applicant is unable to complete the application due to disability, or needs the form in an alternate format, he or she may request such assistance.

2. Notice of the manner in which the applicant should request the required assistance as described in the item above.

3. A question prompting the applicant to indicate whether he or she or a member of the household has a disability.

4. A question prompting the applicant to indicate any special features a household member requires in a rental unit because of disabilities.

In the Public Housing and Moderate Rehabilitation programs, priority for a vacant unit with accessibility features will be given first to current residents who require those features, and then to applicants requiring the same. If there is no other resident or applicant on the waiting list needing units with accessibility features, MDPHA may house the next eligible, non-disabled applicant in the unit. MDPHA will also inform the applicant that pursuant to MDPHA's policy and MDPHA's Public Housing Lease, if another resident or eligible applicant requires the accessible features of the accessible unit, and another unit is available, then the non-disabled family/individual residing in the unit with accessible features must transfer to another unit within fifteen (15) days receipt of notice to move.

Notwithstanding MDPHA's policies, residents who require a transfer as a reasonable accommodation are not prohibited from transferring within the first year of residency.

In addition, MDPHA may grant an exception to its Occupancy Policies (set forth in the Section 8 Administrative Plan (Admin Plan) and the Public Housing Admissions and Continued Occupancy Policy (ACOP)) by providing a larger unit as a reasonable accommodation to a family member with disabilities.

MDPHA may allow an applicant or program participant family to have an extra bedroom to accommodate a family member who requires certain medical equipment or for other verifiable reasons. The need for such equipment must be verified by a qualified health care professional as a necessary reasonable accommodation.

MDPHA may grant reasonable accommodations by reinstating applicants with disabilities, who fail to respond within the required time frame to inquiries regarding updating the waiting list, if the reason they did not respond is reasonably related to their disability. MDPHA may grant reasonable accommodations by reinstating applicants with disabilities for other reasons on a case-by-case basis.

Mitigating Circumstances:

General failure to comply with lease terms or other program policies may lead to termination or denial of assistance.

The ACOP and Admin Plan indicate that MDPHA Public Housing residents or family members and Section 8 program participants shall comply with all lease terms including but not limited to:

- Any violent criminal activity,
- Any drug-related criminal activity, or
- Other activities in violation of the lease.

MDPHA staff may become aware that an applicant's ineligibility determination, or a resident's or program participant's termination of assistance determination, occurred because of his or her disability. This knowledge may be acquired during an informal review for applicants or during an informal hearing for residents or program participants. This section addresses this issue.

If an applicant, resident or program participant has a history of behavior or displays behavior that may result in a violation of the MDPHA Lease or in violation of program regulations or policies, the MDPHA Tenant Selection Supervisor (Supervisor), Regional Manager or other designated employee may make an initial determination that the applicant is ineligible or that the resident or program participant should be terminated.

The notices of ineligibility (for applicants) or termination of assistance (for residents and program participants) inform applicants of their right to request an informal review or residents and program participants of their right to an informal hearing.

During the informal review or hearing, if the applicant, resident or program participant informs the Hearing Officer that a requested reasonable accommodation may enable the applicant to become lease compliant, the Hearing Officer will forward the reasonable accommodation request to the ADA Coordinator and continue the informal review until the ADA Coordinator renders his or her determination.

Applicants may appeal the ADA Coordinator's determination according to the processes described in the Reasonable Accommodation Grievance and Appeals section.

Disability-Related Activities and Reasonable Accommodations Unique to the Section 8 Program:

MDPHA will do or allow the following:

1. MDPHA will encourage participation in the Section 8 Voucher program by owners, including encouragement of participation by owners having accessible units.

2. The MDPHA Section 8 Contract and Leasing Specialist (Specialist) or designee will furnish a current listing of available accessible units known to MDPHA to all families that include a person with a disability and, if necessary, otherwise assist the family in locating an available accessible dwelling unit in an accessible environment, to the extent feasible.

3. The Specialist or designee will take into account the special problem of ability to locate an accessible unit in an accessible environment when considering requests by eligible individuals with disabilities for extensions of Section 8 Vouchers.

4. The Specialist or designee will allow Section 8 Voucher holders to request a reasonable accommodation, in the form of an extension of the issued Voucher beyond 120 days, by following the standard reasonable accommodation request procedure. Approvals of voucher term extensions beyond 120 must be consistent with the Admin Plan.

5. MDPHA may, if necessary as a reasonable accommodation for an individual with a disability, approve a family's request for an exception payment standard amount under the Housing Choice Voucher Program so that the program is readily accessible to and usable by individuals with disabilities. *See* 24 C.F.R. §§ 8.28 and 982.504(b) (2).

6. Upon request by an applicant, participant, or their representative, MDPHA will ask the HUD Field Office for an exception payment standard up to 120% of the Fair Market Rent (FMR). However, the applicant, participant or the representative, must provide documentation of the need for the exception payment standard to MDPHA.

7. In exceptional cases, MDPHA may ask the Assistant Secretary for Public and Indian Housing of HUD for an exception payment standard amount over 120% of the FMR, provided the applicant, participant or the representative provides the appropriate supporting documentation.

8. Upon request, the Supervisor or designee may allow a higher utility allowance as reasonable accommodation for a person with disabilities, if appropriate.

9. The Supervisor or designee shall deny participation of units when the owner is the parent, child, grandparent, grandchild, sister or brother of any member of the participant family, unless the Supervisor or designee determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. The process by which a participant family may request such accommodation is described on pages 11 through 15. All initial recommendations to deny reasonable accommodation requests must be reviewed by the ADA Coordinator for final determination.

10. Annual recertifications shall be conducted at the offices of the MDPHA Private Rental Housing Division. If a housing program participant is unable to come to the office for the recertification due to disability, the Supervisor or designee may allow, on a case-by-case basis, and at the request of the program participant, the program participant to be reexamined either by mail or by an at-home visit.

11. The Supervisor or designee will take into consideration the interests of persons who are disabled in making decisions as to which family member shall assume the application if the family divides.

12. Permitting requests for extensions of Section 8 Vouchers may be allowed if there is a difficulty in locating a unit with suitable accessible features or otherwise appropriate for the family.

MDPHA PUBLIC HOUSING ASSISTIVE ANIMAL POLICY:

Assistive animals are also referred to as service animals, support animals or therapeutic animals. They give assistance to persons with disabilities and are necessary as a reasonable accommodation.

Animals **do not** have to be trained to be assistive animals. An animal not trained to be an assistive animal, yet prescribed to provide emotional support to improve a person's symptoms caused by chronic mental illness, is also an example of an assistive animal. In addition, a seeing-eye dog or a dog trained to assist a hearing impaired person would also be examples of assistive animals.

MDPHA will not charge a pet deposit for an assistive animal kept in accordance with all MDPHA policies and housed in a development or building owned by Miami-Dade County and administrated by MDPHA. All residents are, however, responsible for reimbursing the appropriate parties should their assistive animal cause damage to the unit, the common areas and elements or to any other the property of the residents in a development or building owned by Miami-Dade County and administrated by MDPHA, including but not limited to the property occupied by other residents of the public housing development or other property owned by Miami-Dade County and administrated by MDPHA.

MDPHA will also not apply its animal weight policy or any other policy which will unreasonably deny a disabled applicant, resident or program participant, who requires an assistive animal, the full use and enjoyment of his or her dwelling or the common areas.

The MDPHA Regional Manager or designee will use the following steps when considering a request for an assistive animal as a reasonable accommodation:

1. Public housing applicants who have received public housing offers, and public housing residents may use the *Reasonable Accommodation* form to request an assistive animal as a reasonable accommodation.

2. Public housing applicants who have received public housing offers, and public housing residents use the *Reasonable Accommodation Verification* to obtain verification that the person for whom the assistive animal is requested is a person with a disability as defined in Section 504, the ADA and the Fair Housing Act regulations and that the requested animal is needed to assist with the disability.

3. Refer to the information in the section entitled "Making a Reasonable Accommodation Request" on pages 11 through 15 of these policies and procedures for the steps in processing these and other reasonable accommodation requests.

4. Compliance with the assistive animal policies will be required to the extent feasible without violating the individual's rights to have an assistive animal.

5. The assistive animal owner shall be responsible for the animal's care and the animal must be kept according to MDPHA's Lease and Community Policies.

6. If the animal or its care subsequently poses a public health problem or results in a lease violation, the problem will be addressed, under the terms of the MDPHA Lease and Community Policies. In such a case, the MDPHA Site Manager or designee may send the resident a Notice of Lease Violation.

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SECTION 8 ASSISTIVE ANIMAL POLICY:

Section 8 owners are required to comply with all applicable federal, state and local laws that protect the rights of the disabled. Accordingly, where Section 8 tenants require assistive animals as a reasonable accommodation, Section 8 owners may not require the owners of assistive animals to pay pet deposits, neuter their animals, or adhere to limits on the weight, size, and number of assistive animals.

LIVE-IN AIDES:

A live-in aide is a person eighteen (18) years of age or older who resides with one or more elderly (at least sixty-two (62) years of age), near-elderly (at least fifty (50) years of age but below sixty-two (62) years of age), or disabled (see the definition of a person with disabilities on page 4) person(s) and who is determined to be essential to the care and well-being of the person; is not obligated for the support of the person; and would not be living in the unit except to provide the necessary supportive services. A relative may be considered a live-in aide, but must meet all the criteria listed herein. Persons with children or spouses may, on a case-by-case basis, be allowed to serve as Live-in Aides.

Requests for live-in aides are subject to the foregoing policies. The two forms discussed below replace the Reasonable Accommodation Request and Reasonable Accommodation Verification forms (respectively) for purposes of requesting a live-in aide as a reasonable accommodation.

1. The *Live-in Aide Agreement* is the form on which:

    a. The head of household shall request the live-in aide. The requestor may make this request for him or herself, or for a household member.

    b. The requestor provides the designated employee with information related to the request and the live-in aide.

    c. The requestor shall provide the designated employee with the name and contact information of the verification source from whom the requestor is obtaining verifications and other information essential for obtaining a live-in aide.

2. The *Live-in Aide Verification* is the form on which:

    a. The verification source verifies that the person for whom the Live-in Aide is being requested qualifies for, and requires, the live-in aide. The verification source must also verify that the live-in aide is qualified to provide the appropriate services to the household member.

The designated employee faxes the *Live-in Aide Verification* form to the verification source to help ensure the form is filled out by the designated verification source.

The designated employee may approve a written request for a live-in aide upon receipt of verification documentation including, but not limited to, completed *Live-in Aide Agreement* and *Live-in Aide Verification* forms. If the designated employee approves, or the ADA Coordinator denies, the request for a live-in aide, he or she will inform the requestor by means of the Approval/Denial of Reasonable Accommodation Request form.

The live-in aide may live in the unit solely to care for the family member and qualifies for occupancy only for as long as the individual requires the supportive services and is living in the unit. MDPHA shall deny occupancy of the unit to the live-in aide after the tenant, resident or program participant, for whatever reason, is no longer living in the unit.

A relative may be considered as a live-in aide but must meet all the criteria outlined in this section and must be qualified to provide care for the family member. The tenant and the live-in aide shall acknowledge that the live-in aide does not have any right to the unit and does not

qualify for continued occupancy as a remaining family member by signing the *Live-in Aide Agreement* (which shall become an addendum to the tenant's/resident's lease).

The ADA Coordinator may deny the live-in aide request of a person who does not meet the admission criteria described in the Admin Plan and the ACOP. The process by which applicants, residents and Section 8 program participants may appeal a denial of a live-in aide request, or any other adverse decisions related to disabilities, is described in the Reasonable Accommodation Grievances and Appeals section.

TRANSFERS:

The reasonable accommodation policies mentioned throughout this document apply to transfers based on a request for reasonable accommodation. Transfers based on a request for reasonable accommodation in Section 8 Moderate Rehabilitation and Public Housing programs shall be documented in the same manner (as indicated throughout this policy) as other reasonable accommodation requests are documented (e.g. a *Reasonable Accommodation Request* form must be filled out). The only additional requirement is that, in addition to the aforementioned, the Public Housing requestor must complete and submit a Request for Transfer form.

In Public Housing, MDPHA shall not require, or recommend as an alternative, that a resident with a disability must accept a transfer instead of providing some other reasonable accommodation. However, if a public housing resident with a disability requests dwelling unit modifications that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant, comparable, appropriately-sized UFAS-compliant unit in that resident's development, an adjacent development, or a development to which the resident has expressed a willingness to move, MDPHA may offer to transfer the resident to the vacant unit in her/her development or adjacent development instead of providing structural modifications. However, if that resident rejects the offered transfer, MDPHA shall make modifications to the resident's unit unless doing so would be structurally impracticable or would result in an undue financial and administrative burden or would result in a fundamental alteration to a MDPHA program, service or activity. MDPHA shall inform applicants, residents and Section 8 program participants whether their transfers, structural modifications, and all other reasonable accommodations are granted by means of the Approval/Denial of Reasonable Accommodation Request form.

If the resident accepts the transfer, MDPHA will work with the resident to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within thirty (30) days of the assignment of the dwelling unit, PHA shall pay the reasonable moving expenses, including utilities fees and deposits. MDPHA will select the moving service vendors and disburse payments to them. Nothing contained in this paragraph is intended to modify the terms of MDPHA's Tenant and Assignment Plan and any resident's rights hereunder.

FORMER USERS OF ILLEGAL DRUGS:

Under the Fair Housing Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act, a former user of illegal drugs (recovered or now in recovery) is considered to be a person with disabilities and is protected against discriminatory treatment, but persons engaged in current illegal use of controlled substances are not protected.

The term "person with a disability" includes an individual who:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;
2. Is participating in a supervised rehabilitation program and is no longer engaging in such use; or
3. Is erroneously regarded as engaging in such use, but is not engaging in such use.

Anti-discrimination laws protect individuals who have a history of illegal use of a controlled substance or addiction and do not engage in the current illegal use of a controlled substance if they can otherwise meet the definition of a person with a disability.

When an individual claims recovery, the designated employee will require the person to present evidence of recovery from a qualified, neutral third party. The designated employee may require a family member who has engaged in the illegal use of drugs to present evidence of successful completion of a treatment program as a condition to being allowed to reside in a unit owned and managed by MDPHA or as a condition to being allowed to participate in other MDPHA housing programs. If it is determined that the individual "has recovered or is in recovery" and is thus a "person with a disability," the designated employee will consider requests for reasonable accommodations.

The designated employee will require the individual to provide documentation that would convince a reasonable person that the applicant/resident is not a current user of illegal drugs.

Documentation that an applicant/resident/program participant is not a current user of illegal drugs could include:

1. Verification from a reliable drug treatment counselor or program administrator, or other party acceptable to the designated employee, indicating:

    a. that the applicant/resident/program participant is/has been in treatment;

    b. that there is a reasonable probability of success in refraining from the use of illegal drugs;

    c. that the applicant/resident/program participant is complying/has complied with the requirements of the treatment program; that the applicant/resident/program participant is not currently a user of illegal drugs; and

    d. the period of time the applicant/resident/program participant has not been using drugs (this verification may include documentation of the results of urinalyses over a period of time); and/or

2. Verification from a probation or parole officer:

    a. that the applicant/resident/program participant has met or is meeting the terms of probation or parole;

    b. is not currently a user of illegal drugs;

    c. and for what period of time the applicant/resident/program participant has not been using illegal drugs (this verification may include documentation of the results of urinalyses over a period of time); and/or

3. Verification from a third party/parties, indicating:

    a. that the applicant/resident/program participant is not currently using illegal drugs and

    b. for what period of time the applicant/resident/program participant has not been using illegal drugs;

4. Description of the relationship between the third party/parties and the applicant/resident/program participant (verifications will not be accepted from the applicant's/resident's relatives); and

5. Description of how the third party/parties know(s) the status of whether the applicant/resident/program participant is currently using illegal drugs.

When an applicant/resident/program participant has a history of drug rehabilitation/treatment followed by recidivism, or is currently in treatment (as opposed to having completed treatment), more documentation may be necessary to convince a reasonable person that the applicant/resident/program participant is not a current user of illegal drugs.

The applicant/resident/program participant may be required to show in what ways:

1. His or her current situation, and

2. His or her claim to be a former illegal user of a controlled substance, and

3. His or her claim to be able to comply with the essential terms of the MDPHA Lease or other housing program requirements is different from previously unsuccessful efforts to stop illegally using a controlled substance.

In all situations in which an applicant/resident claims to be a person with a disability due to former illegal drug use, the designated employee will determine the reliability and validity of information/verifications provided with the request for reasonable accommodation. The designated MDPHA employee will make a determination approving or denying the reasonable accommodation request and a determination of eligibility for housing assistance accordingly.

ALCOHOLISM:

MDPHA will not discriminate against any person solely because he or she is a person with the disability of alcoholism. The designated employee will, however, deny admission to an applicant, terminate assistance to a participant or terminate the tenancy of a resident, who MDPHA has reasonable cause to believe will behave in a manner that will interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents, other tenants, or MDPHA personnel. The term "reasonable cause to believe" shall be determined on a case-by-case analysis. MDPHA may evaluate whether a person poses – or would pose – a direct threat to the health or safety of others.

MDPHA will make determinations of direct threat based on the following guidelines described in the following statement from the May 17, 2004 *Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act*:

> A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (*e.g.*, current conduct, or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate the direct threat. Consequently, in evaluating a recent history of overt acts, a provider must take into account whether the individual has received intervening treatment or medication that has eliminated the direct threat (*i.e.*, a significant risk of substantial harm). In such a situation, the provider may request that the individual document how the circumstances have changed so that he no longer poses a direct threat. A provider may also obtain satisfactory assurances that the individual will not pose a direct threat during the tenancy. The housing provider must have reliable, objective evidence that a person with a disability poses a direct threat before excluding him from housing on that basis.

MDPHA will apply the same standard of performance and behavior to an individual with alcoholism as it applies to others. If any unsatisfactory performance or behavior is related to the disability of an applicant/resident/program participant, the behavioral manifestations of the condition may be taken into consideration in determining whether the applicant/resident/program participant is qualified. If unable to meet the tenancy requirements, the applicant/resident/program participant may be denied housing on that basis, provided any request for reasonable accommodation has been considered. The process by which applicants, residents and Section 8 program participants may appeal a denial of housing or program participation, or any other adverse decisions related to disabilities, is described in the Reasonable Accommodation Grievances and Appeals section.

EMERGENCY EVACUATION:

This section only applies to the MDPHA Public Housing program.

Public Housing program applicants (who have received public housing offers) and residents with disabilities must ultimately be responsible for their own safety. Thus, they may choose not to live above the ground floor because of possible inability to escape a fire. They must, however, be allowed to decide whether living in an upper-floor dwelling unit outweighs whatever safety concerns may exist.

At move-in orientation and during recertification, the Site Manager or designee informs Public Housing program residents that with their consent, the Site Manager will provide information to the fire and police departments that identifies residents who will have special needs in case of an emergency evacuation. The Site Manager will only share this information with these parties if consent is given.

The site manager or designee will provide each resident with a copy of the *Release of Disability-Related Special Needs in Case of Emergency Evacuation* (Release) form at move-in and recertification. The Site Manager will maintain these forms confidentially in the Site Office files. These forms will also be maintained confidentially at the Regional Offices in case the Site Offices are inaccessible due to an emergency.

In emergency situations, and only insofar as is reasonably feasible, Regional Managers (if applicable), Site Managers or designees will inform fire and/or police departments as to which residents have special emergency evacuations needs.

Buildings with more than four units or with units above the first floor shall have evacuation plans identifying escape routes and procedures to be followed in case of emergency, including procedures for notifying persons who are deaf or blind and for evacuating persons who can not climb stairs or may be disoriented. It is recommended that the evacuation plan be worked out with the local fire department.

OTHER MIAMI-DADE HOUSING AGENCY PROGRAMS AND SERVICES:

MDPHA administers a number of programs and services (e.g. various programs for home repair/improvement loans, home purchasing loans, construction loans, etc.) in addition to those previously mentioned in this policy. MDPHA will endeavor to ensure any person with disabilities who requests reasonable accommodation related to any MDPHA programs and/or services are provided all such accommodations as is their right under federal, state, and local laws and regulations.

MIAMI-DADE COUNTY ADA GRIEVANCE PROCESS:

Should MDPHA applicants, residents or program participants choose, they may follow the grievance process outlined in Attachment Three of Miami-Dade County Administrative Order Number 10-10 (see Appendix, *Miami-Dade Grievance Process, Americans with Disabilities Act of 1990*) instead of the process described in the "Reasonable Accommodation Grievances and Appeals" section of the MDPHA Reasonable Accommodation Policies and Procedures. The Miami-Dade County grievance process serves "...as the County's mechanism to respond to complaints of discrimination on the basis of a disability in County programs and services under the Americans with Disabilities Act of 1990 (ADA)."

ACKNOWLEDGEMENTS:

MDPHA wishes to acknowledge the assistance of the United States Department of Housing and Urban Development; the Housing Authority and Community Services Agency of Lane County (HACSA), Springfield, Oregon; the Massachusetts Department of Housing and Community Development; the Miami-Dade County Attorneys Office and the Miami-Dade County Office of ADA Coordination, whose contributions were instrumental to the creation of this policy.

Resource materials used as guidance in developing this policy and responding to reasonable accommodation requests and issues include:

- The Fair Housing Amendments Act
- Americans With Disabilities Act, Title II Technical Assistance Manual
- Section 504 of the Rehabilitation Act of 1973
- Policy On Reasonable Accommodation for the Housing Authority and Community Services Agency of Lane County (HACSA) , Springfield, Oregon
- Forms developed by the Massachusetts Department of Housing and Community Development
- May 17, 2004 Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act

Forms included:

1. Notice of Nondiscrimination on the Basis of Disability
2. Notice of Right to a Reasonable Accommodation
3. Reasonable Accommodation Request and Examples of Reasonable Accommodations
4. Reasonable Accommodation Verification
5. Live-in Aide Agreement
6. Live-in Aide Verification
7. Auxiliary Aids Request
8. Authorization for Release of Information
9. Letter to an Applicant, Resident or Program Participant for a Meeting About Reasonable Accommodation
10. Request for More Information or Verification Regarding a Reasonable Accommodation Request
11. Letter to Verification Source for a Reasonable Accommodation Request
12. Approval/Denial of Reasonable Accommodation Request
13. Release of Disability-Related Special Needs in Case of Emergency Evacuation
14. Reasonable Accommodation Script
15. Acknowledgement of Receipt of Reasonable Accommodation Documents
16. Reasonable Accommodation Information
17. Miami-Dade Grievance Process, Americans with Disabilities Act of 1990

MIAMI-DADE PUBLIC HOUSING AGENCY
NOTICE OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

Miami-Dade Public Housing Agency (MDPHA) does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

MDPHA's ADA Coordinator, has been designated to coordinate compliance with the non-discrimination requirements of Section 504 of the Rehabilitation Act of 1973,(Section 504), the Americans with Disabilities Act (ADA), the Federal, State and local Fair Housing Acts, the United States Department of Housing and Urban Development Section 504 and Fair Housing Act Regulations, and the ADA regulations implemented by the United States Equal Employment Opportunity Commission and the United States Department of Justice.

ADA Coordinator contact information is as follows:

Office address: 701 NW 1 Court, 16th Floor, Miami, Florida 33136

Phone: (786) 469-4229

Fax: (786) 469-4151

Florida Relay Service: (800) 955-8771 (TDD/TTY)

_____ _____
Applicant, Tenant, or Program Participant's Signature Date

_____ _____
Applicant, Tenant, or Program Participant's Name * Client Number

IN THE PRESENCE OF:

_____ _____
Designated MDPHA Employee's Signature Date

_____ _____
Designated MDPHA Employee's Name Designated MDPHA Employee's Job Title

This material is available in an accessible format upon request. Please call the, ADA Coordinator at (786) 469-4229.

MIAMI-DADE PUBLIC HOUSING AGENCY
NOTICE OF RIGHT TO A REASONABLE ACCOMMODATION

If you have a disability and as a result of your disability you need . . .

- a change in the rules or policies or how Miami-Dade Public Housing Agency (MDPHA) does things that would give you an equal chance to live here and use the facilities or take part in programs or services on site,

- a change, repair, or special feature in a dwelling that would give you an equal chance to live in the dwelling and use the facilities at the dwelling site or take part in programs on site,

- a change, repair or special feature at some other area of a MDPHA building or property that would give you an equal chance to live here and use the facilities or take part in MDPHA programs,

- a change in the way MDPHA communicates with you or gives you information.

You may ask for this kind of change, which is called a REASONABLE ACCOMMODATION.

MDPHA will give you an answer within sixty (60) business days of the Applicant and Leasing Center Tenant Selection Supervisor, Public Housing Regional Manager, or Section 8 Tenant Selection Supervisor's receipt of the acceptably completed Request and Verification Forms via the *Approval/Denial of Reasonable Accommodation Request* form.

MDPHA will let you know if additional information or verification is needed, or if there are other ways to meet your needs.

If MDPHA turns down your request, MDPHA will explain the reasons, and you can provide more information if you think that will help.

If you need help filling out a *Reasonable Accommodation Request Form* or if you want to give MDPHA your request in some other way, MDPHA will help you.

NOTE: To the greatest extent allowable by law, all information you provide will be kept confidential and be used only to help you have an equal opportunity to enjoy your housing and the common areas.

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone).

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION REQUEST

Head of Household:_____ Phone: (____)_____
(PRINT NAME)

Requestor:_____
(PERSON REQUESTING REASONABLE ACCOMMODATION IF OTHER THAN HEAD OF HOUSEHOLD, PRINT NAME)

Address: _____ Client #:_____

Signature:_____
(Head of Household, Other Requestor, or Authorized Representative of Requestor)

A disability is defined, in part, as a physical or mental impairment that substantially limits one or more major life activities; a record of having such an impairment; or being regarded as having such an impairment.

A Public Housing resident may request a change in his or her current unit or a transfer to a unit that has already been changed (in the resident's development or another development). An applicant, resident, or program participant may request assistance with, or change in, a MDPHA practice, rule, policy, procedure, program or service.

MDPHA will work with the applicant, resident or program participant to determine how to provide the reasonable accommodation request. MDPHA may require documentation to support the reasonable accommodation request(s).

1. The following is the name of the household member with a disability who needs a reasonable accommodation:

   Name: _____

2. Because of the above household member's disability, the following change(s) or assistance (reasonable accommodation) is necessary so that the individual can participate in a Miami-Dade Public Housing Agency (MDPHA) housing assistance program as easily or successfully as other program participants. Check the kind of change(s) you need.

   [ ] A change or special feature in a MDPHA dwelling, building or property. Note: If you are a Section 8 program participant, you must make these kinds of requests to your landlord.

   [ ] Assistance with, or change in, a MDPHA practice, rule, policy, procedure, program or service.

3. Describe the problem that the household member named in item 1 is having, or might have, with a MDPHA dwelling, building, property, practice, rule, policy, procedure, program or service:

   _____

   _____

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION REQUEST

4. Describe the type of change or assistance (reasonable accommodation) required:

_____

_____

5. Describe how this change or assistance will help with the problem:

_____

6. Indicate the verification source MDPHA may contact to verify that the household member named in item 1 has a disability and needs a reasonable accommodation.

Name: _____

Address: _____

Telephone Number: (____)_____

Note: Individuals may obtain a copy of the MDPHA Reasonable Accommodation Policies and Procedures, upon request, from Applicant and Leasing Center Eligibility Interviewers, Public Housing Site Managers, Section 8 Leasing and Contract Specialists, and MDPHA's ADA Coordinator. You may also get additional copies of this request form from the ADA Coordinator:

ADA Coordinator
701 NW 1 Court, 16th FloorMiami, Florida 33136
(786) 469-4229 phone
(786) 469-4151 fax
Florida Relay Service: (800) 955-8771 (TDD/TTY)

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone).

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION REQUEST

EXAMPLES OF REASONABLE ACCOMMODATIONS

The following list of reasonable accommodation methods are examples that may constitute reasonable accommodations for individual Miami-Dade Public Housing Agency (MDPHA) applicants, residents, and program participants. These accommodations may not necessarily be "reasonable" for all individuals. In addition, each accommodation may not be available to every applicant, resident in every unit and/or in every development, and program participants.

Examples of Modifications Which Constitute A Reasonable Accommodation

Section 504 states that the design, construction or alteration of buildings in conformance with §§ 3-8 of the Uniform Federal Accessibility Standards (UFAS), Appendix A to 24 C.F.R. § 40, shall be deemed to comply with the requirements of 24 C.F.R. §§ 8.21; 8.22; 8.23 and 8.25. However, the UFAS citations noted below are provided as a reference to assist in providing a reasonable accommodation and are not intended to govern every request for a modification. In order to meet the individual's specific disability-related need(s), MDPHA may need to deviate from the UFAS. In addition, the reference to a UFAS section does not require all elements in that section to be made accessible. Rather, only the specific reasonable accommodation item requested is required to be accessible per the needs of the individual requesting the reasonable accommodation.

However, some modifications may not be structurally feasible in all units or all developments; in addition, some modifications may represent an undue financial and administrative burden. In such situations, the requirement to provide a reasonable accommodation is not alleviated, but must be provided by some other means such as transferring a family with a disabled member to a unit/development where the reasonable accommodation can be provided. Nevertheless, MDPHA will work with each qualified resident with a disability who requests a reasonable accommodation in order to identify a reasonable, effective and appropriate accommodation.

Common Areas[5] -

- Add edge protection to ramps and ramp landings with drop-offs
- Widen doors
- Provide accessible, lever-type door hardware
- Re-hang door to lay flat against a wall when opened
- Re-hang door to swing outward instead of into the accessible space
- Provide accessible or adjustable closet rods and shelves
- Provide lever faucets in public restrooms
- Provide grab bars in public restrooms
- Provide accessible toilets in public restrooms
- Lower mirrors in public restrooms
- Provide extra electrical outlets for TDD/TTY equipment
- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments

[5] Common Areas include, but are not limited to: PHA offices, including management and regional offices; private management company offices; community room; senior center; meeting room; mail room; laundry room; trash disposal; and, day care facilities.

- Provide visual alarms for individuals who are deaf or hard of hearing
- Provide accessible cabinets and countertops in public kitchens
- Provide accessible appliances [i.e., refrigerator, oven, stove] in public kitchens

Elevators[6] -

- Elevators shall be located on an accessible route
- Residential or fully enclosed wheelchair lifts may be used, when appropriate, and when approved by local administrative authorities. *See* UFAS §§ 4.10.1; 4.11

Building Entrances and Accessible Routes[7] -

- Accessible signage;
- Add edge protection to ramps and ramp landings with drop-offs
- Widen doors
- Provide accessible, lever-type door hardware
- Re-hang door to lay flat against a wall when opened
- Re-hang door to swing outward instead of into the accessible space
- Add or adjust door closures
- Provide lever faucets in public restrooms
- Provide grab bars in public restrooms
- Provide accessible toilets in public restrooms
- Lower mirrors in public restrooms
- Provide extra electrical outlets for TDD/TTY equipment
- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Provide visual alarms for individuals who are deaf or hard of hearing
- Providing contrasting paint on doors, around doorways, at windows, baseboards and/or stairs/risers for individuals with visual impairments
- Provide an accessible route into a building

---

[2] Accessible elevators shall be on an accessible route and shall comply with UFAS § 4.10 and with the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A17.1-1978 and A17.1a-1979. *See* UFAS § 4.10; Figures 20, 22 and 23. An "accessible route" is a continuous, unobstructed UFAS-compliant path as prescribed in 24 C.F.R. §§ 8.3 and 8.32 and UFAS § 4.3.

[3] At least one (1) accessible route complying with UFAS § 4.3 shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones, if provided, and public streets or sidewalks to an accessible building entrance. *See* UFAS §§ 4.1.1(1); 4.3. In addition, UFAS requires that at least one (1) accessible route complying with UFAS § 4.3 shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility. *See* UFAS §§ 4.1.2(1); 4.3.

Trash Disposal Facilities –

- Provide accessible route into and through trash disposal facilities; or, provide an equally-effective accommodation such as personal trash disposal by housing staff

Laundry Facilities -

- Provide accessible route into and through common-use laundry facilities. Provide at least one (1) front loading washer and one (1) front-loading dryer in public-use laundry facilities[8]; or, provide an equally effective accommodation such as the provision of a front-loading washer and dryer in resident's unit; or, provision of laundry services at PHA's expense

Mail Delivery/Mail Boxes -

- Provide accessible route into and through mail boxes/mail facilities. Provide mailbox at lower height, upon request; or, provide equally effective accommodation such as home delivery.[9]

Apartment Entrance and Interior Doors –

- Widen doors
- Provide accessible, lever-type door hardware
- Re-hang door to lay flat against a wall when opened
- Re-hang door to swing outward instead of into the accessible space
- Add or adjust door closure speed
- Adjust door opening force required for pushing/pulling the door
- Provide lower peep holes or "telescoped" peep holes
- Provide a visual door knocker for individuals with hearing impairments
- Providing contrasting paint on doors, around doorways, at windows, baseboards and/or stairs/risers for individuals with visual impairments
- Provide ramp from accessible route to accessible entrance into unit

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[4] If laundry equipment is provided within individual dwelling units, or if separate laundry facilities serve one or more accessible dwelling units, then they shall meet the requirements of UFAS §§ 4.34.71 through 4.34.7.3.

[5] "Cluster boxes", common in multi-family housing developments, are routinely placed in sequential order. However, if a customer is unable to access his/her mailbox due to a disability, the customer may submit a request under the U.S. Postal Service's "Hardship Clause" and request the relocation of the mailbox to a lower, accessible level. According to § 631.42 of the U.S. Postal Service "Postal Operations Manual", the customer submits the "Hardship Clause" request directly to his/her postal delivery person; the delivery person then submits the request to his/her manager. The manager evaluates the individual request and takes appropriate action. If the postal service is unable to relocate the mailbox, the postal service may provide an alternate accommodation such as door delivery.

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION REQUEST

Apartment Light Switches & Electrical Outlets -

- Lower electrical switches and/or raise electrical outlets[10]
- Provide extra electrical outlets for TDD/TTY equipment or other equipment utilized by individuals with disabilities
- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Lower thermostat controls
- Lower circuit breakers, when located in unit

Apartment Interior -

- Provide extra electrical outlets for TDD/TTY equipment or other equipment utilized by individuals with disabilities
- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Provide visual and audible alarms for individuals who are deaf or hard of hearing; and, provide visual alarms in each room of unit [11]
- Provide windows which requires five pounds or less of opening force; provide crank type opening mechanism with large levers, when feasible
- Provide accessible storage spaces, including lowering clothes rods and/or adjustable closet shelves. Accessible storage spaces shall comply with UFAS § 4.25; Fig. 38

Apartment Kitchens [12] -

- Lower kitchen sink
- Provide lever type hardware on kitchen faucet
- Provide accessible kitchen cabinets; provide accessible hardware on kitchen cabinets
- Provide accessible kitchen counters and work space

If the following items are provided to non-disabled residents in a development:

- Provide accessible refrigerators. *See* UFAS § 4.34.6.8
- Provide accessible ovens. *See* UFAS § 4.34.6.7
- Provide accessible dishwashers. *See* UFAS § 4.34.6.9

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[10] The highest operable part of all controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in §§ 4.2.5 and 4.2.6. Except where the use of special equipment dictates otherwise, electrical and communications system receptacles on walls shall be mounted no less than 15" above the finish floor. *See* UFAS § 4.27.3

[11] If emergency warning systems are provided, they shall include both audible alarms complying with UFAS § 4.28.2 and visual alarms complying with UFAS § 4.28.3. *See* UFAS § 4.1.2 (13)

[12] Accessible or adaptable kitchens and their components shall be on an accessible route and shall comply with the requirements of UFAS § 4.34.6. However, the PHA will not be required to make all elements of the kitchen accessible, unless requested by the resident with a disability. Rather, the resident may request specific accessible kitchen elements.

Apartment Bathrooms [13] -

- Provide wider door
- Provide lever type hardware on lavatory faucet
- Lower wash basin
- Lower mirror
- Provide accessible toilet
- Relocate toilet paper dispenser
- Provide grab bars at toilet
- Provide grab bars at bathtub and/or shower
- Provide seat in bathtub or shower
- Provide hand-held shower device
- Relocate bathtub and/or shower controls
- Provide roll-in shower or shower/bathtub seat

Examples of Non-structural Reasonable Accommodations

- Offering documents in accessible formats (e.g., large type, computer disk or Braille) and in plain language.
- Permitting rent payments and required communications to be mailed rather than delivered in person.
- Providing another housing offer if an applicant, resident or program participant can demonstrate good cause that the rejection of the initial housing offer, for example, was because of the disability of an applicant, resident or program participant's household member.
- Providing auxiliary aids, such as pencil and paper for those with speech difficulties, Telecommunication Device for the Deaf (TDD), Assisted Listening Device (ALD), a qualified sign language interpreter, or a reader, when necessary for effective communication between MDPHA and an applicant, resident or program participant.
- Sending mail or making phone calls to a person designated as a contact person by the person with disabilities.
- Allowing the use of assistive animals.
- Allowing a live-in aide to reside in an appropriately-sized dwelling unit.
- Permitting an outside agency or family member to assist an applicant, resident or program participant in meeting screening criteria or meeting essential lease obligations.

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[13] Accessible or adaptable bathrooms shall be on an accessible route and shall comply with UFAS § 4.34.5. However, the PHA will not be required to make all elements of the bathroom accessible, unless requested by the resident with a disability. Rather, the resident may request specific accessible bathroom elements.

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION VERIFICATION

Head of Household: _____ Client No: _____

Re: Reasonable Accommodation Request

For: _____ Telephone: (____)_____
(PRINT NAME OF HOUSEHOLD MEMBER FOR WHOM THE REQUEST IS BEING MADE)

PLEASE RETURN TO: _____
(Name of MDPHA Employee)

_____ _____
(Address of MDPHA Employee) (Phone/Fax of Employee)

THE FOLLOWING SECTION IS TO BE FILLED OUT BY THE DESIGNATED VERIFICATION SOURCE:

1. The individual seeking an accommodation is a person with a disability according to the following definition: *"Disability" is defined as a physical or mental impairment that substantially limits one or more major life activities; a record of having such an impairment, or being regarded as having such an impairment.*

   [ ] YES [ ] NO

2. Describe the problem(s) that the person is having with the MDPHA dwelling, building, property, practice, rule, policy, procedure, program or service:

3. Describe the type of change(s), feature(s) or assistance required:

4. **Using the checklist on page 2 of 2, indicate the functional limitation(s) (i.e. the way major life activities are substantially limited) of the person for whom the accommodation is requested.**

5. Please describe the relation between the person's functional limitation(s) and the requested accommodation. Do not provide unnecessary details about the medical history or disabled status of the person seeking an accommodation.

Name of Verification Source: _____
(PRINT NAME OF HEALTH CARE PROVIDER)

Signature: _____ Date: _____/____/_____

Title of Verification Source: _____

Address: _____

Telephone: _____ **Fax:** _____

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION VERIFICATION

CLIENT'S NAME: _____ **CLIENT #:** _____
Last First

TYPE OF MAJOR LIFE ACTIVITIES *(Check applicable)*	**DISABILITY STATUS** **D**= Disabled* (or) **ND**= Not Disabled *(Enter D or ND as applicable)*
☐ Walking	
☐ Standing	
☐ Climbing	
☐ Bending	
☐ Stooping	
☐ Kneeling	
☐ Use of Hands	
☐ Reaching	
☐ Self Care	
☐ Speaking	
☐ Breathing	
☐ Seeing	
☐ Hearing	
☐ Lifting	
☐ Intelligence (a person's capacity for understanding)	
☐ Thinking (the ability to form or conceive in the mind)	
☐ Perception (the brain's interpretation of internal and external stimuli)	
☐ Judgment (the ability to assess a given situation and act appropriately)	
☐ Mood (emotional tone underlying the behavior)	
☐ Behavior (specifically examining behavior that is disruptive, distressing or aggressive)	
☐ Other (Please Specify in non-technical terms that simply describe what the client cannot do or has difficulty doing)	
HEATH CARE PROVIDER / VERIFICATION SOURCE INFORMATION TELEPHONE NUMBER (_____)_____	**PRINT NAME:** _____ **SIGNATURE:** _____ **DATE**___/___/___
NOTES (use additional sheet if necessary):	

*"**Disability**" is defined as a physical or mental impairment that substantially limits one or more major life activities.*

MIAMI-DADE PUBLIC HOUSING AGENCY
LIVE-IN AIDE AGREEMENT

Client Number: _____

I, _____, residing at _____
(Print Head of Household's (HOH) Name) *(Print Address)*

request Miami-Dade Public Housing Agency's (MDPHA) approval for live-in-aide services provided by
_____, Social Security Number_____,
(Print Live-in Aide's Name)

Date of birth:___/___/___

The household member requiring Live-In Aide assistance is _____.
(Print Household Member's Name)

The live-in-aide is a person who resides with one or more elderly persons (at least 62 years of age), or near elderly persons (at least 50 years of age but below the age of 62) or persons with disabilities (see definition in Live-In Aide Verification form), and who is: (a) 18 years of age or older, (b) is determined to be essential to the care and well-being of the person; (c) is not obligated for the support of the person; and (d) would not be living in the unit except to provide the necessary supportive services.

As a condition to obtaining MDPHA's approval, the live-in-aide and the Head of Household hereby acknowledge and agree to the following:

1. Move in of a live-in-aide must not result in overcrowding of the existing unit according to the maximum number of persons per unit standard; although a reasonable accommodation for a resident with a disability may be to move the family to a larger unit. If change in unit size is necessitated by this request, please indicate change in number of bedrooms: from ____bedrooms, to _____bedrooms;
2. Live-in aides must meet MDPHA's screening requirements. The live-in-aide agrees to provide any information that MDPHA deems necessary to conduct a criminal background screening. Permission to reside in the unit as a live-in-aide may be denied based on the results of this screening;
3. Before a live-in-aide may be moved into a unit, a third party verification must be supplied that establishes the need for such care and the fact that the live-in-aide is qualified to provide such care (Live-in Aide Verification form);
4. A live-in-aide is a single person. This agreement does not confer the right for any additional person, other than an approved live-in-aide, to reside in the household. As a reasonable accommodation for a resident with a disability, MDPHA may review this provision on case-by-case basis, should this provision conflict with a resident's bona fide right to a live-in-aide;
5. If the household member requiring assistance no longer resides in the unit, the live-in-aide shall not remain on the premises. If the verification source determines that the live-in-aide is no longer essential to the care and well-being of the household member, this agreement will be terminated, and the live-in-aide shall vacate the unit within 14 days after MDPHA has given reasonable notice to the household member requiring assistance that the verification source has made such determination;

MIAMI-DADE PUBLIC HOUSING AGENCY
LIVE-IN AIDE AGREEMENT

6. If the household member requiring assistance passed away, the live-in aide shall vacate the nit within 14 days of said household member's death. If the household member requiring assistance moves out, the live-in-aide shall vacate the unit no later than said household member's departure date. Upon the termination of the live-in-aide's services for any other reason, the live-in-aide shall vacate the unit within 24 hours;
7. The Live-In Aide must be listed as a household member (not part of the family composition, regardless of the relationship) on the resident's lease and shall not violate any provisions of the lease, the Community Policies, or applicable laws. Should such violation occur, MDPHA may require the resident to terminate the services of the live-in-aide or face possible termination of the lease;
8. MDPHA will consider allowing relative live-in-aides under unusual circumstances and upon approval of the Director or his/her designee. Relatives who satisfy the definitions and stipulations above may qualify as live-in-aides, but by signing this agreement, they acknowledge their understanding that they are relinquishing all rights to the unit as the remaining member of a resident family, or under any other circumstance. If a relative wants to have remaining family status, his or her income will be considered as part of the family's annual income. In such a case, the relative will be considered an addition to the family composition who is allowed to be added as a reasonable accommodation, (not a live-in aide) as the income of a live-in aide must be excluded.

Head of Household's signature: _____Date: ___/___/___.

Live-in Aide's signature: _____Date: ___/___/___.

Name, address and telephone number of company or organization providing the live-in-aide service (if applicable): _____

_____

Name, address, telephone and fax number of verification source who will complete the Live-in Aide Verification form: _____

_____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone) - Florida Relay Service at (800) 955-8771 (TDD/TTY).

MIAMI-DADE PUBLIC HOUSING AGENCY
LIVE-IN AIDE VERIFICATION

NAME: _____ CLIENT #: _____
(Head of household (HOH))

ADDRESS:_____

NAME: _____
(Print name of household member for whom the Live-in Aide is requested)

REQUESTED LIVE-IN AIDE INFORMATION:
NAME: _____ PHONE NUMBER: _____

ADDRESS: _____

PLEASE RETURN TO: _____
(Name of MDPHA Employee)

_____ _____
(Address of MDPHA Employee) (Phone/Fax of Employee)

DEFINITION OF PERSON WITH DISABILITIES

Under federal law, an individual is disabled if he/she has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

The HOH named above has applied for, or is a participant in, a housing program provided by Miami-Dade Public Housing Agency (MDPHA). The HOH has requested a Live-in Aide and must obtain verification that the Live-in Aide is needed. Please answer the questions below and return the form to the MDPHA employee listed above.

INFORMATION REQUESTED

1. Is the Household Member disabled as defined above? [ ] YES [ ] NO

2. Is a live-in aide essential to the care and well-being of the Household Member?
[ ] YES [ ] NO If yes, for how long? _____

3. If the response to question # 2 is "Yes", then please explain what the live-in aide would do that is essential to the Household Member's care and well-being.

_____

_____

4. Does the Household Member require a live-in aide on a temporary basis?
[ ] YES [ ] NO

5. If the response to question # 4 is "Yes", please provide an estimate of the duration of time (in months and/or years) during which the live-in aide must provide services that are essential to the care and well-being of the Household Member.

_____

6. Using the checklist below, indicate the activities of daily living (ADLs) with which the person requesting a live-in aide requires assistance and with which the live-in aide would provide assistance.

MIAMI-DADE PUBLIC HOUSING AGENCY
LIVE-IN AIDE VERIFICATION

CHECKLIST: ACTIVITIES OF DAILY LIVING WITH WHICH CLIENT REQUIRES ASSISTANCE	
ACTIVITIES OF DAILY LIVING (ADL) *(Check applicable)*	**CLIENT REQUIRES ASSISTANCE WITH THESE ADLs** **Y**= Yes (or) **N**= No *(Enter Y or N as applicable)*
☐ Walking	
☐ Standing	
☐ Sitting	
☐ Transfer to/from bed, chair/couch, bathtub and/or shower	
☐ Cooking/food preparation	
☐ Feeding him or herself	
☐ Drinking	
☐ Shopping	
☐ Housecleaning	
☐ Laundry	
☐ Bathing	
☐ Grooming	
☐ Dressing (clothes)	
☐ Taking medication	
☐ Application of wound dressings (changing/applying cloth or adhesive bandages, antiseptics, etc.)	
☐ Handling financial matters	
☐ Decision-making	
☐ Memory	
☐ Lifting	
☐ Reaching	
☐ Other (Please Specify in non-technical terms that simply describe the ADLs with which the client needs assistance)	

STATEMENT OF VERIFICATION SOURCE

I, _____ do hereby certify that the information provided
(Print Name)
above is correct and accurate to the best of my professional knowledge.

_____ Date ____/____/____
(Signature)

Title of Verification Source: _____

Address: _____

Telephone: _____ **Fax**: _____

Name of organization or company: _____

MIAMI-DADE PUBLIC HOUSING AGENCY
AUXILIARY AIDS REQUEST

Date____/____/____

Head of Household _____
(PRINT NAME)

Address: _____ Client #:_____

Phone: (____)_____

Requestor: _____
(PERSON REQUESTING AUXILIARY AID IF OTHER THAN HEAD OF HOUSEHOLD, PRINT NAME)

Miami-Dade Public Housing Agency (MDPHA) takes appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public.

Auxiliary aids include, but are not limited, to providing the following items or services when necessary for effective communication between MDPHA and persons including, but not limited to, MDPHA applicants, residents or program participants:

1. A qualified sign language interpreter,
2. Telecommunication Device for the Deaf (TDD),
3. Assisted Listening Device (ALD),
4. A reader,
5. Printed materials in Braille,
6. Printed materials in large print,
7. Audiotape versions of print materials.

MDPHA furnishes appropriate auxiliary aids where necessary to afford an individual with disabilities an equal opportunity to participate in, and enjoy the benefits of, its programs or activities. In determining what auxiliary aids are necessary, MDPHA shall give primary consideration to the requests of the individual with disabilities.

MDPHA is not required to provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature (including, but not limited to, personal hearing aids, walkers, canes, or wheelchairs).

THE FOLLOWING IS TO BE COMPLETED BY THE MDPHA STAFF PERSON

1. Type of auxiliary aid requested: _____
2. If a sign language interpreter is requested, obtain the following information:
    a. Address where the interpreter needs to be:_____
    b. Date and time the interpreter is needed: _____
    c. How long (in hours) the interpreter is needed: _____
    d. What kind of interpreter is needed (e.g. American Sign Language (ASL), Signed English or oral interpretation): _____

MIAMI-DADE PUBLIC HOUSING AGENCY
AUXILIARY AIDS REQUEST

3. If an assistive listening device is requested, ask what type is required:

   _____

4. If materials in large print format are requested, ask what font size (if known) and font style (if known) the person requests:

   _____

5. If printed materials in audio tape format are requested, ask what language the person requests:

   _____

6. Following is additional information that is necessary for providing the requested for auxiliary aid:

   _____

   _____

The MDPHA staff person obtaining information regarding auxiliary aids may direct questions to the ADA Coordinator listed below.

Individuals may obtain a copy of the MDPHA Reasonable Accommodation Policies and Procedures, upon request, from Applicant and Leasing Center Eligibility Interviewers, Public Housing Site Managers, Section 8 Leasing and Contract Specialists, and MDPHA's ADA Coordinator. You may also get additional copies of this request form from the ADA Coordinator:

ADA Coordinator
701 NW 1 Court, 16th Floor
Miami, Florida 33136
(786) 469-4229 phone
(786) 469-4151 fax
Florida Relay Service: (800) 955-8771 (TDD/TTY)

Name of MDPHA employee taking the request: _____
(PRINT NAME)

Phone: (____)_____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone) or Florida Relay Service at (800) 955-8771 (TDD/TTY).

MIAMI-DADE PUBLIC HOUSING AGENCY
AUTHORIZATION FOR RELEASE OF INFORMATION

Head of Household: _____

RE: Household member with disability: _____

I hereby authorize the release of information to Miami-Dade Public Housing Agency regarding the request for reasonable accommodation described on this form. This release shall constitute a limited authorization for the release of information, as described below.

I hereby authorize _____ to consult with representatives of the Miami-Dade Public Housing Agency, in writing, in person, or by telephone concerning the physical or mental impairment(s) that I assert to qualify as an individual with a disability for the sole purpose of this reasonable accommodation request.

For purposes of this Release, a "Qualified Individual With a Disability" is defined as a person who has a physical or mental impairment that:

1. Substantially limits one or more major life activities
2. Has a record of such an impairment
3. Is regarded as having an impairment

"A Physical or Mental Impairment" is defined as:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the body systems including, but not limited to: neurological, musculoskeletal, special sense organs, respiratory, and speech organs; **or**

2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.

The term "Physical or Mental Impairment" includes, but is not limited to, such diseases and conditions as visual, speech and hearing impairments, epilepsy, multiple sclerosis, cancer, etc.

"Major Life Activities" include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

"Has a Record of Such an Impairment (mental or physical)" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is Regarded As Having an Impairment" means:

1. Has a physical or mental impairment that does not substantially limit one or more major life activities, **but** is treated by a recipient as constituting such a limitation.

MIAMI-DADE PUBLIC HOUSING AGENCY
AUTHORIZATION FOR RELEASE OF INFORMATION

2. Has a physical or mental impairment that substantially limits one or more major life activities **only as a result of** the attitudes of others toward the impairment.

3. Has none of the impairments defined by Section 504's definition of "physical or mental impairment", **but** is treated by a recipient as having such an impairment.

In addition, I authorize _____ to provide only documentation that is necessary to verify that I meet the definition of a "Qualified Individual with a Disability", as defined above.

This Authorization solely authorizes the release of information necessary to verify the following:

1. Documentation necessary to verify that the person meets the definitions noted above;
2. A description of the needed accommodation; and,
3. A description of the identifiable relationship between my disability and the requested accommodation(s).

This Authorization for Release of Information should only seek information that is necessary to determine if the requested reasonable accommodation is needed because of a disability.

This Authorization does **not** authorize the Miami-Dade Public Housing Agency to examine my medical records, including diagnosis or test result(s); nor does this authorize the release of detailed information about the nature or severity of my disability.

The information/documentation released as a result of this Authorization shall be kept confidential and not shared with anyone unless required to make or assess a decision to grant or deny a reasonable accommodation request.

_____
Name of Family Member/Parent/Legal Guardian [Print]

_____ ____/____/____
Signature Date

_____
Relationship to Head of Household

PLEASE PROVIDE THE FOLLOWING INFORMATION:

1. Name of Health Care Provider/Documenting Authority:
_____

2. Address of Health Care Provider/Documenting Authority:
_____

_____

3. Telephone Number of Health Care Provider/Documenting Authority:
_____

4. Facsimile Number of Health Care Provider/Documenting Authority:
_____

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MIAMI-DADE PUBLIC HOUSING AGENCY
LETTER TO AN APPLICANT, RESIDENT, OR PROGRAM PARTICIPANT
FOR A MEETING ABOUT REASONABLE ACCOMMODATION

Date: ___/___/___

Head of Household: _____ Client No: _____
(PRINT NAME)

Re: Reasonable Accommodation Request

For: _____
(PRINT NAME OF THE PERSON FOR WHOM THE REQUEST IS BEING MADE)

Miami-Dade Public Housing Agency (MDPHA) has received your request for a reasonable accommodation. It would help us make our decision if we could meet with you. You may bring someone to the meeting to help you.

We would like to meet on ___/___/___.

If you cannot come at that time, please call us at ____ a.m./p.m. ___/___/___ on to arrange another time.

At this meeting, we will talk about the following matter related to the reasonable accommodation request:

_____

_____

Please come ready to talk about the above matter. Please bring copies of any information you think might help us understand what you need.

We look forward to meeting with you. Thank you.

_____ _____
MDPHA Employee (Print Name) Title (Print)

_____ (_____)_____
MDPHA Employee's Signature Phone number

_____
MDPHA Return Address

If you require a sign language interpreter, materials in an accessible format, a meeting place that is wheelchair accessible or other special features, please call the MDPHA at least five days in advance.

MIAMI-DADE PUBLIC HOUSING AGENCY
REQUEST FOR MORE INFORMATION OR VERIFICATION
REGARDING A REASONABLE ACCOMMODATION

Date: ___/___/___

To (Head of Household/Verification Source): _____

Client No: _____

Re: Reasonable Accommodation Request

For: _____
(PRINT NAME)

We have received a request for a reasonable accommodation. We need to know more about the following matter related to the reasonable accommodation request before we can make a final determination:

_____

_____

We need to know more because:

_____

_____

Here are some ways you could give us more information:

_____

_____

If these ways are a problem for you, there may be some other ways to provide the information we need. We will be happy to talk to you about other ideas you may have.

If you think that you have already given us this information or if you think we should not ask for this kind of information, please call us at _____. Also, please call if you have any other questions.

Thank you.

_____ _____
MDPHA Employee (Print Name) Title (Print)

_____
MDPHA Employee's Signature

_____
MDPHA Return Address

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone) or Florida Relay Service at (800) 955-8771 (TDD/TTY).

MIAMI-DADE PUBLIC HOUSING AGENCY
LETTER TO VERIFICATION
SOURCE FOR A REASONABLE ACCOMMODATION REQUEST

Date: ___/___/___

Head of Household: _____ Client No: _____
(PRINT NAME)

Re: Reasonable Accommodation Request

For: _____
(PRINT NAME OF THE PERSON FOR WHOM THE REQUEST IS BEING MADE)

Name of Verification Source: _____
(PRINT NAME)

Address of Verification Source: _____

To Whom It May Concern:

Enclosed with this correspondence is an Authorization for Release of Information signed by the above-listed disabled head of household, disabled member of household or an authorized representative of the disabled head of household or disabled member of household and either a Reasonable Accommodation Request or Live-in Aide Agreement form. The head of household or other party as indicated above asked that you verify that he or she, for whom the reasonable accommodation is requested, is disabled. The head of household or other party as indicated above also indicated that the he or she requires a reasonable accommodation related to his or her housing, a Miami-Dade Public Housing Agency (MDPHA) building or property, or a MDPHA program or service.

State, federal and local laws require housing providers to make reasonable accommodations or changes to either the dwelling, common areas, or to rules, policies and procedures (not essential terms of the lease) if such changes are necessary to enable a person with a disability to have equal access to, and enjoyment of, the dwelling and other facilities or programs at the site. Please note that such changes must be necessary as a result of the person's disability.

The head of household, or other party as indicated above, has requested the accommodation described on either the enclosed Reasonable Accommodation Request or Live-in Aide Agreement form. Please indicate on either the enclosed Reasonable Accommodation Verification form or Live-in Aide Verification form (as applicable) whether you believe the individual requesting the accommodation has a disability within the definition provided, and whether the accommodation is necessary and will achieve its stated purpose. You may also add any other information that would be helpful in making the right accommodation for this person. If part of the reasonable accommodation plan includes services to be provided by your organization, please indicate whether your organization will provide those services.

This form should <u>not</u> be used to divulge the person's diagnosis or any other information that is not <u>directly relevant</u> to the request for an accommodation.

You can call the employee indicated below at (____)_____ if you have any questions.

Please return the completed forms to the following address: _____

_____ _____
MDPHA Employee Name and Title (Print) Employee Signature

MIAMI-DADE PUBLIC HOUSING AGENCY
APPROVAL/DENIAL OF REASONABLE ACCOMMODATION

Date: ___/___/___

Head of Household: _____ Client No: _____
(PRINT NAME)

Re: Reasonable Accommodation Request

For: _____
(PRINT NAME OF THE HOUSEHOLD MEMBER FOR WHOM THE REQUEST IS BEING MADE)

Miami-Dade Public Housing Agency (MDPHA) has reviewed your request for a reasonable accommodation, the verification from your verification source and all other documents related to your request. Based on all the information you have provided, MDPHA has made the following determination in response to your request:

❑ Your request has been approved.

The projected date for providing your requested accommodation is ____/____/____
If no projected date was indicated above, MDPHA will inform you of the date as soon as we have that information.

❑ Your request has been denied, but MDPHA will provide the following, alternate accommodation for the following reason(s):

_____

❑ Your request has been denied.

Your request has been denied for the following reason(s):

_____

If you have questions about this decision, you may call (786) 469-4229 (phone), or Florida Relay Service (800) 955-8771 (TDD/TTY) and ask to speak to the ADA Coordinator.

If you disagree with the above decision, you may request a Reasonable Accommodation Grievance and Appeal Hearing by submitting a request, which may be written, oral or by any other means of communication accessible to you. The address and phone number of the contact person for scheduling a Reasonable Accommodation Grievance and Appeal Hearing is:

ADA Coordinator
701 NW 1 Court, 16th Floor
Miami, Florida 33136
(786) 469-4229 (office)
(800) 955-8771 (TDD/TTY)

MDPHA's Reasonable Accommodation Grievance and Appeal Hearing Committee shall convene the settlement conference within thirty (30) working days of the receipt date of the request. The Reasonable Accommodation Grievance and Appeal Hearing Committee is composed of the members of the Section 504/ADA Policy Committee appointed by the MDPHA Director. The Section 504/ADA Policy Committee members are MDPHA Division

MIAMI-DADE PUBLIC HOUSING AGENCY
APPROVAL/DENIAL OF REASONABLE ACCOMMODATION

Directors and other applicable staff whose responsibilities include matters related to Section 504/ADA. Although the ADA Coordinator is a standing member of this committee, during Reasonable Accommodation Grievance and Appeal Hearings, the ADA Coordinator's role is only to provide information regarding the contested decision. During these hearings, the ADA Coordinator cannot cast a vote regarding the contested decision.

You may bring documents, witnesses and/or representatives to the Reasonable Accommodation Grievance and Appeal Hearing in order to contest the manner in which a reasonable accommodation is proposed to be (or was) implemented, the denial of a reasonable accommodation request, or any other appropriate disability-related decision made my the ADA Coordinator.

The determination of the Reasonable Accommodation Grievance and Appeal Hearing Committee is final.

If you wish to contest an adverse action pursuant to the Reasonable Accommodation Grievances and Appeals section, but do not want to do so by requesting a Hearing, you may follow the *Miami-Dade Grievance Process, Americans with Disabilities Act of 1990* outlined in Attachment Three of Miami-Dade County Administrative Order Number 10-10. The Miami-Dade County grievance process serves "...as the County's mechanism to respond to complaints of discrimination on the basis of a disability in County programs and services under the Americans with Disabilities Act of 1990 (ADA)." For additional information on that process, you may contact the ADA Coordinator as indicated above.

You may also contact the local office of the United States Department of Housing and Urban Development concerning any complaints regarding your reasonable accommodation request:

United Stated Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity
909 S.E. 1st Avenue

Miami, FL 33131

(305) 536-4479
TDD/TTY: (305) 536-4743

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone) or Florida Relay Service at (800) 955-8771 (TDD/TTY).

MIAMI-DADE PUBLIC HOUSING AGENCY
RELEASE OF DISABILITY-RELATED SPECIAL NEEDS
IN CASE OF EMERGENCY EVACUATION

Head of Household:_____ Phone: (____)_____
(PRINT NAME)

Address: _____ Client #:_____

1. The following is the name of the household member with a disability who will need assistance in the event of an emergency:

   Name: _____

2. The person listed above requires the following assistance (due to disability) in case of an emergency (please be sure to include any assistance you may need because of special equipment you use due to your disability):

   _____

   _____

3. The person listed above has asked that assistance or medical care be provided in the event of an emergency.

4. The person indicated below authorizes MDPHA to provide the information above to the appropriate police and/or fire department(s) that identifies the special needs that the disabled household member requires (due to disability) in case of an emergency. The person indicated below also indicates that they have authority to release this information.

Name: _____
(PRINT NAME)

Relationship to the person listed in item 1: _____

Signed: _____ Date: _____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone) or Florida Relay Service at (800) 955-8771 (TDD/TTY).

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION SCRIPT

This is to advise you, in simple terms, what a disability is, what a reasonable accommodation is, and the fact that people with disabilities have a right to ask for reasonable accommodations.

A disability is a physical or mental impairment that makes it difficult or impossible for you to do things like taking care of yourself, using your hands, walking, seeing, hearing, speaking, breathing or learning.

A reasonable accommodation is something Miami-Dade Public Housing Agency (MDPHA) is required to give you or let you do to make it easier for you to get to and live in our housing, and participate in our programs.

Some things that must happen for you to get a reasonable accommodation, are for you to give MDPHA enough information, if we need it, about whether you are a person with a disability and to give MDPHA proof, if we need it, that you really need the reasonable accommodation you ask for.

Even if you don't have proof yet that you are a person with a disability, you have a right to ask for a reasonable accommodation.

Some things that might be a reasonable accommodation include:

- Being allowed to mail your rent to MDPHA instead of going to the site or management office.
- Having someone from MDPHA go to your house, instead of you having to go to an MDPHA office, to get a service.
- Getting a ramp installed leading to your front or back door, having grab bars put in your bathroom, or having some other repair or change done to your home.
- Having a repair or change done to a laundry room, community center, management office or other building owned by MDPHA so that you can go there and use the programs and services there.
- Having a sign language interpreter available upon request.
- Getting important MDPHA papers in Braille or large print or on tape.

To get a reasonable accommodation, you must ask for it. If you can't write your request on the papers we have or need help filling them out, you can ask a MDPHA employee for assistance.

MDPHA will give you an answer as soon as possible.

MDPHA will let you know if we need more information, or if there are other ways to meet your needs.

If MDPHA turns down your request, MDPHA will explain why, and you can provide more information if you think that will help. MDPHA will also advise you of your appeal rights if your request is denied.

It is the policy of MDPHA to protect all of your health information. This means that we cannot release your information without your written consent nor will we share this information with anyone who does not need to know your health information.

MIAMI-DADE PUBLIC HOUSING AGENCY
ACKNOWLEDGMENT OF RECEIPT OF REASONABLE ACCOMMODATION DOCUMENTS

By signing my name below and writing my initials in front of the names of the forms and documents I have received, I indicate that I have received the following documents:

Name (print): _____ Date: ____/____/____

Signature: _____

____ Notice of Non-Discrimination

____ Reasonable Accommodation Information

____ Notice of Right to a Reasonable Accommodation

____ Reasonable Accommodation Request and Examples of Reasonable Accommodation

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone) or Florida Relay Service at (800) 955-8771 (TDD/TTY).

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION INFORMATION

Miami-Dade Public Housing Agency (MDPHA) is committed to making sure that its applicants, residents and programs participants have information for making reasonable accommodation requests. MDPHA has posted a copy of its Reasonable Accommodation Policy and Procedures in conspicuous locations at the applicant, resident and program participant waiting areas of the MDPHA Applicant and Leasing Center, Mobility Pool Center, Section 8 Offices, Regional Offices of the MDPHA; the offices of MDPHA's private management companies; and, the management office in each public housing development. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from MDPHA's ADA Coordinator.

A reasonable accommodation is a change, modification, alteration or adaptation in policy, procedure, practice, program, or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing) or activity.

Some examples of reasonable accommodations include (but are not limited to): grab bars installed in bathrooms, ramps installed at entrance doors of dwellings, using an assistive animal (also called a service, therapeutic, or support animal) such as a seeing-eye dog, visual and audible alarms for individuals who are deaf or hard of hearing, widening doorways, lever-type door hardware, live-in aids, transfers to another dwelling (with proof that this is needed because of disability), and being given MDPHA documents in an accessible format like Braille or large print.

Use the following forms to request a reasonable accommodation and make sure you complete the forms to the best of your ability. By completing these forms you will help us understand how we can best assist you. If you are unable to do so, then please ask MDPHA for assistance to complete the forms. Please be advised that in order for MDPHA to assist you, we also need you to complete the *Authorization for Release of Information* form:

18. *Reasonable Accommodation Request*. This is used to make any request other than a request for a live-in aide.

19. *Live-in Aide Agreement*. This is used if you need a live-in aide. A live-in aide is some who only lives in the unit to assist the resident or program participant who is elderly or is a person with a disability.

If you are a Public Housing or Section 8 Housing Choice Voucher program participant, and have not yet been determined eligible, you may request a *Reasonable Accommodation Request* form by writing to the Applicant and Leasing Center Chief or calling the Applicant and Leasing Center:

Attention: Manager, Applicant and Leasing Center (ALC)
Miami-Dade Public Housing Agency ALC
2925 N.W. 18th Ave.
Miami, FL 33142
(305) 638-6464
Florida Relay Service: (800) 955-8771 (TDD/TTY)

MIAMI-DADE PUBLIC HOUSING AGENCY
REASONABLE ACCOMMODATION INFORMATION

If you are a Public Housing resident, you may request a *Reasonable Accommodation Request, Live-in Aide Agreement*, or *Release of Disability-Related Special Needs in Case of Emergency Evacuation* form from your Site Manager.

If you are a Section 8 Housing Moderate Rehabilitation or Family Unification Program applicant, but you have not yet been determined eligible, or if your are a Section 8 Housing Choice Voucher, Section 8 Housing Moderate Rehabilitation, or Family Unification Program participant, you may request a *Reasonable Accommodation Request,* or *Live-in Aide Agreement* form from a Leasing and Contract Specialist by contacting the Section 8 team to which you have been assigned. You can find out which team that is by calling (305) 403-3222.

If you are a participant in any other MDPHA program and want to request a reasonable accommodation, you may ask for a *Reasonable Accommodation Request* form from the MDPHA employee who assists you.

Return all completed forms to the same person who gave them to you.

Individuals may obtain a copy of the MDPHA Reasonable Accommodation Policies and Procedures, upon request, from Applicant and Leasing Center Eligibility Interviewers, Public Housing Site Managers, Section 8 Leasing and Contract Specialists, and the ADA Coordinator.

ADA Coordinator
701 NW 1 Court, 16th Floor
Miami, Florida 33136
(786) 469-4229 phone
(786) 469-4151 fax
Florida Relay Service: (800) 955-8771 (TDD/TTY)

This material is available in an accessible format upon request. Please call the ADA Coordinator at (786) 469-4229 (phone) or Florida Relay Service at (800) 955-8771 (TDD/TTY).

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MIAMI-DADE GRIEVANCE PROCESS
AMERICANS WITH DISABILITIES ACT OF 1990

Creation

This grievance procedure shall serve as the County's mechanism to respond to complaints of discrimination on the basis of a disability in County programs and services under the Americans with Disabilities Act of 1990 (ADA). This procedure shall not apply to complaints of discrimination in employment. Employment discrimination complaints are handled by the Affirmative Action Office.

Opportunity for Complaint

Any individual who feels that they have been discriminated against in the provision of a program or service operated by Miami-Dade County shall have the ability to file a formal grievance, have the grievance responded to, and have the right to request an appeal if they are dissatisfied with the resolution of their grievance. The procedures to be followed in filing a formal grievance shall be available and accessible to the general public.

Coordination of Procedure

The Miami-Dade County Office of ADA Coordination, 111 N.W. 1st Street, 12th Floor #348, shall be the agency responsible for coordinating the County's grievance procedure and will serve as the conduit between the grievant and the department against whom the complaint is made. The Office will provide the department with the necessary technical assistance needed in reaching resolution of the complaint. The Office will make all attempts to assist the department in reaching an amicable resolution to the complaint; however, the office of ADA Coordination shall have no authority to direct the department in the manner in which the department ultimately decides to respond to the complaint.

Employment discrimination complains should be sent to the Office of Fair Employment Practices, 111 N.W. 1st Street, Suite 2720.

Filing a Complaint

Any individual who feels they have been discriminated against in any program or service provided by Miami-Dade County, under provisions of the ADA, shall submit a complaint, in writing to the Office of ADA Coordination. This written complaint shall contain the following information:

1. Name, address and telephone number (if available) of the grievant.
2. The date of the occurrence.

3. The name and location of the County program and service involved in the alleged occurrence.
4. The name (if known) of the County employee with whom the grievant came in contact, if appropriate.
5. Why the individual thinks that he has been discriminated against on the basis of a disability.

Complaint Resolution

Within five (5) days of receipt of the complaint, the Office of ADA Coordination shall:

1. Inform the department of the complaint; transmit a copy of the complaint to the department with general instructions as to the format which the department should follow in their response, and a date by which the department shall return a response to the Office. The Office of ADA Coordination will review the decisions with the department before final preparation of the response.

2. The department shall have thirty (30) days from receipt of complaint from the Office of ADA Coordination to respond to the complainant. Attempts will be made by the department to clarify the facts of the grievance. The actions taken by the department shall be conveyed to the grievant in writing. This letter, addressed to the grievant and signed by the Department, shall be transmitted to the Office of ADA Coordination within the specified time period. The response shall be mailed to the grievant by the Office of ADA Coordination with a cover letter informing the grievant of their ability to appeal the decision enclosed and the procedure which the grievant must follow in requesting an appeal. In no instance shall the Department mail their response directly to the grievant.

3. In the event that a complainant submits a written complaint to the operating department, the department shall send a copy of the complaint to the Office of ADA Coordination within five (5) days. That action will constitute a filing by the complainant with the Office of ADA Coordination as required in Section IV of this document. The Department will have thirty (30) days from receipt of written complaint to respond to complainant.

4. Where a department can solve a written complaint informally, the department will provide the Office of ADA Coordination a written statement explaining the mutually agreeable solution. It should be signed by the complainant and the department representative.

All reasonable attempts should be made by the department with the assistance of the Office of ADA Coordination to mediate and resolve the grievance.

Filing an Appeal

Any individual who is dissatisfied with the recommended resolution of their

complaint may request an appeal. In requesting an appeal the individual shall, within fifteen (15) days from the date of the written recommended resolution offered by the County, submit in writing to the Office of ADA Coordination their request to appeal the decision and express their willingness to appear before an impartial panel to present their grievance.

Appeal Process

Upon receipt of a written request for an appeal, the Office of ADA Coordination shall:

1. Notify the County Manager and request that within thirty (30) days he appoint a panel of three (3) senior members of unaffected County departments to hear the complaint. The Manager shall designate one of the three panel members to serve as chairperson.

2. Set a time and place for the hearing that is convenient to the grievant, the affected department and the panel members, within twenty (20) days after the panel is appointed, if possible.

3. Instruct the department, against whom the complaint has been made, to prepare a package with all necessary information pertinent to the complaint for each panel member to review prior to hearing.

4. Monitor and tape the hearing.

At the time of the hearing both the grievant and the affected department shall have the opportunity to present their positions to the panel. The panel members will also have the opportunity to pose questions to both parties. After the affected parties have presented the facts, and after all questions posed by the panel have been answered the hearing shall be closed and the panel shall meet privately to deliberate.

Within fourteen (14) days from the date of the hearing the panel shall issue its decision. The Chairperson shall prepare the decision of the panel. The Chairperson shall send the written decision to each panel member for review and signature prior to its submission to the affected parties. The decision of the panel is final and no further appeal shall be available within the administrative branch of County government.

Recordkeeping

The Office of ADA Coordination shall maintain files on complaints received along with all communications, recommendations, and other records pertinent to the complaints for a period of at least three (3) years.

Alternative Remedies

The establishment of this grievance procedure shall not preclude nor waive the grievant's right to seek redress under any alternative remedy available.