Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 8(G)(1)(A)
07-10-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-800-07

RESOLUTION APPROVING MIAMI-DADE HOUSING AGENCY'S (MDHA) ADMISSION AND CONTINUED OCCUPANCY POLICY (ACOP) FOR PUBLIC HOUSING AND SECTION 8 NEW CONSTRUCTION DEVELOPMENTS; APPROVING MDHA'S SECTION 8 ADMINISTRATIVE PLAN FOR ITS SECTION 8 PROGRAMS; AND AUTHORIZING THE DIRECTOR OF MDHA TO MODIFY AND APPROVE CHANGES TO THE ACOP AND ADMINISTRATIVE PLAN AS REQUIRED BY REGULATORY AMENDMENTS OR COURT RELATED CHANGES

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

WHEREAS, copies of the Admissions and Continued Occupancy Policy (ACOP) for Public Housing and Section 8 New Construction developments and the Section 8 Administrative Plan are attached hereto and incorporated herein by reference; and

WHEREAS, MDHA 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 (USHUD) as extremely low, low, and very-low income residents living in public and section 8 housing,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves MDHA's Admission and Continued Occupancy Policy (ACOP) and Section 8 Administrative Plan and authorizes the Director of MDHA Director to modify and approve changes to the ACOP and Administrative Plan as required by regulatory amendments or court related changes.

5

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

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

| | | | |
|---|---|---|---|
| Jose "Pepe" Diaz | aye | Audrey M. Edmonson | aye |
| Carlos A. Gimenez | aye | Sally A. Heyman | absent |
| Joe A. Martinez | aye | Dennis C. Moss | aye |
| Dorrin D. Rolle | aye | Natacha Seijas | aye |
| Katy Sorenson | absent | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of July, 2007. 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: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrence A. Smith

# Memorandum

MIAMI-DADE COUNTY

**Date:** July 10, 2007

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

**To:** Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Resolution Approving the Miami-Dade Housing Agency Admission and Continued Occupancy Policy for Public Housing and Section 8 New Construction Developments and the Section 8 Administrative Plan R#800-07

---

**The attached ACOP and Section 8 Administrative Plan were amended at the July 10, 2007 meeting of the Board of County Commissioners to amend the Administrative Fee threshold. This correction was intended to reduce the amount for Administrative Fee expenditures without Board approval from $1,000,000 to $100,000.**

## Recommendation

It is recommended that the Board of County Commissioners (BCC) approve Miami-Dade Housing Agency's (MDHA) Admission and Continued Occupancy Policy (ACOP) for Public Housing and Section 8 New Construction Developments; approve MDHA's Section 8 Administrative Plan (Administrative Plan); and authorize the MDHA Director to modify and approve changes to the ACOP and Administrative Plan as required by regulatory amendments or court related changes.

## Scope

The impact of this resolution is for the public housing and Section 8 units administered by MDHA. Other housing authorities exist within Miami-Dade County, such as the Hialeah Housing Authority, Housing Authority for the City of Miami Beach, and Homestead Housing Authority, which administer their own public housing and/or Section 8 units, with their own ACOP and Administrative Plan.

## Fiscal Impact/Funding Source

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), Miami-Dade County, by and through MDHA, is required to adopt and implement policies and procedures for MDHA's Public Housing and Section 8 programs, which shall include but not be limited to tenant selection and assignment process and for the MDHA Director to submit the Board approved ACOP and Administrative Plan to US HUD.

Both documents were revised to incorporate new or updated policies, in accordance with federal regulations and for consistency between the Public Housing and Section 8 programs. Board approval of the ACOP and the Administrative Plan is needed for MDHA to implement the new or revised policies.

**Admission and Continued Occupancy Policy**

The purpose of the ACOP is to establish guidelines for MDHA to follow in determining eligibility for tenant admission and continued occupancy for Public Housing and Section 8 programs. These guidelines are governed by the requirements set forth by US HUD in conjunction with local policies and procedures. These policies and procedures for admissions and continued occupancy are binding upon applicants, residents, and MDHA. The Board approved the current ACOP on March 1, 2005 through Resolution R-241-05.

ACOP revisions included in this item are necessary to comply with changes in US HUD federal regulations. The following is a list of major revisions to the ACOP:

1. **Violence Against Women Act (VAWA)**: The VAWA and HUD Public and Indian Housing (PIH) Notices 2006-23 and PIH Notice 2006-42 require all public housing authorities participating in Public Housing and Section 8 programs to comply and implement policies consistent with the law.

2. **Denial of Admission and Termination of Assistance**: MDHA established specific standards for denial of admission and termination of assistance of applicants and residents with a criminal background, in accordance with the federal regulations and the federal "One Strike" rule. Pursuant to Board direction, and consistent with the 2006 Board-approved Administrative Plan, the criminal background check policy for admissions and terminations was revised to provide MDHA discretion to permit head of households to continue their housing assistance provided any family members convicted or found guilty of a violent and/or drug-related crime are removed from their lease. In addition, mitigating circumstances include completion of diversion programs for continued assistance.

3. **Enterprise Income Verification Implementation**: MDHA, in partnership with US HUD, is using the Enterprise Income Verification (EIV) Program, a computer matching service to verify the accuracy of income reported by public housing residents. MDHA may recommend termination of public housing residents and disqualify them from receiving other housing assistance if determined, through EIV and verified through third party sources, that residents have not reported all family income.

4. **Fraud Control Program**: MDHA investigates allegations of fraud or illegal activity committed by housing program applicants and residents. Incidents of fraud or illegal activity may be reported anonymously by calling MDHA's fraud hotline number at 305-644-5302. Additional information on MDHA's Fraud Program can be found on MDHA's website.

5. **Preferences for Disaster Victims**: Existing public housing residents or voucher participants displaced by federally declared disasters may receive preference over other MDHA waiting list applicants, subject to US HUD's approval.

6. **Determination and Verification of Annual Income**: MDHA explains the types and amounts of income that must be included from all family members; and the allowable deductions from gross income used to determine the adjusted income.

7. **Changes in Applicant/Resident Policies**: MDHA has revised its policies as follows:
   - Requires residents to report income increases of $200 or more per month between annual re-certifications.
   - The minimum rent, the lowest amount the family must pay, has been changed from $25 per month to $50 per month in the ACOP, to be consistent with the existing Administrative Plan.
   - Permits the addition of minor family members without legal custody based on head of household's submission of verifiable third party records.

8. **Limited English Proficiency Plan (LEP):** In accordance with requirements described in Executive Order 13166, "Improving Access to Services for Person with Limited English Proficiency," MDHA will continue to translate key documents into Spanish and Creole and provide language assistance to applicants and residents with limited English proficiency to the extent feasible to ensure residents understand and comply with program rules and applicants take advantage of program benefits.

**Administrative Plan**

The purpose of the Administrative Plan is to establish policies for carrying out the Section 8 program consistent with US HUD requirements and with the goals and objectives contained in the PHA Plan. The current Administrative Plan was approved by the Board on June 6, 2006 through R-812-06.

The two major revisions to the Administrative Plan were the VAWA requirements and the maximum amount of funds that may be charged to the administrative fee reserve without specific Board approval. The maximum amount was amended by the Board to $100,000.

Funds in the administrative fee reserve are to be used only within the Section 8 program for operational needs, materials and services. Such uses can include such items as training and workshops, advertising costs for attracting new Section 8 landlords, or procuring new telecommunications equipment or software. If the administrative fee reserve contains excess available funds not needed for the administration of the Section 8 program, only thereafter can it be used for other housing purposes as permitted by State and local law. The changes in the Administrative Plan would set the maximum amount of any administrative fee reserve funds that may be charged without specific Board approval at the same levels as in the Master Procurement Administrative Order.

**Additional Information**

Public comments were solicited for both the ACOP and the Administrative Plan during a 30-day comment period followed by a public hearing. Additionally, both were publicized on MDHA's website and in the newspapers to notify the general public, public housing residents, Section 8 housing participants and Section 8 landlords about the proposed revisions. Copies of the ACOP were provided to the Overall Tenant Advisory Council (OTAC) and each Resident Council for comments, and the Administrative Plan was provided to the Section 8 Advisory Board for comments. Comments received were considered in the final ACOP and Administrative Plan.

Attachments

for Cynthia W. Curry
Senior Advisor to the County Manager

# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: July 10, 2007

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

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

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

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

_____ Housekeeping item (no policy decision required)

_____ No committee review

# MIAMI-DADE HOUSING AGENCY
# PRIVATE RENTAL HOUSING

**2153 Coral Way**
**Miami, Florida 33145**
**Telephone (305) 250-5236**
**E-mail: www.miamidade.gov/housing**

# Section 8 Administrative Plan

Revised: July 11, 2007

*This material is available in accessible format upon request. Please call the ADA Coordinator at 305-644-5187 (telephone) or Florida Relay Service (800) 955-8771 (TDD/TTY)*

EQUAL HOUSING OPPORTUNITY

SECTION 8 ADMINISTRATIVE PLANMIAMI-DADE HOUSING AGENCY

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# MIAMI-DADE HOUSING AGENCY
## PRIVATE RENTAL HOUSING DIVISION

# ADMINISTRATIVE PLAN - SECTION 8 PROGRAMS

## Chapter 1. Program Administration

### 1.1. Purpose of the Plan

This Administrative Plan is a supporting document to Miami-Dade Housing Agency's (MDHA) Public Housing Agency (PHA) Plan. It shall be available for public review during regular office hours Monday through Friday at its main administrative officers located at 1401 NW 7 St., and at the Private Rental Housing Section 8 office located at 2153 Coral Way (24 CFR 982.54).

The purpose of this Administrative Plan is to establish written policies in accordance with 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 program (merger of the Section 8 Certificate and Voucher programs made effective by the Quality Housing and Work Responsibility Act of 1998), and the Moderate Rehabilitation 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 the Administrative Plan for the Section 8 Programs is to achieve three major objectives:

1. To provide improved living conditions for very-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 residents in all neighborhoods
2. Protection of low income working families in Section 8 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 Section 8 owners meet all financial obligations to local governments
5. Requires owners and tenants to meet requirements of federal housing regulations and this Administrative Plan
6. Places burden of paperwork on the owners
7. Promotes increase of revenue by promoting tenants and owners to pay all utility bills, taxes and fees due

### 1.2 Miami-Dade Housing Agency (MDHA)

Miami-Dade County, the local government entity responsible for affordable housing programs, administers Section 8 through one of its departments, the Miami-Dade Housing Agency,

hereafter referred to as "MDHA". Although MDHA has responsibility for all day-to-day operations of the Section 8 programs, any policy revisions to this Administrative Plan after its adoption, require approval from the Miami-Dade Board of County Commissioners and/or other authorized MDHA officials.

Administration of the Section 8 programs shall comply with applicable Federal, State and local law, the Section 8 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

MDHA has jurisdiction throughout all of incorporated and unincorporated Miami-Dade County for the Section 8 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 Section 8 participant) to use the assistance anywhere there is a housing agency or authority implementing the Section 8 program (see Chapter 18 on "Portability").

MDHA may, at its discretion, privatize components of its Section 8 program, including but not limited to, inspections, tenant operations, rent studies, and payment functions. If required by USHUD, MDHA shall obtain authorization to contract out or privatize such components.

## 1.4 Location of Office

MDHA maintains a main office where Section 8 applicants and program participants are served. Tenants and their records are serviced by team according to their client's name.

MDHA may, at its sole discretion, establish/relocate and/or close its offices in order to serve the residents of Miami-Dade County more effectively. Therefore, the office serving a tenant may change and MDHA will so notify the affected tenants. MDHA offices shall be accessible to persons with disabilities.

## 1.5 Administrative Fee Reserve

Federal regulations require the Board of Commissioners establish the maximum amount of Annual Contributions Contract (ACC) funds that may be charged against the administrative fee reserve without specific Board approval. MDHA 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, et al, Consent Decree

Ann-Marie Adker and other public housing residents filed a lawsuit against USHUD and Miami-Dade County asserting claims of violations of fair housing and civil rights laws. Without admission of liability, the County and USHUD agreed to resolve all outstanding claims the plaintiffs had against them and a Decree was entered on October 29, 1998 by the U.S. District Court, Southern District of Florida. The term of the Decree is ten (10) years.

This Administrative Plan incorporates and implements the provisions of the Decree on Applicant Processing, Tenant Selection, Placement and Waiting Lists Management. Nothing contained herein is intended to change, amend, or replace any provision of the Decree. Wherever conflicts may occur between both documents, the provisions of the Adker Consent Decree (Decree) shall govern.

## 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 (MDHA) 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.

MDHA is committed to ensuring the accessibility of its programs and activities to all eligible applicants and program participants including LEP individuals. MDHA 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 individuals by implementing the following activities:

1. When adult family members are LEP persons, staff will inquire of the member to include showing them the *Language Identification Flashcard*, created by the Census Bureau if necessary in order for the family to identify what language they speak. MDHA will identify staff 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 MDHA 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, MDHA 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). MDHA 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, MDHA will actively recruit staff that speak, read and write this language. MDHA has identified Spanish and Creole as a non-English language exceeding 5% of the program participants.

5. MDHA 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. MDHA 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

MDHA will take affirmative steps to further fair housing goals by developing a marketing plan that attracts and ensures inclusion on its waiting list of all persons without regard to race, national origin, color, sex, religion, age, disability, familial status, marital status, pregnancy, ancestry or sexual orientation.

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 newspaper with the largest circulation among African-Americans; *Diario Las Americas,* a Spanish publication, and the *Haiti en March*, a Haitian publication. The opening and closing dates of any open waiting list period will be advertised before, and during, the open registration period.

A. Outreach to Very-Low Income Families.

Efforts will be taken for special outreach to ensure that all segments of Miami-Dade County's eligible population are informed of all opportunities to apply for program assistance. In order to reach the widest, most needy eligible population, special outreach may take any of the following methods:

- Notice to churches, synagogues, and other places of worship,
- Notice to government offices including Miami-Dade County regional libraries, Team Metro Offices, Miami-Dade County Department of Human Services, Social Security Administration, State of Florida Department of Children and Families or other agencies designed to assist the low income community;
- Notice to agencies that assist the elderly or disabled;
- Public service announcement on radio or television;
- Announcement at public meetings; and
- Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

MDHA will comply with the Decree regarding MDHA's affirmative marketing plan before implementation.

B. Marketing and informational materials will:

- Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;
- Describe the housing units, application process, waiting list and preference structure accurately;
- Use clear and easy to understand terms and distribute in more than English-language print media;
- Contact agencies that serve applicants with disabilities to ensure that accessible/504/ADA-adaptable units are offered to applicants who need their features;
- Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
- Be clear about MDHA's responsibility to provide reasonable accommodations to people with disabilities.

### 2.2 Waiting List Management

In accordance with the Decree, two separate waiting lists are maintained: one for project-based programs and a second for tenant-based programs.

A. Project-based Waiting List

The Project-based Waiting List includes the following programs:

1. Conventional Public Housing, including Assisted Living Facilities;
2. County--owned Section 8 New Construction; and
3. Section 8 Moderate Rehabilitation

B. Tenant-based Waiting List

The Tenant-based Waiting List includes the following programs:

1. The Housing Choice Voucher Program and all targeted population programs, including but not limited to:
2. Family Unification;
3. Mainstream Vouchers for Non-Elderly Persons with Disabilities; and
4. Project-Based Voucher Program

C. Position on Waiting List

In the Project-based Waiting List, each applicant will be categorized by the type (elderly or non-elderly, elderly/disabled and/or non-elderly/disabled) 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.

In the Tenant-based Waiting List, applicants are not categorized by the type of unit, except for the Project-based Voucher Program, as applicable.

D. Movement on the Waiting List

Each family moves up the waiting list as families with the lowest ranking order based on the neutral lottery system are certified and issued vouchers.

When an applicant is close to the top of the waiting list, the applicant's information will be verified so that the applicant may be certified eligible to receive benefits.

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.

E. Changes to Family Composition While on Waiting List

Changes to the family composition after an application has been submitted include addition of family members born to, adopted, or otherwise granted custody to the family by operation of law, which may include foster children, live-in aides and spouses, provided the additional family member(s) meet all applicable waiting list requirements and remain eligible for the waiting list for which the family originally applied. All additional family members must meet applicable eligibility and selection criteria.

MDHA 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. Changes to the family composition may also be allowed for families in which one (1) or more children less than eighteen (18) years of age 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 durable powers of attorney.

All other additions to the family shall be considered only on a case-by-case basis by the Director overseeing MDHA's Applicant and Leasing Center (ALC) or designee and must be documented at the time such changes occur. These additions include immediate family members (sons, daughters, brothers/sisters, parents, grandparents, and grandchildren) and may be made for humanitarian or extraordinary reasons.

F. Removal of Applicant Names from the Waiting List

As required by Chapter 2.14 of this Plan, all applicants are responsible for updating the Agency regarding address changes. 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.

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

1. 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;

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

3. The applicant is rejected, either because he/she is ineligible for assisted housing at the time of certification, or because he/she fails to meet the applicant selection criteria;

4. The application is withdrawn from the applicable waiting list (project-based or tenant-based) because MDHA attempted to contact the applicant and was unable to do so, or the applicant did not respond to notices of appointments or to an offer, or the applicant does not accept an offer, except for good cause, as defined in Chapter 31 for the Moderate Rehabilitation Program.

5. Persons who fail to respond to MDHA's attempts to contact them because the disability of a household member made it difficult or impossible to respond shall be entitled to reinstatement to the waiting list as a reasonable accommodation to the household member with disabilities upon the determination of MDHA in accordance with MDHA's Reasonable Accommodation Policies and Procedure document included under Attachment C of this Plan. Such reinstatement shall be to their former waiting list positions.

6. Families whose applications are withdrawn or rejected may reapply for housing when the waiting list is open.

7. All rejected applicants are entitled to a complete explanation of the reason for their rejection and may request an informal review, at which time they may present reasons why they should be reinstated to the waiting list (See Chapter 29.2-Grievance Policy).

8. If a mobility pool member is also an applicant on the regular tenant-based waiting list, the first offer of tenant-based assistance to that mobility pool member shall result in his/her removal from the regular tenant-based waiting list and the mobility pool list for purposes of receiving a tenant-based subsidy. In that event, the mobility pool member will be notified in writing of his/her name removal from both lists.

9. An applicant who has accepted a tenant-based subsidy and subsequently receives an offer for project-based assistance during the first year of his/her lease, or an applicant who has accepted project-based assistance and subsequently receives an offer for a tenant-based subsidy during the first year of his or her lease, must comply with the term of his/her lease or 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 program.

## 2.3 Opening and Closing of the Waiting List

A. Timing

In compliance with the Decree, the tenant-based (Section 8 Housing Choice Voucher Program, targeted programs and the Project-Based Voucher Program) and project-based (Public Housing and Section 8 Moderate Rehabilitation Programs) lists were initially re-opened in the year 2001 and were re-opened again in 2005. An open registration period was held for accepting applications when it was determined that the number of applicants remaining on the waiting list was less than one year's turnover of available assistance. All applicants seeking to apply for any one program were automatically placed on both the tenant-based and project-based waiting lists at the time of application, regardless of whether the applicant intended to apply for each program. The position of the applicants on the tenant-based and project-based lists is determined by a neutral lottery system. One lottery is conducted for the tenant-based list and another lottery is conducted for the project-based list.

The Decree requires that the waiting lists be dissolved approximately every three (3) years. Re-application is necessary during the open registration period in order to be added to the waiting list; the applicant's position on the waiting list shall be determined by a neutral lottery system.

The Decree further permits MDHA to re-open the Project-based Waiting List within the three (3) year period when there are insufficient applicants for a particular bedroom size. The Project-Based Waiting List thus established will only remain in effect until the next dissolution of both Tenant-based and Project-based Waiting Lists and shall not affect the timing of such dissolution. Applicants who are placed on the Project-based Waiting List because of this provision shall not be placed on the Tenant-based Waiting List and shall be thus informed. Such applicants will also be informed that their placement on the Project-based Waiting List is temporary until such time as the Project-based and Tenant-based Waiting Lists are reopened and will be given an estimate as to when the Project-based Waiting List will be dissolved.

The opening and closing of registration periods will be advertised in the media, as described in Section 2.1 of this Chapter, for the purpose of reaching all segments of the community with appropriate advance notice.

The mobility pool waiting list which consists of eligible class members ordered by move-in date with the earlier date of residence receiving priority shall remain unaffected by the dissolved waiting lists, except as permitted by group moves. Group moves of multiple families may be arranged by the Fair Housing Center and MDHA in promoting desegregative housing.

B. Open Registration at Designated Sites

1. Persons interested in applying for the programs offered by MDHA may do so during open registration periods described herein.

2. Applications can be obtained at locations designated by MDHA which will include several locations throughout Miami-Dade County to enable access to all eligible applicants. The designated locations will be accessible to persons with disabilities.

C. Submission of Applications by Mail

1. Applications will be accepted only by mail at a post office box number rented for that specific purpose. Applications will be accepted if they are received at the published Post Office Box and only if they are post marked by the closing date of the registration period. In the event that MDHA decides to accept applications in person at designated locations, the requirement to submit applications by mail can be so modified. Irrespective of how applications are accepted, MDHA will make reasonable accommodations for applicants with disabilities. The waiting list registration period shall remain open for a specified number of days compliant with the Decree.

2. All applicants will be notified that their application was received. If an applicant is determined ineligible to be placed on the waiting list, the applicant will be notified by mail.

## 2.4 Processing Applications for Admission

MDHA will accept and process applications in accordance with applicable USHUD regulations. MDHA will assume the information provided by the applicant in the preliminary application is correct, although all information will be verified later in the eligibility process. Applicants must certify the information they give is correct and will be informed of their obligation to verify and document all information before they are accepted into any program.

MDHA's application for Section 8 admission may request and include, but may not be limited to, the following information for each application: the date of receipt; family composition applicant's race and ethnicity; disability and immigration status of each family member, and the unit size(s) being requested.

Applications are nontransferable except under the following conditions:

1. If the head of household passes away, the remaining adult family member listed on the last renewed application will automatically become the head of household applicant, subject to meeting applicable 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. MDHA shall not make the determination nor create more than one (1) application. The remaining family member must meet all eligibility requirements, including the "Screening and Eviction for Drug Abuse and other Criminal Activity Policy" regarding criminal/drug history and eligible non-citizen status.

2. If the head of household passes away and the remaining family members are minors, the person granted custody of such children is entitled to the original date of application provided such person meets all eligibility requirements as previously stated.

   As only one application is allowed per family, if a family divides, MDHA will consider the following circumstances in determining which family member shall assume the application:

   - The desires of the family;
   - The interest of minor children, or of ill, disabled or elderly family members;
   - Any instance of actual or threatened physical violence against a family member by another family member;
   - Which family members were part of the original application for assistance; or
   - If a court determines property disposition between the family members MDHA will abide by the court's determination.

## 2.5 Administering the Applicant Waiting List

Applications for admission will be processed centrally. Initial intake, waiting list management, screening, and assignment of housing (including transfers) will be made from the MDHA' s Applicant and Leasing Center (ALC). Offers will be made in writing.

## 2.6 Qualifying for Admission

A. Except as otherwise stipulated in the Decree, the "applicant" and "participant" requirements referenced in the Administrative Plan are applicable to mobility pool members.

B. It is MDHA's policy to admit into housing programs only qualified applicants.

C. An applicant is qualified if he or she meets all of the following criteria:

   - Is a family, as defined under item E. below;
   - Has an annual income at the time of admission that does not exceed the income limits at the time of admission (maximum incomes by family size established by USHUD) posted in MDHA offices;
   - Provides documentation of social security numbers for all family members ages six (6) years and older, or certifies that they do not have social security numbers, as described in item g , below;
   - Meets USHUD requirements on citizenship or immigration status as described in item h, below;
   - Meets the Applicant Selection Criteria in Section 2.7 of this Chapter of this Plan, including completing a MDHA-approved pre-occupancy orientation session, if requested; and
   - Meets the federal regulation eligibility criteria of College or Post-Secondary Full-time or Part-time Students

D. Verification of Eligibility

   MDHA will verify the family's eligibility for Section 8 benefits within the period of sixty (60) days before MDHA issues a voucher to the applicant, or a Statement of Family Responsibility (Moderate Rehabilitation Program).

E. Definition of Family

A family may be a single person or a group of persons who reside together, as further defined under Attachment A, who are related by blood or marriage, or who exhibit a stable familial relationship. MDHA will accept documentation that an adult, unrelated family member shows proof of living /or intent to live as a family

F. Legal Capacity

The head of household of the family must be eighteen (18) years of age or older at the time of eligibility or have been emancipated by a court of competent jurisdiction, consistent with Florida law. If the applicant is not eighteen (18) years of age at the time of eligibility, MDHA may remove the applicant from the waiting list from which they were called on the basis that the applicant does not have the capacity to contract under state law. The head of household must have the capacity under state and local law to enter into a legally binding lease agreement, in which the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner (24 CFR 982.308).

G. Mandatory Social Security Numbers

Families are required to provide verification of social security numbers for all family members age six (6) years and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a social security number must sign a certification that they have never been issued a social security number.

Persons who disclose their social security number, but cannot provide verification must sign a certification and provide verification within sixty (60) days. Elderly persons (as defined in Attachment A) must provide verification within one hundred and twenty (120) days.

Additional requirements are included in Section 2.8, Applicant Responsibilities

H. Citizenship or Eligible Immigration Status

In order to receive housing assistance, applicants must be U.S. citizens or have an eligible immigration status.

I. Continuity of Assistance

A family is considered continuously assisted if it has been receiving housing assistance under any program of the U.S. Housing Act of 1937 without experiencing an extended interruption during the occupancy of the assisted unit.

An interruption of four (4) months between the assisted occupancy of one unit and the assisted occupancy of another unit under the Section 8 program is considered discontinued assistance.

J. College or Post-Secondary Full-Time or Part-Time Students

MDHA will comply with the student eligibility criteria required under the federal regulations.

## 2.7 Denial of Assistance

MDHA will complete criminal background and sex offender checks on all applicants and other family members for whom criminal records are available, in accordance with the One Strike policy for criminal offenders. MDHA is required to deny assistance to applicants in the following instances:

A. Eviction or Termination from Federally Assisted Housing

MDHA shall deny assistance if any household member has been evicted from federally assisted housing, or if a public housing agency (PHA) has ever terminated assistance, as follows:

1. Five (5) years from the date of eviction or termination, if evicted or terminated for drug-related criminal activity;

2. As described in item B below – Violent Criminal Activity, if evicted or terminated for violent criminal activity.

3. Three (3) years from the date of eviction or termination, if evicted or terminated for reasons other than drug-related or violent criminal activity, e.g., non-payment of rent.

B. Violent Criminal Activity

Except as stipulated under Section 2.8, Applicants Claiming Mitigating Circumstances, MDHA shall deny assistance for violent criminal activity, (see definition in Attachment A of this Plan), if the applicant or applicant's family member (applicant) participates in One Strike Policy violations, as follows:

1. Ten (10) years from date of arrest for first or second degree murder, arson, kidnapping, or violent sex-related offenses, including but not limited to sexual assault, sexual battery, and child molestation, except as described under D.2 below, under the conditions listed under paragraph 3 below;

2. Five (5) years from date of arrest for manslaughter, sex offenses except as described under B. 1 above and D.2 below, or for non-murder violent criminal activity, under the conditions listed under paragraph 3 below:

3. Conditions

   a. If an applicant has engaged in One Strike Policy activity with a disposition of the charge as either:

      - Guilty
      - Guilty/convicted
      - Nolo Contendre
      - Convicted
      - Fined
      - Adjudicated
      - Adjudicated withheld

   b. Where the family has no 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 denied assistance if otherwise qualified.

c. Open cases shall be held pending final disposition. Upon a disposition from the court, MDHA shall either recommend denial or take no action based on the outcome as defined above.

In circumstances where the family member admits to the crime, whether or not an arrest, charge, or conviction takes place, the family shall be denied assistance.

C. Drug-related Criminal Activity

Except as stipulated under Section 2.8, Applicants Claiming Mitigating Circumstances, MDHA shall deny assistance for drug-related criminal activity (see definition in Attachment A of this Plan) of a household as follows:

1. If any household member is currently engaging (within a year from date of eligibility) in illegal use or possession for personal use of a controlled substance;

2. Five (5) years from date of arrest if MDHA has reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants.

3. All the conditions stipulated in Paragraph B. 3, Conditions, above also apply to applicants who have drug-related criminal activity.

D. Other Criminal and Non-Criminal Activities

MDHA shall deny assistance to the household as specified in each of the following instances:

1. Permanently if any household member has ever been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing;

2. Permanently if any member of the household is 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). Additionally, MDHA will perform background checks not only in the state that the housing is located, but also in other states where the household members are known to have resided.

3. Ten (10) years if an applicant committed fraud, bribery, or any other criminal act in connection with any federal housing agency (provided payment in full of any balance due);

4. Three (3) years for a record of two (2) or more incidents of alcohol abuse, if any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants;

5. Three (3) years for a record of two (2) or more incidents of other criminal activities (non-violent) which may threaten the health, safety or right to peaceful enjoyment of the premises by other tenants. The conditions stipulated under Paragraph B. 3, Conditions, above also apply to applicants who have non-violent criminal activities as described herein.

6. In the event an applicant has been admitted into the program and MDHA discovers after his or her admission that one or more of the offenses listed herein were committed by the applicant or other household member prior to admission into the

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program, MDHA shall make a determination as to whether to recommend termination from the program.

E. Monies Owed

1. If the applicant or any member of the applicant family currently owes rent or other amounts to MDHA or any other housing authority in connection with Section 8 or public housing assistance under the 1937 Act, any applicant, including mobility pool members, 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 or has entered into a repayment agreement and is current in payments, unless the debt has been expunged by operation of law. The debt will be considered expunged by operation of law if the time period has exceeded five years and MDHA has not attempted to collect the debt within the five-year period or by bankruptcy, where permitted.

2. 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.

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

F. Abusive Behavior

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

G. Welfare to Work Non-Compliance

If a Welfare-to-Work family failed to fulfill its obligation under the Welfare-to Work voucher program.

H. Student Eligibility

If a student enrolled at an institution of higher education does not meet the eligibility requirements under the federal regulations

MDHA may deny assistance for drug or criminal activity based on the preponderance of evidence, regardless of whether there is an arrest or conviction. Notwithstanding paragraphs D. (4) and this paragraph, MDHA will not immediately deny assistance if it is determined that the substance abuse is related to a disability as determined by MDHA.

If the family includes a person with disabilities, MDHA's decision to deny assistance is subject to consideration of reasonable accommodation as determined by MDHA's in accordance with Attachment C, Reasonable Accommodation Policies and Procedures.

Before MDHA rejects an applicant on the basis of criminal history, MDHA must notify the household of the proposed rejection and provide the household member with a copy of the criminal record upon request either before or at the informal review, and an opportunity to dispute the accuracy and relevance of that record. Criminal background records for minors available to

MDHA by operation of law will be released to the head of household/parent/guardian of the minor upon request.

Records Management: Consistent with USHUD's regulations concerning the limitations on disclosure of records (i.e. pre-screening of applicants or lease enforcement and eviction), MDHA has established and implemented a system of records management that ensures that any criminal record received by MDHA from a law enforcement agency is:

(1) Maintained confidentially;

(2) Not misused or improperly disseminated; and

(3) Destroyed, once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.

Penalties for improper release of information--

Criminal penalty. Pursuant to USHUD's regulations the improper release of criminal records may result in conviction for a misdemeanor and imposition of a penalty of not more than $5,000 is the potential for:

(1) Any person, including an officer, employee, or authorized representative of MDHA or of any project owner, who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of, covered housing assistance under the authority of this section under false pretenses; or

(2) Any person, including an officer, employee, or authorized representative of any PHA or a project owner, who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive the information.

Civil liability.

In addition to criminal penalties. Miami-Dade County may be held liable to any applicant for, or tenant of, covered housing assistance affected by either of the following:

(1) A negligent or knowing disclosure of criminal records information obtained under the authority of this section about such person by an officer, employee, or authorized representative of MDHA if the disclosure is not authorized by USHUD's regulations; or

(2) Any other negligent or knowing action that is inconsistent with USHUD's regulations.

An applicant for, or tenant of, covered housing assistance may seek relief against Miami-Dade County in these circumstances by bringing a civil action for damages and such other relief as may be appropriate against Miami-Dade County responsible for such unauthorized action.

MDHA may deny program assistance to an applicant in any of the following ways:

- Denying listing on the waiting list;
- Denying or withdrawing a voucher resulting in the removal of the applicant from the waiting list;
- Refusing to enter into a HAP contract;
- Refusing to approve a request for tenancy in Section 8; or
- Refusing to process or provide assistance under portability procedures.

Generally, MDHA will not screen applicants for suitability for tenancy and family's behavior, except as stipulated in this Plan. Owners are responsible for screening and selection of the family to occupy the owner's unit.

## 2.8 Applicants Claiming Mitigating Circumstances

If negative information is received about an applicant, MDHA 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, MDHA shall evaluate the evidence and verify the mitigating circumstance. MDHA 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 MDHA's Reasonable Accommodation Policies and Procedures document under Attachment C of this Plan), which will be used by MDHA as the source document to process reasonable accommodation requests for persons with disabilities.

In its decision to deny assistance, MDHA 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. MDHA, 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 MDHA Director and/or hearing officer.

Applicants with an arrest record for drug-related or criminal activities, but who have not been adjudicated by a court of law at the time of eligibility determination, will be denied admission as indicated in Section 2.9 of this Chapter. However, the household may be reinstated to the waiting list in mitigating circumstances and upon approval of the Division Director overseeing the Applicant and Leasing Center or designee.

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. MDHA 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 MDHA 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 MDHA and advises of any criminal activity that is in violation of the One Strike Policy of a family member or if MDHA 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 Section 8 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, MDHA 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 MDHA'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 residents, MDHA 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 and/or MDHA Director, MDHA 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 and/or MDHA Director, in its decision 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, MDHA 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

(1) 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 and/or MDHA Director. 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.

(2) 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.. MDHA 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 Section 8 housing programs.

MDHA 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 MDHA. If the family has not provided the requested certification or documentation by the 14th business day or any extension as authorized by MDHA, none of the protections afforded by VAWA apply for consideration of admittance into the program. All information provided by the applicant and/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. MDHA 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:

- Eligibility of the applicant as a family,
- Eligibility of the applicant with respect to income limits for admission;
- Eligibility of the applicant with respect to citizenship or eligible immigration status;
- Unit size required for and selected by the family; and
- Qualification of the applicant with respect to the selection criteria

Qualified families will be notified by MDHA of the approximate date of admission insofar as that date can be determined; however the date stated by MDHA 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 MDHA 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 MDHA in writing within thirty (30) days of the notice. If an applicant does not respond because of the family member's disability, MDHA will review and recommend whether to reinstate the applicant to the family's former position on the waiting list in accordance with MDHA'S Reasonable Accommodation Policies and Procedure document included under 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. Pursuant to the Decree, an applicant or mobility pool member may within one (1) year of being removed from the waiting list for not responding to notices calling him/her in for processing, request an administrative hearing seeking reinstatement to his/her original place on the waiting list.

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 MDHA.

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. MDHA will review such claims in accordance with MDHA'S Reasonable Accommodation Policies and Procedure document (Attachment C of this Plan).

## 2.10 Preferences

The Quality Housing and Work Responsibility Act of 1998 no longer requires MDHA 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 the Agency.

A. Preferences to Disaster-Affected Families

1. Families who are public housing residents or Section 8 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. MDHA 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, MDHA 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.

## 2.11 The Applicant Selection System

The factors that may affect applicant selection are described below:

A. Tenant Based Programs

As mandated by the Decree, subject to the availability of funding, MDHA shall issue fifty percent (50%) of all turnover of unrestricted tenant-based benefits to mobility pool members during the ten-year (10) term of the Decree which will expire in August 2009. The remaining fifty percent (50%) shall be issued to applicants on the regular tenant-based waiting list. Thereafter, 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.

B. Income Targeting

MDHA will comply with USHUD income targeting requirements indicated below or as may be amended by USHUD.

At least seventy-five (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:

1. Low-income families continuously assisted (as defined in Chapter 2.6 1. of this section)

2. 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

3. The Section 8 Moderate Rehabilitation Program

## 2.12 Interviews and Verification Process

A As applicants approach the top of the waiting list, they will be contacted by mail and scheduled for an eligibility interview to complete the applicant file. Applicants who fail to attend the scheduled interview, or who cannot be contacted to schedule an interview, will have their applications withdrawn, except under reasonable accommodations provisions for persons with disabilities as described in MDHA's Reasonable Accommodation Policies and Procedures document under Attachment C.

B The following items will be verified to determine qualification for admission to MDHA:

- Family composition and type, where applicable (Elderly/Disabled/near elderly /non-elderly);
- Annual Income;
- Assets and Asset Income;
- Deductions from Income;
- Social security numbers of all family members;
- Applicant Screening Information;
- Citizenship or eligible immigration status; and
- Status of full or part-time students

Verification of eligible immigration status shall be processed pursuant to 24 CFR Part 5.5.

C Applicants reporting zero income will be requested to complete a family expense form 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.

**2.13 Screening Applicants for Admission**

A. All applicants shall be screened in accordance with USHUD's regulations for criminal activity and other program requirements as summarized below:

- for violent criminal activity, including sex offender screening;
- for any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants or persons residing in the immediate vicinity of the premises
- other criminal activity which may threaten the health or safety of staff;
- for drug-related criminal activity; and
- to comply with necessary program requirements of USHUD and MDHA.

B. Criminal and sex offender background check requirements as described in Section 2 of this Chapter will be conducted within five (5) days from the initial eligibility appointment, as referenced in Section 2.12 A of this Chapter. Applicants must sign the *Consent Form Authorizing Miami-Dade Housing to Obtain Criminal Background Records* prior to conducting any criminal and sex offender background checks. The eligibility appointment letter mailed to the applicant includes a list of all the documents required by MDHA at the interview and the Section 8 Applicant/Participant Information Worksheet.

C. Eligibility Interview

1. Eligibility interviews are conducted in the eligibility interviewer's office. Upon request, reasonable accommodations will be provided for persons with disabilities who may require special services.

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

3. During the applicant's formal interview, 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.

4. Any additional information or documentation specifically requested of the applicant at the eligibility interview must be provided within one (1) week of the interview date unless an extension is granted.

5. The applicant family must complete all applicable information spaces on the Section 8 Applicant/Participant Information Worksheet 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 the misrepresentation, which may constitute fraud, is discovered after admission, the family may be subsequently recommended for termination, even if the family meets current eligibility requirements at the time.

6. After MDHA has reviewed all information with the applicant, all adult family members (see definition in Attachment A of this Plan) at the time of the eligibility interview are required to sign the Information Worksheet form and other necessary forms such as *Consent Form Authorizing Miami-Dade Housing To Obtain Criminal Background Records* prior to conducting criminal and sex offender background checks.

D. Section 8 Applicant/Participant Information Worksheet (Information Worksheet)

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

- Household composition
- Emergency contacts
- Family income
- Family assets

E. Verifications

1. For applicants, written verification from third parties are the most desirable forms of verification of the information provided on the Information Worksheet form and other required forms.

2. MDHA 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, as applicable, and any other subsequent guidelines or regulations issued by USHUD.

3.. If attempts to obtain third-party written verification of income, assets, and/or expenses are unsuccessful, MDHA will use (1) oral (telephone or in-person) verifications, (2) review of documents, and if no other form of verification is available, (3) applicant certifications. An exception to the third-party verification requirement is specified under item 6. below.

At least two (2) documented attempts must be made for written third party verification before obtaining oral (telephone or in-person) third party verifications. Within three (3) business days of sending the written verification, if the written verification is not received, MDHA will telephone the independent source and request that the information be completed and sent to MDHA by the following day. If the information is not received by close of business on the following day, MDHA 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.

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 computer system notes and shall indicate who provided the information and when, as well as the MDHA staff person who obtained the information, along with the confirmed verified information.

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

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

5. In support of the tenant's declaration of income, MDHA may review original (authenticated) documents provided by the applicant or resident. All documents should be dated within the last 60 days of the interview. 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.

6. When calculating assets, the current bank statement will not be used to determine actual income earned. The last six (6) months of bank statements will be used to calculate estimated future interest based on an average of the previous six months' balances. MDHA will accept original documents to verify assets from checking and savings account from the applicant or resident in lieu of obtaining written or oral third party verifications if the balance does not exceed $4,999 and MDHA is able to verify the asset through review of original documents provided by the applicant or tenant.

7. 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. Any verification of income from the Social Security Office, Department of Children and Family Services, or other governmental agency must have an official stamp or other identifying mark.

8. If third party 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.

9. All applicants or residents shall allow MDHA to conduct a home visit inspection of their current living arrangements, and to perform criminal and sex offender background checks on applicants and family members. Failure to comply shall result in denial of program assistance and removal from the waiting list, withdrawal of voucher or offer, refusal to execute a contract, or termination of assistance.

10. Prior to initial certification, applicants will be informed that MDHA will subsequently verify the family's income information to USHUD's Enterprise Verification Income System (EIV) system. EIV is a computer-matching program that compares the income provided by the tenant against information supplied by state agencies on wages, unemployment benefits and Social Security benefits.

    For participants, every effort as is practical will be made to obtain third party verifications when the EIV is not available or when there is discrepancy between the EIV and the information provided. Refer to Chapter 7.5 for additional information on EIV requirements for participant families.

11. Payment of funds owed to MDHA or any other housing authority is part of the screening evaluation. MDHA will reject an applicant for unpaid balances owed to MDHA by the

applicant for any program that MDHA operates, or for money paid to an owner by MDHA, until the unpaid balance is paid in full, or a repayment agreement for funds owed to MDHA is executed. Any applicant, including mobility pool members, who currently live or 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 either paid in full or a repayment agreement effectuated and current, unless the debt has been expunged by operation of law as described under Chapter 2.7 E. 1.

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

## 2.14 Applicant Responsibilities

A. Social Security Numbers

Applicants are required to provide Social Security numbers for all family members age six years or older. If no Social Security number has been issued for a family member, the applicant (or the parent or legal guardian of children under eighteen (18) years of age), must execute a certification that a Social Security number has not been assigned. If a family member is subsequently issued a Social Security number by the Social Security Administration, the number must be reported by the applicant/program participant at the next scheduled re-certification.

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:

| | |
|---|---|
| Driver's license | Federal, State or Local Agency I.D. |
| Employer or Trade Union I.D. | Medical Insurance Company I.D. |
| Earnings statement of payroll stub | Bank Statements |
| IRS Form 1099 | Governmental benefit award letters |
| Retirement benefit letter | Life insurance policies |
| Court records | Verification of Social Security Benefits |

MDHA may determine other documents as adequate evidence of a valid Social Security number.

B. Documentation of Citizenship or Eligible Non-Citizenship Status

Applicants must provide evidence of citizenship or eligible non-citizen status pursuant to 24 CFR Part 5.5 and any subsequent statutory and regulatory changes and updates. MDHA shall verify the status of all applicants, and all subsequent requests for secondary verification, prior to certifying such applicants for assistance in the Section 8 Program.

C. Annual Updates and Address Changes

The applicant is responsible for updating all address and family composition changes upon occurrence. If the applicant does not respond to a scheduled appointment or to MDHA 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

### A. Overview

The pervasiveness and seriousness of domestic violence, sexual assault/battery/battery, dating violence and/or stalking has illuminated it as an issue of national importance. Domestic violence, sexual assault/battery/battery, dating violence and/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/battery, dating violence and/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 MDHA, victims of domestic violence, sexual assault/battery/battery, dating violence and/or stalking who reside in Section 8 housing, and the domestic violence providers who may facilitate measures MDHA can employ to combat the problem.

### B 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:

1. A dating relationship must have existed within the past 6 months;

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

3. 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, and/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/battery, dating violence and/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.

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

Under existing USHUD statutes and regulations, MDHA 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, MDHA 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, MDHA 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.

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

- A domestic violence, sexual assault/battery/battery, dating violence and/or stalking victim's statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident, utilizing form HUD-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.
- Restraining or civil protection orders.
- Medical records.
- 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 runs made to the residence, copies of all tapes and reports written by officers responding to a call.
- 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.
- 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.
- Statement from counselors, if victim attended counseling.
- Reports, statements from police, judges and other court officials, clergy, social workers and other social service agencies.
- Other credible evidence as corroborated by law enforcement or domestic violence providers.

## D. Screening and Admission

MDHA may screen families on the basis of their past criminal activity. In an attempt to ascertain whether domestic violence, sexual assault/battery/battery, dating violence and/or stalking was a factor in the criminal activity, MDHA staff 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/battery, dating violence and/or stalking against the applicant, MDHA staff may exercise discretion and approve admission pursuant to this Administrative Plan.

MDHA staff 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, MDHA will develop, to the extent feasible, linkages and referrals to victims of domestic violence, sexual assault/battery/battery, dating violence and/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.

## E. 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. MDHA will assist these victims in avoiding their abusers and continuing occupancy in Section 8 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 Section 8 Moderate Rehabilitation program that takes into account the victim's circumstances.

A special transfer policy for Section 8 Moderate Rehabilitation participants and immediately approving a change of dwelling for Section 8 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, MDHA has adopted a transfer policy for Section 8 Moderate Rehabilitation tenants that includes a preference for victims of domestic violence, sexual assault/battery, dating violence and/or stalking who wish to move to another Section 8 Moderate Rehabilitation development. Subject to availability, MDHA may offer Section 8 Moderate Rehabilitation tenants a Section 8 voucher.

## F. Screening and Termination

While the U.S. Housing Act, the federal regulations and USHUD policies authorize MDHA 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, MDHA staff shall carefully review circumstances where victims of domestic violence, sexual assault/battery/battery, dating violence and/or stalking may be evicted due to circumstances beyond their control. MDHA 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. MDHA 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, MDHA shall consider the safety and well-being of victims of domestic violence, sexual assault/battery/battery, dating violence and/or stalking as well as the health, safety and peaceful enjoyment of other tenants who may be affected by incidents of domestic violence. Again, as previously stated, MDHA will develop, as a standard policy, linkages and referrals to victims of domestic violence, sexual assault/battery/battery, dating violence and/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/battery, dating violence and/or stalking are complicated by USHUD restrictions on assistance to non-citizens who have ineligible immigrant status. In these cases, MDHA may refer immigrant victims to agencies that can offer immigration relief and counsel the victim on steps to obtaining eligible status.

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

- MDHA shall prohibit the culpable perpetrator from occupying the assisted unit.

- MDHA shall establish a "no trespass" list for those that have been banned from the assisted unit.
- To the extent feasible, MDHA 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.
- MDHA may coordinate a cell phone donation program where old cell phones are provided to victims to assist in cases of emergency.
- To the extent permitted by law, MDHA shall ensure that the private information of victims of domestic violence, sexual assault/battery, dating violence and/or stalking are protected. Victims of domestic violence, sexual assault/battery, dating violence and/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 these victims have applied 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 Section 8 program, the Agency may admit a family that is not on the waiting list, or without considering the family's waiting list position upon approval of MDHA Director or designee. The Agency shall maintain records showing that the family was admitted with USHUD-targeted assistance. The Agency may thus issue vouchers to persons not on the waiting list in the following instances.

### 3.1 Displacement Due to Governmental Action

Families displaced (see definition of a displaced person in Attachment A of this Plan) because of governmental action must be referred and verified by the Relocation Office, Miami-Dade County Office of Community and Economic Development. The referral for Section 8 assistance must be made within six months of the displacement in order for such families to qualify for Section 8 assistance. MDHA 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, by the State Attorney's Office, or by the courts, including requests for assistance for eligible clients under witness protection.

### 3.2 Relocation

Provision of Section 8 assistance may be provided to a family being relocated if allowed under to the Uniform Relocation Assistance and Real Property Acquisition Regulations for federal and federally assisted programs.

### 3.3 Settlement of Lawsuits

MDHA shall comply with any mandates 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 as in the instance of the Decree.

### 3.4 Preservation Section 8 Housing

Families that reside in a property covered by project-based Section 8 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 Section 8 assistance. MDHA shall certify families eligible for Preservation Section 8 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 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 program. The VA notifies MDHA in writing of eligible applicants. These eligible applicants are scheduled for an appointment for possible certification under the Section 8 Housing Voucher program. All Section 8 Housing 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 Section 8 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 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:

- Substandard or dilapidated housing;
- Homelessness;
- Displacement by domestic violence, or
- 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.

MDHA'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. MDHA, 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 MDHA's Section 8 waiting list. Any families on MDHA's Section 8 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 MDHA admission policies. Any family certified by the Department of Children and Families as eligible but not on the Section 8 waiting list shall be placed on the MDHA waiting list. If MDHA 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.

MDHA 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 MDHA's discretion based on local needs and conditions.

Once a family is housed using a Section 8 voucher under the Family Unification Program, MDHA shall not cancel the voucher if the family splits so long as the family is otherwise in compliance with Section 8 program rules and regulations.

### 3.7 Welfare-to-Work Program

The Welfare-to-Work (WTW) program is a specialized voucher program targeted to families moving from receiving Temporary Assistance for Needy Families (TANF) to a job or training program. MDHA shall screen all applicants on the existing waiting list for eligibility for WTW by providing an automated listing of applicants by social security number to the South Florida Workforce or other TANF agency. The South Florida Workforce or other TANF agency shall determine eligibility under their criteria and advise MDHA of such eligibility.

If an insufficient number of families are on the existing waiting list, the waiting list shall be opened to accept WTW applicants. A family certified by the South Florida Workforce as eligible shall be placed on the MDHA waiting list for a WTW voucher. As WTW vouchers become available through turnover or through additional allocation, WTW applicants from the waiting list shall be offered a voucher based on date of application.

MDHA shall advise WTW participants of the local obligation of the South Florida Workforce requirements and the consequences of not complying.

### 3.8 Other Specialized Allocations

Other tenant-based Section 8 allocations that are for special programs in addition to Family Unification Program and Welfare-to-Work Program including but limited to 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.

### 3.9 Change of Program Issuance

MDHA may, at its sole discretion, for humanitarian reasons, including reasonable accommodation for a family member with disabilities, issue a Section 8 Housing Choice voucher to a family participating in another Section 8 program such as the Moderate Rehabilitation program. MDHA 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 MDHA Director or Deputy Director. Such issuances are for continuing assistance to a family with the goal of the family eventually becoming self-sufficient and no longer requiring housing assistance. MDHA shall consider any request individually on a case-by-case basis. Eligible residents must comply with MDHA's Residents 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 MDHA staff. 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 (oral 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 items, they shall be issued a voucher. Voucher holders may be briefed in groups by Agency staff or Housing Center staff (pursuant to Decree). 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 residents

MDHA shall not issue tenant-based assistance to a mobility pool member until the mobility pool member has participated in group counseling administered by the Fair Housing Center as required by the Decree. However, if funding is depleted so that the Fair Housing Center can no longer provide counseling, failure to complete the group counseling shall not preclude the mobility pool member from receiving the tenant-based assistance.

The family will receive a packet of information at their briefing or initial certification appointment that will include at least the following:

1. The term of the voucher and the policy on extensions or suspensions of the term,
2. How the Housing Assistance Payment (HAP) is determined including the payment standard for a unit and total tenant payment,
3. How the Agency determines the maximum rent for an assisted unit,
4. The maximum amount the family may pay when moving to a new unit (40% rule of adjusted monthly income, if applicable),
5. 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,
6. Where a family may lease a unit, including portability to another jurisdiction,
7. USHUD-required lease addendum,
8. The Request for Tenancy Approval form (HUD-52517) and an explanation of how to request the Agency's approval to lease a unit,
9. A statement of the MDHA's policy on providing information about a family to prospective owners,

10. MDHA subsidy standards, including when exceptions may be granted,

11. USHUD brochure on how to select a unit,

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

13. A list of landlords or others known to MDHA, who may be willing to lease a unit to the family or assist the family in locating a unit,

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

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

16. The grounds on which MDHA may terminate assistance because of family action or failure to act,

17. MDHA's informal hearing procedures, including when MDHA is required to give the opportunity for a hearing and how to request a hearing.

MDHA may include other items as determined necessary and will use available MDHA or USHUD forms.

### 4.2 Type of Assistance

MDHA 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 MDHA to request assistance in locating suitable housing. The family must submit a completed Request for Tenancy Approval package within the sixty (60) day period unless an extension has been granted by MDHA.

### 4.4 Extensions of Term

A family may request a thirty (30) day extension(s) to the initial sixty (60) day term of an issued Voucher. All requests for extensions should be received at least one week prior to the expiration date of the Voucher and must be made to a Section 8 supervisor (a Tenant Selection Supervisor I, II, or III) in the Section 8 Housing Operations. 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 MDHA primarily for four 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 The family provides evidence that they have made consistent efforts to locate a unit and have requested support services assistance from MDHA during the initial sixty (60) day term regarding their inability to locate a unit.

3. The family has turned in a Request for Tenancy Approval prior to the expiration of the sixty (60) day term, but the unit has not passed Housing Quality Standards inspection.

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

Section 8 Housing Operations supervisors may extend the Voucher for a maximum term of one hundred and twenty (120) days. Pursuant to the Decree, mobility pool members who volunteer to participate in the second phase of mobility counseling as verified by the Fair Housing Center shall automatically be allowed up to one hundred and twenty (120) days from the date a voucher is issued to submit a Request for Tenancy Approval., if a request for extension is submitted by the mobility pool member prior to each voucher expiration date, i.e. before the initial sixty (60) day expiration and before each thirty (30) day expiration, as applicable.

Pursuant to the Quality Housing and Work Responsibility Act of 1998, MDHA may extend the term of the issued Housing Choice Voucher beyond one hundred and twenty (120) days for other good cause as determined by MDHA. Such good cause may include cause as defined in Paragraph 4.4 (1)-(4). Approval of extension beyond one hundred and twenty (120) days shall be the sole discretion of the Director or Assistant Director for Private Rental Housing or his/her designee. Approval may not be granted for more than a thirty (30) day term extension at a time beyond the one hundred and twenty (120) day term and shall be made on an individualized basis.

Written notice of extensions must 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 request for tenancy approval (RFTA). MDHA can only stop the clock on the term of the voucher from the time family submits a RFTA for MDHA approval of tenancy until the time when MDHA approves or denies the request. Additional extension beyond suspension time can only be given by the Director for Private Rental Housing, or his/her designee, and will only be considered under the following conditions:

1. If the delay is due to MDHA 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

A. 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 | Number of Persons in Household | | |
|---|---|---|---|
| B/R Size | 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, MDHA 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:

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

2. 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.

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

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

5. MDHA 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.

6. 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.

7. Due to current market conditions, MDHA will issue a one-bedroom voucher to a single person. This policy may change at the discretion of MDHA.

B. 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:

1. MDHA 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;

2. 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

3. Under Housing Quality Standards (HQS) two persons per living/sleeping room are allowed thus the above levels may be exceeded if a living room is used as a living/sleeping area as indicated under the HQS column, 5.1 a.

4. 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 MDHA 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 MDHA's 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 MDHA's Applicant and 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.

A. Addition of Adult Family Member

Upon approval of the MDHA Director of Private Rental Housing or his/her designee, 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:

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

2. Such member must be eligible for participation in the Section 8 program;

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

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

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

Participant families must inform MDHA 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 MDHA 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 by the Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee 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 MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing under extenuating circumstances. Addition of family members shall be the sole discretion of the Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee.

B. Screening of New Family Members

When an applicant or tenant requests approval to add a new family member, MDHA will conduct a pre-certification screening of any proposed new adult member and for minors ages sixteen (16) to seventeen (17) for whom juvenile justice records are available to determine whether MDHA will allow the family member to be added to the family composition prior to MDHA's approval of the new family member.

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 MDHA to add children other than those born to, adopted by, or awarded by the court to the family.

MDHA 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. Approval of the documentation shall be the sole discretion of Director of Private Rental Housing, the Assistant Director of Private Rental Housing or his/her designee.

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:

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

2. 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;

3. 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 MDHA 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 MDHA approval will be considered unauthorized occupants and the entire household will be recommended for termination from the Section 8 Voucher and Section 8 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.

A. 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.

B. 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 financial support of the person(s); and

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

MDHA 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. MDHA may consider approval for more than one live-in aide for humanitarian reasons, provided proper documentation from a qualified health professional is submitted.

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. MDHA 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 MDHA Director of Private Rental Housing or designee, 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.

MDHA 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 MDHA prior to MDHA's approval of the proposed live-in aide.

## 5.5 Medical Equipment

At the sole discretion of MDHA, 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 MDHA 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 re-certification 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 Section 8 Operations Tenant Selection 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 MDHA 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 Section 8 Accounting office and remittance must be made by check or money order and submitted to the Section 8 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 operation of law, MDHA will determine who continues to be assisted under the program. No additional housing voucher will be issued.

MDHA 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, MDHA will adhere to the court's determination as to who shall hold the Section 8 assistance; and
7. Whether there is drug-related or violent criminal activity. MDHA, in its sole discretion, may recommend terminating the entire family.

## Chapter 6. Citizen and Immigration Status

### 6.1 Submission of Documents and Verification

Pursuant to federal regulations, MDHA requires all members of a Section 8 participant family receiving assistance to provide written documentation of legal immigration status. Any new family members or unverified existing family members at the time of annual re-certification or interim certification shall provide written proof of immigration status for verification by MDHA.

### 6.2 Provision of Notice

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 MDHA upon completion of the INS appeal. Such hearing shall be in accordance with hearing procedures in Chapter 29 of this plan;

3 That Section 8 assistance may not be denied or terminated until the conclusion of the INS or MDHA 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 Section 8 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. US HUD regulations (24 CFR 982.516) 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) and/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), MDHA'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:

   - The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
   - 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.
   - 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.
   - 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.
   - Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.

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:

    - Amounts received under training programs funded by USHUD;
    - 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);
    - 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;
    - 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;
    - 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:

    - The value of the allotment of food stamps
    - Payments to volunteers under the Domestic Volunteer Services Act of 1973
    - Payments received under the Alaska Native Claims Settlement Act
    - Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes
    - Payments made under the Department of Health and Human Services' Low-Income Energy Assistance Program
    - Payments received under the Job Training Partnership Act
    - Income from the disposition of funds of the Grand River Band of Ottawa Indians
    - The first $2,000 per capita received from judgment funds awarded for certain Indian claims
    - Amount of scholarships awarded under Title IV including Work-Study
    - Payments received under the Older Americans Act of 1965
    - Payments from Agent Orange Settlement
    - Payments received under the Maine Indian Claims Act
    - The value of child care under the Child Care and Development Block Grant Act of 1990
    - Earned income tax credit refund payments
    - 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 oral) 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:

- Financial statements or tax returns for self-employed
- Copies of insurance policies
- Real estate tax statements
- Copies of birth certifications
- 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 Section 8 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. MDHA 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 MDHA.

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, MDHA will use tenant-provided documents to calculate anticipated income.

2. If EIV income data is more than current tenant-provided documentation, MDHA will use EIV income data to calculate anticipated annual income unless the tenant provides MDHA 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, MDHA will use tenant-provided documents to calculate anticipated annual income.

In cases where EIV income data is substantially different than tenant-reported income, MDHA will utilize the following guidelines:

1. Request written third party verification from the discrepant income source. For EIV Social Security Administration (SSA) benefit discrepancies, MDHA 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, and/or receipt of other income, when MDHA 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, MDHA 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, MDHA shall recommend termination and may refer the case to the USHUD Office of the Inspector General.

MDHA, 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, MDHA's Private Rental Housing Director or Assistant Director of Private Rental Housing or designee will make the determination whether to recommend terminating assistance and forwarding the case to the Office of Inspector General.

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 $400 or more per month or $4,800 per year, MDHA shall recommend terminating housing assistance and shall forward cases to the Office of Inspector General for fraud prosecution, where authorized by MDHA's Director or his/her designee.

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 Florida Sunshine Law and is required by USHUD to be kept 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 MDHA staff. Unauthorized disclosure or inspection of EIV data can result in a felony conviction punishable by a fine up to $5,000 and/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 Section 8 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 MDHA will make for a family based on the unit size that MDHA determines as appropriate for the family. The payment standard per bedroom size may not be less than ninety percent (90%) of, or more than one hundred and ten percent (110%) of FMR.

MDHA 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, MDHA may adjust, upon a waiver from USHUD, the payment standards when USHUD publishes the fair market rents.

MDHA 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

MDHA 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.

MDHA 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

MDHA shall use the applicable payment standard schedule for the fair market rent 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 MDHA 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 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, MDHA may establish a higher payment standard for that family up to one-hundred and ten percent (110%) of the published fair market rent. 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 MDHA's Reasonable Accommodation Policies and Procedures document.

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. MDHA will conduct outreach efforts to encourage owners with accessible units to participate in the Section 8 programs. See Attachment C for MDHA's Reasonable Accommodation Policies and Procedures document.

# Chapter 9. Rent Comparability and Reasonableness

## 9.1 Comparability

Rent charged for a unit under the Section 8 voucher program must be reasonable. MDHA must assure that the rent for the unit assisted under Section 8 is not more than rents charged for comparable units in the private housing market and that the rents approved by the Section 8 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 MDHA performs surveys of comparable rents by field visits and through published rental data analyses. MDHA 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 MDHA'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, that is, 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. MDHA 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 more than what is approved by MDHA 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:

- Square footage
- Number of bedrooms/bathrooms
- Type, i.e., single family, townhouse, duplex, multi-family, etc.
- Location
- Condition or maintenance
- Amenities
- Year Built (Age)
- Quality
- 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, MDHA 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, MDHA shall 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. If there are comparable, assisted units, a rent roll may not be required.

MDHA shall require such documentation at lease-up and every time the owner requests an annual or special adjustment (increase). MDHA may request the owner to provide information on units in the general area for comparability. In addition, MDHA uses the Multiple Listing Service provided by the local board of realtors to compile data on unassisted comparable units.

### 9.3 Documentation and Record Keeping

MDHA will maintain in a database listing (by zip code or census tract) the reasonable rents approved for units under a Section 8 HAP contract for a minimum of three 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 MDHA and indexed to ensure easy reference. A copy of the approved survey shall also be maintained in the tenant file. MDHA shall also retain and maintain survey forms requested for completion by owners and returned to MDHA.

## Chapter 10. Housing Quality Standards and Inspections

MDHA will inspect all units to ensure that the units are in a decent, safe and sanitary condition in accordance with the Section 8 Housing Quality Standards (HQS). No unit will be placed under an initial contract until the unit is inspected and any and all necessary repairs are completed and the unit is approved by MDHA. MDHA will also consider concurrency with local codes referencing the Minimum Housing Code, the Florida Building Code and Miami-Dade County Zoning Code, Chapter 33, with the Section 8 HQS as the acceptability criteria for inspections.

### 10.1 Initial Inspections

The initial inspection is conducted prior to the family moving into the unit as a result of the family's submission of a Request for Tenancy Approval. MDHA shall complete the initial inspection within fifteen (15) days from the acceptance of the Request for Tenancy Approval. The owner is responsible for curing all code/lease violations found at the initial inspection and contacting the Inspections Unit to schedule a re-inspection when corrected. The re-inspection is not automatic. These actions must be completed before the expiration of the participant's voucher term or any approved extensions. Approval by the Section 8 Operations staff 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 and Compliance Inspections

Each unit under contract will be inspected at least annually or by complaint from the tenant, the owner, or any concerned party, including MDHA; however each unit must be in compliance with HQS requirements throughout the assisted tenancy. Notification shall be mailed to both owner and tenant of annual and compliance inspections.

All violations must be corrected within the following guidelines:

- If the item presents an immediate danger to the tenant family's health or safety, the violation must be corrected within twenty-four (24) hours of inspection; or

- If the item does not present an immediate danger to the tenant family, the violation must be corrected within thirty (30) days of inspection. If an extension of time to correct the defect is requested in writing as described under Section 10.3, the Private Rental Housing Director or designee (Special Projects Administrator or higher) may approve in writing an extension on a case by case basis no more than fifteen (15) calendar days. (24 CFR 982.404).

- In the event that the item(s) is/are caused by a natural disaster and the item(s) is/are not considered emergency conditions, (i.e. an immediate danger to the tenant family's health or safety), extensions for longer periods may be granted, but for no longer than ninety (90) days. These extensions may be granted by the Director of Private Rental Housing or designee (Special Projects Administrator or higher). In order to approve such an extension, MDHA may request evidence of insurance claims, estimates for repair or other related documents.

A compliance inspection will be performed on or before the extension period for the complaint or annual inspection has expired in accordance with the guidelines set out above. The date of this compliance inspection is referred to as the compliance date.

Inspection reports will note whether needed repairs are to be considered the tenant's or the owner's responsibility. Regardless of responsibility, for units that fail the HQS compliance inspection, housing assistance payments (HAP) will be abated (i.e., stopped) beginning no later than the first day of the month following the specified correction period and/or the HAP contract may be terminated (refer to Sections (C) and (D) below).

A. Notification and Owner Responsibilities

The MDHA will notify owners and tenants in writing of specific HQS requirements that fail the inspection or are inconclusive. Further, the notice will indicate the time of the re-inspection when any deficiencies must be corrected. The owner is responsible for any and all HQS violations designated as owner responsibility by MDHA, and corrections must be made to comply with requirements as set by MDHA and USHUD regulations; if not, payment abatement and/or termination of HAP contract will result as defined in Section (C) below.

B. Notification and Participant or Tenant Responsibilities

The MDHA will notify the tenant and owner of specific HQS requirements that fail the inspection or are inconclusive. The participant is responsible for utilities and provision of appliances as provided by their lease. The participant is also responsible for all damages or repairs in the unit that are beyond ordinary wear and tear designated as tenant responsibility by MDHA. The Section 8 participant is responsible for all damages or violations caused by family members or visitors to the unit. Participants may negotiate with the owner to make repairs or be responsible for the costs of owner made repairs. MDHA will not be party to the collection of costs or the arrangements made between the owner and tenant regarding repairs to the unit.

When MDHA notifies the tenant to request a change of dwelling (COD) due to violations that are owner's responsibility and not corrected within the MDHA-required time frame, the tenant has twenty-one (21) days to contact MDHA and complete the documentation for a COD. Failure of the tenant to act on a COD request within twenty-one (21) days shall result in the family's recommendation for termination from the Section 8 program.

The participant must allow inspections to be made by MDHA. Additionally, the participant must allow the owner to make repairs upon reasonable notice and at reasonable hours as provided in the Florida Tenant-Landlord Act. Any repairs that the tenant makes must be made with the owner's consent and with reasonable workmanship and quality. 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 Section 8 program (refer to Section (D)).

C. Noncompliance due to Violations that are Owner Responsibility

MDHA must abate payments to owners who do not comply with notifications to correct violations within the specified period: 24 hours for life threatening violations and/or 30 days depending upon the nature of deficiency. Abatement must occur by the first of the month following date of compliance inspection. The Housing Assistance Payment (HAP) contract will not be terminated until the tenant has moved from the unit. 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. 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.

D. 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 by Section 8 Operations. Both the owner and tenant shall be notified in writing by MDHA.

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, but not for longer than a period of sixty (60) days from the date of the failed inspection, unless the owner completes the eviction. 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 rent to the owner.

MDHA shall notify the owner and tenant by mail of the determination of a unit failing compliance inspection abatement and/or termination of assistance. If there are both tenant and landlord responsible violations, HAP will be abated and terminated according to regulations.

## 10.3 Extensions of Compliance Inspections

Reasonable extensions to the time limitations for compliance established in this section may be granted by the MDHA Private Rental Housing Director, or his/her designee, in extenuating circumstances. Copies of written approval of extensions shall be provided to MDHA's Accounting, Section 8 Operations, and Inspections. Requests for such extensions must be made by the owner/agent in writing to MDHA and be supported by documentation. Examples of extenuating circumstances may include but are not limited to the following:

- Extremely high number of units requiring repair or high number of necessary repairs;
- Inclement weather;
- Financial/Contractor considerations;
- Verification of unavailability of necessary parts; or
- Emergency situations

In the event that the item(s) is/are caused by a natural disaster and the item(s) is/are not considered emergency conditions, (i.e. an immediate danger to the tenant family's health or safety), extensions to the compliance inspection date may be granted, but for no longer than ninety (90) days. These extensions may be granted by the Director of Private Rental Housing or designee (Special Projects Administrator or higher). In order to approve such an extension, MDHA may request evidence of insurance claims, estimates for repair or other related documents.

## 10.4 Lead-Based Paint Requirements and Responsibilities

USHUD implemented regulations relating to lead-based paint effective September 15, 2000, to incorporate Title X of the Housing and Community Development Act of 1992. These regulations at 24 CFR 35 stress identification of lead paint hazards, notification to tenants of the existence of such hazards, and control of lead-based paint hazards to reduce poisoning among young children. To the extent that it is practicable, the hazards of lead-based paint poisoning must be eliminated.

The requirements apply to dwelling units built prior to 1978 that are occupied by families with children under six years of age, excluding zero (0) bedroom units.

A. Notification and Disclosure of Lead-Based Paint Hazards Prior to Occupancy

Prior to the execution of the lease, the owner is required to disclose any knowledge of lead-based paint or lead-based paint hazards in housing built prior to 1978, to all prospective tenants. MDHA will request the disclosure from the owner for all housing built prior to 1978.The notice should be provided to MDHA in the tenant file.

B. Visual Assessment for Deteriorated Paint

During initial and annual inspections of pre-1978 units that will be or are occupied by families with children under 6 years, MDHA must conduct a visual assessment of deteriorated paint surfaces on the interior and exterior of the unit; in common areas, such as hallways, and access and egress areas; and in playgrounds, child care areas and other areas frequented by children under 6 in the proximity of the unit. Deteriorated paint surfaces are interior or exterior paint or other coating that is peeling, chipping, flaking, cracking, or is otherwise damaged or has separated from the surface.

C. Stabilization of Deteriorated Paint Surfaces

When the inspection identifies deteriorated paint surfaces, MDHA must notify and require the owner to perform stabilization of the deteriorated surfaces before initial occupancy or within 30 days of notification by MDHA for occupied units. Owners must perform paint stabilization on all deteriorated paint surfaces regardless of the size of the deteriorated surface. Paint stabilization includes:

1. Repair of any physical defect in the substrate of the painted surface or building component, including dry-rot, rust, moisture-related defects, crumbling plaster, missing siding, or other components that are not securely fastened.

2. Removal of all loose paint and other loose material form the surface being treated.

3. Application of a new protective coat of paint to the stabilized surface.

If the amount of deteriorated paint is below the de minims level, the owner must perform paint stabilization. De minims level of painted surfaces is defined as twenty (20) square feet on exterior surfaces; two (2) square feet on an interior surface in a single room or interior space; or ten percent (10%) of small components, such as window sills, on the interior or exterior.

Should the amount of deteriorated paint be above the de minims level, the owner has additional requirements to be in compliance. The stabilization activities must be conducted with trained staff. Acceptable methods for preparing the deteriorated surface must be used, including wet scraping, wet sanding, and power sanding, using an exhaust attachment. In addition, the owner must protect the tenants and their belongings from contamination during stabilization. After stabilization has been completed, the owner must notify the tenants within fifteen (15) calendar days and provide the tenants notice of the clearance examination.

MDHA is responsible for clearance examinations, which must be performed by persons who have EPA or state-approved training and are licensed or certified.

Failure to comply with the paint stabilization requirements, results in the disapproval of the tenancy, abatement of the HAP to the owner, and/or termination of the HAP contract. The HQS violation for paint stabilization is considered concluded when MDHA receives a signed copy the owner's certification that the lead-based paint hazards are in compliance with USHUD requirements.

D. Requirements for Children with Environmental Intervention Blood Level

When MDHA receives information regarding child under the age of six (6) with an environmental intervention blood level, i.e. a confirmed concentration of lead in the blood equal or greater than twenty (20) micrograms of lead per deciliter, the information must be confirmed with the public health department or another health care provider. If the information is received from any other source than the public health department, MDHA must notify the public health department within five (5) business days.

Within fifteen (15) days from the date of verification from the public health department or health care provider of the initial information, MDHA must complete a risk assessment of the unit, common areas and exterior surfaces. Risk assessments involve on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards. The inspector issues a report explaining the results of the investigation, including options and requirements for reducing lead-based paint hazards.

The owner must notify the tenants of the results of MDHA's risk assessment within fifteen (15) days from the date the report was received from MDHA.

If lead-based hazards are identified, the owner must complete reduction of the hazards within thirty (30) days or time specified by MDHA. Failure to complete the hazard reduction activities within thirty (30) days of notification or the period required by MDHA is a HQS violation.

Hazard reduction is completed when a clearance examination has been conducted and all identified hazards have been treated and cleared or when the public health department certifies that the hazard reduction is complete.

The owner must notify the tenant of the hazard reduction activities within fifteen (15) days of the completion of the activities. The hazard reduction activity is considered concluded when MDHA receives a signed copy of the owner's certification that the lead-based paint hazards are in compliance with USHUD requirements.

E. Ongoing Maintenance

The owner is required to conduct a visual assessment for deteriorated paint and failure of any hazard reduction at time of 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. The owner must provide written notice to each assisted family asking tenants to report deteriorated paint and certified that this requirement is met by presenting a certification to MDHA before initial move-in and at annual inspection.

F. Data Collection and Record Keeping

At least quarterly, MDHA must attempt to obtain from the public health department the names and addresses of children under age six (6) identified as having an environmental intervention blood level and provide the public health department with the name and

addresses of units occupied by children under age six (6), unless the health department indicates that the such information is not necessary. In addition, MDHA must match information received from the public health department with information on assisted families. Should a match occur, MDHA must proceed in notifying owners and conducting risk assessments.

MDHA is responsible for informing owners of the lead-based paint regulations and requirements that became effective on September 15, 2000.

## 10.5 Performance Requirements and Acceptability Criteria

MDHA will utilize the Performance Requirements and Acceptability Criteria stated by USHUD. In addition to Lead Based Paint standards, MDHA has adopted the following standards:

A. Light and Ventilation Requirements

Performance Requirement: Each room shall have adequate natural or artificial light and ventilation.

Acceptability Criteria: The living room and each sleeping room shall have at least one window or skylight facing directly to the outdoors and each room must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of tenants. The minimum total window area which provides light to each habitable room shall be not less than ten percent (10%) of the floor area of such room. Whenever exterior walls or other light-obstructing structures are located less than three feet from the window and extend above the ceiling of the room, such a window shall not be included in the required minimum window area. Whenever the only window in a room is a skylight type window located in the ceiling, the minimum total window area of such skylight shall not be less than fifteen percent (15%) of the total floor area of the room. Skylights shall not be a substitute for the window requirements in sleeping rooms.

Kitchens and dining rooms will be exempt from the above window requirements so long as they meet the other requirements below. If any two habitable rooms, excluding sleeping rooms are separated by a common wall and either room lacks the required window area, but meets all three exceptions listed below, such rooms shall be considered in compliance with this section.

- The common wall separating the two (2) rooms must provide an opening equal to twenty-five percent (25%) of the total wall area.
- If the opening so provided is a doorway, it must be unobstructed and have a minimum width of thirty (30) inches.
- One (1) of the two (2) rooms must provide the required light and ventilation for the total combined floor area of the two rooms.

Every habitable room shall be ventilated by open areas equal to fifty percent of the required minimum window area, as set forth above, or by equivalent mechanical ventilation as approved by the inspecting officer.

Every bathroom, shower room and water closet compartment shall comply with the light and ventilation requirements for habitable rooms listed above. No window or skylight shall be required in adequately ventilated bathrooms, shower rooms or water closet compartments

equipped with an approved mechanical ventilated system which automatically becomes operational when the bathroom switch is turned on.

Every door, window or other device opening to outdoor space and used or intended to be used for ventilation shall be provided with an approved type of screen for protection against mosquitoes, flies and other insects.

Every opening beneath a dwelling, including basement or cellar windows and crawl space, shall be equipped with an approved type of screening or lattice work to keep out large animals and rodents.

Every habitable room of such dwelling shall contain at least two separate floor or wall-type electrical convenience outlets, or one such convenience outlet and one ceiling-type electrical fixture. Every bathroom, shower room, water closet compartment and laundry room shall contain at least one properly installed ceiling or wall-type electric light fixture. The switches shall be located and installed as to avoid the danger of electric shock.

Every hall and stairway located in a structure used for human habitation shall be provided with not less than one foot candle of natural light throughout or with properly installed electric lighting facilities which provide not less than one foot candle of illumination throughout and which are controlled by the occupants of the structure and available at all times.

B. Smoke Detection

Performance Requirement: All dwelling units shall be equipped with smoke detection devices.

Acceptability Criteria: All units must have approved smoke detectors, continuously powered by the house electrical service, and properly installed. In existing structures, approved smoke detectors powered by batteries may be used.

C. Additional Acceptability Criteria

In addition to the requirements listed in the regulations, MDHA adopts the following as additional Acceptability Criteria.

1. Space: Water closets must afford at least twenty-one (21) inches of space between the front of the commode and the wall.

2. Food preparation and refuse disposal: All food preparation facilities must be located in reasonable proximity to the kitchen. This includes the stove or range, refrigerator and sink equipped with hot and cold water.

## 10.6 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 MDHA, trained and experienced in conducting unit inspections. The Quality Control (QC) Inspector shall make objective determinations on the inspections being performed. The QC Inspector will possess not

only a full understanding of HQS standards, but also knowledge of local housing codes and health and safety standards.

The number of units selected for quality control inspections will be based on the total number of leased Housing Choice Vouchers, as specified at 24 CFR Part 985.2 & 985.3(e), to be in compliance with the Section Eight Management Assessment Program (SEMAP) requirements. 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.

In addition, as part of the Quality Assurance Program, to ensure the effectiveness and integrity or the Quality Control Program in place, five percent (5%) of the Quality Control Sample will be re-inspected by a staff member of MDHA, trained and experienced in conducting unit inspections.

To further explain the Quality Control Program and the Quality Assurance Program, methodologies and procedures have been developed.

## 10.7 Procedure for Review of Inspections

To settle disputes between owners and tenants concerning responsibility of cited HQS violations, the following procedure for expeditious review will be used.

The tenant or the owner must call the inspections unit office within ten (10) days of the date of the inspection letter citing the disputed violations. Supervisory staff will review the inspection report and make changes in responsibility on a case-by-case basis. This will be done in consideration of applicable codes and regulations inclusive of any supporting reasons or documentation presented by either the landlord and/or tenant.

This review does not abrogate any rights that the landlord or tenant has under law.

# Chapter 11. Utilities

## 11.1 Utility Allowance Schedule

MDHA 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.

MDHA has utility allowance schedules that apply to the Section 8 Housing Choice Voucher, Shelter Plus Care, Section 8 Moderate Rehabilitation and Section 8 Moderate Rehabilitation Single Room Occupancy units.

Information obtained from the utility companies regarding rates for specified bedroom sizes and unit types are compiled on the appropriate USHUD form.

MDHA shall establish the utility allowances based on actual rates, fees, charges and assessments multiplied by established consumption statistics. MDHA shall contact local suppliers of utilities and services for information of the cost per unit and established consumption statistics. These contacts are Florida Power and Light for electricity, People Gas System for natural gas and propane, and Miami-Dade County departments for water, sewer and waste/trash. Tenants may provide their owner refrigerator or stove in the unit; therefore, appliance dealer ads are reviewed annually and the price of a new modestly valued appliance is divided by sixty (60) months, the life span of the appliance.

The MDHA ADA Coordinator will review all requests for a higher utility allowance as reasonable accommodation for a person with disabilities. The revised utility allowance schedules are completed every twelve (12) months for re-certifications and new contracts.

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, MDHA will provide a utility reimbursement payment. Payment for utility reimbursement will be made monthly. If the family owes any sums to MDHA or any other housing authority, MDHA may use any utility reimbursement amount owed to the family as payment, but only upon the family's consent.

MDHA, 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, MDHA 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) and the residential lease, must be in the name of the head of household. The

maintenance of such utilities 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 MDHA

Late fees shall not be assessed on Housing Assistance Payments except under all the following conditions:

1. If it is the owner's overall policy to collect such fees,
2. If it is a common and acceptable practice in the community, and
3. The owner charges the same fees against all tenants, assisted and unassisted tenants, as verified in the tenant's dwelling lease.

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. In instances where USHUD determines that payment is not made due to circumstances beyond MDHA'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.

For new leases or change of dwellings, MDHA 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 MDHA and MDHA shall pay late fees for any months the payment is past due. Owners must submit any late payment claims within fifteen (15) days from this date. Failure of the owner to make a claim within fifteen (15) days waives his/her right to make a claim for late payment penalties.

After receiving USHUD's approval, MDHA 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 Section 8 Operations Office 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 Section 8 Operations 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. MDHA, at its discretion, may refer leases to the Miami-Dade County Attorney's Office for review. Upon request by the owner, MDHA may provide a copy of a model lease;

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

6. Section 8 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, MDHA 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, MDHA will request the following from the owner: IRS Form W-9, completed and executed, unless previously provided by the owner. 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

MDHA 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 Section 8 Operations 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, MDHA will approve tenancy within thirty (30) days given all documents are submitted, completed and executed, the rent is determined as reasonable or negotiated and the unit passes HQS inspection.

MDHA shall not approve a family for initial tenancy of a unit under Section 8 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 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 re-certification annually, and is qualified and eligible for continuation in the Section 8 program or until the HAP contract or lease is terminated by the owner, the tenant, or MDHA 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 contract, the payment will terminate effective on the date indicated in the notice to terminate. MDHA must be given a copy of owner initiated notice of termination of lease. Such notice must be given to tenant with a copy to MDHA prior to commencement of any eviction action. Such notice may not be simultaneous to eviction process.

3. If MDHA terminates the contract, payment will stop on the date indicated in the notice.

### 14.2 Right to Recoup Amounts Paid

A. Recapture by MDHA

If a contract is terminated after payment has been made or a stop payment is not possible, MDHA 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 Section 8 tenant or for another program. If the owner has no other valid Section 8 contracts, he/she will be responsible for making repayment to MDHA promptly upon request. MDHA reserves the right to place a lien on the property for any amounts owed after efforts to recoup funds are unsuccessful. MDHA will not accept any new Requests for Tenancy approvals until the payment is made by the owner.

B. County Obligations

MDHA 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 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

MDHA 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, MDHA shall exempt the following:

- Elderly persons, sixty-two (62) years and older
- Disabled families
- Section 8 Homeownership Program participants
- Families receiving voucher assistance as a result of relocation due to HOPE VI development
- Mobility Pool members under lease; and/or
- Families receiving voucher assistance through special allocations in VASH, Access 2000 and Mainstream programs

MDHA 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 under the Surtax Program 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

A. Scheduling of Appointments

Each family participating in the Section 8 program is required by federal regulation to be re-certified every twelve (12) months. Re-certification requires the program participant to provide information regarding family income and composition to MDHA so that tenant rent for the coming year may be established.

MDHA will notify the Section 8 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 MDHA.

MDHA 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 MDHA deems necessary. MDHA's 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.

B. Number of Appointments and Missed Appointments

A family shall be allowed to miss no more than two appointments in the Section 8 Office 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 Section 8 program. If the tenant arrives more than fifteen (15) minutes late to the appointment, it will be considered a missed appointment. Exceptions shall be granted by MDHA's supervisor on a case-by-case basis with consideration of the reason or circumstances for not meeting the re-certification requirements. MDHA may require documentation from the family to prove any extenuating circumstances. The same number of appointments and procedure stipulated above shall apply to all Section 8 programs, including the Family Unification program, Veterans Assisted Supportive Housing (VASH), Welfare to Work, and other targeted Section 8 programs. The Florida Department of Children and Families shall be copied on the second appointment notification to Family Unification participants in an effort to provide any necessary intervention.

C. Acceptable Verification of Income

MDHA 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.

MDHA staff will utilize the third-party verification criteria stipulated in Chapter 2, Section 2.13, for tenants under the program.

D. Student Eligibility

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

**15.2 Interim Re-certifications**

A. Increase in Family Income or Family Composition Changes

If the family's income increases, the family shall report the income increase in writing within thirty (30) calendar days of the change. MDHA will adjust income at next re-examination date. 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 MDHA in writing within thirty (30) calendar days. Any other additions to the family must be requested in writing and approved by MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing or designee prior to the family member being added to the family composition as further described under Chapter 5.2, Changes in Family Composition.

B. 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 MDHA 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 MDHA'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 MDHA 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 MDHA, and with a minimum of sixty (60) days in advance of the move unless otherwise agreed upon by the owner and tenant.

A family may move under the Section 8 program with a change of dwelling approved by MDHA so long as the family has not committed any actions that are grounds for termination under Chapter 24, 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 MDHA. The Housing Assistance Payments contract with the owner will be terminated by MDHA 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 a copy to Section 8 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. MDHA 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, MDHA shall temporarily exempt the family from payment and will review the tenant's circumstances at the next scheduled re-certification.

### 17.2 Rent Increases

An owner may request an adjustment to the contract rent 60 days prior of the anniversary date of the HAP contract. Requests by the owner shall be in writing to MDHA Rent increases are subject to market rent comparability surveys that prohibit paying more for a Section 8 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 later 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.

MDHA 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 Section 8 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.

MDHA 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 MDHA's Jurisdiction

A participant family may move to a unit outside of MDHA's jurisdiction after being certified for the Section 8 Program so long as they are a resident of Miami-Dade County at the time of certification. MDHA 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 MDHA's jurisdiction
2. The family does not have any right to portability
3. MDHA may choose to allow the family to port outside the MDHA's jurisdiction
4. Both MDHA and the receiving housing authority must agree to allow the family to lease a unit outside of MDHA's jurisdiction

The residency requirement for mobility pool members, as defined by the Decree, is considered when the member was initially certified for housing assistance under the Public Housing program, not at the time of certification for the Housing Choice voucher.

It is MDHA's policy not to allow a family to port out to any other housing agency in Miami-Dade County where MDHA has jurisdiction to administer housing assistance. Exceptions to this policy may be granted at the discretion of MDHA Director, MDHA Deputy Director or Director, Private Rental Housing.

### 18.2 Absorption of Incoming Portables

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

1. MDHA must determine the family's unit size for the portable family according to MDHA's subsidy standards (24 CFR 982.355)(c)(7)
2. MDHA may make the determination to deny or terminate assistance to a portable family in accordance with Chapter 2, Denial of Assistance, and Chapter 27, Termination of Assistance, (24 CFR 982.355(c)(9). MDHA 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.
3. The same conditions apply for incoming portable families participating in the Family Self-Sufficiency (FSS) program in the PHA initiating the portability process (24 CFR 984.306)
4. Availability of assistance and funding
5. Number of incoming Portables from a specific jurisdiction
6. Possibility of swapping vouchers within a given jurisdiction

# Chapter 19. Family Self-Sufficiency Program

## 19.1 Overview

The MDHA Family Self-Sufficiency Program (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 (24 CFR Part 984). 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 MDHA 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. Section 8 program staff reaches out to participants of the Welfare-to-Work, Family Unification, and Homeownership programs, as well as others. 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

The Contract of Participation (COP) sets forth the principal terms and conditions of the program, including the rights and responsibilities of FSS families and MDHA, the services to be provided, and the activities to be completed by the head of the family and each adult family member. 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 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, MDHA 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 MDHA'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, MDHA 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:

- Child care
- Transportation
- Education
- Job readiness, training, and employment counseling
- Substance/alcohol abuse treatment and/or counseling
- Household skills training
- Life skills training
- 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 MDHA 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

MDHA 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 Section 8 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

MDHA 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 Fair Housing Center established by the Decree, Miami-Dade County Realtors Association, and Builders Association of South Florida. Additional strategies include, but are not limited to:

- Newsletters and semi-annual seminars that provide up-to-date information, including program changes, to current and prospective owners
- Surveys of owners are conducted to identify issues and based on the results, to improve program operation
- Periodically, MDHA engages in direct advertising in *The Miami Herald, The Miami Times*, and Diario Las Americas (Hispanic) periodicals. It also makes public service radio and television announcements
- 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
- This Administrative Plan and other information on the Housing Choice Voucher program are provided on the Internet at MDHA's website so interested landlords and/or property owners can readily access information
- Success stories involving the Program and its participating families are disseminated via various media
- Membership in associations of owners/managers of rental properties
- Direct personal contact with owners

MDHA 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 Section 8 participants and shall be placed in public reception areas of the Section 8 office.

**20.3 H.O.P.E., Inc.**

In accordance with the Decree, MDHA has developed a partnership with the Housing Opportunities Project for Excellence, Inc., (H.O.P.E., Inc), a non-profit fair housing organization. H.O.P.E., Inc., which currently serves as the Fair Housing Center and provides a Mobility Pool Counseling Program to encourage Mobility Pool Members (class members of the settlement) to explore and accept offers for desegregative housing in census tracts in which no more than 65 percent of the population is the same race as the household. The Mobility Counseling Program consists of counseling and a one-day seminar, during which information is provided to empower a Mobility Pool Member to make suitable housing choices. Participation in the seminar and counseling session are pre-requisites to receiving a voucher.

**20.4 Information Assistance for Voucher Families**

MDHA 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:

- 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

- 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

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

MDHA's Landlord Outreach unit 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 law, 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 Section 8 office, and posted on MDHA's website.

Requests to view a file must be made to the MDHA Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee at the Section 8 Office, or any records custodian 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, MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee shall provide the requestor with the date or date/time the file will be available for viewing. MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee shall obtain the requestor's name and telephone number to contact the requestor of any change in date and/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 Section 8 office or the area specified by MDHA's Director of Private Rental Housing or Assistant Director of Private Rental Housing or his/her designee.

Notwithstanding the requirement to comply with Chapter 119 of the Florida Statutes, MDHA 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. Approval to provide files shall be made by a Section 8 Tenant Selection Supervisor II or higher.

### 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:

- The participant's current and prior address as shown in MDHA records;
- The address of the participant's current and prior landlord; and
- 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 MDHA'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, MDHA may not release details of the criminal background check but may notify the owner verbally over the telephone and/or in writing whether the family is eligible for assistance.

## 21.3 Complaints

MDHA 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 Section 8 program. Such notification shall be in conformance with Miami-Dade County Resolution No. 1543-97. MDHA has the right to request action by the owner and/or a response as to the resolution or outcome of the issue.

In responding to a complaint, MDHA may require the family to come to the Section 8 Office for an interview to address its concerns regarding participation in the Section 8 program.

Members of the public may file complaints against owners, tenants, and employees of the MDHA by submitting a letter describing the specific problems to:

Director, Miami-Dade Housing Agency
1401 NW 7 Street
Miami, Florida 33125

MDHA investigates allegations of fraud or illegal activity committed by housing program applicants and tenants. Incidents of fraud or illegal activity may be reported by calling MDHA's fraud hotline number. All calls are confidential and callers remain anonymous at all times. Additional information on MDHA's Fraud Program can be found on MDHA'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 MDHA.

Persons wishing to report welfare fraud may do so by calling or writing:

Florida Social Services Department
1317 Winewood Boulevard
Tallahassee, Florida 37399
(800) 342-9274

## Chapter 22. Transfer of Ownership

Section 14 of the existing HAP contract requires the owner to obtain the prior written consent of MDHA before any assignment of the HAP contract. In the event prior written consent was not requested nor granted, the HAP contract is terminated.

Where a transfer of ownership has been approved when a Section 8 family is residing in the unit, Section 8 Operations 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 Section 8 Operations 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 Accounting is notified independently of a transfer of ownership, it shall be responsible to verify such information with Section 8 Operations.

If there is an overlap between the transfer of ownership date and the date the payments are stopped, MDHA 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. MDHA may contact the owner and/or the foreclosing party (mortgage holder) for information. Failure of MDHA 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 Section 8 family.

## Chapter 24. Disapproval of Owners: Conditions

MDHA 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 or local code violations;

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 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 the parent, child, grandparent, grandchild, sister or brother of any member of the participant family, unless MDHA 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 Section 8 family that are owner responsibility;

13. When the owner has been convicted of any felony within ten (10) years prior to executing the Section 8 Housing Choice Voucher Landlord Certification of responsibility form or if the owner is subsequently convicted of a felony;

14. When an owner has a history of failing to terminate the tenancy of Section 8 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;

15. When the owner fails to execute the Section 8 Housing Choice Voucher Landlord Certification of Responsibility form.

16. When an owner has a history of being abusive towards MDHA staff or program participants.

Nothing in this Administrative Plan is intended to give any owner any right to participate in the MDHA Section 8 Program. There are no appeal rights for the Agency's decision to disapprove owner participation (24 CFR 982.306).

# Chapter 25. Project-based Section 8

## 25.1 Overview

A. Overall Approach

MDHA 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 Section 8 assistance. MDHA will project-base the vouchers for newly constructed, rehabilitated or existing housing units. MDHA will enter into a Housing Assistance Payments (HAP) contract with qualified owners to provide project-based voucher assistance in compliance with MDHA's PHA plan and consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities.

B. 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:

1. 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;

2. To make existing, newly constructed or rehabilitated dwelling units available to very-low and low-income persons at rents within MDHA'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.

C. Program Requirements

At its discretion, MDHA will solicit proposals from developers, property owners and non-profit 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 Section 8 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 MDHA notifies the applicant of selection. Rehabilitated units, for the purpose of the Section 8 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. MDHA 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, 24 CFR 983.6, 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 Section 8 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.

D. Location of Project-based Vouchers

MDHA may administer the program on a county-wide basis. In compliance with the federal regulations and MDHA'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.

MDHA 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 MDHA.

E. Administrative Approach

MDHA shall perform traditional Section 8 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, MDHA staff will also perform work write-ups, cost estimates, and feasibility analyses.

MDHA 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

A. Solicitation of Owner Proposals

MDHA 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 will 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 MDHA estimates that it will be able to assist under the funding MDHA is making available for this purpose and that only applications submitted in response to the advertisement will be considered. The advertisement will also state MDHA's selection policies.

For proposals requiring new construction or rehabilitation of assisted units, MDHA 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 MDHA's Private Rental Housing administrative offices and MDHA's Central Office. 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 MDHA will use in the selection of eligible proposals.

At MDHA's discretion, additional information may be provided at pre-proposal conferences and/or workshops.

B. Requirements for the Submission of Proposals

The owner's submission of the application to MDHA must contain:

1. 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.

2. Evidence of site control, and for new construction, identification and description of the proposed site, site plan and neighborhood.

3. 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.

4. 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.

5. 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.

6. A certification from the owner that there will be no displacement of residential tenants from units to be assisted under the Section 8 project-based voucher program.

7. 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.

8. The owner's marketing plan.

9. The owner's plan for managing and maintaining the units.

10. Evidence of financing or lender interest and the proposed terms of financing.

11. The proposed term of the HAP Contract.

C. Initial Inspection

Prior to the ranking and rating of proposals, an initial inspection will be performed by MDHA staff for properties included in proposals accepted for consideration of rating and ranking. MDHA will not inspect properties included in the proposals that do not meet threshold requirements for further consideration.

1. The inspection will determine if the property is eligible as defined at 24 CFR 983.7, meets federal HQS, and the occupancy status of the units to be assisted.

2. 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.

3. For proposals in which there will be new construction, the inspection will determine that construction work has not begun.

4. Should MDHA 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.

D. Rating and Ranking of Proposals

The rating and ranking of proposals will be performed by MDHA 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:

1. Receipt of the proposal by the date and time as specified in the advertisement

2. Receipt of the proposal in the proper format, including submission of all specified forms with all of the entries completed as required

3. Proposals that indicate gross rents will exceed one-hundred and ten percent (110%) of MDHA's payment standard, or which clearly indicate that the proposed project is infeasible, will be rejected

4. Proposals involving ineligible properties or housing types identified in 24 CFR 983.7 will be rejected.

   Proposals will be evaluated based on the factors determined by MDHA 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 residents, 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 MDHA'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 MDHA'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**

A. 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 Section 8 Housing Quality Standards.

Prior to the AHAP execution for new construction units, the USHUD shall review Owner proposals, which are submitted by MDHA, for compliance with site and neighborhood requirements set forth in at 24 CFR 983.6. 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.

B. 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 CFR part 135, which requires that training, employment and contracting opportunities be provided, where feasible, to low-income Section 3 residents. MDHA's Quality Assurance and Compliance Division shall provide oversight and assistance regarding the owner's responsibility under Section 3.

C. Uniform Federal Accessibility Standards: Section 504 and Fair Housing Act

The owner and his/her contractors and subcontractors are subject to compliance with Section 504 of the Rehabilitation Act (24 CFR part 8) requiring compliance with Uniform Federal Accessibility Standards requirements for persons with disabilities and the Fair Housing Amendments Act (24 CFR part 100). MDHA's construction unit will coordinate Section 504/ADA requirements through MDHA's ADA Coordinator's office.

D. 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 MDHA approved working drawings and specifications or to rehabilitate the units in accordance with the MDHA approved work write-ups.

**25.4 New Construction or Rehabilitation Phase**

A. 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, MDHA may terminate the Agreement or take other appropriate action.

B. Inspections

MDHA 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.

C. Changes to Work

Owners must obtain prior approval from MDHA 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 MDHA, MDHA 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. MDHA shall have the right to disapprove any changes requested by the Owner.

D. Completion of New Construction or Rehabilitation

The Owner must notify MDHA in 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.

MDHA 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 disability regulations, HQS and the South Florida Building Code. If MDHA determines from the review and inspection that the unit(s) has been completed in accordance with the AHAP Contract, MDHA 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, MDHA shall accept the unit(s); however, MDHA shall require the Owner to deposit in escrow with MDHA, funds in an

amount MDHA determines to be sufficient to ensure completion of the delayed items. In addition, the Owner and MDHA shall execute a written agreement, specifying the schedule for completion of these items. If the items are not completed within the agreed time period, MDHA may terminate the AHAP Contract or exercise other rights under the AHAP Contract.

**25.5 Housing Assistance Payments (HAP) Contract**

A. Time of Execution

MDHA and the Owner shall execute the Housing Assistance Payments (HAP) Contract if MDHA 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 MDHA's inspection and acceptance of the unit(s).

B. Term of Contract

The HAP contract shall have a term no greater than ten (10) years, subject to available funding. At the discretion of MDHA and for a term determined by MDHA, 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 and/or to expand housing opportunities.

C. 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.

D. Contract Rent Adjustments

The HAP contract allows for adjustments in contract rent during the contract term and such adjusted rents shall be reasonable.

E. Vacancy Payment

If a unit becomes a vacant as a result of a tenant moving out, MDHA 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.

F. Reduction of Contract Units after Vacancy

If no eligible family rents a vacant unit with one hundred and twenty (120) days of the vacancy, MDHA may terminate its commitment to make additional assistance payments for the unit for the balance of the HAP contract.

## 25.6 Management Phase

A. Family Selection and Participation

The selection of tenants for the Section 8 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 Section 8 project-based voucher program is occupied, MDHA 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 MDHA, the family must be placed in an appropriately size project-based assisted unit in the project without requiring the family to be placed on MDHA's waiting list.

In the event that there is an insufficient number of eligible persons on the waiting list, MDHA shall place applicants referred by the owner on the waiting list. Eligibility for selection in the Section 8 project-based voucher program shall be consistent with MDHA's tenant-based and project-based assistance programs.

Should a family elect to move from a unit assisted under the Section 8 project-based voucher program after the initial year, MDHA must provide the family with a Housing Choice voucher. If no vouchers are available to the family, MDHA must give the family priority to receive the next available tenant-based voucher.

B. Briefing of Families

When a family is selected to occupy a unit under the program, MDHA 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:

1. Family and owner responsibilities,
2. That the subsidy is tied to the unit and the family must occupy an approved unit under the program,
3. The likelihood of the family receiving a Section 8 Housing Choice voucher after the HAP contract expires,
4. The family's options under the Section 8 project-based voucher, program, if the family is required to move because of a change in family size or composition, and
5. Hearing procedures, including a description of the circumstances in which MDHA is required to provide the opportunity for an informal hearing and of the procedures for requesting a hearing.

C. 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.

D. 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 MDHA's informal review and hearing procedures.

E. Overcrowded and Under Occupied and Accessible Units

If MDHA 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, MDHA must notify the family and the owner of this determination and of MDHA's offer of continued assistance.

The continued assistance offer may be:

1) Project-based voucher assistance in an appropriate size-unit (in the same building or another building);
2) Other project-based housing assistance;
3) Tenant-based rental assistance under the voucher program;
4) 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 MDHA Director, MDHA Deputy Director or Director, Private Rental Housing, or designee. However, if MDHA offers the family the opportunity to receive tenant-based rental assistance under the voucher program, MDHA must terminate assistance payments for the project-based unit at the expiration of the term of the voucher.

If MDHA 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, MDHA must terminate the housing assistance payments for the project-based unit.

## Chapter 26. Homeownership under Section 8

### 26.1 Overview

MDHA shall administer and offer a homeownership program as allowed under 24 CFR 982.625 through 982.641 to permit eligible Section 8 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 Section 8 Homeownership program will create a larger selection of housing choice which eligible Section 8 families can use.

MDHA shall oversee the Section 8 Homeownership program, hereafter referred to as the Homeownership program. MDHA shall determine eligibility of families and enforce the federal regulations regarding Section 8 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 Section 8 homebuyer. This program is designed to minimize default of the Section 8 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 Private Rental Housing Division (PRH), which administers the Section 8 program, shall be responsible for the overall management of the Homeownership program. PRH shall perform outreach activities to identify and facilitate the participation of Section 8 families in homeownership. Families initially screened and certified eligible by PRH will be referred to the Development and Loan Administration Division (DLAD), for mandated homebuyer counseling and home mortgage assistance. DLAD, which administers MDHA'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.

MDHA implements a wide range of housing programs designed to enhance housing opportunities for low and moderate-income families, including homeownership for first time homebuyers. MDHA's experience in homebuyer opportunity programs dates back to 1984.

A maximum of ten percent (10%) of the Section 8 voucher allocation inventory shall be targeted for homeownership. The percentage may be amended based on the success of the program and need of Section 8 families. Upon authorization by USHUD, MDHA may opt to administer other types of Section 8 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 MDHA 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 Section 8 Inspections office;

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 Section 8 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 MDHA's Homeownership program while an adult and defaulted on a mortgage obtained through a MDHA 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 Section 8 Homeownership program.

**26.3 Income Requirements**

Homeownership through Section 8 will be offered to Section 8 households having acceptable credit to the private lenders participating in the Section 8 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 shall be made on a case-by-case basis by the Director, Private Rental Housing or his/her designee regarding time limits or other policies to help facilitate usage of the Section 8 Voucher for homeownership as a realistic goal.

Eligible families must demonstrate that the monthly income for the head of household and/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 (currently $10,300). The current amount of $10,300 may change when the minimum wage changes as defined by 24 CFR 982.627 (c) (i). Except in the case of an elderly or disabled family, MDHA shall not count any welfare assistance received by the family in determining the annual income (24 CFR 982.627 (c) (i). 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 Section 8. Once determined initially eligible, the family shall be referred to MDHA's Section 8 designated Homeownership program administrator for an initial briefing regarding the program.

## 26.4 Income and Credit Verification

The Homeownership program shall use the Section 8 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. MDHA'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 MDHA's DLAD, designated Section 8 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:

- Last two (2) pay stubs from employer and past two (2) years tax returns
- If self-employed, past two years tax returns will be required and a profit and loss statement as of the date of application
- Verification of employment
- 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
- 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:

- Birth certificates on which the parent/applicant's name is listed
- School records which give the parent's name and address
- Court-ordered letters of guardianship/adoption
- Copy of recorded divorce decree and property settlement

A credit report will be generated and at the option of MDHA, 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 MDHA determines eligibility, the Section 8 participant is required to participate in the counseling regarding purchasing and financing a home. MDHA 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 Section 8 family once they assume homeownership.

## 26.6 Eligible Housing

Eligible Section 8 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:

| Funding Source | First mortgage lender |
|---|---|
| Monthly housing expense-to-income | 33 percent |
| Monthly total obligations-to-income | 45 percent |

Exceptions to the total obligations-to-income ratio may only be made by the MDHA Director or designee on a case-by-case basis, when compensating factors exist. Participating lenders should bring the ratios as close to the maximum as possible.

Section 8 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.

MDHA's PRH provides each Section 8 family with a pre-qualification letter and DLAD provides the Section 8 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 MDHA on behalf of the Section 8 family in order to reserve the required secondary mortgage financing, if needed.

Upon completion and processing of the loan by the lender and MDHA, the loan is scheduled for closing by the lender. At the Department Director's discretion, MDHA may provide first mortgage financing in limited instances upon the recommendation of the DLAD staff.

## 26.8 Housing Search

After pre-qualification, the Section 8 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 Section 8 voucher for rental assistance. At the option of MDHA, 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 Section 8 Homeownership program, the family may continue to use their Section 8 voucher of rental assistance, so long as they continue to be eligible and comply with MDHA 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 for Section 8 by the family is required, for as long as Section 8 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.

DLAD may provide second mortgage financing to Section 8 Homeownership Program participants. DLAD regulations require 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 Section 8 Homeownership program with continued homeownership assistance, the maximum term commences upon the date of purchase of the first house.

MDHA shall encourage Section 8 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. MDHA reserves the right to establish such accounts on behalf of the homebuyer.

**26.11 Housing Assistance Payments**

The family's Section 8 monthly Housing Assistance Payment will be the lesser of the Section 8 payment standard minus the total tenant payment (TTP) or the monthly homeowner expenses minus the TTP. MDHA 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 MDHA 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 Section 8 assistance will automatically terminate.

To assure the timely mortgage payment, MDHA'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.

MDHA shall reserve the right to determine whether the Section 8 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, MDHA 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 Section 8 families on an as-needed basis.

**26.13 Inspections Requirements**

In accordance with the federal housing regulations and MDHA loan policies, inspections of the property will be conducted prior to the approval for purchase of the home. An inspection by the Section 8 Inspections Office 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 Section 8 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 Section 8 Homeownership program. MDHA 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 and/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 Section 8 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 MDHA has financed any portion of the loan, MDHA 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**

Section 8 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 MDHA'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 MDHA if the family defaults on a mortgage securing any debt incurred to purchase the home;

6. The family must notify MDHA 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 MDHA;

## 26.17 Portability

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of MDHA's jurisdiction if the receiving housing agency is administering a Section 8 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 Section 8 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 Section 8 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.

**26.19 Continuation of Assistance**

A homeownership family may purchase another home with Section 8 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**

MDHA 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

A. Section 8 housing is a scarce resource and MDHA holds the position that Section 8 families must be held accountable for their actions as it relates to their tenancy under Section 8. MDHA shall terminate assistance for a participant family, including Section 8 Moderate Rehabilitation tenants (where applicable), on any of the following grounds:

1. If the family violates any family obligation stipulated in federal housing regulation under the program;

2. If the family fails to sign and submit consent forms;

3. If any family member participates in One Strike Policy violations, specifically drug-related or violent criminal activity, including sex offenders. MDHA shall consider the following:

a. MDHA shall terminate assistance if a family member has engaged in One Strike Policy activity with a disposition of the charge as either:

- Guilty
- Guilty/convicted
- Nolo Contendre
- Convicted
- Fined
- Adjudicated
- Adjudication withheld

b. 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.

c. Open cases shall be held pending final disposition. Upon a disposition from the court, MDHA shall either recommend termination or take no action based on the outcome as defined above.

d. 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.

e. Except as stipulated under Paragraph B. Mitigating Circumstances, MDHA 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:

i. MDHA 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

ii. MDHA 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.

iii. MDHA 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).

iv. 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 residents. (24 CFR 982.553(b)(1)(i)(A) and (B).

v. If MDHA 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 (b)(1)(ii)).

4. 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 residents or persons residing in the immediate vicinity, as provided by 24 CFR 982.553(b)(2) and 982.551(1);

5. 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.

6. If any family member violates a condition of probation or parole imposed under federal or state law.

7. 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;

8. If the family currently owes rent or other amounts to MDHA or to another housing authority in connection with Section 8 or public housing assistance under the 1937 Act;

9. 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;

10. If the family breaches an agreement with MDHA to pay amounts owed to MDHA or amounts paid to an owner by MDHA;

11. If the family has engaged in or threatened abusive or violent behavior toward MDHA personnel;

12. If the family has made threatening behaviors to others or has failed to maintain the property or caused severe damage to the unit;

13. If the family fails to pay utilities pursuant to his/her responsibility as stipulated in the lease;

14. If the family repeatedly breaks obligations under the lease or for serious violations of the lease;

15. If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program (24 CFR 982.552)(c)(x);

16. If MDHA 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 983.553(b)(3)).

17. Full-time or part-time students who do not meet student eligibility requirements.

18. Any other grounds for termination permitted by USHUD.

B. 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, MDHA shall evaluate the evidence and verify the mitigating circumstance in accordance with MDHA'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 MDHA 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.

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

If a participating Section 8 family notifies MDHA 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 MDHA 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 Section 8 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 MDHA'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 982.551(h)(2).

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, MDHA 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.

4. Violation of Peaceful Enjoyment

Prior to MDHA'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 residents, MDHA 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 and/or MDHA Director, MDHA 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 MDHA 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, MDHA 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.

5. Substance Abuse Rehabilitation

Upon determination by the hearing officer and/or MDHA Director, MDHA, in its 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, MDHA 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.

6. 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 and/or MDHA Director. Such certification and/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.

(1) The 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

MDHA 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 MDHA. If the family has not provided the requested certification or documentation by the 14th business day or any extension as authorized by MDHA, none of the protections afforded by VAWA apply in MDHA's decision to terminate assistance to the Section 8 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.

MDHA 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, MDHA 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 MDHA recommends termination of a family's participation in the program, the family will be notified in writing stating the grounds for 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, MDHA 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 MDHA

Except as otherwise required under Chapter 7.5, Enterprise Income Verification, Third Party Verification, and Factors Affecting Eligibility and Family Rent, MDHA has the discretion to enter into repayment agreements with program participants for amounts owed to MDHA, if it is in the best interest of MDHA, 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 MDHA 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 will 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 Section 8 Operations Tenant Selection Supervisor 3 or higher. 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.

# Chapter 29. Informal Hearing and Review Procedures

## 29.1 Participant Hearings

Informal hearings will be allowed regarding the application of MDHA 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 MDHA action, such as being terminated from the Section 8 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 Section 8 participants as provided in federal housing regulations and as included in this Administrative Plan. The process described in MDHA'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 MDHA's subsidy standards;
3. MDHA determination not to approve an extension or suspension of a voucher term;
4. MDHA determination not to approve a unit for lease under Section 8;
5. Discretionary administrative determinations by MDHA;
6. General policy issues or class grievances;
7. Establishment of MDHA's utility allowance schedule.
8. MDHA's determination to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

If MDHA proposes to terminate assistance on the basis of a criminal record, MDHA 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.

A. 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 thirty (30) calendar days of the notice date. Failure of the participant to respond within the required time waives the right to a hearing. MDHA, at its discretion, may schedule a hearing at the participant's request, beyond the thirty (30) days, on a case-by-case basis.

When feasible, MDHA will schedule the hearing within twenty-one (21) 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 MDHA. At the discretion of MDHA, a second hearing for Section 8 participants may be scheduled as a result of the participant not attending the first scheduled hearing for good cause.

A program participant shall not be adversely affected by the scheduling of a hearing beyond the twenty-one (21) 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 MDHA documents, including but not limited to the tenant's file, that are directly related to the informal hearing. If the tenant requests to review and/or make copies of documents, he/she must do so no later than three (3) days prior to the informal hearing. In the event MDHA fails to make the documents available for examination upon request of the tenant or the tenant's representative, MDHA is prohibited from relying on the document(s) at the hearing. Tenants may be charged for copying costs pursuant to the Public Records Act, as further explained in Chapter 21, section 21.1.

B. Hearing Procedures

The hearing will be presided over by a hearing officer unassociated with the day-to-day operations of the Section 8 Program. The supervisor making the decision that is being appealed or his/her designee will be present at the hearing. 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. Should the tenant be late to the scheduled hearing more than 15 minutes, MDHA shall have discretion to decide whether to hold or reschedule the hearing. 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.

As part of the hearing process, hearing officers shall audiotape each hearing. Tapes of the hearings shall be marked with the date and time of the hearing, the hearing officer, and name of the client and client number and will be retained by the hearing office for a period of one year.

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 MDHA Director or his/her designee may review, overturn or modify the decision of a hearing officer upon showing of the following:

1. 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. § 982.555, or that

otherwise exceeds the authority of the person conducting the hearing under MDHA's hearing procedures.

2. 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 MDHA determines that it is not bound by a hearing decision, MDHA 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 MDHA. 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 MDHA's Reasonable Accommodation Policies and Procedures document 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 MDHA's Applicant and Leasing Center staff when there is a change in address.

A. Processing Removals

An applicant or mobility pool member 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 MDHA within thirty (30) days of the notice. The applicant or mobility pool member whose mail is returned by the post office will be automatically withdrawn from the waiting list.

Applicants or mobility pool members 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 MDHA proposes to deny admission on the basis of a criminal record, MDHA 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 MDHA documents, including but not limited to the applicant's file, that are directly related to the informal review. If the applicant requests to review and/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 pursuant to the Public Records Act.

B. 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. MDHA, at its discretion, may schedule an informal review at the applicant's request, beyond the thirty (30) days, on a case-by-case basis. MDHA will schedule the review for the next available hearing date and forward written notification to the applicant.

C. Review Procedures

The review will be conducted by a hearing officer or other designated MDHA staff that shall listen to testimony or other evidence that the applicant may wish to present. When feasible, the hearing officer's decision will be made in writing within thirty (30) calendar days of the review.

The decision of the hearing officer shall be final. In extenuating circumstances, the MDHA Director may modify the decision of a hearing officer. The hearing officer'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 MDHA'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, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated and/or funded by MDHA.

To further its commitment to full compliance with applicable civil rights laws, MDHA will provide federal/state/local information to applicants for, and participants in, the Section 8 programs regarding discrimination and any recourse available to them if they believe they may be victims of discrimination. MDHA will display the Fair Housing poster at the Applicant and Leasing Center and Mobility Pool Center. Upon eligibility determination, Section 8 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 MDHA's ADA Coordinator's office and/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.

MDHA'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, MDHA's ADA Coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

MDHA shall provide Section 8 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, MDHA 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.

MDHA 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.

MDHA's Reasonable Accommodation Policies and Procedures Document is included under Attachment C.

## Chapter 31. Special Rules for Moderate Rehabilitation

The foregoing policies and procedures apply in general to the Section 8 Moderate Rehabilitation Program except as provided below:

### 31.1 Transfer and Waiting List Referrals

A. Vacancy Notices

Every unit vacancy, which occurs in the Moderate Rehabilitation Program administered by MDHA, must be reported to MDHA. Owners or managers must immediately forward the vacancy notice either by hand delivery, facsimile, or mail to the following address:

Miami-Dade Housing Agency
Applicant and Leasing Center
Attention: Moderate Rehabilitation Program Unit
2925 NW 18 Avenue
Miami, Florida 33142

Fax: (305) 638-6407

B. MDHA Transfer Referrals

MDHA approved transferees will be offered available units before applicants on the Project-based waiting list. Chapter 31.5 details MDHA's transfer policy for the Moderate Rehabilitation Program.

Until the expiration of the Decree in August 2009, in Moderate Rehabilitation developments in which the black population is less than thirty-five percent (35%) percent or more than sixty-five (65%) percent, only desegregative referrals (referrals exclusively of households whose race does not predominate) shall be made to the owner.

If there are families on the transfer list, MDHA's first mail-out of offer letters will consist of MDHA's transfer referrals for a period of ten (10) days. If none of MDHA's referrals are accepted by the owner because of a valid, non-discriminatory reason within the ten (10) day period and/or there is no response from the applicant, MDHA will conduct a second mail-out of desegregative referrals, if applicable, for a period of fifteen (15) days. For each unit, MDHA will offer up to twenty (20) program participants for whom the unit is suited.

MDHA will assist victims of domestic violence, sexual assault, dating violence and stalking, as detailed under Chapter 2, Section 2.15.

C. MDHA Waiting List Referrals

If there are no families on the transfer list, MDHA will refer applicants to the owners from applicants on its project-based list. Owners of non-desegregated developments can make only desegregative offers for the first ten (10) to fifteen (15) days following the date on which the owner makes the first offer on a particular vacant unit. If a desegregative offer is not accepted at the end of the ten (10) or fifteen (15) day period, referrals will be made first to those applicants, if any, who actually applied for project-based assistance.

In order to deter discrimination by a Moderate Rehabilitation owner/manager (hereafter referred to as owner), MDHA shall utilize the following procedure for the screening and selection process. Offer letters (often referred to as "Mail-outs") will be made no later than five (5) working days from proper receipt of the vacancy notice indicating that the unit is in show condition. Applicants will have a minimum of ten (10) calendar days to respond to MDHA and the owner/manager of the offered unit concerning their interest. Owner/Managers must make themselves available to accept the referred applicants' applications and to show the unit. MDHA shall also forward to the owner a log of all applicants referred to the available unit.

The owner shall provide to MDHA 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 MDHA.

The owner must provide an application to all referred applicants that contact the owner and state an interest in the unit. MDHA shall assign a staff person to contact each applicant within three calendar days of the mail out. The assigned staff will work with the applicants and owner to assure that all applicants interested in 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.

After the owner selects a tenant for the unit, the owner shall submit to MDHA a selection package. This package will include a log of all MDHA referred applicants, a notation regarding the results of the owner's screening, and justification with supporting documentation for the applicant selected for tenancy. MDHA will review the owner package to confirm that the selection process was without bias.

D. Assignment of Accessible Units

Accessible units will be offered in the following order:

1. Current tenant in the development who requires the accessibility features of the vacant unit;

2. Current tenant(s) in other developments who require the accessibility features of the vacant, accessible unit;

3. Eligible applicant(s) on the project-based waiting list who requires the accessibility feature(s) of the vacant, accessible unit;

4. Eligible applicants on the Section 8 Moderate Rehabilitation waiting list who do not require the accessibility features of the vacant, accessible unit;

5. Eligible applicants referred by the owner who require the accessibility features of the vacant, accessible unit; then

6. 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 MDHA's Reasonable Accommodation Policies and

Procedures document included under Attachment C. Transfer requests related to reasonable accommodation must be approved by MDHA'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 MDHA's Section Coordinator's office with the assistance of MDHA's Applicant and Leasing Center.

The owner will be encouraged to incorporate language in the 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 by the time applicants are referred to the unit. MDHA reserves the right to not make referrals for units that are not ready for occupancy. If an owner habitually does not have units ready for occupancy by the time referrals are made, MDHA will require the unit to pass inspection prior to any future referrals.

Units with a history of repeated or habitual violations will be inspected every six (6) months. If the condition of the building and units does not improve after the second inspection, MDHA will perform HQS inspections on a monthly basis thereafter until the situation is remedied. Such inspections shall be performed at the discretion of MDHA 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 but 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 either rejected by the property owner or the unit is not ready for occupancy.

4. 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.

5. 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 replaced on the waiting list in order to receive another offer.

MDHA 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.

MDHA 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.

A. 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.

B. 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 MDHA'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.

C. Special Circumstances

Special circumstances that may be considered for transfer include, but are not limited to, the following:

1. Hate crimes or overt discrimination against a family member
2. Habitual violence or victimization against a family member
3. Cooperation for a witness protection program
4. 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 Section 8 Moderate Rehabilitation standards attached hereto and previously approved by USHUD and the Miami-Dade County Board of County Commissioners by Resolution #1275-92. Scheduling is subject to Part II of this chapter.

**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 Section 8 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 (CFR part 8) Uniform Federal Accessibility Standards pertaining to accessible units for persons with disabilities.

## ATTACHMENTS

**ATTACHMENT A** **DEFINITIONS**

**ATTACHMENT B** **EFFECTIVE COMMUNICATION POLICY:**
**MDHA 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:**
**MDHA'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.

**Black**

African-Americans and all other individuals who are black irrespective of their national origin.

**Child/Minor**

Means a member of the family other than the family head or spouse who is under eighteen (18) years of age.

**Class Members**

All past, present and future black residents of Miami-Dade County's Public Housing program including Section 8 New Construction for the duration of the Adker Consent Decree.

**Criminal Records**

All criminal arrest records, 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 MDHA by operation of law, including sealed or expunged records, exempt records under Florida's Public Records Act, or other records unavailable to MDHA under state and federal laws.

**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.

**Fair Housing Center**

An establishment acting as a mobility counselor and an information clearinghouse for mobility pool members and applicants who are seeking desegregative housing opportunities in public and assisted housing.

**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;

- 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._MDHA will accept documentation showing that adult, unrelated, unmarried family members show proof of living/or intent to live as a family.

**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**

As used in the Adker Consent Decree 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. 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 MDHA 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 or the lease.

**Income Limits**

Income limits are those published by USHUD for admission of very-low income families.

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 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.

**Mobility Pool**

Class members of the Adker Consent Decree who meet all of the following criteria:

1. (a) A former or current official tenant of record in a MDHA public housing unit who signed a lease on or before June 4, 1998; or

   (b) A current or future official tenant of record who is 18 years or older and head of household of a MDHA public housing unit, and who signs a lease after June 4, 1998 but prior to the expiration of the Adker Consent Decree;

2. Is currently eligible for federally-assisted housing; and

3. Has not opted out of participation in the mobility pool and who is eligible pursuant to the regulation at 24 CFR 982.552

**Near-Elderly Family**

A 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.

**Non-Black**

All individuals who are not 'Black' as previously defined including, but not limited to, Caucasians and Caucasians of Hispanic ethnicity, American Indians, and Asians.

**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 any rent change is effective as required by the annual re-examination of eligibility for continued occupancy.

**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 intimate; 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 not 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);
- Welfare to Work Program;

- 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 MDHA and offered the benefit as it becomes available.

# MIAMI-DADE HOUSING AGENCY

# EFFECTIVE COMMUNICATION POLICY

## SECTION 8 ADMINISTRATIVE PLAN

## ATTACHMENT B

# MIAMI-DADE HOUSING AGENCY
# EFFECTIVE COMMUNICATION POLICY

It is the policy of the Miami-Dade Housing Agency (MDHA) to ensure that communications with applicants, residents, program participants, employees, and members of the public with disabilities are as effective as communications with others.

MDHA, 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 MDHA.

## 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, MDHA will provide an opportunity for an individual with a disability to request the auxiliary aid or service of his or her choice. MDHA will give primary consideration to the choice expressed by the individual. "Primary consideration" means that MDHA 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 MDHA staff person designated below. All requests shall be dated and time-stamped upon receipt by the appropriate MDHA staff person.

Within forty-eight (48) hours of receipt of the individual's request, the designated MDHA 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 MDHA 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 MDHA officials:

**Tenant Requests:**

MDHA tenant requests for auxiliary aids or services should be made to the Team Leader at the Section 8 Office, telephone number (305) 250-5250.

**Applicant Requests:**

Applicants for MDHA housing should make requests for auxiliary aids and services to MDHA's Applicant and Leasing Center ((305) 638-6464 phone, (305) 638-6014 TDD) or the ADA Coordinator ((305) 644-5187 phone, (305) 644-5343).

**Other Requests:**

Requests from members of the public who wish to participate in programs, services and/or activities of MDHA shall submit their request(s) for auxiliary aids and services as directed in MDHA notices, appointment notifications, forms, or brochures. They may also submit requests for auxiliary aids to the MDHA 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 MDHA'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 MDHA'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 MDHA's files. In addition, MDHA 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, MDHA'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 MDHA Section 504/ADA Coordinator's determination, the individual may pursue remedies under MDHA's HUD-approved Grievance Procedures.

# MIAMI-DADE HOUSING AGENCY

## REASONABLE ACCOMMODATION POLICIES AND PROCEDURES

## SECTIION 8 ADMINISTRATIVE PLAN ATTACHMENT C

*This material is available in accessible format upon request. Please call the ADA Coordinator at 305-644-5187 (telephone) - Florida Relay Service 800-955-8771 (TDD/TTY)*

**REASONABLE ACCOMMODATION POLICIES AND PROCEDURES**
**MIAMI-DADE HOUSING AGENCY**

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# REASONABLE ACCOMMODATION POLICIES AND PROCEDURES
# MIAMI-DADE HOUSING AGENCY

## INTRODUCTION:

### Policy Statement:

Miami-Dade Housing Agency (MDHA) 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 MDHA's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a MDHA policy, MDHA 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, MDHA 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.

MDHA will post a copy of these Reasonable Accommodation Policies and Procedures in the applicant, resident and program participant waiting areas of the MDHA Applicant and Leasing Center, Mobility Pool Center, Section 8 Offices, Regional Offices of the MDHA; the offices of MDHA'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 the 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, MDHA may still provide an accommodation to meet that need contingent upon reasonableness and availability of resources.

### Legal Authority:

MDHA 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:

The ADA Coordinator is responsible for monitoring MDHA'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
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 phone
(305) 644-5113 fax
Florida Relay Service: (800) 955-8771 (TDD/TTY)

Individuals may contact the ADA Coordinator regarding any complaints regarding their reasonable accommodation request.

In addition, individuals may exercise their right to appeal MDHA'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 MDHA 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, MDHA 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.

MDHA will not provide supportive services, e.g., counseling, medical, or social services that fall outside the range of services offered to residents. Further, MDHA 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 MDHA offers; not whether the applicant/resident could benefit from some other type of housing that MDHA does not offer.

DEFINITIONS:

Applicant: A person who successfully follows all of the required steps identified by MDHA as necessary for becoming a participant in one of MDHA'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 MDHA as necessary for residing in a dwelling administered under MDHA'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 MDHA 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, MDHA 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, MDHA 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, MDHA shall give primary consideration to request(s) of the individual with disabilities.

Types of auxiliary aids and reasonable accommodations that MDHA, 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 MDHA 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, MDHA 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 MDHA 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:

MDHA 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 MDHA's compliance responsibilities. If a requested action would result in a fundamental alteration or undue financial and administrative burden, MDHA 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. MDHA'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 MDHA rules, and program requirements and documents, (including the MDHA 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 TO BE 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 MDHA to add supportive services; e.g., counseling, medical, or social services, that fall outside the range of existing services offered by MDHA;

3. Actions that require MDHA to offer housing or benefits of a fundamentally different nature from the type of housing or benefits that MDHA offers; or

4. Actions that substantially impair MDHA's ability to meet its essential obligations as a landlord, as defined in the MDHA Conventional Public Housing Dwelling Lease (MDHA Lease). MDHA's obligations under the MDHA 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. MDHA's *Reasonable Accommodation Request* form will be provided to all applicants as an attachment to MDHA'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 Housing Agency - ALC
2925 N.W. 18th Ave.
Miami, FL 33142
(305) 638-6464
(305) 638-6014 TDD

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:

MDHA'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 MDHA business offices listed on page 1. The Notice of Nondiscrimination on the Basis of Disability, Notice of Right to a Reasonable Accommodation, Reasonable Accommodation Request, Authorization for Release of Information and Reasonable Accommodation Information forms will also be provided at eligibility determination, move-in and recertification by the Site Manager (Public Housing) or MDHA 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 MDHA'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, MDHA'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 MDHA, e.g., on the application form in the case of an applicant, before any meetings held by MDHA, etc. A person requiring an auxiliary aid shall make their request to MDHA 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 MDHA communications inform applicants, residents and program participants of their rights to auxiliary aids and how to contact the MDHA staff person to whom these requests should be made. All MDHA staff persons receiving requests for auxiliary aids will record these requests on the "Auxiliary Aids Request" form.

If MDHA is not able to accommodate a disabled person who has requested an auxiliary aid, MDHA 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.

MDHA 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, MDHA 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* (see Appendix section, form number 14) 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 Nondiscrimination on the Basis of Disability, *Notice of Right to a Reasonable Accommodation, Reasonable Accommodation Request*, Authorization for Release of Information *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. MDHA 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 MDHA 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 (see page 17), 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 MDHA'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, MDHA 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* referenced on page 33.

13. See the "Reasonable Accommodation Grievances and Appeals" section on page 17 for additional information.

All forms must be date- and time-stamped by the MDHA 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) received from verification source.

    a. If NO, MDHA 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 additional 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 determine this by using the applicable Verification Form(s) received from verification source.

    a. If NO, MDHA 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, MDHA will approve the request for reasonable accommodation. A written description of the accommodation will be included in the approval letter.

    b. If NO, MDHA 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.*

<u>Guidelines for Determining Reasonableness</u>:

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 MDHA housing programs.

2. MDHA 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, MDHA may select the accommodation that is most convenient and cost-effective. MDHA 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 MDHA 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 title, address and phone number of the contact person for scheduling a Reasonable Accommodation Grievance and Appeal Hearing is:

ADA Coordinator
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 (office)
Florida Relay Service: (800) 955-8771 (TDD/TTY)

MDHA'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 MDHA Director. The Section 504/ADA Policy Committee members are MDHA Division Directors and other applicable staff whose responsibilities include matters related to Section 504/ADA. No MDHA employee who was involved in the initial decision(s) regarding a reasonable accommodation request that is the subject of a hearing shall sit on MDHA'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 (referenced on page 33).

Discontinuation of Reasonable Accommodation:

MDHA 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, MDHA may house the next eligible, non-disabled applicant in the unit. MDHA will also inform the applicant that pursuant to MDHA's policy and MDHA'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 MDHA's policies, residents who require a transfer as a reasonable accommodation are not prohibited from transferring within the first year of residency.

In addition, MDHA 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 Plan (ACOP)) by providing a larger unit as a reasonable accommodation to a family member with disabilities.

MDHA 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.

MDHA 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. MDHA 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 MDHA 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.

MDHA 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 MDHA Lease or in violation of program regulations or policies, the MDHA 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 on page 17.

Disability-Related Activities and Reasonable Accommodations Unique to the Section 8 Program:

MDHA will do or allow the following:

1. MDHA will encourage participation in the Section 8 Voucher program by owners, including encouragement of participation by owners having accessible units.
2. The MDHA Section 8 Contract and Leasing Specialist (Specialist) or designee will furnish a current listing of available accessible units known to MDHA 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. MDHA 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, MDHA 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 MDHA.

7. In exceptional cases, MDHA 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 MDHA 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.

MDHA 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.

MDHA will not charge a pet deposit for an assistive animal kept in accordance with all MDHA policies and housed in a development or building owned by Miami-Dade County and administrated by MDHA. 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 MDHA, 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 MDHA.

MDHA 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 MDHA 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 animals 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 MDHA'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 MDHA Lease and

Community Policies. In such a case, the MDHA Site Manager or designee may send the resident a Notice of Lease Violation.

Residents may contact the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY) with any questions regarding this matter.

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.

Section 8 tenants may contact the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY) with any questions regarding this matter.

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. MDHA 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 (see page 17).

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, MDHA 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, MDHA 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, MDHA 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 MDHA program, service or activity. MDHA 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, MDHA 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. MDHA will select the moving service vendors and disburse payments to them. Nothing contained in this paragraph is intended to modify the terms of MDHA'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 MDHA or as a condition to being allowed to participate in other MDHA 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 MDHA 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 MDHA employee will make a determination approving or denying the reasonable accommodation request and a determination of eligibility for housing assistance accordingly.

ALCOHOLISM:

MDHA 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 MDHA 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 MDHA personnel. The term "reasonable cause to believe" shall be determined on a case-by-case analysis. MDHA may evaluate whether a person poses – or would pose – a direct threat to the health or safety of others.

MDHA 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.

MDHA 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 (see page 17).

EMERGENCY EVACUATION:

This section only applies to the MDHA 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 the 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.

In emergency situations, and only insofar as is reasonably feasible, Site Managers or designees must contact fire and/or police departments and request emergency evacuations.

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.

The site manager will provide the Release to the appropriate fire and police departments within 24 hours of receiving the form. In this way, the police and fire departments will be notified of the identities of the persons who release their information so that rescue workers know whom they must evacuate, where residents live, and any unique information the requestor has indicated as necessary to evacuate the resident in an emergency.

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:

MDHA 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. MDHA will endeavor to ensure any person with disabilities who requests reasonable accommodation related to any MDHA 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 MDHA 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 on pages 17 of the MDHA 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:

MDHA 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

# APPENDIX

Documents included in the Appendix are:

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 HOUSING AGENCY**
**NOTICE OF NONDISCRIMINATION**
**ON THE BASIS OF DISABILITY**

Miami-Dade Housing Agency (MDHA) does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

The 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.

The ADA Coordinator contact information is as follows:

Office address: 1401 N.W. 7th Street, Building F, Miami, FL 33125

Phone: (305) 644-5187

Fax: (305) 644-5113

Florida Relay Service: (800) 955-8771 (TDD/TTY)

E-mail: mdha@miamidade.gov

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This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

## MIAMI-DADE 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 Housing Agency (MDHA) 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 MDHA building or property that would give you an equal chance to live here and use the facilities or take part in MDHA programs,

- a change in the way MDHA communicates with you or gives you information.

You may ask for this kind of change, which is called a REASONABLE ACCOMMODATION.

MDHA 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.

MDHA will let you know if additional information or verification is needed, or if there are other ways to meet your needs.

If MDHA turns down your request, MDHA 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 MDHA your request in some other way, MDHA 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE 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 MDHA practice, rule, policy, procedure, program or service.

MDHA will work with the applicant, resident or program participant to determine how to provide the reasonable accommodation request. MDHA 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 Housing Agency (MDHA) 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 MDHA 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 MDHA 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 MDHA dwelling, building, property, practice, rule, policy, procedure, program or service:

   _____

   _____

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 MDHA 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 MDHA 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. You may also get additional copies of this request form from the ADA Coordinator:

ADA Coordinator
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 phone
(305) 644-5113 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

## EXAMPLES OF REASONABLE ACCOMMODATIONS

The following list of reasonable accommodation methods are examples that may constitute reasonable accommodations for individual Miami-Dade Housing Agency (MDHA) 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), MDHA 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, MDHA 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[1] -**

- 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
- Provide visual alarms for individuals who are deaf or hard of hearing

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[1] 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 accessible cabinets and countertops in public kitchens
- Provide accessible appliances [i.e., refrigerator, oven, stove] in public kitchens

**Elevators[2] -**

- 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[3] -**

- 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

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[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[4]; 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.[5]

**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.

**Apartment Light Switches & Electrical Outlets -**

- Lower electrical switches and/or raise electrical outlets[6]
- 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 [7]
- 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 [8] -**

- 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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[6] 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

[7] 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)

[8] 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 [9] -**

- 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 MDHA 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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[9] 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 HOUSING AGENCY
# REASONABLE ACCOMMODATION VERIFICATION

Head of Household: _____ Client No: _____
(PRINT NAME)

Re: Reasonable Accommodation Request

For: _____ Telephone: (____)_____
(PRINT NAME OF HOUSEHOLD MEMBER FOR WHOM THE REQUEST IS BEING MADE)

Name of Verification Source: _____
(PRINT NAME)

Address of Verification Source: _____

PLEASE RETURN TO: _____
(Name of MDHA Employee)

_____
(Address of MDHA 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:

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. The person for whom the reasonable accommodation is requested requires some change(s) or special feature(s) in a Miami-Dade Housing Agency (MDHA) dwelling, building or property

[ ] YES [ ] NO

3. The person for whom the reasonable accommodation is requested requires assistance with, or change in, a MDHA practice, rule, policy, procedure, program or service.

[ ] YES [ ] NO

Describe the problem (if applicable) that the person for whom the reasonable accommodation is requested is having with a MDHA dwelling, building, property, practice, rule, policy, procedure, program or service:

If applicable, please indicate what features or conditions in the present dwelling worsen the requestor's present condition:

## MIAMI-DADE HOUSING AGENCY
## REASONABLE ACCOMMODATION VERIFICATION

If applicable, please indicate what features or conditions must be present in any dwelling in which the requestor might live:

Describe the type of change(s), feature(s) or assistance required:

Please describe the relationship between the functional limitation(s) of the person for whom the accommodation is requested and the requested accommodation. Do not provide unnecessary details about the medical history or disabled status of the person seeking an accommodation.

Please indicate, if known and applicable, where any requested, specialized equipment may be obtained.

[ ] YES [ ] NO

Name of Verification Source: _____
(PRINT NAME)

Signature: _____ Date: _____/____/_____

Title of Verification Source: _____

Address: _____

Phone: _____ Fax: _____

If you have any questions about filling out this form, please call: (____)_____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE HOUSING AGENCY
# LIVE-IN AIDE AGREEMENT

Client Number: _____

I, _____, residing at _____
*(Print Head of Household's (HOH) Name)* *(Print Address)*

request Miami-Dade Housing Agency's (MDHA) 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 MDHA'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 MDHA's screening requirements. The live-in-aide agrees to provide any information that MDHA 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, MDHA 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 MDHA has given reasonable notice to the household member requiring assistance that the verification source has made such determination;
6. If the household member requiring assistance passes away, the live-in aide shall vacate the unit 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, MDHA may require the resident to terminate the services of the live-in-aide or face possible termination of the lease;
8. MDHA 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE HOUSING AGENCY
# LIVE-IN AIDE VERIFICATION

DATE: ____/____/____.

TO: _____ _____
*Print Name of Verification Source* *Address of Verification Source*

Phone: (_____)_____Fax:( )_____
*Phone and Fax of Verification Source*

FROM:_____ _____
*Print MDHA Employee's Name* *MDHA Employee's Office Address*

Phone: (_____)_____Fax:( )_____
*Phone and Fax of MDHA Employee*

SUBJECT: LIVE-IN AIDE SERVICES

NAME:_____
*(Head of household (HOH))*

SS #: _____ Client #:_____

ADDRESS:_____

NAME:_____
*(Print name of household member for whom the Live-in Aide is requested)*

REQUESTED LIVE-IN AIDE INFORMATION:

NAME: _____ PHONE NUMBER: _____

ADDRESS: _____

The HOH named above has applied for, or is a participant in, a housing program provided by Miami-Dade Housing Agency (MDHA). The HOH has requested a Live-in Aide. The HOH must obtain verification that the household member for whom the request was made (Household Member) qualifies for, and requires, a Live-in Aide, and that the Live-in Aide is qualified to provide the appropriate services to the Household Member. We would appreciate your cooperation in answering the questions on this form and returning it to the MDHA employee listed above in the self-addressed and stamped envelope provided. A consent for the release of the requested information will be required.

## DEFINITION OF PERSON WITH DISABILITIES

Under federal law, an individual is disabled if he/she has a physical, mental or developmental 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 includes individuals who are impaired by drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholics, but not people who pose a direct threat to the health, safety and right to peaceful enjoyment of the premises by other residents.

**MIAMI-DADE HOUSING AGENCY**
**LIVE-IN AIDE VERIFICATION**

**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 how a live-in aide would be essential.

   _____

   _____

4. Please describe the specific activities of daily living with which the live-in aide would provide assistance and how the aide would provide the assistance.

   _____

   _____

5. Does the Household Member require a live-in aide on a temporary basis?
   [ ] YES [ ] NO

6. 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.

   _____

7. Is the requested live-in aide service provider qualified to provide services that are essential to the care and well-being of the Household Member? [ ]YES [ ] NO

STATEMENT OF VERIFICATION SOURCE

The person signing below certifies that the information provided in the section above ("Information Requested") is true and accurate. The person signing below must enclose a written statement on his/her professional stationary indicating his/her title and area of specialization.

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)*

Name of organization or company: _____

This form is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE HOUSING AGENCY
# AUXILIARY AIDS REQUEST

Head of Household (if applicable): _____
(PRINT NAME)

Address: _____ Client #: _____

Phone: (____)_____

Requestor: _____
(PERSON REQUESTING AUXILIARY AID IF OTHER THAN HEAD OF HOUSEHOLD, PRINT NAME)

Miami-Dade Housing Agency (MDHA) 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 MDHA and persons including, but not limited to, MDHA 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.

MDHA 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, MDHA shall give primary consideration to the requests of the individual with disabilities.

MDHA 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 MDHA 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):

   _____

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 MDHA staff person obtaining information regarding auxiliary aids may direct questions to the ADA Coordinator listed below.

Individuals may obtain a copy of the MDHA 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. You may also get additional copies of this request form from the ADA Coordinator:

ADA Coordinator
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 phone
(305) 644-5113 fax
Florida Relay Service: (800) 955-8771 (TDD/TTY)

Name of MDHA employee taking the request: _____
(PRINT NAME)

Phone: (____)_____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE HOUSING AGENCY
# AUTHORIZATION FOR RELEASE OF INFORMATION

**RE: Household member with disability:** _____

I hereby authorize the release of information to Miami-Dade 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 Housing Agency, in writing, in person, or by telephone concerning the physical or mental impairment(s) that I assert to qualify as a 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.

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.

## MIAMI-DADE HOUSING AGENCY
## AUTHORIZATION FOR RELEASE OF INFORMATION

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 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 Resident

**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:

_____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

**MIAMI-DADE HOUSING AGENCY**
**LETTER TO AN APPLICANT, RESIDENT OR PROGRAM PARTICIPANT**
**FOR A MEETING ABOUT REASONABLE ACCOMMODATION**

Date: ___/___/___

Applicant/Resident/Program Participant: _____
(PRINT NAME)

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 Housing Agency (MDHA) 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.

_____ _____
MDHA Employee (Print Name) Title (Print)

_____ (_____)_____
MDHA Employee's Signature Phone number

_____
MDHA 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 MDHA at least five days in advance.



DIR/0009/03-18-05

# MIAMI-DADE HOUSING AGENCY
# REQUEST FOR MORE INFORMATION OR VERIFICATION REGARDING A REASONABLE ACCOMMODATION

Date: ___/___/___

To (Head of Household/Verification Source): _____

Head of Household's 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.

_____ _____
MDHA Employee (Print Name) Title (Print)

_____
MDHA Employee's Signature

_____
MDHA Return Address

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE 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 Housing Agency (MDHA) building or property, or a MDHA 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 (305) _____ if you have any questions.

_____ _____
MDHA Employee Name and Title (Print) Employee Signature

_____

Please return the completed forms to the above MDHA address

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

DIR/0011/03-18-05

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# MIAMI-DADE 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 Housing Agency (MDHA) 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, MDHA 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, MDHA will inform you of the date as soon as we have that information.

- ☐ Your request has been denied, but MDHA 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 (305) 644-5187 (phone) - 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 title, address and phone number of the contact person for scheduling a Reasonable Accommodation Grievance and Appeal Hearing is:

ADA Coordinator
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 (office)
Florida Relay Service: (800) 955-8771 (TDD/TTY)

MDHA'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 MDHA Director. The Section 504/ADA Policy Committee members are MDHA Division 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE 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 MDHA 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE 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 Housing Agency (MDHA) 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 MDHA enough information, if we need it, about whether you are a person with a disability and to give MDHA 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 MDHA instead of going to the site or management office.
- Having someone from MDHA go to your house, instead of you having to go to an MDHA 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 MDHA so that you can go there and use the programs and services there.
- Having a sign language interpreter available upon request.
- Getting important MDHA 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 MDHA employee for help.

MDHA will give you an answer as soon as possible.

MDHA will let you know if we need more information, or if there are other ways to meet your needs.

If MDHA turns down your request, MDHA will explain why, and you can provide more information if you think that will help. MDHA will also advise you of your appeal rights if your request is denied.

It is the policy of MDHA 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.

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

## MIAMI-DADE HOUSING AGENCY
## ACKNOWLEDGEMENT 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 Nondiscrimination on the Basis of Disability

____ Reasonable Accommodation Information

____ Notice of Right to a Reasonable Accommodation

____ Reasonable Accommodation Request and Examples of Reasonable Accommodation

____ Authorization for Release of Information

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# REASONABLE ACCOMMODATION INFORMATION
# MIAMI-DADE HOUSING AGENCY

Miami-Dade Housing Agency (MDHA) is committed to making sure that its applicants, residents and programs participants have information for making reasonable accommodation requests. MDHA 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 MDHA Applicant and Leasing Center, Mobility Pool Center, Section 8 Offices, Regional Offices of the MDHA; the offices of MDHA'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 the 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 MDHA 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 MDHA for assistance to complete the forms. Please be advised that in order for MDHA to assist you, we also need you to complete the *Authorization for Release of Information* form:

1. *Reasonable Accommodation Request*. This is used to make any request other than a request for a live-in aide.

2. *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: Chief, Applicant and Leasing Center (ALC)
Miami-Dade Housing Agency ALC
2925 N.W. 18th Ave.
Miami, FL 33142
(305) 638-6464
Florida Relay Service: (800) 955-8771 (TDD/TTY)

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.

## REASONABLE ACCOMMODATION INFORMATION
## MIAMI-DADE HOUSING AGENCY

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) 250-5250.

If you are a participant in any other MDHA program and want to request a reasonable accommodation, you may ask for a *Reasonable Accommodation Request* form from the MDHA employee who assists you.

Return all completed forms to the same person who gave them to you.

Individuals may obtain a copy of the MDHA 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
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 phone
(305) 644-5113 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

**Attachment Three**

# 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.

# MIAMI-DADE HOUSING AGENCY

**1401 N.W. 7 Street**
**Miami, Florida 33125**
**E-mail: www.miamidade.gov/housing**

## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

**Revised: May 25, 2007**

*This material is available in accessible format upon request. Please call the ADA Coordinator at 305-644-5187 (telephone) or Florida Relay Service (800) 955-8771 (TDD/TTY).*

EQUAL HOUSING
OPPORTUNITY

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## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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# Admissions and Continued Occupancy Policy

## I. Program Administration

### A. Purpose of the Admission and Continued Occupancy Policy

This Admission and Continued Occupancy Policy (ACOP) is a supporting document to Miami-Dade Housing Agency's Public Housing Agency (PHA) Plan. It shall be available for public review during regular office hours Monday through Friday at its main administrative officers located at 1401 NW 7 Street, and at the Public Housing Regional and Site Offices.

The purpose of the ACOP is to establish written policies in accordance with United States Department of Housing and Urban Development (USHUD) regulations and in regards to matters not covered under the USHUD regulations, but left to local discretion for the Public Housing Program and the County-owned Section 8 New Construction developments owned by MDHA. These programs were established by the United States Housing Act of 1937. The regulations that govern these programs are documented in 24 Code of Federal Regulations (CFR) Parts 5, 960, 966, 880 and other applicable regulations promulgated by the USHUD.

### B. Miami-Dade Housing Agency (MDHA)

Miami-Dade County, the local government entity responsible for affordable housing programs, administers assisted housing programs through one of its departments, the Miami-Dade Housing Agency, hereafter referred to as the "Agency" or "MDHA": Although the Agency has responsibility for all day-to-day operations of the Public Housing programs, any revisions to this ACOP after its adoption, require approval from the Board of County Commissioners and/or other authorized MDHA officials.

Administration of the Public Housing programs shall comply with applicable Federal, State and local laws, the Public Housing and Section 8 New Construction regulations, handbooks, and policies promulgated by the 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.

### C. Ann Marie Adker, et al v. Miami-Dade County and USHUD, Consent Decree and Voluntary Compliance Agreement

Ann-Marie Adker and other public housing residents filed a lawsuit against USHUD and Miami-Dade County asserting claims of violations of fair housing and civil rights laws. Without admission of any liability, the County and USHUD agreed to resolve all outstanding claims the plaintiffs had against them and a Decree was entered on October 28, 1998 by the District Court. The term of the Decree is ten (10) years, effective from the date the Fair Housing Center, established pursuant to the Decree, began its operations. The Decree will expire on August 2, 2009.

In addition, the County executed a Voluntary Compliance Agreement (VCA) with USHUD, which requires the County to address deficiencies identified in MDHA's housing, non-housing, (i.e., common entrances, management offices, laundry rooms common areas, corridors, hallways, elevators, community programs and day care facilities,) and

administrative offices, The County/MDHA is required to construct or convert a minimum of 5%, i.e., 478 of its 9,543 total housing units to comply with Section 504, Title II of the ADA, the Uniform Federal Accessibility Standards (UFAS), the Fair Housing Act and the Architecture Barriers Act. The County/MDHA is also required to ensure that non-housing programs are accessible to persons with disabilities, including, but not limited to all common areas, accessible routes, management and regional offices (including restrooms), laundry room mail delivery, trash disposal, meeting rooms, recreation rooms, community center (including restrooms) and day care centers (including restrooms). In addition to the structural changes, MDHA was required and has implemented a Reasonable Accommodation Policy, which is incorporated by reference and included herein as Appendix IV

This ACOP incorporates and implements the provisions of the Decree and the VCA on Applicant Processing, Tenant Selection, Placement and waiting lists management. Nothing contained herein is intended to modify, amend or replace any provision of the Decree and the VCA. Wherever conflicts may occur between both documents, the provisions of the Decree and the VCA shall govern.

## D. Fraud Control Program

MDHA investigates allegations of fraud or illegal activity committed by housing program applicants and residents. Incidents of fraud or illegal activity may be reported by calling MDHA's fraud hotline number at 305-644-5302. All calls are confidential and callers remain anonymous at all times. Additional information on MDHA's Fraud Program can be found on MDHA's website.

## E. 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 (MDHA) to provide Limited English Proficiency (LEP) persons with meaningful access to the benefits, services, information, and other important portions of its programs and activities and therefore comply with Title VI regulations. Limited English proficiency 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.

MDHA is committed to ensuring the accessibility of its programs and activities to all eligible applicants and program participants including LEP individuals. MDHA 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 individuals by implementing the following activities:

1. When adult family members are LEP persons, staff will inquire of the member to include showing them the *Language Identification Flashcard*, created by the Census Bureau if necessary in order for the family to identify what language they speak. MDHA will identify staff 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 MDHA appointments and interviews.

3. When the number of families speaking a language other than English 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, MDHA 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). MDHA 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, MDHA will actively recruit staff that speak, read and write this language. MDHA has identified Spanish and Creole as a non-English language exceeding 5% of the program participants.

5. MDHA 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. MDHA 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 ACOP shall be updated and/or amended as required to comply with Executive Order 13166.

## II. Eligibility for Admission and Processing of Applications

### A. Affirmative Marketing

MDHA will take affirmative steps to further fair housing goals by developing a marketing plan that attracts and ensures inclusion on its waiting list of all persons without regard to race, national origin, color, sex, religion, age, disability, familial status, marital status, pregnancy, ancestry or sexual orientation.

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, and the *Haiti en March*, a Haitian publication. The opening and closing dates of any open waiting list period will be advertised before, and during, the open registration period.

1. Outreach to Very-Low Income Families.

   Efforts will be taken for special outreach to ensure that all segments of Miami-Dade County's eligible population are informed of all opportunities to apply for program assistance. In order to reach the widest, most needy eligible population, special outreach may take any of the following methods:

   - Notice to churches, synagogues, and other places of worship,
   - Notice to government offices including Miami-Dade County regional libraries, Team Metro Offices, Miami-Dade County Department of Human Services, Social Security Administration, State of Florida Department of Children and Families or other agencies designed to assist the low income community;
   - Notice to agencies that assist the elderly or disabled;
   - Public service announcement on radio or television;
   - Announcement at public meetings; and
   - Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

   In accordance with the Decree, MDHA will consult with the fair housing center on MDHA's Affirmative Marketing Plan before implementation.

2. Marketing and informational materials will:

   - Comply with Fair Housing Act, the Americans with Disabilities Act, the Rehabilitation Act of 1973, HUD's implementing regulations and any other laws, regulations, or executive orders the Decree and the VCA on wording, logo, size of type, etc
   - Describe the housing units, application process, waiting list and preference structure accurately;
   - Use clear and easy to understand terms and distribute in more than English-language print media;
   - 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;

- Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
- Be clear about MDHA's responsibility to provide reasonable accommodations to people with disabilities.

## B. Qualifying for Admission

1. It is MDHA's policy to admit into its housing programs only qualified applicants.

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

   - Is a family, as defined in Appendix I of this policy;
   - Meets USHUD requirements on citizenship or eligible immigration status as described in item # 3 below;
   - Has an Annual Income (as stated in Chapter XII of this policy) at the time of admission that does not exceed the income limits (maximum incomes by family size established by USHUD) posted in MDHA offices;
   - Provides documentation of Social Security numbers for family members age six (6) or older, or certifies that they do not have Social Security numbers, as described in item # 4 below;
   - Meets the Applicant Selection Criteria in Chapter II, Sections G, H, I, J, K & L of this policy, including completing a MDHA-approved pre-occupancy orientation session, if requested;
   - For the Section 8 New Construction program only, meets the eligibility criteria for College or Post-Secondary Full Time or Part-Time Students pursuant to federal regulations. In all instances, including applicants and participants for the public housing program, the household must be income eligible and meet any and all income eligibility criteria required by USHUD, including verifying all amounts anticipated to be received from outside sources, such as financial contributions from parent(s) or guardian(s) and the amount of the support.

3. Citizenship or Eligible Immigration Status

   In order to receive housing assistance, a family member must be a U.S. citizen or have an eligible immigration status, pursuant to 24 CFR Part 5.5 and any subsequent statutory and regulatory changes and updates. MDHA shall verify the status of all applicants, and all subsequent requests for secondary verification, prior to certifying such applicants for assistance in the public housing programs. For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

4. Mandatory Social Security Numbers

   a. Families are required to provide verification of social security numbers for all family members age six (6) and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

   b. Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

c. If no Social Security number has been issued for a family member, the applicant (or the parent or legal guardian of children under eighteen (18) years of age), must execute a certification that a Social Security number has not been assigned. The certification shall:

- State the individual's name;
- State that the individual has not been issued a Social Security number;
- Stat the individual will disclose the Social Security number, if they obtain one at a later date;
- Be signed and dated.

d. If a family member is subsequently issued a Social Security number by the Social Security Administration, the number must be reported by the applicant/resident at the next scheduled recertification.

e. Persons who disclose their social security number but cannot provide verification must sign a certification and provide verification within sixty (60) days. Elderly persons (as defined in Appendix I of this policy) must provide verification within one hundred and twenty (120) days.

f. 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:

| | |
|---|---|
| Driver's license | Federal, State or Local Agency I.D. |
| Employer or Trade Union I.D. | Medical Insurance Company I.D. |
| Earnings statement of payroll stub | Bank Statements |
| IRS Form 1099 | Governmental benefit award letters |
| Retirement benefit letter | Life insurance policies |
| Court records | Verification of Social Security Benefits |

MDHA may determine other documents as adequate evidence of a valid Social Security number.

5. Legal Capacity:

The head of household of the family must be eighteen (18) years of age or older, at the time of eligibility or have been emancipated by a court of competent jurisdiction, consistent with Florida law. If the applicant is not eighteen (18) years of age at the time of eligibility, MDHA may remove the applicant from the waiting list from which they were called on the basis that the applicant does not have the capacity to contract under state law. The head of household must have the capacity under state and local law to enter into a legally binding lease agreement, in which the tenant is bound by the terms of the lease.

6. Eligibility of College or Post-Secondary Full Time or Part-time Students

For purposes of this ACOP, the federal regulation student eligibility requirements apply to MDHA's Section 8 New Construction owned developments only. MDHA shall verify the eligibility of students in compliance with federal regulations.

7. Continuity of Assistance

A family is considered continuously assisted if it has been receiving housing assistance under any program of the U.S. Housing Act of 1937 without experiencing an extended interruption during the occupancy of the assisted unit.

An interruption of four (4) months between the assisted occupancy of one unit and the assisted occupancy of another unit is considered discontinued assistance.

8. Live-In Aide

MDHA will approve a written request for a live-in aide upon written verification that the elderly, near-elderly or disabled applicant or the applicant's elderly, near-elderly or disabled family member requires the services of a live-in aide (for the Live-in Aide Verification form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures).

A 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. MDHA shall deny occupancy of the unit to the live-in aide after the resident requiring the live-in aide, 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 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 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 resident's lease (for the Live-In Agreement form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures).

Upon approval of the Director overseeing the ALC, 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.

MDHA has the right to deny the request for any person, who does not meet the admission criteria described in Chapter II of the Admissions and Continued Occupancy Policy, to become a live-in aide. A criminal and sex offender background check of the proposed live-in aide shall be completed prior to his/her approval by MDHA.

## C. Waiting List Management

In accordance with the Decree, two separate waiting lists are maintained: one for project-based programs, and a second for tenant-based programs

1. The Project-based Waiting List includes the following programs:

- Conventional Public Housing, including Assisted Living Facilities that are operated as a public housing development,



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- County–owned Section 8 New Construction; and
- Section 8 Moderate Rehabilitation

2. The Tenant-based Waiting List includes the following programs:

    - The Housing Choice Voucher Program and all targeted programs, including but not limited to:
    - Family Unification
    - Mainstream Vouchers for Non-Elderly Persons with Disabilities; and
    - Project-Based Voucher Program.

    The requirements for the Tenant-based Waiting List are included in MDHA's Section 8 Administrative Plan.

3. Position on Waiting List

In the Project-based Waiting List, each applicant will be categorized by the type (elderly or non-elderly, elderly/disabled and/or non-elderly/disabled) 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. In accordance with federal regulations, MDHA cannot provide local preference to an applicant if any member of the family is a person who was evicted within five years of eligibility determination from housing assisted under a 1937 Housing Act program due to drug-related criminal activity.

4. Movement on the Waiting List

Each family moves up the Project-based Waiting List as families with the lowest ranking order based on the neutral lottery system are certified and housed.

When an applicant is close to the top of the Project-based Waiting List, the applicant's information will be verified so that the applicant may be certified eligible to receive benefits. As required by the Decree, those applicants who are determined eligible to be offered family public housing units and for whom a desegregative housing offer (see definition in Appendix I of this policy) will be available shall be referred to the fair housing center for initial mobility counseling, if chosen by the applicant.

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.

In accordance with the Decree, a mobility pool member (class members of the Decree) that has come to the top of the mobility pool list and been determined ineligible for one (1) program shall remain on the mobility pool list for purposes of receiving offers from other programs for which mobility pool members may be eligible, including homeownership opportunities.

5. Changes to Family Composition While on Waiting List

    a. Changes to the family composition after an application has been submitted include addition of family members born to, adopted or otherwise granted custody to the family by operation of law which may include foster children, live-in aides and

spouses, provided the additional family member(s) meet all applicable waiting list requirements and remain eligible for the waiting list for which the family originally applied. All additional family members must meet applicable eligibility and selection criteria.

b. MDHA 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. Changes to the family composition may also be allowed for families in which one (1) or more children less than eighteen (18) years of age 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 durable powers of attorney.

c. Live-in Aide

MDHA will approve a written request for the addition of a live-in aide upon written verification that the elderly, near-elderly or disabled applicant or the applicant's elderly, near-elderly or disabled family member requires the services of a live-in aide (for the Live-in Aide Verification form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures).

d. All other additions to the family shall be considered only on a case-by case basis by the Director overseeing MDHA's Applicant and Leasing Center (ALC) or designee and must be documented at the time such changes occur. These additions include immediate family members (sons, daughters, brothers, sisters, parents, grandparents, and grandchildren) and may be made for humanitarian or extraordinary reasons.

e. Any adult family member being removed from the application by the head of household must provide a notarized statement agreeing to the removal, unless extenuating circumstances prevent the head of household from obtaining the statement.

6. Updating the Waiting List

a. At the time of initial intake, MDHA will advise families that they must notify MDHA when their mailing addresses change.

b. Once each year, MDHA may update its waiting list by contacting all applicants in writing.

If no response from the applicant is received or if the correspondence is returned by the post office due to a change in address, MDHA will withdraw the name of the applicant from the waiting list.

## D. Opening and Closing of the Waiting List

1. Timing

a. In compliance with the Decree, the project-based (Public Housing and Section 8 Moderate Rehabilitation Programs) and the tenant-based lists were initially re-opened in the year 2001 and were re-opened again in 2005. An open registration period was held for accepting applications when it was determined that the number of applicants remaining on the waiting list was less than one (1) year's turnover of available assistance. All applicants seeking to apply for any one program were automatically placed on both the Tenant-based and Project-based waiting lists at the time of application, regardless of whether the applicant intended to apply for each program. The position of the applicants on the tenant-based and project-based lists is determined by a neutral lottery system. One lottery is conducted for the tenant-based waiting list and another lottery is conducted for the project-based list.

b. The Decree requires that the waiting lists must be dissolved approximately every three (3) years, but only after the new waiting lists are ready to be activated. Re-application is necessary during the open registration period in order to be added to the waiting list; the applicant's position on the waiting list shall be determined by a neutral lottery system.

c. The Decree further permits MDHA to re-open the Project-based Waiting List within the three (3) year period if there are insufficient applicants for a particular bedroom size. The Project-based Waiting List will only remain in effect until the next dissolution of both Project-based and Tenant-based Waiting Lists and shall not affect the timing of such dissolution. Applicants who are placed on the Project-based Waiting List during this interim period shall not be placed on the Tenant-based Waiting List and shall be thus informed. Such applicants will also be informed that their placement on the Project-based Waiting List is temporary until such time as the Project-based and Tenant-based Waiting Lists are dissolved.

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 with appropriate advance notice.

e. The mobility pool waiting list which consists of eligible class members , who are ordered by move-in date with the earlier date of residence receiving priority, shall remain unaffected by the dissolution of the two waiting lists, except as permitted by group moves. Group moves of multiple families may be arranged by the Fair Housing Center and MDHA in promoting desegregative housing.

2. Open Registration at Designated Locations

a. Persons interested in applying for the programs offered by MDHA may do so during open registration periods described herein.

b. Applications can be obtained at locations designated by MDHA which will include several locations throughout Miami-Dade County to enable access to and by all eligible applicants. The designated locations will be accessible to persons with disabilities.

3. Submission of Applications by Mail

a. Applications will be accepted only by mail at a post office box number rented for that specific purpose. Applications will be accepted if they are received at the published Post Office Box and only if they are postmarked by the closing date of the

registration period. In the event that MDHA decides to accept applications in person at designated locations, the requirement to submit applications by mail can be so modified. Irrespective of how applications are accepted, MDHA will make reasonable accommodations for applicants with disabilities. The waiting list registration period shall remain open for a minimum of five (5) consecutive days as required by the Decree.

b. All applicants will be notified that their application was received. If an applicant is determined ineligible to be placed on the waiting list, the applicant will be notified by mail.

## E. Processing Applications for Admission

MDHA will accept and process applications in accordance with applicable USHUD regulations, the Decree and the VCA. MDHA will assume that the information provided by the applicant in the preliminary application is correct, although all information will be verified later in the eligibility process. Applicants must certify the information they give is correct and will be informed of their obligation to verify and document all information before they are accepted into any program.

MDHA's application for public housing admission may request and include, but may not be limited to, the following information for each application: the date of receipt; family composition applicant's race and ethnicity; disability and immigration status of each family member, and the unit size(s) being requested.

All applicants are responsible for updating MDHA regarding address changes. If an applicant does not respond to notices of scheduled appointments or MDHA correspondence as indicated in Section G. of this policy, 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. If removed from the waiting list, applicants will have a right to request an informal review in accordance with Chapter IX of this policy.

Applications are nontransferable except under the following conditions:

a. If the head of household passes away, the remaining adult family member listed on the last renewed application will automatically become the head of household applicant, 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. MDHA shall not make the determination nor create more than one (1) application. The remaining family member must meet all eligibility requirements, including the "Screening and Eviction for Drug Abuse and other Criminal Activity Policy" regarding criminal/drug history and eligible non-citizen status.

b. If the head of household passes away and the remaining family members are minors, the person granted legal custody of such children is entitled to the original date of application, provided such person meets all eligibility requirements as previously provided herein.

c. Although only one application is permitted per family, if a family divides, MDHA will consider the following circumstances in determining which family member shall assume the application:

- The desires of the family;
- The interest of minor children, or of ill, disabled or elderly family members;
- Any instance of actual or threatened physical violence against a family member by another family member;
- Which family members were part of the original application for assistance; or
- If a court determines property disposition between the family members, MDHA will abide by the court's determination.

## F. The Applicant Selection System

The factors that may affect applicant selection are described below:

1. Need for Uniform Federal Accessibility Standards Units/Units with Accessible Features

   a. Transfers of residents with disabilities and placement of applicants with disabilities requiring Uniform Federal Accessibility Standards (UFAS) - Accessible Units, or units with accessible features (as defined in Appendix I of this policy), will be centrally coordinated through MDHA's Section 504/ADA Coordinator's Office with the assistance of MDHA's Applicant and Leasing Center;

   b. When an accessible unit becomes available, the unit will first be offered to a current resident with disabilities in the same development who requires the accessibility features of the vacant, accessible unit and occupying a unit not having those features;

   c. If there is no current resident in the same development who requires the accessibility features of the vacant, accessible unit, then the vacant, accessible unit will be offered to a resident with disabilities residing in another development who requires the accessibility features of the vacant, accessible unit;

   d. If there is no current resident who requires the accessibility features of the vacant, accessible unit, then the vacant, accessible unit will be offered to an eligible, qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, accessible unit. In accordance with USHUD's Designated Housing Plan, preference will be given to non-elderly persons with a disability requiring UFAS units, or units with accessible features, in non-Designated Elderly developments;

   e. If there is not an eligible, qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then it will be offered to an applicant on the waiting list who does not need the accessible features of the unit. See 24 Code of Federal of Regulation (C.F.R) § 8.27. MDHA's *Conventional Public Housing Dwelling Lease* requires residents to relocate to a vacant, non-accessible unit within fifteen (15) days of notice by MDHA, if there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

2. Income Targeting

   MDHA will comply with applicable USHUD income targeting requirements indicated below or as may be amended by USHUD:

a. Public Housing developments:

- Families with incomes between 0% and 30% of area median income (extremely low income): This group must constitute at least 40% of all new admissions from the waiting list in any year.
- Families with incomes between 31% and 80% of area median income: The remaining Public Housing new admissions (no more than 60%) can be up to the low-income level (up to 80% of the area median income).
- Only where necessary, MDHA may skip applicants on the waiting list to attain the annual extremely low income targeting requirement of 40%.

b. Section 8 New Construction developments:

- At least 40% of newly admitted households to Section 8 New Construction must be extremely low income (equal to or below 30% of the area median income);
- The remaining new admissions (no more than 60%) can be low-income (up to 80% of the area median income) or very low-income level (up to 50% of the area median income), depending on the Housing Assistance Payment contract date.
- Only where necessary, MDHA may skip applicants on the waiting list to attain the annual extremely low income targeting requirement of 40%.

3. Transfers

MDHA will also offer units to existing residents on the transfer list. Some transfers are processed before new admissions, as detailed in Chapter V of this policy. Transfers do not count toward the 40% income targeting requirement.

4. Designated Housing

a. The priority of admission system will be used to match the characteristics of the family to the type of unit available, including developments with USHUD-approved designated populations. The ability to provide preferences for some family types will depend on unit size availability and whether the developments have USHUD-approved Designated Plans.

b. Projects designated for the elderly: Elderly families will receive a priority for admission to units or buildings covered by a USHUD-approved Designation Plan. When there are insufficient elderly families, near-elderly families (as defined in Appendix I of this policy) will receive a priority for this type of unit. USHUD-approved MDHA's Designated Housing Plan to designate 2,598 units for the elderly.

c. Projects designated for disabled families: Disabled families will receive a priority for admission to units or buildings covered by a USHUD-approved Designation Plan. Currently, there are no Designation Plans.

d. Mixed Population Projects: A mixed population project is a property, formerly known as an "elderly project," that was reserved for elderly and disabled families at its inception, or for which MDHA obtained HUD approval to designate the property for elderly and disabled families. Dwelling units with special accessibility features for handicapped persons will be offered first to families with persons that require the accessibility features of such units.

5. Desegregative development preference

   a. In accordance with the Decree, offers of vacant units may be made to applicants that state a preference for a development in which their race does not predominate in advance of applicants higher up on the Project-based Waiting List and who have not stated a preference for a particular desegregative development. Applicants may not modify their preferences more than once a year.

6. Preferences to Disaster-Affected Families

   a. Families who are public housing residents or Section 8 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. MDHA 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, MDHA 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.

   b. New applicants to the public housing program: Provided that the family meets the federally declared disaster preference, new applicants to public housing must be income eligible and meet MDHA applicant selection criteria requirements, unless waived by USHUD.

7. Local Preferences

   a. Except as stipulated below under Paragraph b., Local Preferences, Assisted Living Facilities, MDHA has not adopted local preferences. Notwithstanding the lack of a local preference, local preferences to the extent authorized by law may be established following public hearings. Should such local preferences be established, this ACOP shall be revised accordingly. Local preferences shall be supported by third-party verifications deemed appropriate by MDHA.

      The Quality Housing and Work Responsibility Act of 1998 no longer requires MDHA to consider federal preferences in its selection and admission process.

   b. Local preference: MDHA Assisted Living Facilities.

      (a). How transferees and applicants qualify for an Assisted Living Facility (ALF): A resident, transferee or applicant qualifies for an ALF preference if all of the following apply:

         (i) Is a single person who is at least sixty-two (62) years of age or older, or two persons who are at least 62 years old living together;
         (ii) Is Medicaid eligible (each individual). The individuals may receive the additional Optional State Supplement (OSS) income. The OSS check must be endorsed to the facility if the resident wants to participate in the program and receive the services and the resident will be given a personal allowance on a monthly basis
         (iii) Does not receive more than the specified ALF income limit per month, nor have more than the maximum funds allowed in a bank account (each

individual) for ALFs. The income limit and maximum funds allowed might change annually;

(iv) Is able to perform daily living activities without supervision or assistance;
(v) Is at risk of being prematurely placed in a nursing home;
(vi) Does not require twenty-four (24) hour nursing supervision;
(vii) Is free from communicable disease and are nonviolent; and
(viii) Is not bedridden, and does not require licensed professional, mental health treatment.

(b). Notwithstanding (a)(vii) above, the term "communicable disease" does not include Acquired Immune Deficiency Syndrome (AIDS), human immunodeficiency virus or any other communicable diseases, which are considered a disability. Persons with said disabilities are afforded protection from discrimination under State and Federal Anti-discrimination Laws.

(c). Ranking preference. MDHA uses a local ALF preference where it can be documented that the transferee or applicant has met the criteria set forth above. MDHA will house qualified transferees first from the transfer list and then, if such transfer list is exhausted, then MDHA will house qualified applicants from the waiting list. When there are insufficient qualified transferees or applicants, MDHA elderly persons ages sixty two (62) or older will receive priority for this type of unit. Transferees or applicants in the latter category shall be required to execute a lease permitting MDHA to transfer said transferee or applicant in the event an ALF eligible transferee or applicant requires the unit. MDHA shall be responsible for the moving costs of the transferee or applicant who is required to relocate. Non-ALF transferees or applicants required to move would be transferred based on move-in date into the ALF, with those having the earliest move-in date being transferred before others with a later move-in date.

(d). MDHA will not hold units vacant for transferees or applicants with a preference, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with a preference.

6. Deconcentration of Income and Poverty

a. MDHA shall perform an annual income analysis of its covered public housing developments as part of the PHA Plan, to determine those covered developments falling outside the Established Income Range (EIR). The EIR is between 85 to 115% of the average family income of MDHA covered developments, or 30% of the Area Median Income, whichever is greater.

b. MDHA's policy includes capital improvements toward developments with average income below the EIR to encourage applicant families with income above the EIR to accept units in those developments.

c. Currently, the selection of applicants is not affected by the deconcentration of income and poverty requirements, as the income profile of the MDHA's developments falling below or above the EIR can be justified because of the Decree, family self-sufficiency program and strategies, and/or size of the development.

7. Non-Waiting List Admissions

a. Displacements Due to Governmental Action (see definition in Appendix I of this policy):

MDHA may admit persons not on the waiting list because they have been displaced due to governmental action upon approval of MDHA Director or designee. Families displaced because of governmental action must be referred and verified by the Relocation Office of the Miami-Dade County Office of Community and Economic Development. The referral for assistance must be made within six months of the displacement in order for such families to qualify for housing assistance. MDHA shall, at its discretion, determine the availability of units for displaced persons. Written referrals may also be accepted from USHUD, appropriate federal, state, and local law enforcement agencies, by the State Attorney's Office, and/or by the courts.

## G. Interviews and Verification Process

1. As applicants approach the top of the waiting list, they will be contacted by mail and scheduled for an eligibility interview to complete the applicant file. Applicants or mobility pool members who fail to attend the scheduled interview as stated under the paragraph below, or who cannot be contacted to schedule an interview, including correspondence returned by the post office due to the applicant's change of address, will have their applications withdrawn, except under reasonable accommodations provisions for persons with disabilities as described in MDHA's Reasonable Accommodation Policy and Procedures document under Appendix IV.

   Pursuant to the Decree, MDHA will send a letter to any mobility pool member or applicant who does not respond within thirty (30) days to a notice calling him/her in for processing, notifying such applicant that he/she will be removed from the waiting list unless he/she provides a written response within 30 days setting forth a legitimate explanation for his/her failure to respond. Legitimate reasons for failing to respond to notices include the following:

   (1) Verified situations related to a family member with a disability
   (2) Verified hospitalization or illness of head of household or family member
   (3) Verified absence from the unit
   (4) Extraordinary or humanitarian reasons approved the Director of the Applicant and Leasing Center or his/her designee

2. Generally, MDHA will verify the family's eligibility for public housing benefits within the period of sixty (60) days before initial certification. Verification documents for initial certifications (admissions) and annual re-examinations must be no older than 120 days on the move-in date or the effective date of the re-examination.

3. The following items will be verified to determine qualification for admission to MDHA:

   - Family composition and type (e.g., Elderly/Disabled/Near elderly /Non-elderly);
   - Annual Income;
   - Assets and Asset Income;
   - Deductions from Income;
   - Preferences;
   - Social security numbers of all family members six years of age or older;
   - Applicant Screening Information;
   - Citizenship or eligible immigration status, and
   - Eligibility of college or post-secondary full time or part time students, as stipulated under Section B.6 of this chapter.

4. Verification of citizenship or eligible immigration status shall be carried out pursuant to 24 CFR § 5.5.

5. Applicants reporting zero income will be asked to complete a family expense form 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.

## H. Screening Applicants for Admission

1. All applicants shall be screened in accordance with HUD's regulations and with sound management practices. Applicants may be denied admission if they have a demonstrated history of behavior that would prevent them from meeting their obligations as tenants if repeated after admission to a MDHA unit. MDHA will screen applicants to demonstrate the applicant's ability to comply with essential provisions of the lease as summarized below:

    - to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
    - 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;
    - not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
    - for drug-related criminal activity;
    - for violent criminal activity, including sex offender screening;
    - for any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and
    - to comply with necessary and reasonable rules and program requirements of USHUD and MDHA.

2. Criminal and sex offender background check requirements as described in Section J. of this Chapter will be conducted within five (5) days from the initial eligibility interview appointment, as referenced in Section G.1. of this Chapter. Applicants must sign the *Consent Form Authorizing Miami-Dade Housing To Obtain Criminal Background Records* prior to conducting any criminal and sex offender background checks.

3. Eligibility Interview

    The eligibility interview appointment letter mailed to the applicant includes a list of all the documents required by MDHA at the interview and the Personal Declaration form.

    a. Eligibility interviews are conducted in the eligibility interviewer's office. Upon request, reasonable accommodations will be provided for persons with disabilities who may require special services.

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

    c. During the applicant's formal interview, 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.

    d. Any additional information or documentation specifically requested of the applicant at the eligibility interview must be provided within one (1) week of the interview date unless an extension is granted.

e. 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 the misrepresentation, which may constitute fraud, is discovered after admission, the family may be subsequently evicted, even if the family meets current eligibility requirements at the time.

f. After MDHA has reviewed all information with the applicant, all adult family members (see definition on Appendix I of this policy) at the time of the eligibility interview, are required to sign the *Personal Declaration* form and other necessary forms such as authorizations for release of information, including the *Consent Form Authorizing MDHA to Obtain Criminal Background Records* prior to conducting criminal and sex offender background checks.

4. Personal Declaration Form

The *Personal Declaration* 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:

- Household composition
- Local preferences (if applicable)
- Emergency contacts
- Previous landlord references
- Background references
- Care of unit
- Family income
- Family assets
- Child-care expenses
- Disability assistance expenses, and
- Medical expenses
- Disability status
- Citizenship/immigration status
- Primary language

5. Verifications

a. For applicants, written verification from third parties are the most desirable forms of verification of the information 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. MDHA 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, MDHA will use (1) oral (telephone or in-person) verifications, (2) review of documents, and if no other form of verification is available, (3) applicant certifications. An exception to the third-party verification requirement is specified under item f. below.

At least two (2) documented attempts must be made for written third party verification before obtaining oral (telephone or in-person) third party verifications. Within three (3) business days of sending the written verification, if the written verification is not received, MDHA will telephone the independent source and request that the information be completed and sent to MDHA by the following day. If the information is not received by close of business on the following day, MDHA 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.

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 computer system notes and shall indicate who provided the information and when, as well as the MDHA staff person who obtained the information, along with the confirmed verified information.

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

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

d. In support of the tenant's declaration of income, MDHA may review original (authenticated) documents provided by the applicant or resident. All documents should be dated within the last 60 days of the interview. 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.

e. MDHA will accept original documents to verify assets from checking and savings account from the applicant or resident in lieu of obtaining written or oral third party verifications if the balance does not exceed $4,999 and MDHA is able to verify the asset through review of original documents provided by the applicant or resident.

f. When calculating assets, the current bank statement will not be used to determine actual income earned. The last six (6) months of bank statements will be used to calculate estimated future interest based on an average of the previous six months' balances.

g. 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. Any verification of income from the Social Security Office, Department of Children and Family Services, or other governmental agency must have an official stamp or other identifying mark.

h If third party 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.

i. All applicants or residents shall allow MDHA to conduct a home visit inspection of their current living arrangements and to perform criminal and sex offender background checks on applicants and family members. Failure to comply shall result in removal from the waiting list, withdrawal of an offer, or termination of assistance.

j. Prior to initial certification, applicants shall be informed that MDHA will subsequently verify the family's income information they have provided MDHA 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.

For residents, every effort, when practical, will be made to obtain third party verifications when the EIV is not available or when there is discrepancy between the EIV and the information provided. Refer to Chapter VI, Section E., for additional information on EIV requirements for resident families.

k. Payment of funds owed to MDHA or any other housing authority is part of the screening evaluation. MDHA will reject an applicant for unpaid balances owed to MDHA by the applicant for any program that MDHA operates, or for money paid to an owner by MDHA, until the unpaid balance is paid in full, or repayment agreement for funds owed to MDHA is executed. Any applicant, including mobility pool members, who currently live or 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 either paid in full or a repayment agreement effectuated and current, unless the debt has been expunged by operation of law. The debt will be considered expunged by operation of law if the time period has exceeded five (5) years and MDHA has not attempted to collect the debt within the five-year period or by bankruptcy, where permitted.

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

## I. Ability to Comply with Lease Requirements

1. Each applicant's ability and willingness to comply with the essential lease requirements will be verified and documented. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Applicants must be able to demonstrate the ability to comply with the terms of MDHA's lease, either alone or with assistance from others.

   Any costs incurred to complete the application process and screening will be borne by MDHA.

2. The history of applicants' conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:

   a. Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;

   b. Adversely affect the physical environment or financial stability of the project;

   c. Violate the terms and conditions of the lease.

3. MDHA will conduct a detailed interview of all applicants using an interview checklist as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Responses will be subject to third party verification.

4. MDHA's examination of relevant information with respect to past and current habits or practices will include, but is not limited to, an assessment of the applicant and each family members':

   a. Past performance in meeting financial obligations, especially rent and utility bills.

   b. Record of disturbance of neighbors (sufficient to warrant a police call), destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other tenants or neighbors.

   c. History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property, or other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.

   d. MDHA may, if a law or regulation requires that MDHA prohibit admission for a prescribed period of time because of a disqualifying behavior or event, choose to continue that prohibition for a longer period of time.

   e. A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).

   f. An applicant's ability and willingness to comply with the terms of MDHA's lease, including but not limited to the community service requirement.

## J. Denial of Assistance

MDHA will complete criminal background and sex offender checks on all applicants and other family members for whom criminal records are available, in accordance with the One Strike rule for criminal offenders. MDHA is required to deny assistance to applicants in the following instances:

1. Eviction or Termination from Federally Assisted Housing

   MDHA shall deny assistance if any household member has been evicted from federally assisted housing, or if a public housing agency (PHA) has ever terminated assistance, as follows:

   a. Five (5) years from the date of eviction or termination, if evicted or terminated for drug-related criminal activity;

   b. As described in subsection 2 below -Violent Criminal Activity. if evicted or terminated for violent criminal activity.

   c. Three (3) years from the date of eviction or termination, if evicted or terminated for reasons other than drug-related or violent criminal activity, e.g., non-payment of rent.

2. Violent Criminal Activity

   Except as stipulated under Section K, Applicants Claiming Mitigating Circumstances, MDHA shall deny assistance for violent criminal activity (see definition in Appendix I of this policy), if the applicant or applicant's family member (applicant) participates in One Strike Policy violations, as follows:

   a. Ten (10) years from date of arrest for first or second degree murder, arson, kidnapping, or violent sex related offenses, including but not limited to sexual assault/battery, sexual battery, and child molestation, except as described under 5.b below, under the conditions listed under paragraph 3 below.

   b. Five (5) years from date of arrest for manslaughter, sex offenses, except as described under 2.a above and 5.b below, or for non-murder violent criminal activity, under the conditions listed under paragraph 3 below.

3. Conditions

   a. If an applicant has engaged in One Strike Policy activity with a disposition of the charge as either:

      - Guilty
      - Guilty/convicted
      - Nolo Contendre
      - Convicted
      - Fined
      - Adjudicated
      - Adjudicated withheld

b. Where the family has no 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 denied assistance if otherwise qualified.

c. Open cases should be held pending final disposition. Upon a disposition from the court, MDHA shall either recommend denial or take no action based on the outcome as defined above.

In circumstances where the family member admits to the crime, whether or not an arrest, charge, or conviction takes place, the family shall be denied assistance.

4. Drug-related Criminal Activity:

Except as stipulated in Section K., Applicants Claiming Mitigating Circumstances, MDHA shall deny assistance for drug-related criminal activity (see definition in Appendix I of this Policy) of a household as follows:

a. If any household member is currently engaging (within a year from date of eligibility) in illegal use or found to be in possession for personal use of a controlled substance;

b. Five (5) years from date of arrest if MDHA has reasonable cause to believe, that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

c. All the conditions stipulated in Section J. 3, Conditions, above also apply to applicants who have drug-related criminal activity.

5. Other Criminal and Non-criminal Activities

MDHA shall deny assistance to the household as specified in each of the following instances:

a. Permanently if any household member has ever been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing;

b. Permanently if any member of the household is 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). Additionally, MDHA will perform background checks not only in the state that the housing is located, but also in other states where the household members are known to have resided.

c. Ten (10) years if an applicant committed fraud, bribery, or any other criminal act in connection with any federal housing agency (provided payment in full of any balance due);

d. Three (3) years for a record of two (2) or more incidents of alcohol abuse, if any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

e. Three (3) years for a record of two (2) or more incidents of other criminal activities (non-violent) which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents. The conditions stipulated under Paragraph J. 3., Conditions, above also apply to applicants who have non-violent criminal activities as described herein; and

f. Three (3) years for a record of two (2) or more occasions of failing to meet financial obligations, especially rent and utilities.

g. In the event an applicant has been admitted into the program and MDHA discovers after his or her admission that one or more of the offenses listed herein were committed by the applicant or other household member prior to admission into the program, MDHA shall make a determination as to whether to recommend termination from the program.

6. Monies Owed

1. If the applicant or any member of the applicant's family currently owes rent or other amounts to MDHA or any other housing authority in connection with Section 8 or public housing assistance under the Housing Act of 1937 any applicant, including mobility pool members, 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 or has entered into a repayment agreement and is current in payments, unless the debt has been expunged by operation of law. The debt will be considered expunged by operation of law if the time period has exceeded five years and MDHA has not attempted to collect the debt within the five-year period or by bankruptcy, where permitted.

2. If the applicant or any member of the applicant's 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.

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

7. Abusive Behavior

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

8. Student Eligibility

If a student enrolled at an institution of higher education does not meet the eligibility requirements under the federal regulations for Section 8 New Construction projects only, for purposes of this ACOP.

MDHA may deny assistance for drug or criminal activity based on the preponderance of evidence, regardless of whether there is an arrest or conviction. Notwithstanding Section J 5.d, MDHA will not immediately deny assistance if it is determined that the substance abuse is related to a disability as determined by MDHA.

If the family includes a person with a disability, MDHA's decision to deny assistance is subject to consideration of reasonable accommodation as determined by MDHA in accordance with Appendix IV, Reasonable Accommodation Policies and Procedures.

Before MDHA rejects an applicant on the basis of criminal history, MDHA must notify the household of the proposed rejection and provide the household member with a copy of the criminal record upon request either before or at the informal review, and an opportunity to dispute the accuracy and relevance of that record. Criminal background records for minors available to MDHA by operation of law will be released to the head of household/parent/guardian of the minor upon request.

Records Management: Consistent with USHUD's regulations concerning the limitations on disclosure of records (i.e. pre-screening of applicants or lease enforcement and eviction), MDHA has established and implemented a system of records management that ensures that any criminal record received by MDHA from a law enforcement agency is:

(1) Maintained confidentially;

(2) Not misused or improperly disseminated; and

(3) Destroyed, once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.

Penalties for improper release of information--

Criminal penalty. Pursuant to USHUD's regulations the improper release of criminal records may result in conviction for a misdemeanor and imposition of a penalty of not more than $5,000 is the potential for:

(1) Any person, including an officer, employee, or authorized representative of MDHA or of any project owner, who knowingly and willfully requests or obtains any information concerning an applicant for, or tenant of, covered housing assistance under the authority of this section under false pretenses; or

(2) Any person, including an officer, employee, or authorized representative of any PHA or a project owner, who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive the information.

Civil liability.

In addition to criminal penalties. Miami-Dade County may be held liable to any applicant for, or tenant of, covered housing assistance affected by either of the following:

(1) A negligent or knowing disclosure of criminal records information obtained under the authority of this section about such person by an officer, employee, or authorized representative of MDHA if the disclosure is not authorized by USHUD's regulations; or

(2) Any other negligent or knowing action that is inconsistent with USHUD's regulations.

An applicant for, or tenant of, covered housing assistance may seek relief against Miami-Dade County in these circumstances by bringing a civil action for damages and such other relief as may be appropriate against Miami-Dade County responsible for such unauthorized action.

## K. Applicants Claiming Mitigating Circumstances

1. If negative information is received about an applicant, MDHA 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.

2. Mitigating circumstances are facts relating to the applicant's negative criminal and/or rental history or behavior, that, when verified, indicate: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and 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.

3. If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition, or treatment, MDHA shall evaluate the evidence and verify the mitigating circumstance(s). MDHA shall also have the right to request further information to verify the mitigating circumstance(s). 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 MDHA's Reasonable Accommodation Policy and Procedures document under Appendix IV of this policy), which will be used by MDHA as the source document to process reasonable accommodation requests for persons with disabilities.

4. In its decision to deny assistance, MDHA 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. MDHA, 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 MDHA Director and/or hearing officer.

5. Applicants with an arrest record for drug-related or criminal activities, but who have not been adjudicated by a court of law at the time of eligibility determination, will be denied admission as indicated in Section J of this Chapter. However, the household may be reinstated to the waiting list in mitigating circumstances and upon approval of the Division Director overseeing the Applicant and Leasing Center or designee.

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. MDHA 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 MDHA 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 MDHA and advises of any criminal activity that is in violation of the One Strike Policy of a family member or if MDHA determines a violation of the One Strike Policy or other criminal activity as described within this policy, 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 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, MDHA 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 MDHA'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 residents, MDHA 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 and/or MDHA Director, MDHA 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 and/or MDHA Director, in his or her decision 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, MDHA 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, Sexual Assault, Dating Violence or Stalking

(1) 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 and/or MDHA Director. 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 Chapter IV for further information.

(2) 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 Chapter IV. MDHA 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 public housing programs.

MDHA 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 MDHA. If the family has not provided the requested certification or documentation by the 14th business day or any extension as authorized by MDHA, none of the protections afforded by VAWA apply for consideration of admittance into the program. All information provided by the applicant and/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. MDHA 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.

## L. Qualified and Unqualified Applicants

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

   - Eligibility of the applicant as a family,
   - Eligibility of the applicant with respect to income limits for admission;
   - Eligibility of the applicant with respect to citizenship or eligible immigration status;
   - Unit size required for and selected by the family;
   - Qualification of the applicant with respect to the selection criteria;
   - Eligibility of college or post-secondary full time or part time students pursuant to federal regulations

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

3. 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 MDHA in providing all required information, will be notified in writing that his/her name will be removed from the Project-based Waiting List unless he/she requests an informal review by contacting MDHA within thirty (30) days of the notice. If an applicant does not respond because of the family member's disability, MDHA will review and recommend whether to reinstate the applicant to the family's former position on the waiting list in accordance with MDHA's Reasonable Accommodation Policies and Procedures included under Appendix IV of this policy.

4. The applicant shall be provided an opportunity for an informal review if requested within thirty (30) days of the notice. Pursuant to the Decree, an applicant or mobility pool member may within one (1) year of being removed from the waiting list for not responding to notices calling him/her in for processing, request an administrative hearing seeking reinstatement to his/her original place on the waiting list. 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 MDHA. Mobility pool members removed from the program waiting list because of ineligibility, however, shall not be removed from the mobility pool list for the purpose of receiving offers from other programs for which mobility pool members may be eligible, including homeownership opportunities.

5. Eligible applicants who are known to have a disability, but fail to meet the applicant selection criteria detailed in Sections G, H, I, J, K & L of this Chapter, will be offered an opportunity to submit documentation in support of their claims that mitigating circumstances related to disabilities or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures. MDHA will review such claims in accordance with MDHA's Reasonable Accommodation Policies and Procedures document (Appendix IV of this policy).

## M. Occupancy Guidelines

Units shall be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear and under-utilization.

1. At the initial certification or during a change of dwelling, MDHA shall, to the greatest extent possible, and within the occupancy standards, allow the family the flexibility of bedroom size to best accommodate family members based on age and gender. For occupancy standards an adult is a person eighteen (18) years or older.

2. Two (2) persons per bedroom will be the standard for the smallest unit a family may be offered.

**Minimum and Maximum-Number-of-Persons-Per Unit Standard**

| Number of Bedrooms | Minimum Persons per Unit | Maximum Persons per Unit |
|---|---|---|
| 0 | 1 | 1 |
| 1 | 1 | 2 |
| 2 | 2 | 4 |
| 3 | 3 | 6 |
| 4 | 4 | 8 |
| 5 | 5 | 10 |
| 6 | 6 | 12 |

3. Persons of different generations, or age difference greater than ten (10) years (for persons of the same gender), and persons of opposite gender (other than adults who have a spousal relationship) shall be allocated separate bedrooms. A single person family shall be allocated a zero (0) or one (1) bedroom unit and spousal partners a one (1) bedroom sized unit.

4. The following principles govern the size of unit for which a family will qualify. Generally, two (2) people are expected to share each bedroom, except that units will be so assigned that:

a. It will not be necessary for persons of different generations or opposite sex, other than those in spousal relationship, to occupy the same bedroom, although they may do so at the request of the family.

b. Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities.

c. Two (2) children of the opposite sex will not be required to share a bedroom, although they may do so upon written request from the family. Such situations may occur for families needing larger bedroom sizes (4, 5, 6 bedrooms) for which there are limited availability.

d. A family that consists of a pregnant woman shall only be allocated a maximum of a two (2) bedroom unit.

e. MDHA will count a child in the occupancy 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 single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.

g. A live-in aide may be assigned a bedroom. Single elderly or disabled residents with live-in aides will be assigned one (1) or two (2) bedroom units.

h. Individual housing units with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels shall not discriminate on the basis of familial status.

5. The largest unit size that a family may be offered would provide no more than one (1) bedroom per family member, taking into account family size and composition.

6. If a family opts for a smaller unit size than would normally be assigned under the largest unit size standard (because, for example, the waiting list is moving faster), the family will be required to sign a statement agreeing to occupy the unit assigned at their request until their family size or circumstances change.

7. When a family comes to the top of the waiting list, if they no longer qualify for the unit size they were originally assigned, they will be reassigned to the appropriate bedroom size, retaining their original ranking. This may mean that they may have to wait longer for a unit offer.

## N. Record Maintenance

MDHA will keep the resident's application for admission in the resident's file. All occupancy information collected during the ten-year term of the Decree shall be retained for at least three (3) years following expiration of the Decree including data on current applicants and residents, and applicants who were never admitted. MDHA's ALC will maintain records of the circumstances of each dwelling unit offered to an applicant, including the location of the unit, the offer date, and whether the offer was rejected or accepted. This information may be maintained electronically.

MDHA will retain historical applicant and resident data from MDHA's computer system for three years after the expiration of the Adker Consent Decree.

## III. Tenant Selection and Assignment Plan

This ACOP incorporates by reference and implements the provisions of the Adker Decree, as previously referenced in Chapter I - Section C, on Applicant Processing, Tenant Selection, Placement and waiting lists management. Nothing contained herein is intended to change, amend or replace any provision of the Adker Decree. Wherever conflicts may occur between both documents, the provisions of the Adker Decree shall govern.

### A. Organizing the Project-based Waiting List

It is MDHA's policy that each applicant shall be assigned his/her appropriate place on the Project-based Waiting List in sequence based upon:

1. Type and size of unit needed and selected by the family (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms);

2. A neutral lottery system that determines the applicant's ranking on the project-based waiting list.

### B. Choice of Public Housing or Section 8 Moderate Rehabilitation Program

**1.** Upon verification that the applicant meets MDHA's criminal and sex offender background check requirements, the applicant must choose whether he/she wants to reside in either a Public Housing unit or in a Section 8 Moderate Rehabilitation unit. MDHA will provide a description of the two programs to the applicant in writing.

2 If the applicant selects the Moderate Rehabilitation program and the applicant is rejected by an owner after receiving three offers, the applicant will be entitled to receive an offer for public housing, subject to meeting all public housing eligibility requirements.

### C. Making Housing Offers to Eligible Applicants

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

2. Until the expiration of the Decree, applicants on the Project-based, Waiting List shall receive desegregative offers (see definition in Appendix I of this policy), that is, offers exclusively to applicants whose race does not predominate at the development, where applicable, for vacancies in the following:

   - Public Housing, including Assisted Living Facilities, and County-owned Section 8 New Construction developments;
   - Section 8 Moderate Rehabilitation developments.

   Subject to the Decree's desegregative offer requirement and MDHA's approved plan to fill vacancies, 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, northern and southern regions of Miami-Dade County.

   b. Up to twenty (20) eligible applicants are offered five (5) units (numbers may be altered depending on availability of units and other factors) after unit is ready for occupancy.

c. The five (5) units shall be desegregative offers for at least five (5) of the twenty (20) applicants to whom the offer is made. Each applicant submits to MDHA a list of the units they will accept within five (5) business days.

d. 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; however, preference is given to desegregative acceptances. 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.

e. 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, regardless of whether they are desegregative offers.

f. Subject to the process described above, any applicant who receives an offer shall be removed from the waiting list for the program for which he/she received that offer, except that an applicant on the Project-based Waiting List who demonstrates good cause (as defined in Section D.1 of this Chapter) for rejecting an offer shall remain on the list. An applicant shall not be removed from the waiting list for one program on the basis of the applicant's acceptance of an offer in another program. Applicants who are removed from the project-based waiting list because they refuse unit offers without good cause may not reapply until the next open registration period.

g. Offers of vacant units may be made to applicants that state a preference for a development in which their race does not predominate in advance of applicants higher up on the Project-based Waiting List and who have not stated a preference for a particular desegregative development. Applicants may not modify their preferences more than once a year.

h. An applicant who has accepted a tenant-based subsidy and subsequently receives an offer for project-based assistance during the first year of his/her lease, or an applicant who has accepted project-based assistance and subsequently receives an offer for a tenant-based subsidy during the first year of his or her lease, must comply with the term of his/her lease or 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.

i. The desegregative offer process as described herein may be amended with the agreement of all parties to the Decree.

3. In the selection of a family for a UFAS unit or a unit with accessible features, MDHA will give preference to current residents and then to applicant families that include a person with disabilities who can benefit from the unit features.

4. If more than one (1) unit of the appropriate size and type is available, the first unit to be offered will be the unit that is or will be ready for move-in first. "Ready for move-in" means the unit has no Housing Quality Standard deficiencies and is broom clean. If two (2) units are ready for move-in on the same day, the first unit to be offered will be the unit that became vacant first.

## C. Removing Applicant Names from the Project-based Waiting List

1. To ensure vacant units are filled in a timely manner, MDHA needs a waiting list that is accurate. While each applicant is responsible for keeping MDHA apprised of changes in address, telephone number, income or other circumstances, no applicant shall be removed from the waiting list except when one of the following situations occurs:

   a. The applicant receives and accepts an offer of housing;

   b. The applicant requests that his/her name be removed from the waiting list;

   c. The applicant is rejected, either because he/she is ineligible for assisted housing at the time of certification, or because he/she fails to meet the applicant selection criteria;

   d. The application is withdrawn because (1) MDHA attempted to contact the applicant and was unable to do so; or (2) correspondence was returned by the post office due to a change of address and the applicant failed to notify MDHA of the change of address; or (3) the applicant did not respond to a notice calling him or her in for processing, except if a legitimate explanation is provided as defined in this policy; or (4) the applicant did not respond to the offer; or (5) the applicant does not accept an offer, except for good cause, as defined in Section D.1 below; or (6) the applicant does not respond to, or attend, the lease-up appointment scheduled by the site manager or regional manager pursuant to MDHA's *Returning Applicant Files to Applicant and Leasing Center* procedures.

2. Persons who fail to respond to MDHA's attempts to contact them because of verified situations related to the disability of a household member shall be entitled to reinstatement to the waiting list as a reasonable accommodation to the household member with disabilities, upon the determination of MDHA's ADA Coordinator. Such reinstatements shall be to their former waiting list positions.

3. Families whose applications are withdrawn or rejected may reapply for housing when the waiting list is open.

4. All rejected applicants are entitled to a complete explanation of the reason for their rejection and may request an informal review, at which time they may present reasons why they should be reinstated to the waiting list (See Chapter IX - Grievance Policy, of this policy).

## D. Good Cause for Applicant Refusal of Unit Offer

If an applicant does not accept the unit and presents clear evidence ("good cause") that acceptance of the offer of a suitable vacancy will result in undue hardship not related to considerations of race, color, sex, religion, national origin, ancestry, marital or familial status or sexual orientation, the applicant will not be removed from the list.

1. Examples of "good cause" for refusal of an offer of housing are:

   a. The unit is not ready for move-in at the time of the offer of housing. "Ready for move-in" means the unit has no Housing Quality Standard (HQS) deficiencies and is

broom clean. If an applicant refuses a unit because it is not ready for move-in, the applicant will be offered the next unit that is ready for move-in.

b. Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

c. The family demonstrates that accepting the offer will place the life, health or safety the family or a member of the family 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.

d. 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.

e. The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to the fifteen (15) days notice to move.

f. An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.

2. If good cause is verified, the refusal of the offer shall not require the applicant to be removed from the waiting list or otherwise affect the family's position on the waiting list. The applicant will receive another housing offer upon unit availability.

3. MDHA 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.

## E. Administering the Applicant Waiting List

Applications for admission will be processed centrally. Initial intake, waiting list management, screening, and assignment of housing (including transfers) will be made from ALC. Offers will be made in writing.

## F. Assisted Living Facilities

MDHA administers Assisted Living Facilities (ALFs) of zero (0) and one (1) bedroom units which combine the concepts of public housing and non-institutional facilities and provide programs and services for low-income elderly and frail persons. ALFs are regulated by Florida Statutes Chapter 400, Part III and Administrative Law 58A-5. Admission and continued occupancy of MDHA's ALFs are subject to the following requirements:

1. Applicants

a. Project-based Waiting List applicants interested in residing in an ALF must qualify in accordance to Chapter II, Section B of this policy, as applicable, and the ALF Admission Criteria detailed in item # 2 below.

b. ALF interested and qualified applicants will be selected from the Project-based Waiting List for zero (0) or one (1) bedroom units, in the ranking order obtained by the lottery system of such list. The Waiting List Management provisions contained in Chapter II, Section C of this policy applies to ALFs' applicants.

c. Unit offers to ALFs' interested and qualified applicants are subject to the Decree's requirement that MDHA make desegregative offers, where applicable.

2. ALF Admission Criteria

a. An ALF applicant must be a single person who is at least sixty two (62) years old, or two (2) persons, both of whom are at least sixty two (62) years old and living together, and who:

b. Are Medicaid eligible (each individual). The individuals may receive the additional Optional State Supplement (OSS) income. The OSS check must be endorsed to the facility and the resident will be given a personal allowance on a monthly basis.

c. Do not receive more than the specified ALF income limit per month, nor have more than the maximum funds allowed in a bank account (each individual) for ALFs. The income limit and maximum funds allowed might change annually;

d. Are able to perform daily living activities without supervision or assistance;

e. Are at risk of being prematurely placed in a nursing home;

f. Do not require twenty-four (24) hour nursing supervision;

g. Are not bedridden, and do not require licensed professional, mental health treatment; and

h. Are free from communicable disease (except as indicated below) and are nonviolent.

The term "communicable disease" does not include Acquired Immune Deficiency Syndrome (AIDS), human immunodeficiency virus or any other communicable diseases, which are considered a disability. Persons with said disabilities are afforded protection from discrimination under State Federal, and local anti-discrimination Laws.

3. Transfers to ALFs

Requests of transfers to an ALF of existing interested and qualified residents of Project-based developments are subject to the provisions under Chapter V of this policy and the ALF Admission Criteria detailed in item # 2 above. Residents requesting transfers to an ALF will receive priority over applicants requesting to reside in an ALF.

4. ALFs Local Preference

ALFs' applicants and/or transferees are subject to the ranking preference established in Chapter II, Section F.5 of this policy.

## IV. Domestic Violence Sexual Assault/Battery, Dating Violence or Stalking

### A. Overview

The pervasiveness and seriousness of domestic violence, sexual assault/battery/battery, dating violence and/or stalking has illuminated it as an issue of national importance. Domestic violence, sexual assault/battery/battery, dating violence and/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/battery, dating violence and/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 chapter is intended to establish a framework for the relationship between MDHA, victims of domestic violence, sexual assault/battery/battery, dating violence and/or stalking who reside in public housing and Section 8 New Construction, and the domestic violence providers who may facilitate measures MDHA can employ to combat the problem.

### B 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:

1. A dating relationship must have existed within the past 6 months;

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

3. 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, and/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/battery, dating violence and/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.

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

Under existing USHUD statutes and regulations, MDHA 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, MDHA 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, MDHA 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.

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

- A domestic violence, sexual assault/battery/battery, dating violence and/or stalking victim's statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident, utilizing form HUD-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.

- Restraining or civil protection orders.

- Medical records.

- 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 runs made to the residence, copies of all tapes and reports written by officers responding to a call.

- 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.

- 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.

- Statement from counselors, if victim attended counseling.

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

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

## D. Screening and Admission

MDHA may screen families on the basis of their family behavior and suitability for tenancy. In doing so, a MDHA may consider an applicant's previous rental and tenancy history, as well as past criminal activity. In an attempt to ascertain whether domestic violence, sexual assault/battery/battery, dating violence and/or stalking was a factor in the poor rental and tenancy history or criminal activity, MDHA staff 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/battery, dating violence and/or stalking against the applicant, staff may exercise discretion and approve admission pursuant to this ACOP.

MDHA staff 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 such cases, staff should consider alternatives to verifying suitability. 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 occupancy, MDHA will develop, to the extent feasible, linkages and referrals to victims of domestic violence, sexual assault/battery/battery, dating violence and/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 residents with a timely, safe and effective means of alleviating domestic abuse through direct services, education, information and referrals. In addition, MDHA staff will be trained to provide the necessary support to establish a presence at each public housing community in MDHA's stance against domestic violence, sexual assault/battery/battery, dating violence and/or stalking

## E. 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. MDHA is authorized to assist these victims in avoiding their abusers and continuing occupancy in public housing and Section 8 New Construction by adopting a special transfer policy that takes into account the victim's circumstances.

A special transfer policy 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, MDHA has adopted a transfer policy that includes a preference for victims of domestic violence, sexual assault/battery, dating violence and/or stalking who wish to move to other neighborhoods or even other jurisdictions. Refer to Chapter VI Transfer Policy.

In MDHA's discretion and subject to funding availability, the issuance of a Section 8 Voucher Program may be offered to the victimized family. MDHA would apprise victims of the availability of vouchers as an option, if available, to accessing affordable and stable housing.

## F. Eviction and Termination

While the United States Housing Act, the federal regulations and Chapter 83 of the Florida Statutes (Florida Landlord/Tenant Act) allow MDHA to evict 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 residents, MDHA staff shall carefully review circumstances where victims of domestic violence, sexual assault/battery/battery, dating violence and/or stalking may be evicted due to circumstances beyond their control. MDHA 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. MDHA 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 eviction is appropriate, MDHA shall consider the safety and well-being of victims of domestic violence, sexual assault/battery/battery, dating violence and/or stalking as well as the health, safety and peaceful enjoyment of other residents who may be affected by incidents of domestic violence. Again, as previously stated, MDHA will develop, as a standard policy, linkages and referrals to victims of domestic violence, sexual assault/battery/battery, dating violence and/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/battery, dating violence and/or stalking are complicated by USHUD restrictions on assistance to non-citizens who have ineligible immigrant status. In these cases, MDHA may refer immigrant victims to agencies that can offer immigration relief and counsel the victim on steps to obtaining eligible status.

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

- MDHA shall bar the culpable perpetrator from the unit or MDHA development.
- MDHA shall establish a "no trespass" list for those that have been banned from the unit or MDHA development.
- To the extent feasible, MDHA shall establish a relationship with local law enforcement to make unscheduled home visits to the victim's public housing unit. Victims voluntarily submit their names to the list and authorize unscheduled home visits as a way of deterring the perpetrator.
- MDHA may coordinate a cell phone donation program where old cell phones are provided to victims to assist in cases of emergency.
- To the extent permitted by law, MDHA shall ensure that the private information of victims of domestic violence, sexual assault/battery, dating violence and/or stalking are protected. Victims of domestic violence, sexual assault/battery, dating violence and/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 these victims have applied 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.

## V. Leasing Policies

### A. General Leasing Policy

1. All units must be occupied pursuant to the MDHA approved dwelling lease that complies with HUD's regulations.

2. The lease shall be signed by the head of household, spouse, and all other adult members of the household and by the site manager or other authorized representative of MDHA, prior to actual admission.

3. If a resident transfers from one MDHA unit to another, a new lease will be executed for the dwelling into which the family moves.

4. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:

   a. A new lease agreement will be executed, or

   b. A Notice of Rent Adjustment will be executed, or

   c. An appropriate rider will be prepared and made a part of the existing lease.

5. All copies of such riders or insertions are to be dated and signed by the resident and by the site manager or other authorized representative of MDHA.

6. Residents must advise MDHA if they will be absent from the unit for more than seven (7) consecutive days. Residents shall notify the site manager in writing, secure the unit, and provide a means for MDHA to contact the resident in an emergency. Failure to advise MDHA of an extended absence is grounds for termination of the lease.

### B. Showing Units Prior to Leasing

1. Upon receipt of ALC offer letter, the applicant contacts the site manager to schedule an appointment to view the offered unit.

2. Once the unit is shown and the applicant accepts the unit and all required documentation is received from ALC, the site manager will execute a lease. If the applicant refuses the unit, a signed reason for refusal should be obtained from the applicant by ALC. ALC is responsible for making the "good cause" determination.

3. No lease will have an effective date before the unit is ready for occupancy.

### C. Additions to the Household and Visitors

1. Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit;

   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 before the new member moves in. For purposes of this Section, the

use of the term "by operation of law" shall include but not be limited pre-need guardianships and durable powers of attorney. Requested additions to the family requiring advance MDHA approval in writing also include spouses or a request to add a live-in aide.

A. Addition of Adult Family Member:

Upon approval of the MDHA Director of Public Housing or Assistant Director of Public housing or his/her designee, a resident 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 public housing program;

c. Such member's income must be considered in calculation of rent; and

d. Addition of the family member shall be in consideration of a reasonable accommodation for persons with disability or for humanitarian reasons; or

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

All other additions to resident families shall be considered only a case-by case basis by the Director of Public Housing or Assistant Director of Public Housing or his/her designee under extenuating circumstances. Addition of family members shall be the sole discretion of the Director of Public Housing or Assistant Director of Public Housing or his/her designee.

B. Screening of New Family Members

When a resident requests approval to add a new person to the lease, MDHA will conduct pre-admission screening of any proposed new adult member and for minors ages sixteen (16) to seventeen (17) for whom juvenile justice records are available to determine whether MDHA will allow the family member to be added to the family composition prior to MDHA's approval of the new family members.

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

MDHA 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 (1) or more children under the age of eighteen (18) years 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, power of attorney, etc. Approval of the documentation

shall be the sole discretion of the Director of Public Housing, the Assistant Director of Public Housing, or his/her designee.

All persons listed on the most recent certification form and the 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. Resident plans to be married and requests to add the new spouse to the lease;

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

c. A unit is occupied by a remaining family member(s) under age eighteen (18), who is not an emancipated minor, and an adult, not a part of the original household, requests permission to take over as the head of the household.

Residents who fail to notify MDHA of additions to the household or who permit persons to join the household without undergoing screening are in violation of the lease. Persons added without MDHA approval will be considered unauthorized occupants and the entire household will be subject to eviction.

2. Visitors may be permitted in a dwelling unit so long as they have no previous history of unacceptable or negative behavior on MDHA premises that would be a lease violation.

   a. Visits in excess of a total of fourteen (14) days per year, whether or not consecutive, are not permitted, unless the resident obtains the advance written consent of the Public Housing Director or designee.

   b. Visitors remaining beyond this period shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease.

3. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.

4. Residents will not be given permission to allow a former resident of MDHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for termination of the lease.

5. Family members over age seventeen (17) or emancipated minors who move from the dwelling unit to establish new households shall be removed from the lease.

   a. The resident shall report the move-out within thirty (30) calendar days of its occurrence.

   b. These individuals may not be readmitted to the unit and must apply as new applicant households for placement on the waiting list.

   c. Medical hardship or other extenuating circumstances shall be considered by MDHA in making determinations under this paragraph.

6. 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:

a. Is determined to be essential to the care and well-being of the person(s);
b. Is not obligated for the financial support of the person(s); and
c. Would not be living in the unit except to provide the necessary supportive services.

MDHA will approve a written request for a live-in aide upon written verification that the elderly, near-elderly or disabled program participant's family member requires the services of a live-in aide (for the Live-in Aide Verification form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures). 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. MDHA shall deny occupancy of the unit to the live-in aide after the resident, for whatever reason, is no longer living in the unit. The live-in aide must be counted in determining family unit size.

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 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 resident's lease (for the Live-In Aide Agreement form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures).

Upon approval of the Public Housing Director or designee, 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.

MDHA has the right to deny the request for any person, who does not meet the admission criteria described in Chapter II of the Admissions and Continued Occupancy Policy, to become a live-in aide. A criminal and sex offender background check of the proposed live-in aide shall be completed prior to his/her approval by MDHA.

7. Foster Children

The applicant and resident 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 unit size on the following factors:

a. Adding to the Family

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

b. 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.

## D. MDHA Access to Dwelling Unit

MDHA staff may enter the dwelling unit in accordance with Florida Statute Section 83.51 under the following conditions:

1. In case of an emergency;

2. For routine inspections, preventive maintenance and improvements or repairs, after 48 hours advance written notice provided to the resident; and

3. Maintenance requests by the resident shall constitute authorization for MDHA maintenance staff to enter the unit with or without the resident present.

## E. Requirements for Posting Policies, Rules and Regulations

The following documents shall be maintained in the waiting area of every housing development management office, and/or posted on a large bulletin board:

- Admission and Continued Occupancy Policies (ACOP)
- Tenant Selection and Assignment Plan (included in ACOP)
- Directory of all housing developments including names, perimeter streets, number of units by bedroom size, number of units specifically designed for the elderly, addresses of management offices and office hours
- Income limits
- Utility allowances
- Dwelling Lease form
- Community Policies
- Current schedule of routine maintenance and other charges (included in Community Policies)
- Grievance Procedures (included in ACOP and Community Policies)
- Fair Housing poster
- "Equal Opportunity in Employment is the Law" poster
- Resident oriented notices
- Emergency telephone numbers for after hours and weekends
- Reasonable Accommodation Policies and Procedures document
- PHA Plan

## F. Policies Concerning Repayment Agreement of Amounts Owed to MDHA

Except as otherwise required under Chapter VII, Enterprise Income Verification, Third Party Verification and Factors Affecting Eligibility and Family Rent, MDHA has the discretion to enter into repayment agreements with residents for amounts owed to MDHA, if it is in the best interest of MDHA, 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 MDHA has not attempted to collect the debt within the five-year period.

Standards for Repayment:

If a repayment agreement is offered to a participant in lieu of full payment, it will be in writing and will be within the following guidelines:

1. Down payment of at least twenty (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.

Exceptions:

Any terms allowing more time for repayment or for a lower down payment must be approved by the Regional Manager or higher. 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 ACOP.

## VI. Transfer Policy

### A. General Transfer Policy

1. Transfers will be made without regard to race, color, national origin, sex, religion, marital or familial status, ancestry, disability sexual orientation, or status as a victim of domestic violence, sexual assault/battery, dating violence and/or stalking.

2. Under certain circumstances, residents may be transferred to accommodate a disability. However, every effort shall be made prior to the decision to transfer to accommodate the needs of disabled residents, including but not limited to making necessary modifications to their existing units and providing other forms of reasonable accommodations as detailed in MDHA's Reasonable Accommodation Policy and Procedures (see Appendix IV of this policy). MDHA shall offer these residents the option of remaining in their current unit while MDHA makes accessibility modifications in those circumstances where the unit modifications would not pose a health and/or safety risk to the current occupant(s); or, waiting to transfer, upon availability, to another unit that is accessible and meets the unit size requirement of the respective resident.

3. Residents will not be transferred to a dwelling unit of equal size, except to alleviate hardship of the resident or other undesirable conditions as determined by the Public Housing Director or designee.

4. Residents will receive one (1) offer of transfer. Refusal of that offer without good cause (refer to Chapter III, Section D of this policy) will result in removal of the household from the transfer list. If a resident with a mandatory transfer refuses an offered unit without good cause, the refusal will result in lease termination.

5. Whenever feasible, transfers will be made within the resident's development or the resident's area.

6. Transfers are not subject to the Decree's desegregative offer requirement.

7. Residents must be in good standing.

8. Residents may use the MDHA Grievance Procedure (Article IX of this policy) if they are refused the right to transfer or if MDHA is requiring them to transfer and they do not want to do so.

### B. Types of Transfers

MDHA may encounter situations in which it is necessary to move residents from one unit to another. MDHA has four (4) types of transfers: 1) Emergency, 2) Serious/Urgent, 3) Occupancy Standards, and 4) Other Resident Initiated Transfers. Except for transfers of residents into Assisted Living Facilities (ALFs), the order in which families are transferred shall be subject to the priority by category set forth below:

1. Emergency Transfers: are mandatory for the residents when MDHA determines that conditions pose an immediate threat to resident life, health or safety. These transfers shall take priority over new admissions. Emergency transfers may be made to:

   a. Permit repair of unit defects hazardous to life, health, or safety;

b. Provide reasonable accommodations to persons with disabilities that lessen or eliminate immediate threats to life, health or safety;

c. Provide housing options to residents who are victims of hate crimes or extreme harassment.

d. Remove victims of domestic violence, sexual assault/battery, dating violence and/or stalking and who may face reprisals.

2. Serious/Urgent Transfers: are mandatory transfers and shall take priority over new admissions. Serious/Urgent Transfers may be made to:

   a. Remove residents who are witnesses to crimes or victims of domestic violence, sexual assault/battery, dating violence and/or stalking and who may face reprisals, or to protect members of the household from attack in a particular property or neighborhood when resident presents evidence of a mitigating circumstance such as police reports of criminal incidents and/or medical evidence from a verifiable source or any other evidence as further explained in Chapter IV of this policy;

   b. Provide reasonable accommodation to persons with disabilities that lessen or eliminate impediments to program or activity access of a serious (but not life threatening) nature that persons encounter because of their disabilities;

   c. Permit modernization or demolition of units;

   d. Permit a family that requires a unit with accessible features to occupy such a unit, or another suitable unit, e.g., ground floor unit, as an accommodation to a resident's disability as described in Section C.4 of this Chapter; or

   e. Alleviate other conditions of hardship as determined by MDHA.

3. Occupancy Standards Transfers: are mandatory transfers to correct overcrowded/under-occupied conditions. Occupancy Standard Transfers can be:

   a. High Priority Occupancy Standards: If the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age four (4) would equal more than two (2) persons per bedroom. These transfers will take priority over new admissions.

   b. Lower Priority Occupancy Standards: If the overcrowded/under occupied condition is not serious as described above, or if a family's size is between the smallest and largest size permissible, for the unit the family may request a transfer. Lower priority transfers shall not take priority over new admissions and are to be made at the discretion of the Public Housing Director or designee.

4. Other Resident Initiated Transfers: Any other unit transfer requested by the resident that is not out of necessity. The resident must present objective evidence ("good cause") that if the transfer is not made, it will result in undue hardship for the resident. These are considered non-mandatory transfers and do not take priority over new admissions. These transfers are to be made at the discretion of the Public Housing Director or designee.

a. Other Resident Initiated Transfers include transfers requested by the resident for reasons other than the ones described in items 1 through 3 above. However, if a resident requests a transfer that is determined by the site manager to be classified as Emergency, Serious/Urgent, or High Priority Occupancy Standard, as described above, the transfer request should be considered as such, unless determined to be otherwise by the Regional Manager or the 504/ADA Coordinator.

b. Resident Initiated Transfers shall be approved by the Public Housing Director or designee. Examples of Residents Initiated Transfers are:

- Hardship related to the ability of the resident or family member to retain his/her employment; or
- To retain particular day care or medical services uniquely suited to the affected individual's needs.

c. Assisted Living Facility (ALF) Transfers: These are transfers of interested and qualified residents of Project-based developments to an ALF, either recommended by the site manager or requested by the resident. Transfers to ALFs are not mandatory, but shall take priority over new admissions to ALFs. Persons requesting ALF transfers must qualify according to the ALF Admission Criteria stated in Chapter III, Section F and are subject to the ranking preference established in Chapter II, Section F. 5 (b) of this policy.

## C. Processing Transfers

1. A centralized transfer waiting list will be administered by ALC. Except for reasonable accommodation transfers, all transfers must be approved by the Public Housing Director or designee before ALC admits them into the transfer waiting list. Transfers that are for providing reasonable accommodation to persons with disabilities, that are recommended for denial by the Regional Manager or designee, must be reviewed and approved by the 504/ADA Coordinator, in accordance with MDHA's Reasonable Accommodation Policies and Procedures document (Appendix IV of this policy).

2. Except for transfers of interested and qualified tenants into ALFs, transfers will be sorted into their appropriate categories by ALC staff. Transfer offers will be made in the following order of priority:

   1st. Emergency transfers;
   2nd. Serious/Urgent transfers;
   3rd. High priority occupancy standards;
   4th. Lower priority transfers.

   Lower priority occupancy standards and Other Resident Initiated transfers are to be made at the discretion of the Public Housing Director.

   Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received by ALC from Public Housing.

3. Overcrowded/Under-occupied transfers to correct occupancy standards must be recommended by the site manager at time of re-examination or interim re-determination, and must be approved by the regional manager.

4. Transfers to Uniform Federal Accessibility Standard Units

a. Transfers of residents with disabilities and placement of applicants with disabilities requiring UFAS -Accessible Units, or units with accessible features (as defined in Appendix I of this policy), will be centrally coordinated through MDHA's Section 504/ADA Coordinator's Office with the assistance of MDHA's Applicant and Leasing Center;

b. When an accessible unit becomes available, the unit will first be offered to a current resident with disabilities in the same development who requires the accessibility features of the vacant, accessible unit and occupying a unit not having those features;

c. If there is no current resident in the same development who requires the accessibility features of the vacant, accessible unit, then the vacant, accessible unit will be offered to a resident with disabilities residing in another development who requires the accessibility features of the vacant, accessible unit;

d. If there is no current resident who requires the accessibility features of the vacant, accessible unit, then the vacant, accessible unit will be offered to an eligible, qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, accessible unit;

e. If there is not an eligible, qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then it will be offered to an applicant on the waiting list who does not need the accessible features of the unit. See 24 C.F.R. § 8.27. MDHA's *Conventional Public Housing Dwelling Lease* requires residents to relocate to a vacant, non-accessible unit within fifteen (15) days of notice by MDHA if there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

f. Residents or applicants with disabilities who are under the age of 62 needing the accessibility features of a vacant, accessible unit will be offered units upon availability in non-designated elderly housing.

5. When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the unit, marriage takes place, or family decides to remain in the unit and the unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.

6. Split-family transfers are not permitted. Separation of households will be processed as follows:

a. Resident-Initiated Separation of Households: Families that decide to separate because of divorce or inability to live under the same roof must identify the family member(s) who are willing to establish a new household. Such party may submit an application to be placed on the waiting list during open registration periods. The household member(s) who will be leaving the unit must do so within thirty (30) days of notification by MDHA. The remaining family member(s) may also be required to transfer to a smaller unit if the unit becomes under-occupied after one household moves out and there exist families on the waiting list for that size unit. Whenever a family cannot agree on which family member(s) remain in the unit, for example in a divorce case, MDHA will rely on the court decree.

b. If upon recertification, MDHA finds that a family composition has grown beyond the maximum bedroom size unit available in MDHA, whether the family was transferred or not to the maximum sized bedroom unit, the family must identify member(s) who are willing to establish a new household. Such party may submit an application for housing assistance during the open registration period. The household member(s) who are leaving the unit must do so within thirty (30) days of notification by MDHA. The remaining family members may also be required to transfer to a smaller unit if the unit becomes under-occupied after one (1) household moves out and there exist families on the waiting list for that size unit.

c. MDHA may transfer a family to a larger unit in order to accommodate the addition of family members by birth. However, in order to maximize the use of scarce affordable housing and in consideration of applicants on the waiting list, transfers of families to separate units are not allowed.

7. Residents who wish to initiate a transfer must obtain and complete a Transfer Request form at the management office, sign it, and provide documentation supporting the necessity of the transfer.

8. Each household's size and composition is reviewed at annual recertification to determine whether the household has increased or decreased in size. To comply with the Occupancy Guidelines set forth in Chapter II, Section M, MDHA will place a family living in an inappropriate sized unit, whether under-occupied or overcrowded, on the transfer waiting list for an appropriate unit. The family will then be transferred to a unit with the appropriate number of bedrooms as it becomes available, subject to the requirements stipulated in Section B of this Chapter.

9. MDHA may transfer the resident living in Conventional Public Housing to a Section 8 New Construction unit. Transfer between a public housing unit and a Section 8 New Construction unit must be approved by the MDHA Director. Transfers between the Conventional Public Housing and the Section 8 Housing Choice Voucher program are not permitted.

10. When a resident is allowed to transfer, the resident's name is placed on the transfer waiting list and will be given written notice to this effect.

11. Eligible residents moving from one MDHA program to another MDHA program are residents in transition between programs, not transfers. The Residents in Transition Policies and Procedures are found in MDHA's Policy and Procedures Manual.

## D. Administrative Requirements

1. All residents approved for transfers must have a current rent account with no outstanding balance and must leave the unit in a satisfactory condition. Requests for exceptions to this requirement based on disability will be considered on a case-by-case basis.

2. A family who has been approved for a transfer will be made one (1) offer of an appropriate size unit. At the time the offer is made if the family rejects the offer, a second offer can be made only for good cause.

3. Once a transfer assignment is made, the resident is required to move within fifteen (15) days of being notified, or face eviction proceedings.

## E. Good Record Requirement for Transfers

1. In general, and in all cases of all resident-requested transfers, residents will be considered for transfers only if the head of household and any other family members:

   a. have not engaged in criminal activity that threatens the health and safety of residents and staff;

   b. do not owe back rent or other charges, or evidence a pattern of late payment;

   c. meet reasonable housekeeping standards and have no housekeeping lease violations; and

   d. can have utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

   Requests for exceptions to these requirements based on disability will be considered by MDHA's 504/ADA Coordinator on a case-by case basis:

2. Absent a determination of exception, the following policy applies to transfers:

   a. If back rent is owed, the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, the back rent is paid in full.

   b. A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.

   c. The resident must be in good standing and in compliance with the Lease and Community Policies.

## F. Paying for Transfers

1. Costs associated with transfers for reasonable accommodation will be paid in accordance with the Reasonable Accommodation Polices and Procedures (Appendix IV of this policy).

2. Residents will bear the cost of transfers to correct occupancy standards. However, where there is a hardship due to health or other factors, the site manager may recommend that families be reimbursed for out-of-pocket expenses for an occupancy standards transfer in an amount not to exceed a reasonable moving allowance established by MDHA. Residents who seek reimbursement must provide proof of their out-of-pocket expenses to MDHA, i.e. receipts. The Public Housing director or designee must approve the expense.

   In the case of a victim of domestic violence, sexual assault/battery or stalking, MDHA will assist persons to move.

## VII. Eligibility for Continued Occupancy, Annual Reexaminations and Remaining Family Members

### A. Eligibility for Continued Occupancy

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a "family" as defined in Appendix I of this policy.

2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.

3. Whose family members, age six (6) years and older, each have Social Security numbers or have certifications on file indicating they have no Social Security number.

4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.

5. Who are in compliance with MDHA's eight (8) hours per month community service requirements (applicable to public housing developments), pursuant to MDHA's Community Service procedures.

### B. Remaining Family Members and Prior Debt

1. Remaining family members age eighteen (18) years or older will be held responsible for arrearages incurred by the former head or spouse. MDHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained the age of eighteen (18).

2. Remaining family members under the age of eighteen (18) shall not be held responsible for the rent arrearages incurred by the former head of household.

### C. Reexamination (Recertification)

Due to MDHA's large project-based portfolio of units, the recertification schedule is determined by the development in which the household resides, rather than by the tenancy anniversary. After the initial move-in certification, some residents may be re-certified within the first year of tenancy due to the recertification schedule established for the development. In order to have the information available to adjust the rent, the initial request for re-certification will be started at least one hundred and twenty (120) days before the scheduled effective re-certification date.

1. Regular Recertification's: MDHA shall, at least once a year, re-examine the family composition and incomes of all resident families, except that families paying Flat Rent shall have their incomes reexamined every three (3) years, but shall still be subject to annual reexamination of the family composition and the community service requirement.

2. Special Recertification's: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and rent and special recertifications will be scheduled.

    a. Temporary Rent: The resident may not be able to be recertified due to temporary absence from the unit due to a hospital stay, or instability in the family

income or composition. Thus, it may not be possible to determine and verify family income by the scheduled recertification date. In such a case, the following steps shall be followed:

- A temporary rent will be established based on the most recent information supplied by the family.
- The temporary rent period shall be for thirty (30) days from the established recertification date and can be extended for additional thirty (30) days while income is being verified, not to exceed a total of 90 days.
- The resident will be notified in writing with a "Temporary Rent Notice" that payments of rent based on the unverified report of anticipated annual income are to be made pending verification of family income.
- At the conclusion of the temporary rent period, the temporary rent status shall expire and the appropriate rent established.
- The appropriate rent when established will be effective from the scheduled re-certification date and the resident will be charged for any balance due, or credited with any overpayment, resulting from payment of the temporary rent.

b. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every ninety (90) days until they have a stable income. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income. A provisional letter will be sent to the resident stating that their zero-income is temporarily acceptable only until determined otherwise and that third-party verification will continue to be done every 90 days to ensure all income is reported.

## D. Recertification Procedures

Each family is required by regulations to be recertified at least every twelve (12) months.

1. At the time of annual recertification, all adult members of the household will be required to sign an application for continued occupancy, the community service certification, if applicable, and other forms required by USHUD and MDHA.

2. MDHA will notify the resident family approximately one-hundred twenty (120) days prior to their scheduled recertification of the appointment information, including what documentation the family will be required to provide. Documents used for verification must be no older than 120 days on the effective date of the re-examination.

3. Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be filed in the resident's file.

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

   a. Eligibility of the resident as a family or as the remaining member of a family;

b. Unit size required for the family (refer to the Occupancy Guidelines on Chapter II, Section M);

c. Rent the family should pay; and

d. Compliance with the Community Service Requirements policies and procedures (public housing residents only)

5. Upon receipt of prior written consent from a household, MDHA may access criminal justice records of any household members with the purpose of determining continued assistance under the program, at recertification, transfer, and at any time MDHA deems it necessary. MDHA's *Consent Form Authorizing Miami-Dade Housing Agency to Obtain Background Checks* must be signed by all appropriate family members. The resident's consent and authorization terminates upon the resident's termination of tenancy in the program.

6. Annual recertifications shall be conducted in the Public Housing management offices. If the family is unable to come to the office for the annual recertification due to disability, chronic long-term illness, and as a reasonable accommodation, or other circumstance, MDHA may allow, on a case-by-case basis, the family to be recertified either by mail or by home visit.

7. Residents with a history of employment, but are unemployed at recertification, will have income anticipated based on past and anticipated employment in accordance with, and where permitted by federal regulations. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.

8. Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy.

9. Families failing to respond to the initial recertification appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the Regional Manager for termination of the lease.

10. MDHA will utilize the verification guidelines under PIH Notice 2004-1, Verification Guidance, and PIH 2006-41, Verification of Social Security (SS) and Supplemental Security Income (SSI) Benefits, and any subsequent guidelines issued by USHUD.

11. Enterprise Income Verification (EIV), when available, and third party written verifications, as described under Paragraph E. of this section, are the most desirable types of documentation. If EIV information conforms to the family's declared income as described under Paragraph E. below, third party verification may not be required.

    - Verification of income from any employer must be submitted directly by the employer by mail, facsimile, or e-mail. 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. Any verification of income from the Social Security Office, Department of Children and Family Services, or other governmental agency must have an official stamp or other identifying mark.

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

- Except as provided in the paragraph below regarding checking and savings accounts, at least two (2) documented attempts must be made for written third party verification before obtaining oral (telephone or in-person) third party verifications. Within three (3) business days of sending the written verification, if the written verification is not received, MDHA will telephone the independent source and request that the information be completed and sent to MDHA by the following day. If the information is not received by the close of business on the following day, MDHA will again call the independent sources on the next day and request that the information be sent. The file must document the attempts made to obtain third party verification.

- Telephone or in-person visit 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 tenant file and on computer system notes and shall indicate who provided the information and when, as well as the MDHA staff person who obtained the information, along with the confirmed verified information.

  If telephone or in-person visit verifications can not be obtained within two (2) business days, MDHA will review original documents provided by the resident. MDHA will document in the file the reason(s) why third party verification was not available.

- Tenant certifications will only be used as a last resort when all other verifications are not possible. When MDHA relies on tenant certification (notarized statement or affidavit), the file must be documented as to why third party verification was not available.

- MDHA will accept original documents to verify assets from checking and savings accounts in lieu of obtaining written or oral third party verifications if the balance does not exceed $4,999 and MDHA is able to verify the asset through review of original documents provided by the resident.

- If third party 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.

- When calculating asset income, the current bank statement will not be used to determine actual income earned. The previous six (6) months of banks statements will be used to calculate estimated future interest based on an average of the previous six months' balances.

- In support of the tenant's declaration of income, MDHA may review original (authentic) documents provided by the applicant or resident. All documents should be dated within the last 60 days of the interview. 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.

- Recertification procedures also apply in the event residents are under the eviction or termination process. The recertification is not an offer of extension of the lease agreement and does not constitute a waiver of such eviction or termination proceeding.

5. Student Eligibility

For the Section 8 New Construction program only, a full or part-time student enrolled at an institution of higher education must meet federal regulation eligibility requirements. This requirement does not apply to students residing in a Section 8 assisted unit with his or her parents or who reside with parents who are applying to receive section 8 assistance.

## E. 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 status or child care expenses must be verified directly via third party sources (written or oral) and/or by documents provided by the applicant, certifications, and self-declarations. If written or oral third party verifications are not available, the resident's self-declarations must be used and properly documented. Other acceptable documents obtained from residents include, but are not limited to, financial statements or tax returns of self employed residents, birth certificates, court orders or other documents concerning custody, copies of life or universal insurance policies, and applicable real estate documents to compute assets.

MDHA will utilize the verification guidelines of PIH Notice 2004-1, Verification guidance, and PIH 2006-41, Verification of Social Security (SS) and Supplemental Security (SSI) Benefits, and any subsequent guidelines issued by USHUD. USHUD's EIV system is the preferred form of verifying income that is provided by the resident on the application for continued occupancy. 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. MDHA 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 (transfer), 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 MDHA.

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, MDHA will use tenant-provided documents to calculate anticipated income.

2. If EIV income data is more than current tenant-provided documentation, MDHA will use EIV income data to calculate anticipated annual income unless the tenant provides MDHA 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, MDHA will use tenant-provided documents to calculate anticipated annual income.

In cases where EIV income data is substantially different than tenant-reported income, MDHA will utilize the following guidelines:

1. Request written third party verification from the discrepant income source. For EIV Social Security Administration (SSA) benefit discrepancies, MDHA 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, and/or receipt of other income, when MDHA 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, MDHA 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, MDHA shall recommend termination and may refer the case to the USHUD Office of the Inspector General.

MDHA, 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, MDHA's Private Rental Housing Director or Assistant Director of Private Rental Housing or designee will make the determination whether to recommend terminating assistance and forwarding the case to the Office of Inspector General.

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 $400 or more per month or $4,800 per year, MDHA shall recommend terminating housing assistance and shall forward cases to the Office of Inspector General for fraud prosecution, where authorized by MDHA's Director or his/her designee.

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 Florida Sunshine Law and is required by USHUD to be kept 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 MDHA staff. Unauthorized disclosure or inspection of EIV data can result in a felony conviction punishable by a fine up to $5,000 and/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

## F. Action Following Recertification

1. If there is any change in rent, a Notice of Rent Adjustment is sent to the resident notifying the amount and the effective date of the new rent. If there is a change in the family composition, a lease addendum is executed by the head of household and the new family members 18 years of age and older.

2. If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described on Chapter V this policy and moved to an appropriate unit when one becomes available, subject to the requirements stipulated in the transfer policy section and approved by the Public Housing Director or designee, where required.

## VIII. Interim Rent Adjustments

### A. Adjusting Rent between Regular Recertification

Rent is re-determined between annual recertifications when a resident undergoes a change in family composition or income.

1. Family composition changes.

The resident must report and provide verification of those changes which involve the loss or gain of a family member. An increase due to additions to the family by birth, adoption, or by operation of law, or a decrease in family size may result in a change in the Tenant Rent. Family size changes must be reported within ten (10) days of the status change.

2. Family income changes

   a. Residents must report within ten (10) days of occurrence a change in income as follows:

      - Changes of $200 or more per month, pursuant to the dwelling lease. Tenants will be provided a statement at annual recertification stating that they are required to report changes in income more than $200 per month and that failure to report such changes may result in their termination from the program.
      - Other changes stipulated in the dwelling lease.

   b. The resident may request an interim adjustment of rent as a result of a decrease or loss of income that will be for a period longer than thirty (30) days. If as a result of any interim change the rent is decreased, the resident must report, and provide verification of, all subsequent changes in income and family composition as they occur until their next scheduled annual recertification. The resident's rent will be adjusted in accordance with Federal regulations.

   c. As long as information regarding family status changes is reported in a timely manner by the family, increases in rent will be made effective the first day of the second month following the month in which the change is reported and proper verification completed. Decreases in rent will be made effective the first day of the month following the month in which the change is reported and proper verification completed.

3. For residents of Public Housing developments (excluding Section 8 New Construction developments) who qualify for Earned Income Disallowance (EID) (refer to Chapter XII, Section F of this policy):

   a. The family qualifies for the disallowance of increase in earned income, and the first 12-month period of 100% income disallowance begins.

   b. At the end of the first 12-month period of 100% income disallowance, an adjustment of the rent shall be made for the second 12-month period to factor a 50% income disallowance.

4. Misrepresentation by the resident

a. If it is found that the resident has misrepresented facts to MDHA so that rent being paid is less than should be charged, then the increase in rent shall be retroactive to the first of the month following the effective date of the change in income. In justifiable cases, MDHA may take such action as it deems advisable in accordance with federal or Florida law, including but not limited to termination of assistance and eviction.

b. Decreases in income resulting from welfare fraud or from welfare cuts for failure to comply with economic self sufficiency requirements are not eligible for rent reductions (imputed welfare income).

5. Hardship of Families Paying Flat Rent

Families who have elected to pay flat rent may be recertified at any time to switch to a lower income-based rent, if the family has experienced a verified:

a. loss in income because of changes in circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance;

b. Increase in expenses because of changes in circumstances such as increased medical costs, childcare, transportation, education, or similar items.

## IX. Lease Termination Procedures

### A. General Policy: Lease Termination

The Lease may be terminated by MDHA in compliance with USHUD regulations and in accordance with the provisions contained within the Public Housing or the Section 8 New Construction Lease (Lease) and/or Chapter 83, Part 2, of the Florida Statutes.

The Lease may be terminated by the resident not earlier than at the end of the first year by giving thirty (30) days written notice and upon compliance with all applicable procedures to properly vacate the unit and to depart in good standing.

MDHA shall have the right to terminate or refuse to renew the Lease for failure by the resident to fulfill his/her obligations set forth in the Lease agreement and for serious or repeated violations by the resident of one (1) or more of the material terms of the Lease.

The following causes for termination contained in the Lease include but may not be limited to:

1. Failure by the resident or any member of his/her household to fulfill his/her obligations outlined under the Articles of the Lease, the Community Policies, or Tenant Rules and Regulations, and any addenda or amendments to the Lease, Community Policies or Tenant Rules and Regulations.

2. For Public Housing residents, a violation by the resident or any member of his/her household of one (1) or more terms of the Lease. For Section 8 New Construction residents, the tenant's material non-compliance with the terms of the Lease.

3. The denial of service, disconnection or shutting off of utilities that the resident is responsible for paying.

4. Violation of the One Strike Policy under the conditions stated under Paragraph B., One Strike Policy violations, and Paragraph C., Mitigating Circumstances, below, for any drug-related criminal activity, violent criminal activity, or non-violent criminal activity, whether on or off the premises, committed by the resident, any member of his/her household, a guest or a person under the control of the resident, that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of MDHA. Any such criminal activity, even in the absence of an arrest or a conviction, shall be cause for termination of tenancy, and for eviction from the dwelling unit:

   a. Drug-related criminal activity shall include: illegal possession, manufacture, sale, distribution, use and/or possession with intent to manufacture, sell, distribute, or use, a controlled substance; and

   b. Violent criminal activity 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.

   c. A fugitive felon or parole violator after conviction of a crime or attempt to commit a crime is considered a person that threatens the health, safety and right to peaceful enjoyment of the premises by other residents or employees of MDHA.

5. If the non-violent criminal activity does not threaten the health, safety or right to peaceful enjoyment of the residents, after a warning has been issued, any subsequent warning regarding the same individual shall be considered a violation of the lease.

6. A record of two (2) or more incidents of alcohol abuse or pattern of abuse when the record or pattern of abuse poses a direct threat to the health or safety of others shall be considered a violation of the lease.

7. Failure by the resident to report to any recertification interview or provide verification of any information required by MDHA.

8. Discovery of material false statements in connection with information provided at application or recertifications, or fraud committed by the resident in connection with any federally assisted housing program.

9. For Public Housing residents only, failure to comply with Federal, State or local public assistance program requirements related to work activities, community service and self-sufficiency requirements.

10. The issuance of three (3) or more 14-day notices of termination for non-payment of rent in any twelve month period.

11. If the resident or any member of his/her household, a guest or a person under the resident's control, engages in the illegal use, or threatened use of or display of firearms, fire bombs or other weapons on MDHA property.

12. If the conduct of the resident, any member of his/her household, a guest or a person under the resident's control, is such that there is a likelihood that his or her presence on the premises may lead to personal injury or property damage.

13. For Public Housing residents, if school-age children do not attend school regularly and are absent more than fifteen (15) unexcused days within any 90-day period of a given school year except in instances of death, serious illness or injury, or the child who attains the age of sixteen (16) years files a formal declaration of intent to terminate school enrollment with the School Board.

14. Serious or repeated damage to the dwelling unit, creation of physical hazards in the unit, common areas, grounds, or parking areas.

15. Any fire on the premises caused by carelessness, failure to supervise children or unattended cooking.

16. If the resident, any member of his/her household, a guest or a person under the resident's control threatens, obstructs or interferes with a MDHA employee or any government official conducting official business on or around the premises.

17. The resident refuses to accept MDHA's proposed change(s) to the Lease.

18. If the resident's continued occupancy repeatedly interferes with, or is counter to County policies, or if the Lease has expired and has not been renewed.

19. For Section 8 New Construction residents, full-time or part-time students who do not meet student eligibility requirements.

B. One Strike Policy Violations

If any family member participates in One Strike Policy violations, specifically drug-related or violent criminal activity, including sex offenders. MDHA shall consider the following:

a. MDHA shall terminate assistance if a family member has engaged in One Strike Policy activity with a disposition of the charge as either:

- Guilty
- Guilty/convicted
- Nolo Contendre
- Convicted
- Fined
- Adjudicated
- Adjudication withheld

b. 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.

c. Open cases shall be held pending final disposition. Upon a disposition from the court, MDHA shall either recommend termination or take no action based on the outcome as defined above.

d. 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.

e. Except as stipulated under Paragraph C. Mitigating Circumstances, MDHA 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:

i. MDHA 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

ii. MDHA shall recommend terminating assistance within five years from the date of the arrest for manslaughter, sex offenses, except sex offenses

described in B e. i. above. and B.e. iii below, or for non-murder violent criminal activity.

iii. MDHA 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).

iv. 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 residents.

v. If MDHA 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.

4. 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 residents or persons residing in the immediate vicinity.

**C. 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, MDHA shall evaluate the evidence and verify the mitigating circumstance in accordance with MDHA's Reasonable Accommodation Policies and Procedures document included under Appendix IV of this Policy. 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 MDHA 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.

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

If a resident family notifies MDHA and advises of any criminal activity that is in violation of the One Strike Policy, as described in Chapter VIII, B., of a family member or if MDHA determines a violation of the One Strike Policy or other criminal activity as described within this Policy, 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 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 eviction from the Program.

In circumstances where the offending family member is the head of household, the entire family shall be recommended for eviction from the Program.

If the family member is removed but is subsequently found to reside in the unit without MDHA's approval, the family member is considered an unauthorized boarder and the entire family shall be recommended for termination 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, MDHA 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.

4. Violation of Peaceful Enjoyment

Prior to MDHA'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 residents, MDHA 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 and/or MDHA Director, MDHA 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 MDHA 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, MDHA 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.

5. Substance Abuse Rehabilitation

Upon determination by the hearing officer and/or MDHA Director, MDHA, in its 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, MDHA 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.

6. Domestic Violence, Sexual Assault/Battery, Dating Violence and/or Stalking

Provided the tenant has no pre or post pattern of repeated engagement in criminal activity, in circumstances of domestic violence, sexual assault/battery, dating violence and/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, sexual assault/battery, dating violence and/or stalking, these may be considered as mitigating factors on their behalf by the hearing officer and/or MDHA Director. Such certification and/or documents must be provided by the resident at the 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. For further requirements, see Chapter II, Section K.6 (1) and (2) and Chapter IV of this policy.

## C. Notice Requirements

If the MDHA proposes to terminate the Lease, the termination of the Lease shall be by Federal and State law as follows or as may be amended in the future:

1. MDHA shall give the applicable written notice of termination (14-day Notice of Termination for Non-payment of Rent), if said termination is caused by resident's failure to pay rent. Such notice shall not be sent until the rent is delinquent in accordance with the Lease.

2. MDHA shall give seven (7) days written notice of termination for serious violations of the Lease.

3. MDHA shall give thirty (30) days written notice of termination in any other case or cause.

4. The notice of termination to the resident shall state the reasons for termination; shall inform the resident of his/her right to make such reply, settlement, and/or request for a hearing in accordance with MDHA policy, if applicable.

## D. Recordkeeping Requirements

A written record of every termination and/or eviction shall be maintained by MDHA, and shall contain the following information:

1. Name of resident, race and ethnicity, number and identification of unit occupied;

2. Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;

3. Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;

4. Date and method of notifying resident; and

5. Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

Such records may be maintained electronically.

## X. Grievance Policy

Applicants of Public Housing and Section 8 New Construction programs have the right to obtain an informal hearing and current residents have the right to request an administrative hearing, when required by federal regulations, regarding MDHA's action or failure to act which has an adverse effect on the individual resident's rights, duties, welfare or status.

### A. Applicant's Informal Hearings

Applicants determined to be ineligible or removed from the waiting list shall be entitled to an informal hearing conducted by MDHA. Applicants will be notified of such determination in writing, generally after 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 MDHA's Reasonable Accommodation Policy and Procedures document (Appendix IV of this policy) 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 notify ALC when there is a change in address.

1. Processing Removals

   a. An applicant or mobility pool member who is determined ineligible for housing 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 MDHA within thirty (30) days of the notice. The applicant or mobility pool member whose mail is returned by the post office will be automatically withdrawn from the waiting list.

   b. Applicants or mobility pool members who have been removed from the waiting list for failing to respond to notices calling him/her in for processing as stated in this Policy may, within one (1) year of being removed from the waiting list, request an informal review seeking reinstatement to his/her original place on the waiting list.

   c. If MDHA proposes to deny admission on the basis of a criminal record, MDHA will advise the head of household in the recommendation of denial letter with (1) the 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 upon request 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.

   d. Before the review, the applicant has the right to review any MDHA documents, including but not limited to the applicant's file, that are directly related to the informal review. If the applicant requests to review and/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 pursuant to the Public Records Act.

2. Requesting an informal hearing

Applicants may request an informal hearing in writing to the address or fax number indicated on the Informal Review/Hearing Request Form. The request must be made within thirty (30) days from the date of the notice, or one (1) year as specified under paragraph 1. b, Processing Removals, above.. MDHA, at its discretion, may schedule an informal hearing at the applicant's request, beyond the thirty (30) days, on a case-by-case basis. MDHA will schedule the review for the next available hearing date and forward written notification to the applicant.

3. Informal Hearing Procedures

a. The informal hearing will be conducted by a hearing officer or other designated MDHA staff that shall listen to testimony or other evidence that the applicant may wish to present. When feasible, the hearing officer's decision will be made in writing, within thirty (30) calendar days of the hearing..

b. As part of the hearing process, hearing officers shall audio tape each hearing. Tapes of the hearings shall be marked with the date and time of the hearing, the hearing officer, and name of the client and client number and will be retained by the hearing office for a period of one year.

c. The decision of the hearing officer shall be final. In extenuating circumstances, the MDHA Director may modify the decision of a hearing officer. The hearing officer's decision, however, shall not abridge any other rights the participants have under law.

**B. Procedure for Obtaining an Administrative Hearing for Public Housing Residents and pre-hearing procedures**

1. Residents of Public Housing developments, who desire a hearing, must submit a written request to the MDHA's representative within five (5) business days of receiving a notice of proposed adverse action. Failure of the resident to respond within the required time waives the right to a hearing. MDHA, at its discretion, may schedule a hearing at the resident's request, beyond the five (5) days, on a case-by-case basis. The written request must specify:

a. The reason(s) for the grievance or content of MDHA's proposed action; and
b. The action or relief sought.

The process described in MDHA's Reasonable Accommodation Policy and Procedures (Appendix IV of this policy) will be followed for residents denied reasonable accommodation requests. Further, this document describes the process that must be followed if the hearing panel becomes aware that the reason for the termination of assistance or other adverse action occurred because of the resident's disability.

2. When feasible, MDHA will schedule the hearing within twenty-one (21) calendar days of the resident's request. The hearing will be scheduled at the first available hearing date. The resident and any other interested parties will be notified of the date and time for the hearing by mail from MDHA. At the discretion of MDHA, a second hearing may be scheduled as a result of the participant not attending the first scheduled hearing for

good cause. A resident shall not be adversely affected by the scheduling of a hearing beyond the twenty-one (21) calendar days.

2. In the event of a dispute regarding rent amount, before the hearing is scheduled the resident shall pay an escrow deposit in the same amount of rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant should thereafter deposit the same amount monthly in the escrow account until the complaint is resolved by decision of the hearing officer or hearing panel.

   a The escrow deposit requirement may be waived by MDHA in extenuating circumstances, and where required by financial hardship exemption from minimum rent (refer to Chapter XII, Item E.4 of this policy), or welfare benefits reduction in calculation of family income, for the portion of the rent attributable to the imputed welfare income (see definition on Appendix I of this policy).

   b Unless so waived, the failure to make such payments shall result in a termination of the rights to grievance procedure and all sums will immediately become due and payable under the lease.

## C. Exclusions

The following items are excluded from the Grievance Policy according to federal regulations:

1. Lease termination or eviction for criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of MDHA;

2. Lease termination or eviction for One Strike rule violations, for drug-related criminal activity on or off MDHA owned, managed or controlled housing, office, warehouse or other property;

3. Class action grievances and policy issues.

## D. Hearing Panel

1. The Hearing Panel consists of three (3) persons:

   a. A MDHA employee appointed by the MDHA Director or designee, but such employee may not be the public housing or Section 8 New Construction site manager or a member of his/her staff from the development at which the resident submitting the grievance resides;

   b. A resident representative nominated by the appropriate Regional Chairperson for the Overall Tenant Advisory Council (OTAC); and

   c. A resident representative nominated by the Resident Council of the development in which the complainant resides.

   If OTAC or the Resident Council fails to nominate their respective panel member, the MDHA Director or designee may select a resident or a staff member but not the site manager or his/her staff at the development where the complainant resides.

d. If the tenant council representative(s) is/are not available to attend the hearing, the resident will be offered the opportunity to proceed with the hearing. If the resident chooses to proceed, the resident will sign a waiver to this effect.

## E. Hearing

1. The parties may be represented by legal counsel or another person chosen as a representative.

   Prior to the hearing, the resident has the right to review any MDHA documents, including but not limited to the tenant's file and any other documents upon which the department intends to rely and that are directly related to the informal hearing. If the tenant requests to review and/or make copies of documents, he/she must do so no later than three (3) days prior to the informal hearing. In the event MDHA fails to make the documents available upon request of the resident or resident's representative, MDHA is prohibited from relying on the document(s) at the hearing. Residents may be charged for copying costs pursuant to the Florida Public Records Act and Miami-Dade County's Administrative Order No. 4-48.

2. If the resident fails to appear at a scheduled hearing, except for verifiable good cause, the resident is in automatic default and the decision rendered by the Grievance Panel in his/her absence shall be final.

3. At the hearing, the resident must first show entitlement to the relief sought. Thereafter, MDHA has the burden of justifying MDHA's action, or failure to act, at which the complaint is directed.

4. Oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.

5. The MDHA employee appointed to the Hearing Panel by the MDHA Director, acting as the Chairperson of the Grievance Panel, shall require MDHA, the resident, Resident Council, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Chairperson may result in exclusion from the proceedings; in a decision adverse to the interest of the disorderly party; and granting or denial of the relief sought, as appropriate.

6. At the discretion of MDHA, hearings may be held at the site or in another location.

7. As part of the hearing process, hearing officers shall audio tape each hearing. Tapes of the hearings shall be marked with the date and time of the hearing, the hearing officer, and name of the client and client number and will be retained by the hearing office for a period of one year.

## F. Decision of the Hearing Panel

1. The decision of the Hearing Panel shall be based solely and exclusively upon the facts presented at the hearing and upon applicable County and Federal regulations and requirements. This decision shall be in writing by the chairperson of the Grievance Panel specifying the reasons thereof, within thirty (30) calendar days of the hearing. A

copy of the decision must be forwarded to the resident and other interested parties and another copy to the management office to be filed in the resident's records.

2. A decision by the Grievance Panel in favor of MDHA, or which denies the relief sought by the resident in whole or in part, shall not constitute a waiver of or affect in any manner whatever, the resident's rights to trial de novo or judicial review in any judicial proceeding which may thereafter be brought in the matter.

3. The decision of the hearing officer shall be final. In extenuating circumstances, the MDHA Director may modify the decision of a hearing officer. The hearing officer's decision, however, shall not abridge any other rights the participants have under law.

## XI. Utilities and Maintenance Charges

### A. Utilities

This section establishes the procedures for utility allowances for resident-purchased utilities in public housing developments. Utilities are defined as electricity, gas, water and sewer. Telephone and cable television are not considered utilities under this policy.

1. Standard for utility consumption allowances:

   a. MDHA shall establish for each development, by bedroom size, a consumption allowance which will afford a reasonable consumption of utilities by an energy conservative household of modest circumstances consistent with the requirement of a safe, sanitary and healthful living environment. The consumption allowance shall be a uniform monthly amount based on an average monthly utility requirement for a year.

2. Review and revision of allowance:

   a. Annual review: MDHA shall review the utility allowances annually or in accordance with federal regulatory requirements and shall adjust the amount of utility allowance if necessary to reflect changes in utility rates and/or utility consumptions.

   b. Interim revision due to rate changes: MDHA may revise its utility allowances for resident-purchased utilities between annual reviews if there is a rate change (including fuel adjustments). MDHA is required to do so if a rate change, by itself or together with prior rate changes not adjusted for, results in a change of 10% or more from the rates on which such allowances were based.

   c. Schedule of Utility Allowances: Schedules of utility allowances for each development are posted on the bulletin board in each development office and will be made available to the resident upon request.

   d. Relief from excess consumption: Residents may request relief from excess utility consumption if the request is based on medical needs of the elderly, ill or disabled resident or for special factors affecting utility usage not within the control of the resident.

### B. Maintenance Charges

1. This section establishes the procedures for maintenance charges in Public Housing and Section 8 New Construction developments.

   a. Schedules of maintenance charges are posted in the development offices and will be made available to residents upon request.

   b. Residents will be charged for material and services at the price list in effect at the time of repair for intentional damages or damages caused by negligence of the residents.

c. MDHA will notify the resident by mail or in person of any maintenance charges for which he/she will be billed, and his/her rights to request a hearing under the grievance procedure.

d. At the resident's request for a hearing, the charges will not become due until the grievance process has been completed.

2. Move-Out Charges:

a. Upon the move out inspection, residents will be held responsible for all damages beyond normal wear and tear to the unit and appliances.

b. Damages beyond normal wear and tear not repaired will be charged to the resident's security deposit and if necessary the resident's account at the time of move-out. The price list in effect at the move-out will be utilized to price labor and materials.

## XII. Flat Rents

Flat Rents are market-based rents. Flat Rents vary by unit size and type and also by development location. Flat Rents represent the actual market value of MDHA's Public Housing units. ALC must offer new admissions to Public Housing developments a choice of paying a flat or income-based rent at the time of admission. Further, once each year, at the annual recertification, all Public Housing residents are offered the choice of paying the Flat Rent or income-based rent. The Flat Rent does not apply to residents of Section 8 New Construction developments.

### A. Development of Flat Rents

MDHA will take into consideration the following information in developing its Flat Rent schedule:

- Rents of non-assisted rental units in the immediate neighborhood
- Size of MDHA's units compared to non-assisted rental units from the neighborhood
- Age, type of unit and condition of MDHA's units compared to non-assisted rental units from the neighborhood
- Land use in the surrounding neighborhood
- Amenities (childcare, laundry facilities, playgrounds, community rooms, social services, education/job training programs, etc.) at MDHA's properties and in the surrounding neighborhood
- Crime in MDHA's developments and the surrounding neighborhood
- Quality of local schools serving each MDHA development
- Availability of public transportation at each MDHA development and
- Availability of accessible units for persons with mobility impairments

### B. Annual Update of Flat Rents

MDHA shall review the Flat Rent structure annually and adjust the rents as needed. When a Public Housing resident chooses Flat Rent, his/her rent shall be adjusted only at the next regular recertification rather than at the point the Flat Rent may change.

### C. Recertification of Families on Flat Rents

Public Housing residents paying Flat Rents are required to recertify income every three (3) years, rather than annually. However, such residents are still required to participate in an annual recertification for any changes in the family composition, to ensure that unit size is still appropriate, and to check compliance with the community service requirements, if applicable.

### D. Hardship of Families Paying Flat Rents

Families who have elected to pay flat rent are eligible to switch to a lower income-based rent, if the family has experienced a verified:

a. loss in income because of changes in circumstances, including loss or reduction of employment, death in the family, or reduction in or loss of earnings or other assistance;

b. Increase in expenses because of changes in circumstances such as increased medical costs, childcare, transportation, education, or similar items.

## XIII. Determining Income and Income-Based Rent

### A. Annual Income

Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or recertification of income, exclusive of income that is temporary, nonrecurring, or sporadic as defined below, or is specifically excluded from income by other federal statute.

MDHA provides rent credits to residents who perform basic services for MDHA, such as grounds work, block monitoring, receptionist and filing. Resident clerks should not work in the same office where they reside. The rent credit may not exceed $200. The minimum wage is used to calculate the recommended rent credit. The resident must execute a "Letter of Understanding" with MDHA, which sets forth the terms of the work duties to be performed.

Annual income includes but is not limited to:

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

2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in the Internal Revenue Service (IRS) regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;

3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered as income when used to reimburse the family for cash or assets invested in the property. If the family has net family assets in excess of $5,000, annual income shall include 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 payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts (See paragraph B (14). below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits);

5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (See paragraph B (3) below concerning treatment of lump sum additions as family assets);

6. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;

7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and

8. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph B (7). below concerning pay for exposure to hostile fire.)

9. Any financial assistance in excess of amounts provided for tuition that is received under the Higher Education Act of 1965, from an institution of higher education, or from private sources will be considered income for purposes of determining eligibility and for rent calculation purposes. This requirement will not apply to persons over 23 years of age with dependent children.

**B. Items Not Included in Annual Income**

Annual Income does not include the following or as may be amended by federal regulations:

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

2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident 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, onetime lottery winnings, and settlement for personal property losses (but see paragraphs A (3) and (4) above if the payments are or will be periodic in nature); (See paragraph (14). below for treatment of delayed or deferred periodic payments of Social Security or Supplemental Security Income benefits).

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

5. Income of a live-in aide, provided the person meets the definition of a live-in aide (See Appendix I of this policy);

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

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

8. Certain amounts received that are related to participation in the following programs:

   a. Amounts received under USHUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);

b. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that 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.) to allow participation in a specific program;

d. Effective June 1, 2004 and while in effect, exclude from annual income the $600 transitional assistance subsidy (credit) for elderly and disabled applicants and tenants enrolled in the Medicare Discount Card transitional assistance program,

e. A resident services stipend. A resident services stipend is a modest amount (not to exceed $200/month) received by a public housing resident for performing a service for MDHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;

f. Incremental earnings and/or benefits resulting to any family member from participation in qualifying state of local employment training program (including training programs not affiliated with the local government), and training of family members 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 a limited period as determined in advance by the PHA;

9. Temporary, non-recurring, or sporadic income (including gifts);

10. Reparation payments paid by foreign governments 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 eighteen (18) years old or older (excluding the head of the household and spouse);

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

13. The incremental earnings and benefits to any Public Housing resident (excluding Section 8 New Construction developments) whose 1) annual income increased due to employment of a family member who was unemployed for one (1) or more years previous to employment; or 2) annual income increases as the result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or 3) annual income increases due to new employment or increased earnings of a family member during or within six (6) months of receiving state-funded assistance, benefits or services, will not be included during the exclusion periods (see Section F of this Chapter for additional details).

14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;

15. 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;

16. Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;

17. Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. A notice will be published by USHUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

18. The following is a list of benefits excluded by other federal statute:

    a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017 (h)];

    b. Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044 (g), 5088]. Examples of programs under this Act include but are not limited to:

        - The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
        - National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
        - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).

    c. Payments received under the Alaska Native Claims Settlement Act [43 USC.1626 (a)];

    d. Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes [(25 USC. 459e];

    e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624 (f)];

    f. Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552 (b)] ;

    g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 State 2503-04];

    h. The first $2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior [25 USC 117b, 1407]; and

    i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 uu]. Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell

Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.

j. Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)]. Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayors, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.

k. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;

l. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96- 420, 94 Stat. 1785);

m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 USC 9858q);

n. Earned income tax credit refund payments received on or after January 1, 1991 (26 USC 32 (j));

o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;

p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;

## C. Anticipating Annual Income

If it is not feasible to anticipate income for a 12-month period, MDHA may use the annualized income anticipated for a shorter period, subject to an interim adjustment at the end of the shorter period. For example, this method would be used for teachers who are only paid for ten (10) months, or for tenants receiving unemployment compensation.

## D. Adjusted Income

Adjusted Income is the income upon which rent is based. Adjusted income means Annual Income less the following deductions and exemptions:

1. For all Families

   a. Child Care Expenses - A deduction of amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age for the period for which Annual Income is computed, but only when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (a) the amount of income earned by the family member released to work; or (b) an amount determined to be reasonable by PHA when the expense is incurred to permit education or to seek employment.

b. Dependent Deduction - An exemption of $480 for each member of the family residing in the household, other than the head of household, or spouse, live-in aide, foster adult or foster child, who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.

c. Work-related Disability Expenses – A deduction of un-reimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work. Equipment and auxiliary apparatus may include but are not limited to:

- Wheelchairs
- Lifts
- Reading devices for the visually impaired
- Equipment added to cars and vans to permit their use by the disabled family member.
- Included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.

d. For non-elderly families and elderly or disabled families without medical expenses: the amount of the deduction equals the cost of all un-reimbursed expenses for work-related disability expense less three percent of annual income, provided the amount so calculated does not exceed the employment income earned.

e. For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three (3) percent of annual income (provided the amount so calculated does not exceed the employment income earned) plus medical expenses as defined below.

2. For Elderly and Disabled Families only:

a. Medical Expense Deduction - A deduction of unreimbursed medical expenses, including insurance premiums, anticipated for the period for which annual income is computed. Medical expenses include but are not limited to:

- Services of physicians and other health care professionals
- Services of health care facilities
- Health insurance premiums (including the cost of Medicare)
- Prescription and non-prescription medicines
- Transportation to and from treatment
- Dental expenses
- Eyeglasses
- Hearing aids and batteries
- Attendant care (unrelated to employment of family members),
- Payments on accumulated medical bills.
- Effective June 1, 2004 and while in effect, for residents who have the Medicare Prescription Drug Discount Card, consider the market (pre-discount) price of eligible drugs, not the discounted price. Also include the enrollment fee (up to $30) of the Medicare Prescription Drug Discount Card program, if not paid by Medicare. .

b. To be considered by PHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

c. For elderly or disabled families without work-related disability expenses: The amount of the deduction shall equal total medical expenses less three (3) percent of annual income.

d. For elderly or disabled families with both work-related disability expenses and medical expenses: the amount of the deduction is calculated as described in paragraph D.1.c .above.

3. Elderly/Disabled Household Exemption - An exemption of $400 per household. See definitions in Appendix I of this policy.

## E. Computation of Rent

1. The first step in computing rent is to determine each family's Total Tenant Payment (TTP). If the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this computation, if a positive number, is the tenant rent. If the TTP less the utility allowance is a negative number, the result is the utility reimbursement, which is paid to the tenant.

2. TTP is the highest of:

   a. 30% of adjusted monthly income; or
   b. 10% of monthly income; but never less than the
   c. Minimum Rent; and never more than the
   d. Flat Rent, if chosen by the family (where applicable)

3. Tenant rent is computed by subtracting the utility allowance for tenant supplied utilities (if applicable) from the TTP. In developments where MDHA pays all utility bills directly to the utility supplier, tenant rent equals TTP.

4. The minimum rent shall be $50 per month (applies to public housing only), including when the earned income disallowance is applied; however, a hardship exemption shall be granted to residents who can document that they are unable to pay the $50 because of a long-term hardship (over ninety (90) days). Examples under which residents would qualify for the hardship exemption to the minimum rent would be limited to the following:

   a. The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;

   b. The family would be evicted as a result of the imposition of the minimum rent requirements;

   c. The income of the family has decreased because of changed circumstances, including loss of employment;

   d. A death in the family has occurred; or

   e. Other circumstances as determined by MDHA

5. The minimum rent hardship exemption is retroactive to October 21, 1998. If any resident who qualified for the hardship exemption was charged a minimum rent since that time, the resident may be entitled to a retroactive credit.

6. At initial certification and at each subsequent annual recertification, the resident shall be offered a choice of paying either the income -based rent or the Flat Rent applicable to the unit they will be occupying.

## F. Earned Income Disallowance

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. The EID is not applicable to residents of Section 8 New Construction developments.

1. The EID applies to any Public Housing resident whose:
   a. annual income increases due to employment of a family member who was unemployed for one (1) or more year previous to employment; or

   b. Annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or

   c. Annual income increases due to new employment or increased earnings of a family member during or within six (6) months of receiving state funded assistance, benefits or services.

2. For purposes of the EID, the following definitions apply:

   a. State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by MDHA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one -time payments, wage subsidies and transportation assistance – provided that the total amount over a six-month period is at least $500.

   b. During the 12-month period beginning when the member first qualifies for a disallowance, MDHA must exclude from annual income any increase in income as a result of employment. For the twelve (12) cumulative months following the first exclusion period, 50% of the income increase shall be excluded.

   c. Regardless of how long it takes a resident to work for twelve (12) cumulative months (to qualify for the first exclusion) or the second twelve (12) cumulative months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is forty eight (48) months.

   d. The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission, unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed.

e. The definition of previously unemployed also includes a person who has earned not more than could be earned working ten (10) hours per week for fifty (50) weeks at the established minimum wage.

3. The periods of income disallowance are as follows:

   a. 100% disallowance of increased earnings: The initial 12-month cumulative full exclusion period begins on the date the qualifying family member experiences an increase in income attributable to employment or increased earnings. For tracking and administrative purposes, MDHA can begin the EID on the first day of the month following the effective date of employment.

   b. 50% disallowance of increased earnings: The second 12-month cumulative exclusion period begins after the initial period ends.

   c. 48-month lifetime limitation: The EID concludes at the end of the second 12-month cumulative period or after 48 months of the initial 12-month cumulative period, whichever come first.

   d. After the EID periods end, the full income is included towards the rent calculation.

## XIV. FAIR HOUSING AND EQUAL OPPORTUNITY

### A. Non-discrimination Policy

1. MDHA complies with all federal, state, and Miami-Dade 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, Chapter 11A of the Code of Miami-Dade County.

2. No person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial or marital status, sexual orientation, ancestry, age, pregnancy, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated and/or funded by MDHA.

3. MDHA will provide applicants and participants with federal/state/local information regarding discrimination and any recourse available to them if they believe they may be victims of discrimination.

4. MDHA will display the Fair Housing poster at ALC, Public Housing and Section 8 New Construction site offices. Upon eligibility determination, applicants will be provided with the Housing Discrimination Complaint form and information pertaining to procedures to be followed if the applicant believes he/she has experienced illegal discrimination.

### B. Processing Discrimination Complaints and Reasonable Accommodation Requests

1. All applicable Fair Housing Information and Discrimination Complaint forms will be made available at MDHA's 504/ADA Coordinator's office and/or by the 504/ADA Coordinator mailing copies of information to persons requesting same. In addition, all appropriate written information and advertisements will contain the appropriate Equal Opportunity language and logo.

2. MDHA's 504/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, MDHA's 504/ADA Coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

3. MDHA 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.

4. Reasonable accommodation requests are processed through the 504/ADA Coordinator's office (refer to Section E of this Chapter).

### C. Effective Communication Policy

MDHA has an Effective Communication Policy to ensure effective communication with applicants, residents, program participants, employees, and persons with disabilities. Such policy is Appendix II of this policy.

### D. Emergency Evacuation Assistance Program Procedures

In case of emergency, MDHA will take all necessary steps to address specific needs of its residents in consistency with the Miami-Dade County Emergency Evacuation Assistance Program, as described in Appendix III of this policy.

Additionally, MDHA's Emergency Management Manual will continue to be reviewed to ensure that it contains all necessary provisions required for persons with disabilities in emergency conditions.

## E. Reasonable Accommodation Policy and Procedures

MDHA's Reasonable Accommodation Policy and Procedures, as referenced through this ACOP, is Appendix IV of this policy.

## APPENDIX I

### 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.

**Applicant**
Means a person or family that has applied for housing assistance.

**Black**
African-Americans and all other individuals who are black irrespective of their national origin.

**Child/Minor**
Means a member of the family other than the family head or spouse who is under eighteen (18) years of age.

**Class Members**
All past, present and future black residents of Miami-Dade County's Public Housing program including Section 8 New Construction for the duration of the Adker Decree.

**Complainant**
Any resident who files a grievance with the MDHA site manager of the development where the resident's unit is located.

**Criminal Records**
All criminal arrest records, including but not limited to sex offender records and registration records, and any court dispositions, including but not limited to *nolo contendre, nolle prosequi,* withholds of adjudication and adjudications of guilt. The term "criminal records" does not include records unavailable to MDHA by operation of law, including sealed or expunged records, exempt records under Florida's Public Records Act, or other records unavailable to MDHA under state and federal laws.

**Deconcentration of Income**
The admission of higher income families (50-80% of area median income) to developments where lower income families (30% of area median income) predominate and vice versa.

**Displaced persons**
Include persons who can document that hey 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.

**Earnings and benefits**
Means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

**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.

**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% 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.

**Discontinued Assistance**
A family is considered continuously assisted if it has been receiving housing assistance under any program under any U.S. Housing Act of 1937 without experiencing an extended interruption of occupancy of the assisted unit.
An interruption of more than four (4) months between occupancy of one assisted housing unit and another assisted housing unit is considered discontinued assistance.

**Displaced Family**
A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

**Drug-related Criminal Activity**
Illegal manufacture, sale, distribution, or use of a drug, or possession or a drug, with the intent to manufacture, sell, distribute or use the drug.

**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.

**Eligibility Income**
This is Annual Income amount which is compared to USHUD approved Income Limits to determine if an applicant family is eligible for admission to the housing program.

**Fair Housing Center**
An establishment to act as a mobility counselor and an information clearinghouse for mobility pool members and applicants who are seeking desegregative housing opportunities in public and assisted housing.

**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; and
- 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. MDHA will accept documentation showing that adult, unrelated, unmarried family members show proof of living/or intent to live as a family.

**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.

**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.

**Good Cause**
As used in the Adker Consent Decree 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. 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. Additional examples of good cause are included in this policy.

**Grievance or complaint**
Any dispute with respect to the Agency's action or failure to act in accordance with lease requirements, and/or federal regulations which result or may result in denial, significant reduction or termination of benefits to the complainant.

**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 or the lessee.

**Hearing**
An informal proceeding at which a resident's grievance or complaint relating to MDHA's adverse action or decision, is heard in order to insure that the complainant's rights were not violated

**Homeless Family**
Any person or family who:

- Lacks a fixed, regular, and adequate night time residence; and
- Has a primary night-time residence that is:
    1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing);
    2. An institution that provides a temporary residence for individuals intended to be institutionalized; or
    3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

A homeless family does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

**Homeownership Opportunities**
After October 28, 1998 any homeownership opportunities shall mean any homeownership units developed, purchased, or redeveloped by Miami-Dade County solely or as a joint venture with any other entity.

**Income Eligibility for Admission**
At least 40% of families admitted to the Public Housing program in each fiscal year effective October 21, 1998 must have incomes that do not exceed 30% of Area Median Income (AMI). In each fiscal year MDHA may reduce the targeted public housing admissions to the extent that MDHA provides tenant-based Section 8 assistance above the targeted 75% to families that do not exceed 30% of AMI. The public housing target, however, may not be reduced below 30% of admissions.

**Income Limits**
Income limits are those published by USHUD for admission of Low-Income and Very-Low-Income families to federally subsidized housing developments.

**Interim Adjustments or Re-determination of Rents**
Changes in rent between admission and subsequent annual re-examinations due to a change in family composition or income.

**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 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.

MDHA will approve a written request for a live-in aide upon written verification that the elderly, near-elderly or disabled applicant's or program participant's family member requires the services of a 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. MDHA shall deny occupancy of the unit to the live-in aide after the resident, 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 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 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 resident's lease.

Upon approval of MDHA Director or designee, under extraordinary circumstances, 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.

MDHA has the right to deny the request for any person, who does not meet the admission criteria described in Chapter II of the Admissions and Continued Occupancy Policy, to become a live-in aide. A background check of the proposed live-in aide shall be completed prior to his/her approval by MDHA.

**Local Preference**
Any preference, to the extent authorized by law, the Agency may establish for use in selecting among applicants. The local preference may only be adopted after MDHA has conducted a public hearing to establish preferences that respond to local housing needs and priorities.

**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.

**Medical Expenses**
Those medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not reimbursed by insurance or other sources.

**Minimum Rent**
Statutory requirement that each family assisted under Public Housing programs pay a monthly minimum rent or Total Tenant Payment (TTP) of an amount currently between $25.00 and $50.00.

**Mobility Pool**
Class members of the Adker Consent Decree who meet all of the following criteria:

- (i) A former or current official tenant of record in a MDHA public housing unit who signed a lease on or before June 4, 1998; or
  (ii) A current or future official tenant of record who is 18 years or older and head of household of a MDHA public housing unit, and who signs a lease after June 4, 1998 but prior to the expiration of the Adker Decree;
- Is currently eligible for federally-assisted housing; and
- Has not opted out of participation in the mobility pool and who is eligible pursuant to the regulation at 24 CFR 982.552.

**Monthly Income**
One-twelfth of Annual Income

**Monthly Adjusted Income**

One-twelfth of Adjusted Annual Income

**Near-Elderly Family**
A 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.

**Net Family Assets**
Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in USHUD homeownership programs. The value of any business or family assets disposed of by an applicant or tenant for less than fair market value during the two years preceding the date of application for the program or reexamination, shall be included in the determination of Net Family Assets.

**New Affordable Desegregative Rental Housing**
After October 28, 1998 any affordable desegregative rental housing developments developed, purchased or redeveloped by Miami-Dade County solely or as a joint venture with any other entity. This includes the redevelopment of public housing.

**Non-Black**
All individuals who are not 'Black' as defined above, including but not limited to, Caucasians and Caucasians of Hispanic ethnicity, American Indians and Asians.

**Non-Elderly Family**
Two (2) or more persons who are not elderly but live together and are related by blood, or marriage, or operation of law, or give evidence of a stable relationship which has lasted over a period of at least one year. All Family Income and resources are available to meet the family's needs.

**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.

**Participating Privately Owned Assisted Housing**
Housing receiving federal assistance under one of the following statutory provisions for which the owner has agreed, upon invitation from USHUD, to participate in the activities of the Housing Center:

- Section 221(d)(3) of the National Housing Act;
- Section 101 of the Housing and Urban Development Act of 1965;
- Section 236 of the National Housing Act;
- Section 202 of the National Housing Act;
- Section 811 of the Cranston-Gonzalez National Affordable Housing Act; or
- Section 8 of the United States Housing Act

**Person 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.

**Re-examination/Re-certification Date**
The date on which any rent change is effective as required by the annual re-examination of eligibility for continued occupancy.

**Single Person**
A person living alone or intending to live alone and who does not qualify as an Elderly Family, Disabled Family, Displaced Person, or as the remaining member of a tenant family.

**Tenant Rent**
The amount payable monthly by the Family as rent to the Housing Agency. Where all utilities (except telephone) and other essential housing services are supplied by the Agency, Tenant Rent equals the Total Tenant Payment (TTP). Where some or all utilities (except telephone) and other essential housing services are not supplied by the Agency and the cost thereof is not included in the amount paid as rent to the Agency, Tenant Rent equals Total Tenant Payment less the Utility Allowance.

**Total Tenant Payment**
Total Tenant Payment for any dwelling unit shall be the highest of the following, rounded to the nearest dollar:

- Thirty percent (30%) of Monthly Adjusted Income;
- Ten percent (10%) of Monthly Income;
- The monthly portion of a Family's Welfare Assistance from a public agency specifically designated by such agency to meet the Family's housing costs; or
- The MDHA statutory minimum rent which is currently $25.

**Uniform Federal Accessibility Standards (UFAS) Unit**
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 assists persons with disabilities (see also UFAS unit).

**Utility Allowance**
If the cost of utilities (except telephone) for an assisted unit is not included in the Tenant Rent but is the responsibility of the family occupying the unit, the Utility Allowance is the amount equal to the estimate made of the monthly costs of a reasonable consumption of such utilities for the unit, consistent with the requirements of a safe, sanitary, and healthful living environment based on an annual review of utility rates. The estimate made must be approved by USHUD. The resident may also request relief from excess utility consumption (see Section 4-1 (B) (iv) regarding the excess consumption policy).

**Utility Reimbursement**

The amount, if applicable, by which the utility allowance for the unit exceeds the Total Tenant Payment for the Family occupying the unit.

**Very Low Income Family**
A family who's 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 reasonable likely to cause, serious bodily injury or property damage.

**Waiting List**
The list of applicants who are waiting to be verified eligible for admittance to housing programs administered by MDHA and offered the benefit as it becomes available. To the extent authorized by law and the Decree, the list is maintained in order of priorities and preferences.

# MIAMI-DADE HOUSING AGENCY

# EFFECTIVE COMMUNICATION POLICY

## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## ACOP
## APPENDIX II

# MIAMI-DADE HOUSING AGENCY
# EFFECTIVE COMMUNICATION POLICY

It is the policy of the Miami-Dade Housing Agency (MDHA) to ensure that communications with applicants, residents, program participants, employees, and members of the public with disabilities are as effective as communications with others.

MDHA, 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 MDHA.

## 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, MDHA will provide an opportunity for an individual with a disability to request the auxiliary aid or service of his or her choice. MDHA will give primary consideration to the choice expressed by the individual. "Primary consideration" means that MDHA 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 MDHA staff person designated below. All requests shall be dated and time-stamped upon receipt by the appropriate MDHA staff person.

Within forty-eight (48) hours of receipt of the individual's request, the designated MDHA 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 MDHA 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 and, including final disposition, for the duration of this Agreement.

Individual requests for Effective Communication will be directed to the following MDHA officials:

**Resident Requests:**

MDHA resident requests for auxiliary aids or services should be made to the Site Manager at the resident's development.

**Applicant Requests:**

Applicants for MDHA housing should make requests for auxiliary aids and services to MDHA's Applicant and Leasing Center ((305) 638-6464 phone, (305) 638-6014 TDD) or the ADA Coordinator ((305) 644-5187 phone, (305) 644-5343)..

**Other Requests:**

Requests from members of the public who wish to participate in programs, services and/or activities of MDHA shall submit their request(s) for auxiliary aids and services as directed in MDHA notices, appointment notifications, forms, or brochures. They may also submit requests for auxiliary aids to the MDHA 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 MDHA'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 MDHA'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 MDHA's files. In addition, MDHA 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, MDHA'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 MDHA Section 504/ADA Coordinator's determination, the individual may pursue remedies under MDHA's HUD-approved Grievance Procedures.

# MIAMI-DADE HOUSING AGENCY

## EMERGENCY EVACUATION ASSISTANCE PROGRAM

## ADMISSIONS AND CONTINUED OCCUPANCY POLICY

## APPENDIX III

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 8, 2004

**To:** Distribution

**From:** Madeline Clodfelter
Chief, Administrative Support Services Division

**Subject:** Special Needs

---

The Miami-Dade County's Emergency Evacuation Assistance Program (EEAP) is designed for special needs people living at home who need assistance with evacuation. Miami-Dade residents who qualify for this service must pre-register with the EEAP. For a Miami-Dade resident to qualify, he or she must on a daily basis require skilled nursing care, assistance with daily living, or have life-saving medical equipment dependent on electricity. Residents of assisted living facilities (ALF) or nursing homes do not qualify.

These services are intended for those residents that have registered. If County residents call at the last minute, all attempts will be made to assist them, but the people on the registry will have priority.

TO REGISTER:

You can call the Miami-Dade Answer Center at 305-468-5900 [TDD 305-468-5402], and request an application to be mailed, or download an application from the Miami-Dade Portal at http://www.miamidade.gov, under Emergency Management. Also for your convenience, attached are the applications in English, Spanish, and Creole. Please have the eligible residents complete one of the attached applications. Vital medical information will help OEM determine the eligibility for the program and the types of services needed. The applicant must have their doctor sign the form and return it to the following address:

Miami-Dade Office of Emergency Management
9300 NW 41 Street
Miami, FL 33178

If eligible, the applicant will be assigned to an appropriate facility, and a determination will be made on the transportation type. OEM will then notify the applicant in writing of their assigned location.

Attachments

Distribution

Alphonso K. Brewster
Rudy Perez
H. Patrick Brown
John Topinka
Regional Managers
William Calderin

**Miami-Dade County**
**Emergency Evacuation Assistance Program**

## Applicant Instructions and Information

The Emergency Evacuation Assistance Program is designed for special needs people living at home who need assistance with evacuation. Eligible applicants have a medical condition that requires nursing care or need assistance with activities of daily living. Residents of assisted living facilities or hursing homes do not qualify

Complete all sections of the application. Indicate medical conditions, especially medical equipment requiring electricity, and any specialized transportation needs. Your physician must complete and sign the back portion of this application prior to submitting it to our office. You will be contacted on an annual basis to re-certify your need for this program. Once you are registered, you will not have to resubmit this application. If more that one person in your household needs assistance during evacuations, each one should complete a separate application.

The registry may be used for any emergency requiring evacuation, such as flooding, hurricanes or hazardous material spills (such as a gas leaks.) In order for us to process your application in time for hurricane season you should submit it by April 30th. Resources are limited and those who are registered will have priority. If you wait until the evacuation begins to ask for help, it will be too late.

Hurricane evacuation centers, whether general or special needs, will only be available as a last resort for people who have no other place to go. If you need to evacuate, you should first seek shelter with relatives, friends or community organizations. Evacuation centers do not offer the same level of care available in a hospital or other health care facility. Only basic care and assistance are available. A caregiver must accompany you and remain with you during your stay in the evacuation center. Dialysis patients who do not have other special needs should go to general evacuation centers and carefully follow instructions from your dialysis center. An emergency renal diet plan is available on the OEM website listed below.

Medications, 24-hour skilled nursing care and life support equipment, including oxygen, are not available in hurricane evacuation centers, and continuous electricity cannot be guaranteed. If your condition requires this level of care we will attempt to find placement for you in a health care facility that participates in this program.

Supplies at hurricane evacuation centers are limited to food, water and first aid kits. You must bring with you a hurricane kit that includes bedding, medications and personal supplies. It is highly recommended that you eat a meal prior to leaving your home and bring with you special dietary foods. Special instructions and a registration card will be mailed to you once your application has been processed. Read these instructions carefully and keep them in a safe place. Prepare wisely and stay alert to the media for evacuation times during emergencies.

If you have any questions or need further information, please call (305) 513-7700. Return the completed application to:

Miami-Dade Office of Emergency Management, 9300 NW 41 Street, Miami, FL 33178
www.miamidade.gov/oem

**This information is available in English, Spanish, Creole. Call the Miami-Dade Office of Emergency Management at (305) 513-7700 for special requests. If you need disaster preparedness tips, contact the Team-Metro hotline at (305) 468-5900 M-F 8:00am-5:00pm. TTY/TDD users call (305) 468-5402 for both requests.**

## Application for Emergency Evacuation Assistance

Please read the instructions and information provided before completing the form. **This form must be completed in full or it will be returned to you.**

**Please print clearly**

Date of application: ___/___/___

Last name: _____ First name: _____ MI: _____ Sex ___M ___F

Date of Birth ___/___/___ Social Security Number: _____-_____-_____

Type of Residence: ☐ House/Duplex ☐Apt./Condo (What floor _____) ☐ Mobile Home/Trailer

☐ Group Home ☐ Nursing Home

Address: _____ Apt/Lot #: _____

City: _____ Zip Code: _____

Mailing address (if different from above): _____

Telephone: Home: (____)_____ (TTY/TDD line ☐ Yes) Work: (____)_____

Primary Language: _____

Do you live at the above address all year round? ☐ Yes ☐ No

Do you live here from June 1 to November 30 ? ☐ Yes ☐ No

Name of nearest friend or relative (not living with you): _____

Home phone: (____)_____ Work phone: (____)_____

Address: _____ City: _____ Zip: _____

**In case of an emergency evacuation, where do you plan to go?**

☐ I have made arrangements to stay with relatives, friends, a community organization, or hotel
☐ I am unable to make other arrangements and must go to an evacuation center.

**I have a caretaker or companion* who will accompany me to the evacuation center.** ☐ Yes ☐ No
* If your companion is also in need of assistance they should fill out a separate form

Number of people that must accompany you: _____ (Do not include yourself in this number. Limit the number of people who accompany you to one, as space is limited).

**Do you require assistance with activities of daily living? ___ Yes ___ No**

**What type of assistance do you require on a daily basis? (Check all that apply)**

☐ personal care (dressing/toileting)
☐ guidance (blind/visual impairment)
☐ communicating: (☐ deaf ☐ nonverbal)
☐ skilled medical/mental health care: (☐ intermittent ☐ continuous)
☐ I use medical equipment requiring electricity: (☐ intermittent ☐ continuous)

☐ mobility (walking/transferring)
☐ feeding
☐ wound care. If yes, what type of wound:_____
☐ oxygen: (☐ intermittent ☐ continuous)
Specify medical equipment needing electricity: _____

☐ taking medication
☐ dialysis
☐ airway suctioning

I have the following conditions: (Check all that apply)

☐ Alzheimer's Disease
☐ early ☐ moderate ☐ advanced

☐ Cardiac
☐ stable ☐ unstable

☐ Cerebrovascular Accident (CVA)

☐ Chronic Obstructive Pulmonary Disease (COPD)

☐ Cystic Fibrosis

☐ Dementia

☐ Continuous Ambulatory Peritoneal Dialysis (CAPD)

☐ Emphysema

☐ Hip replacement
☐ less than six months
☐more than six months

☐ Knee replacement
☐ less than six months
☐ more than six months

☐ Neuro-muscular disorders
☐ early ☐ moderate ☐ advanced

☐ Parkinson's Disease
☐ early stages ☐ advanced

☐ Psychosis
☐ controlled ☐ uncontrolled

☐ Seizures
☐ controlled ☐ uncontrolled

Other _____

Are you receiving hospice care? ☐ Yes ☐ No Agency: _____ Phone: _____

Are you receiving community services? ☐ Yes ☐ No Agency: _____ Phone: _____

Are you receiving home health care? ☐ Yes ☐ No Agency : _____ Phone: _____

On a day-to-day basis, what type of transportation do you use?

☐ Special transportation service (STS)

☐ Private transportation (I can drive myself, have someone who will drive me, will make my own arrangements or my building/condo association has a vehicle they will use to transport me )

☐ I am in a wheelchair and need a lift gate vehicle.

☐ I require transportation by stretcher.

☐ I need an ambulance for transport. My condition requires:

☐ Basic Life Support ☐ Advanced Life Support

☐ I am unable to use any of the above Reason: _____

I use: ☐ Wheelchair (self transferable ☐ Yes ☐ No) ☐ Walker/Cane ☐ Crutches ☐ Guide dog/Service animal

I am bed bound: ☐ Yes ☐ No

Name of person filling out form: _____ Telephone number: _____

**Applicant Signature**

I certify that this information is correct I understand that based on this application and the data I have provided, the Office of Emergency Management will determine which emergency evacuation assistance, if any, this program may be able to provide I understand that assistance will only be provided for the duration of the emergency and that alternative arrangements should be made in advance in the event I am not able to return to my home I also understand that I will be responsible for any charges and costs associated with hospitals or other medical facilities or transportation I grant permission to medical providers and transportation agencies and others as necessary to provide care and disclose any information necessary to respond to my needs

☐ I authorize ☐ I do not authorize emergency personnel to enter my home during search and rescue operations if necessary to assure my safety and welfare following a disaster

Signature of applicant: _____ Date: _____

Please have your personal physician complete the next section.

**This section to be completed by Personal Physician: (Please type)**

Primary Physician: _____ Phone: _____

Address: _____

City: _____ Zip: _____

Primary Diagnosis: _____ Secondary Diagnosis: _____

To the best of my knowledge and belief, the information provided on this form is correct and complete.

Physician's signature _____ Date _____

**Do Not Write Below This Line**

Trans Sector: _____ EC: _____ Loc: _____ Evac Level: _____
TP Zone: _____ Reviewed by: _____ Date: _____ Record No: _____

FREEMG022029
Office of Emergency Management
9300 NW 41 Street
Miami, FL 33178

OEM# 13a rev 5/2002

# MIAMI-DADE HOUSING AGENCY

## REASONABLE ACCOMMODATION POLICIES AND PROCEDURES

ACOP
Appendix IV

*This material is available in accessible format upon request. Please call the ADA Coordinator at 305-644-5187 (telephone) - Florida Relay Service 800-955-8771 (TDD/TTY)*

**REASONABLE ACCOMMODATION POLICIES AND PROCEDURES**
**MIAMI-DADE HOUSING AGENCY**

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# REASONABLE ACCOMMODATION POLICIES AND PROCEDURES
# MIAMI-DADE HOUSING AGENCY

## INTRODUCTION:

### Policy Statement:

Miami-Dade Housing Agency (MDHA) 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 MDHA's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a MDHA policy, MDHA 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, MDHA 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.

MDHA will post a copy of these Reasonable Accommodation Policies and Procedures in the applicant, resident and program participant waiting areas of the MDHA Applicant and Leasing Center, Mobility Pool Center, Section 8 Offices, Regional Offices of the MDHA; the offices of MDHA'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 the 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, MDHA may still provide an accommodation to meet that need contingent upon reasonableness and availability of resources.

### Legal Authority:

MDHA 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:

The ADA Coordinator is responsible for monitoring MDHA'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
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 phone
(305) 644-5113 fax
Florida Relay Service: (800) 955-8771 (TDD/TTY)

Individuals may contact the ADA Coordinator regarding any complaints regarding their reasonable accommodation request.

In addition, individuals may exercise their right to appeal MDHA'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 MDHA 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, MDHA 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.

MDHA will not provide supportive services, e.g., counseling, medical, or social services that fall outside the range of services offered to residents. Further, MDHA 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 MDHA offers; not whether the applicant/resident could benefit from some other type of housing that MDHA does not offer.

DEFINITIONS:

Applicant: A person who successfully follows all of the required steps identified by MDHA as necessary for becoming a participant in one of MDHA'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 MDHA as necessary for residing in a dwelling administered under MDHA'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 MDHA 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, MDHA 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, MDHA 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, MDHA shall give primary consideration to request(s) of the individual with disabilities.

Types of auxiliary aids and reasonable accommodations that MDHA, 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 MDHA 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, MDHA 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 MDHA 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:

MDHA 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 MDHA's compliance responsibilities. If a requested action would result in a fundamental alteration or undue financial and administrative burden, MDHA 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. MDHA'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 MDHA rules, and program requirements and documents, (including the MDHA 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 TO BE 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 MDHA to add supportive services; e.g., counseling, medical, or social services, that fall outside the range of existing services offered by MDHA;
3. Actions that require MDHA to offer housing or benefits of a fundamentally different nature from the type of housing or benefits that MDHA offers; or
4. Actions that substantially impair MDHA's ability to meet its essential obligations as a landlord, as defined in the MDHA Conventional Public Housing Dwelling Lease (MDHA Lease). MDHA's obligations under the MDHA 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. MDHA's *Reasonable Accommodation Request* form will be provided to all applicants as an attachment to MDHA'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 Housing Agency - ALC
2925 N.W. 18th Ave.
Miami, FL 33142
(305) 638-6464
(305) 638-6014 TDD

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:

MDHA'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 MDHA business offices listed on page 1. The Notice of Nondiscrimination on the Basis of Disability, Notice of Right to a Reasonable Accommodation, Reasonable Accommodation Request, Authorization for Release of Information and Reasonable Accommodation Information forms will also be provided at eligibility determination, move-in and recertification by the Site Manager (Public Housing) or MDHA 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 MDHA'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, MDHA'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 MDHA, e.g., on the application form in the case of an applicant, before any meetings held by MDHA, etc. A person requiring an auxiliary aid shall make their request to MDHA 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 MDHA communications inform applicants, residents and program participants of their rights to auxiliary aids and how to contact the MDHA staff person to whom these requests should be made. All MDHA staff persons receiving requests for auxiliary aids will record these requests on the "Auxiliary Aids Request" form.

If MDHA is not able to accommodate a disabled person who has requested an auxiliary aid, MDHA 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.

MDHA 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, MDHA 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* (see Appendix section, form number 14) 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 Nondiscrimination on the Basis of Disability, *Notice of Right to a Reasonable Accommodation, Reasonable Accommodation Request*, Authorization for Release of Information *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. MDHA 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 MDHA 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 (see page 17), 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 MDHA'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, MDHA 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* referenced on page 33.

13. See the "Reasonable Accommodation Grievances and Appeals" section on page 17 for additional information.

All forms must be date- and time-stamped by the MDHA 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) received from verification source.

    a. If NO, MDHA 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 additional 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 determine this by using the applicable Verification Form(s) received from verification source.

    a. If NO, MDHA 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, MDHA will approve the request for reasonable accommodation. A written description of the accommodation will be included in the approval letter.

    b. If NO, MDHA 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.*

<u>Guidelines for Determining Reasonableness</u>:

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 MDHA housing programs.

2. MDHA 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, MDHA may select the accommodation that is most convenient and cost-effective. MDHA 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 MDHA 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 title, address and phone number of the contact person for scheduling a Reasonable Accommodation Grievance and Appeal Hearing is:

ADA Coordinator
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 (office)
Florida Relay Service: (800) 955-8771 (TDD/TTY)

MDHA'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 MDHA Director. The Section 504/ADA Policy Committee members are MDHA Division Directors and other applicable staff whose responsibilities include matters related to Section 504/ADA. No MDHA employee who was involved in the initial decision(s) regarding a reasonable accommodation request that is the subject of a hearing shall sit on MDHA'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 (referenced on page 33).

Discontinuation of Reasonable Accommodation:

MDHA 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, MDHA may house the next eligible, non-disabled applicant in the unit. MDHA will also inform the applicant that pursuant to MDHA's policy and MDHA'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 MDHA's policies, residents who require a transfer as a reasonable accommodation are not prohibited from transferring within the first year of residency.

In addition, MDHA 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 Plan (ACOP)) by providing a larger unit as a reasonable accommodation to a family member with disabilities.

MDHA 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.

MDHA 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. MDHA 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 MDHA 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.

MDHA 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 MDHA Lease or in violation of program regulations or policies, the MDHA 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 on page 17.

Disability-Related Activities and Reasonable Accommodations Unique to the Section 8 Program:

MDHA will do or allow the following:

1. MDHA will encourage participation in the Section 8 Voucher program by owners, including encouragement of participation by owners having accessible units.
2. The MDHA Section 8 Contract and Leasing Specialist (Specialist) or designee will furnish a current listing of available accessible units known to MDHA 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. MDHA 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, MDHA 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 MDHA.

7. In exceptional cases, MDHA 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 MDHA 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.

MDHA 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.

MDHA will not charge a pet deposit for an assistive animal kept in accordance with all MDHA policies and housed in a development or building owned by Miami-Dade County and administrated by MDHA. 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 MDHA, 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 MDHA.

MDHA 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 MDHA 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 animals 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 MDHA'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 MDHA Lease and

Community Policies. In such a case, the MDHA Site Manager or designee may send the resident a Notice of Lease Violation.

Residents may contact the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY) with any questions regarding this matter.

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.

Section 8 tenants may contact the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY) with any questions regarding this matter.

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. MDHA 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 (see page 17).

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, MDHA 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, MDHA 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, MDHA 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 MDHA program, service or activity. MDHA 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, MDHA 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. MDHA will select the moving service vendors and disburse payments to them. Nothing contained in this paragraph is intended to modify the terms of MDHA'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 MDHA or as a condition to being allowed to participate in other MDHA 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 MDHA 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 MDHA employee will make a determination approving or denying the reasonable accommodation request and a determination of eligibility for housing assistance accordingly.

ALCOHOLISM:

MDHA 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 MDHA 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 MDHA personnel. The term "reasonable cause to believe" shall be determined on a case-by-case analysis. MDHA may evaluate whether a person poses – or would pose – a direct threat to the health or safety of others.

MDHA 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.

MDHA 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 (see page 17).

EMERGENCY EVACUATION:

This section only applies to the MDHA 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 the 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.

In emergency situations, and only insofar as is reasonably feasible, Site Managers or designees must contact fire and/or police departments and request emergency evacuations.

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.

The site manager will provide the Release to the appropriate fire and police departments within 24 hours of receiving the form. In this way, the police and fire departments will be notified of the identities of the persons who release their information so that rescue workers know whom they must evacuate, where residents live, and any unique information the requestor has indicated as necessary to evacuate the resident in an emergency.

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:

MDHA 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. MDHA will endeavor to ensure any person with disabilities who requests reasonable accommodation related to any MDHA 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 MDHA 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 on pages 17 of the MDHA 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:

MDHA 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

# APPENDIX

Documents included in the Appendix are:

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 HOUSING AGENCY**
**NOTICE OF NONDISCRIMINATION**
**ON THE BASIS OF DISABILITY**

Miami-Dade Housing Agency (MDHA) does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

The 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.

The ADA Coordinator contact information is as follows:

Office address: 1401 N.W. 7th Street, Building F, Miami, FL 33125

Phone: (305) 644-5187

Fax: (305) 644-5113

Florida Relay Service: (800) 955-8771 (TDD/TTY)

E-mail: mdha@miamidade.gov

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This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

## MIAMI-DADE 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 Housing Agency (MDHA) 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 MDHA building or property that would give you an equal chance to live here and use the facilities or take part in MDHA programs,
- a change in the way MDHA communicates with you or gives you information.

You may ask for this kind of change, which is called a REASONABLE ACCOMMODATION.

MDHA 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.

MDHA will let you know if additional information or verification is needed, or if there are other ways to meet your needs.

If MDHA turns down your request, MDHA 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 MDHA your request in some other way, MDHA 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE 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 MDHA practice, rule, policy, procedure, program or service.

MDHA will work with the applicant, resident or program participant to determine how to provide the reasonable accommodation request. MDHA 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 Housing Agency (MDHA) 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 MDHA 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 MDHA 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 MDHA dwelling, building, property, practice, rule, policy, procedure, program or service:

   _____

   _____

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 MDHA 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 MDHA 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. You may also get additional copies of this request form from the ADA Coordinator:

ADA Coordinator
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 phone
(305) 644-5113 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

## EXAMPLES OF REASONABLE ACCOMMODATIONS

The following list of reasonable accommodation methods are examples that may constitute reasonable accommodations for individual Miami-Dade Housing Agency (MDHA) 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), MDHA 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, MDHA 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[1] -**

- 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
- Provide visual alarms for individuals who are deaf or hard of hearing

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[1] 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 accessible cabinets and countertops in public kitchens
- Provide accessible appliances [i.e., refrigerator, oven, stove] in public kitchens

**Elevators[2] -**

- 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[3] -**

- 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

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[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[4]; 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.[5]

**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.

**Apartment Light Switches & Electrical Outlets -**

- Lower electrical switches and/or raise electrical outlets[6]
- 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 [7]
- 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 [8] -**

- 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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[6] 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

[7] 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)

[8] 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 [9] -**

- 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 MDHA 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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[9] 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 HOUSING AGENCY**
**REASONABLE ACCOMMODATION VERIFICATION**

Head of Household: _____ Client No: _____
(PRINT NAME)

Re: Reasonable Accommodation Request

For: _____ Telephone: (____)_____
(PRINT NAME OF HOUSEHOLD MEMBER FOR WHOM THE REQUEST IS BEING MADE)

Name of Verification Source: _____
(PRINT NAME)

Address of Verification Source: _____

PLEASE RETURN TO: _____
(Name of MDHA Employee)

_____
(Address of MDHA 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:

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. The person for whom the reasonable accommodation is requested requires some change(s) or special feature(s) in a Miami-Dade Housing Agency (MDHA) dwelling, building or property

[ ] YES [ ] NO

3. The person for whom the reasonable accommodation is requested requires assistance with, or change in, a MDHA practice, rule, policy, procedure, program or service.

[ ] YES [ ] NO

Describe the problem (if applicable) that the person for whom the reasonable accommodation is requested is having with a MDHA dwelling, building, property, practice, rule, policy, procedure, program or service:

If applicable, please indicate what features or conditions in the present dwelling worsen the requestor's present condition:

**MIAMI-DADE HOUSING AGENCY**
**REASONABLE ACCOMMODATION VERIFICATION**

If applicable, please indicate what features or conditions must be present in any dwelling in which the requestor might live:

Describe the type of change(s), feature(s) or assistance required:

Please describe the relationship between the functional limitation(s) of the person for whom the accommodation is requested and the requested accommodation. Do not provide unnecessary details about the medical history or disabled status of the person seeking an accommodation.

Please indicate, if known and applicable, where any requested, specialized equipment may be obtained.

[ ] YES [ ] NO

Name of Verification Source: _____
(PRINT NAME)

Signature: _____ Date: _____/____/_____

Title of Verification Source: _____

Address: _____

Phone: _____ Fax: _____

If you have any questions about filling out this form, please call: (____)_____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

**MIAMI-DADE HOUSING AGENCY**
**LIVE-IN AIDE AGREEMENT**

Client Number: _____

I, _____, residing at _____
*(Print Head of Household's (HOH) Name)* *(Print Address)*

request Miami-Dade Housing Agency's (MDHA) 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 MDHA'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 MDHA's screening requirements. The live-in-aide agrees to provide any information that MDHA 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, MDHA 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 MDHA has given reasonable notice to the household member requiring assistance that the verification source has made such determination;
6. If the household member requiring assistance passes away, the live-in aide shall vacate the unit 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, MDHA may require the resident to terminate the services of the live-in-aide or face possible termination of the lease;
8. MDHA 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE HOUSING AGENCY
# LIVE-IN AIDE VERIFICATION

DATE: ____/____/____.

TO: _____ _____
*Print Name of Verification Source* *Address of Verification Source*

Phone: (_____)_____Fax:( )_____
*Phone and Fax of Verification Source*

FROM:_____. _____
*Print MDHA Employee's Name* *MDHA Employee's Office Address*

Phone: (_____)_____Fax:( )_____
*Phone and Fax of MDHA Employee*

SUBJECT: LIVE-IN AIDE SERVICES

NAME:_____
*(Head of household (HOH))*

SS #: _____ Client #:_____

ADDRESS:_____

NAME:_____
*(Print name of household member for whom the Live-in Aide is requested)*

REQUESTED LIVE-IN AIDE INFORMATION:

NAME: _____ PHONE NUMBER: _____

ADDRESS: _____

The HOH named above has applied for, or is a participant in, a housing program provided by Miami-Dade Housing Agency (MDHA). The HOH has requested a Live-in Aide. The HOH must obtain verification that the household member for whom the request was made (Household Member) qualifies for, and requires, a Live-in Aide, and that the Live-in Aide is qualified to provide the appropriate services to the Household Member. We would appreciate your cooperation in answering the questions on this form and returning it to the MDHA employee listed above in the self-addressed and stamped envelope provided. A consent for the release of the requested information will be required.

## DEFINITION OF PERSON WITH DISABILITIES

Under federal law, an individual is disabled if he/she has a physical, mental or developmental 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 includes individuals who are impaired by drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholics, but not people who pose a direct threat to the health, safety and right to peaceful enjoyment of the premises by other residents.

**MIAMI-DADE HOUSING AGENCY**
**LIVE-IN AIDE VERIFICATION**

**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 how a live-in aide would be essential.

   _____

   _____

4. Please describe the specific activities of daily living with which the live-in aide would provide assistance and how the aide would provide the assistance.

   _____

   _____

5. Does the Household Member require a live-in aide on a temporary basis?
   [ ] YES [ ] NO

6. 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.

   _____

7. Is the requested live-in aide service provider qualified to provide services that are essential to the care and well-being of the Household Member? [ ]YES [ ] NO

STATEMENT OF VERIFICATION SOURCE

The person signing below certifies that the information provided in the section above ("Information Requested") is true and accurate. The person signing below must enclose a written statement on his/her professional stationary indicating his/her title and area of specialization.

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)*

Name of organization or company: _____

This form is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE HOUSING AGENCY
# AUXILIARY AIDS REQUEST

Head of Household (if applicable): _____
(PRINT NAME)

Address: _____ Client #: _____

Phone: (____)_____

Requestor: _____
(PERSON REQUESTING AUXILIARY AID, IF OTHER THAN HEAD OF HOUSEHOLD, PRINT NAME)

Miami-Dade Housing Agency (MDHA) 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 MDHA and persons including, but not limited to, MDHA 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.

MDHA 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, MDHA shall give primary consideration to the requests of the individual with disabilities.

MDHA 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 MDHA 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):

   _____

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 MDHA staff person obtaining information regarding auxiliary aids may direct questions to the ADA Coordinator listed below.

Individuals may obtain a copy of the MDHA 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. You may also get additional copies of this request form from the ADA Coordinator:

ADA Coordinator
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 phone
(305) 644-5113 fax
Florida Relay Service: (800) 955-8771 (TDD/TTY)

Name of MDHA employee taking the request: _____
(PRINT NAME)

Phone: (____)_____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE HOUSING AGENCY
# AUTHORIZATION FOR RELEASE OF INFORMATION

**RE: Household member with disability:** _____

I hereby authorize the release of information to Miami-Dade 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 Housing Agency, in writing, in person, or by telephone concerning the physical or mental impairment(s) that I assert to qualify as a 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.

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.

## MIAMI-DADE HOUSING AGENCY
## AUTHORIZATION FOR RELEASE OF INFORMATION

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 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 Resident

**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:

_____

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

**MIAMI-DADE HOUSING AGENCY**
**LETTER TO AN APPLICANT, RESIDENT OR PROGRAM PARTICIPANT**
**FOR A MEETING ABOUT REASONABLE ACCOMMODATION**

Date: ___/___/___

Applicant/Resident/Program Participant: _____
(PRINT NAME)

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 Housing Agency (MDHA) 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.

_____ _____
MDHA Employee (Print Name) Title (Print)

_____ (_____)_____
MDHA Employee's Signature Phone number

_____
MDHA 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 MDHA at least five days in advance.



DIR/0009/03-18-05

**MIAMI-DADE HOUSING AGENCY**
**REQUEST FOR MORE INFORMATION OR**
**VERIFICATION REGARDING A REASONABLE ACCOMMODATION**

Date: ___/___/___

To (Head of Household/Verification Source): _____

Head of Household's 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.

_____ _____
MDHA Employee (Print Name) Title (Print)

_____
MDHA Employee's Signature

_____
MDHA Return Address

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

# MIAMI-DADE 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 Housing Agency (MDHA) building or property, or a MDHA 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 (305) _____ if you have any questions.

_____ _____
MDHA Employee Name and Title (Print) Employee Signature

_____

Please return the completed forms to the above MDHA address

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

DIR/0011/03-18-05

# MIAMI-DADE 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 Housing Agency (MDHA) 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, MDHA 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, MDHA will inform you of the date as soon as we have that information.

- ☐ Your request has been denied, but MDHA 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 (305) 644-5187 (phone) - 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 title, address and phone number of the contact person for scheduling a Reasonable Accommodation Grievance and Appeal Hearing is:

ADA Coordinator
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 (office)
Florida Relay Service: (800) 955-8771 (TDD/TTY)

MDHA'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 MDHA Director. The Section 504/ADA Policy Committee members are MDHA Division 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

**MIAMI-DADE 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 MDHA 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).



DIR/0013/03-18-05

# MIAMI-DADE 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 Housing Agency (MDHA) 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 MDHA enough information, if we need it, about whether you are a person with a disability and to give MDHA 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 MDHA instead of going to the site or management office.
- Having someone from MDHA go to your house, instead of you having to go to an MDHA 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 MDHA so that you can go there and use the programs and services there.
- Having a sign language interpreter available upon request.
- Getting important MDHA 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 MDHA employee for help.

MDHA will give you an answer as soon as possible.

MDHA will let you know if we need more information, or if there are other ways to meet your needs.

If MDHA turns down your request, MDHA will explain why, and you can provide more information if you think that will help. MDHA will also advise you of your appeal rights if your request is denied.

It is the policy of MDHA 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.

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

**MIAMI-DADE HOUSING AGENCY**
**ACKNOWLEDGEMENT 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 Nondiscrimination on the Basis of Disability

____ Reasonable Accommodation Information

____ Notice of Right to a Reasonable Accommodation

____ Reasonable Accommodation Request and Examples of Reasonable Accommodation

____ Authorization for Release of Information

This material is available in an accessible format upon request. Please call the ADA Coordinator at (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

**REASONABLE ACCOMMODATION INFORMATION**
**MIAMI-DADE HOUSING AGENCY**

Miami-Dade Housing Agency (MDHA) is committed to making sure that its applicants, residents and programs participants have information for making reasonable accommodation requests. MDHA 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 MDHA Applicant and Leasing Center, Mobility Pool Center, Section 8 Offices, Regional Offices of the MDHA; the offices of MDHA'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 the 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 MDHA 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 MDHA for assistance to complete the forms. Please be advised that in order for MDHA to assist you, we also need you to complete the *Authorization for Release of Information* form:

1. *Reasonable Accommodation Request.* This is used to make any request other than a request for a live-in aide.

2. *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: Chief, Applicant and Leasing Center (ALC)
Miami-Dade Housing Agency ALC
2925 N.W. 18th Ave.
Miami, FL 33142
(305) 638-6464
Florida Relay Service: (800) 955-8771 (TDD/TTY)

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.

## REASONABLE ACCOMMODATION INFORMATION
## MIAMI-DADE HOUSING AGENCY

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) 250-5250.

If you are a participant in any other MDHA program and want to request a reasonable accommodation, you may ask for a *Reasonable Accommodation Request* form from the MDHA employee who assists you.

Return all completed forms to the same person who gave them to you.

Individuals may obtain a copy of the MDHA 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
1401 N.W. 7th Street, Building F
Miami, Florida 33125
(305) 644-5187 phone
(305) 644-5113 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 (305) 644-5187 (phone) – Florida Relay Service (800) 955-8771 (TDD/TTY).

Attachment Three

# 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.