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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 8(K)(2)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 6, 2014

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

SUBJECT: Resolution approving and authorizing submission of Miami-Dade County's Public Housing and Community Development Department's FY 2014-2015 Public Housing Agency Plan to United States Department of Housing and Urban Development for final Approval
Resolution No. R-424-14

This item was amended from the original version as stated on the County Mayor's memorandum.

The accompanying resolution was prepared by the Public Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Health and Social Services Committee.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE COUNTY

Date: May 6, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Request to Approve Miami-Dade County's Public Housing and Community Development's FY 2014-15 Public Housing Agency Plan, Admissions and Continued Occupancy Policy and Section 8 Administrative Plan

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This item was amended at the April 7, 2014 Health and Social Services Committee meeting to include the Capital Fund Program Action Plan in Attachment 1.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the following policies, procedures and other documents related to Miami-Dade County's Public Housing and Community Development (Department):

1. Public Housing Agency Plan (Plan) for FY 2014-15;
2. Public Housing Admissions and Continued Occupancy Policy (Policy); and
3. Section 8 Administrative Plan (Administrative Plan).

It is further recommended that the Board authorize the Department Director to submit the Plan to the United States Department of Housing and Urban Development (Housing and Urban Development) for final approval no later than July 15, 2014. It is also recommended that the Board authorize the Department Director to make any necessary revisions to the Plan subject to the limitations of the Plan's "Significant Amendment and Substantial Deviation" definition. Finally, it is recommended that the Board authorize the Department Director, on behalf of the County, to modify the Policy and Administrative Plan as may be required by regulatory, statutory, court-related or internal policy changes.

Scope

The Plan includes the strategies for managing the federally-subsidized Public Housing Program and Section 8 Program for the Miami-Dade County area jurisdiction. The County's Plan does not include the activities of Public Housing and Section 8 programs administered by other public housing authorities within Miami-Dade County (i.e. Hialeah Housing Authority, Housing Authority for the City of Miami Beach, and Homestead Housing Authority). These housing authorities must separately submit their own plans for housing programs administered by them to Housing and Urban Development.

Fiscal Impact/Funding Source

The Plan includes the listing of the Department's financial resources, totaling $229 million, and planned uses for the support of federal Public Housing and Section 8 programs for FY 2014-15. The approval of this item will not result in a fiscal impact to Miami-Dade County.

Track Record/Monitor
Gregg Fortner, Department Director, is responsible for administering the federally-subsidized housing programs, the Public Housing Program and the Section 8 Programs.

Background

Department's Plan
The Quality Housing and Work Responsibility Act enacted on October 21, 1998, and related regulations promulgated and implemented by Housing and Urban Development, require all local, regional, or state housing agencies receiving federal funds to submit an annual public housing agency plan. The County's Plan includes the Department's mission and goals over the next five-year period, objectives for the upcoming fiscal year regarding operations, programs and capital spending, and strategies for meeting the needs of the local community.

On May 7, 2013, the Board approved the Department's current Plan, Policy and Administrative Plan, through Resolution No. R-358-13. The FY 2014-15 Plan presented for the Board's consideration includes a FY 2010-15 Five-Year Plan as well as the annual Plan for the fiscal year beginning October 1, 2014. There are notable and significant changes to the Plan. The proposed Plan includes the following:

1. Implement a new pilot program to provide housing for homeless persons. The Department will collaborate with a local homeless organization and initially limit the maximum availability to twenty-five (25) public housing units. The homeless organization will verify the homelessness eligibility and the Department will determine eligibility based on Public Housing program admissions criteria.

2. Establish a local preference for disabled persons on the Department's waiting list that are in need of a wheelchair accessible unit or Uniform Federal Accessibility Standards units.

3. Update language and demolition/disposition tables related to Scott/Carver HOPE IV, Low Income Housing Tax Credits, and Request for Proposal for renovation of public housing units.

4. Add new language to comply with Housing and Urban Development's Affirmatively Further Fair Housing final rule.

5. Obtain HUD's two-year renewal of eighteen (18) housing developments designated for occupancy by elderly families until November 15, 2015.

6. Revise language to state that the County-owned Section 8 New Construction developments under private management will be responsible for managing their own waiting lists.

Policy and Administrative Plan

The Policy and Administrative Plan are supporting documents to the Plan. The purpose of the Policy and the Administrative Plan is to establish the Department's written management policies in accordance with the regulations promulgated by Housing and Urban Development. The Policy includes the policies and procedures for the Public Housing Program and the Administrative Plan includes the policies and procedures for the Section 8 Housing Choice Voucher and Moderate Rehabilitation Programs. Both the Policy and the Administrative Plan have been revised to include policy updates and/or provisions that comply with new Housing and Urban Development regulations. The proposed revisions to the Policy and Administrative Plan are as follows:

1. Revise language that the County-owned Section 8 New Construction developments being privately managed by independent agents will be responsible for managing their own waiting lists.

2. Policy only: Revise the Mixed Finance Development requirements to include that the County may enter into one or more Memoranda of Understanding to adopt a limited preference for Special Needs Households referred by a Special Needs Household Referral Agency, such that ten percent (10%) of the units of each mixed-finance development are occupied by such special needs households.

3. Policy only: Implement a new pilot program to provide housing for homeless persons. The Department will collaborate with a local homeless organization and initially limit the maximum availability to twenty-five (25) public housing units. The homeless organization will verify the homelessness eligibility and the Department will determine eligibility based on the Department's admissions criteria.

4. Policy only: Establish a local preference for disabled persons on the Department's waiting list that are in need of a wheelchair accessible unit or Uniform Federal Accessibility Standards units, as long as the requirements for existing disabled residents' for such units are met.

5. Policy only: Includes new language regarding the Department's Assisted Living Facility ("Facility"). The Facility may accept referrals should the waiting list be exhausted of qualified applicants. Facility residents may be discharged if they no longer meet Facility criteria per Florida Statutes Chapter 429 and Administrative Code 58-A, or violate the terms of the Facility Contract or Public Housing Dwelling Lease.

6. Administrative Plan only: Add new wording to reference the Department's compliance with Housing and Urban Development's requirements for Non-Elderly Disabled vouchers.

7. Administrative Plan only: Revise language to indicate voucher extension may allow for more than 120 days as a reasonable accommodation for applicant or participants having trouble finding a suitable residence to meet their needs.

The proposed Plan, including the Capital Fund Program (Attachment 1), the Policy (Attachment 2), and the Administrative Plan (Attachment 3) were made available for public review and comments during a 45-day comment period, which commenced on January 15, 2014 and expired on February 28, 2014. These documents were distributed to the Department's administrative and site offices and notices were distributed to members of the Department's Resident Advisory Board, including resident council presidents (Attachment 4). The proposed draft documents were also posted on the Department's website.

As part of the FY 2014-15 Plan development process, the Department held meetings with the Resident Advisory Board at two (2) regional meetings (Attachment 5):

- Region 1 - January 14, 2014, Public Housing and Community Development Board Room, 1407 NW 7 Street, Miami, FL 33125; and
- Region 2 - January 16, 2014, Naranja Community Center, 26201 SW 139 Court, Miami, FL 33032.

Written comments received during the comment period were reviewed, taken into consideration by the Department in the preparation of the final Plan and policies (Attachment 6), and where the Department agreed with particular comments, the Plan, Policy and Administrative Plan were revised to address the comments.

Attachments

Russell Benford, Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: May 6, 2014

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

SUBJECT: Agenda Item No. 8(K)(2)

Please note any items checked.

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

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

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

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

_____ **Budget required**

_____ **Statement of fiscal impact required**

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

_____ **No committee review**

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

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(K)(2)
5-6-14

RESOLUTION NO. R-424-14

RESOLUTION APPROVING AND AUTHORIZING SUBMISSION OF MIAMI-DADE COUNTY'S PUBLIC HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT'S FY 2014-2015 PUBLIC HOUSING AGENCY PLAN TO UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FINAL APPROVAL; AUTHORIZING THE DEPARTMENT DIRECTOR TO REVISE AND SUBMIT THE PUBLIC HOUSING AGENCY PLAN, SUBJECT TO THE LIMITATIONS OF THE "SIGNIFICANT AMENDMENT AND SUBSTANTIAL DEVIATION" DEFINITION CONTAINED THEREIN; APPROVING ADMISSIONS AND CONTINUED OCCUPANCY POLICY; APPROVING SECTION 8 ADMINISTRATIVE PLAN; AND AUTHORIZING THE DEPARTMENT DIRECTOR TO MODIFY THE POLICY AND ADMINISTRATIVE PLAN AS MAY BE REQUIRED BY REGULATORY, STATUTORY, COURT ORDER OR INTERNAL POLICY 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, Miami-Dade County, by and through its housing department, Miami-Dade Public Housing and Community Development (Department), 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 as extremely low, low, and very-low income residents living in public, Section 8 and other federally subsidized housing,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The matters contained in the foregoing recitals are incorporated in this resolution by reference.

Section 2. This Board approves the Department's FY 2014-2015 Public Housing Agency Plan (Plan), in substantially the form attached hereto as Attachment 1 and incorporated by reference, and authorizes the Department Director to submit the Plan on behalf of Miami-Dade County to United States Department of Housing and Urban Development by July 15, 2014 for final approval. The Board further authorizes the Department Director to make any necessary revisions to the Plan subject to the limitations of the Plan's "Significant Amendment and Substantial Deviation" definition.

Section 3. This Board further approves the Admissions and Continued Occupancy Policy (Policy) and Section 8 Administrative Plan (Administrative Plan), in substantially the form attached hereto as Attachments 2 and 3 and incorporated by reference. The Board also authorizes the Department Director to modify the Policy and the Administrative Plan as may be required by regulatory, statutory, court order, or internal policy changes.

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

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**absent**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2014. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Terrance A. Smith

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011

1.0 PHA Information

PHA Name: Miami-Dade Public Housing and Community Development (PHCD)

PHA Code: FL005

PHA Type: ☐ Small ☐ High Performing ☒ Standard

☐ HCV (Section 8)

PHA Fiscal Year Beginning: (MM/YYYY): 10/2014

2.0 Inventory (based on ACC units at time of FY beginning in 1.0 above)

Number of PH units: 9087 Number of HCV units: 14955

3.0 Submission Type

☒ 5-Year and Annual Plan ☐ Annual Plan Only ☐ 5-Year Plan Only

4.0 PHA Consortia ☐ PHA Consortia: (Check box if submitting a joint Plan and complete table below.)

Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
				PH	HCV
PHA 1:					
PHA 2:					
PHA 3:					

5.0 5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.

FIVE YEAR PLAN FOR FY 2010-2015

5.1 Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years:

We, the employees of Miami-Dade County's housing department, Public Housing and Community Development (PHCD), through our collective efforts to positively enhance and better serve this community with integrity, care, high ethical standards, and competence, are committed to provide to low, very low, extremely low and moderate-income residents of Miami-Dade County:

- Quality affordable housing opportunities.
- Neighborhood revitalization and stabilization activities.
- Partnerships with private and public entities to optimize resources through innovative programs.
- Efficient and effective management of resources.

5.2	**Five Year Plan Goals and Objectives.** Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. **A. Increase the availability of decent, safe, and affordable housing.** 1. Expand the supply of assisted housing Leverage private or other public funds and/or generate revenue to create additional housing opportunities: • Continue to apply for funding, grants and other similar funding opportunities that may become available to refurbish and/or create additional housing and related work. • Verify information of each household member through EIV for double subsidy and debt owed to other housing authorities at time of admission as part of the eligibility process. • Pursue revenue-generating opportunities that may result in a revenue generating mechanism for the agency. Acquire or build units or developments: • PHCD reserves the right to issue Request for Proposals (RFP's), Request for Qualifications (RFQ's), Request for Applications (RFA's) and other similar procurement documents as needed to achieve stated plans and objectives. *As a result of RFP#794 awards by BCC, numerous demolition and/or disposition applications by PHCD are anticipated.* ***PHCD reserves the right to submit additional demolition and/or disposition application for any development site in our portfolio subject to the Board of County Commissioners and HUD approval.*** **(Continued on next page)** 2. Improve the quality of assisted housing Improve public housing management (PHAS Score): • Continue with the Quality Assurance Review (QAR) program of residents' files. • Continue the applicability of the Enterprise Income Verification (EIV). Improve voucher management (SEMAP Score): • Maintain or exceed SEMAP Standard Performer status. Increase customer satisfaction: • Provide improved communication with management and referral services to residents. • Section 8 will continue to receive and assess customer surveys to improve communication. Concentrate on efforts to improve specific management functions: • Deliver timely and quality maintenance services to public housing residents. • Maintain preventive maintenance efforts. Renovate or modernize public housing units • Implement FYs 2012-17 Capital Fund 5-Year Action Plan. • PHCD will consider and implement to the extent feasible, existing or additional force account (in-house) laborers on either a permanent or a temporary basis, in accordance with applicable HUD requirements, to perform construction work for capital fund projects. • Utilize contractors for projects presented in the Five Year Action Plan.

5.2 (cont'd)	**Five Year Plan Goals and Objectives. (continued from previous page)** • Continue the Work Order program as necessary, which is a rapid method of contracting from a pool of pre-selected group of contractors based on lowest bid to do vacant unit repairs and miscellaneous work. • Due to utility modernization, building master meters, which are currently paid by PHCD, may be replaced by individualized meters where the utility costs may become the responsibility of the resident. 3. Increase assisted housing choices: • Applicants and current families will be advised of housing opportunities. • As an alternative to homeownership, PHCD may consider pursuing lease-to-own options for homeownership units. Reduce public housing vacancies: • Once the elderly population on the waiting list is exhausted, PHCD may select "near elderly" for admission into "elderly" designated public housing units. • PHCD may elect to open the waiting list if there are insufficient applicants for a particular bedroom size, type (e.g., general occupancy, elderly designated buildings, elderly and mixed developments, accessible or non-accessible, Assisted Living Facilities (ALF), or for one or more of the local preferences). • PHCD plans to implement a pilot program for persons experiencing homelessness by collaborating with a homeless organization. **B. Improve community quality of life and economic vitality** • Continue implementing public housing security improvements. • The agency has implemented quarterly meetings with resident councils to provide training on various aspects of resident organization and empowerment. **(Continued on next page)**

5.2 (cont'd)	**Five Year Plan Goals and Objectives. (continued from previous page)** **C. Promote self-sufficiency and asset development of families and individuals** Increase the number of employed persons in assisted families: • Monitor contractors and subcontractors for compliance with Section 3 training and employment goals, and provide public housing residents with information about Section 3 business and training employment opportunities. Provide or identify supportive services to improve assistance recipients' employability: • Seek new partnerships with both public and private entities to enhance social and economic services to residents in assisted housing. • Increase resident participation requirements for social service providers operating at public housing sites by requiring community organizations that provide services at the sites serve public housing residents or show good cause for not meeting this goal. • The agency is administering ROSS Grants to assist families in public housing with self-sufficiency training, employment training, job placement and educational opportunities for early childhood and grade school academic improvement. • Identify supportive services to increase independence for the elderly or families with disabilities: • The Section 3 function will continue to offer opportunities for employment through job fairs and training programs. • Maintain the disallowance (Earned Income Disallowance) of increase in annual income for all families in Public Housing and for disabled families in Section 8 programs as per the HUD regulations **D. Ensure Equal Opportunity in Housing for all Americans** • Continue implementing Section 504, ADA, the Fair Housing Act and the Voluntary Compliance Agreement (VCA). • Continue implementation of the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). See PHA Plan section 6.0, item 13, Violence Against Women Act (VAWA). • Continue to implement PHCD's Limited English Proficiency (LEP) policy. Based on a four-factor analysis, PHCD has identified Spanish and Creole as the non-English languages most likely used by clients served under PHCD's housing programs. • Affirmatively further Fair Housing: no person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial status, marital status, sexual orientation, gender identity, ancestry, age, pregnancy, disability, , or source of income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated and/or funded by PHCD.
6.0	**ANNUAL PLAN FOR FY 2014-2014** **Annual PHA Plan Update** (a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission: 1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists. **(Continued on next page)**

Annual PHA Plan Update-PHA Plan Elements (continued from previous page)

6.0 (cont'd)

A. Project-Based Programs

(1) Eligibility

PHCD selects applicants for the Project-Based Program according to project-based ranking number and available bedroom size units. A preliminary screening is conducted to establish eligibility.

Screening includes:

- Criminal background, drug-related activity and sex offender checks performed locally and nationwide.
- Ability to comply with financial obligations and lease requirements, such as evictions, rental payment history, etc.
- Verify information of each household member through EIV for double subsidy and debt owed to another housing authority or program at time of admission as part of the eligibility process.

(2) Waiting List Organization

- PHCD continues processing a community-wide waiting list established in 2008 with each applicant assigned two ranking numbers; one for Project-Based Programs and another for Tenant-Based Programs. Public Housing will be selected using the Project-Based ranking; and Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers and Section 8 Moderate Rehabilitation programs will be selected using the Tenant-Based ranking.

(3) Assignment

- Vacant units are offered to multiple applicants countywide based on availability.

(4) Admissions Preferences

- PHCD adheres to the federal income targeting requirements.
- Applicants on the waiting list are selected by ranking number and available bedroom size

(5) Local Preferences

- Assisted Living Facilities (ALF)
- Veterans
- Disabled persons requiring wheelchair accessible units or Uniform Federal Accessibility Standards (UFAS) units.

(6) Occupancy

Information about the rules of occupancy in public housing are referenced in:

- PHCD Conventional Public Housing Dwelling Lease and Community Policies.
- PHCD Admissions and Continued Occupancy Policy (ACOP).
- Regulatory and Operating Agreements and referenced documents for Scott/Carver Phase 2 and low income housing tax credit projects.
- Regulatory page on PHCD website.

(Continued on next page)

6.0 (cont'd)	**Annual PHA Plan Update-PHA Plan Elements (continued from previous page)** **B. Tenant-Based Programs** (1) Eligibility PHCD selects applicants for the Tenant-Based Program according to tenant-based ranking number. Screening includes: • Criminal background, drug-related activity and sex offender checks performed locally and nationwide. • Ability to comply with financial obligations and lease requirements, such as evictions, rental payment history, etc. • Verify information of each household member through EIV for double subsidy and debt owed to another housing authority or program at time of admission as part of the eligibility process. • Upon request, landlords are provided access to clients' files in compliance with the State of Florida's Government-in-the-Sunshine Law that states government records or documents are considered public record and should be made available for inspection or copying if requested. (2) Waiting List Organization • There is a community-wide waiting list established in 2008 with each applicant assigned two ranking numbers; one for Project-Based Programs and one for Tenant-Based Programs. Public Housing will be selected using the Project-Based ranking; and Section 8 Housing Choice Voucher, Section 8 Project-Based Vouchers and Section 8 Moderate Rehabilitation will be selected using the Tenant-Based ranking. (3) Search Time • The initial term of the Section 8 voucher is 60 days from the date of voucher issuance. PHCD may extend the initial term 60 additional days in accordance with the Section 8 Administrative Plan. • The voucher term may be extended beyond 120-days as a reasonable accommodation. (4) Admissions Preferences • PHCD adheres to the federal income targeting requirements. • Applicants on the waiting list are selected by ranking number. (5) Local Preferences • Veterans– achieved through Veteran's Affairs Supportive Housing (VASH) program (6) Special Purpose Section 8 Assistance Programs The Section 8 Administrative Plan contains the policies governing eligibility, selection and admissions to any special-purpose section 8 program administered by PHCD. PHCD announces the availability of any special-purpose Section 8 programs to the public through published notices. Special Purpose includes Veteran's Affairs Supportive Housing (VASH) and Non-Elderly Disabled (NED).

6.0 (cont'd)

C. Other Programs

(1) Scott/Carver HOPE VI
Exclusively for former HOPE VI residents of Scott and Carver Homes who resided in Scott or Carver Homes as of September 16, 1999 and ranked through a computerized lottery system. The Scott/Carver returning residents list opened since November 2010..
(2) Section 8 New Construction (S8NC)
S8NC developments are privately managed. The management agent will be responsible for managing its own waiting lists.
(3) Homeless
A pilot program for persons experiencing homelessness will consist of referrals from a homeless organization. This program will initially be limited to a maximum availability of 25 Public Housing units that may be expanded if the program is successful.

6.0 (cont'd)

Annual PHA Plan Update-PHA Plan Elements (continued from previous page)
2. Financial Resources.

Financial Resources: Planned Sources and Uses		
Sources	**Planned $**	**Planned Uses**
1. Federal Grants (FY 2014-15)	**Preliminary Estimate**	
a) Public Housing Operating Fund	$ 31,863,000	
b) Public Housing Capital Fund	$ 8,994,000	
c) HOPE VI Grant	$ 0	
d) Replacement Housing Factor Funds (RHF)	$ 1,000,000	
e) Neighborhood Stabilization Program 3 (NSP 3) funds	$ 0	
f) Annual Contributions for Section 8 Tenant-Based and Project-Based Assistance (HAP & Adm. Fee)	$ 151,981,000	
g) Other Federal Grants (list below)		
h) Emergency Shelter Grant	$ 774,000	
2. Public Housing Dwelling Rental Income	$ 18,651,000	Public Housing Operations
3. Non-federal sources (list below)		
a) General Obligation Bonds (GOB)	$ 11,781,000	
b) Miscellaneous Revenue	$ 3,813,000	Public Housing Operations
c) Investment Interest	$ 320,000	Public Housing Operations
Total Resources	**$229,177,000**	

Note: All amounts are approximate and subject to change.

6.0 (cont' d)	**Annual PHA Plan Update-PHA Plan Elements (continued from previous page)** **3. Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units. **A. Public Housing** (1) Income Based Rent Policies • PHCD adheres to federal guidelines and requirements. • Minimum Rent is $50. • Maintains rent hardship exemption policies. • Rent is calculated at a fixed amount or percentage less than 30% of adjusted income (2) Flat Rents/Rent Reasonableness • PHCD, in conjunction with the Section 8 rent reasonableness study of comparable housing of similar unassisted units in the neighborhood, established the market-based rents. **B. Section 8 Housing Choice Voucher, Section 8 Project-Based Voucher, and Section 8 Moderate Rehabilitation** (1) Payment Standards • Payment standards are reevaluated annually. • Additional information can be found in the Section 8 Administrative Plan. (2) Minimum Rent • Minimum rent is $50. • Exceptions can be made under a financial hardship. **C. All Programs** PHCD reserves the right to implement PIH Notice 2013-03 as needed to relieve administrative burden. In addition, according to PIH Notice 2013-04, PHCD is not required to verify fully excluded income and may accept an applicant or participant's self-certification of such income.
6.0 (cont' d)	**4. Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA. PHCD management policies are located in: • PHCD Admissions and Continued Occupancy Policy (ACOP) • PHCD Conventional Public Housing Dwelling Lease and Community Policies • Regulatory and Operating Agreements and Referenced Documents for Scott/Carver and the Low Income Housing Tax Credit Projects • PHCD Section 8 Administrative Plan
6.0 (cont' d)	**5. Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants. Grievance procedures are addressed in the Section 8 Administrative Plan, Public Housing Community Policies and ACOP. To initiate the grievance process, applicants and residents may request informal reviews and hearings from their respective PHCD division or development management office.

6.0 (cont' d)

Annual PHA Plan Update-PHA Plan Elements (continued from previous page)

6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects, describe any projects, in the upcoming fiscal year, which the PHA has designated or will apply for designation for occupancy by elderly and disabled families.

1) Development Name & Number	2) Designation Type	3) Application Status	4) Date Approved	Units Affected *(Note: all units affected are total development)*
Biscayne Plaza FL-05-074A	Elderly	Renewed thru 11/21/15	7/23/13	52
Edison Plaza FL-05-056	Elderly	Renewed thru 11/21/15	7/23/13	80
Florida City Gardens FL-05-080	Elderly	Renewed thru 11/21/15	7/23/13	50
Goulds Plaza FL-05-079	Elderly	Renewed thru 11/21/15	7/23/13	50
Haley Sofge FL-05-026	Elderly	Renewed thru 11/21/15	7/23/13	475
Helen Sawyer Assisted Living Facility FL 05-057	Elderly	Renewed thru 11/21/15	7/23/13	101
Lemon City FL-05-051	Elderly	Renewed thru 11/21/15	7/23/13	100
Palm Courts FL-05-065	Elderly	Renewed thru 11/21/15	7/23/13	88
Palm Towers FL-05-43	Elderly	Renewed thru 11/21/15	7/23/13	103
Palmetto Gardens FL-05-088	Elderly	Renewed thru 11/21/15	7/23/13	40
Peters Plaza FL-05-039	Elderly	Renewed thru 11/21/15	7/23/13	102
Robert King High FL 05-013	Elderly	Renewed thru 11/21/15	7/23/13	315
Smathers Plaza FL-05-018	Elderly	Renewed thru 11/21/15	7/23/13	182
South Miami Plaza FL-05-045	Elderly	Renewed thru 11/21/15	7/23/13	97

(Continued on next page)

6.0 (cont'd)

(Designated Housing for Elderly cont'd from previous page)

Three Round Towers FL 05-062	Elderly	Renewed thru 11/21/15	7/23/13	391
Ward Towers FL-05-044	Elderly	Renewed thru 11/21/15	7/23/13	200
Ward Towers 2 (ALF) FL-05-144	Elderly	Renewed thru 11/21/15	7/23/13	100
Wynwood Elderly FL-05-094	Elderly	Renewed thru 11/21/15	7/23/13	72

6.0 (cont'd)

Annual PHA Plan Update-PHA Plan Elements (continued from previous page)

7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**

(1) Services and programs offered to residents and participants

- Elderly meals and youth programs are available at selected Public Housing sites.
- Refer also to Section 10 relative to the Scott/Carver HOPE VI Redevelopment summary and updates.
- Business and entrepreneurship training programs

(2) Policies or programs for economic and social self-sufficiency

(a) General

Coordination of efforts between PHCD and social service agencies include:

- Facilitate the provision of social and self-sufficiency services and programs to eligible families

(b) Self-Sufficiency Policies:

- Preference/eligibility for Section 8 homeownership option participation
- Facilitate interactive workshops to educate current and prospective MDC contractors and entities about Section 3 goals and business opportunities.
- All contracts and work orders must comply with Section 3 requirements.

(c) Family Self Sufficiency programs

Family Self Sufficiency (FSS) Participation		
Program	Required Number of Participants	Actual Number of Participants (As of September 2013)
Public Housing	N/A*	17
Section 8	161	166

*PHCD is not funded for this program.

(3) Compliance with Community Service requirements and treatment of Welfare income changes

(a) Welfare Benefit Reductions

- Establishing a protocol for exchange of information with all appropriate social service agencies.

(b) Compliance with Community Service requirements

- Provide names and contacts that may provide opportunities for residents to fulfill their Community Service obligations.
- Provide the family with the necessary documentation, such as the certification form, third party verification form, and a copy of this policy at lease execution.
- Make the final determination as to whether or not a family member is exempt from the Community Service and/or Self-sufficiency requirement and verify the resident's participation and compliance with the welfare program.
- Additional information can be found in PHCD's Community Policies.

6.0 (cont' d)	**Annual PHA Plan Update-PHA Plan Elements (continued from previous page)** 8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities. **(1) A description of the need for measures to ensure the safety of public housing residents:** • Upgrade security camera systems, lighting, security gates and other preventive measures to ensure safety of residents. • Continue targeted police patrols to promote crime reduction initiative. • Continue to communicate with residents regarding security and safety issues at PHCD sites. • Promote the establishment of resident crime watch groups through partnerships with law enforcement. **(2) A description of any crime prevention activities conducted or to be conducted by the PHA:** • Crime reduction initiative with several police departments to arrange police patrols in and around sites • Crime reduction initiative includes partnership with US Attorneys' Office and Miami-Dade State Attorneys' Office **(3) A description of the coordination between PHA and the appropriate police precincts for carrying out crime prevention measures and activities:** • Police provide crime data to housing agency staff for analysis and action • Police regularly testify in and otherwise support eviction cases • Police regularly meet with management and residents • Agreement between PHCD and local law enforcement agencies for provision of above-baseline law enforcement services
6.0 (cont' d)	9. **Pets.** A statement describing the PHA's policies and requirements pertaining to the ownership of pets in public housing. (1) PHCD has a pet policy permitting pet ownership by residents of public housing. (2) Assistive animals are not considered pets. They are to be used to give assistance to persons with disabilities (a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such impairment) and are necessary as a reasonable accommodation. (3) The only animals allowed as pets are common household pets. The definition of a common household pet is "A domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish or turtle, which is traditionally kept in the home for pleasure rather than for commercial purposes." This definition does not include any reptiles other than turtles. This does not pertain to assistive animals. (4) All owners of a dog or cat must pay an additional $100 pet deposit to cover possible damages that the pet might cause in the development. Owners of assistive animals are not required to pay a pet deposit. This does not exclude the assistive animal owner from liability for any damages caused by such assistive animal. (5) Only one four legged, warm-blooded pet per dwelling unit. This does not apply to assistive animals. (6) The weight of any pet is not to exceed twenty (20) pounds at the age of maturity. This does not apply to assistive animals. Additional details and rules are available in PHCD's Community Policies.

6.0 (cont'd)	**Annual PHA Plan Update-PHA Plan Elements (continued from previous page)** **10. Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. Civil rights certifications are included in the PHA Plan Certifications of Compliance with the PHA Plans and Related Regulations.
6.0 (cont'd)	**11. Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA. PHCD is required to have an audit conducted under section 5(h) (2) of the U.S. Housing Act of 1937 (42 U S.C. 1437c (h). The FY2012-2013 audit is being conducted by Berman Hopkins Wright & LaHam, an independent CPA firm contracted by the PHCD. .
6.0 (cont'd)	**12. Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation; modernization, disposition, and other needs for such inventory. • Conduct monthly reviews of each property as it relates to occupancy, rent collections, re-examinations, emergency work orders, routine work orders and unit turnaround time. • Monitor and report on the financial, physical and management performance of individual public housing sites in order to facilitate investment decisions by providing measurable performance information that will assist PHCD plans for future viability of the public housing portfolio.
6.0 (cont'd)	**13. Violence Against Women Act (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. PHCD complies with the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). See Chapter XIV (Domestic Violence) of the ACOP, and Section 2.15 (Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking) of the S8 Administrative Plan. As approved by a Board of County Commissioners' Resolution No. R-595-12 signs have been posted in the public restrooms of buildings owned or operated by Miami-Dade County. These signs will provide contact information and assistance to domestic violence victims.

6.0 (cont' d)	(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions. **The PHA Plan (including attachments) are available for public inspection at:** PHCD Overtown Transit Village administrative office PHCD development management offices: Public Housing Site Offices PHCD website PHCD Section 8 office
7.0	**Hope VI, Mixed Finance Modernization or Development, Acquisition, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers.** *Include statements related to these programs as applicable.* **(a) Hope VI or Mixed Finance Modernization or Development. 1)** A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for HOPE VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm PHCD received a HOPE VI revitalization grant in 1999 for Scott/Carver Homes, development (project) number: FL29P005004/FL29P005020. Phase 1 was completed by Habitat for Humanity in 2008 which provided 57 new homes. Phase 2 was completed in 2012 and provided a total of 354 rental units composed of 177 public housing (ACC) units, 107 low and moderate income (tax credit) units and 70 market rate units. Phase III and IV were also part of the revitalization plan but are not funded. (Refer also to Section 10, (a) Progress in Meeting Mission and Goals, HOPE VI, for additional information). USHUD no longer provides HOPE VI grants and is providing other funding sources including those enumerated below. Refer also to Section 10 for Tax Credit Projects. PHCD may apply for new mixed finance, mixed income and/or other grants and funding sources in the coming fiscal year as it may deem appropriate for providing additional housing and/or upgrading of existing housing and ancillary facilities which may include all PHCD sites. PHCD may request extension(s) of grant obligation and expenditure deadlines as it may deem necessary, including but not limited to RHF funding. PHCD may submit appropriate demolition and /or disposition applications and also execute all other documentation as required by USHUD and others having jurisdiction for rehabilitation, development and implementation of projects and corresponding funding. Engaging in mixed-income and/or mixed-finance development and acquisition or leasing activities and corresponding funding for affordable housing in the Plan year: • Additional affordable housing or rehabilitation of existing units and/or new construction in the general neighborhood area of Scott/Carver. • Choice Neighborhood Initiative (CNI) funding. • Replacement Housing Factor Funds (RHF). • Developers may apply for Low-Income Housing Tax Credits (LIHTC) on PHCD sites when approved by the Board of County Commissioners. • Rental Assistance Demonstration (RAD). • Other funding and Rehabilitation/Development and acquisition or leasing opportunities which may become available.

7.0 (cont'd)

(b) Demolition and/or Disposition. With respect to public housing projects owned by the PHA and subject to ACCs under the Act: **(1)** A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and **(2)** A timetable for the demolition or disposition. **Note:** This statement must be submitted to the extent **that approved and/or pending** demolition and/or disposition has changed.

Plans to conduct the following demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year.

Demolition/Disposition Activity Description
1a. Development name: **Elizabeth Virrick II** 1b. Development (project) number: FL005-029
2. Activity type: Demolition ☒ Disposition ☒
3. Application status: Application approved as modified June 27, 2010 (modifications will be required once ownership entity has been identified)
4. Date application approved, submitted, or planned for submission: June 27, 2010
5. Number of units affected: 56 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: Demolition completed: Fall 2011 b. Projected end date of activity: Disposition projected by Oct 2014

Demolition/Disposition Activity Description
1a. Development name: **Scattered Sites -B** 1b. Development (project) number: FL005-017B
2. Activity type: Disposition ☒ (Sale) *(Part of Scott/Carver Disposition)* Demolition ☒
3. Application status: Application approved as modified May 26, 2011 (modifications will be required once ownership entity has been identified)
4. Date application approved, submitted, or planned for submission: May 26, 2011
5. Number of units affected: 8 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: Demolition completed: Nov 2011 b. Projected end date of activity: Disposition projected by June 2014

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7.0 (cont'd)

(Demolition and/or Disposition continued from previous page)

Demolition/Disposition Activity Description
1a. Development name: **Lincoln Gardens** 1b. Development (project) number: FL005-019
2. Activity type: Demolition ☒ Disposition ☒
3. Application status: Application approved as modified July 24, 2009 (modifications will be required once ownership entity has been identified)
4. Date application approved, submitted, or planned for submission: July 24, 2009
5. Number of units affected: 47 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: Demolition completed: Summer 2011 b. Projected end date of activity: Disposition projected by 2014

7.0 (cont'd)

Demolition/Disposition Activity Description
1a. Development name: **Scott Homes -Sector IIIA (partial)** 1b. Development (project) number: FL005-004 (HOPE VI)
2. Activity type: Disposition ☒ (Sale) *(Part of Scott/Carver Disposition)*
3. Application status: Approved Application
4. Date application approved, submitted, or planned for submission: 09-01-2010
5. Number of units affected: 0 (Land only) 6. Coverage of action: Partial development
7. Timeline for activity: a. Actual or projected start date of activity: 2014 b. Projected end date of activity: 2015

Demolition/Disposition Activity Description
1a. Development name: **Scott Homes -Sector II (partial)** 1b. Development (project) number: FL005-004 (HOPE VI)
2. Activity type: Disposition ☒ (Ground Lease) *(Part of Scott/Carver Disposition)* Demolition ☐
3. Application status: Approved Application
4. Date application approved, submitted, or planned for submission: 09-01-2010
5. Number of units affected: 0 (Land only) 6. Coverage of action: Partial development
7. Timeline for activity: a. Actual or projected start date of activity: 2014 b. Projected end date of activity: 2015

(Continued on next page)

7.0 (cont'd)

(Demolition and/or Disposition continued from previous page)

Demolition/Disposition Activity Description
1a. Development name: **Scott Homes Sector I (partial)** 1b. Development (project) number: FL005-004 (HOPE VI)
2. Activity type: Disposition ☒ (Sale) *(Part of Scott/Carver Disposition)*
3. Application status: Planned Application
4. Date application approved, submitted, or planned for submission: 09-01-2014
5. Number of units affected: 0 6. Coverage of action: Partial development
7. Timeline for activity: a. Actual or projected start date of activity: 2014 b. Projected end date of activity: 2015

Note: No demolition application needed for S/C HOPE VI properties, as this activity was already approved with HOPE VI application.

7.0 (cont'd)

Demolition/Disposition Activity Description
1a. Development name: **Dante Fascell** 1b. Development (project) number: FL005-034
2. Activity type: Disposition ☒
3. Application status: Approved for 151 units. Planned application for 28 additional non-ACC units.
4. Date application approved, submitted, or planned for submission: 12/21/12 (151 units approved). Planned submission for additional 28 non-ACC units: 2014
5. Number of units affected: 151 (+ 28 additional non-ACC units) 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: December 2012 b. Projected end date of activity: December 2014

(Continued on next page)

7.0 (cont'd)

(Demolition and/or Disposition continued from previous page)

Demolition/Disposition Activity Description
1a. Development name: **Jack Orr Plaza** 1b. Development (project) number: FL005-041
2. Activity type: Disposition ☒
3. Application status: Approved
4. Date application approved, submitted, or planned for submission: 6/18/13
5. Number of units affected: 200 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: March 2013 b. Projected end date of activity: June 2013

7.0 (cont'd)

Demolition/Disposition Activity Description
1a. Development name: **Joe Moretti** (Partial) 1b. Development (project) number: FL005-012
2. Activity type: Disposition ☒
3. Application status: Approved
4. Date application approved, submitted, or planned for submission: 12/21/12
5. Number of units affected: 96 6. Coverage of action: Partial development
7. Timeline for activity: a. Actual or projected start date of activity: December 2012 b. Projected end date of activity: February 2013

7.0 (cont'd)

Demolition/Disposition Activity Description
1a. Development name: **South Miami Plaza** 1b. Development (project) number: FL005-045
2. Activity type: Disposition ☒
3. Application status: Approved
4. Date application approved, submitted, or planned for submission: 12/21/12
5. Number of units affected: 97 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: December 2012 b. Projected end date of activity: January 2013

(Continued on next page)

7.0 (cont'd)

(Demolition and/or Disposition continued from previous page)

Demolition/Disposition Activity Description
1a. Development name: **Stirrup Plaza Elderly** 1b. Development (project) number: FL005-058
2. Activity type: Disposition ☒
3. Application status: Approved
4. Date application approved, submitted, or planned for submission: 12/21/12
5. Number of units affected: 100 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: December 2012 b. Projected end date of activity: January 2013

7.0 (cont'd)

Demolition/Disposition Activity Description
1a. Development name: **Green Turnkey**1b. Development (project) number: FL005-028
2. Activity type: Disposition ☒
3. Application status: Approved
4. Date application approved, submitted, or planned for submission: 6/11/13
5. Number of units affected: 21 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: February 2013 b. Projected end date of activity: January 2013

Demolition/Disposition Activity Description
1a. Development name: **Modello** 1b. Development (project) number: FL005-038
2. Activity type: Disposition ☒
3. Application status: Submitted
4. Date application approved, submitted, or planned for submission: September 16, 2013.
5. Number of units affected: 120 6. Coverage of action: Total development
7. Timeline for activity: a. Actual or projected start date of activity: February 2014 b. Projected end date of activity: December 2015

(Continued on next page)

7.0 (cont' d)

(Demolition and/or Disposition continued from previous page)

Summary of Potential Disposition Applications for LIHTC Developments (i.e. Tax Credit Projects) that may be required under RFP # 794, RFQ or RFA's.

Development Name and Number	Approximate Number of Units	Approximate Start Date	Approximate End Date
1. Annie Coleman (FLA 5-15)	144	2014	2016
2. Helen Sawyer (FLA 5-57)	104	2014	2016
3. Medvin (9FLA 5-19 B)	18	2014	2016
4. Annie Coleman (FLA 5-16)	210	2014	2016
5. South Miami (FLA 5-60)	58	2014	2016
6. Gwen Cherry (FLA 5-27) Site 9	16	2014	2016
7. Gwen Cherry (FLA 5-27) Site 11	40	2014	2016
8. Parkside (FLA 5-54)	56	2014	2016
9. Lincoln Gardens (FLA 5-19) *	47	2014	2016
10. Victory Homes (FLA 5-07)*	144	2014	2016
11. Haley Sofge (FLA 5-26)	475	2014	2016
12. Martin Fine (FLA 5-48)	50	2014	2016
13. Robert King High (FLA 5-13)	315	2014	2016
14. Smathers Plaza (FLA 5-18)	182	2014	2016
15. Joe Morretti (FLA5-12) Partial	192	2014	2016
16. Three Round Tower (FLA 5-52)	531	2014	2016
17. Claude Pepper (FLA 5-25)	166	2014	2016
18. Harry Cain (FLA 5-89)*	154	2014	2016
19. Culmer Gardens (FLA 5-75)	75	2014	2016
20. Folio # 01-3135 000-0162 (1165 NW 11th St.)	Vacant Site	2014	2016
21. Culmer Place (FLA5-49)	151	2014	2016
22. Folio # 01-3137-031-0200 (531 NW 11th St.)	Vacant Site	2014	2016
23. New Haven (FLA 5-27) Site 5	82	2014	2016
24. Rainbow Village (FLA 5-32)	100	2014	2016
25. Folio # 01-4121-000-0010 (3100 SW 37th Ave.):	Vacant Site	2014	2016
26. Ward Towers (FLA 5-44) *	200	2014	2016

**Approved by BCC 2/7/2012. Other projects (no asterisk) approved on 11/27/11 by BCC.*

7.0 (cont' d)

PHCD reserves the right to submit additional demolition and/or disposition application for any development site subject to the Board of County Commissioners and USHUD approval, including but not limited to emergency projects, such as demolition of unsafe structures, minor scope projects or other projects as may become necessary. Approximate number of units, start dates and end dates indicated on Demolition and/or Disposition Summary above may change dependent on funding obtained.

7.0 (cont'd)

(c) Conversion of Public Housing. With respect to public housing owned by a PHA: **1)** A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/conversion.cfm

Voluntary Conversion Initial Assessments

Developments that are subject to the Required Initial Assessments: 64

Developments that are not subject to the Required Initial Assessments based on exemptions (e.g., elderly and/or disabled developments not general occupancy projects): 41

Assessments conducted for the covered developments: One.

Developments that may be appropriate for conversion based on the Required Initial Assessments: None

PHCD completed a review of each covered development's operations as public housing, and considered the implications of converting the public housing to tenant-based assistance. The initial review indicated that the Voluntary Conversion of public housing to tenant-based assistance is inappropriate, for the following reasons:

- Conversion would be more expensive than continuing to operate the developments as public housing;
- Removal of developments would not principally benefit the residents of the public housing developments included; and
- It would adversely affect the availability of affordable housing in the community.

7.0 (cont'd)

(d) Homeownership. A description (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.

1. Public Housing Homeownership

Public Housing Homeownership Activity Description
1a. Development name: FHA Homes Dade County 1b. Development (project) number: FL005-052C – (160-836)
2. Federal Program authority: Turnkey III
3. Application status: Approved; included in the PHA's Homeownership Plan/Program
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: 1978
5. Number of units affected: 5 6. Coverage of action: Part of the development

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7.0 (cont' d)

(1.Public Housing Homeownership continued from previous page)

Public Housing Homeownership Activity Description
1a. Development name: FHA Homes Dade County 1b. Development (project) number: FL005-052C – (160-836)
2. Federal Program authority: Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: Planned application *(convert Turnkey III to Section 32)*
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: December 2012
5. Number of units affected: 5 – (*Number of units and planned application for conversion is dependent upon whether these Turnkey III units are sold or not)* 6. Coverage of action: Part of the development

Public Housing Homeownership Activity Description
1a. Development name: Homeownership 1b. Development (project) number: FL005-052A – (320-834)
2. Federal Program authority: Turnkey III
3. Application status: Approved *(included in PHCD's Homeownership Plan/Program)*
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: 1978
5. Number of units affected: 2 6. Coverage of action: Total development

Public Housing Homeownership Activity Description
1a. Development name: Heritage Village I 1b. Development (project) number: FL005-64 (320-064)
2. Federal Program authority: Turnkey III
3. Application status: Approved *(included in the PHA's Homeownership Plan/Program)*
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: 1977
5. Number of units affected: 0 ALL UNITS SOLD ON 8/2/13 6. Coverage of action: Part of the development

Public Housing Homeownership Activity Description
1a. Development name: Heritage Village I 1b. Development (project) number: FL005-64 (320-064)
2. Federal Program authority: Section 32 of the USHA of 1937 (effective 10/1/99)
3. Application status: *Approved*
4. Date Homeownership Plan/Program approved, submitted, or planned for submission: 9/25/13
5. Number of units affected: 27 *(Note: PHCD plans to request amendment of the Section 32 Homeownership Program and return units back into inventory to be leased to buy.)* 6. Coverage of action: Part of the development

7.0 (cont'd)	**2. Section 8 Tenant-Based Homeownership** PHCD's Section 8 Homeownership Program was approved by the Miami-Dade Board of County Commissioners (BCC) in December 2001, with support from the former Miami-Dade County Housing and Community Development (HCD). The Section 8 program is comprised of 14,955allocated Housing Choice Vouchers (including 170 VASH) and 2,101 Moderate Rehabilitation project based units. Additionally, PHCD administers 987 units under the Single Room Occupancy (SRO) Section 8 Moderate Rehabilitation Program and Stewart B. McKinney Act Shelter Plus Care Program, targeting assistance to disabled homeless individuals with mental illness, substance abuse and/or HIV/AIDS. a. Size of Program: • PHCD is limiting the number of participants in the homeownership program to 200. Currently there are 179 families in the program. b. PHCD-established eligibility criteria: • The family must be currently in good standing with the housing agency, including no outstanding debt to PHCD for previous quality standard damages or unpaid rent • Meet HUD income requirements • Must earn the minimum wage equivalent to 2,000 hours annually at the State of Florida minimum rate • The family must be in compliance with the current lease • The family shall not have quality standards violations existing in the unit • The family shall not have a history of late payments The family must not have a previous default on a mortgage obtained through a PHCD homeownership program.
7.0 (cont'd)	**3. Additional Homeownership Opportunities** • As an alternative to homeownership, PHCD may consider pursuing lease-to-own options for homeownership units.
7.0 (cont'd)	**(e) Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan. Based on availability of additional funding, PHCD estimates that it will make available no more than 20% of its Section 8 allocation for Project-Based assistance. Current project-based vouchers are located at: • Island Place Apartments - 50 units since 2004 • Liberty Square Apartments – 24 units as of Dec. 8, 2010.
8.0	**Capital Improvements.** Please complete Parts 8.1 through 8.3, as applicable.
8.1	**Capital Fund Program Annual Statement/Performance and Evaluation Report.** As part of the PHA 5-Year and Annual Plan, annually complete and submit the *Capital Fund Program Annual Statement/Performance and Evaluation Report,* form HUD-50075.1, for each current and open CFP grant and CFFP financing. **(SEE ATTACHMENT)**

8.2	**Capital Fund Program Five-Year Action Plan.** As part of the submission of the Annual Plan, PHAs must complete and submit the *Capital Fund Program Five-Year Action Plan,* form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. **(SEE ATTACHMENT)**
8.3	**Capital Fund Financing Program (CFFP).** ☐ Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. **NOT APPLICABLE – PHCD IS NOT CURRENTLY UNDER A CAPITAL FUND FINANCING PROGRAM.**

9.0

Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

Housing Needs of Families in the Jurisdiction/s Served by the PHCD:

Family Type	Overall	Afford-ability (House holds using > 50% income for rent)	Supply	Quality (House-holds living in Sub-standard conditions)	Access -ibility	Size (Over-crowd-ed)	Loca - tion
Income <= 30% of AMI	34,745	18,055	N/A	2,398	N/A	1,876	N/A
Income >30% but <=50% of AMI	36,978	11,680	N/A	2,552	N/A	1,997	N/A
Income >50% but <80% of AMI	48,555	4,651	N/A	3,351	N/A	2,622	N/A
Elderly	46,061	24,685	N/A	3,179	N/A	834	N/A
Households with Disabilities	48,468	17,142	14,166	17,142	N/A	2,617	N/A
Race/Ethnicity (Hispanic)	132,400	N/A	N/A	9,136	N/A	7,150	N/A
Race/Ethnicity (Black)	37,845	N/A	N/A	2,612	N/A	2,044	N/A
Race/Ethnicity (White)	21,925	N/A	N/A	1,513	N/A	1,184	N/A
Race/Ethnicity (Asian and Other)	3,220	N/A	N/A	223	N/A	174	N/A

Sources of information PHCD used to conduct this analysis:

- Consolidated Plan of the Jurisdiction/s: Miami-Dade County Entitlement Area
  Fiscal Years: 2013-2017
  The information provided under the "Overall" column for *Income* breakdown, *Elderly* and *Households with Disabilities* is based on housing needs for families residing in the Metro Area (Miami-Dade County less the HUD Entitlement Cities, Hialeah, Miami, Miami Beach, Miami Gardens, and North Miami, and Homestead).

9.1	**Strategy for Addressing Housing Needs:** Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Need: Shortage of affordable housing for all eligible populations** **Strategy 1. Maximize the number of affordable units available to PHCD within its current resources by:** Reduce turnover time for vacated public housing units and reduce time to renovate public housing units. Seek replacement of public housing units lost to the inventory through mixed finance, mixed income development and other financing or funding strategies. Seek replacement of moderate rehabilitation units lost to the inventory through Section 8 Tenant Protection Vouchers. Undertake measures to ensure access to affordable housing among assisted families, regardless of unit size required. Participate in the Consolidated Plan development process to ensure coordination with broader community strategies. Participate in the Continuum of Care process in the development of permanent housing for homeless individuals and families. Participating in Miami-Dade County's General Obligation Bond (GOB) program to expand the amount of public housing available in Miami-Dade County. **Strategy 2: Increase the number of affordable housing units by:** Leverage affordable housing resources in the community through the creation of mixed - finance housing. Pursue housing resources other than public housing or Section 8 tenant-based assistance. Continued implementation of the Section 8 Homeownership Program and Project-based Section 8 Voucher Program, contingent on the availability of vouchers. **Need: Specific Family Types: Families at or below 30% of median and at or below 50% of median** **Strategy: Target available assistance to families:** Continue policies to support and encourage self-sufficiency. **Need: Specific Family Types: Families with Disabilities** **Strategy: Target available assistance to Families with Disabilities:** Continue implementation and modifications of the Section 504/ADA requirements and the Voluntary Compliance Agreement (VCA) between PHCD and USHUD. **Need: Specific Family Types: Races or ethnicities with housing needs.** **Strategy: Increase awareness of PHCD resources:** PHCD complies with all HUD fair housing requirements. **Need: Reduce impediment to Fair Housing choice through education efforts.** **Strategy: Continue providing Fair Housing training to employees.**
10.0	**Additional Information.** Describe the following, as well as any additional information HUD has requested. **(a) Progress in Meeting Mission and Goals.** Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5- Year Plan. On October 1, 2011, the former Miami-Dade Public Housing Agency (MDPHA) merged with Miami-Dade County's Housing and Community Development (HCD). Both entities are now acting as a single unit known as the Miami-Dade Public Housing and Community Development (PHCD). **(continued on next page)**

10.0 (cont'd)

(a) Progress in Meeting Mission and Goals (continued from previous page)

Increase the availability of decent, safe, and affordable housing:

- In reaching occupancy goals, Public Housing has increased its turnover of vacant units.
- On July 7-31, 2008, PHCD received 71,376 applications.
- On July 18-29, 2011, the waiting list was reopened for elderly only (62 of age and over) for zero and one bedroom units in the Public Housing program, Once the elderly population on the waiting list is exhausted, PHCD may select "near elderly" for admission into "elderly" designated public housing units.
- In June 2012, PHCD re-initiated selection of applicants from the 2008 Tenant-based waiting list to increase unit utilization of the Section 8 HCV Program.

Improve community quality of life and economic vitality.

- On November 21, 2011, USHUD approved a two-year extension for PHCD's Designated Housing Plan, designating units for occupancy by elderly families only.
- Continue developing partnerships with Resident Councils and other community partners.
- PHCD is implementing an Energy Performance Contractor (EPC). This contract will include design, installation, modification, monitoring and operations training for new and sustainable equipment and systems, to reduce energy and water consumption for public housing units within the PHCD folio, Countywide.

Ensure equal opportunity in housing for all Americans.

- Continued to implement the Voluntary Compliance Agreement (VCA) requirement to make its offices, public housing dwellings and non-housing programs accessible to people with disabilities. Creation and revisions to the Reasonable Accommodation Policies and Procedures, Effective Communication Policies and ACOP as required by the VCA have been completed. The agency has supplemented its ongoing employee's VCA training with special sessions focused on the ACOP and specific reasonable accommodation processes.
- Complied with the Fair Housing Act.
- Collected data from the current wait lists and via post-application questionnaires to gauge clients' disability-related needs and has submitted a needs assessment to USHUD. Applicants and residents receive documents at move-in and annual recertification that advise them about their disability-related rights.
- Provided Fair Housing training to staff in June 2012.

Improve the quality of assisted housing.

- Completed the transition to Asset Management Operations in compliance with HUD rule, 24 CFR part 990. Revised and reorganized Asset Management Projects (AMP) as needed.
- Upgraded the communication system at the Applicant Leasing Center (ALC) with Voice Over Interactive Protocol system (VOIP).
- Ongoing Quality Assurance Review (QAR) program of residents' files.
  The ACOP & S8 Administrative Plan include policies for improving the quality of assisted housing.

(continued on next page)

10.0 (cont'd)	**(a) Progress in Meeting Mission and Goals (continued from previous page)**
	
	RFP #794, RFQ #794A and RFA's
	• A Request for Proposal (RFP) #794 was issued July 14, 2011, soliciting proposals from Developers to maximize and expedite the development potential of over 100 existing public housing sites and vacant land property sites. A selection process resulted in award by the Board of 7 Developers and 32 development sites to apply for Low Income Housing Tax Credits (LIHTC). Six public housing sites received LIHTC funding (i.e. tax credit projects) as indicated below and re-development of these properties is underway:
	  • Joe Moretti
	  • South Miami Plaza
	  • Stirrup Plaza
	  • Dante Fascell
	  • Jack Orr
	  • Green Turnkey
	In addition, developers may apply for funding for other development sites previously awarded by Board with ground lease approval from Board.
	• Request for Qualifications (RFQ) #794A was issued October 5, 2012, soliciting proposals from Developers for a "Developer Pool" .It is anticipated that future development opportunities will be offered to Developer Pool to develop existing public housing sites. A Request for Application (RFA) may be forwarded to the Developer Pool, as necessary.
	
	HOPE VI
	• Phase I and Phase 2 of the Scott/Carver HOPE VI development have been completed. Phase 3 was previously planned, but the application for Low Income Housing Tax Credits (LHTC) by the developer (MBS) was not successful in obtaining 9% LIHTC from the Florida Housing Finance Corporation (FHFC). Further, the direction taken by the FHFC relative to recent rule changes makes it unlikely that future 9% LIHTC applications would be successful. Alternative funding sources have not yielded a viable project. Additionally, the only available current site (Sector II) would require substantial expenditures for environmental remediation. Therefore, some remaining HOPE VI funding could remain unspent if a viable alternative is not found. PHCD will review with USHUD other alternatives sites to rehab and/or provide new construction in order to use unspent funds to the benefit of our residents and community. This may also include rehabilitation of the former Carrie Meek Center to a new PHCD leasing center or other use.
	• An informational meeting was held with Scott/Carver residents concerning Crime Prevention Initiatives.

10.0 (cont'd)	**(a) Progress in Meeting Mission and Goals (continued from previous section)** • Continue providing Section 3 business applications on-line, promoting Section 3 training, employment and contracting opportunities and increasing the number of Section 3 employed persons. • Public Housing FSS Program has 17 program participants. • Section 8 FSS Program minimum number of slots is 161 and there are 166 active FSS participants. Focus has been placed on working with families to obtain employment in order to increase the number of families with escrow accounts.

10.0 (cont'd)	**Additional Information.** **(b) Significant Amendment and Substantial Deviation/Modification.** Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" PHCD will consider the following as a Substantial Deviation from the Five-Year Plan: • An overall change in the direction of PHCD pertaining to its goals and objectives. • The undertaking of new programs that do not further the PHCD's stated mission or goals as set forth in the current Five-Year Plan. • Insufficient budget authority from HUD necessitating the need to alter, reduce, or terminate any specific program activity, and new program activities required or adopted to reflect changes in HUD regulations or as a result of a declared national or local emergency, are exempted actions. In such cases, the administrative/programmatic changes will not be considered as a Substantial Deviation from the Five-Year Plan. PHCD will consider the following actions as a Significant Amendment or Modification to the Five-Year Plan and Annual Plan: • A change in policy pertaining to PHCD's operations detailed in the Annual Plan • New programs required or adopted to reflect changes in HUD regulations or as a result of a declared national or local emergency are exempted actions. In such cases, the administrative/programmatic changes implemented will not be considered as a Significant Amendment or Modification to the Five-Year Plan and Annual Plan. • Proposed demolition, disposition, homeownership, Capital Fund financing, development, or mixed finance proposal.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERFORMANCE AND EVALUATION REPORT

CAPITAL FUND PROGRAM FL14P005501-14 (CF 714)

ANNUAL STATEMENT FY 2014 Part II: Supporting Pages Back Up

PERFORMANCE AND EVALUATION REPORT

AMP Group	CCS	FL HUD #	Development Name	General Description of Major Work Categories	PROJECT ACC. NO.	Original
800	720	000	PHA-WIDE	Operating Expense	140601	$1,990,195.00
800	720	000	PHA-WIDE	Management Improvement	140820	$200,000.00
800	720	000	PHA-WIDE	Administration	141001	$995,097.00
800	770	000	PHA-WIDE	ARCHITECTURAL FEES (for projects located as generally noted at below referenced sites)	143001	$1,330,128.00
835			Agency Wide	Site Improvement	145010	$150,000.00
823	046	5-046	Kline Nunn	UFAS Conversion 2 units @ $38.5K	146030	$77,000.00
825	036	5-036	Twin Lakes	UFAS Conversion 4 units @ $38.5K	146030	$154,000.00
825	043	5-043	Palm Towers	UFAS Conversion 13 units @ $38.5K	146030	$500,500.00
825	065	5-065	Palm Court	UFAS Conversion 9 units @ $38.5K	146030	$346,500.00
826	088	5-088	Palmetto Gardens	UFAS Conversion 2 units @ $38.5K	146030	$77,000.00
842	846	5-846	Grove Homes	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00
847	040	5-040	Arthur Mays	UFAS Conversion 6 unit @ $38.5K	146030	$231,000.00
839	852	5-852	Little Havana Homes	UFAS Conversion 5 unit @ $38.5K	146030	$192,500.00
838	062	5-062	Three Round Towers	UFAS Conversion 20 unit @ $38.5K	146030	$700,000.00
844	050	5-050	Homestead Gardens	UFAS Conversion 8 unit @ $38.5K	146030	$308,000.00
822	815	5-815	Scattered Sites - A	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00
829	816	5-816	Scattered Sites - B	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00
829	817	5-817	Model Cities	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00
830	099	5-099	Town Park	UFAS Conversion 2 unit @ $38.5K	146030	$77,000.00
839	030	5-030	Falk Turnkey	UFAS Conversion 3 unit @ $38.5K	146030	$115,500.00
841	845	5-845	Allapattah Homes	UFAS Conversion 3 unit @ $38.5K	146030	$115,500.00
841	853	5-853	Santa Clara Homes	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00
846	072	5-072	Pine Island 1	UFAS Conversion 7 unit @ $38.5K	146030	$269,500.00
834	057	5-057	Helen Sawyer	Comprehensive Modernization (Priority 2)	146030	$441,000.00
822	000	5-000	Agency Wide	Unit Rehabilitation (recodes)	146090	$200,000.00
829	817	5-817	Region Wide	Vacancy Preparation	146090	$765,555.00
				Sub-total		$4,763,055.00
821	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
822	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
823	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
824	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
825	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
826	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
827	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
828	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
829	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
830	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
831	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
832	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
833	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
834	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
835	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
836	00	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PERFORMANCE AND EVALUATION REPORT

CAPITAL FUND PROGRAM FL14P005501-14 (CF 714)

ANNUAL STATEMENT FY 2014 Part II: Supporting Pages Back Up

PERFORMANCE AND EVALUATION REPORT

AMP Group	CCS	FL HUD #	Development Name	General Description of Major Work Categories	PROJECT ACC. NO.	Original
837	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
838	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
839	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
840	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
841	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
842	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
843	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
844	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
845	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
846	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
847	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00
				Sub-total		$472,500.00
800	000	000	Agency Wide	Non-Dwelling Structure	147010	$50,000.00
				Grand Total		$9,950,975.00

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CAPITAL FUND PROGRAM

FIVE YEAR PLAN [redacted] FY 2014 Part II: Supporting Pages Back Up

PERFORMANCE AND EVALUATION REPORT

FIVE YEAR PLAN

AMP Group	CCS	FL HUD #	Development Name	General Description of Major Work Categories	PROJECT ACC. NO.	FY 2014-2015	FY 2015-2016	FY 2016-2017	FY 2017-2018	FY 2018-2019
800	720	000	PHA-WIDE	Operating Expense	140601	$1,990,195.00	$1,990,195.00	$1,990,195.00	$1,990,195.00	$1,990,195.00
800	720	000	PHA-WIDE	Management Improvement	140820	$200,000.00	$200,000.00	$200,000.00	$200,000.00	$200,000.00
800	720	000	PHA-WIDE	Administration	141001	$995,097.00	$995,097.00	$995,097.00	$995,097.00	$995,097.00
800	770	000	PHA-WIDE	ARCHITECTURAL FEES (for projects located as	143001	$1,330,128.00	$1,330,128.00	$1,330,128.00	$1,330,128.00	$1,330,128.00
821	000	000	Agency-Wide	Site Improvement	145010	$150,000.00	$150,000.00	$150,000.00	$150,000.00	$150,000.00
823	046	5-046	Kline Nunn	UFAS Conversion 2 units @ $38.5K	146030	$77,000.00	$77,000.00	$77,000.00	$77,000.00	$77,000.00
825	036	5-036	Twin Lakes	UFAS Conversion 4 units @ $38.5K	146030	$154,000.00	$154,000.00	$154,000.00	$154,000.00	$154,000.00
825	043	5-043	Palm Towers	UFAS Conversion 13 units @ $38.5K	146030	$500,500.00	$500,500.00	$500,500.00	$500,500.00	$500,500.00
825	065	5-065	Palm Court	UFAS Conversion 9 units @ $38.5K	146030	$346,500.00	$346,500.00	$346,500.00	$346,500.00	$346,500.00
826	088	5-088	Palmetto Gardens	UFAS Conversion 2 units @ $38.5K	146030	$77,000.00	$77,000.00	$77,000.00	$77,000.00	$77,000.00
842	846	5-846	Grove Homes	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00	$38,500.00	$38,500.00	$38,500.00	$38,500.00
847	040	5-040	Arthur Mays	UFAS Conversion 6 unit @ $38.5K	146030	$231,000.00	$231,000.00	$231,000.00	$231,000.00	$231,000.00
839	852	5-852	Little Havana Homes	UFAS Conversion 5 unit @ $38.5K	146030	$192,500.00	$192,500.00	$192,500.00	$192,500.00	$192,500.00
838	062	5-062	Three Round Towers	UFAS Conversion 20 unit @ $38.5K	146030	$700,000.00	$700,000.00	$700,000.00	$700,000.00	$700,000.00
844	050	5-050	Homestead Gardens	UFAS Conversion 8 unit @ $38.5K	146030	$308,000.00	$308,000.00	$308,000.00	$308,000.00	$308,000.00
822	815	5-815	Scattered Sites - A	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00	$38,500.00	$38,500.00	$38,500.00	$38,500.00
829	816	5-816	Scattered Sites - B	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00	$38,500.00	$38,500.00	$38,500.00	$38,500.00
829	817	5-817	Model Cities	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00	$38,500.00	$38,500.00	$38,500.00	$38,500.00
830	099	5-099	Town Park	UFAS Conversion 2 unit @ $38.5K	146030	$77,000.00	$77,000.00	$77,000.00	$77,000.00	$77,000.00
839	030	5-030	Falk Turnkey	UFAS Conversion 3 unit @ $38.5K	146030	$115,500.00	$115,500.00	$115,500.00	$115,500.00	$115,500.00
841	845	5-845	Allapattah Homes	UFAS Conversion 3 unit @ $38.5K	146030	$115,500.00	$115,500.00	$115,500.00	$115,500.00	$115,500.00
841	853	5-853	Santa Clara Homes	UFAS Conversion 1 unit @ $38.5K	146030	$38,500.00	$38,500.00	$38,500.00	$38,500.00	$38,500.00
846	072	5-072	Pine Island 1	UFAS Conversion 7 unit @ $38.5K	146030	$269,500.00	$269,500.00	$269,500.00	$269,500.00	$269,500.00
834	057	5-057	Helen Sawyer	Comprehensive Modernization (Priority 2)	146030	$441,000.00	$441,000.00	$441,000.00	$441,000.00	$441,000.00
822	000	5-000	Agency Wide	Unit Rehabilitation (recodes)	146090	$200,000.00	$200,000.00	$200,000.00	$200,000.00	$200,000.00
829	817	5-817	Region Wide	Vacancy Preparation	146090	$765,555.00	$765,555.00	$765,555.00	$765,555.00	$765,555.00
				Sub-total		$4,763,055.00	$4,763,055.00	$4,763,055.00	$4,763,055.00	$4,763,055.00
821	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
822	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
823	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
824	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
825	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
826	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
827	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
828	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
829	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
830	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
831	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
832	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
833	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
834	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
835	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
836	00	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
837	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
838	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CAPITAL FUND PROGRAM

FIVE YEAR PLAN [redacted] FY 2014 Part II: Supporting Pages Back Up

PERFORMANCE AND EVALUATION REPORT

FIVE YEAR PLAN

AMP Group	CCS	FL HUD #	Development Name	General Description of Major Work Categories	PROJECT ACC. NO.	FY 2014-2015	FY 2015-2016	FY 2016-2017	FY 2017-2018	FY 2018-2019
839	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
840	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
841	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
842	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
843	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
844	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
845	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
846	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
847	000	000	AMP-Wide	Dwelling Equipment (ranges, refrigerator, a/c)	146510	$17,500.00	$17,500.00	$17,500.00	$17,500.00	$17,500.00
				Sub-total		$472,500.00	$472,500.00	$472,500.00	$472,500.00	$472,500.00
800	000	000	Agency-Wide	Community Center Roof	147010	$50,000.00	$50,000.00	$50,000.00	$50,000.00	$50,000.00
				GRAND TOTAL		$9,950,975.00	$9,950,975.00	$9,950,975.00	$9,950,975.00	$9,950,975.00

Annual Statement/Performance and Evaluation Report

U.S. Department of Housing and Urban Development

Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital Fund Financing Program

Office of Public and Indian Housing
OMB No. 2577-0226
Expires 4/30/2011

Part I: Summary

PHA Name: Public Housing and Community Development	Grant Type and Number Capital Fund Program Grant No: Date of CFFP:	Replacement Housing Factor Grant No: FL14P005501-14	FFY of Grant: 2014-2015 FFY of Grant Approval:

Type of Grant
X Original Annual Statement Reserve for Disasters/Emergencies Revised Annual Statement (revision no:)
Performance and Evaluation Report for Period Ending: Final Performance and Evaluation Report

Line	Summary by Development Account	Total Estimated Cost		Total Actual Cost	
		Original	Revised	Obligated	Expended
1	Total non-CFP Funds				
2	1406 Operations (may not exceed 20% of line 21)	$1,990,195.00		$0.00	$0.00
3	1408 Management Improvements	$200,000.00		$0.00	$0.00
4	1410 Administration (may not exceed 10% of line 21)	$995,097.00		$0.00	$0.00
5	1411 Audit				
6	1415 Liquidated Damages				
7	1430 Fees and Costs	$1,330,128.00		$0.00	$0.00
8	1440 Site Acquisition				
9	1450 Site Improvement	$150,000.00		$0.00	$0.00
10	1460 Dwelling Structures	$4,763,055.00		$0.00	$0.00
11	1465.1 Dwelling Equipment—Nonexpendable	$472,500.00		$0.00	$0.00
12	1470 Non-dwelling Structures	$50,000.00			
13	1475 Non-dwelling Equipment				
14	1485 Demolition				
15	1492 Moving to Work Demonstration				
16	1495.1 Relocation Costs				
17	1499 Development Activities				
18a	1501 Collateralization or Debt Service paid by the PHA				
18ba	9000 Collateralization or Debt Service paid Via System of Direct				
19	1502 Contingency (may not exceed 8% of line 20)				
20	Amount of Annual Grant: (sum of lines 2 – 19)	$9,950,975.00		$0.00	$0.00
21	Amount of line 20 Related to LBP Activities				
22	Amount of line 20 Related to Section 504 Activities				
23	Amount of line 20 Related to Security – Soft Costs				
24	Amount of line 20 Related to Security – Hard Costs				
25	Amount of line 20 Related to Energy Conservation Measures				

[1] To be completed for the Performance and Evaluation Report.
[2] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[3] PHAs with under 250 units in management may use 100% of CFP Grants for operations.
[4] RHF funds shall be included here.

form HUD-50075.1 (4/2008)

Part II: Supporting Pages

PHA Name: Public Housing and Community Development	Grant Type and Number Capital Fund Program Grant No: FL14P005501-13 Replacement Housing Factor Grant No:	CFFP (Yes/ No):	Federal FFY of Grant: 2014-2015

Development Number Name/PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Total Actual Cost		Status of Work
				Original	Revised [1]	Funds [2]	Funds [2]	
Operations	Housing Operations Expenses	1406		$1,990,195.00		$0.00	$0.00	
Mngmnt	Management Improvements	1408		$200,000.00		$0.00	$0.00	
Administration	Administration Costs and Salaries	1410		$995,097.00		$0.00	$0.00	
Architectural Fees	Architectural & Engineering Fees	1430		$1,330,128.00		$0.00	$0.00	
Site Improvement	Site Improvement	1450		$150,000.00		$0.00	$0.00	
Dwelling Structures	Roofs/Repairs/Vacancy Preparation	1460		$4,763,055.00		$0.00	$0.00	
Dwelling	Dwelling Equipment	1465		$472,500.00		$0.00	$0.00	
Non-Dwelling	Non-Dwelling Structure	1470		$50,000.00		$0.00	$0.00	
			Total	$9,950,975.00		$0.00	$0.00	

[1] To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
[2] To be completed for the Performance and Evaluation Report.

MIAMI-DADE COUNTY

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)

Revised: 3/4/14

BCC Adopted: TBD

EFFECTIVE: TBD

This material is available in accessible format upon request. Please call the ADA Coordinator at (786) 469-2155 (telephone) or Florida Relay Service (800) 955-8771 (TDD/TTY).

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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 Public Housing and Community Development's Public Housing Agency (PHA) Plan. It shall be available for public review during regular office hours Monday through Friday at its main administrative office located at 701 NW 1st Court, 16th FL, and at the Public Housing 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, as established by the United States Housing Act of 1937. The regulations that govern these programs are documented in Title 24 of the Code of Federal Regulations (CFR) Parts 5, 960, 966 and other applicable regulations promulgated by the USHUD.

B. Public Housing and Community Development (PHCD)

Miami-Dade County (County), a political subdivision of the State of Florida, is the local governmental entity responsible for affordable housing programs, including but not limited to federally assisted housing programs, which are administered through the County's housing department, Public Housing and Community Development or its successor agency or department, hereafter referred to as the "Agency" or "PHCD." Although the Agency has responsibility for all day-to-day operations of the Public Housing programs, any revisions to this policy after its adoption, requires approval from the Miami-Dade Board of County Commissioners and/or other authorized PHCD officials.

Administration of the Public Housing programs shall comply with all applicable Federal, State and local law, Public Housing regulations, handbooks, and policies promulgated by USHUD, and other federal laws including but not limited to: the United States Housing Act of 1937, as amended, 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.

For more information visit PHCD's website at www.miamidade.gov/housing

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

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

- Ensure that the mandates of the Adker Decree of providing desegregative opportunities to all residents, participants and applicants of public housing, Section 8 Housing Choice Voucher, Section 8 Moderate Rehabilitation and other federally subsidized project-based and tenant-based housing programs administered by the County are continued;
- Maintain the current Adker-related provisions in the PHCD's Admissions and Continued Occupancy Policy and Section 8 Administrative Plan;
- Designate a person(s) or division within the Agency to be responsible for ensuring compliance with the terms of Board's resolution; and
- Provide any reports required by the Board, the Mayor or the mayor's designee.

D. Voluntary Compliance Agreement

In March 2005, the County executed a Voluntary Compliance Agreement (VCA) with USHUD, which requires the County to construct or convert 478 public housing units and common areas to comply with the Uniform Accessibility Standards (UFAS), the Fair Housing Act and the Architecture Barriers Act.

E. Fraud and Crime Control Program

PHCD investigates allegations of fraud or illegal activity committed by housing program applicants and residents, including family members in the lease. Incidents of fraud or illegal activity may be reported to PHCD's fraud hotline telephone number at 786-469-4105 or for other violations at 786-469-4152. All calls are confidential and callers will remain anonymous.

Miami-Dade County's Office of Inspector General (OIG) works in conjunction with PHCD to prevent and eliminate crime and fraud in PHCD housing programs. PHCD may refer cases to Miami-Dade County's OIG, or local law enforcement agencies with jurisdiction to investigate housing fraud, criminal and fraud cases for legal prosecution and collection of debt, if applicable. Miami-Dade County's OIG representatives will attend grievance hearings as required, when PHCD proposes to deny admission or terminate tenancy regarding cases they have investigated or prosecuted.

In an effort to maintain crime control in PHCD's public housing developments, each site manager shall obtain a "no trespass" listing of people who have been terminated from the program as a result of drug, violent and non-violent criminal activities, including domestic violence. Such list is issued by local law enforcement or state attorney's office and may be updated with additional names as required by court stipulations. The list must be included in PHCD's shared drive and be posted in conspicuous places in each development.

F. Assistance to Limited English Proficiency (LEP) Persons

Assistance to Limited English Proficient Persons

In accordance with USHUD's *Final Guidance to Federal Assistant Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (Final Guidance), PHCD is committed to ensure direct access to its

program and activities to all applicants and program participants, regardless of the primary language they speak.

A Limited English Proficient (LEP) person does not speak English as the primary language and has limited ability to read, write, or understand English at a level that permits the person to communicate effectively in the course of applying or receiving services or benefits from recipients of federal funds.

1. Four (4) Factor Analysis

The Final Guidance defines a self-assessment method to assist agencies receiving USHUD funds in determining the extent of their obligations to LEP persons. PHCD has conducted the following four-factor self-assessment and concluded that Spanish and Creole are the non-English languages most commonly spoken by the LEP population it serves.

a. The number of proportion of LEP person eligible to be served or likely to be encountered by the program or grantee (persons speaking a language other than English exceeds 5% or 1,000 persons, whichever is less);
b. The frequency with which LEP persons come in contact with the program;
c. The nature and importance of the program, activity, or service provided by the program to people's lives; and
d. The resources available to PHCD and its costs.

2. Language Assistance Plan (LAP) and Safe Harbor

PHCD posts Spanish and Creole signs at its administrative and site management offices (public places) and on its website to inform LEP persons that free oral interpretation services and translation of vital PHCD's documents are available upon request. Additionally, applicants and program participants are informed of their ability to request an interpreter in all written PHCD's advertisements and notifications related to hearings, interviews, scheduled appointments, and adverse action notices.

a. Staff Training

PHCD employees are provided with training on the LEP policy requirements, their role in assisting LEP persons, and with information on the resources available for LEP persons and how to access these resources.

b. Oral Language Interpretation

PHCD utilizes bilingual staff members fluent in Spanish or Creole who provide oral language interpretation to LEP persons at face-to-face or telephone contacts, as needed. Also, oral language interpretation services may be provided for scheduled appointments, meetings, informal reviews, hearings and interviews, upon request five (5) business days in advance, from the Section 504/ADA Coordinator. The Section 504/ADA Coordinator secures oral translation services from approved vendors, according to the County's procurement procedures.

Language interpretation services are offered to LEP persons for activities including but not limited to the following:

- Eligibility Interview
- Voucher Briefing
- Rental Interview and Lease Signing
- Initial, Annual, and Interim Reexaminations
- Transfer and Resident Tenancy Application
- Reasonable Accommodation Requests
- Conferences, Informal Reviews and Hearings

PHCD staff is prohibited from requiring or asking LEP persons to bring their own interpreter. If a LEP person requests that an adult family member or friend (18 years of age or older) provide interpretation, this practice is acceptable only if it is his/her choice. The LEP person will be advised by PHCD staff about the availability of free language services.

c. Written Language Translation of Vital Documents

USHUD's Final Guidance defines vital documents as "those that are critical for ensuring meaningful access by beneficiaries or potential beneficiaries generally and LEP persons specifically." PHCD uses the County's translation services provided by the Community Information and Outreach (CIO) Department to translate its vital documents and advertisements into Spanish and Creole.

PHCD has translated into Spanish and Creole the following vital documents. They are available in the shared drive, at H:\Compliance Reference Library\Forms - Agency Master Folders and must be provided to LEP persons upon request.

- Consent and complaint forms
- Intake forms with the potential for important consequences
- Written notices of rights, denial, loss, or decreases in benefits or services, and other hearings
- Notices of termination of assistance and eviction
- Notices and forms related to the Violence Against Women Act (VAWA)
- Notices of advising LEP persons of free language assistance
- Notices of public hearings, especially those that meet Community Planning and Development's citizen participation requirements
- Public Housing Lease and tenant rules, and/or
- Applications to participate in a recipient's program or activity or to receive recipient benefits or services.

3. Monitoring and Updating

PHCD will periodically review and assess its LEP policy, based on Miami-Dade County's demographics and changes in USHUD regulations.

G. Mixed Finance Developments

From time to time, the County has and may continue to engage in mixed-finance development, which includes construction of new and rehabilitation of existing County-owned public housing, as authorized by 24 CFR § 905.604, and other applicable laws and regulations. Through this process, County-owned public housing properties may be leased to private developers through a long-term ground lease and other applicable mixed-finance

agreements and documents. The properties would then be managed by entities other than County herein called "the entity." Notwithstanding any contrary provision within this ACOP, the County may delegate certain admissions and occupancy functions as discussed within the ACOP to the entity and/or managers of those mixed-finance developments; provided, however, that such admissions and occupancy functions must be performed in accordance with this ACOP and applicable public housing requirements (including any deviations from the ACOP as permitted hereunder, as set forth in this section) and such delegation does not relieve the County from ultimate responsibility with respect to the foregoing.

The County acknowledges that such mixed-finance developments may be subject to federal Tax Credit Requirements. For purposes of this Policy, Tax Credit Requirements shall mean any and all matters required by Section 42 of the Internal Revenue Code of 1986 and regulations thereunder (Section 42), the rules promulgated by Florida Housing Finance Corporation (FHFC) or any agreement with a condition of receipt of tax credits, whether or not such requirement is explicitly stated in Section 42, or FHFC requirements. Without limiting any other provision in this Subsection G, the County may also enter into one or more Memoranda of Understanding with the owner entities of such mixed-finance projects and/or third parties in order to comply with FHFC, USHUD and PHCD requirements, and may adopt a limited preference for Special Needs Households, as defined at Section 67-48.002(108) of the Florida Administrative Code (FAC), as may be amended from time to time, that are referred by a Special Needs Household Referral Agency, as defined at in Section 67-48.002(109) of the FAC, such that 10% (which is subject to change in accordance with updated requirements) of the units of each mixed-finance development are occupied by such Special Needs Households to the extent required by FHFC, USHUD and PHCD.

In order to facilitate compliance with Tax Credit Requirements, this ACOP shall be deemed amended with respect to any mixed finance development in order to conform any provision herein to applicable Tax Credit Requirements, unless such policies are otherwise required by applicable public housing requirements. Examples of policies that may be different than what is set forth in the ACOP but that are nevertheless permissible under this section include, but are not limited to:

(i) the requirement for annual re-certifications (to the extent required by Tax Credit Requirements) and modifications to the tenant lease to conform with Tax Credit Requirements; and

(ii) different income limits, income tiering requirements and rent limits consistent with what is permissible or required in accordance with Tax Credit Requirements.

Under this section, the entity will carry out screening and eligibility determinations with respect to such Tax Credit Requirements, including determinations related to transfers of new admissions from other public housing developments, new admissions and continued eligibility of existing residents. Notwithstanding anything herein to the contrary, any public housing resident who is eligible under applicable public housing requirements, but not eligible under Tax Credit Requirements shall be referred to the County by the Entity and will be re-housed by the County in accordance with the transfer provisions set forth in the ACOP.

The County further acknowledges that certain terms or requirements pertaining to the public housing units may be negotiated between the County and the entity of each mixed-

finance development, such as income tiers and transformation remedies, and effectuated through the execution of the Declaration of Trust and Restrictive Covenants, the Regulatory and Operating Agreement, the Mixed Finance ACC Amendment and applicable management documents. Provided, however, that notwithstanding anything contained in those documents to the contrary, the applicable public housing requirements shall control.

As used herewith, the term "applicable public housing requirements" shall mean the following: the U.S. Housing Act of 1937, USHUD regulations thereunder (and to the extent applicable, any USHUD-approved waivers of regulatory requirements); any other federal laws, regulations, notices and Executive Orders pertaining to public housing; the Annual Contributions Contract between USHUD and the County (as amended by Mixed-Finance Amendments), this ACOP, and applicable tax credit management plans and agreements as those requirements may be waived or amended from time to time.

II. Eligibility for Admission and Processing of Applications

A. Affirmative Marketing

PHCD's marketing plan ensures inclusion on its waiting list of all people without regard to race, national origin, color, sex, religion, age, disability, familial and marital status, ancestry, sexual orientation, gender identity, or source of income.

The opening of the waiting list will be advertised at a minimum in each of the following newspapers: *The Miami Herald*, the largest paper of daily general circulation; *The Miami Times*, the paper with the largest circulation among African-Americans; *Diario Las Americas*, a Spanish publication; the *Haiti en March*, a Haitian publication; and *The Voice*, a publication for disabled people. The opening and closing dates of any open waiting list period will be advertised in advance. The waiting list ranking process will be conducted per the State of Florida laws.

1. Outreach to Very-Low Income Families.

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

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

2. Marketing and informational materials will:

   - Comply with Fair Housing Act requirements and the regulations promulgated by USHUD on wording, logo, etc.;
   - Describe the 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 PHCD's responsibility to provide reasonable accommodations to people with disabilities.

B. Qualifying for Admission

1. Placement on the waiting list does not indicate that the applicant is eligible for admission. A final determination of eligibility will be made when the applicant is selected for interview from the waiting list. It is PHCD'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:

   a. Is a family, as defined in Appendix I of this ACOP;
   b. Meets USHUD requirements on citizenship or immigration status as described in item #3 below;
   c. Is within USHUD's established income limits for new applicants or continually assisted tenants;
   d. Provides documentation of Social Security numbers for all family members except for those individuals who do not contend that they have eligible immigration status (See Section B(4) below);
   e. Provides documentation validating identity of each adult or emancipated minor; and
   f. Meets the Applicant Selection Criteria in Chapter II, of this ACOP, including completing a PHCD-approved pre-occupancy orientation session, if requested.

3. Citizenship or Eligible Immigration Status

   In order to determine each family's eligibility for full assistance or prorated assistance, PHCD is required to verify the citizenship and/or immigration status of each individual family member, unless they do not contend that they have eligible immigration status. Details of the requirements are described below.

   a. There are four (4) categories of citizenship/immigration status:
      i. Eligible citizen
      ii. Eligible noncitizen
      iii. Ineligible noncitizen
      iv. Pending Verification

   b. The Declaration of Citizenship or Eligible Immigration Status form must be signed by all family members (or by parent or guardian if family member is a minor) and Notice of Section 214 Requirements form must be signed by all applicants. Documents to verify citizenship or immigration status may be required as indicated below.

   c. A citizen/national may submit one of the following documents:
      - U.S. Passport
      - U.S. Birth Certificate
      - Puerto Rican Birth Certificate (will only be accepted if issued after July 1, 2010)
      - Certificate of Citizenship
      - Naturalization Certificate
      - Voter's Registration
      - Other documents as may be required by USHUD

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

- Permanent residents: Permanent Resident Card (Form I-551), also known as the "Green Card."
- Asylees: Asylum Approval Notice, Employment Authorization Document (EAD), or Arrival-Departure Record (Form I-94), along with government-issued ID card with photo.
- Refugees: Refugee Approval Notice or Employment Authorization Document (EAD).
- For non-citizens 62 years of age and older receiving assistance under a covered program on September 30, 1996 or applying for assistance after that date, a signed declaration of eligible immigration status and proof of age is required.

e. Documents must be current and unexpired.

f. Declaration of Ineligible Immigration Status: An individual may contend not to have eligible immigration status. The family must identify in writing which family member does not contend to have eligible immigration status.

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

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

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

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

- A single member household without eligible citizenship or eligible immigration status is not eligible for assistance and may not be admitted into the assisted housing program.

h. Documentation proving citizenship or eligible immigration status must be provided to PHCD within ten (10) business days. PHCD may extend the submission period, which shall not exceed 30 days. The family members coded as ineligible noncitizens are required to submit evidence of changes in eligible immigration status while being continuously assisted under the program. PHCD shall verify with United States Department of Homeland Security (DHS) through primary, and if necessary, secondary verifications of the immigration status for each family member as follows:

- Primary Verification: The DHS Systematic Alien Verification for Entitlements (SAVE) system provides automated immigration status. This must be done as part of the applicant eligibility process or additions to households.
- Secondary Verification: If primary verification is unsuccessful and the family member has disclosed eligible immigration status and presents valid immigration documents, a secondary verification must be immediately done. This consists of mailing a DHS form with copies of the immigration documents.

i. Pending Verification of immigration status: When the primary or secondary verification of immigration status that was timely submitted has not been received. Also, when an appeal by the individual with DHS is pending.

j. Once the applicant or participant has provided the immigration documents, PHCD may not deny, delay or terminate assistance solely on the basis that the primary or secondary verification of the immigration status has not been completed.

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

- That the family has a right to request an appeal to DHS of the results of the verification of immigration status;
- That the family has the right to request an informal hearing with PHCD upon completion of the DHS appeal. Such hearing shall be in accordance with the Grievance Policy in Chapter IX of this ACOP;
- That housing assistance may not be denied or terminated until the conclusion of the DHS or PHCD appeal process; and
- Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

4. Mandatory Social Security Numbers

Effective January 31, 2010, all members of the household, except those that do not contend eligible immigration status, must provide appropriate documentation of his or her Social Security Number (SSN) before the household member is admitted into the program.

a. Disclosure requirement for applicants

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

b. Disclosure requirement for program participants

- Initial Disclosure: Each participant whose initial determination of eligibility began before January 31, 2010, except for those age 62 or older as of January 31,

2010, must submit a complete and accurate SSN and documentation to verify the SSN at the next interim or regularly scheduled reexamination if the participant has:

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

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

c. Verification of SSNs

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

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

Referral sources for applicants and participants who need to request a SSN or information: Information regarding SSN cards is available at www.socialsecurity.gov or (800) 772-1213.

d. Time frame to submit documents to confirm the SSN

- Applicants: If at the time of eligibility, the documents to verify the SSN for each family member cannot be submitted and the applicant is otherwise eligible, the applicant may retain his or her place on the waiting list for the program, but cannot become a program participant until the required documents to confirm the SSN is provided. Applicants may be given up to 90 days, or 120 days for applicants 62 years or older, to submit documents confirming each household member's SSN.
- Program Participants: Next annual or interim reexamination or within 90 days of request date, or 120 days for participants 62 years or older.
- PHCD may grant additional time up to 90 days, only if there are unforeseen circumstances beyond the family's control that prevent the family from complying with the SSN requirements.

e. Penalties for failing to disclose and verify SSN:

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

- Program participants: PHCD must terminate the assistance or the tenancy, or both, of a participant if the participant does not meet the applicable SSN disclosure, documentation and verification requirements.

5. Verification of Identity:

   a. Ineligible Immigration Status: Adult or emancipated minor applicants that do not contend eligible immigration status will be required to confirm their identity providing any of the following documents:
      - Foreign passport
      - Foreign driver's license
      - Foreign birth Certificate
      - Identification card issued in US
      - Foreign military identification card
      - Other documents as may be required by USHUD

   b. Citizens or Eligible Immigration Status: Required documentation validating identity of each adult or emancipated minor having citizenship or eligible immigration status:
      - State issued driver's license (current and unexpired), or
      - State issued identification card (issued within the last ten (10) years);
      - U.S. passport (current and unexpired);
      - US issued immigration verification documents that contain a picture of individual (issued within the last ten (10) years);
      - Military identification card;
      - Other documents as may be required by USHUD.

6. Legal Capacity:

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

C. Waiting List Management

PHCD has a community-wide waiting list with separate rankings for its programs: one for Project-based programs and another for Tenant-based programs:

1. The Project-based programs include the following:

   - Conventional Public Housing, including Assisted Living Facilities

2. The Tenant-based programs include the following:

- The Housing Choice Voucher Program, and all targeted programs including but not limited to:
  - Family Unification Program (FUP);
  - Veterans Affairs Supportive Housing (VASH);
  - Mainstream Vouchers for Non-Elderly Persons with Disabilities (NED);
  - Project-Based Voucher Program; and
  - Moderate Rehabilitation Program

The requirements for the Tenant-based programs are included in the Section 8 Administrative Plan.

3. Other Programs

   a. The Section 8 New Construction developments are County owned and privately managed. The management agents will be responsible for managing their own waiting lists.

   b. Former residents of Scott/Carver Homes, who requested to return to the HOPE VI Target area, have been grouped under a separate list, ranked through a computerized lottery system.

   c. PHCD will collaborate with a local homeless organization (i.e. Homeless Trust) by implementing a pilot program for homeless persons (lacking a fixed, regular and adequate nighttime residence as defined by PIH Notice 2013-15). The program will initially be limited to a maximum availability of 25 Public Housing units that may be expanded if the program is successful.

      The homeless organization will verify the individual's or family's homelessness eligibility before referring them as applicants to this program. PHCD will determine eligibility based on the admission criteria in this Chapter.

4. Position on Waiting List

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

5. Movement on the Waiting List

   Each applicant family moves up the waiting list in sequence, based upon:
   - A neutral lottery system that determines the applicant's ranking on each program.
   - Local preference.
   - Type and size of unit required.

   When an applicant reaches the top of the Project-based Waiting List, the applicant's information will be verified, including any local preference request, so that the applicant may be certified eligible to receive benefits. Applicants failing to provide verification of local preference will not be eligible for said preference and will be restored to the

general waiting list. Applicants determined ineligible for local preference will be promptly notified of their change in status.

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

6. Changes to Family Composition

Changes to the family composition shall be considered and documented at the time the changes below occur.

a. Addition to Family Composition

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

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

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

b. Addition of a Live-in Aide

- PHCD will consider approval of a written request for a live-in aide (see definition in Appendix I of this ACOP) as a reasonable accommodation, upon written verification that the elderly, near elderly, or disabled person requires the services of a live-in aide. For the Live-in Aide Request and Verification forms, refer to Appendix IV of this ACOP, Reasonable Accommodation Policies and Procedures.

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

- The live-in aide may live in the unit solely to care for the disabled family member and qualifies for occupancy as long as the individual requires the supportive services. PHCD shall deny occupancy of the unit to the live-in aide after the disabled resident, for whatever reason, no longer resides 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 rights to the unit. The live-in aide does not qualify for continued occupancy as a remaining family member, and shall be required to sign a 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 ACOP, Reasonable Accommodation Policies and Procedures).

- Under extraordinary circumstances, upon approval of the division director, 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.

- An eligible live-in aide may be granted up to one (1) additional bedroom if approved as a reasonable accommodation. The live-in aide may have PHA-approved family member(s) live with him/her in the unit, as long as the occupancy standards are not violated. If additional family members result in violation of the occupancy standards, or do not meet the eligibility requirements set forth below, this specific live-in aide may not be approved. No additional bedrooms will be provided to accommodate the live-in aide's family members.

- The live-in aide (and family, if any) must provide the following documents as part of the admission criteria described in this chapter:
  - Proof of identity
  - Verification of birth date
  - A social security number
  - Other documents as may be required by USHUD

- The live-in aide (and family, if any) will be asked to sign forms which include but is not limited to the following:
  - Live-in Aide Agreement
  - Authorization to Check Information
  - Authorization to Obtain Criminal Background
  - Authorization for the Release of Information/ Privacy Act Notice (Form HUD-9886)
  - Debts Owed to Public Housing Agencies and Terminations (Form HUD-5267)
  - What You Should Know About EIV (Form by HUD)

- PHCD will verify information of the live-in aide (and any family members) through EIV for debt owed to another housing authority or program, or whether a prior termination has been cleared.

- The live-in aide individual (and any family members) may be denied for the following reasons:

  - Commits/committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.

- Unauthorized household members.
- The screening process shows a pattern of arrests within the last ten (10) years of engaging in drug or violent criminal activities excluding murder, arson, aggravated felony battery and sex-related crimes not subject to lifetime registration under a state sex offender registration program.
- Violent criminal activities shall include any criminal activity that has as one (1) of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage.
- A sex offender according to State Laws. PHCD will perform nationwide background checks. The nationwide background check will be conducted online using a database available at www.nsopw.gov(PIH Notice 2012-28).
- Owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

c. Removals from the Family Composition:

Applicants (see Chapter IV, Section C regarding removal of Residents and Unauthorized Persons)

- Any adult family member, including the head of household, requesting to be removed from the family composition must provide a notarized statement agreeing to the removal, signed by the adult family member and the head of household.
- The notarized statement must be accompanied by two (2) pieces of supporting documentation from different sources showing that the family member is no longer residing. Supporting documentation to prove another residency may include, but is not limited to, a copy of the dwelling lease agreement, utility bills, or official mail (from a Federal, State, County or City government agency) properly dated (no more than two (2) months old), showing the new address. PHCD may request additional documentation to verify the permanent relocation of the family member requesting removal.
- If the adult family member is unable to provide the notarized statement agreeing to removal from the family composition, the head of household must provide a written statement explaining the reason why the family member is unable to provide the statement and provide supporting documentation, if available (e.g. death certificate, jail order).
- For removal of minors, the head of household must provide a signed notarized statement accompanied by supporting documentation showing that the minor is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, school records, custody records, etc. properly dated (no more than two months old), showing the new address.

d. Removal of Applicants from the Waiting List

1. If an applicant does not respond to notices of scheduled appointments or to Agency correspondence, even if no correspondence was received by the applicant, the applicant 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 the ACOP.

2. Failure to keep PHCD apprised of any changes in circumstances, including changes to telephone number, address, income, etc.

3. If applicant accepts a unit offer, the applicant will only remain on the tenant-based waiting list.

4. The applicant requests to be removed from the project or tenant-based waiting list.

D. Opening and Closing of the Waiting List

1. Timing

a. PHCD may elect to dissolve the waiting list as needed. Once the waiting list is dissolved applicants, regardless of their ranking on the old waiting list, if applicable, must submit new applications during the open registration period in order to be added to the new waiting list. Notwithstanding the dissolution of the waiting list, applicants who are being processed prior to dissolution of the waiting list will continue to be processed by PHCD.

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

c. PHCD may elect to open the waiting list if there are insufficient applicants for a particular bedroom size, type (e.g., general occupancy, elderly designated buildings, elderly and individuals with disability designated buildings, accessible or non-accessible, Assisted Living Facilities (ALF)), or for one or more of the local preferences.

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

2. Open Registration at Designated Locations

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

b. Applications will be available on-line at designated locations. Media advertisement and marketing providing notice of the opening of the waiting list will be conducted.

The designated locations will be accessible to people with disabilities and will be part of the notice.

3. Submission of Applications

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

   b. PHCD's application for admission may request and include, but may not be limited to, the following information for each application: family composition and income; social security numbers; applicant's race and ethnicity; dates of birth; disability; immigration status of each family member; and local preference.

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

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

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

   f. If an applicant on the waiting list is determined ineligible for assistance, the applicant will be notified by mail and will be given an opportunity for an informal review of such determination, if requested by applicant in writing within 30 days of the determination.

E. Processing Applications for Admission

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

1. All applicants are responsible for updating PHCD regarding changes of address and other contact information. If an applicant does not respond to notices of scheduled appointments or PHCD correspondence requiring information, the applicant's name will be removed from the waiting list. If removed from the waiting list, applicants will have a right to request an informal review in accordance with the Grievance Policy, Chapter IX of this ACOP.

2. Applications are nontransferable except under the following conditions:

   a. If the head of household deceases prior to or during the application process, one of the remaining adult family members on the application will automatically become the head of household, provided such person meets all eligibility requirements. In circumstances where there is more than one (1) surviving adult family member, the

family shall determine which surviving family member should be head of household as long as they are part of the original application. PHCD shall not make the determination nor create more than one (1) application.

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

c. Only one (1) application is allowed per family. PHCD 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 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, PHCD will abide the court's determination.

F. The Applicant Selection System

The factors that may affect applicant selection are described below:

1. Need for units complying with the Uniform Federal Accessibility Standards (UFAS) or units with accessible features.

   a. Transfers of residents with disabilities and placement of applicants with disabilities requiring units complying with UFAS or units with accessible features (as defined in Appendix I of this ACOP), will be approved in accordance with the Reasonable Accommodation Policies and Procedures (Appendix IV of this ACOP), through the Applicant 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, then the vacant accessible unit will be offered to a resident with disabilities residing in another development that requires the accessibility features.

   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 the next 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 no 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. PHCD's *Conventional Public Housing Dwelling Lease* requires residents to relocate to a vacant non-accessible unit within 30 days of date written on notification from PHCD, if there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

2. Income Targeting

   PHCD will comply with applicable USHUD income targeting requirements for Public Housing as indicated below, or as may be amended by USHUD:

   a. 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.
   b. 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).
   c. To attain the annual extremely low-income targeting requirement of 40%, PHCD may reach to applicants on that income level from the waiting list.

3. Transfers (Refer to Chapter V-Transfer Policy)

   PHCD will also offer units (including Public Housing units in mixed finance developments) to existing qualified residents on the transfer list. Emergencies and reasonable accommodation transfers are processed before new admissions, as detailed in Chapter V of this ACOP. Transfers do not count toward the 40% income targeting requirement.

4. Displaced Person

   This includes person displaced due to governmental action and national disasters declared by the President of the United States. The referral for assistance must be made within six (6) months of the displacement in order for such families to qualify for housing assistance.

   - Families displaced because of a national disaster must be referred and verified by the Relocation Office of the Miami-Dade County Office or applicable authorities.

   - Written referrals indicating that the person has been displaced due to governmental action may also be accepted from USHUD, appropriate federal, state and local law enforcement agencies, by the State Attorney's Office, or by the courts.

5. Designated Housing

   a. Elderly families (see definition in Appendix I) from the Project-Based programs will receive priority for admission to units or buildings covered by a USHUD-approved Elderly Designation Plan. When there are insufficient elderly families, PHCD may grant near-elderly families (see definition in Appendix I) priority for admission to these units or buildings or reopen the waiting list to receive applications for this type of unit designation (elderly designation).

b. Currently, USHUD approved PHCD's Designated Housing Plan to designate 2,598 units for the elderly. The projects designated for the elderly and their number of units are:

Biscayne Plaza (52), Edison Plaza (80), Florida City Gardens (50), Goulds Plaza (50); Haley Sofge (475), Helen Sawyer Assisted Living Facility (101), Lemon City (100), Palmetto Gardens (40), Peters Plaza (102), Robert King High (315), Smathers Plaza (182), South Miami Plaza (97), Three Round Towers (391), Ward Towers (200), Wynwood Elderly (72), Palm Court (88), Palm Towers (103), and Ward Towers Assisted Living Facility (100).

6. Mixed Population Projects

A mixed population project is a public housing development that was reserved for elderly and disabled families at its inception, dwelling units with special accessibility features for handicapped people will be offered first to families with persons that require the accessibility features of such units.

7. Deconcentration of Income and Poverty

a. PHCD may perform an income analysis of its covered public housing developments 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 PHCD covered developments, or 30% of the Area Median Income, whichever is greater.

b. PHCD'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.

8. Waiting List Admission Preferences

Preference request is limited to one per family.

a. Assisted Living Facilities (ALF)

- PHCD provides preference to applicants interested to be housed in an ALF over new admissions from the Project-based waiting list. The applicant must meet the ALF Admissions Criteria at the time of eligibility screening, as set forth in Chapter III, Section F of this ACOP.

- Qualified transferees from Public Housing developments or from Public Housing units in mixed finance developments to the ALF will be given priority of admission over ALF applicants. If such ALF transfer list is exhausted, PHCD will house qualified ALF applicants from the waiting list.

- If there are insufficient qualified ALF transferees or eligible applicants, to occupy ALF vacant units within the term of a waiting list, PHCD may reopen the waiting list to receive applications for the ALF, which may include referrals.

b. Veterans

PHCD provides preference over new admissions from the Project-based waiting lists to applicants whose head or co-head are eligible veterans.

- A veteran is a person who:
  - ✓ had at least 180 days of regular active duties and was honorably discharged or released; or
  - ✓ had at least 90 days of active duty service, of which at least one (1) day of service was in a war conflict and was honorably discharged or released, or
  - ✓ served in a war conflict and was awarded a Purple Heart or became disabled, regardless of completion of days of active duty.

- The veteran status extends to spouses, widows, widowers and parents of the military killed during a time of war.

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

c. PHCD provides preference over new admissions to disabled applicants requiring wheelchair accessible units or Uniform Federal Accessibility Standards (UFAS) units, as long as the transferee requirements are met, as indicated in Section F(1) above.

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

PHCD will not hold its units vacant for applicants or transferees with a preference, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with a preference.

Admission preferences are subject to the specific preference being indicated in the housing application. Applicants requesting a preference should be properly coded in waiting list.

G. Interviews and Verification Process

1. Project Based Voucher Right of First Refusal of Scott/Carver HOPE VI Residents

   Former Scott/Carver HOPE VI residents will have the right of first refusal for the Project Based Voucher (PBV) properties in the HOPE VI target area. The former residents must meet all other eligibility criteria in the Scott/Carver HOPE VI Return Policy.

2. As applicants approach the top of the waiting list, they will be contacted by mail and scheduled for an initial eligibility interview to commence their screening. Once a housing offer is accepted, the applicant will be contacted by mail and scheduled for an eligibility

interview to complete the applicant file. Applications will be withdrawn if an applicant fails to attend a scheduled interview or cannot be contacted to schedule an interview. Notwithstanding this, PHCD will make an exception for those people with a disability requiring a reasonable accommodation as described in PHCD's Reasonable Accommodation Policy and Procedures, Appendix IV of this ACOP.

Generally, PHCD will verify the family's eligibility for public housing benefits within 60 days. 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 PHCD:

   - Identify of each adult or emancipated minor household member;
   - Family composition and type (Elderly/Disabled/near elderly /non-elderly);
   - Annual Income;
   - Assets and Asset Income;
   - Deductions from Income;
   - Local preferences;
   - Social security numbers of all family members;
   - Applicant Screening Information; and
   - Citizenship or eligible immigration status.
   - Current landlord references
   - Criminal background, including any arrest due to drugs, and if registered as a sex offender
   - Debts owed to a public housing authority and termination of assisted housing through USHUD's Enterprise Income Verification (EIV) system
   - Housing assistance (avoiding double subsidy) by a public housing authority through USHUD's Enterprise Income Verification (EIV) system
   - Public Records (eviction history).

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

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

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

   - Debt Owed: If the EIV information shows that a family or household member was a former PHCD tenant, moved from another housing authority or program leaving a debt, or was terminated for adverse reason(s), the family will be responsible for clearing the debt or termination information within up to 45 calendar days.

Assistance will be denied if the family cannot or does not provide proof of debt cancellation or reversal of the termination prior to the expiration of the 45 calendar days.

PHCD will verify in EIV whether the applicant is receiving or has the potential of receiving double subsidy, has a debt owed to another housing authority or program, or whether a prior termination has been cleared. The family has the right to dispute information obtained from EIV.

5. Applicants reporting zero (0) income will be asked to complete the *Monthly Family Expense* and *Income Contribution* forms to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses. The *Income Contribution* form is a certification signed by the person who provides the income contribution and must be notarized.

6. Applicant Interview Process

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

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

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

- Applicants failing to submit required documents at the time of the interview will be given a checklist listing missing documents and a final opportunity to provide the documents. Applicant will be notified by mail of a second and final appointment date. Applicants failing to provide requested documents at their next appointment may be subject to denial of assistance.

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

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

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

- After PHCD has reviewed all information with the applicant, all adult family members (see definition in Appendix I of this ACOP) at the time of the eligibility interview, are

required to sign the Personal Declaration form and other necessary forms such as the *Authorization to Release Information*, prior to conducting background checks.

7. 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
- Medical expenses
- Criminal background

8. Third Party Verifications

a. PHCD has implemented the following temporary provisions pursuant to the PIH Notice 2013-03:
   - Streamlined re-examination for elderly families and disabled families on fixed income (applies only to participants of Public Housing, Housing Choice Voucher, and Section 8 Moderate Rehabilitation). It does not require the participant to provide third party verification (e.g. paystubs, payroll, unemployment benefits) and allows PHAs to use the most recent 12 months income information in EIV. Nevertheless, income sources not available in EIV should be verified by third party sources.
   - Self-certification of assets for less than $5,000 (applies to both applicant and participant). It does require third party verification (e.g. bank statements) for net assets of more than $5,000 value and the income derived from those assets. PHAs are allowed to obtain the family's self-certification of the assets value and anticipated income.

b. PHCD will comply with the most recent HUD guidance on verification requirements. PHCD will utilize the verification guidelines under PIH Notice 2010-19 (issued May 17, 2010), Verification Guidance, and PIH 2010-03 (issued January 21, 2010), Verification of Social Security and Supplemental Security Income benefits, as applicable, and any subsequent guidelines and regulations issued by USHUD.

PHCD will follow the verification hierarchy described in PIH Notice 2010-19:

- **Level 6:** Upfront Income Verification (UIV) using HUD's EIV System. Highest (Mandatory other than applicants) Ranking is Upfront Income Verification using HUD's Enterprise Income Verification (EIV) system;

- **Level 5:** Upfront (Optional) Income Verification (UIV) using non-HUD system such as the Work Number;
- **Level 4:** Written Third-Party (High) (Mandatory to supplement EIV reported income and when EIV has no data available. Mandatory if applicant/participant disputes EIV reported income and is unable to provide acceptable documentation). This includes documents issued by a third party and may be hand delivered by the applicant or participant;
- **Level 3:** Written Third-Party Form: (Medium–Low) Mandatory if written third party verification documents are not available or rejected by PHCD; and when the applicant or participant is unable to provide acceptable documentation;
- **Level 2:** Oral Third Party Verification: (Low) Mandatory if written third party verification is not available;
- **Level 1:** (Low) Use as a last resort when unable to obtain any type of third party verification.

c. If Level 4 Written Verification is not available or acceptable, then Level 3 Written Verification will be requested. At least two (2) documented attempts must be made for written third party verification before obtaining oral (telephone or in-person) third party verifications. The file must document the attempts made to obtain third party verification.

d. Level 2 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 PHCD's computer system notes and shall indicate the name(s) of the person(s) who provided the information and date of the communication, as well as the name of the staff person who obtained the information.

e. If oral third party verification cannot be obtained, PHCD must document in the file the reason(s) the third party verification was not available.

f. Level 1 tenant certifications will only be used as a last resort when all other verifications are not possible. When PHCD relies on applicant/tenant certification (notarized statement or affidavit), the file must be documented as to the reason the third party verification was not available.

g. In support of the applicant/tenant's declaration of income, PHCD may review original documents, authenticated copies, and/or electronic documents (unaltered) provided by the applicant or resident. All income related documents must be dated less than 60 days preceding the determination date (eligibility interview) and continues to be valid an additional 60 days following the request date. If income related documents expire, the applicant or resident will have to provide new documents. A photocopy will be placed in the file. Acceptable applicant or resident provided documents include:

- Consecutive and unaltered pay stubs;
- Social Security Administration award letter;
- Bank statements;
- Pension benefit statements;
- TANF award letter;

- Other official and authentic documents from a Federal, State or local agency.

h. Value of Assets: Each asset must be analyzed to obtain its net value (market/face value less redemption cost). When verifying the value of assets, for example, a bank account, use the current balance for savings account and at least one current bank statement indicating the average balance or two (2) consecutive bank statements in order to calculate average balance for checking accounts. PHCD will accept unaltered documents (bank statement) 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 PHCD is able to verify the asset through review of unaltered documents (bank statement) provided by the applicant or resident.

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

- The actual amount of income from assets, or
- The imputed income from assets based on the Savings National Rate in effect at the time (PIH Notice 2012-29). The 50058 automatically calculates the passbook rate percentage value of the assets, compares it to the actual income, and picks the greater amount.

j. If third party income verification is not otherwise available, a copy of the most recent federal income tax return shall be submitted, including any W-2 information, or at least two (2) 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.

k. PHCD will obtain verifications from previous landlords to verify the applicant's ability to pay rent and to comply with the lease terms, and will perform criminal background (not including juvenile records) and sex offender registration checks on applicants and family members 18 years of age and over.

l. PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses. If PHCD discovers the family has a history of failure to comply with lease terms under previous landlords or fails the background check, such shall result in removal from the waiting list, withdrawal of an offer, or termination of assistance.

m. Prior to initial certification, applicants shall be informed that PHCD will subsequently verify the family's income information they have provided PHCD 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.

n. An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition, income

or rent would result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

o. Uncollected child support will not be counted as income so long as the family provides court documents demonstrating that the debt is uncollectible or has not been paid or received as directed by the Court for more than three (3) months.

p. Income from seasonal employment (i.e. school board employees, teachers, etc.) may be calculated using one of the following methods:

i. Annualize income by projecting the current monthly income for 12 months even if the current income is not expected to last the entire 12 months. Under this method, the family has the right to come in for an interim re-examination once the income decreases.

ii. Calculate average income based on anticipated changes for the upcoming year using verified historical evidence of past income fluctuations. This second method would not require an interim re-examination at the time income decreases since such decreases would already be averaged into the anticipated annual amount.

H. Screening Applicants for Admission

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

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

   - 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;
   - not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity (see Section J below); and
   - to comply with necessary and reasonable rules and program requirements of USHUD and PHCD.

2. PHCD will perform criminal background (not including juvenile records) and sex offender registration checks for applicants and additions to households 18 years of age and older at local and national levels. PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

- The criminal background and sex offender registration check will be performed nationwide. The nationwide sex offender registration check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).

3. Prior to conducting any criminal (not including juvenile records) and sex offender registration background checks, household members over 18 years of age, including the live-in aide, must sign the *Consent Form Authorizing Miami-Dade Public Housing to Obtain Criminal Background Records*. The custodial parent will sign the required form for the minor. PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

I. Ability to Comply with Financial Obligations and Lease Requirements

1. Each applicant's ability and willingness to comply with the essential lease requirements will be self-proclaimed by the applicant. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing.

2. In verifying the applicant's ability to meet financial obligations, especially rent (for subsidized housing), PHCD may perform verifications with at least one prior landlord. At the interview, applicants must provide current and prior addresses, as well as current and prior landlords' contact information.

3. 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; and

   c. Violate the terms and conditions of the lease.

4. PHCD may verify applicants' record of disturbance of neighbors, destruction of property or living and housekeeping habits at prior residences that may adversely affect the health, safety or welfare of other tenants or cause damage to the unit or development.

5. Payment of funds owed to PHCD or any other housing authority is part of the screening evaluation. PHCD will reject an applicant family for unpaid balances owed to PHCD, or any other housing authority, by any member of the applicant family, or for money paid to an owner by PHCD, until the unpaid balance is paid in full.

6. PHCD's examination of relevant information respecting 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 (see item (d) below) and utility bills. If the applicant had difficulty meeting financial obligations PHCD may consider mitigating circumstances.

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 people 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. A record of eviction of any household member from subsidized housing or involuntary termination from residential assistance programs (taking into account date and circumstances) for a period of five (5) years from end of participation.

e. An applicant's ability and willingness to comply with the terms of the PHCD's lease, including but not limited to the community service requirement.

f. Amounts owed to PHCD by current or former residents - PHCD's current or former residents admitted to other programs such as the Section 8 Housing Choice Voucher, Section 8 Moderate Rehabilitation, Section 8 Moderate Rehabilitation Single Room Occupancy, Section 8 New Construction, Section 8 Substantial Rehabilitation, Shelter Plus Care, and Section 8 Project-Based programs managed by PHCD or to another housing authority must repay outstanding balances owed. In such cases, repayment agreements are not authorized under these circumstances.

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

J. Denial of Assistance

1. Eviction or Termination from Federally Assisted Housing

   PHCD shall deny assistance if any household member has been evicted from subsidized housing or experienced involuntary termination from residential assistance programs (taking into account date and circumstances) for a period of five (5) years from end of participation.

2. Monies Owed

   Assistance may be denied for a period of ten (10) years for failing financial obligations in subsidized housing (e.g., monies owed, paying rent and utilities) or in the following circumstances unless the family can provide proof of debt cancellation or reversal of the adverse termination within up to 45 calendar days of notice. If the applicant had difficulty meeting financial obligations, PHCD may consider mitigating circumstances.

   a. If the applicant or any member of the applicant family currently owes rent or other amounts to PHCD or any other housing agency in connection with Section 8 or public housing assistance under the United States Housing Act and applicable federal regulations, or any applicant who previously lived in public housing or an

assisted unit and vacated leaving an unpaid balance, will not be offered assistance until the outstanding balance is paid in full.

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

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

3. Abusive Behavior

If the applicant or any member of the applicant family has engaged in physical or verbal abuse, or threatened abusive or violent behavior including, but not limited to, the use, attempted use, or threatened use of physical force, toward PHCD personnel or any other Miami-Dade County personnel or official within five (5) years of eligibility determination. Applicants being denied housing for abusive behavior must be reviewed and approved by the Director of Applicant Leasing Center.

4. Criminal Activity

a. PHCD may deny admission when the screening process shows a pattern of arrests for engaging in criminal activity within the last ten (10) years, poor past performance in meeting financial obligations, especially rent (for subsidized housing), and history of inability to comply with the terms of previous leases, as verified by previous landlords or other entities. However, PHCD may consider mitigating circumstances.

b. An arrest where the criminal charges are dropped, nolle prossed, dismissed no action, or other resolution that does not involve an admission of guilt, or where the applicant is found not guilty or acquitted may not result in denied assistance, except for cases specified below.

c. PHCD may propose to deny assistance in the following instances when the applicant has engaged in criminal activity, regardless whether the person has been arrested or convicted.

1) Ten (10) years from date of arrest for Criminal Activities under the One Strike Rule:

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

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

c) Non-violent criminal activities that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents. Examples are crimes that involve disturbing the peace, crimes against the property such as burglary, larceny and robbery, and crimes that impose a financial cost such

as vandalism, bribery and fraud, including fraud in connection with federally assisted housing.

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

e) In determining denial of assistance related to drug or alcohol abuse, PHCD must take into consideration: Evidence of drug or alcohol rehabilitation, as indicated under Mitigating Circumstances below, and if the drug or alcohol abuse is related to a disability, as determined by PHCD's ADA Coordinator.

2) Permanently:

a) Methamphetamine manufacturers on premises of federally assisted housing.

b) Sex offenders subject to a lifetime registration under a state sex offender registration program. In searching for sex offenders, PHCD will perform background checks nationwide. The nationwide sex offender registration check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).

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

5. Other Non-Criminal Activities

Assistance will be denied for a period of five (5) years for inability to comply with the lease terms (e.g., record of disturbance of neighbors, destruction of property, living and housekeeping habits) that may adversely affect the health, safety or welfare of other tenants or cause damage to the unit or development.

6. Notification of Proposed Rejection

PHCD must notify the household of the proposed rejection, the reason for the denial of admission, and provide an opportunity to dispute the accuracy and relevance of the record. If the denial is because of criminal background, PHCD must provide the household member with copy of the criminal records, upon request. Criminal records (not including juvenile records) for minors convicted as adults available to PHCD by operation of law will be released to the head of household, parent or legal guardian of the minor, upon request.

K. Applicants and Residents Claiming Mitigating Circumstances

1. If negative information is received about an applicant or resident, PHCD shall consider the time, nature, and extent of the conduct and factors that may indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.

2. Mitigating circumstances are facts relating to negative rental history or behavior, that, when verified, indicate: (a) the reason for the unsuitable rental history and/or behavior; and (b) that the reason for the unsuitable rental history and behavior is no longer in effect or is no longer in effect or is under control, justifying admission or continued occupancy. Mitigating circumstances would overcome or outweigh information gathered in the screening process.

3. If the applicant or resident asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, PHCD may refer such information to PHCD's 504/ADA Coordinator to evaluate the evidence and verify the mitigating circumstance. PHCD 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 PHCD's Reasonable Accommodation Policy and Procedures document under Appendix IV of this ACOP), which will be used by PHCD as the source document to process reasonable accommodation requests for people with disabilities.

4. In its decision to deny assistance, PHCD 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. PHCD, if it admits such a family to the program, may impose as a condition of assistance, the requirement that family members (other than the head of house) who participated in or were culpable for the action or failure to act will not reside in the assisted unit, upon approval of PHCD or hearing officer.

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

6. The factors below will be taken into consideration, as well as any pattern of arrests for engaging in criminal activity within the last ten (10) years. These factors are not the only allowable mitigating circumstances. The PHCD will consider other mitigating circumstances as appropriate. Providing documentation of mitigating circumstances as described below is the responsibility of the family. It is incumbent upon the family to provide documentation, evidence and any and all other third party proof at any time, including but not limited, to the investigation interviews, appointments with the PHCD 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.

   a. Request to Remove Family Member

      The applicant or resident 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 Public Housing 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.

b. Non-Violent Charges Involving Firearms

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

c. Prior Criminal History

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

d. Violation of Peaceful Enjoyment

The PHCD may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action. Upon determination by the hearing officer or the PHCD may require a family 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.

e. Substance Abuse Rehabilitation

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

f. Domestic Violence

Other documents may be submitted in lieu of HUD form 50066, or in addition to the certification form. The PHCD or its authorized contractor will allow the perpetrator of the domestic violence, dating violence, or stalking to be removed from the household at the request of the family member who is the victim. See Chapter XIV–Domestic Violence and the Appendix of Definitions for additional details.

7. Examples of mitigating circumstances may include:

a. If the unit is not ready for move-in, the applicant or resident may refuse the unit and receive another housing offer based on availability;

b. Evidence of successful rehabilitation. The household member who engaged in drug-related criminal activity or alcohol abuse has successfully completed a supervised drug or alcohol rehabilitation program verified by PHCD;

c. Circumstances leading to the eviction or criminal activity no longer exist (for example, the criminal household member has died or is imprisoned);

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

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

8. Consideration of mitigating circumstances does not guarantee that the family will qualify for admission or continued occupancy. PHCD will consider such circumstances in light of:

   a. the ability to provide documentation/evidence to verify the mitigating circumstances and prospects for improved future behavior;

   b. the overall performance with respect to all the screening requirements; and

   c. the nature and seriousness of the criminal activity, especially drug related and criminal activity that appears in the applicant's or resident'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;
   - Eligibility of the applicant with respect to disclosure of Social Security Number for each household member;
   - Unit size required; and
   - Qualification of the applicant with respect to the selection criteria.

2. Applicants who failed to respond to a notice to come in for eligibility process, or do not cooperate with PHCD in providing all required information, the applicant will be notified in writing that he/she has been removed from the Project-based waiting list and that applicant may request an informal review within 30 days of the notice.

3. The applicant shall be provided an opportunity for an informal review if requested within 30 days from the date of the notice.

4. Eligible applicants, who have a disability, but fail to meet the applicant selection criteria detailed 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 will make it possible for them to be housed in accordance with the screening procedures. PHCD's ADA/504 Coordinator will review such claims.

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.

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

Occupancy standards are applied at the initial certification, annual recertification or during authorization for change of dwelling. For occupancy standards an adult is a person 18 years or older.

1. Two (2) persons per bedroom will be the standard for the smallest unit a family may be offered.

2. A single person family shall be allocated a zero (0) or one (1) bedroom unit, and spousal/domestic partners a one (1) bedroom sized unit.

3. The unit standard must be applied consistently for all families of like size and composition.

4. The following principles govern the size of unit for which a family will qualify. Generally, two (2) persons are expected to share one (1) bedroom, except that units will be so assigned that:

    a. Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities;

    b. In determining family unit size for a particular family, PHCD may grant an exception to its established unit standards if PHCD determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances;

    c. The dwelling unit must have at least one (1) bedroom or living/sleeping room for each two (2) persons. Children of opposite sex, over the age of six (6), may not be required to occupy the same bedroom or living/sleeping room.

    d. A family that consists solely of a pregnant woman (with no other members) shall only be allocated a maximum of a one (1) bedroom unit. PHCD will count a child in the occupancy standard if the parent has primary custody of the child.

e. A one person household member with joint custody of a child/children but does not have primary custody will be granted a one (1) bedroom unit;

f. PHCD 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;

g. A single head of household parent shall not be required to share a bedroom with his/her child over the age of six (6), although they may do so at the request of the family;

h. A live-in aide may be assigned up to one (1) bedroom if approved as a reasonable accommodation. The live-in aide may have PHA-approved family member(s) live with him/her in the unit, as long as the occupancy standards are not violated. If additional family members result in violation of occupancy standards, or do not meet eligibility requirements set forth for live-in aides, this specific live-in aide may not be approved. No additional bedrooms will be provided to accommodate the live-in aide's family members;

i. The PHCD will issue a zero (0) or one (1) bedroom unit to a single person; and

j. As a reasonable accommodation, an applicant or program participant family may be allowed a larger bedroom unit 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 unit. In addition, the applicant or participant will be required to submit evidence of equipment specifications including but not limited to detailed description of equipment to include dimensions, photographs of equipment, etc.

5. Actual Unit Size Offered

a. 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.

b. 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.

c. If a family opts for a smaller unit size than designated and does not exceed the maximum amount of people per bedroom size (two (2) persons per bedroom) and local codes, the family will be required to sign a statement agreeing to occupy the smaller unit assigned. They may not request a transfer within two (2) years after admission, unless they have a change in family composition or because of a reasonable accommodation.

d. When a family is actually offered a unit, 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

1. PHCD will keep the resident's application for admission in the resident's file.

2. All occupancy information collected during the ten-year term of the Ann Marie et al., Adker Consent Decree shall be retained for at least five (5) years from its expiration date on August 1, 2009, including data on current applicants and residents, and applicants who were never admitted.

3. 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.

4. PHCD will retain historical applicant and resident data from PHCD computer system for at least three (3) years after the expiration of the Adker Consent Decree.

5. Criminal record obtained by PHCD must be:
   a. Maintained confidentially;
   b. Not misused or improperly disseminated; and
   c. 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.

6. Criminal penalty: The improper release of criminal records may result in conviction for a misdemeanor and imposition of a penalty of not more than $5,000. Criminal penalty may be assessed to:

   a. Any person, including an officer, employee, or authorized representative of PHCD 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

   b. 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.

7. Civil Liability: In addition to criminal penalties, PHCD may be held liable to any applicant or tenant affected by either of the following:

   a. 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 PHCD, if the disclosure is not authorized by USHUD's regulations; or

   b. Any other negligent or knowing action that is inconsistent with USHUD's regulations.

III. Tenant Selection and Assignment Plan

A. Organizing the Project-based Waiting List

It is PHCD's policy that each applicant shall be assigned his/her appropriate place on the Project-based Waiting List in sequence based upon:

1. A neutral lottery system that determines the applicant's ranking on the project-based waiting list;
2. Local preferences to ALF qualified applicants and veterans as detailed in Chapter II, Section F. 8, will take priority over new admissions; and
3. Type and size of unit needed according to family composition (e.g. general occupancy building, elderly designated building, elderly and individuals with disability designated buildings, accessible or non-accessible unit, number of bedrooms).

B. Making Housing Offers to Eligible Applicants for the Public Housing Program

1. PHCD makes public housing unit offers countywide based upon availability.

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

   a. Eligible applicants may receive a list of available units to select their choices within five (5) calendar days from which an offer will be made. Their choice must be brought in person to the Applicant Leasing Center. No faxes will be accepted.

   b. Eligible applicants will receive a housing offer letter for the unit chosen from the list. If the unit was already selected, the applicant will be asked to select another unit from the available list. If the applicant fails to respond or select an available unit, he/she will be removed from the waiting list.

   c. The unit will be given to the first eligible applicant who responds with an acceptance, based on the date and time the acceptance response is received. If the applicant fails to respond, their name will be removed from the waiting list.

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

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

   f. If the applicant accepts participation in a project-based assisted housing program (i.e. Section 8 Moderate Rehabilitation or Project Based Voucher) under the tenant-

based ranking number, the applicant will not be considered for any other project-based program under the tenant-based ranking.

g. In the selection of a family for a UFAS unit or a unit with accessible features, PHCD will give preference to current residents and then to applicant families that include a person with disabilities who can benefit from the unit features.

C. Removing Applicants from the Project-based Waiting List

1. To ensure vacant units are filled in a timely manner, PHCD needs a waiting list that is accurate. While each applicant is responsible for keeping PHCD 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 in writing to be removed from the waiting list;

   c. The applicant is rejected, either because he/she is ineligible for assisted housing at during the screening, process or because he/she fails to meet the applicant selection criteria;

   d. The application is withdrawn because: 1) PHCD attempted to contact the applicant and was unable to do so, 2) the applicant did not respond to the offer, 3) the applicant does not accept an offer, or 4) the applicant does not re-schedule or attend to the scheduled lease-up appointment, except for good cause as defined in Section D below;

   e. In order to be eligible for reinstatement to the waiting list as a reasonable accommodation, applicant families who fail to respond to an offer must present the Reasonable Accommodation Request and Verification Forms. Upon approval, such reinstatements shall be to the applicant's former waiting list position.

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

3. All rejected applicants are entitled to a written 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 ACOP).

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 consideration of race, color, sex, religion, age, disability, national origin, ancestry, marital or familial status, sexual orientation, gender identity, or source of income, the applicant will be entitled to another offer.

1. Examples of "good cause" for refusal of an offer of housing are:

   a. 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.

   b. 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.

   c. 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.

   d. The unit is inappropriate for the applicant's disability, or the family does not need the accessible features in the unit offered and does not want to be subject to the 30-day notice to move.

   e. An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.

   f. 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.

   g. PHCD 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.

   h. Refusal of a unit because it is located outside of an applicant's preferred geographical zone.

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 by the Applicant Leasing Center, for the Public Housing program, and by the Contract Administration Division Intake Unit, for the Section 8 programs.

F. Assisted Living Facilities

PHCD administers a Public Housing facility as an Assisted Living Facility (ALF) of zero (0) and one (1) bedroom units, which provides programs and services for low-income elderly families. ALFs are regulated by Florida Statutes, Chapter 429, Part I and Florida

Administrative Code 58A-5. Admission and continued occupancy of PHCD's ALFs are subject to the following requirements:

1. Applicants

   a. Project-based Program applicants that demonstrate interest in the ALF and qualify in accordance with the ALF Admission Criteria detailed in Section 2 below.

   b. ALF qualified applicants will be selected from the Project-based Program 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 Section C of this Chapter, apply to ALFs' applicants.

   c. The ALF units are included in PHCD Elderly Designation Plan. Either the head, spouse, or co-head of the family must be elderly (62 years of age or older). Once the elderly population of the waiting list is exhausted, PHCD may select Near Elderly families (50 to 62 years of age) for admission into Elderly designated units.

2. ALF Admission Criteria

   The eligible family members must:

   a. be Medicaid and/or Medicare eligible;

   b. agree to pay the cost of ALF services and rent not to exceed the family's monthly income. If the family members receive Optional State Supplement (OSS) income, the OSS check must be endorsed to the facility and a personal needs allowance (PNA) will be provided on a monthly basis;

   c. be able to perform the activities of daily living with supervision or assistance, if necessary;

   d. be at risk of being prematurely placed in a nursing home;

   e. not require 24-hour nursing supervision or mental healthcare;

   f. must not be bedridden;

   g. not have a history of violent behavior that poses a risk to the health and safety of others; and

   h. be free from communicable disease. 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. People with said disabilities are afforded protection from discrimination under State, Federal, and local anti-discrimination Laws.

   Notwithstanding the before-mentioned restrictions, PHCD will provide reasonable accommodations consistent with the procedures outlined in this ACOP.

3. Referrals to ALF

   The ALF admission criteria may often cause limitations in filling ALF units, as there may not be sufficient qualified applicants in the waiting list. As such, referrals may be accepted, should the waiting list be exhausted of ALF qualified applicants.

4. Transfers to ALFs

   Requests of transfers to the ALF of existing interested and qualified residents of Public Housing developments are subject to the provisions under Chapter V – Transfer Policy - of this ACOP 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.

5. ALF Discharge and Public Housing Assistance Termination

   ALF residents may be discharged if they no longer meet the ALF criteria per Florida Statute, Chapter 429 and Florida Administrative Code 58A-5, or because they violate the terms of the ALF contract. Additionally, the resident may be recommended for termination of housing assistance for violation of the Public Housing Dwelling Lease.

IV. Leasing Policies

A. General Leasing Policy

1. All units must be occupied pursuant to the PHCD-approved dwelling lease that complies with HUD's regulations.

2. The lease shall be signed by the head of household, spouse, domestic partner, co-head, and all other adult members of the household and by the site manager or other authorized representative of PHCD, prior to actual admission.

3. If a resident transfers from one PHCD unit to another, a new lease must be executed by the head household for the new dwelling unit.

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 PHCD.

6. Residents must advise PHCD 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 PHCD to contact the resident in an emergency. Failure to advise PHCD 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 to an applicant 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, the applicant must sign a statement in which they state the reason for refusal. ALC should obtain this statement from each applicant who refuses a unit. 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. Changes in the Household and Visitors

1. Only those people listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit:

   a. 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 (Family members being added to the family composition must meet the criteria under Chapter II, Section C, and the definition of Family under Appendix I of this ACOP);

   b. When a resident requests approval to add a new person to the lease, PHCD will conduct pre-admission screening, including criminal background (excluding juvenile records), eligible immigration status, and sex offender registration checks, of any proposed new member 18 years of age and over, to determine whether the PHCD will grant such approval. PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses. Minor children for whom juvenile justice records are not 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 PHCD to add children other than those born to, adopted by, or awarded by the court to the family;

   c. All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence. In cases of joint custody, where the families have 50-50 custody, the child shall live with both families as required by the court; however, the families must decide amongst themselves, and notify PHCD, as to under which family lease the child shall be listed for reporting purposes.

2. Examples of situations where the addition of a family or household member is subject to screening are:

   a. Resident plans to be married or live with their domestic partner and requests to add the new spouse/domestic partner 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 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.

3. Residents who fail to notify PHCD of additions to the household, or who permit people to join the household without undergoing screening, are in violation of the lease. People added without PHCD approval will be considered unauthorized occupants and the entire household will be subject to eviction.

4. Visitors may be permitted in a dwelling unit so long as they have no previous history of unacceptable or negative behavior on PHCD premises that would be a lease violation.

a. Visits in excess of 14 days per year, whether or not consecutive, are not permitted, unless the resident obtains the advance written consent of the Asset Management 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.

c. Only the persons listed in Article III of the lease are authorized to use the unit's address in their driver's license, identification card, or as their mailing address.

5. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.

6. Residents will not permit a former resident of PHCD who has been terminated to occupy the unit for any period of time. Violation of this requirement is grounds for termination of the lease. If the resident requests that the former resident be allowed to return, PHCD may consider this request based on mitigating circumstances.

7. Removals from the Family Composition:

   a. Residents (continuous assistance):

      i. Any adult family member, including the head of household, requesting to be removed from the family composition must provide a notarized statement agreeing to the removal, signed by the adult family member and the head of household.

      ii. The notarized statement must be accompanied by two (2) pieces of supporting documentation from different sources showing that the family member is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, a copy of the dwelling lease agreement, utility bills, or official mail (from a Federal, State, County or City government agency) properly dated (no more than two (2) months old), showing the new address. PHCD may request additional documentation to verify the permanent relocation of the family member requesting removal.

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

      iv. For removal of minors, the head of household must provide a signed notarized statement accompanied by supporting documentation showing that the minor is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, school records, custody records, etc. properly dated (no more than two (2) months old), showing the new address.

b. Unauthorized Persons:

i. If PHCD obtains sufficient evidence of unauthorized occupants or unauthorized users of the subsidized unit's address (e.g. in their driver's license, identification card or as mailing address), and the finding is denied by the head of household, the head of household will be required to provide a written statement accompanied by two (2) pieces of supporting documentation from different sources showing the residential address of the unauthorized occupant or user. Supporting documentation to prove another residency may include, but is not limited to, a copy of the dwelling lease agreement, utility bills, or official mail (from a Federal, State, County or City government agency) properly dated (no more than two (2) months old), showing another address. The unauthorized person's driver's license or identification card may not be used as valid proof of residential address.

8. Family members over the age 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 30 calendar days of its occurrence.

b. Emancipated minors may not be readmitted to the unit and must apply as new applicant households for placement on the waiting list.

D. Requirements for Posting Policies, Rules and Regulations

The following documents shall be available 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

E. Repayment Agreement of Amounts Owed to PHCD by Current Residents

If it is in the best interest of the County, PHCD has the discretion to enter into repayment agreements with residents for amounts owed to PHCD. Notwithstanding the ability to enter in a repayment agreement, no such agreements are permitted if the participant intentionally engaged in activities which ultimately led to the debt. All repayment agreements must comply with the following requirements:

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:

   a. An initial payment of at least 20% must be paid at time of signing the repayment agreement by money order or cashier's check.

   b. The remaining balance is to be paid a maximum of 12 consecutive monthly payments commencing 30 days from the date the initial payment is made.

2. Exceptions:

   a. Any terms allowing more time for repayment or for a lower initial payment must be approved by division director or designee.

   b. Strict adherence to the terms of the repayment agreement by the participant is necessary; otherwise, benefits may be terminated in accordance with this ACOP.

PHCD's residents admitted to other programs such as the Section 8 Housing Choice Voucher, Section 8 Moderate Rehabilitation, Section 8 Moderate Rehabilitation Single Room Occupancy, Section 8 New Construction, Section 8 Substantial Rehabilitation, Shelter Plus Care, and Section 8 Project-Based programs managed by PHCD or to another housing authority must repay outstanding balances owed. In such cases, repayment agreements are not authorized under these circumstances.

V. Transfer Policy

A. General Transfer Policy

1. Transfers will be made without regard to race, color, national origin, sex, religion, age, marital status, familial status, ancestry, disability, sexual orientation, gender identity, or source of income.

2. Under certain circumstances, residents may be transferred to accommodate a disability.

3. Residents will not be transferred to a dwelling unit of equal size, except to alleviate hardship or other undesirable conditions, as determined by the division director or designee.

4. Whenever feasible, transfers will be made within the resident's development or the resident's area.

5. A transfer between public housing developments is not considered a move-out.

6. Residents must be in good standing.

7. Residents have the right to request a hearing (refer to PHCD Grievance Policy, (Chapter IX of this ACOP) if they are refused the right to transfer or if PHCD is requiring them to transfer and they do not want to do so.

8. Resident's transfer requests will not be granted during the first year of tenancy, unless approved as a reasonable accommodation.

B. Types of Transfers:

PHCD may encounter situations in which it is necessary to move residents from one unit to another.

1. Management Initiated Transfers

   a. Emergency Transfers: These transfers are required when conditions pose an immediate threat to life, health or safety of a family or one of its members. Such situations may involve, but are not limited to, unit or building defects or law enforcement concerns, including special circumstances such as domestic violence cases, hate crimes, violence or victimization, and witness protection program.

      - Emergency transfers shall take priority over new admissions.
      - Transfers for special circumstances shall be documented (i.e. police reports, support letters from law enforcement, restraining orders, etc.) 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.

b. Occupancy Standards Transfers: These transfers are necessary to correct underhoused or overhoused conditions and must be recommended by the site manager upon annual or interim re-examinations, as required by changes in the family composition, in accordance with the Occupancy Guidelines found in Chapter II.

These transfers shall take priority over new admissions and are limited to be made when:

- The underhoused (overcrowded) condition is such that the household members over the age of six (6) equal more than two (2) persons per bedroom.
- The overhoused condition is such that the family size includes fewer people than the number of bedrooms in the unit.

2. Resident Initiated Transfers

Reasonable Accommodation: Under certain circumstances, a resident's transfer request may be granted to accommodate a disability. The Reasonable Accommodation Policies and Procedures, Appendix IV of this ACOP, includes the request and verification forms required for this type of transfer.

- All Reasonable Accommodation transfers shall take priority over new admissions. Transfers to accessible units will be done in accordance to Section C(4) below.
- Prior to this type of transfer, every effort shall be made to accommodate the needs of disabled residents, including but not limited to, making necessary modifications to the existing unit and providing other alternative forms of reasonable accommodation as detailed in the Reasonable Accommodation Policies.
- Residents may be given a list of available units County-wide to select their top three choices. The selection must be hand-delivered to the Applicant Leasing Center within five (5) calendar days.
- Residents will receive a housing offer for the first unit chosen from the list. If the unit was already offered, the second or third choice may be considered.
- The unit will be offered to the first eligible resident who responds with an acceptance, based on date and time of acceptance.
- If the resident fails to respond or accept one of the available units, he/she will be removed from the transfer list.

3. Assisted Living Facility (ALF) Transfers:

a. These are transfers of interested and qualified residents of Public Housing developments to an ALF, either recommended by the site manager or requested by the resident.

b. Transfers to ALFs shall take priority over new admissions to ALFs.

c. People requesting ALF transfers must qualify according to the ALF Admission Criteria stated in Chapter III, Section F, and are subject to the ranking established in Chapter II, Section C of this ACOP.

C. Processing Transfers

A centralized transfer waiting list will be administered by ALC.

A family that opted to reside in a smaller unit size than would normally be assigned under the largest unit size standard will be eligible for a transfer two (2) years after admission, unless they have a change in family size or composition.

1. All transfers must be approved by the division director or designee, before ALC admits them into the transfer waiting list.

2. Transfers to provide reasonable accommodation recommended for denial by the division director or designee must be reviewed by the 504/ADA Coordinator in accordance with PHCD's Reasonable Accommodation Policies and Procedures document (Appendix IV of this ACOP).

3. Transfers will be made in the following order of priority:

   1st. Emergency
   2nd. Reasonable Accommodation
   3rd. Occupancy Standards

4. Transfers to Uniform Federal Accessibility Standard (UFAS) 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 ACOP), will be centrally coordinated through the 504/ADA Coordinator's Office with the assistance of ALC.

   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 unit will be offered to a resident with disabilities residing in another development that requires the accessibility features of the unit.

   d. If there is no current resident who requires the accessibility features of the vacant, accessible unit, then the unit will be offered to an eligible, qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the 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. PHCD's *Conventional Public Housing Dwelling Lease* requires residents to relocate to a vacant, non-accessible unit within 30 days of notice by PHCD if there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

5. When a head of a household, originally housed in a bedroom by him/herself, has adopted or has plans to adopt a child, the family will not be approved for a transfer until the child is six (6) years of age. Exceptions: spouse, co-head, 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 people 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 person 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 30 days of notification by PHCD. 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) shall remain in the unit, PHCD will rely on other forms of documentation, i.e. in cases of divorce case PHCD will rely on the court decree, if available.

   b. If upon recertification, PHCD finds that a family composition has grown beyond the maximum bedroom size unit available in PHCD, 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 30 days of notification by PHCD. 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. PHCD 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. The site managers must provide residents who wish to initiate a Reasonable Accommodation transfer with the necessary forms, which include the Authorization *to Release Information, Reasonable Accommodation Request,* and *Reasonable Accommodation Verification,* in accordance with the Reasonable Accommodation Policies and Procedures (Appendix IV of this ACOP).

8. Eligible residents moving from one PHCD program to another are residents in transition between programs (not transfers). The Residents in Transition Policies and Procedures are found in PHCD's Policy and Procedures Manual.

9. 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.

10. All exceptions and consideration of mitigating circumstances must be approved by the PHCD Director or designee.

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 or domestic violence will be considered.

2. A family who has been approved for a transfer will be made one (1) offer of an appropriate size unit. At the time that the offer is made if the family rejects the offer, a second offer can be made only for good cause (see definition in Appendix I of this ACOP).

3. Once a transfer assignment is made, the resident is required to move within 30 days of being notified, or may face eviction proceedings in accordance to PHCD's lease.

4. 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 PHCD. Residents who seek reimbursement must provide proof of their out-of-pocket expenses to PHCD, i.e. receipts. The division director or designee must approve the expense.

5. Costs associated with transfers that are mandated by PHCD (except occupancy standards) and transfers for reasonable accommodation will be paid in accordance with the Reasonable Accommodation Policies and Procedures (Appendix IV of this ACOP).

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 PHCD'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. Relocation

Residents who are required to temporarily relocate to permit rehabilitation of their units must be provided with:

1. Written notice of the dates and duration of the temporary relocation at least 30 days prior;

2. Information on alternative housing available; and

3. Reimbursement for all reasonable out-of pocket expenses, including the cost of moving to and from the temporary housing and any increase in monthly rent/utilities costs, upon presentation of acceptable receipts.

Refer to the Public Housing Policies and Procedures Manual, *Relocation of Residents Due to Modernization*, page 2.106, for detailed procedures.

VI. 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. Residents not in compliance with the criteria are subject to lease termination and eviction.

1. Qualify as a "Family" as defined in Appendix I of this ACOP.

2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.

3. Whose family members of all ages, 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 PHCD's eight (8) hour per month community service requirements (applicable to public housing developments).

B. Remaining Family Members and Prior Debt

1. To be considered the remaining member of the family, the person(s) remaining must meet all eligibility requirements.

2. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head, co-head, or spouse. PHCD will not hold remaining family members (other than the head, co-head, or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.

3. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

4. A live-in aide or foster child/adult, by definition, is not a member of the family and will not be qualified for continued occupancy as a remaining family member.

5. In order for (a) minor child(ren) to continue to receive assistance as (a) remaining member(s), one of the following must occur:

   a. The court has awarded emancipated minor status to the minor;
   b. PHCD has verified that social services and/or the juvenile court has arranged for another adult to be brought into the assisted unit to care for the child(ren); or
   c. PHCD may allow for another adult to be a temporary head of household until such time as legal guardianship is granted or a minor, at least 17 years of age, is emancipated or reaches age 18.

d. A certification will be conducted and appropriate changes to the bedroom size may be made at that time.

C. Reexamination (Recertification)

Due to PHCD'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 120 days before the scheduled effective re-certification date.

1. Regular Recertification: PHCD shall, at least once a year, re-examine the family composition and incomes of all resident families. 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. Criminal background checks may be included as part of the recertification.

2. Special Recertification: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special recertification will be scheduled every 60 days until a reasonably accurate estimate of income can be made.

3. Interim recertification shall be conducted when:

   a. There is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder;

   b. There is a change in the family composition;

   c. At the family's request, if family income decreases, it may be processed as per requirements listed under Chapter VII;

   d. The family qualifies for an earned income disallowance and the 100% income disallowance period begins;

   e. The rent is to be adjusted because the family is entering the 50% earned income disallowance period; or

   f. The rent is to be adjusted because the 50% earned income disallowance period ends (refer to Chapter XII, Section G of this ACOP).

4. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every 60 days until they have a stable income. Monetary or non-monetary contributions from people not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income. Families claiming zero (0) income must complete the Monthly Expense Report listing their monthly expenses and the source of funds to pay for those expenses.

5. Families claiming income from contribution must provide a notarized *Income from Contribution* form signed by the person providing the contribution.

D. Recertification Procedures

1. At the time of 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 PHCD. If an adult family member is temporarily away from the household and not available to sign the forms at the time of the recertification, their status must be verified and they must sign and notarize the required documents within 30 days.

2. 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.

3. 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 (per Chapter II - *Occupancy Guidelines*);

   c. Rent the family should pay; and

   d. Compliance with the Community Service Requirements (Public Housing residents only).

4. PHCD will access criminal justice records (excluding juvenile records), including sex offender registration checks of household members 18 years of age and over with the purpose of determining continued assistance under the program, at regular recertification and at any other time PHCD deems it necessary. PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

5. 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.

6. Income shall be computed in accordance with the definitions and procedures set forth in federal regulations and this ACOP.

7. Families failing to respond to the initial annual recertification appointment will be issued a second and final recertification appointment. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the Assistant Director for termination of the lease.

8. 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.

9. Failure to Comply in Timely Manner or Non-Compliance

   a. A family's failure to comply with recertification requirements in providing all required documentation and signatures on forms is grounds for termination of assistance.

   b. If it is found that the resident failed to timely report any changes in income or family composition or provided inaccurate, or incomplete information:

      - Any increase in rent which would have occurred had changes been reported in a timely manner will be made retroactive to the effective date of the change in circumstances', and
      - The resident will reimburse PHCD for the difference in rent.

E. Enterprise Income Verification and Third Party Verification

1. Accurate determination of income eligibility, allowances, and family rent can occur only if all factors related to income and family circumstances are verified. PHCD will comply with the most recent HUD guidance on verification requirements. PHCD will utilize the verification guidelines under PIH Notice 2010-19 (issued May 17, 2010), Verification Guidance, and PIH 2010-03 (issued January 21, 2010), Verification of Social Security and Supplemental Security Income benefits, as applicable, and any subsequent guidelines and regulations issued by USHUD.

2. PHCD will follow the verification hierarchy described in PIH Notice 2010-19:

   - **Level 6:** Upfront Income Verification (UIV) using HUD's EIV System. Highest (Mandatory other than applicants) Ranking is Upfront Income Verification using HUD's Enterprise Income Verification (EIV) system;
   - **Level 5:** Upfront (Optional) Income Verification (UIV) using non-HUD system such as the Work Number;
   - **Level 4:** Written Third-Party (High) (Mandatory to supplement EIV reported income and when EIV has no data available. Mandatory if applicant/participant disputes EIV reported income and is unable to provide acceptable documentation). This does include documents issued by a third party and may be hand delivered by the applicant or participant;
   - **Level 3:** Written Third-Party Form: (Medium–Low) Mandatory if written third party verification documents are not available or rejected by PHCD; and when the applicant or participant is unable to provide acceptable documentation;
   - **Level 2:** Oral Third Party Verification: (Low) Mandatory if written third party verification is not available;
   - **Level 1:** (Low) Use as a last resort when unable to obtain any type of third party verification.

   Pursuant to the January 27, 2009 Refinement of Income and Rent Determination final rule, PHCD must use HUD's Enterprise Income Verification (EIV) as a third party source to verify tenant employment and income information during mandatory reexamination or recertification of family composition and income.

3. Double Subsidy: If during PHCD tenancy, or at any time after admission, EIV shows that a family or any household member is receiving subsidy from another housing authority

or program (i.e. shown as residing in another housing authority or housing program), the family or household member must provide proof of termination of tenancy from the other housing agency or program for continuation of assistance. PHCD may provide up to 30 days for the family or household member to provide said proof. If after the 30 days, the participant does not provide proof of termination, the family or household member must be terminated from PHCD tenancy.

4. If the EIV information matches the resident-provided income, or if not substantially different, then third party verifications are not necessary. Currently, a substantial difference requiring third party verification is defined as being greater than $200 per month ($2,400 per year), unless amended by PHCD.

5. If the EIV system is not available or if the information is substantially different to the resident-provided information, then written verification from third parties is the next most desirable form of verification.

   - The EIV information cannot be accessed unless a current (unexpired) Authorization to Release Information (HUD Form 9886) is on file. This form must be signed by all adult family members and expires 15 months after it is signed.

   - Tenants have the right to dispute information obtained through EIV; however, such information will only be provided to the tenant if requested. 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 HUD 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 to be kept in tenant files to avoid risking the release of such information to anyone other than the client and authorized PHCD 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. (Privacy Act of 1974 as amended, 5 U.S.C § 552(a)).

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

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

   b. Review historical income data for patterns of employment, paid benefits, and/or receipt of other income, when PHCD cannot readily anticipate income, such as unstable working hours, and suspected fraud. For calculating income in cases of seasonal employment (i.e. school board employees, teachers, etc.), see Chapter II, Section G or Chapter XII, Section A.

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

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

7. PHCD may recommend terminating assistance for fraud as opposed to tenant error (see definition in Appendix I of this ACOP). Fraud includes but is not limited to forgery and pattern of unreported or under reported income. In verified differences of $10,000 or more and when fraud has occurred, upon the regional manager's approval, PHCD may refer the case to OIG or any other law enforcement organization with jurisdiction to investigate and prosecute fraud in assisted housing, prior to commencement of the eviction process.

8. In verified instances of greater than $200 per month ($2,400 per year), PHCD may require the family to enter into a repayment agreement for the balance owed using the standards listed under Chapter IV or require payment in full. Should the family refuse to enter in a repayment agreement or to fulfill its obligations under its repayment agreement, PHCD shall recommend termination of assistance. This will start the eviction process and PHCD will refer the case to OIG or other law enforcement organization with jurisdiction to investigate and prosecute fraud in assisted housing.

F. Action Following Recertification

1. If there is any change in rent, a Notice of Rent Adjustment it will be 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.

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 of this ACOP and moved to an appropriate unit when one becomes available, subject to the requirements stipulated in the transfer policy section and approved by the division director or designee, where required.

VII. Interim Rent Adjustments: Fixed Rent System

A. Adjusting Rent between Regular Recertification

Rent is re-determined between annual recertifications when a resident undergoes a change in family composition or income. The resident must report such change in writing to the management office within ten (10) days of occurrence.

1. Family composition changes

   The resident must report and provide verification of those changes that 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.

2. Income changes for existing family members

   a. Decrease in income: 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 30 days. 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.

   b. Increase in income: Increases in income between annual recertifications will not result in rent increase until the next annual recertification.

3. Earned Income Disallowance (EID) (refer to Chapter XII of this ACOP):

   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 the resident misrepresented facts to PHCD resulting in rent that is less than the correct amount, 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, PHCD 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).

B. Hardship for Families Paying Minimum Rent

Interim reexaminations to temporarily adjust the rent will be made for families under hardship. A hardship exemption shall be granted to residents who can document that they are unable to pay the minimum rent of $50 because of a hardship.

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 PHCD.

The family should notify their site manager that they wish to request a hardship exemption. When the resident requests the hardship exemption, PHCD will suspend the minimum rent requirement beginning the month following the family's request. The suspension will continue until PHCD determines if there is a qualifying financial hardship and whether it is temporary or long term. PHCD may not evict the family for nonpayment of minimum rent during the 90-day period beginning the month following the hardship exemption request.

If PHCD determines that the hardship is temporary, less than 90 days, or if the family does not qualify for the exemption, the minimum rent will be reinstated retroactively to the suspension date. PHCD will offer a repayment agreement to the family for the back rent owed.

If PHCD determines that the hardship is long term, the family will be exempted from the minimum rent requirements so long as such hardship continues. The exemption shall apply from the beginning of the month following the family's request for the hardship exemption until the end of hardship and will be reviewed at least annually.

PHCD, at its discretion, will request documentation from the residents to verify the type and extent of the hardship.

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.

VIII. Lease Termination Procedures

A. General Policy: Lease Termination

The Lease may be terminated by PHCD in compliance with USHUD regulations 24 CFR 966 and in accordance with the provisions contained in Chapter 83, Part II, of the Florida Statutes.

The Lease may be terminated by the resident not earlier than at the end of the first year by giving 30 days written notice and upon compliance with all applicable procedures to properly vacate the unit and to depart in good standing.

PHCD 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 (including residents under the Homeless pilot program). 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.

3. The denial of service, disconnection or shutting off of utilities that the resident is responsible for paying. PHCD will not terminate assistance if the resident restores utility service legally and timely as required with the timeframe of the 30-day notice to cure.

4. Discovery that a resident is tampering with utilities to illegally obtain service or changing the account to a person, not the head of household, co-head, or spouse.

5. 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 PHCD. 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 (See Chapter II, Section J – *Criminal Activity* for additional details):

    a. Drug-related criminal activity includes, but is not limited to: illegal possession, illegal manufacture, sale, distribution, use and/or possession with intent to manufacture, sell, distribute or use a controlled substance;

    b. Violent criminal activity includes, but is not limited to: 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. Non-violent criminal activity includes, but is not limited to: any activity that threatens the health, safety, or right to peaceful enjoyment by the residents, employees of PHCD or any other Miami-Dade County personnel or official;

d. An arrest where the criminal charges are dropped, dismissed no action, nolle prossed or other resolution that does not involve an admission of guilt, or where the resident is found not guilty or acquitted, may not result in termination of assistance except for cases specified in Chapter II, Section J, or when there is a pattern of repeated arrests within the last ten (10) years that may threaten health, safety, or right to peaceful enjoyment by residents, employees of PHCD or any other Miami-Dade County personnel or official;

e. 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 PHCD;

f. As concerns juvenile household members under the age of 18, PHCD will consider criminal related activity only if they are being tried as adults for certain criminal offenses or if the acts occur on PHCD property.

6. If any 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.

7. A record 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.

8. Failure by the resident to report to any recertification interview or provide verification of any information required by PHCD. Clients who fail to comply are provided a 30-day notice to cure.

9. Discovery of material false statements in connection with information provided at application or recertification, or fraud committed by the resident in connection with any federally assisted housing program.

10. 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.

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 PHCD property.

12. If the conduct of the resident, any member of his/her household, a guest or 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 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 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. Extremely poor housekeeping, including hoarding and clutter that causes health and safety concerns or property damage.

16. Any fire on the premises caused by carelessness, failure to supervise children or unattended cooking.

17. 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 PHCD employee or any government official conducting official business on or around the premises.

18. The resident refuses to accept PHCD's proposed change(s) to the Lease.

19. If the resident repeatedly interferes with or is counter to the Public Housing Lease or Community policies, or if the Lease has expired and has not been renewed.

20. If through HUD's EIV system, PHCD verifies that one of the household members is also participating in another federally housing program and that they have not relinquished the assistance within 30 days from the date of the move-in. In that case, PHCD will require proof of the termination of the subsidized housing assistance prior to lease termination.

21. Tenants must use their unit address as their mailing address for all official PCHD correspondence. This correspondence includes but is not limited to reexamination appointments, rent change notifications, inspection appointments, inspection results, termination proceedings, etc. Exceptions may be made to this rule on a case-by-case basis, i.e. domestic violence victims or if a tenant is able to demonstrate that their mailbox has been tampered with and is unsecure by submitting official documentation from the US postal service and/or police records.

B. Mitigating Circumstances

Prior to PHCD's decision to send a notice terminating assistance, PHCD shall consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action. See Chapter II, Section K – *Applicants and Residents Claiming Mitigating Circumstance* for additional details.

C. Notice Requirements

If the PHCD 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. PHCD 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. PHCD shall give a 7-day written notice of termination for serious violations of the Lease;

3. PHCD shall give a 30-day written notice of termination in any other case or cause; and

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 the Grievance Policy, Chapter IX if this ACOP.

D. Recordkeeping Requirements

In accordance to State of Florida records retention schedule, a written record of every termination and/or eviction shall be maintained by PHCD at the developments, 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.

IX. Grievance Policy

When required by federal regulations, regarding PHCD's action or failure to act having an aggrieved adverse effect on the individual resident's rights, duties, welfare or status, public housing applicant will be afforded informal reviews and aggrieved public housing residents will be afforded informal hearings.

A. Applicant's Informal Reviews

Applicants denied program participation or removed from the waiting list shall be entitled to an informal review conducted by PHCD. Applicants will be notified of such determination in writing, generally at the time of their initial certification appointment.

The process described in PHCD's Reasonable Accommodation Policy and Procedures document (Appendix IV of this ACOP) will be followed for applicants denied reasonable accommodation requests. Further, this document describes the process that must be followed by designated ALC staff 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 who is determined ineligible for housing program benefits or removed for failing to respond to notices, 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 PHCD within 30 days of the notice. Applicants whose mail is returned by the post office will be automatically withdrawn from the waiting list.

   b. Applicants who have been removed from the waiting list for failing to provide a social security number or findings through EIV (bad debt, termination information, or disputed information of possible double subsidy), may, request an informal review seeking reinstatement to his/her original place on the waiting list.

   c. If PHCD proposes to deny admission on the basis of a family member's criminal record, the family may request an informal review. PHCD will not attach a copy of the criminal record with the denial notice to protect the family member's privacy. However, PHCD will provide the family member with the criminal record and the head of household with a copy of the criminal record upon the family member's request either before or at the informal review and provide an opportunity to dispute the accuracy and relevance of that record. The applicant will have 30 calendar days to dispute the accuracy and relevance of the record in writing. If PHCD does not receive the dispute within the allotted time, the applicant will be denied participation and his/her name removed from the waiting list.

   d. Once a waiting list is closed, only applicants that have had an interruption in the eligibility process may request an informal review. Applicants that have not been selected, did not show to initial interview, or refused a unit without good cause will not be granted an informal review once the waiting list has been closed.

2. Requesting an informal review

   Applicants may request an informal review in writing to the address or fax number indicated on the adverse action letter. The request must be made within 30 days from the date of the notice. PHCD will schedule the review for the next available date within 30 days from receipt of request and forward written notification to the applicant.

3. Informal Review Procedures

   a. The informal review will be conducted by designated ALC staff that shall listen to testimony or other evidence that the applicant may wish to present.

   b. The informal review's decision will be made in writing within 30 calendar days of the review.

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

   d. The decision of the informal review shall be final. In extenuating circumstances, the PHCD Director or designee may review and modify the decision of an informal reviewer. The informal review's decision, however, shall not abridge any other rights the applicants have under law.

B. Resident's Procedure for Obtaining an Informal Hearing

1. Residents of Public Housing developments, who desire a hearing, must submit a written request to the PHCD's representative within five (5) business days of receiving a notice of proposed adverse action. The written request must specify:

   a. The reason(s) for the grievance or content of PHCD's proposed action; and

   b. The action or relief sought.

   PHCD will schedule the hearing for the next available date within 30 days from the receipt of the request.

   The process described in PHCD's Reasonable Accommodation Policy and Procedures (Appendix IV of this ACOP) 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. 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 day of the 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 PHCD in extenuating circumstances, and where required by financial hardship exemption from minimum rent (refer to Chapter XII, Section E of this ACOP), 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 ACOP).

b. Unless 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.

3. A hearing may be held via telephone conference in situations where a health condition or portability prevents any of the parties from attending the hearing in person. Hearings held by telephone conferences are not allowed simply for the convenience of any of the parties. Any other reasons for telephone conference hearings shall be at the discretion of the hearing office supervisor.

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. If a grievance is presented by the family, orally or in writing, to the main office or site manager's office, the grievance may be discussed informally and settled without a hearing.

C. Applicability and Exclusions

The grievance procedure shall be applicable to all individual grievances, with the following exceptions:

1. Any termination of tenancy or eviction that involves:

   a. Any violent or drug-related criminal activity on or off PHCD owned, managed or controlled housing, office, warehouse or other property;

   b. Any criminal activity (including non-violent) that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of PHCD;

   c. Any criminal activity that resulted in felony conviction of a household member.

   Before eviction from the dwelling unit, the state law requires the tenant to be given the opportunity for a hearing in court, which provides the basic element of due process (see definition in Appendix I of this ACOP).

2. Disputes between tenants not involving PHCD.

3. Class grievances.

4. Negotiating policy changes.

5. Discrepancies in wages shown in data provided by the Enterprise Income Verification (EIV) system. Such discrepancies must be clarified through third party verifications to employers. For EIV Social Security Administration (SSA) benefit discrepancies, PHCD

should request the resident to obtain a current, original SSA benefit letter within ten (10) business days of the interview day.

D. Hearing Officer or Hearing Panel

1. PHCD may have a hearing officer or a hearing panel. The Hearing Panel consists of three (3) people :

   a. A PHCD employee appointed by the PHCD Director or designee, but such employee may not be the public housing 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 Resident Council Representation; and

   c. A resident representative nominated by the Resident Council of the development in which the complainant resides.

   d. If Resident Council Representation or the resident representative fail to nominate their respective panel member, the PHCD 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.

   e. In the event that the Resident Council Representative or the resident representative who lives at the development does not show up to the informal hearing, the resident may sign the "*Waiver of Panel Member for Public Housing Informal Hearing*" form in order to conduct the hearing.

E. Hearing Process for Applicants and Residents

1. The parties may be represented by legal counsel or another person chosen as a representative.

2. Prior to the hearing, the applicant or resident may examine and copy at his/her expense all documents, records, and regulations of PHCD that may be relevant to the hearing, unless otherwise prohibited by law and in the event of hardship. In the event, PHCD does not provide the applicant or resident with a copy of his or her file prior to the hearing, PHCD is prohibited from relying on the contents of the file at the hearing as set forth in the federal regulations.

3. If the applicant or resident fails to appear at a scheduled hearing, except for verifiable good cause, the applicant or resident is in automatic default and the decision rendered by the hearing officer or Grievance Panel in his/her absence shall be final.

4. At the hearing, the applicant or resident must first show entitlement to the relief sought. Thereafter, PHCD has the burden of justifying PHCD's action, or failure to act, at which the complaint is directed.

5. 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.

6. The hearing officer or Grievance Panel must verify any document provided by the applicant or resident, such as evidence of completion of rehabilitation program or any other proof or testimony provided, before submitting the decision letter to uphold or overturn the denial of assistance.

7. The PHCD employee appointed to the Hearing Panel by the PHCD Director, acting as the Chairperson of the Hearing Panel, shall require PHCD, 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.

F. Decision of the Hearing Officer or Hearing Panel

1. The decision of the Hearing Officer or Hearing Panel shall be based solely and exclusively upon the facts and evidence presented at the hearing and upon applicable County and Federal regulations and requirements. This decision shall be in writing by the chairperson of the Hearing Panel specifying the reasons thereof, within 14 calendar days of the hearing. A copy of the decision must be forwarded to the resident and another copy to the management office to be filed in the resident's records.

2. A decision by the Hearing Officer or Hearing Panel in favor of PHCD, 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 or Hearing Panel shall be final. In extenuating circumstances, upon the resident's written request for review, the PHCD Director may modify the decision of a Hearing Panel. The Hearing Panel's decision, however, shall not abridge any other rights the participants have under law.

4. The Hearing Panel must reach a majority decision. When members of the panel are not in agreement, the chairperson of the hearing panel must refer the case to the Executive Director or designee for the final decision, who may request additional information and/or interview with the resident, if deemed necessary.

5. Copies of hearing decision letters in addition to any documents or testimony presented at the hearing are kept on file as per State of Florida retention schedules by the hearing officer or on site.

X. 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. PHCD shall establish for each development, by bedroom size, a consumption allowance that 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: PHCD 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: PHCD may revise its utility allowances for resident-purchased utilities between annual reviews if there is a rate change (including fuel adjustments). PHCD 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. Utilities Paid by the Resident

1. Utility accounts established and maintained by the residents must be in the name of the head of household, spouse, or co-head. Illegal tampering to obtain utility services or changing the utility accounts to another person other than the head of household, spouse, or co-head are grounds for termination of the lease.

2. Due to utility modernization, building master meters, which are currently paid by PHCD, may be replaced by individualized meters where the utility costs may become the responsibility of the resident.

C. Maintenance Charges

1. This section establishes the procedures for maintenance charges in Public Housing 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. PHCD 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.

   c. Photographs of the damages will be maintained in the tenant file in accordance to retention schedule.

XI. Choice of Rent: Flat Rents

Public Housing residents may choose between Income-based Rent (calculated based on family income as detailed in Chapter XII) or Flat Rent. Flat Rents are based on the unit market value and vary by unit size, type and by development location. 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.

A. Development of Flat Rents

PHCD 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 PHCD's units compared to non-assisted rental units from the neighborhood
- Age, type of unit and condition of PHCD'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 PHCD's properties and in the surrounding neighborhood
- Crime in PHCD's developments and the surrounding neighborhood
- Quality of local schools serving each PHCD development
- Availability of public transportation at each PHCD development and
- Availability of accessible units for people with mobility impairments

B. Annual Update of Flat Rents

PHCD 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 Flat Rent 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; and/or

b. increased expenses because of changes in circumstances, such as increased medical costs, childcare, transportation, education, or similar items.

XII. Determining Income and Income-Based Rent

A. Annual Income

PHCD reserves the right to implement PIH Notice 2013-03 as needed to relieve administrative burden.

The Annual Income is calculated taking into consideration all amounts, monetary or not, which go to, or on behalf of, the family head, spouse, co-head or to any other family member (even temporarily absent); at the time of admission, reexamination, or recertification, and is based on:

a. Actual income being received (projected forward for a 12-month period); or
b. Past actual income received or earned within the last 12 months of the determination date, as USHUD may prescribe in applicable administrative instructions when: (1) The family reports little or no income; and (2) PHCD is unable to determine annual income due to fluctuations in income (e.g., seasonal or cyclical income).
c. The Annual income also includes amounts derived from assets to which any member of the family has access (during the 12-month period).

Income exclusions are indicted in Section B.

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.

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 (see note), and regular cash and non-cash contributions or gifts received from agencies or people not residing in the dwelling made to or on behalf of family members. (Note: Uncollected child support will not be counted as income so long as the family provides court documents demonstrating that the debt is uncollectible or has not been paid or received as directed by the Court for more than three (3) months).

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. In determining annual income, PHCD may request the family to provide documentation of current income. The family acceptable documentation can be either dated 60 days prior to income determination or 60 days following the date the income documentation is requested.

10. Historical Amounts: If PHCD is unable to determine annual income using current information because the family reports little to no income or because income fluctuates, PHCD may average past actual income received or earned within the last 12 months before the determination date to calculate annual income.

11. Income from seasonal employment (i.e. school board employees, teachers, etc.) may be calculated using one of the following methods:

    a. Annualize income by projecting the current monthly income for 12 months even if the current income is not expected to last the entire 12 months. Under this method, the family has the right to come in for an interim re-examination once the income decreases;

    b. Calculate average income based on anticipated changes for the upcoming year using verified historical evidence of past income fluctuations. This second method would not require an interim re-examination at the time income decreases since such decreases would already be averaged into the anticipated annual amount.

B. Items Not Included in Annual Income

In accordance with PIH Notice 2013-04, PHCD is not required to verify fully excluded income and may accept an applicant or participant's self-certification of such income. Annual Income does not include the following:

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 ACOP);

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 PHCD, 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 people 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 the household, spouse, or co-head). Full Time Student status will be identified by the college or vocational school. Students with approval to attend school for the next semester, either after graduation or in the summer will be considered for this income exemption;

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: a) annual income increased due to employment of a family member who was unemployed for one (1) or more years 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, 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 § 459(e)];

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 § 117(b), 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 Mayores, 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.

These exclusions may be amended from time to time as permitted or required by the federal regulations.

C. Anticipating Annual Income

If it is not feasible to anticipate income for a 12-month period, PHCD may use the annualized income anticipated for a 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 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: (1) the amount of income earned by the family member released to work; or (2) 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, co-head or spouse, live-in aide, foster adult or foster child, who is under 18 years of age or who is 18 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 (3%) 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 3% 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.
- Enrollment fee (up to $30) of the Medicare Prescription Drug Discount Card program, if not paid by Medicare. (PIH Notice 2004-11).

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 3% 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 definition in Appendix I of this ACOP.

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 PHCD pays all utility bills directly to the utility supplier, tenant rent equals TTP.

4. The minimum rent shall be $50 per month; however, a hardship exemption shall be granted to residents who can document that they are unable to pay the $50 because of a hardship. Refer to Chapter VII, Section B of this ACOP.

5. 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. Utility Reimbursements

Where the utility allowance exceeds the total tenant payment of the family, the PHCD will provide a utility reimbursement payment through a Utility Reimbursement Card. Deposits to the Utility Reimbursement Card will be made monthly. If the family owes any sums to the PHCD or any other housing authority, the PHCD may use any utility reimbursement amount owed to the family as payment.

The PHCD, 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, PHCD shall inform the family immediately upon its decision to make payments directly.

G. 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 PHCD 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, PHCD must exclude from annual income any increase in income as a result of employment. For the 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 12 cumulative months (to qualify for the first exclusion) or the second 12 cumulative months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is 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 (10) 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 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, PHCD 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 comes first.

   d. After the EID periods end, the full income is included towards the rent calculation.

H. Rent Collection

Clients are mailed a monthly rent statement listing any transactions processed that month and indicating the balance due. PHCD has initiated the following rent payment options for its residents:

1. Check, money order, or cashier's check mailed by the resident directly to the PHCD lockbox together with the payment stub from the rent statement for processing; or

2. Authorized direct debit from resident's checking or savings account; or

3. Online payment through major credit card.

4. Cash will not be accepted. Payments of any kind will not be accepted at the site offices.

XIII. Fair Housing and Equal Opportunity

A. Non-discrimination Policy

1. PHCD complies with all federal, state, and local 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.

2. No person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial status, marital status, sexual orientation, gender identity, ancestry, age, pregnancy, disability, or source of income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated and/or funded by PHCD.

3. PHCD prohibits inquiries regarding sexual orientation or gender identity, which includes but is not limited to whether a person is transgendered.

4. PHCD 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.

5. PHCD 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 Non-Discrimination Complaints and Reasonable Accommodation Requests

1. All applicable Fair Housing Information and Discrimination Complaint forms will be made available at PHCD's 504/ADA Coordinator's office and/or by the 504/ADA Coordinator mailing copies of information to person requesting same. In addition, all appropriate written information and advertisements will contain the appropriate written information, and advertisements will contain the appropriate Equal Opportunity language and logo.

2. PHCD's 504/ADA Coordinator will assist any family that believes they have been discriminated against by providing copies of the federal and local housing discrimination forms and the addresses of the applicable offices. In addition, PHCD's 504/ADA Coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

3. PHCD 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

PHCD has an Effective Communication Policy to ensure effective communication with applicants, residents, program participants, employees, and people with disabilities. Such policy is Appendix II of this ACOP.

D. Emergency Evacuation Assistance Program Procedures

In case of emergency, PHCD 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 ACOP.

Additionally, PHCD's Emergency Management Manual will continue to be reviewed to ensure that it contains all necessary provisions required for people with disabilities in emergency conditions.

E. Reasonable Accommodation Policy and Procedures

PHCD's Reasonable Accommodation Policy and Procedures, as referenced through this ACOP, is Appendix IV of this ACOP.

XIV. Domestic Violence

A. Overview

Under the Violence Against Women Act (VAWA) and Miami-Dade County Resolution No. R-644-12, PHCD is required to implement internal policies to include provisions for protection of victims of domestic violence, dating violence, sexual assault, sexual battery and stalking (hereinafter known as "domestic violence"). For definitions of terms under this chapter, refer to Appendix I of this ACOP.

PHCD has and will continue to notify its applicants and residents about the protections afforded by VAWA. The notice provided by PHCD shall advise applicants and residents of their rights under VAWA and 24 CFR part 5, Subpart L including the right to confidentiality and the exceptions. The lease, lease addendum, or tenancy addendum, as applicable, shall include a description of specific protections afforded to the victims of domestic violence, dating violence, or stalking.

PHCD has and will provide applicants and residents with HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* form to be used by alleged victims of domestic violence.

B. Admission and Continued Occupancy Criteria

1. An applicant cannot be denied admission or assistance solely because the person has been a victim of domestic violence, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

2. Residents or tenants who are victims of domestic violence must be handled as an exception to the federal One Strike Rule under documented incident of actual or threatened domestic violence.

3. If the tenant or affiliated individual (see definition in Appendix I) is a victim of criminal activity directly related to domestic violence engaged in by a household member or guest or other person under the tenant's control, such criminal activity shall not be cause for eviction or termination.

4. Being a victim of domestic violence does not qualify as a serious or repeated violation of the lease for terminating assistance, tenancy, or the occupancy rights of the victim.

5. PHCD may allow for the perpetrator of domestic violence to be removed from the lease, while the remaining family members stay in the assisted unit, upon approval of the division director.

6. Victims of domestic violence will be considered for emergency transfers. See Chapter V – Transfer Policy for additional information and requirements.

7. Subject to funding availability, the issuance of a Section 8 voucher may be offered to the victimized family.

C. Evidence Required as Proof of Domestic Violence

When confronted with cases of domestic violence, PHCD must provide the alleged victim with HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* and request that it be returned within 14 business days or any extension provided by PHCD. The name of perpetrator should be included in the HUD form 50066 only if it safe to provide and if it is known to the victim. Additional documentation to accompany the victim's statement or in lieu of the victim's statement may include but is not limited to:

1. 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;

2. Restraining or civil protection orders;

3. Medical records or statement from medical professional;

4. Documentation from a mental health professional;

5. 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;

6. A record of an administrative agency or victim service provider;

7. Court records;

8. Statements signed by 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;

9. Statement signed by counselors, if victim attended counseling;

10. Statement signed by attorney from whom the victim sought assistance in addressing domestic violence;

11. Reports, statements from police, judges and other court officials, clergy, social workers, social service agencies, or other victim service providers;

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

Statements signed by above-mentioned professionals must attest to the professional's belief that the incident(s) are bona fide incident(s) of abuse and must also be signed by the victim.

D. Considerations for Victims of Domestic Violence

PHCD must consider:

1. The nature and severity of each case while exercising discretion on whether or not family members or their guests pose an actual **and** imminent threat to the health, safety, or right to peaceful enjoyment of the premises by others. Any eviction or termination of assistance taken on this basis should only be used when there are no other actions that can be taken to reduce or eliminate the threat, including but not limited to:

   a. Transferring the victim
   b. Barring the perpetrator from the property
   c. Contacting law enforcement

2. The effects of denial or termination of assistance on other family members who were not involved in the offense.

3. The conditions barring the culpable household member from residing in or visiting the unit.

4. 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.

5. The range of evidence as proof of domestic violence, which may include, but is not limited to victim's statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident, utilizing form HUD-50066.

E. Protection of Victims of Domestic Violence

1. PHCD shall refer victims of domestic violence to the State of Florida Office of the Attorney General, State Attorney's Office or the Department of Law Enforcement to apply for participation in the Address Confidentiality Program for Victims of Domestic Violence. Once the victim has applied, the address, telephone number and social security number are exempt from public review, except when the information is required by a law enforcement agency.

2. PHCD may collaborate with appropriate counseling and law enforcement entities to assist victims of domestic violence, including but not limited to the following services and programs for domestic violence victims:

   a. Certified Domestic Violence Centers:
      - Safespace Shelter: 305-758-2804
      - The Lodge: 305-693-1170

   b. Domestic Violence One Stop Center:
      - Coordinated Victims Assistance Center (CVAC): 305-285-5900

3. In determining if termination, removal or in some cases eviction is appropriate, PHCD must consider the safety and well-being of victims, as well as the health, safety and

peaceful enjoyment of other residents who may be affected by incidents or domestic violence. Per VAWA 2013, if the evicted individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

4. PHCD must develop linkages and referrals to appropriate counseling and law enforcement entities.

5. The information under the *Certification of Domestic Violence* will remain confidential and will be used by PHCD only to provide the victims with the exceptions and protections under VAWA.

6. PHCD must ensure that private information of victims of domestic violence is protected in accordance with the Records Management provisions found in Chapter II, Section N.

F. Non-discrimination

Pursuant to VAWA, no applicant or tenant shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under VAWA. Additionally, PHCD does not discriminate against applicants or tenants based on ethnic origin, familial status, marital status, ancestry, age, pregnancy, or source of income.

XV. Section 32 Homeownership Plan

A. Overview

The 1998 Quality Housing and Work Responsibility Act (QHWRA) permitted public housing authorities (PHAs), through Section 32 of the U.S. Housing Act of 1937, to make public housing dwelling units available for purchase by low-income families as their principal residence.

Under Section 32, the PHA may sell all or a portion of a public housing development to eligible public or non-public housing residents. Other more restrictive homeownership programs, such as 5h and Turnkey III, may be converted to Section 32 to increase the pool of eligible low-income homebuyers. Miami-Dade County through PHCD proposes to convert certain public housing units into a Section 32 Homeownership Plan. The initial units identified to be converted are located in Heritage Village I.

PHCD may convert additional units in accordance with the PHCD's Annual Plan and the Section 32 Homeownership Plan adopted by the Board of County Commissioners on November 4, 2009 as Resolution R-1281-09.

B. Heritage Village I

Heritage Village I (FL5-064) was constructed in 1982 as the Turnkey III project. This property, located in the Homestead area of Miami-Dade County at the corner of SW 142nd Avenue and SW 268th Street. PHCD plans to convert 27 of the original 30 units into a Section 32 Homeownership Program. The three (3) currently occupied units have homeownership agreements under the current Turnkey III Program.

PHCD established priorities for selecting potential homeowners that further the program's goals. Since this is a homeownership program conversion from Turnkey III to Section 32 Plan, priority will be given to current Heritage Village I residents that are eligible homebuyers and can obtain a mortgage. PHCD will offer the units to income-eligible purchasers in conjunction with PHCD's Housing Choice Voucher (HCV) Homeownership Program.

The following are the established priorities:

First Priority	Current Heritage Village residents
Second Priority	Former Mobility Pool Members with available vouchers
Third Priority	Current Section 8 Housing Choice Voucher (HCV)-eligible Homeownership Program candidates and Family Self Sufficiency (FSS) program participants
Fourth Priority	Public Housing FSS and income eligible homeownership families
Fifth Priority	Current HCV recipients eligible for homeownership. If no interest by HCV recipients, the Section 32 option will be opened to the families on the current waiting list. This offer will be repeated until there are sufficient eligible buyers choosing to purchase in the Homestead area of Miami-Dade County.

As an alternative to homeownership, PHCD may consider pursuing lease-to-own options for homeownership units.

SECTION 8 ADMINISTRATIVE PLAN

FOR THE

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

HOUSING CHOICE VOUCHER

AND

MODERATE REHABILITATION PROGRAMS

Revised: 3/4/14

BCC Adopted: TBD

Effective: TBD

Public Housing and Community Development
701 NW 1st Court, 16th Floor
Miami, Florida 33136-3914

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PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

ADMINISTRATIVE PLAN
HOUSING CHOICE VOUCHER PROGRAMS

Chapter 1. Program Administration

1.1. Purpose of the Plan

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

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

The goal of this Administrative Plan for the Housing Choice Voucher and Moderate Rehabilitation Programs is to achieve three (3) major objectives:

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

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

C. 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:

A. Protection of the rights of owners and participants in all neighborhoods;

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

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

D. Ensure Housing Choice Voucher Program owners meet all financial obligations to local governments; and

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

1.2 Public Housing and Community Development (PHCD)

Miami-Dade County (County), a political subdivision of the State of Florida, is the local government entity responsible for affordable housing programs, administers the Housing Choice Voucher Programs through its housing department, the Public Housing and Community Development, or its

successor agency or department, collectively referred to as the "Agency" or "PHCD." Any policy revisions to this Administrative Plan after its adoption requires approval from the Miami-Dade Board of County Commissioners or other authorized PHCD officials.

Administration of the Housing Choice Voucher programs shall comply with all applicable Federal, State and local law, the Housing Choice Voucher regulations, handbooks, and policies promulgated by USHUD, and other federal laws including but not limited to 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.

For more information visit PHCD's website at www.miamidade.gov/housing

1.3 Jurisdiction of the Agency

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

1.4 Location of Office

The main office for the Housing Choice Voucher Program (HCV) is located at 7400 NW 19th Street, Bay H, Miami, FL 33126, where HCV applicants and program participants are served. If the office serving HCV clients changes, the PHCD will so notify the affected tenants. The PHCD offices shall be accessible to persons with disabilities.

1.5 Administrative Fee Reserve

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

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

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

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

B. Maintain the current Adker-related provisions in the Public Housing and Community Development's Admissions and Continued Occupancy Policy (ACOP) and Section 8 Administrative Plan;

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

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

1.7 Assistance for Limited English Proficiency (LEP) Persons

Assistance to Limited English Proficient Persons

In accordance with USHUD's *Final Guidance to Federal Assistant Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons* (Final Guidance), PHCD is committed to ensure direct access to its program and activities to all applicants and program participants, regardless of the primary language they speak.

A Limited English Proficient (LEP) person does not speak English as the primary language and has limited ability to read, write, or understand English at a level that permits the person to communicate effectively in the course of applying or receiving services or benefits from recipients of federal funds.

A. Four (4) Factor Analysis

The Final Guidance defines a self-assessment method to assist agencies receiving USHUD funds in determining the extent of their obligations to LEP persons. PHCD has conducted the following four (4) factor self-assessment and concluded that Spanish and Creole are the non-English languages most commonly spoken by the LEP population it serves.

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee (persons speaking a language other than English exceeds 5% or 1,000 persons, whichever is less);
2. The frequency with which LEP persons come in contact with the program;
3. The nature and importance of the program, activity, or service provided by the program to people's lives; and
4. The resources available to PHCD and its costs.

B. Language Assistance Plan (LAP) and Safe Harbor

PHCD posts Spanish and Creole signs at its administrative and site management offices (public places) and on its website to inform LEP persons that free oral interpretation services and translation of vital PHCD's documents are available upon request. Additionally, applicants and program participants are informed of their ability to request an interpreter in all written PHCD's advertisements and notifications related to hearings, interviews, scheduled appointments, and adverse action notices.

1. Staff Training

   PHCD employees are provided with training on the LEP policy requirements, their role in assisting LEP persons, and with information on the resources available for LEP persons and how to access these resources.

2. Oral Language Interpretation

   PHCD utilizes bilingual staff members fluent in Spanish or Creole who provide oral language interpretation to LEP persons at face-to-face or telephone contacts, as needed. Also, oral language interpretation services may be provided for scheduled appointments, meetings, informal reviews, hearings and interviews, upon request five (5) business days in advance, from the Section 504/ADA Coordinator. The Section 504/ADA Coordinator secures oral translation services from approved vendors, according to the County's procurement procedures.

Language interpretation services are offered to LEP persons for activities including but not limited to the following:

- Eligibility Interview
- Voucher Briefing
- Rental Interview and Lease Signing
- Initial, Annual, and Interim Reexaminations
- Transfer and Resident Tenancy Application
- Reasonable Accommodation Requests
- Conferences, Informal Reviews and Hearings

PHCD staff is prohibited from requiring or asking LEP persons to bring their own interpreter. If a LEP person requests that an adult family member or friend (18 years of age or older) provide interpretation, this practice is acceptable only if it is his/her choice. The LEP person will be advised by PHCD staff about the availability of free language services.

3. Written Language Translation of Vital Documents

HUD's Final Guidance defines vital documents as "those that are critical for ensuring meaningful access by beneficiaries or potential beneficiaries generally and LEP persons specifically." PHCD uses the County's translation services provided by the Community Information and Outreach (CIO) Department to translate its vital documents and advertisements into Spanish and Creole.

PHCD has translated into Spanish and Creole the following vital documents. They are available in the shared drive, at H:\Compliance Reference Library\Forms - Agency Master Folders and must be provided to LEP persons upon request.

- Consent and complaint forms
- Intake forms with the potential for important consequences
- Written notices of rights, denial, loss, or decreases in benefits or services, and other hearings
- Notices of termination of assistance and eviction
- Notices and forms related to the Violence Against Women Act (VAWA)
- Notices of advising LEP persons of free language assistance
- Notices of public hearings, especially those that meet Community Planning and Development's citizen participation requirements
- Public Housing Lease and tenant rules, and/or
- Applications to participate in a recipient's program or activity or to receive recipient benefits or services.

C. Monitoring and Updating

PHCD will periodically review and assess its LEP policy, based on Miami-Dade County's demographics and changes in USHUD regulations.

Chapter 2. Eligibility for Admission and Processing of Applications

2.1 Affirmative Marketing

PHCD's marketing plan ensures inclusion on its waiting list of all people without regard to race, national origin, color, sex, religion, age, disability, familial and marital status, ancestry, sexual orientation, gender identity, or source of income.

The opening of the waiting list will be advertised at a minimum in each of the following newspapers: *The Miami Herald*, the largest paper of daily general circulation; *The Miami Times*, the paper with the largest circulation among African-Americans; *Diario Las Americas,* a Spanish publication; the *Haiti en March*, a Haitian publication; and *The Voice*, a publication for disabled people. The opening and closing dates of any open waiting list period will be advertised in advance. The waiting list ranking process will be conducted per the State of Florida laws by lottery.

A. Outreach to Very-Low Income Families

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

1) Notice to churches, synagogues, and other places of worship,
2) Notice to government offices including but not limited to Miami-Dade County regional libraries, Miami-Dade County Community Action Agency, Social Security Administration, State of Florida Department of Children and Families, Legal Services of Greater Miami, Inc., or other agencies designed to assist the low income community;
3) Notice to agencies that assist the elderly or disabled;
4) Public service announcement on radio or television;
5) Announcement at public meetings; and
6) Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

B. Marketing and informational materials will:

1) Comply with Fair Housing Act requirements on and the regulations promulgated by USHUD wording, logo, etc.;
2) Describe the application process, waiting list and preference structure accurately;
3) Use clear and easy to understand terms and distribute in more than English-language print media;
4) 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;
5) Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
6) Be clear about PHCD's responsibility to provide reasonable accommodations to people with disabilities.

2.2 Waiting List Management

PHCD has a community-wide waiting list with separate rankings for its programs: one for Project-based programs and another for Tenant-based programs:

A. The Project-based programs include the following:

1) Conventional Public Housing, including Assisted Living Facilities

B. The Tenant-based programs include the following:

1) The Housing Choice Voucher Program, and all targeted programs including but not limited to,
2) Family Unification Program (FUP);
3) Veterans Affairs Supportive Housing (VASH);
4) Mainstream Vouchers for Non-Elderly Persons with Disabilities (NED);
5) Project-Based Voucher Program; and
6) Moderate Rehabilitation

C. Other Programs

1) The Section 8 New Construction developments are County-owned and privately managed. The management agents will be responsible for managing their own waiting lists.

2) Former residents of Scott/Carver Homes, who requested to return to the HOPE IV target area, have been grouped under a separate list ranked through a computerized lottery system.

D. Movement on the Waiting List

1) Each applicant family moves up the waiting list in sequence, based upon:

a. For the Housing Choice Voucher program, a neutral lottery system that determines the applicant's ranking at the time of the initial application.

b. For the Moderate Rehabilitation and Project Based Voucher programs, in addition to a neutral lottery system that determines the applicant's ranking, each applicant will be categorized by the type (e.g., general occupancy, elderly designated buildings, elderly and individuals with disability designated buildings and size (number of bedrooms required) of unit.)

c. When an applicant reaches the top for the Tenant-based 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 30 days of the notice.

2) Making Housing Offers to Eligible Applicants for Moderate Rehabilitation and Project Based Voucher Programs

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

a. Eligible applicants will receive a housing offer letter for the next available unit. If the applicant fails to respond or select an available unit, he/she will not be eligible to receive another letter.

b. 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.

c. Subject to the process described above, any applicant who refuses an offer shall be removed from the Tenant-based waiting list except if the applicant demonstrates good cause (as defined in Section 31.3 of this Administrative Plan and Attachment A - Definitions) for rejecting the offer.

d. If the applicant accepts participation in a project based assisted housing program (i.e. Section 8 Moderate Rehabilitation or Project Based Voucher) under the tenant-based ranking number, the applicant will not be considered for any other project-based program under the tenant-based ranking.

E. Changes to Family Composition

Changes to the family composition shall be considered and documented at the time the changes below occur.

1) Addition to Family Composition

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

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

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

2) Addition of a Live-in Aide

a. PHCD will consider approval of a written request for a live-in aide (see definition in Attachment A) as a reasonable accommodation, upon written verification that the elderly, near elderly or disabled person requires the services of a live-in aide. For the Live-in Aide Request and Verification forms, refer to Attachment C, Reasonable Accommodation Policies and Procedures.

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

c. The live-in aide may live in the unit solely to care for the disabled family member and qualifies for occupancy as long as the individual requires the supportive services. PHCD shall deny occupancy of the unit to the live-in aide after the disabled resident, for whatever reason, no longer resides in the unit.

d. A relative may be considered as a live-in aide, but must meet all the above criteria and be qualified to provide the care for the family member. The head of household and the live-in aide shall acknowledge that the live-in aide does not have any right to the voucher. The live-in aide does not qualify for continued occupancy as a remaining family member, and shall be required to sign a Live-In Aide Agreement which shall become an addendum to the resident's lease (for the Live-In Agreement form, refer to Attachment C, Reasonable Accommodation Policies and Procedures).

e. Under extraordinary circumstances, upon approval of the PHCD, 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.

f. An eligible live-in aide may be granted up to one (1) additional bedroom if approved as a reasonable accommodation. The live-in aide may have PHA-approved family member(s) live with him/her in the unit, as long as Housing Quality Standards (HQS) are not violated and there are no more than two people per bedroom or living/sleeping space (PIH Notice 2010-51). If additional family members result in violation of HQS, or do not meet the eligibility requirements set forth below, this specific live-in aide may not be approved. No additional bedrooms will be provided to accommodate the live-in aide's family members.

g. The live-in aide (and family, if any) must provide the following documents as part of the admission criteria described in this chapter:
   - Proof of identity
   - Verification of birth date
   - Social security number,
   - Other documents as may be required by USHUD

h. The live-in aide (and family, if any) will be asked to sign forms which include but is not limited to the following:
   - Live-in Aide Agreement
   - Authorization to Check Information
   - Authorization to Obtain Criminal Background
   - Authorization for the Release of Information/ Privacy Act Notice (Form HUD-9886)
   - Debts Owed to Public Housing Agencies and Terminations (Form HUD-5267)
   - What You Should Know About EIV (Form by HUD)

i. PHCD will verify information of the live-in aide (and any family members) through EIV for debt owed to another housing authority or program, or whether a prior termination has been cleared.

j. The live-in aide individual (and any family members) may be denied for the following reasons:
   - Commits/committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
   - Unauthorized household members.
   - The screening process shows a pattern of arrests within the last 10 years of engaging in drug or violent criminal activities excluding murder, arson, aggravated felony battery and sex-related crimes not subject to lifetime registration under a state sex offender registration program.

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

- A sex offender according to State Laws. PHCD will perform nationwide background checks. The nationwide background check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).

- Owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

3) Removals from the Family Composition:

Applicants (see Section 5.2 regarding removal of Residents and Unauthorized Persons):

a. Any adult family member, including the head of household, requesting to be removed from the family composition must provide a notarized statement agreeing to the removal, signed by the adult family member and the head of household.

b. The notarized statement must be accompanied by two (2) pieces of supporting documentation from different sources showing that the family member is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, a copy of the dwelling lease agreement, utility bills, or official mail (from a Federal, State, County or City government agency) properly dated (no more than two (2) months old), showing the new address. PHCD may request additional documentation to verify the permanent relocation of the family member requesting removal.

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

d. For removal of minors, the head of household must provide a signed notarized statement accompanied by supporting documentation showing that the minor is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, school records, custody records, etc. properly dated (no more than two (2) months old), showing the new address.

4) Removal of Applicants from the Waiting List

a. If an applicant does not respond to notices of scheduled appointments or to Agency correspondence, even if no correspondence was received by the applicant, the applicant will be removed from the waiting list. If removed from the waiting list, applicants will have a right to request an informal review in accordance with Section 29.2, Applicant Reviews.

b. Failure to keep PHCD apprised of any changes in circumstances, including changes to telephone number, address, income, or etc.

c. If applicant is issued a voucher, the applicant will only remain on the Project-based waiting list.

d. The applicant requests to be removed from the project-based or tenant-based waiting list.

2.3 Opening and Closing of the Waiting List

A. Timing

1) PHCD may elect to dissolve the waiting list as needed. Once the waiting list is dissolved, applicants regardless of their ranking on the old waiting list, if applicable, must submit new applications during the open registration period in order to be added to the new waiting list. Notwithstanding the dissolution of the waiting list, applicants who are being processed prior to dissolution of the waiting list will continue to be processed by PHCD.

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

3) PHCD may elect to open the waiting list if there are insufficient applicants for a particular bedroom size, type (e.g., general occupancy, elderly designated buildings, accessible or non-accessible, Assisted Living Facilities (ALF)), or for one or more of the local preferences.

4) 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 and providing advance notice.

B. Open Registration at Designated Locations

1) People interested in applying for the programs offered by PHCD may do so during open registration periods described herein.

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

C. Submission of Applications

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

2) PHCD's application for admission may request and include, but may not be limited to, the following information for each application: family composition and income, social security numbers, applicant's race and ethnicity; dates of birth; disability, immigration status of each family member, and local preference.

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

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

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

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

2.4 Processing Applications for Admission

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

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

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

1) If the head of household deceases prior to or during the application process, one of the remaining adult family members on the application will automatically become the head of household, provided such person meets all eligibility requirements. In circumstances where there is more than one (1) surviving adult family member, the family shall determine which surviving family member should be head of household as long as they are part of the original application. PHCD shall not make the determination nor create more than one (1) application.

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

3) Only one (1) application is allowed per family. PHCD will consider the following circumstances in determining which family member shall assume the application:

a. The desires of the family;

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

c. Any instance of actual or threatened physical violence against a family member by another family member;

d. Which family members were part of the original application for assistance; or

e. If a court determines property disposition between the family members, PHCD will abide the court's determination.

2.5 Administering the Applicant Waiting List

Applications for admission will be processed centrally. Initial intake, screening, and voucher issuance will be made by the PHCD.

2.6 Qualifying for Admission

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

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

1. Is a family, as defined in the Attachment A of this Administrative Plan;

2. Meets USHUD requirements on citizenship or immigration status as described in item c below;

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

4. Provides documentation of Social Security numbers for all family members, except for those individuals who do not contend that they have eligible immigration status. Provides documentation validating identity of each adult or emancipated minor; and

C. Citizenship or Eligible Immigration Status

In order to determine family's eligibility for full assistance or prorated assistance, PHCD is required to verify the citizenship and/or immigration status of each individual family member, unless they do not contend that they have eligible immigration status. Details of the requirements are described below:

1. There are four (4) categories of citizenship/immigration status:

   a. Eligible citizen
   b. Eligible noncitizen
   c. Ineligible noncitizen
   d. Pending verification

2. The Declaration of Citizenship or Eligible Immigration Status form must be signed by all family members (or by parent or guardian if family member is a minor) and Notice of Section 214 Requirements form must be signed by all applicants. Documents to verify citizenship or immigration status may be required as indicated below.

3. A citizen/national may submit one of the following documents:

   - U.S. Passport
   - U.S. Birth Certificate
   - Puerto Rican Birth Certificate (will only be accepted if issued after July 1, 2010)
   - Certificate of Citizenship
   - Naturalization Certificate
   - Voter's Registration
   - Other documents as may be required by USHUD

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

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

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

   c. Refugees: Refugee Approval Notice or Employment Authorization Document (EAD).

d. For non-citizens 62 years of age and older receiving assistance under a covered program on September 30, 1996 or applying for assistance after that date, a signed declaration of eligible immigration status and proof of age is required.

5. Documents must be current and unexpired.

6. Declaration of Ineligible Immigration Status: An individual may contend not to have eligible immigration status. The family must identify in writing which family member does not contend to have eligible immigration status.

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

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

   - As long as one (1) family member is either a citizen or eligible noncitizen, the family may qualify as a "mixed family" and the housing assistance must be prorated based on the family members who are either citizens or eligible immigrants, which means they will pay a higher rent than they would if all family members were either citizens or eligible (24 CFR § 5.508).

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

   - A single member household without eligible citizenship or immigration status is not eligible for assistance and may not be admitted into the assisted housing program.

8. Documentation proving citizenship or eligible immigration status must be provided to PHCD within ten (10) business days. PHCD may extend the submission period, which shall not exceed 30 days. The family members coded as ineligible noncitizens are required to submit evidence of changes in eligible immigration status while being continuously assisted under the program. PHCD shall verify with the United States Department of Homeland Security (DHS) through primary, and if necessary, secondary verifications of the immigration status for each family member as follows:

   1. Primary Verification: The DHS System Alien Verification of Entitlements (SAVE) system provides automated immigration status. This must be done as part of the applicant eligibility process or additions to households.

   2. Secondary Verification: If primary verification is unsuccessful and the family member has disclosed eligible immigration status and presents valid immigration documents, a secondary verification must be immediately done. This consists of mailing a DHS form with copies of the immigration documents.

9. Pending Verification of immigration status: When the primary or secondary verification of immigration status that was timely submitted has not been received. Also, when an appeal by the individual with DHS is pending.

10. Once the applicant or participant has provided the immigration documents, PHCD may not deny, delay or terminate assistance solely on the basis that the primary or secondary verification of the immigration status has not been completed.

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

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

    b. That the family has the right to request an informal review/hearing with PHCD upon completion of the DHS appeal. Such hearing shall be in accordance with hearing procedures in Chapter 29 of this Administrative Plan;

    c. That housing assistance may not be denied or terminated until the conclusion of the DHS or PHCD appeal process; and

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

D. Mandatory Social Security Numbers

Effective January 31, 2010, all members of the household, except those that do not contend eligible immigration status, must provide appropriate documentation of his or her Social Security Number (SSN) before the household member is admitted into the program.

1. Disclosure requirement for applicants

   At the time applicant's eligibility is determined, each applicant must submit: a) the complete and accurate SSN assigned of the applicant and each member of the applicant's household, including the live-in aide and children under the age of six (6), unless the member of the household does not contend that they have eligible immigration status, and b) required documentation to verify each SSN as referred in item (3) below.

2. Disclosure requirement for program participants

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

      1) Not previously disclosed a SSN to PHCD; or
      2) Previously disclosed a SSN that USHUD or Social Security Administration (SSA) determined was invalid; or
      3) Been issued a new SSN.

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

3. Verification of SSNs

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

   a. A valid SSN issued by SSA, or

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

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

4. Time frame to submit documents to confirm the SSN

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

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

   c. PHCD may grant additional time up to 90 days, only if there are unforeseen circumstances beyond the family's control that prevent the family from complying with the SSN requirements.

5. Penalties for failing to disclose and verify SSN

   a. Applicants: PHCD must deny the eligibility of an applicant if the applicant does not meet the applicable SSN disclosure, documentation and verification requirements by the time eligibility is determined or within the period of time established by PHCD to provide documentation in item (4).

   b. Program participants: PHCD must terminate the assistance or the tenancy, or both, of a participant if the participant does not meet the applicable SSN disclosure, documentation and verification requirements.

E. Verification of Identity

1. Ineligible Immigration Status

   Adult or emancipated minor applicants that do not contend eligible immigration status will be required to confirm their identity providing any of the following documents:

   - Foreign passport
   - Foreign driver's license
   - Foreign birth Certificate
   - Identification card issued in US
   - Foreign military identification card
   - Other documents as may be required by USHUD

2. Citizens or Eligible Immigration Status

Required documentation validating identity of each adult or emancipated minor having citizenship or eligible immigration status:

- State issued driver's license (current and unexpired), or
- State issued identification card (issued within the last ten years)
- U.S. passport (current and unexpired)
- US issued immigration verification documents that contain a picture of individual (issued within the last ten (10) years)
- Military identification card
- Other documents as may be required by USHUD

F. Legal Capacity

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

2.7 Denial of Assistance

A. Eviction or Termination from Federally Assisted Housing

PHCD shall deny assistance if any household member has been evicted from subsidized housing or experienced involuntary termination from residential assistance programs (taking into account date and circumstances) for a period of five (5) years from the end of participation.

B. Monies Owed

Assistance may be denied for a period of ten (10) years for failing financial obligations in subsidized housing (e.g. monies owed, paying rent and utilities) or in the following circumstances unless the family can provide proof of debt cancellation or reversal of the adverse termination within up to 45 calendar days of notice. If the applicant had difficulty meeting financial obligations, PHCD may consider mitigating circumstances.

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

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 agency to pay amounts owed to the housing agency, or amounts paid to an owner by the housing agency.

C. Abusive Behavior

If the applicant or any member of the applicant family has engaged in physical or verbal abuse, or threatened abusive or violent behavior, including but not limited to the use, attempted use, or threatened use of physical force, toward PHCD personnel or any other Miami-Dade County personnel or official within five (5) years of eligibility determination. Applicants being denied housing for abusive behavior must be reviewed and approved by the Director of the Contract Administration Division.

D. Criminal Activity

1. PHCD may deny admission when the screening process shows a pattern of arrests for engaging in criminal activity within the last ten (10) years, poor past performance in meeting financial obligations, especially rent (for subsidized housing), and history of inability to comply with the terms of previous leases, as verified by previous landlords or other entities. However, PHCD may consider mitigating circumstances.

2. An arrest where the criminal charges are dropped, nolle prossed, dismissed no action, or other resolution that does not involve an admission of guilt, or where the applicant is found not guilty or acquitted may not result in denied assistance, except for cases specified below.

3. PHCD may propose to deny assistance in the following instances whether the person had been arrested or convicted.

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

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

      ii. Violent criminal activities shall include any criminal activity that has as one (1) of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage.

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

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

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

   b. Permanently:

      i. Methamphetamine manufacturers on premises of federally assisted housing.

      ii. Sex offenders subject to a lifetime registration under a state sex offender registration program. In searching for sex offenders, PHCD will perform background checks nationwide. The nationwide sex offender registration check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).

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

E. Notification of Proposed Rejection

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

F. Other Non-criminal Activities:

Assistance will be denied for a period of five (5) years for inability to comply with the lease terms (e.g., record of disturbance of neighbors, destruction of property, living and housekeeping habits) that may adversely affect the health, safety or welfare of other tenants or cause damage to the unit or property.

G. Veterans Assisted Supportive Housing (VASH) Program

Applicants for the VASH program are only screened for income and sex offenders subject to a lifetime registration under nationwide sex offender registration programs. Additions to households must meet regular eligibility criteria prior to being added as household members.

2.8 Applicants and Tenants Claiming Mitigating Circumstances

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

B. Mitigating circumstances are facts relating 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 or continued assistance. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

C. If the applicant or tenant asserts that mitigating circumstances relate to a disability, medical condition or treatment, the PHCD shall evaluate the evidence and verify the mitigating circumstance. The PHCD 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 PHCD's Reasonable Accommodation Policies and Procedures document under Attachment C of this Plan), which will be used by the PHCD as the source document to process reasonable accommodation requests for persons with disabilities.

In its decision to deny assistance, the PHCD may consider the seriousness of the case, and the effect of denial of assistance on other family members who were not involved in the action or failure to act. The PHCD, 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 PHCD or hearing officer.

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

E. The factors below will be taken into consideration, as well as any pattern of arrests for engaging in criminal activity within the last ten (10) years. These factors are not the only allowable mitigating circumstances. The PHCD will consider other mitigating circumstances as appropriate. Providing documentation of mitigating circumstances as described below is the responsibility of the family. It is incumbent upon the family to provide documentation, evidence and any and all other third party proof at any time, including but not limited, to the investigation interviews, appointments with the PHCD 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

   The applicant or tenant may request removal of the offending family member permanently from the family composition and the family member may not remain on the application nor reside in the Housing Choice Voucher unit in order for the family to be assisted in the program. If the offending family member(s) is not removed, then the entire family shall be recommended for denial of assistance from the Program. In circumstances where the offending family member is the head of household, the entire family shall be recommended for denial of assistance from the Program. See Section 5.2 for additional details on removal of family members.

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.

3. Prior Criminal History

   In cases of multiple prior charges of one or more family members where the disposition of the cases was dropped, nolle prosse, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the PHCD or its authorized contractor may take both the family and individual family member's history and/or outcome into consideration at arriving at a final determination whether to deny assistance. See Section 2.7(4) – Criminal Activity.

4. Violation of Peaceful Enjoyment

   The PHCD may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action. Upon determination by the hearing officer or the PHCD may require a family to exclude a household member in order to receive housing assistance, where that household member has participated in or been culpable for the action or failure to act that warrants denial of assistance.

5. Substance Abuse Rehabilitation

   Upon determination by the hearing officer, or the PHCD, whether to recommend denial of assistance for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household

member who is no longer engaging in such abuse, may consider whether such household member was remanded by the court and is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, the PHCD shall require the applicant or 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

Other documents may be submitted in lieu of HUD form 50066, or in addition to the certification form. The PHCD or its authorized contractor will allow the perpetrator of the domestic violence, dating violence, or stalking to be removed from the household at the request of the family member who is the victim. See Section 2.14 – Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking and the Attachment of Definitions to this Plan for additional details.

F. Examples of mitigating circumstances may include:

1. Evidence of successful rehabilitation. The household member who engaged in drug-related criminal activity or alcohol abuse has successfully completed a supervised drug or alcohol rehabilitation program verified by PHCD;

2. Circumstances leading to the eviction or criminal activity no longer exist (for example, the criminal household member has died or is imprisoned);

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

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

G. Consideration of mitigating circumstances does not guarantee that the family will qualify for admission or continued assistance. The PHCD will consider such circumstances in light of:

1. The ability to provide documentation/evidence to verify the mitigating circumstances and prospects for improved future behavior;

2. The 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 or resident's record.

2.9 Qualified and Unqualified Applicants

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

A. Eligibility of the applicant as a family,

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

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

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

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

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

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

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

In the event that an applicant's hearing does not occur prior to the dissolution of the existing waiting lists, no hearing will be afforded to the applicant because the relief upon which they have appealed (i.e., to be reinstated) cannot be legally provided by the PHCD.

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. PHCD will review such claims in accordance with PHCD's Reasonable Accommodation Policies and Procedure (Attachment C of this plan).

2.10 The Applicant Selection System

The factors that may affect applicant selection are described below:

A. Tenant Based Programs

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

B. Income Targeting

The PHCD will comply with USHUD income targeting requirements indicated below or as may be amended by USHUD. At least 75% of families initially provided tenant-based assistance in any fiscal year shall be families whose incomes do not exceed 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 Section 2.6(B) of this Chapter);

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; and

3. Moderate Rehabilitation Program

C. Disaster-Affected Families

Families who are Public Housing residents or Housing Choice Voucher holders from another jurisdiction and who are displaced by federally declared disasters will be housed over other waiting list placeholders, subject to USHUD's approval. The PHCD may use existing available Public Housing units to assist either displaced Public Housing or voucher participants affected by the disaster. If the family arrives without any documentation, the PHCD 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.

D. Special Purpose Vouchers (Refer to Chapter 3)
   1. Veterans referred through the Veterans Assisted Supportive Housing (VASH).
   2. Non-Elderly Disabled (NED) persons on the waiting list when designated NED or Mainstream Voucher becomes available,

2.11 Interviews and Verification Process

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

B. The following items will be verified to determine qualification for admission to PHCD

- Identify of each adult or emancipated minor household member
- Family composition and type (elderly/disabled/near elderly /non-elderly);
- Annual income;
- Assets and asset income;
- Deductions from income;
- Local preferences;
- Social security numbers of all family members;
- Applicant screening information; and
- Citizenship or eligible immigration status.
- Current landlord references
- Criminal background, including any arrest due to drugs, and if registered as a sex offender
- Debts owed to a public housing authority and termination of assisted housing through USHUD's Enterprise Income Verification (EIV) system
- Housing assistance (avoiding double subsidy) by a public housing agency through USHUD's Enterprise Income Verification (EIV) system
- Public Records (eviction history).

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

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

1. Double Subsidy: If during the eligibility process, EIV shows that a family or any household member is receiving subsidy from another housing authority (i.e. shown as residing in another housing authority or program), the family or household member must show documentation of intent to vacate from the other housing authority or program before approval for admission. PHCD may provide up to 30 days for the family or household member to show proof of intent to vacate from the other housing or program. Assistance will

be denied if the applicant or participant does not provide proof that they moved from another housing authority or program before the expiration of the 30 days. A 30-day extension to show intent to vacate or termination of tenancy documentation may be provided in extenuating circumstances and upon good cause.

2. Debt owed: If the EIV information shows that a family or household member was a former PHCD tenant, moved from another housing authority or program leaving a debt, or was terminated for adverse reason(s), the family will be responsible for clearing the debt or termination information within up to 45 calendar days. Assistance will be denied if the family cannot or does not provide proof of debt cancellation or reversal of the termination prior to the expiration of the 45 calendar days.

3. PHCD may verify in EIV whether the applicant is receiving or has the potential of receiving double subsidy, has a debt owed to another housing authority or program, or whether a prior termination has been cleared. The family has the right to dispute information obtained from EIV.

D. Applicants reporting zero (0) income will be asked to complete the *Monthly Family Expense* and *Income Contribution* forms to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses. The *Income Contribution* form is a certification signed by the person who provides the income contribution and must be notarized.

E. Applicant Interview Process:

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

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

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

3. Applicants failing to submit the required documents at the time of the interview will be given a checklist with the missing documents and a final opportunity to provide the documents. Applicant will be notified by mail of a second and final appointment date. Applicants failing to provide requested documents at their next appointment may be subject to denial of assistance.

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

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

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

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

F. Personal Declaration Form

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

- 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
- Medical expenses
- Criminal background

G. Third Party Verifications

1. PHCD has implemented the following temporary provisions pursuant to the PIH Notice 2013-03:
   - Streamlined re-examination for elderly families and disabled families on fixed income (applies only to participants of Public Housing, Housing Choice Voucher, and Section 8 Moderate Rehabilitation). It does not require the participant to provide third party verification (e.g. paystubs, payroll, unemployment benefits) and allows PHAs to use the most recent 12 months income information in EIV. Nevertheless, income sources not available in EIV should be verified by third party sources.
   - Self-certification of assets for less than $5,000 (applies to both applicant and participant). It does require third party verification (e.g. bank statements) for net assets of more than $5,000 value and the income derived from those assets. PHAs are allowed to obtain the family's self-certification of the assets value and anticipated income.

2. PHCD will comply with the most recent USHUD guidance on verification requirements. PHCD will utilize the verification guidelines under PIH Notice 2010-19 (issued May 17, 2010), Verification Guidance, and PIH 2010-03 (issued January 21, 2010), Verification of Social Security and Supplemental Security Income benefits, as applicable, and any subsequent guidelines and regulations issued by USHUD.

3. PHCD will follow the verification hierarchy described in PIH Notice 2010-19:

   - **Level 6:** Upfront Income Verification (UIV) using USHUD's EIV System. Highest (Mandatory other than applicants) Ranking is Upfront Income Verification using USHUD's Enterprise Income Verification (EIV) system;
   - **Level 5:** Upfront (Optional) Income Verification (UIV) using non-HUD system such as the Work Number;

- **Level 4:** Written Third-Party (High) (Mandatory to supplement EIV reported income and when EIV has no data available. Mandatory if applicant/participant disputes EIV reported income and is unable to provide acceptable documentation). This includes documents issued by a third party and may be hand delivered by the applicant or participant;
- **Level 3:** Written Third-Party Form: (Medium–Low) Mandatory if written third party verification documents are not available or rejected by PHCD; and when the applicant or participant is unable to provide acceptable documentation;
- **Level 2:** Oral Third Party Verification: (Low) Mandatory if written third party verification is not available;
- **Level 1:** (Low) Use as a last resort when unable to obtain any type of third party verification.

4. If Level 4 Written Verification is not available or acceptable, then Level 3 Written Verification will be requested. At least two (2) documented attempts must be made for written third party verification before obtaining oral (telephone or in person) third party verifications. The file must document the attempts made to obtain third party verification.

5. Level 2 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 PHCD's computer system notes and shall indicate the name(s) of the person(s) who provided the information and date of the communication, as well as the name of the staff person who obtained the information.

6. If oral third party verification cannot be obtained. PHCD must document in the file the reason(s) the third party verification was not available.

7. Level 1 tenant certifications will only be used as a last resort when all other verifications are not possible. When PHCD relies on applicant/tenant certification (notarized statement or affidavit), the file must be documented as to the reason the third party verification was not available.

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

8. Value of Assets: Each asset must be analyzed to obtain its net value (market/face value less redemption cost). When verifying the value of assets, for example, a bank account, use the current balance for savings account. For checking accounts, use at least one current bank statement indicating the average balance or two consecutive bank statements in order to calculate the average balance. PHCD will accept unaltered documents (bank statement) to verify assets from checking and savings accounts in lieu of obtaining written or verbal third party verifications, if the balance does not exceed $4,999 and PHCD is able to verify the asset through review of unaltered documents (bank statement) provided by the applicant or resident.

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

    a. The actual amount of income from assets, or

    b. The imputed income from assets based on the Savings National Rate in effect at the time, (PIH Notice 2012-29). The USHUD form 50058 automatically calculates the passbook rate percentage value of the assets, compares it to the actual income, and picks the greater amount.

10. If third party income verification is not otherwise available, a copy of the most recent federal income tax return shall be submitted, including any W-2 information, or at least two (2) 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.

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

12. Prior to initial certification, applicants shall be informed that PHCD will subsequently verify the family's income information they have provided PHCD 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.

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

14. Uncollected child support will not be counted as income so long as the family provides documents proving the debt uncollectible for at least three (3) months.

15. Income from seasonal employment (i.e. school board employees, teachers, etc.) may be calculated using one of the following methods:

    - Annualize income by projecting the current monthly income for 12 months even if the current income is not expected to last the entire 12 months. Under this method, the family has the right to come in for an interim re-examination once the income decreases.

    - Calculate average income based on anticipated changes for the upcoming year using verified historical evidence of past income fluctuations. This second method would not require an interim re-examination at the time income decreases since such decreases would already be averaged into the anticipated annual amount.

2.12 Screening Applicants for Admission

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

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

1. To pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
2. To care for and avoid damaging the unit and common areas;
3. To use facilities and equipment in a reasonable way;
4. To create no health, or safety hazards, and to report maintenance needs;
5. Not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;
6. Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
7. To comply with necessary and reasonable rules and program requirements of USHUD and PHCD.

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

- The criminal background and sex offender registration check will be performed nationwide. The nationwide sex offender registration check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).

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

2.13 Applicant Responsibilities

1. Social Security Numbers

Applicants are required to provide Social Security numbers as per Section 2.6(D).

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 that has been verified by the issuing agency:

1. Driver's license Federal, State or Local Agency I.D.
2. Employer or Trade Union I.D. Medical Insurance Company I.D.

3. Earnings statement of payroll stub bank statements

4. IRS Form 1099 Governmental benefit award letters

5. Retirement benefit letter, life insurance policies

6. Court records verification of Social Security benefits

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

2. Documentation of Citizenship or Eligible Immigration Status

Applicants must provide evidence of citizenship or eligible immigration status as per Section 2.6(C).

3. Annual Updates and Address Changes

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

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

A. Overview

Under the Violence Against Women Act (VAWA) and Miami-Dade County Resolution No. R-644-12, PHCD is required to implement internal policies to include provisions for protection of victims of domestic violence, dating violence, sexual assault, sexual battery and stalking (hereinafter known as "domestic violence"). For definitions of terms under Attachment A.

PHCD has and will continue to notify its applicants and residents about the protections afforded by VAWA. The notice provided by PHCD shall advise applicants and residents of their rights under VAWA and 24 CFR part 5, Subpart L including the right to confidentiality and the exceptions. The lease, lease addendum, or tenancy addendum, as applicable, shall include a description of specific protections afforded to the victims of domestic violence, dating violence, or stalking. PHCD will also provide notice to owners and management agents of assisted housing, of their rights and obligations under VAWA and the regulations.

PHCD has and will provide applicants and residents with HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* form to be used by alleged victims of domestic violence.

B. Admission and Continued Occupancy Criteria

1. An applicant cannot be denied admission or assistance solely because the person has been a victim of domestic violence, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

2. Residents or tenants who are victims of domestic violence must be handled as an exception to the federal One Strike Rule under documented incident of actual or threatened domestic violence.

3. If the tenant or affiliated individual is a victim of criminal activity directly related to domestic violence engaged in by a household member or guest or other person under the tenant's control, such criminal activity shall not be cause for eviction or termination.

4. Being a victim of domestic violence does not qualify as a serious or repeated violation of the lease for terminating assistance, tenancy, or the occupancy rights of the victim.

5. PHCD may allow for the perpetrator of domestic violence to be removed from the lease, while the remaining family members stay in the assisted unit, upon approval of the division director.

6. Victims of domestic violence will be considered for emergency transfers. See Section 31.5 – Transfer Policy for additional information and requirements.

7. Subject to funding availability, the issuance of a Section 8 voucher may be offered to the victimized family member(s).

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

When confronted with cases of domestic violence, PHCD must provide the alleged victim with HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* and request that it be returned within 14 business days or any extension provided by PHCD. The name of the perpetrator should be included in the HUD form 50066 only if it is safe to provide and if it is known to the victim. Additional documentation to accompany the victim's statement or in lieu of the victim's statement may include but is not limited to:

1. 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;

2. Restraining or civil protection orders;

3. Medical records or statement from medical professional;

4. Documentation from mental health professional;

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

6. Court records;

7. Statements signed by 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;

8. A record of an administrative agency or victim service provider;

9. Statement signed by counselors, if victim attended counseling;

10. Statement signed by attorney from whom the victim sought assistance in addressing domestic violence;

11. Reports, statements from police, judges and other court officials, clergy, social workers, social service agencies, or other victim service providers;

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

Statements signed by above-mentioned professionals must attest to the professional's belief that the incident(s) are bona fide incident(s) of abuse and must also be signed by the victim.

D. Considerations for Victims of Domestic Violence

PHCD must consider:

1. The nature and severity of each case while exercising discretion on whether or not family members or their guests pose an actual **and** imminent threat to the health, safety, or right to peaceful enjoyment of the premises by others. Any eviction or termination of assistance taken on this basis should only be used when there are no other actions that can be taken to reduce or eliminate the threat, including but not limited to:
   - Transferring the victim
   - Barring the perpetrator from the property
   - Contacting law enforcement
2. The effects of denial or termination of assistance on other family members who were not involved in the offense.
3. The conditions barring the culpable household member from residing in or visiting the unit.
4. 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.
5. The range of evidence as proof of domestic violence, which may include, but is not limited to victim's statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident, utilizing form HUD-50066.

E. Protection of Victims of Domestic Violence

1. PHCD shall refer victims of domestic violence to the State of Florida Office of the Attorney General, State Attorney's Office or the Department of Law Enforcement to apply for participation in the Address Confidentiality Program for Victims of Domestic Violence. Once the victim has applied, the address, telephone number and social security number are exempt from public review, except when the information is required by a law enforcement agency.
2. PHCD may collaborate with appropriate counseling and law enforcement entities to assist victims of domestic violence, including but not limited to the following services and programs for domestic violence victims:

   a. Certified Domestic Violence Centers:
      - Safespace Shelter: 305-758-2804
      - The Lodge: 305-693-1170

   b. Domestic Violence One Stop Center:
      - Coordinated Victims Assistance Center (CVAC): 305-285-5900

3. In determining if termination, removal or in some cases eviction is appropriate, PHCD must consider the safety and well-being of victims, as well as the health, safety and peaceful enjoyment of other residents who may be affected by incidents or domestic violence. Per VAWA 2013, if the evicted individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency, owner, or manager of housing assisted

under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing, owner, or manager of housing assisted under the covered housing program shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

4. PHCD must develop linkages and referrals to appropriate counseling and law enforcement entities.
5. The information under the *Certification of Domestic Violence* will remain confidential and will be used by PHCD only to provide the victims with the exceptions and protections under VAWA.
6. PHCD must ensure that private information of victims of domestic violence is protected in accordance with Records Management provisions.

F. Nondiscrimination

Pursuant to VAWA, no applicant or participant shall, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under VAWA. Additionally, PHCD does not discriminate against applicants or participants based on ethnic origin, familial status, marital status, ancestry, age, pregnancy, or source of income.

Chapter 3. Non-Waiting List Issuance and Special Programs

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

3.1 Displacement Due to Governmental Action

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

3.2 Relocation

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

3.3 Settlement of Lawsuits

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

3.4 Preservation Housing

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

3.5 Veterans Assisted Supportive Housing (VASH)

To be eligible for the Veterans' Assisted Supportive Housing program (VASH), applicants must be referred by the Veterans Affairs Medical Center (VAMC) and fulfill all the following criteria:

A. Be an income-eligible United States Veteran

B. Be homeless as determined by the VAMC, and

C. Must not be subject to a lifetime registration requirement under a state sex offender registration program (including family members). The nationwide sex offender registration check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).

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

Additions to households must meet regular eligibility criteria prior to being added as household members.

3.6 Family Unification Program (FUP)

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

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

B. 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.

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

The PHCD shall initially advertise the opening of the waiting list for the sole purpose of accepting FUP eligible families only. The advertisement will not be repeated when additional funding is received.

Pursuant to the National Affordable Housing Act, children in temporary foster care shall be counted as part of a family unit for the purposes of determining a family's eligibility for housing assistance. The temporary placement period for children shall be defined as at least six (6) months; however, this time frame shall be determined and changed at the PHCD's discretion based on local needs and conditions.

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

3.7 Non-Elderly Disabled (NED) Vouchers

PHCD will comply with USHUD's requirement in PIH Notice 2013-19, to make assistance available for non-elderly disabled applicants when a designated NED or Mainstream voucher becomes available due to turnover. Eligible non-elderly disabled applicants will be selected in chronological order from the Tenant-based waiting list. PHCD must maintain a NED voucher leasing rate of 95 to 100 percent of the NED and Mainstream allocation. A NED eligible family will not be skipped over if the PHCD has reached it required NED or Mainstream allocation.

PHCD will affirmatively market to a diverse population of NED-eligible families to attract protected classes least likely to apply.

3.8 Other Specialized Allocations

Other tenant-based voucher allocations that are for special programs in addition to FUP, Veterans Affairs Supportive Housing (VASH), Mainstream Vouchers for Non-Elderly Persons with Disabilities (NED) and Project-Based Voucher Program shall be administered in accordance to criteria stipulated in the Notification for Funding Availability (NOFA) and voucher application.

3.9 Change of Program Issuance

The PHCD may, at its sole discretion, for humanitarian reasons, including reasonable accommodation for a family member with disabilities, issue a voucher to a family participating in another program (such as the Moderate Rehabilitation program). The PHCD 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 PHCD Director or deputy director (or designee).

Chapter 4. Issuing Housing Vouchers

4.1 Issuing and Briefing

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

A. How the program works;

B. Family and Owner responsibilities;

C. Where the family may lease a unit, including outside the Agency's jurisdiction;

D. Portability procedures, if applicable; and

E. Advantages of moving to a neighborhood that does not have a high concentration of low-income participants.

F. 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; and

4. The maximum amount the family may pay when moving to a new unit (40% rule of adjusted monthly income, if applicable).

G. 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;

H. Where a family may lease a unit, including portability to another jurisdiction, USHUD-required lease addendum;

I. The *Request for Tenancy Approval* form *(HUD-52517)* and an explanation of how to request the Agency's approval to lease a unit;

J. A statement of the PHCD's policy on providing information about a family to prospective owners;

K. The PHCD subsidy standards, including when exceptions may be granted;

L. USHUD brochure on how to select a unit;

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

N. A list of landlords or others known to the PHCD and the PHCD, who may be willing to lease a unit to the family or assist the family in locating a unit;

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

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

Q. The grounds on which the PHCD may terminate assistance because of family action or failure to act; and

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

S. The PHCD may include other items as determined necessary and will use available forms or USHUD forms.

4.2 Type of Assistance

The PHCD 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 60 days from the date of issuance. Prior to the expiration date, the family may contact the PHCD to request assistance in locating suitable housing. The family must submit a completed Request For Tenancy Approval (RFTA) package within the 60-day period unless an extension (as described below in Section 4.4) has been granted by the PHCD.

4.4 Extensions of Term

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

A. 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 60-day term.

B. The term of a voucher may be extended over 120 days as a reasonable accommodation for applicants or participants having difficulties locating suitable housing to meet their needs. In accordance with PHCD's Reasonable Accommodation Policy and Procedures, if reasonable accommodation is denied (including a voucher extension), the applicant or participant may appeal the denial of the reasonable accommodation by requesting an ADA Grievance.

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

4.5 Suspensions

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

A. If the delay is due to the PHCD administrative reasons and not due to the applicant's delay;

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

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

Chapter 5. Occupancy Policies

5.1 Subsidy Standards

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:

Minimum and Maximum-Number-of-Persons-Per Unit Standard

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

Subsidy standards are applied at the initial certification, annual recertification or during authorization for change of dwelling. For subsidy standards, an adult is a person 18 years or older.

A. Two (2) persons per bedroom will be the standard for the smallest unit a family may consider.

B. A single person family shall be allocated a zero (0) or one (1) bedroom unit, and spousal/domestic partners a one (1) bedroom sized unit.

C. The subsidy standard must be applied consistently for all families of like size and composition.

D. The following principles govern the size of the unit for which a family will qualify. Generally, two (2) people are expected to share one (1) 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. In determining family unit size for a particular family, PHCD may grant an exception to its established subsidy standards if PHCD determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances;

3. The dwelling unit must have at least one (1) bedroom or living/sleeping room for each two (2) persons. Children of opposite sex, over the age of six (6), may not be required to occupy the same bedroom or living/sleeping room;

4. A family that consists solely of a pregnant woman (with no other members) shall be allocated a maximum of one (1) bedroom voucher;

5. PHCD will count a child in the subsidy standard if the parent has primary custody of the child.

6. A one (1) person household member with joint custody of a child/children but does not have primary custody will be granted a one (1) bedroom subsidy;

7. The PHCD 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.

8. 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;

9. A live-in aide may be assigned up to one (1) bedroom if approved as a reasonable accommodation. The live-in aide may have PHA-approved family member(s) live with him/her in the unit, as long as Housing Quality Standards (HQS) are not violated and there are no more than two people per bedroom or living/sleeping space (PIH Notice 2010-51). If additional family members result in violation of HQS, or do not meet eligibility requirements set forth for live-in aides, this specific live-in aide may not be approved. No additional bedrooms will be provided to accommodate the live-in aide's family members;

10. Due to current market conditions, the PHCD will issue a zero or (1) one-bedroom voucher to a single person;

11. As a reasonable accommodation, an applicant or program participant family may be allowed a larger bedroom unit 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 unit. In addition, the applicant or participant will be required to submit evidence of equipment specifications including but not limited to detailed description of equipment to include dimensions, photographs of equipment, etc. See Section 5.5 – Medical Equipment.

E. 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 (4) factors to consider are:

1. The PHCD 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 (2) persons per living/sleeping room are allowed thus the above levels may be exceeded if a room is used as a living/sleeping area as indicated under the HQS column on the above chart.

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 PHCD will utilize guidelines outlined in PIH Notice 2010-3 for changes in family composition. The voucher size issued to a family is determined by comparing the family composition to the PHCD subsidy standard before the briefing with the family. The family may request a change in the voucher size due to the addition to family composition by birth, adoption, or otherwise granted custody to the family by operation of law, which may include foster children. Except for natural births to, or adoptions by, family members, or court awarded custody or other operation of law, any family seeking to add a new member must request approval in writing and receive approval in writing before the new member is added to the family composition as described below. For purposes of this Section, the use of the term "by operation of law" shall include but not be limited to pre-need guardianships and durable powers of attorney.

All other additions to applicant families after an application is submitted shall be considered only on a case-by case basis by the director or designee overseeing the eligibility process for the tenant-based waiting list 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 PHCD, 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 Housing Choice Voucher 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 the PHCD in writing of the requested additional adult family member prior to the adult family member being added to the family composition. Requested additions to the family requiring advance approval in writing also include spouses or a request to add a live-in aide.

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

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

B. Screening of New Family Members

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

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

The PHCD 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 18 years of age live with the designee of the parent or legal custodian, with parent or custodian's written consent. Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc.

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

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 18 who is not an emancipated minor, or an adult, not part of the original household, requests permission to take over as the head of the household.

Applicants or tenants who fail to notify the PHCD 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 PHCD approval will be considered unauthorized occupants and the entire household will be recommended for termination from the Housing Choice Voucher or Moderate Rehabilitation Programs.

C. Removals from the Family Composition

1. Residents (continuous assistance):

   a. Any adult family member, including the head of household, requesting to be removed from the family composition must provide a notarized statement agreeing to the removal, signed by the adult family member and the head of household.

b. The notarized statement must be accompanied by two (2) pieces of supporting documentation from different sources showing that the family member is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, a copy of the dwelling lease agreement, utility bills, or official mail (from a Federal, State, County or City government agency) properly dated (no more than two (2) months old), showing the new address. PHCD may request additional documentation to verify the permanent relocation of the family member requesting removal.

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

d. For removal of minors, the head of household must provide a signed notarized statement accompanied by supporting documentation showing that the minor is no longer residing in the subsidized unit. Supporting documentation to prove another residency may include, but is not limited to, school records, custody records, etc. properly dated (no more than two (2) months old), showing the new address.

2. Unauthorized persons:

1) If PHCD obtains sufficient evidence of unauthorized occupants or unauthorized users of the subsidized unit's address (e.g. in their driver's license, identification card or as mailing address), and the finding is denied by the head of household, the head of household will be required to provide a written statement accompanied by two (2) pieces of supporting documentation from different sources showing the residential address of the unauthorized occupant or user. Supporting documentation to prove another residency may include, but is not limited to, a copy of the dwelling lease agreement, utility bills, or official mail (from a Federal, State, County or City government agency) properly dated (no more than two (2) months old), showing another address. The unauthorized person's driver's license or identification card may not be used as valid proof of residential address.

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

See Section 2.2(5)(B) for Addition of Live-in Aide and also Attachment C, Reasonable Accommodation Policy and Procedure.

A live-in aide is a person 18 years of age or older who resides with one or more elderly (at least 62 years of age), near-elderly (at least 50 years of age but below 62 years of age), or disabled 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.

5.5 Medical Equipment

As a reasonable accommodation, 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. In addition, the applicant or participant will be required to submit evidence of equipment specifications including but not limited to detailed description of equipment to include dimensions, photographs of equipment, etc.

5.6 Family Absences from Unit

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

Absences from the unit for a period of 61 to 120 consecutive days must receive prior written approval from a supervisor or higher authority. Absences for more than 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 60 days without prior written approval. If assistance to a family is terminated for such reason, the family may request a hearing within 30 days of the termination notice. If the family is reinstated as a result of the hearing, the prior lease and contract will not be resumed but a new voucher will be issued and a new lease and contract executed.

The owner or management agent is obligated to reimburse the PHCD 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 PHCD Accounting office and remittance must be made by check or money order and submitted to the PHCD Accounting Office. Absence from a unit may be verified by any of the following methods: Housing Quality Standards inspection, proof of utility payments, service verifications, through owner/management company verifications, through an investigation or other documentation or means.

5.7 Family Break-up

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

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

A. The desires of the family;

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

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

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

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

F. If a court determines property disposition between the family members, the PHCD will adhere to the court's determination as to who shall hold the Housing Choice Voucher assistance; and

G. Whether there is drug-related or violent criminal activity. The PHCD, in its sole discretion, may recommend terminating the entire family.

5.8 Remaining Family Member

A. To be considered the remaining member of the family, the person(s) must meet all eligibility requirements.

B. Remaining family members age 18 years or older will be held responsible for arrearages incurred by the former head, co-head, or spouse. PHCD will not hold remaining family members (other than the head, co-head, or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age 18.

C. Remaining family members under age 18 shall not be held responsible for the rent arrearages incurred by the former head of household.

D. A live-in aide or foster child/adult, by definition, is not a member of the family and will not be qualified for continued occupancy as a remaining family member.

In order for a minor child(ren) to continue to receive assistance as a remaining member(s), one of the following must occur:

- The court has awarded emancipated minor status to the minor;
- PHCD has verified that social services and/or the juvenile court has arranged for another adult to be brought into the assisted unit to care for the child(ren); or
- PHCD may allow for another adult to be a temporary head of household until such time as legal guardianship is granted or a minor, at least 17 years of age, is emancipated or reaches age 18.
- A certification will be conducted and appropriate changes to the voucher size may be made at that time.

Chapter 6. Citizen and Immigration Status

6.1 Submission of Documents and Verification

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

6.2 Provision of Notice

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

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

B. That the family has the right to request an informal hearing with the PHCD upon completion of the INS appeal. Such hearing shall be in accordance with hearing procedures in Chapter 29 of this plan;

C. That Housing Choice Voucher assistance may not be denied or terminated until the conclusion of the INS or the PHCD appeal process; and

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

Chapter 7. Determination and Verification of Annual Income

7.1 Overview

The determination of eligibility and Total Tenant Payment (TTP) for the Housing Choice Voucher Program requires that the applicant's or participant's family adjusted annual income be calculated at the time of admission into the Program and on an annual basis. USHUD regulations specify: the types and amounts of income from all family members that must be included in this calculation; the allowable deductions to be subtracted from the gross annual income to determine the adjusted income and the amount of utilities the tenant is responsible for paying. PHCD reserves the right to implement PIH Notice 2013-03 as needed to relieve administrative burden.

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, co-head, or spouse (even if temporarily absent) or any other family member during the 12 month period following the effective date of admission or annual re-examination.

For a participant family which includes persons with disabilities under the Housing Choice Voucher Program (excluding Moderate Rehabilitation), the PHCD'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:

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

B. 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.

C. 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.

D. 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.

E. 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.

F. 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:

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

2. 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.

3. 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.

4. 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.

G. Periodic and determinable allowances, such as alimony and child support payments (see note), and regular contributions or gifts received from organizations or from persons not residing in the dwelling. (Note: uncollected child support will not be counted so long as the family provides documents demonstrating that the debt is uncollectible or has not been paid or received for more than three (3) months).

H. Income from seasonal employment (i.e. school board employees, teachers, etc.) may be calculated using one of the following methods:

a. Annualize income by projecting the current monthly income for 12 months even if the current income is not expected to last the entire 12 months. Under this method, the family has the right to come in for an interim re-examination once the income decreases.

b. Calculate average income based on anticipated changes for the upcoming year using verified historical evidence of past income fluctuations. This second method would not require an interim re-examination at the time income decreases since such decreases would already be averaged into the anticipated annual amount.

l. 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

In accordance with PIH Notice 2013-04, PHCD is not required to verify fully excluded income and may accept an applicant or participant's self-certification of such income. Annual income does not include the following:

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

B. 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);

C. 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;

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

E. Income of a live-in aide;

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

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

H. The amounts received from the following programs:

1. Amounts received under training programs funded by USHUD;

2. 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);

3. 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;

4. 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;

5. 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;

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

J. 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;

K. Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household, co-head, and spouse. Full Time Student status will be identified by the college or vocational school. Students with approval to attend school for the next semester, either after graduation or in the summer will be considered for this income exemption;

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

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

N. 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;

O. 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;

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

1. The value of the allotment of food stamps
2. Payments to volunteers under the Domestic Volunteer Services Act of 1973
3. Payments received under the Alaska Native Claims Settlement Act
4. Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes
5. Payments made under the Department of Health and Human Services' Low-Income Energy Assistance Program
6. Payments received under the Job Training Partnership Act
7. Income from the disposition of funds of the Grand River Band of Ottawa Indians
8. The first $2,000 per capita received from judgment funds awarded for certain Indian claims
9. Amount of scholarships awarded under Title IV including Work-Study
10. Payments received under the Older Americans Act of 1965
11. Payments from Agent Orange Settlement
12. Payments received under the Maine Indian Claims Act

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

14. Earned income tax credit refund payments

15. 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:

A. $480 for each dependent

B. $400 for any elderly family or disabled family

C. Child care

D. Medical expenses (must exceed 3% of gross annual family income)

E. Disability assistance (must exceed 3% of gross annual family income)

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

A. Accurate determination of income eligibility, allowances, and family rent can occur only if all factors related to income and family circumstances are verified. PHCD will comply with the most recent USHUD guidance on verification requirements. PHCD will utilize the verification guidelines under PIH Notice 2010-19 (issued May 17, 2010), Verification Guidance, and PIH 2010-03 (issued January 21, 2010), Verification of Social Security and Supplemental Security Income benefits, as applicable, and any subsequent guidelines and regulations issued by USHUD.

B. PHCD will follow the verification hierarchy described in PIH Notice 2010-19:

- **Level 6:** Upfront Income Verification (UIV) using USHUD's EIV System. Highest (Mandatory other than applicants) Ranking is Upfront Income Verification using USHUD's Enterprise Income Verification (EIV) system;
- **Level 5:** Upfront (Optional) Income Verification (UIV) using non-HUD system such as the Work Number;
- **Level 4:** Written Third-Party (High) (Mandatory to supplement EIV reported income and when EIV has no data available. Mandatory if applicant/participant disputes EIV reported income and is unable to provide acceptable documentation). This does include documents issued by a third party and may be hand delivered by the applicant or participant;
- **Level 3:** Written Third-Party Form: (Medium –Low) Mandatory if written third party verification documents are not available or rejected by PHCD; and when the applicant or participant is unable to provide acceptable documentation.
- **Level 2:** Oral Third Party Verification: (Low) Mandatory if written third party verification is not available.
- **Level 1:** (Low) Use as a last resort when unable to obtain any type of third party verification.

If Enterprise Income Verification (EIV) as described below is not available, third-party verification, which may be provided by the participant, 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; and/or
- Copies of court orders concerning custody.

USHUD's EIV system is the preferred form of verifying income that is provided by the tenant on the Housing Choice Voucher Applicant/Participant Information Worksheet. If the household's income in EIV matches the tenant-provided income, or if it is not substantially different, then third party verification is not necessary. However, third party verification may continue to be necessary to complement EIV income verification, for example, when the tenant disputes the data. It will not be considered as an automatic substitute for other third party verification; and may supplement other verification documentation, such as unaltered, current tenant provided documents. The PHCD 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 12 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 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 greater than $200 per month ($2,400 per year), unless amended by the PHCD. If EIV income data is not substantially different than current tenant-provided income documentation, the following guidelines for projecting annual income will be used:

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

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

- Request written third party verification from the discrepant income source. For EIV Social Security Administration (SSA) benefit discrepancies, the PHCD shall require the tenant to obtain a current unaltered SSA benefit letter within ten (10) business days of the interview date.
- Review historical income data for patterns of employment, paid benefits, or receipt of other income, when the PHCD cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.
- Analyze all data (EIV data, third party verification and other documents/information provided by the family) and attempt to resolve the income discrepancy.

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

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

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

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

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

Chapter 8. Payment Standard and Housing Assistance Payments

8.1 Payment Standard

Under the Housing Choice Voucher program, a payment standard is used to calculate the monthly housing assistance payment for families of different sizes and compositions. The payment standard is based on the area Fair Market Rent (FMR) published by the USHUD and is established by bedroom size. The payment standard is the maximum monthly subsidy payment the PHCD will make for a family based on the unit size that the PHCD determines as appropriate for the family. PHCD reserves the right to implement PIH Notice 2013-03 as needed to relieve administrative burden.

The payment standard per bedroom size may not be less than 90%, or more than 110% of FMR. The PHCD shall review its payment standard annually after the FMR is published. The review shall include:

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

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

C. 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 30% or more of the families have high rent burdens.

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

8.2. Exception Payment Standard

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

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

8.3 Calculating Housing Assistance Payments

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

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

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

A. The rent to owner decreases;

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

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

8.4 Reasonable Accommodation

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

Applicants with Accessibility or Special Needs:

Applicants whose family includes a disabled person may request a current list of accessible units known to the Agency. The Agency shall not be held responsible for certifying the unit as accessible. Such verification is the responsibility of the family. Verification of the handicap or disability of the

family member may be necessary to determine the need for an accessible unit as well as for any disability assistance expenses that the applicant may be able to make a claim.

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

Chapter 9. Rent Comparability and Reasonableness

9.1 Comparability

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

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

If the rent reasonableness study for an initial move-in or change of dwelling establishes a contract rent that is greater than the payment standard, i.e., (the unit's value is greater than the payment standard) the family may agree to pay the difference in the rent given the family's ability to pay. The PHCD 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 40% of the family's adjusted monthly income if the gross rent is above the payment standard at time of initial move-in or change of dwelling.

Under no circumstances may an owner charge an amount to a tenant that is more than is approved by the PHCD 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, the PHCD will assist the family in negotiating the rent, if the rent reasonableness study shows that the unit is valued less than the amount requested by the owner. As part of the rent reasonableness documentation, the PHCD may require the owner to provide a rent roll of unassisted comparable units in buildings of two or more units that shall consist of, at minimum, the apartment or unit number, bedroom size, contract or full rent charged, and the utilities included in the rent, unless there are comparable, assisted units in the complex or building.

The PHCD may require such documentation at lease-up and every time the owner requests an annual or special adjustment (increase) or if there is a change in the utilities distribution. The PHCD may request the owner to provide information on units in the general area for comparability.

9.3 Documentation and Record Keeping

The PHCD will maintain in a database listing (by zip code or census tract) the reasonable rents approved for units under a Housing Choice Voucher HAP contract for a minimum of three (3) years. Such documentation shall include the bedroom size of unit, address, last rent charged and date of last rent adjustment.

Copies of approved rental survey forms shall be maintained for three (3) years by the PHCD and indexed to ensure easy reference. A copy of the approved survey shall also be maintained in the tenant file. The PHCD shall also retain and maintain completed and approved rent increase requests and RFTAs.

Chapter 10. Housing Quality Standards and Inspections

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

Emergency HQS Violations
The following items are considered emergency fails:

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

10.1 Initial Inspections

No unit will be placed under an initial contract until the unit is inspected and any and all violations are corrected and the unit is approved by the PHCD.

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

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

10.2 Annual Inspections

Each unit under contract will be inspected at least annually or any other time and as often as deemed necessary by the PHCD to determine compliance with the PHCD or inspection standards. Written notice of the annual inspection date will be mailed to the tenant, with a copy to the owner. It is the tenant's responsibility to ensure the PHCD access to the unit and premises. Failure to gain access to the unit and premises to conduct annual inspections and any subsequent re-inspections is a violation of the family's obligations and may result in termination from the program. The family is responsible for HQS violations caused by:

- The family's failure to pay for tenant supplied utilities;
- The family's failure to provide and maintain tenant supplied appliances;
- Damage caused by the family or guest to the assisted unit or premises.

All other HQS violations must be corrected by the owner.

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

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

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

A. Non Compliance Due to Violations that are Owner Responsibility

If an owner fails to comply with corrective action within the time period ordered by the PHCD, the Housing Assistance Payment (HAP) will be abated beginning no later than the day after the re-inspection. The unit may remain in abatement status for a maximum of 180 days upon which time

the HAP contract will automatically terminate. If the unit has not passed HQS inspection within ten (10) business days from notification of the abatement of HAP the tenant will be issued a voucher to move to another unit provided the tenant is in compliance with all program regulations including HQS. It is the owner's responsibility to request a 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 reactivated as of the date the unit passes inspection, as long as there is a current lease in place and the tenant still resides in the unit. If the violations are corrected after the termination, the owner and the tenant must execute a new lease and HAP contract. Another inspection must be conducted to verify there are no HQS deficiencies.

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

B. Noncompliance due to Violations that are Tenant Responsibility

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

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

10.3 Complaint Inspections

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

10.4 Quality Control Inspections

Quality Control inspections will be conducted to ensure that inspections are in conformance with HQS, to verify the accuracy and efficiency of inspection personnel, and to monitor and document program performance. It is the intent that these inspections and the keeping of records will assist in the identification and prevention of repeated violations. Quality Control inspections will be conducted by a staff member of the PHCD, trained and experienced in conducting unit inspections. The quality control inspection is a re-inspection of units recently inspected. Selection of the units for quality

control inspections is done randomly by the Quality Control Inspector or Supervisor from a computer listing of all recently inspected units and should be a cross-section of neighborhoods and a cross-section of the work of inspectors to include the work of each inspector. HQS failures resulting from quality control inspections will be enforced in the same manner as annual inspections.

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

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

10.6 Extensions of Time to Cure Inspection Violations

Reasonable extensions to the time limitations for compliance established in this section may be granted by the PHCD in extenuating circumstances. Requests for such extensions must be submitted in writing prior to the MDHCV re-inspection compliance date and supported by documentation. Examples of extenuating circumstances may include but are not limited to the following:

- Inclement weather
- Verification of unavailability of necessary parts or
- Emergency situations such as a natural disaster

In the event that the violation(s) is/are caused by a natural disaster, extensions to the compliance inspection date may be granted. In order to approve such an extension, the PHCD may request evidence of insurance claims, estimates for repair or other related documents.

Chapter 11. Utilities

11.1 Utility Allowance Schedule

The PHCD 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 10% increase or decrease in utility rate in any utility category since the last revision, the utility allowance schedules shall be revised.

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

11.2 Utility Reimbursements

Where the utility allowance exceeds the total tenant payment of the family, the PHCD will provide a utility reimbursement payment through a Utility Reimbursement Card. Deposits to the Utility Reimbursement Card will be made monthly. If the family owes any sums to the PHCD or any other housing authority, the PHCD may use any utility reimbursement amount owed to the family as payment.

The PHCD, 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, PHCD shall inform the family immediately upon its decision to make payments directly.

11.3 Tenant-Responsible Utilities

Utilities for which the tenant has agreed to be responsible, as stated in the Request for Tenancy Approval (RFTA), are a family responsibility as specified at 24 CFR § 982.404. The denial of service, disconnection or shutting off of utilities that the resident is responsible for paying or the discovery that a resident is tampering with utilities to illegally obtain service, 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 PHCD shall not be assessed on Housing Assistance Payments except when each of the following conditions is met:

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

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

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

Late fees may be assessed at the written request of the owner if the initial payment of the HAP has been delayed in excess of 60 days from the effective date of the HAP contract or if timely payment was not received from the County thereafter when it was due pursuant to the lease agreement between the Section 8 tenant and the landlord. In instances beyond the PHCD's control, which affect payments to other owners, late fees shall not be assessed. This may include, but not be limited to, reactivation of payment delays because of system cutoff dates following abatements due to HQS violations.

Late fee(s) are paid to the landlord based on the same monthly late charge fee the landlord charges his/her tenants stipulated in the dwelling lease. However, no late payment penalty shall exceed $50 per occurrence.

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

For new leases or change of dwellings, PHCD is obligated to make housing assistance payments within 60 days from the HAP effective date. Except for new leases or changes of dwellings, generally

HAP's are due to the owner on the first of each month. HAPs shall be considered made when the check is issued or electronically submitted to the owner. After the first two calendar months of the HAP contract term, owners can submit late payment claims to the PHCD and the PHCD may be required to pay late fees for any months the payment is past due. Owners must submit any late payment claims on a PHCD-approved Claim Form within 30 days after receipt of the late housing assistance payment from PHCD. The *Claim Form* will be made available for downloading from the County's website located at www.miamidade.gov/housing and will also be provided to new owners during the orientation described in Section 13.1 of this Administrative Plan. Failure of the owner to make a claim within 30 days waives his/her right to make a claim for late payment penalties. If there is any dispute over the amount of the late fee or a denial of the late fee, PHCD will endeavor to attempt to resolve the dispute.

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 PHCD containing the following:

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

B. *Miami-Dade County Vendor Affidavit fully completed, executed by the owner*;

C. 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;

D. A Tenancy Addendum or other document or information source containing the same information as a Tenancy Addendum.

E. Condominium, co-op, or homeowner association approval letter, if applicable and required by such association. The letter should also indicate whether the owner of the condominium or co-op is delinquent on any fees due to the homeowner association.

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

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

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

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

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

13.2 Approval of Assisted Tenancy and Approval to Move In

The PHCD must review and approve all submitted documents, the rent must be reasonable; the unit must pass HQS initial inspection, and receive an executed lease prior to granting authorization for the family to move into the unit. The tenant shall be responsible for the full contract rent to owner if the family moves into the unit prior to being given authorization to move in. To the greatest extent possible, the PHCD will approve tenancy within 15 days of RFTA acceptance given all documents are submitted, completed and executed, the rent is determined as reasonable or negotiated and the unit passes HQS inspection.

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

13.3 Use of Unit for Business

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

A. Must be included in the lease or as an addendum to the lease,

B. Must be approved by owner,

C. Income derived from the business must be included and calculated as part of the family's income,

D. Business is in compliance with local zoning codes and other ordinances; and

E. Business does not conflict with federal housing quality standards regarding space and occupancy standards.

13.4 Use of Unit Address

Tenants must use their unit address as their mailing address for all official PCHD correspondence. This correspondence includes but is not limited to reexamination appointments, rent change notifications, inspection appointments, inspection results, termination proceedings, etc. Exceptions may be made to this rule on a case-by-case basis, i.e. domestic violence victims or if a tenant is able to demonstrate that their mailbox has been tampered with and is unsecure by submitting official documentation from the US postal service and/or police records.

Chapter 14. Housing Assistance Payments

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

14.1 HAP Contract and Lease Termination

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

A. If the tenant moves, the HAP will be paid through the last month the tenant occupies the unit as determined by PHCD.

B. If the owner terminates the lease, the HAP payment will terminate when the tenant vacates the unit. The PHCD must be given a copy of owner initiated notice of termination of lease.

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

D. If the PHCD terminates the contract, payment will stop on the date indicated in the Notice.

E. See Chapters 22 for Transfer of Ownership and/or Chapter 23 for Owner's Foreclosure. .

14.2 Right to Recoup Amounts Paid

A. Recapture by the PHCD

If a contract is terminated after payment has been made or a stop payment is not possible, the PHCD reserves the right to recoup amounts paid erroneously to owners by withholding any payment owed to that owner, even if the payment owed is for another Housing Choice Voucher tenant or for another program. If the owner has no other valid Housing Choice Voucher contracts, he/she will be responsible for making repayment to the PHCD promptly upon request. As an accommodation to those owners who have only one active unit, or who are no longer participate, in the MDHCV program and are experiencing economic hardship repaying the entire amount to be recouped as a result of over payments, PHCD, may enter into a repayment agreement over a reasonable period of time, not to exceed one year, to recover such payments. The payment terms and duration of these repayment agreements shall be determined at the sole discretion of PHCD, in accordance with fair credit practices, local laws and ordinances.

The PHCD reserves the right to place a lien on the property for any amounts owed after efforts to recoup funds are unsuccessful. The PHCD may deny any new Requests for Tenancy approvals until the payment is made by the owner.

B. County Obligations

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

14.3 Reduction or Termination of HAP Contract for Insufficient Funding

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

- Elderly persons, 62 years and older;
- Disabled families;
- Housing Choice Voucher Homeownership Program participants;
- Families receiving voucher assistance as a result of relocation due to HOPE VI development; or

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

The PHCD reserves the right to determine the methodology of termination of HAP contracts. Such methodology shall be based on income. Families currently paying 75% or more of contract rent will have the HAP contracts terminated. If after terminating families paying 75% or more of contract rent there continues to be insufficient funding, then families paying 50% to 74% of contract rent will be terminated. If there continues to be insufficient funding, then families paying 25% to 49% of contract rent will be terminated. The order of families being terminated in these payment groups shall be conducted on a first in first out basis (i.e., those families who have participated the longest in the program by lease-up date will be the first HAP contracts terminated). Notice of the HAP contract termination will be provided to the tenant and owner. Families terminated due to lack of sufficient HAP funding leaving in good standing shall be afforded, where available, other housing opportunities, including homeownership opportunities and affordable rental housing. Families removed from the program shall be placed on a list until funding is available for re-housing.

Chapter 15. Annual and Interim Re-certification

15.1 Annual Re-certification

A. Scheduling of Appointments

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

The PHCD will notify the Housing Choice Voucher family approximately 90 to 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 electronically, in person, by mail or home visit depending upon circumstances, at the discretion of the PHCD. The PHCD may access criminal records of any household members with the purpose of determining continued assistance under the program, at re-certification, change of dwelling, when adding a member to the household or a live-in aide, to substantiate allegations of criminal activities, and at any time the PHCD deems necessary.

B. Number of Appointments and Missed Appointments

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

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

C. Failure to Comply in Timely Manner or Non-Compliance

A family's failure to comply with recertification requirements by providing all required documentation and signatures on forms is grounds for termination of assistance.

When the family causes an unreasonable delay in the recertification processing i.e. does not provide information within 30 days of the effective date of the recertification, PHCD will:

- Implement any decrease in family share of the rent on the first of the month following the completion of the recertification processing.
- Implement any increase in family share of the rent retroactive to the family's recertification effective date without a 30-day notice since the delay on the family's part results in a waiver of the 30-day notice.
- Families and owners will be notified, in writing, of the results of the recertification and the effective date of the change.

D. Acceptable Verification of Income

The PHCD will utilize the same procedures as used at admission for obtaining and verifying income. The PHCD will utilize the verification guidelines under PIH Notice 2010-19, PIH Notice 2010-03 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 (which may be provided by the family), are the most desirable types of documentation. If EIV information conforms to the family's declared income as described under Section 7.5, third party verification may not be required. The PHCD staff will utilize the third-party verification criteria stipulated in Section 2.11(7), for tenants under the program.

E. Student Eligibility

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

15.2 Interim Re-certifications

Rent is re-determined between annual recertifications when a participant undergoes a change in family composition or income. The participant must report such changes in writing to PHCD within ten (10) days of occurrence.

A. Family Composition Changes

The family must inform and provide verification to PHCD of family composition changes due to birth, adoption or custody granted to the family by operation of law, or upon a family member moving out of the unit. An increase or decrease in family size may result in a change in the family's rent. Any other additions to the family must be requested in writing and approved by PHCD prior to the family member being added to the family composition as further described under Section 5.2 - Changes in Family Composition.

B. Income Changes for Existing Family Members

1. Increase in Family Income

Increases in income between annual recertifications will not result in in rent increase until the next annual recertification.

2. Decrease in Family Income

If the family experiences a decrease in income of any amount that will be for a period longer than 30 calendar days, an appointment for an interim review may be scheduled as needed.

Child Support non-payment will be considered for an interim re-certification if family shows court document or proof of non-payment for a period of at least three (3) months. As long as information is provided in a timely manner by the participant, decreases in rent will be made effective on the first day of the following the month in which the change is reported and proper verification is needed.

Reductions in income from seasonal employment (i.e. summer months for school board employees, teachers, etc.) may be eligible for an interim re-examination if the family's income was originally calculated without taking into consideration anticipated reductions in income. An interim re-examination may not be required if anticipated decreases were already included in the annual income.

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

Chapter 16. Family Moves

16.1 Tenant Notice

With proper notice, a participant family may move to another unit either within or beyond the PHCD's jurisdiction at the expiration of the lease term. Moves after the initial year of the lease term are limited to not more than one move in any 12-month period. A second move within the same calendar year may be allowed only under hardship conditions upon the approval of the PHCD 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 and addressed to the owner with a copy to the PHCD or its authorized contractor.

A family may move under the Housing Choice Voucher program with a change of dwelling approved by the PHCD, as long as, the family has not been terminated from the program. PHCD will not pay HAP to a former landlord if a new HAP contract has been executed with another landlord, unless any payments are owed to the former landlord.

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 and the owner. The Housing Assistance Payments contract with the owner will be terminated by the PHCD as of the date the lease is mutually terminated. A mutual lease termination in the initial lease term only applies under the conditions stated above in Section 16.1.

16.3 Owner Responsibility on Tenant Move-out

The owner is required to provide the PHCD with a copy of any notice to the tenant upon move out.

Chapter 17. Tenant Rents and Owner Rent Increases

17.1 Tenant Rents

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

17.2 HAP 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 the PHCD rent increases are subject to market rent comparability surveys that prohibit paying more for a Housing Choice Voucher unit than a comparable unit on the unassisted market.

The rent to owner will only be increased for housing assistance payments covering months commencing on the latter of: the first day of the first month commencing on or after the contract anniversary date or a minimum of 60 days after the request is received. The PHCD 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. Prior to PHCD's approval of the owner's rent increase request, the tenant must also consent in writing to such rent increase. Such written consent may include the execution of a lease or other agreement with the owner. Additionally, PHCD will also send a courtesy notice to tenants upon approval of an increase in rent or change. The requested rent must still be reasonable as relates to comparable rents in the market and shall be determined by a rent survey.

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

17.3 Change in responsibility for Utilities

The approved contract rent to the owner and amount of HAP payment includes consideration of utilities. Should the owner and tenant agree to change the responsibilities for utilities, PHCD must be notified. PHCD will recalculate the contract rent and HAP payment. The owner will be required to enter into a new HAP and the owner and tenant will be required to execute a new lease.

Chapter 18. Portability

18.1 Moving out of the PHCD's Jurisdiction

A newly certified family may move to a unit outside of the PHCD's jurisdiction after being certified for the Housing Choice Voucher Program so long as they are a resident of Miami-Dade County at the time of certification or for humanitarian reasons if they are not a resident at the time of certification. The PHCD 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 12 months after admission to the program:

A. The family may lease a unit within the PHCD's jurisdiction
B. The family does not have any right to portability
C. The PHCD may choose to allow the family to port outside the PHCD's jurisdiction
D. Both the PHCD and the receiving housing authority must agree to allow the family to lease a unit outside of the PHCD's jurisdiction

PHCD may allow a family to port out to other housing agencies within the jurisdiction, as a reasonable accommodation.

18.2 Absorption of Incoming Portables

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

A. The PHCD must determine the family's unit size for the portable family according to PHCD's subsidy standards

B. The PHCD may make the determination to deny or terminate assistance to a portable family in accordance with Section 2.7, Denial of Assistance, and Chapter 27, Termination of Assistance

C. The PHCD shall attempt to obtain criminal history checks, including sex offender, nationwide. The nationwide sex offender registration check will be conducted online using a database available at www.nsowp.gov (PIH Notice 2012-28).

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

E. Availability of assistance and funding

F. Number of incoming Portables from a specific jurisdiction

G. Possibility of swapping vouchers within a given jurisdiction

H. Dependent upon whether sufficient funding allows for absorption.

Chapter 19. Family Self-Sufficiency Program

19.1 Overview

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

19.2 Selection and Screening

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

from minority or non-minority groups. Applications to the FSS Program are time dated and considered on a first come/first serve basis, as slots become available.

19.3 Contract of Participation: Term and Conditions

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

The family and case manager will work together to establish goals. The COP must be executed no more than 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, PHCD 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 12 consecutive months. The COP is considered complete and the family's FSS participation concluded when:

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

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

19.4 Individual Training and Services Plan

The Individual Training and Services Plan (ITSP) identifies appropriate service needs for the head of household and each participant adult family member. Before the COP can be executed, the PHCD 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:

A. Child care

B. Transportation

C. Education

D. Job readiness, training, and employment counseling

E. Substance/alcohol abuse treatment or counseling

F. Household skills training

G. Life skills training

H. Homeownership counseling

19.6 The Escrow Account

A single, interest-bearing FSS escrow account is established for each participating family. An escrow credit, based on increases in the family's earned income, is credited to the account by the PHCD 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

PHCD actively recruits landlords of suitable rental units for their participation in the Housing Choice Voucher Program. Likewise, PHCD 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. 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.

20.2 Outreach to Owners and Owner Referral Lists

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

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

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

C. Periodically, the PHCD engages in direct advertising in *The Miami Herald, The Miami Times, Diario Las Americas* periodicals, the *Haiti en March*, and *The Voice*. It also makes public service radio and television announcements;

D. 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;

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

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

G. Membership in associations of owners/managers of rental properties;

H. Direct personal contact with owners

The PHCD will maintain a listing by bedroom size of available rental units, including accessible units for persons with disabilities. Upon request, this list shall be made available to Housing Choice Voucher participants and shall be placed in public reception areas of the Housing Choice Voucher Program office.

20.3 Information Assistance for Voucher Families

The PHCD will provide all new Housing Choice Voucher holders an information packet, typically distributed at the initial briefing, home visit or via mail. 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. 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.

B. 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.

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

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

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

Chapter 21. Providing Information and Complaints

21.1 Florida Public Records Act

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

Requests to view a file must be made in writing or by submitting a Public Information Request to the PHCD during normal business hours. Upon requesting a file, the person making the request shall be notified of the location at which the file may be accessed. Files may not be available at the time requested. If a file is not available, the PHCD shall provide the requestor with the date or date/time the file will be available for viewing. The PHCD shall obtain the requestor's name and telephone number to contact the requestor of any change in date or time the file is available for reviewing.

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

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

21.2 Information to Owner

A potential owner will be provided the following information about the program participant on the Owner/Agent Certification form upon request:

A. The participant's current and prior address as shown in PHCD records;

B. The address of the participant's current and prior landlord; and

C. 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 PHCD's policies.

The landlord is responsible for any other screening to be completed in a non-discriminatory manner. Landlords are responsible for determining whether to conduct their own criminal background checks to decide if the family is suitable for tenancy. If the current or potential owner requests criminal background information on an applicant/tenant, the PHCD may not release details of the criminal background check but may notify the owner verbally over the telephone or in writing whether the family is eligible for assistance.

21.3 Complaints

PHCD shall promptly notify the owner of any complaints by or about the family concerning its tenancy or housing as it relates to their tenancy or the Housing Choice Voucher program. Such notification shall be in conformance with Miami-Dade County Resolution No. R-1543-97. PHCD has the right to request action by the owner or a response as to the resolution or outcome of the issue. In responding to a complaint, the PHCD may require the family to come to the Housing Choice Voucher Office for an interview to address its concerns regarding participation in the Housing Choice Voucher program. Members of the public may file complaints against owners, tenants, and employees of the PHCD by submitting a letter describing the specific problems to:

Director, Public Housing and Community Development
701 NW 1st Court, 16th Floor
Miami, Florida 33136-3914

PHCD 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 the PHCD fraud hotline number. All calls are confidential and callers remain anonymous at all times.

Additional information on the PHCD's Fraud Program can be found on PHCD'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 30 calendar days. Persons filing complaints shall be informed on a regular basis as to the progress of their complaint and any decisions made by the PHCD. Persons wishing to report welfare fraud may do so by calling or writing:

Florida Social Services Department
1317 Winewood Boulevard
Tallahassee, Florida 37399
800342-9274

Chapter 22. Transfer of Ownership

Section 14 of the existing HAP contract requires the owner to obtain the prior written consent of the PHCD before any assignment of the HAP contract. In the event prior written consent was not requested nor granted, the HAP contract may be terminated. See Chapter 23 for change of ownerships resulting from foreclosures.

The new owner must submit all necessary paperwork and documents to Housing Choice Voucher Program staff and be qualified as an owner as indicated in Chapter 24. At the time of notification, PHCD, shall stop payment to the former owner. If there is an overlap between the transfer of ownership date and the date the payments are stopped, the PHCD 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. Owner's 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 PHCD. Preliminary notice of foreclosure action does not necessitate that the family move. The PHCD may contact the owner or the foreclosing party (mortgage holder) for information. Failure of the PHCD or its authorized contractor to make housing assistance payments when payment is owed and due shall not be the responsibility of the family. In such cases, the Agency shall expedite payment, including remittance of emergency check to assure continued tenancy for the Housing Choice Voucher family. PHCD will comply with PIH Notice 2010-49. If a property is foreclosed during the term of the lease, the new owner cannot require the tenant to vacate the property prior to the effective date of transfer of ownership. However, the tenancy can be terminated as of the effective date of transfer if the owner:

1. Will occupy the unit as a primary resident; and
2. Has provided the tenant a 90-day notice to vacate.

Otherwise, the new owner shall assume the same lease and HAP contract that was effective between the prior owner, tenant, and PHCD.

Chapter 24. Disapproval of Owners and County Employee Participation in Tenant-Based Programs

24.1 Disapproval of Owners: Conditions

The PHCD shall limit, deny or terminate participation of owners in any of the following circumstances:

A. When the owner is debarred, suspended, or subject to a limited denial of participation by USHUD;

B. When directed by USHUD as a result of an administrative or judicial action in violation of the Fair Housing Act;

C. When an owner has a history of uncorrected HQS;

D. When an owner has a history of fair housing violations or complaints;

E. When an owner has been convicted of fraud, bribery or any corrupt or criminal act in connection with any federal housing program;

F. When an owner has violated a HAP contract pursuant to the federal regulation at 24 CFR part 982;

G. When an owner has engaged in any drug-related or violent criminal activity;

H. When an owner has not paid local property real estate taxes, fines or assessments;

I. When an owner has claimed homestead exemption on the assisted unit;

J. When the owner is any member of the participant family, unless the PHCD determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities;

K. When the owner or a member of the owner's family is a County employee and has not obtained a waiver from the Miami-Dade Ethics Commission;

L. When the owner has not paid in full all utility bills related to the tenancy of a Housing Choice Voucher family that are owner responsibility;

M. When an owner has a history of failing to terminate the tenancy of Housing Choice Voucher tenants for activity engaged by the tenant, any member of the household, guest or other person that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants, for drug- related criminal activity; or violent criminal activity;

N. When an owner has a history of being abusive towards the PHCD staff or program participants.

Nothing in this Administrative Plan is intended to give or confer any rights upon any owner any right to participate in the PHCD's Housing Choice Voucher Program. There are no appeal rights for the Agency's decision to disapprove owner participation.

24.2 County Employees and Immediate Family – Participation in Tenant-Based Programs

A. PHCD complies with 24 CFR 982.161 which states that any employee of the PHA, contractor, subcontractor or agent shall not enter into a contract or other arrangement in connection with tenant-based programs.

B. Any PHCD employee or member of the employee's family wanting to participate in a tenant-based program must obtain a waiver from the Miami-Dade Ethics Commission.

Chapter 25. Project-based Voucher Program

25.1 Overview

A. Overall Approach

PHCD may designate a maximum of 20% of its non-targeted housing choice voucher allocation for project-based vouchers in order to administer project-based Voucher assistance. The PHCD will project-base the vouchers for newly constructed, rehabilitated or existing housing units. PHCD will enter into a Housing Assistance Payments (HAP) contract with qualified owners to provide project-based voucher assistance in compliance with PHCD'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 the PHCD'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, PHCD will solicit proposals from developers, property owners and nonprofit housing corporations to participate in the project-based voucher program. Project based assistance may be attached to existing units, units to be rehabilitated and newly constructed units. In addition, a maximum of 25% 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 25% limit.

For the purposes of the project-based voucher program, existing units require a maximum expenditure of less than $1,000 per assisted unit, including a prorated share of work on common areas or systems to comply with federal Housing Quality Standards (HQS) at the time the PHCD notifies the applicant of selection. Rehabilitated units, for the purpose of the project-based voucher program, are units that require a minimum expenditure of $1,000 per assisted unit, including a prorated share of work on common areas or systems to comply with HQS.

All units in the building receiving project-based assistance shall be inspected for HQS, as stipulated in Chapter 10 of this Administrative Plan. The PHCD shall inspect each unit on an annual basis. Only units that comply with HQS shall be included in the HAP contract.

For units undergoing rehabilitation or new construction concerning site and neighborhood standards apply. The site shall be accessible to social, recreational, educational, commercial, health facilities, and other appropriate municipal facilities and services.

Properties to be assisted under the project-based voucher program will be subject to the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (URA) and the requirements of 49 CFR, Part 24, subpart B.

D. Location of Project-based Vouchers

The PHCD may administer the program on a county-wide basis. In compliance with the federal regulations and the PHCD's Equal Housing Opportunity Plan, suitable dwelling units must be made available under the project-based voucher program in structures that are located in areas outside of low income and minority concentrations, unless a waiver is requested from and granted by USHUD.

The PHCD may request exceptions of the requirement that project-based assistance be located in census tracts with a poverty rate of less than 20%, based upon the review of the proposals submitted to the PHCD.

E. Administrative Approach

The PHCD shall perform traditional Housing Choice Voucher program administrative responsibilities associated with the implementation of the project-based voucher program. These functions include, but are not limited to, outreach, review and selection of proposals, inspections, tenant selection from the waiting list, determination of tenant eligibility, and annual recertifications, in accordance with this Administrative Plan, for applications that involve new construction or rehabilitation of units. The PHCD staff will also perform work write-ups, cost estimates, and feasibility analyses.

The PHCD 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

The PHCD will solicit owner participation by advertising in three newspapers of general circulation, such as *The Miami Herald, Diario Las Americas* and *The Miami Times,* stating proposals to attach rental assistance for specific properties will be accepted.

The advertisement may be published at least three times over a period of not less than 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 PHCD estimates that it will be able to assist under the funding that the PHCD is making available for this purpose and that only applications submitted in response to the advertisement will be considered. The advertisement will also state the PHCD's selection policies.

For proposals requiring new construction or rehabilitation of assisted units, the PHCD will establish competitive procedures for the submission of proposals, which will be submitted to USHUD for approval.

An application packet will be prepared for distribution to interested parties, and will also be made available at the PHCD administrative offices. The packet will contain a description of the project-based voucher program, an outline of the rules and regulations governing the project-based voucher program, the required contents of owner proposals, and the criteria that PHCD will use in the selection of eligible proposals.

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

B. Requirements for the Submission of Proposals

The owner's submission of the application to the PHCD 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 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 the PHCD staff for properties included in proposals accepted for consideration of rating and ranking. The PHCD 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 § 983.101, 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 the PHCD 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 PHCD 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 110% of the PHCD payment standards, 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 983.53will be rejected.

Proposals will be evaluated based on the factors determined by the PHCD to rate and rank proposals. Among the factors to be considered in the ranking and rating of proposals include: suitability of the site to accommodate the number and type of units proposed for assistance, including environmental and health and safety concerns; design elements, with preference to proposals that offer larger units to be assisted; experience of the owner and other participants in providing affordable housing; plan for the relocation of current tenants, if applicable; and financial feasibility of the project.

For proposals that involve new construction or rehabilitation of units, additional factors will be considered: the estimated cost per unit of construction or rehabilitation, and the experience of the owner and other participants in construction or rehabilitation of rental properties in accordance with USHUD regulations.

E. Notification to Owners

Proposals that have been received in response to PHCD's advertisement which comply with all of the prescribed selection criteria and procedures and are deemed feasible will be rated and

ranked in accordance with the PHCD'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 60 days in which to complete required actions before an Agreement to Enter into a Housing Assistance Payments (AHAP) Contract can be signed.

Prior to the AHAP execution for rehabilitation projects, the actions required are: preparation of detailed work write-ups, cost estimated, specifications and plans, as appropriate, depending upon the nature of the nature of the identified rehabilitation. Davis-Bacon wage rates are applicable for those buildings containing nine (9) or more units. The work write-ups must address the specific work items identified to meet the $1000 per assisted unit rehabilitation requirement as well as the work items that are needed to bring each unit to be assisted up to the USHUD Housing Quality Standards.

Prior to the AHAP execution for new construction units, the USHUD shall review owner proposals, which are submitted by the PHCD, for compliance with site and neighborhood requirements set forth in at 24 CFR 983.154. Davis-Bacon wage rates are applicable for those buildings containing nine (9) or more units. In addition, the Owner must submit the design architect's certification that the proposed new construction reflected in the working drawings and specifications comply with HQS, local codes and ordinances, and zoning requirements.

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 24 CFR part 135, which requires that training, employment and contracting opportunities be provided, where feasible, to low-income Section 3 residents. The PHCD's Administration 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 the Fair Housing Acts, Americans with Disabilities Act and Section 504 of the Rehabilitation Act and are required to comply with Uniform Federal Accessibility Standards requirements for persons with disabilities and the Fair Housing Amendments Act. The PHCD's construction unit will coordinate Section 504/ADA requirements through the PHCD'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 PHCD approved working drawings and specifications or to rehabilitate the units in accordance with the PHCD 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, the PHCD may terminate the Agreement or take other appropriate action.

B. Inspections

PHCD 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 PHCD for any changes from the work specified in the AHAP contract that would alter the design or quality of the required new construction or rehabilitation. If the owner makes any changes without the prior approval of the PHCD,PHCD may request USHUD to lower the initial contract rents in the amount determined by USHUD, and may require the Owner to remedy any deficiencies, prior to, and as a condition for, acceptance of the units. The PHCD shall have the right to disapprove any changes requested by the owner.

D. Completion of New Construction or Rehabilitation

The owner must notify the PHCD 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.

The PHCD will conduct a final inspection to verify the completion of all the work items required by the AHAP and a determination regarding compliance with Section 504/ADA/ Fair Housing Act, and other applicable laws, regulations and executive orders, HQS and the South Florida Building Code. If the PHCD determines from the review and inspection that the unit(s) has been completed in accordance with the AHAP contract, the PHCD shall accept the units(s).

If there are any items of delayed completion that are minor items or that are incomplete because of weather conditions, and in any case that do not preclude or affect occupancy, and all other requirements of the AHAP contract have been met, the PHCD shall accept the unit(s); however, the PHCD shall require the owner to deposit in escrow with the PHCD's funds in an amount the PHCD determines to be sufficient to ensure completion of the delayed items. In addition, the owner and the PHCD shall execute a written agreement, specifying the schedule for completion of these items. If the items are not completed within the agreed time period, the PHCD may terminate the AHAP contract or exercise other rights under the AHAP contract.

25.5 Housing Assistance Payments (HAP) Contract

A. Time of Execution

The PHCD and the owner shall execute the Housing Assistance Payments (HAP) contract if the PHCD determines from review and inspection that the unit(s) has been completed in accordance with the AHAP contract and the owner has submitted the required evidence of completion as set

forth herein. The effective date of the contract may not be earlier than the date of the PHCD'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 the PHCD and for a term determined by the PHCD, extension to the contract may be granted beyond the original term, contingent upon continued funding to achieve long-term availability of affordable housing for eligible households or to expand housing opportunities.

C. Initial Contract Rents

The HAP contract shall establish contract rents that will not exceed 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 Payments

Vacancy Payments will be made only if PHCD has elected to include the vacancy payments in the HAP contract. If a unit becomes vacant as a result of a tenant moving out, the PHCD shall continue to provide assistance for the unit for up to a maximum of 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 120 days of the vacancy, the PHCD 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 project-based voucher program will be consistent with the procedures detailed in Chapter 2 of this Administrative Plan. An applicant who rejects an offer of a projected-based unit or who is rejected by the owner of the housing unit will remain in the same position on the tenant-based assistance list, as if the offer had not been made. If a dwelling unit to which assistance is to be attached under the project-based voucher program is occupied, the PHCD must determine whether the unit's occupants are eligible for assistance. If a unit is occupied by an eligible family and the unit is selected by the PHCD, the family must be placed in an appropriately size project-based assisted unit in the project without requiring the family to be placed on the PHCD's waiting list.

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

Should a family elect to move from a unit assisted under the project-based voucher program after the initial year, the PHCD must provide the family with a Housing Choice Voucher. If no vouchers are available to the family, the PHCD 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, the PHCD 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 Housing Choice Voucher after the HAP contract expires,

4. The family's options under the project-based voucher, program, if the family is required to move because of a change in family size or composition, and

5. Hearing procedures, including a description of the circumstances in which the PHCD 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 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 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 the PHCD's Informal Hearing and Review Procedures.

E. Overcrowded and Under Occupied and Accessible Units

If the PHCD determines that a family is occupying an overcrowded or under-crowded unit, or a unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, the PHCD must notify the family and the owner of this determination and of the PHCD'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 PHCD. However, if the PHCD offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the PHCD must terminate assistance payments for the project-based unit at the expiration of the term of the voucher.

If the PHCD offers the family the opportunity for another form of continued housing assistance, except for tenant-based voucher assistance, and the family does not accept the offer, does not move out of the Project-based Voucher unit within a reasonable time, or both, the PHCD must terminate the housing assistance payments for the project-based unit.

Chapter 26. Homeownership under Housing Choice Voucher

26.1 Overview

The PHCD shall administer and offer a homeownership program as allowed under 24 CFR §§ 982.625 through 982.641 to permit eligible Housing Choice Voucher recipients to purchase a home using the voucher subsidy. With the competitive rental market and increasing need for affordable housing in Miami-Dade County, the establishment of a Housing Choice Voucher Homeownership program will create a larger selection of housing choice which eligible Housing Choice Voucher families can use.

The PHCD shall oversee the Housing Choice Voucher Homeownership program, hereafter referred to as the Homeownership program. The PHCD shall determine eligibility of families and enforce the federal regulations regarding homeownership and its Administrative Plan rules.

The goal of the program is to provide homeownership opportunities, along with counseling, self-sufficiency, training and support, thereby facilitating economic opportunity within communities while providing parameters to ensure the success of the homebuyer. This program is designed to minimize default of the homeowner, which would have a negative impact on the family and the neighborhood where the unit is located and would enhance economic opportunity for families eligible for such a program.

The PHCD implements a wide range of housing programs designed to enhance housing opportunities for low and moderate-income families, including homeownership for first time homebuyers. The PHCD's experience in homebuyer opportunity programs dates back to 1984. A maximum of 10% of the voucher allocation inventory may be targeted for homeownership. The percentage may be amended based on the success of the program and need of Housing Choice Voucher families. Upon authorization by USHUD, the PHCD may opt to administer other types of homeownership programs using the housing subsidy, including but not limited to an alternative down payment assistance program.

26.2 Eligibility of Family

Family eligibility shall be:

A. A family assisted under the homeownership option may be a newly admitted or existing participant in the program;

B. The family must be currently in good standing with the housing agency, including no outstanding debt to the PHCD for previous housing quality standard damages or unpaid rent;

C. The family must be in compliance with the current lease;

D. The family shall not have tenant responsible housing quality standards violations existing in the unit which have not been corrected within the time provided by the Inspections Department;

E. The family shall not have a history of late rent payments;

F. 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;

G. The family must not have any financial interest in any other home while receiving Housing Choice Voucher assistance;

H. The family must not have any outstanding debts which would deem them unqualified for home financing;

I. Any family member must not have been previously assisted under the PHCD's Homeownership program while an adult and defaulted on a mortgage obtained through a PHCD Homeownership program;

J. 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; and

K. The family must not be within the initial one-year (1-year) term of the HAP contract in order to be considered eligible.

Families currently enrolled in the Family Self-Sufficiency Program shall be encouraged to participate in the Homeownership program.

26.3 Income Requirements

Homeownership opportunities will be offered to Housing Choice Voucher households having acceptable credit to the private lenders participating in the Homeownership Program. Those families without acceptable credit shall be allowed ample time to clear credit while completing other requirements as defined herein, in order to participate.

Exceptions may be made on a case-by-case basis by the PHCD regarding time limits or other policies to help facilitate usage of the Voucher for homeownership as a realistic goal. Eligible families must demonstrate that the monthly income for the head of household or spouse/partner is sufficient to meet homeownership guidelines and other family expenses for initial qualification for the program. At least one (1) adult member of the household must be currently employed on a full-time basis, or not less than 30 hours per week, and must have been continuously employed full-time for the year before receiving homeownership assistance, with the exception of elderly or disabled families.

Except for disabled families, a family must have a minimum annual income of not less than the federal minimum hourly wage multiplied by 2,000 hours The current amount may change when the minimum wage changes as defined by 24 CFR § 982.627 (c)(1)(i).

Except in the case of an elderly or disabled family, the PHCD shall not count any welfare assistance received by the family in determining the annual income (24 CFR § 982.627 (c)). For an elderly or disabled family, welfare assistance for the adult family members who will own the home will be included for determining if the family meets the minimum income requirement. For disabled families, the minimum annual income is the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by 12. Full time employment records must be submitted and reviewed as part of the qualification process.

Families interested in the program will have their income eligibility determined by Housing Choice Voucher staff once determined initially eligible, the family shall be referred to the PHCD's Homeownership program administrator for an initial briefing regarding the program.

26.4 Income and Credit Verification

The Homeownership program shall use the Housing Choice Voucher definition for income, which is based on annual income. Annual income is the gross amount of income anticipated to be received by all adults in a family (excluding full-time students and authorized live-in aides) during the 12 months following the effective date of the determination. The PHCD'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 PHCD's HCD, designated Homeownership staff will conduct an Enterprise Income Verification (EIV) as described under Section 7.5. Applicants' income will be verified using the following one or more documents:

A. Last two (2) pay stubs from employer and past two (2) years tax returns;

B. If self-employed, past two years tax returns will be required and a profit and loss statement as of the date of application;

C. Verification of employment;

D. 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 (Note: uncollected child support will not be counted so long as the family provides documents demonstrating that the debt is uncollectible or has not been paid or received for more than three (3) months); and

E. 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:

A. Birth certificates on which the parent/applicant's name is listed

B. School records which give the parent's name and address

C. Court-ordered letters of guardianship/adoption

D. Copy of recorded divorce decree and property settlement

A credit report will be generated and at the option of the PHCD, staff will complete a home visit.

26.5 Homebuyer Education and Counseling

As a requirement of the program, the family must attend and complete homeownership education and counseling. Once the PHCD determines eligibility, the Housing Choice Voucher participant is required to participate in the counseling regarding purchasing and financing a home. The PHCD 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 be ongoing and will be afforded to assure the success of the family once they assume homeownership.

26.6 Eligible Housing

Eligible voucher families, as defined in Section 26.2, participating in the Homeownership program may purchase a home using federal housing assistance. Section 8 assistance 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:

A. A newly constructed single family or town home (never lived in),

B. An existing single family home or town home,

C. A single family home or town home under construction,

D. A condominium,

E. A cooperative,

F. Twin home (one-side only),

G. 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:

A. Funding Source First mortgage lender

B. Monthly housing expense-to-income 33%

C. Monthly total obligations-to-income 45%

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

Housing Choice Voucher families interested in purchasing a house may do so by purchasing a newly constructed house from a developer in the County's affordable loan program, or purchase an existing house, as defined in Section 26.6 in the open market utilizing a participating lender.

The PHCD provides each Housing Choice Voucher family with a pre-qualification letter and HCD provides the family with an affordability study indicating the maximum dollar value of the home to be

purchased using the voucher. Once a home is selected, all homebuyers must be approved by a qualified lender. Once the lender takes an application and provides a loan commitment, the lender will forward a copy of the loan file to the PHCD on behalf of the Housing Choice Voucher family in order to reserve the required secondary mortgage financing, if needed.

Upon completion and processing of the loan by the lender and the PHCD, the loan is scheduled for closing by the lender. The PHCD may provide first mortgage financing in limited instances upon the recommendation of the HCD staff.

26.8 Housing Search

After pre-qualification, the family will be advised they have a period of 120 days to locate a home for purchase. Upon initial selection of a unit, the family will be allowed an additional 120 days to secure financing and close on the chosen property. During this time, the family shall be allowed to continue to use their Housing Choice Voucher for rental assistance. At the option of the PHCD, due to reasonable documented circumstances, time limitations may be extended or revised on a case-by-case basis.

Should the family be unable or unwilling to complete the purchase of a home through the Homeownership program, the family may continue to use their voucher for rental assistance, so long as they continue to be eligible and comply with PHCD policies, as contained in this Administrative Plan, and federal housing regulations.

26.9 Down Payment Requirement

The required down payment is 3% of the purchase price. One percent (1%) must come from the applicant's own funding. The family may be eligible and seek additional funding for down payment and closing costs as assistance to low-income families.

26.10 Program Requirements

Once a family purchases the unit, the family must use the property as their primary residence which will be reflected in the mortgage documents. The family must comply with all mortgage requirements. At the option of the housing agency, the homebuyer may be requested to attend and complete additional homeownership counseling and training.

Ownership must be in fee simple title, a 99-year leasehold interest, or ownership or membership in a cooperative. In cases of a 99-year leasehold interest, the remaining lease term must equal the term of the loan.

Annual recertification by the family is required, for as long as homeownership assistance is being provided. Limitation of homeownership assistance will be a maximum of 15 years for a home purchased with 20 or more years financing from the date of the first homeownership housing assistance payment and a maximum of ten (10) years in all other cases. If the family qualifies as elderly or disabled upon commencement of the homeownership assistance, there is no time limit by which the family may receive such assistance.

HCD may provide second mortgage financing to Homeownership Program participants. HCD requires that applicants obtain 30 year first mortgage financing from a first mortgage lender in order to obtain the secondary financing. For families who sell the original house and seek to purchase another house under the Homeownership program with continued homeownership assistance, the maximum term commences upon the date of purchase of the first house.

The PHCD shall encourage participants to establish and maintain a savings, credit union, or other type of investment account at the time of the loan closing. The purpose of this account will be to generate a reserve fund for necessary maintenance, replacement or repair needs. Funds would then

be withdrawn as needed for the home. The PHCD reserves the right to establish such accounts on behalf of the homebuyer.

26.11 Housing Assistance Payments

The family's monthly Housing Assistance Payment will be the lesser of the Housing Choice Voucher payment standard minus the Total Tenant Payment (TTP) or the monthly homeowner expenses minus the TTP. The PHCD 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 PHCD 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 180 calendar days. At the end of a continuous period of 180 days, eligibility for Housing Choice Voucher assistance will automatically terminate.

To assure the timely mortgage payment, the PHCD's loan servicing unit will issue the monthly mortgage payment to the first lender. The family shall be responsible for remitting the TTP of the payment to the loan servicing unit by the first of each month along with the payment due on the second mortgage loan, if applicable. If the Housing Assistance Payment is greater than the mortgage payment and taxes and insurance escrow payments, the difference will be paid to the family.

26.12 Financing and Payments

First mortgage financing must meet current lending standards, including Federal National Mortgage Corporation "Fannie Mae" and Federal Home Loan Mortgage Corporation "Freddie Mac." First mortgages shall be offered by a participating lender at prevailing market rates.

The PHCD shall reserve the right to determine whether the Housing Choice Voucher family can afford the proposed financing. In order to protect the family and to meet the parameters of the financial arrangement by the family, the Homeownership program will prohibit any financing which includes balloon payments, variable interest rates, or private seller financing.

For those homebuyers who are FSS participants, the PHCD 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 30% of the family's gross monthly income, taking into consideration allowances and deductions permitted by regulation.

Second mortgage loan payments may be interest deferred, principal only. Deferred loans may be given to Housing Choice Voucher families on an as-needed basis.

26.13 Inspections Requirements

In accordance with the federal housing regulations and PHCD loan policies, inspections of the property will be conducted prior to the approval for purchase of the home. An inspection by the Housing Choice Voucher Inspections Department will be conducted for compliance with federal housing quality standards.

A second inspection must be an independent professional home inspection conducted by an independent inspector. The cost of this inspection must be borne by the Housing Choice Voucher family. If the homebuyer is a participant in the FSS program, this inspection may be paid from funds in their FSS escrow account. The inspector shall be certified by the American Society of Home Inspections. Such inspection shall require the inspector to develop a written list of items that are likely to need replacement or repair within the next one to three years. Such an inspection shall include, but not be limited to, cover the major building systems and components, including the foundation and structure, the house's exterior and interior, roofing, plumbing, electrical and air conditioning/heating systems. These inspections shall be performed before closing of all units with the Homeownership program. The PHCD retains the right to disqualify the unit for inclusion in the Homeownership program, based on the inspections.

In addition, on newly constructed properties funded through Miami-Dade County, the County will provide random inspections during the construction of the home and detailed final inspections prior to the placement of the first or second mortgage. Environmental clearances will be required when using federal funds.

26.14 Insurance Requirements

Title insurance will be required. In the case of the Housing Choice Voucher family, the costs for title insurance shall be included in the closing costs. The family shall obtain and maintain hazard, flood and windstorm (if required) insurance, at minimum, in the amount of all financing (first, and if necessary second and subsequent mortgages). The family should be responsible for obtaining such insurance. The cost for the insurance may be included in the loan amount. If the PHCD has financed any portion of the loan, the PHCD must be listed as a loss payee. The lender has the responsibility to determine and document whether the unit is in a flood hazard zone. It is the responsibility of the family to insure units in flood zones for flood damage.

26.15 Sales Contract

Housing Choice Voucher families purchasing a home through the Homeownership program must complete a contract of sale with the owner of the property to be purchased. The unit must be substantially built before the contract is executed. The contract must include the price of the unit, terms of sale, the purchaser's inspection requirements, and notice that the sale is condition on the purchaser's acceptance of the inspection reports, and include an agreement that the purchaser is not obligated to pay for necessary repairs.

The contract must also provide a certification from the seller stating the seller has not been debarred, suspended or subject to a limited denial of participation by USHUD.

26.16 Family Obligations

Before closing, the family must execute a statement of homeowner obligation in a form prescribed by the housing agency. To receive homeownership assistance, a family must comply with the following obligations:

A. The family must comply with the terms of the mortgage securing debt incurred to purchase the home;

B. For as long as the family is receiving homeownership assistance, the family may not sell, convey, encumber or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home, without the PHCD's knowledge and approval;

C. The family must supply required information regarding income and family composition in order to correctly calculate total tenant payment and homeownership assistance;

D. 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;

E. The family must notify the PHCD if the family defaults on a mortgage securing any debt incurred to purchase the home;

F. The family must notify the PHCD before the family moves out of the home;

G. The family must, at annual recertification, document that he or she is current on all housing related payment include mortgage, insurance and utility payments; and

H. The family cannot refinance without the authorization of the PHCD.

26.17 Portability

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of PHCD's jurisdiction if the receiving housing agency is administering a Homeownership program and is accepting new families into the receiving housing agency's homeownership program.

26.18 Default and Termination of Assistance

If the family fails to comply with its family obligations as set forth in federal regulations or in this Administrative Plan, the family may be terminated from homeownership assistance. Federal regulations further require the housing agency to terminate homeownership assistance for any family that is dispossessed from the home pursuant to judgment or foreclosure. If the family defaults on the mortgage, the family will have their housing voucher withdrawn and no new voucher will be issued for either homeownership or rental assistance. Exceptions to this policy shall be reviewed on a case-by-case basis, particularly as it relates to income loss of the family. Termination from the homeownership program will be in compliance with Chapter 27.

26.19 Continuation of Assistance

A homeownership family may purchase another home with assistance provided there is no mortgage loan default and the family is in compliance with the statement of homeowner obligations.

26.20 Down Payment Assistance and Other Program Issues

The PHCD 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. Housing Choice Voucher housing is a scarce resource and the PHCD holds the position that Housing Choice Voucher families must be held accountable for their actions as it relates to their tenancy under the Housing Choice Voucher program.

The PHCD shall terminate assistance for a participant family, including 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 or the Statement of Understanding;

2. If the family fails to sign and submit consent forms or other documentation required to determine continued eligibility in the program;

3. Failure by the participant to report to any recertification interview or provide verification of any information required by PHCD. Participants who fail to comply are provided an Intent to Terminate letter and an opportunity to cure. See Section 15.1.

4. Discovery of material false statements in connection with information provided at application or recertification, or fraud committed by the participant in connection with any federally assisted housing program.

5. If there is any drug-related criminal activity, violent criminal activity, or non-violent criminal activity, whether on or off the premises, committed by the participant, any member of his/her household, a guest or a person under the control of the participant, that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. Any such criminal activity, even in the absence of an arrest or a conviction, shall be cause for termination (See Section 2.7(4) – Criminal Activity for additional details):

   a. Drug-related criminal activity includes, but is not limited to: illegal possession, illegal manufacture, sale, distribution, use and/or possession with intent to manufacture, sell, distribute or use a controlled substance.

   b. Violent criminal activity includes, but is not limited: 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. Non-violent criminal activity includes, but is not limited: any activity that threatens the health, safety, or right to peaceful enjoyment by other residents, employees of PHCD or any other Miami-Dade County personnel or official.

   d. An arrest where the criminal charges are dropped, dismissed no action, nolle prossed or other resolution that does not involve an admission of guilt, or where the participant is found not guilty or acquitted, may not result in denied assistance except for the cases specified in Paragraph 7 below, or when there is a pattern of repeated arrests for engaging in criminal activity within the last ten (10) years that may threaten health, safety, or right to peaceful enjoyment by other residents, employees of PHCD or any other Miami-Dade County personnel or official.

e. 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 participants or employees of PHCD.

f. As concerns juvenile household members under the age of 18, PHCD will consider criminal related activity only if they are being tried as adults for certain criminal offenses or if the acts occur on PHCD property.

6. If any activity does not threaten the health, safety or right to peaceful enjoyment of the participants, after a warning has been issued, any subsequent warning regarding the same individual shall be considered a violation of the Statement of Understanding.

7. Open cases shall be held pending final disposition. Upon a disposition from the court, the PHCD shall either recommend termination 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 recommended for termination based on the admission.

8. If the family currently owes rent or other amounts to the PHCD or to another housing authority in connection with Housing Choice Voucher 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 the PHCD to pay amounts owed to the PHCD or amounts paid to an owner by the PHCD;

11. If the family has engaged in or threatened abusive or violent behavior toward the PHCD 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. The denial of service, disconnection or shutting off of utilities that the participant is responsible for paying will result in termination; PHCD will not terminate assistance if the participant restores utility service legally within 30 days of the issuance of the Intent to Terminate notice.

14. Discovery that a participant is tampering with utilities to illegally obtain service;

15. If the participant, any member of his/her household, a guest or a person under the participant's control threatens, obstructs or interferes with a PHCD employee conducting official business.

16. If the family repeatedly breaks obligations under the lease or for serious violations of the lease, including, but not limited to:

a. failure of HQS inspection due to tenant caused violations, serious or repeated damage to dwelling unit,
b. repeated activities which interfere with the peaceful enjoyment of the premises by other residents documented by police reports, neighborhood complaints or other third party information.

c. If the owner terminates tenancy through court action for serious or repeated violation(s) of the lease, including but not limited nonpayment and damage to the unit
d. Non-payment of rent does not include any portion of HAP payment being withheld by PHCD for owner's failure to comply with the HAP contract;

17. If the PHCD 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.

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

19. Tenants who execute a Lease for an assisted unit but are not in the unit at the time a Voucher expires, will be considered as having moved out without authorization.

20. Any other grounds for termination permitted by USHUD.

B. Mitigating Circumstances

Prior to PHCD's decision to send a notice terminating assistance, PHCD shall consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action. See Chapter 2, Section 2.8 – Applicants and Tenants Claiming Mitigating Circumstances, for additional details.

27.2 Notice

If the PHCD recommends termination of a family's participation in the program, the family will be notified in writing stating the grounds for proposed termination of assistance and the effective date of termination. The notice will also state whether the participant has a right to a hearing in accordance with the regulations, the procedure for requesting a hearing, and that the participant may be represented at the hearing at their own expense. The owner will receive notice of the recommendation of termination of a family's participation. The same provision stipulated above shall apply to the Family Unification Program. However, the PHCD shall notify the Department of Children and Families if a family is at-risk of termination in order to allow timely intervention.

Chapter 28. Policies Concerning Repayment of Amounts Owed to the PHCD

Except as otherwise required under Section 7.5, Enterprise Income Verification, Third Party Verification, and Factors Affecting Eligibility and Family Rent, the PHCD has the discretion to enter into repayment agreements with program participants for amounts owed to the PHCD, if it is in the best interest of the County, the debt has not been expunged by operation of law, and the participant has not intentionally committed any act that led to the amount owed. Currently, the debt will be considered expunged by operation of law if the time period has exceeded five (5) years and the PHCD has not attempted to collect the debt within the five-year period.

28.1 Standards for Repayment

If a repayment agreement is offered to a participant in lieu of full payment, it will be in writing and may be within the following guidelines:

A. Down payment of at least 20% to be paid at time of signing the repayment agreement by money order or cashier's check.

B. The balance is to be paid a maximum of 12 consecutive monthly payments starting 30 days from the date of down payment.

28.2 Exceptions

Any terms allowing more time for repayment or for a lower down payment must be approved by Housing Choice Voucher Program director or his/her designee. A hearing officer shall also have the discretion to set the amounts and length of time for repayment, if a repayment agreement is a stipulation of participation determined at an informal hearing. Strict adherence to the terms of the repayment agreement by the participant is necessary otherwise, benefits may be terminated in accordance with this plan, as indicated in Chapter 27.

Chapter 29. Informal Hearing and Review Procedures

29.1 Participant Hearings

Informal hearings will be allowed regarding the application of PHCD policies in this Administrative Plan to a particular participant. Such hearings will not be a means to challenge a policy as a whole. Thus if a program participant considers an PHCD action, such as being terminated from the Housing Choice Voucher program, detrimental to their interest, the participant may request an informal hearing to contest the action, not the policy which resulted in the action.

Hearings are afforded to Housing Choice Voucher participants in accordance with the Code of Federal Regulations 24 CFR § 982.555 and as included in this Administrative Plan. (The process described in the PHCD'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:

A. HQS violations; except when the family is terminated due to breach of HQS as caused by the family

B. Determination that the unit is not in accordance with HQS because of family size;

C. The PHCD determination not to approve an extension or suspension of a voucher term;

D. The PHCD determination not to approve a unit for lease under Housing Choice Voucher;

E. Discretionary administrative determinations by the PHCD;

F. General policy issues or class grievances;

G. Establishment of PHCD's utility allowance schedule.

H. The PHCD's determination to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

If the PHCD proposes to terminate assistance on the basis of a criminal record, the PHCD will advise the head of household in the recommendation of denial letter with the (1) name of the affected family member and description of the charge; that (2) the family member with the criminal record and the head of household may request a copy of the criminal record either before or at the informal review and (3) he/she will be provided an opportunity to dispute the accuracy and relevance of that record.

1. Requesting a hearing and pre-hearing procedures

A hearing may be requested by written request to the Hearing Office at the address indicated on the adverse action notice. The hearing must be requested within 15 calendar days of the notice date. Failure of the participant to respond within the required time waives the right to a hearing.

When feasible, the PHCD will schedule the hearing within 30 calendar days of the participant's request. The hearing will be scheduled at the first available hearing date. The participant and any other interested parties will be notified of the date and time for the hearing by mail from the PHCD.

A program participant shall not be adversely affected by the scheduling of a hearing beyond the 30 calendar days. Payment shall continue to the owner so long as the family remains in the unit and a hearing has been scheduled.

Before the hearing, the tenant has the right to review any PHCD documents, including but not limited to the tenant's file, that are directly related to the informal hearing. If the tenant requests to review or make copies of documents, he/she must do so no later than three (3) days prior to the informal hearing. In the event the PHCD fails to make the documents available for examination upon request of the tenant or the tenant's representative, the PHCD is prohibited from relying on the document(s) at the hearing. Participants may be charged for copying costs.

2. Hearing Procedures

The hearing must be presided over by a hearing officer unassociated with the day-to-day operations of the program.

The hearing officer's decision will be based solely on the testimony of witnesses, written documentation in the tenant's file, and any other evidence presented at the hearing. The hearing officer must verify any document provided by the participant, such as evidence of completion of rehabilitation program or any other proof or testimony provided, before submitting the decision letter to uphold or overturn the denial of assistance.

The tenant must attend the hearing at the time scheduled as notified by the Hearing Office. The owner may attend. The tenant may be represented by legal counsel or another person chosen as a representative.

The party that fails to appear for a hearing will relinquish all further hearings or appeals of the adverse action.

A hearing may be held via telephone conference call in situations where a health condition or portability to another housing agency's jurisdiction prevents either party (tenant or owner) from attending the hearing in person. Hearings held by telephone conferences are not allowed simply for the convenience of the tenant or owner. Any other reasons shall be at the discretion of the hearing office supervisor.

The decision of the hearing officer shall be forwarded in writing to the participant and other interested parties within 30 calendar days of the hearing. The decision of the hearing officer shall be final, except on the occasion when the PHCD Director or his/her designee may review, overturn or modify the decision of a hearing officer upon showing of the following:

a. The hearing decision concerns a matter for which PHCD is not required to provide an opportunity for an informal hearing under 24 C.F.R. § 982 or that otherwise exceeds the authority of the person conducting the hearing under PHCD's hearing procedures.

b. The hearing decision is contrary to USHUD regulations or requirements, or otherwise contrary to federal, state of the Code of Miami-Dade County or other local laws.

If PHCD determines that it is not bound by a hearing decision, PHCD shall promptly notify the family of the determination, and of the reasons for the determination. The hearing officer's decision shall not abridge any other rights the participants have under law.

29.2 Applicant reviews

Applicants denied program participation or removed from the waiting list shall be entitled to a review conducted by the PHCD in accordance with 24 CFR § 982.554. Applicants will be notified of such determination in writing, generally at the time of their initial certification appointment. Applicants who have not completed application forms as instructed in the Housing Application Instructions will not be processed and their name will not be placed on the waiting list. Applicants in this situation will not be offered an informal review.

The process described in the PHCD's Reasonable Accommodation Policies and Procedures included under Attachment C will be followed for applicants denied reasonable accommodation requests. Further, this document describes the process that must be followed by the hearing officer if he/she becomes aware during the informal review that an applicant's ineligibility determination occurred because of the applicant's disability.

It is an applicant's responsibility to inform the PHCD staff when there is a change in address.

A. Processing Removals

An applicant or who is determined ineligible for program benefits shall be notified in writing that his/her name will be removed from the waiting list unless he/she requests an informal review by contacting the PHCD within 30 days of the notice. The applicant whose mail is returned by the post office will be automatically withdrawn from the waiting list.

Applicants who have been removed from the waiting list for failing to respond to notices calling him/her for processing may, within 30 days of being removed from the waiting list, request an informal review seeking reinstatement to his/her original place on the waiting list.

If the PHCD proposes to deny admission on the basis of a criminal record, the PHCD will advise the head of household in the recommendation of denial letter with the (1) name of the affected family member and description of the charge; that (2) the family member with the criminal record and the head of household may request a copy of the criminal record either before or at the informal review and (3) he/she will be provided an opportunity to dispute the accuracy and relevance of that record.

Before the review, the applicant has the right to review any the PHCD documents, including but not limited to the applicant's file, that are directly related to the informal review. If the applicant requests to review or make copies of documents, he/she must do so no later than three (3) days prior to the informal review. Applicants may be charged for copying costs.

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 30 days from the date of the notice. The PHCD, at its discretion, may schedule an informal review at the applicant's request, beyond the thirty (30) days, on a case-by-case basis. The PHCD 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 designated PHCD hearing officer or supervisor. When feasible, the reviewer's decision will be made in writing within 30 calendar days of the review. The hearing officer must verify any document provided by the applicant, such as evidence of completion of rehabilitation program or any other proof or testimony provided, before submitting the decision letter to uphold or overturn the denial of assistance. The decision of the reviewer shall be final. The reviewer's decision, however, shall not abridge any other rights the applicants have under law.

29.3 End of Participation Reviews

Participants who have been terminated, within the past 90 days, from the program may request a final review of their case, if they failed to request a hearing within the time period allowed by this plan. PHCD will review the case and determine whether reinstatement is appropriate due to agency error or mitigating circumstances as delineated in Section 27.1. To be reinstated, the participant must be in compliance with the program. If the participant is reinstated, HAP will be paid to the landlord retroactive to the date of the effective End of Participation so long as the participant continues to reside in the previously assisted unit.

Chapter 30. Fair Housing and Equal Opportunity and Grievance Procedures

30.1 Non-discrimination Policy

A. PHCD complies with all federal, state and local antidiscrimination laws including, but not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, and all other applicable laws and regulations.

B. The PHCD will ensure that persons with disabilities have full access to the PHCD's Housing Choice Voucher (HCV) program and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the HCV program.

C. No person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial status, marital status, sexual orientation, gender identity, ancestry, age, pregnancy, disability, or source of income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated and/or funded by PHCD.

D. PHCD prohibits inquiries regarding sexual orientation or gender identity, which includes but is not limited to whether a person is transgendered.

E. PHCD 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.

F. PHCD 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.

G. The PHCD will ask all applicants and participants if they require any type of accommodation, in writing, on the intake application and reexamination documents

H. The PHCD will inform disabled applicants who believe that they have been subject to unlawful discrimination on how to file a fair housing complaint. The PHCD will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to USHUD's Office of Fair Housing and Equal Opportunity (FHEO). These applicants will also be provided with the Fair Housing complaint Hotline number: 1-800-669-9777. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at 1-800-887-8339.

30.2 Processing Discrimination Complaints and Reasonable Accommodation Requests

A. All applicable Fair Housing Information and Discrimination Complaint forms will be made available at PHCD's 504/ADA Coordinator's office and/or by the 504/ADA Coordinator mailing copies of information to person requesting same. In addition, all appropriate written information and advertisements will contain the appropriate written information, and advertisements will contain the appropriate Equal Opportunity language and logo.

B. PHCD's 504/ADA Coordinator will assist any family that believes they have been discriminated against by providing copies of the federal and local housing discrimination forms and the addresses of the applicable offices. In addition, PHCD's 504/ADA Coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

C. PHCD 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.

D. Reasonable accommodation requests are processed through the 504/ADA Coordinator's office (refer to Attachment C, Reasonable Accommodation Policies and Procedures).

The PHCD's Reasonable Accommodation Policies and Procedures are included under Attachment C.

Chapter 31. Special Rules for Moderate Rehabilitation

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

31.1 Transfer and Waiting List Referrals

A. Vacancy Notices

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

Public Housing and Community Development
Attention: Moderate Rehabilitation Program Unit
701 NW 1st Court, 8th Floor
Miami, Florida 33136-3914
Fax: (786) 469-4222

B. PHCD Transfer Referrals

The PHCD approved transferees will be offered available units before applicants from PHCD's waiting list. Section 31.5 details the PHCD's transfer policy for the Moderate Rehabilitation Program.

If there are families on the transfer list, the PHCD's first mail-out will consist of the PHCD's transfer referrals for a period of eight (8) days to applicants for whom the unit is suited. If applicable, PHCD will conduct a second mail-out for a period of eight (8) days if: (a) none of the PHCD's referrals accept the offer; (b) the referrals are rejected by the owner based on a valid, non-discriminatory reason within the ten (10) day period; or (c) there is no response from the applicant. For each unit, the PHCD will offer up to 20 interested applicants for whom the unit is suited. The PHCD will assist victims of domestic violence, sexual assault, dating violence and stalking, as detailed under Section 2.14.

C. PHCD Waiting List Referrals

If there are no families on the transfer list, PHCD will refer interested applicants to the owner/manager from PHCD's waiting list.

In order to deter discrimination by a Moderate Rehabilitation owner/manager (hereafter referred to as owner), the PHCD shall utilize the following procedure for the screening and selection process. After proper receipt of the vacancy notice from the owner/manager, PHCD's offer letters (often referred to as "mail-outs") will be mailed no later than five (5) working days from the date the unit passes Housing Quality Standard (HQS) Inspection. Applicants will have a minimum of eight (8) calendar days to respond to the PHCD and the owner/manager of the offered unit concerning their interest.

Owner/managers must make themselves available to accept the referred applicants' and to show the unit. The unit must have passed HQS inspection prior to showing. The PHCD shall also forward to the owner a log of all applicants referred to the available unit. The owner shall provide to the PHCD his/her written policy on selection procedures to include the policy regarding the collection of application fees, if applicable.

Owners may only reject applicants for valid, nondiscriminatory reasons and must report the reason for any rejected applicants in writing to the PHCD.

In the event that the owner/manager request a release of the available unit, PHCD shall assign a staff person to contact each applicant within the mail out(s), three days after the close of the final mail out to assure that all applicants referred the unit are being treated fairly under the law. The assigned staff shall also confirm that the owner's selection process was expeditious and unbiased. Assigned staff will maintain a log to document all communications with the applicants and owners. The unit will not be released if there are sufficient applicants to refer off the waiting list or if the owner/manager fails to comply with submittal of their written policy on selection procedures and/or written notification of the rejection of applicants.

After the owner selects a prospective tenant for the unit, the owner shall submit to the PHCD a selection package. This package will include a log of all PHCD referred applicants, a written letter stating the results of the owner's screening, and justification with supporting documentation for the applicant selected or rejected for tenancy. PHCD 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. Interested applicant(s) on the waiting list for the tenant based program who requires the accessibility feature(s) of the vacant, accessible unit;

4. Interested applicant(s) on the waiting list for the tenant-based program who do not require the accessibility features of the vacant, accessible unit.

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

6. Interested applicants referred by the owner who do not require the accessibility features of the vacant, accessible unit.

Transfer requests related to reasonable accommodation for a person with disabilities will be processed in accordance with the PHCD's Reasonable Accommodation Policies and Procedures included under Attachment C. Transfer requests related to reasonable accommodation must be approved by the PHCD's ADA coordinator.

Further, transfers of tenants with disabilities and placement of applicants with disabilities in units with accessible features will be centrally coordinated through the division responsible for the management of the Moderate Rehabilitation Program. . The owner will be encouraged to incorporate language in their lease that requires the tenant to transfer to a non-accessible unit when one becomes available, in situations where an applicant is housed in an accessible unit but does not require the accessibility features.

31.2 Condition of Units

Owners must make units ready for occupancy and HQS inspection by the time applicants are referred to the unit. PHCD reserves the right to not make referrals for units that are not ready for occupancy.

Units with a history of repeated or habitual violations will be inspected every six (6) months. Inspections shall be performed at the discretion of the PHCD and shall not require prior notification to the owner as to when an inspection will occur.

31.3 Valid Rejections of Offered Units

An applicant will be made one offer of a housing unit under the Moderate Rehabilitation program. However, the offer is not considered a suitable offer under the following circumstances:

The applicant rejects the offer for "good cause," that is, the applicant can demonstrate through objective evidence that a move into the offered unit located more than five (5) square miles in distance 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.

A. The offered unit is not suitable or accessible due to a disability of the applicant or a member of the applicant's family.

B. If the applicant accepts a unit but is rejected by the owner/manager.

C. If the unit is not ready for occupancy and has not passed an initial HQS Inspection.

D. 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.

E. 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 remain in active status on the waiting list in order to receive another offer. PHCD 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 Section 5.2 of this plan.

PHCD 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 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.

B. Medical Necessity

Transfers based on medical or disability need shall be documented and shall relate to either proximity (define as at least five (5) squares miles in distance) 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 PHCD'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; or
4. Domestic violence.

Transfers for special circumstances shall be documented (i.e. police reports, support letters from law enforcement, restraining orders, etc.) and shall be required for the immediate safety and welfare of the family. A special circumstance transfer shall be given the next available vacancy that is not in the same project.

31.6 HQS

HQS inspections shall be performed in conformance with the Moderate Rehabilitation standards.

31.7 Occupancy Standards

The general occupancy policies described in Chapter 5 will apply to Moderate Rehabilitation applicants and tenants.

31.8 Single Room Occupancy (SRO) and Shelter Plus Care Programs

All Moderate Rehabilitation Single Room Occupancy Administrative Plans for homeless individuals are developed and submitted to USHUD on a project basis for approval.

All Single Room Occupancy Moderate Rehabilitation Administrative and Shelter Plus Care Plans have been approved.

SRO and Shelter Plus Care Moderate Rehabilitation developments are subject to Section 3 of the Housing and Urban Development Act of 1968, as amended, and Section 504 Uniform Federal Accessibility Standards pertaining to accessible units for persons with disabilities.

ATTACHMENTS

ATTACHMENT A DEFINITIONS

ATTACHMENT B EFFECTIVE COMMUNICATION POLICY:
PHCD 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:
PHCD's Reasonable Accommodation Policies and Procedures as referenced throughout this Plan is Attachment C of this Plan.

PUBLIC NOTICE
Public Housing and Community Development / Public Housing Agency (PHA) Plan

COMMENT PERIOD
Miami-Dade Public Housing and Community Development (PHCD) hereby advertises its proposed Public Housing Agency (PHA) Plan for Fiscal Year 2014-2015, Public Housing Admissions and Occupancy Policy (ACOP) and Section 8 Administrative Plan, which will be available for review during a 45-day comment period from **January 15, 2014** through **February 28, 2014** at PHCD's site manager and administrative offices and website **www.miamidade.gov/housing**. Please send written comments during the comment period to: *PHCD, 701 N.W. 1st Ct, 16th Floor, Miami, Florida 33136, Attn: Executive Director, PHA Plan Comment*; or email comments to: **PHAPublicComment@miamidade.gov**.

PUBLIC HEARING
The public hearing will be held at the Health and Social Services Committee meeting on April 7, 2014, at 2 p.m., at the Commissioner's Chamber, 111 N.W. 1 St. Miami, Florida 33128.

PHCD does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-2155 at least five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.

AVISO PÚBLICO
Agencia de Viviendas Públicas y Desarrollo Comunitario / Plan de la Agencia de Viviendas Públicas (PHA, su sigla en inglés)

PERÍODO DE COMENTARIOS
La Agencia de Viviendas Públicas y Desarrollo Comunitario de Miami-Dade (PHCD, su sigla en inglés) por la presente anuncia su propuesta del Plan de la Agencia de Viviendas Públicas (PHA Plan) para el año fiscal 2014-2015, Reglamento de Admisiones y Ocupación de Viviendas Públicas (ACOP, su sigla en inglés) y el Reglamento de Programas del Plan 8 (Section 8 Administrative Plan), que estarán disponible para revisión durante un período de comentarios de 45 días desde el **15 de enero del 2014** hasta el **28 de febrero del 2014** en las oficinas administrativas y la página web de PHCD, en **www.miamidade.gov/housing**. Por favor, envíe sus comentarios por escrito durante el período de comentarios a: *PHCD, 701 NW 1Ct, Piso 16, Miami, Florida 33136, Att: Director Ejecutivo, Comentarios* sobre el PHA Plan; o envíe los comentarios por correo electrónico a: **PHAPublicComment@miamidade.gov**

AUDIENCIA PÚBLICA
La audiencia pública sobre el PHA Plan se celebrará el 7 de abril del 2014 a las 2 p.m. durante la reunión del comité de Salud y Servicios Sociales (Health and Social Services Committee), en el hemiciclo de los comisionados, ubicado en el 111 N.W. 1 St., Miami, Florida 33128.

La PHCD no discrimina por razón de raza, sexo, color, religión, estado matrimonial, origen nacional, discapacidad, ancestros, orientación sexual, edad, embarazo o situación familiar, en lo relacionado al acceso a, o admisión a, o empleo en programas o actividades de la vivienda. Si necesita un intérprete del lenguaje de las señas o materiales en formato accesible para este evento, sírvase llamar al 786-469-2155 al menos con cinco días de anticipación. Los usuarios de TDD/TTY pueden contactar al Florida Relay Service al 800-955-8771.

AVI PIBLIK
Ajans Lojman Piblik Ak Devlopman Kominote / Plan Ajans Lojman Piblik (PHA)

PERYÒD KÒMANTÈ
Miami-Dade Ajans Lojman Piblik Ak Devlopman Kominote (PHCD) isiba pibliye Pwopozisyon Plan Ajans Lojman Piblik (PHA) liya pou Ane Fiskal 2014-2015, Lojman Piblik Reglemantasyon Sou Admisyon ak Kontinyasyon Nan Lojman (ACOP), Reglemantasyon Section 8 ki va disponib pou egzaminen pandan yon peryòd kòmantè 45-jou koumanse **15 janvye 2014** rive **28 fevriye 2014**, sou sit entènèt PHCD a **www.miamidade.gov/housing** ak nan biwo nou yo. Tanpri voye kòmantè alekrit w yo pandan peryòd kòmantè a bay: *PHCD, 701 N.W. 1st Ct, 16th Floor, Miami, Florida 33136, Attn: Executive Director, PHA Plan Comment;* oswa voye kòmantè w yo pa imel nan: **PHAPublicComment@miamidade.gov**

ODYANS PIBLIK
Reyinyon piblik la ap fèt nan reyinyon Komite Sante ak Sèvis Sosyal (Health and Social Services Committee) la le 7 avril 2014 a 2 p.m., nan Sal Komisyonè yo, 111 NW 1th Street, Miami, Florida 33128.

PHCD pa fè diskriminasyon baze sou ras, sèks, koulè, relijyon, eta sivil, orijin nasyonal, enfimite, desandans, oryantasyon seksyèl, laj, gwosès oswa sitiyasyon famile-w pou ou jwenn aksè a, admisyon a, et aplikè nan pwogram lojman yo oswa aktivite lojman yo. Si w bezwen yon entèprèt ki pale an siy oswa dokiman nan fòma aksesib pou evennman sa a, rele 786-469-2155 omwen senk jou davans. Moun ki sèvi ak TDD/TTY yo ka kontakte "Florida Relay Service" nan 800-955-8771.

MIAMI-DADE
PUBLIC HOUSING AND COMMUNITY DEVELOPMENT (PHCD)
2014-2015 PHA Plan
Regional Meetings Schedule

TO: RESIDENT COUNCIL PRESIDENTS OF THE PUBLIC HOUSING DEVELOPMENTS

A: PRESIDENTES DE LOS CONSEJOS DE RESIDENTES DE VIVIENDAS PÚBLICAS

YOU ARE INVITED TO ATTEND A REGIONAL MEETING WITH PHCD STAFF TO DISCUSS THE PROPOSED 2014-15 PUBLIC HOUSING AGENCY PLAN (PHA PLAN)

Están invitados a la reunión en su región programada por la Administración de PHCD para discutir el Plan Propuesto de la Agencia de Viviendas Publicas para el Año 2014-2015.

Region	Date	Time	Location
Region 1 and Region 2	Tuesday, January 14, 2014	2:00 PM	PHCD Board Room 1407 NW 7th Street Miami, Florida 33125
Region 3	Thursday, January 16, 2014	2:00 PM	Naranja Community Center 26201 SW 139 Court Miami, Florida 33032

Please attend only to the regional meeting that corresponds to your development region/area.
Por favor atienda solamente a la reunión que le corresponde a la región de su urbanización.

Don't forget to bring your copy of the current (2013 - 2014) PHA Plan.
No se olvide de traer consigo a la reunión su copia del Plan vigente (2013 - 2014).

Public Housing and Community Development "Joe Moretti" Resident Executive Board.

563 SW 6 ST. #1

Miami, FL 33130 January 14th, 2014

Written Comment About The Proposed Public Housing Agency Plan For Fiscal Year 2014-2015.

Preliminary Explanation:

A) Joe Moretti Apartment is a complex scattered over five places in total area 3,366 sq. consisting in 36 two story buildings(eight units each)compromising 288-1 bedroom(520 sq. ft. Each).The Art Deco architectonic style beautiful building was constructed by private enterprise on the sixties of last century. At the end of that decade became HUD ownership, named 'Joe Moretti', a former member of county authority commission. On 1998 building was inside and outside painted Due to hurricane Katrina(08-27-05) and Wilma(10-05-05), severe gust and heavy windy rain caused that all of the 144 brass "goose-neck "devices fallen of the roof and during long term rainwater went in through the holes and ventilation shafts. When on sept.2010, MDPHA along with Banzanj Construction Co. began the reconstructive plan at Joe Moretti Developments (new roof, outside concrete restoration, pressure wash and paint all building exterior and new meter room doors.)the units in the interior were not touched. Today we can see the damage of the humidity, the fungus spongy walls and ceiling, the cracked walls and ceiling spoiled by the oxidation. That is the mortally wounds of 2005 hurricanes. Joe Moretti Apartments do not fulfill or cannot complement the statutory, care, decent quality affordable housing.

B) According to PHCD proposed FY 2012 plan, Joe Moretti was been selected to receive funding for all 288 apartments for improvements to the housing units. The initial meeting on May 1st, 2012 led by Mr. Greg Fortner was held in Myers Senior Center. On July 2nd 2012, another meeting only with the residents from 96 units at SW 2nd Ave and 9 & 10 street. We knew that it show in five(5) year plan for 2010-2015 draft.(page 18).In the meeting, as council president; we presented a ten proposition written statement about warrantable issues concerning to the residents. We have a copy of the master development agreement between Miami-Dade County and Related Urban Developer Group, (named in agreement as Joe Moretti Phase one (1) Developer, LLC) for the mixed finance development on 240 SW 9th street consisting of the new construction of 116 public housing units. Upon construction completion (February, 2014), developer and PHCD will relocate the residents living in the 96 units current Joe Moretti buildings that will be demolished. A meeting to review the relocation process was held on December 12, 2013.total development cost $23,035.547.

Joe Moretti 'Resident Council Comments':

Item 5.1- We are absolutely in agreement that mission.

Item 5.2- We support goals and objectives.

Item 6 - 1) -Eligibility- screening must be include to aggregate roommates

- Young disable person must not mix with elderly already living in the facilities

Item 6.d) - We agree that $50.00 minimum rent is correct

Item 6.d) - Today we need security camera systems, lighting, security gates and continue police patrols and law enforcement

Item 6.d) - We need to enforce in our premises the community policies about pets

Item 7.d) Demolition / disposition activity description (page 18) we are in agreement because, as I told

All Joe Moretti apartments are severe damaged

Item 7.d) - Demolition disposition application for LINTC Developments (page 20) with the number 15. The remainder scattered 192 units. On 4th AVE SW 5 ST, 8 VE SW 6 ST, 5th AVE 6 ST and 6 AVE 4 ST of Joe Moretti Site 012 must be included in that plan.

Item 9.0- ok

Item 9.1- we are in accordance

Item 10.0- with one accord

We hope Joe Moretti will be designated for occupancy for elderly by elderly families only.

As part of these comments we want to express that our Resident Council began to work positive, favorable and advantageous position and condition, since Mrs. Rodriguez and staff assume the site manager responsibilities here, with agreeable and pleasant relation with council and neighborhood that make known a better and superior administrative work.

We hope Joe Moretti will be designate for occupancy by elderly families only.

Sincerely,

Rene Perez

Joe Moretti Resident Executive Board President.

Miami, January 14, 2014

MDPHA
Joe Moretti Resident Council
1263 SW 6th St., #1 • Miami, FL 33130
Ph: 305-250-9115

From: Marc Dubin [mailto:mdubin@pobox.com]
Sent: Friday, January 17, 2014 8:40 PM
To: Fortner, Gregg (PHCD)
Cc: Mendoza, Jeannie (PHCD); Saydal-Hamilton, Mari (PHCD); Cibran, Jorge (PHCD); Kelly Greene; Graves, Shanika (CAO)
Subject: ADA Requirement to Move People with Disabilities From Waiting List - The 'Skip Over" Requirement

Gregg Fortner

Executive Director

Public Housing and Community Development

701 NW 1st Court

16th Floor

Miami, FL 33136-3914

cc: Jorge B. Cibran

Mari Saydal-Hamilton

Arlina Mendoza

Shanika Graves

Re: ADA Obligation to Advance People with Disabilities On the Waiting List

Friday, January 17, 2014

Dear Mr. Fortner:

Thank you again for the opportunity to share with you information relating to our conversation about the application of title II of the ADA to persons on the Housing Authority's waiting list. As we discussed, it is my opinion that the Housing Authority is obligated to advance people with disabilities who are on the waiting list and place them in an accessible unit when it becomes available, even though there are nondisabled people ahead of them on the waiting list. This opinion is based on the title II obligation to engage in a reasonable modification of policy, the language of the Voluntary Compliance Agreement (VCA) entered into in 2005 between HUD and the Housing Authority, and upon HUD Guidance on the issue, all of which is discussed below. It is my opinion that the Miami Dade Housing Authority's failure to do so would violate title II and the terms of the VCA.

Title II – "Reasonable Modifications of Policy Requirement"

Title II of the ADA provides that:

"A public entity shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity." See http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withbold.htm

HUD Guidance:

HUD has set out in official guidance how the title II obligation applies in the matter we are discussing, and their position mirrors what I told you at the meeting. See http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504faq

"Question: When a wheelchair accessible unit becomes available should it be offered to the first applicant on the waiting list, or the first person with a disability who requires the accessible features?

Answer: HUD's Section 504 regulations at 24 CFR 8.27 require recipients to take reasonable steps to assure that information on available accessible units reaches otherwise qualified individuals with disabilities who need the features of those units. The regulations provide that whenever a unit that meets the requirements of the **Uniform Federal Accessibility Standards (UFAS)** for a mobility-impaired person becomes available for occupancy, a recipient shall first offer the unit to a qualified individual with disabilities currently residing in a non-accessible unit in the same project or comparable projects, under common control, who requires the accessible features. **If there are no such persons currently residing in the recipient's projects, the recipient shall then offer the unit to the next available qualified individual with disabilities on its waiting list, provided that the person requires the accessibility features of the unit. *The recipient shall skip over non-disabled applicants on the waiting list* to offer the unit to the next qualified individual who requires the unit's accessibility features.** (Emphasis added).

If no qualified applicant with disabilities requires the accessible features of a unit, and the recipient places a family where none of the family members have disabilities in that unit, the recipient may include language in the lease requiring this family to agree to move to a non-accessible unit, as soon as one becomes available that otherwise meets the family's needs."

Voluntary Compliance Agreement Requirements:

The VCA entered into between your agency and HUD entered into in 2005 follows this Guidance, and mandates the modification of policy. See http://www.hud.gov/offices/fheo/library/mdha-vca.pdf

(See page 17):

F (2) (iv) - Policies Relating to the Occupancy of UFAS-Accessible Units by Transfers and Applicants

(iv) "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". (Emphasis added).

In our meeting, you indicated that your survey revealed that 1.4% of the individuals on the waiting list are persons with disabilities who qualify for vacant, accessible units. Please let me know how soon you will begin to transfer them into accessible units.

Thank you. I look forward to hearing from you.

Sincerely,

Marc

Marc Dubin, Esq.

Mobile: 305-896-3000
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mdubin@pobox.com
Skype: marc.dubin
Twitter: @adaexpertise

Former Senior Trial Attorney, U.S. Department of Justice
Civil Rights Division, Disability Rights Section, Washington, D.C.
Responsible for nationwide enforcement of the ADA and Section 504 on behalf of the United States, 1993-2005

Recipient, Attorney General's Special Achievement Award, and Personal Written Commendation from Attorney General Reno for Service to Crime Victims

Alumni, Attorney General's Honors Program

"Several years ago, I worked with Marc in resolving a complaint against a local arts organizations concerning accessibility. I found Marc to be thoroughly professional, an expert on the ADA, and a fine example of what an attorney advocating for his client can accomplish." *Betty Siegel, Director of Accessibility at The John F. Kennedy Center for the Performing Arts, Washington, D.C.*

"Marc's style of negotiation is excellent. He offers concerns and information about possible violations of the law, time and time again, challenging one to improve services to people with disabilities and providing the tools and contacts to do so. I have found him to be thoroughly professional, well-informed, very well-connected, and an asset to my efforts to enhance services to the disability community. He has provided me with a library of information on the technical details to abide/comply with the law. The information he provided educated me on why compliance was easy and the right thing to do (not only necessary)." *Joe Kocy, formerly the Broward County Administrator's Special Assistant for Housing, and a former planning official in New Jersey and Maryland.*

Comments from Legal Services of Greater Miami, Inc.

Admissions and Continued Occupancy Policies (ACOP)

Waiting List Management (II. C. 3)

In the Section regarding the homeless pilot project, it references mandatory admission policies and includes drug-related crimes or violent crimes which are not mandatory denials. This should be changed to "mandatory and discretionary" admission policies. The word "termination" should also be deleted because this section is only about admissions.

Interviews and Verification Process (II. G. 8. o.)

We continue to see problems with PHCD including uncollected child support in annual income. We suggested deleting the phrase "or has not been paid or received as directed by the Court for more than 3 months." This language creates confusion and leads to situations where a tenant is receiving partial child support payments, yet PHCD wants to include the full award. Better language would be: "Uncollected child support is not household income." This is simple, clear, and prevents a tenant from being charged rent on income she never received.

Denial of Assistance – Monies Owed (II. J. 2)

In Florida, the statute of limitations on a debt owed to the PHA is 5 years. After the statute of limitations, the debt is uncollectable and should not be a basis to deny an application. In the original discussion of the Section 8 regulations, HUD stated: "The PHA may not deny assistance if the debt has been paid, or is not valid for any reason (e.g., a rent claim extinguished by the statute of limitations)." 49 Fed. Reg. 12,215, 12,218., *see also Solomon v. Hous. Auth. Of Pittsburgh*, 2006 WL 6666739 (W.D. Pa. 2006). Additionally, trying to collect on a debt that is time barred may be a violation of the Florida Consumer Collections Practices Act.

Denial of Assistance – Criminal Activity (II. J. 4)

We support PHCD's proposal to remove the language regarding the pattern of arrests in former paragraph c. Because PHCD is removing that language, it should also delete the word "arrest" from paragraph a. Instead, it should be changed so that it refers to an applicant who has a pattern of engaging in criminal activity.

As we have suggested previously, criminal records used to deny housing applications should be included with the notice. We believe the risk of improper disclosure is minimal. If PHCD is concerned about liability for improper disclosure, PHCD can include a waiver and authorization on the next housing application when the waiting list opens. Additionally, PHCD continues to use notices which fail to identify the specific criminal activity which caused PHCD to issue a denial notice.

We encourage PHCD to reduce the look back period to 5 years. This will properly balance PHCD's interest in a safe community and the need for people with prior criminal histories to secure stable housing. If the person has not engaged in criminal activity in the last five years, they have demonstrated an ability to be a suitable tenant and productive member of society.

Paragraph (4)(2)(c) should be deleted because PHCD cannot create a permanent ban for violent criminal activity. Pursuant to the federal regulations, PHCD must establish a reasonable look back period.

Applicants and Residents Claiming Mitigating Circumstances (II. K.)

In paragraph 6, the reference to the pattern of arrests should be deleted. It could be changed to "a pattern of engaging in criminal activity."

Changes in the Household and Visitors (IV. C.)

Paragraph (7)(a)(iii) should state that it applies if the tenant is unable to provide the notarized statement **and** supporting documentation.

Adjusting Rent Between Regular Recertifications (VII A.)

Paragraph (2)(c) should be clarified. It should specifically state that if a tenant fails to report increased income within 10 days, but reports the increased income at the annual recertification, PHCD will not assess a back charge. This would not change current policy, but merely make current policy explicit in this section.

Lease Termination Procedures (VII. A.)

Because these are definitions, paragraphs (5) (a), (b) and (c) should use the word "means" instead of "includes."

Paragraph (5)(d) includes language from the application section ("denied assistance"). It should reference termination of tenancy. The language regarding pattern of arrests should also be deleted.

Applicant's Informal Reviews (IX. A.)

See comments above about providing criminal records to applicants

Annual Income (XII. A. 7.)

See comments above regarding clarifying language for child support: "Uncollected child support is not household income."

Evidence Required as Proof of Domestic Violence (XIV. C.)

Paragraphs 13 and 14 should be separate paragraphs and they not be included in the list of possible evidence of domestic violence.

Section 8 Administrative Plan

Removal of Applicants from the Waiting List – (2.2. 4)

Paragraph b. is not a complete sentence.

Denial of Assistance – Monies Owed – (2.7. B.)

See ACOP comments for II. J. 2.

Denial of Assistance – Criminal Activity (2.7 D.)

See ACOP Comments for II. J. 4.

Applicants and Tenants Claiming Mitigating Circumstances (2.8)

See ACOP Comments for II. K.

Third Party Verifications (2.11. G. 14)

See ACOP Comments for II. G. 8. o.

Removals from the Family Composition (5.2 C.)

Paragraph (c) should state that it applies if the tenant is unable to provide the statement **and** supporting documentation.

Annual Income (7.2 G)

See ACOP comments for II. G. 8. o.

Family Moves – Tenant Notice (16.1)

This states that PHCD will not pay HAP to a landlord if the tenant has entered into a new HAP. However, there could be situations where PHCD remains legally obligated to pay the HAP to the prior landlord and this should not be an absolute rule.

Rent Increases (17.2)

In the redline version we received, it deleted the requirement that the Tenant must approve a rent increase. The proposed plan on the PHCD website includes the requirement of the tenant's signature. If PHCD intends to delete this sentence, we strongly oppose this change. The tenant and landlord must agree on the rent amount and the landlord cannot change it unilaterally.

Expanding Housing Opportunities (20.1)

PHCD includes language about encouraging families to search for housing in in areas of low poverty and minority concentrations, but because PHCD sets the payment standard at 90% of FMR, PHCD has made it extremely unlikely that a Section 8 tenant can access a high opportunity neighborhood. This is especially true for those participants with extremely low incomes who are greatly limited in their housing options. On a daily basis, LSGMI is contacted by Section 8 voucher participants who are unable to find housing using their voucher because PHCD set the payment standard so low. While there is not an easy solution for this, something must be done to raise the payment standard. Otherwise, Section 8 vouchers will primarily be used in areas of high poverty and low opportunities.

Grounds for Termination of Assistance (27.1 A. 5. d.)

In order to be consistent with the ACOP, the language regarding a "pattern of repeated arrests" must be deleted.

Additional comments

This past year, the Voucher Program began using the EasyVoucher website to complete recertifications. This is not mentioned anywhere in the Administrative Plan or the PHA Plan. This is a significant change to the Voucher Program and the public should have the opportunity to comment on it. While there are some benefits to the program, from our experience, the system often causes significant delays in the recertification process as both the participant and the PHA wait for documents to be mailed back and forth. This is especially true for the elderly and disabled who tend to use phone system to complete the process. This system needs to be formally evaluated to determine whether it benefits the participants and simplifies the recertification process, or whether it makes it more difficult for the participant and causes additional delays.

Respectfully submitted,

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Dated: February 19, 2014

From: Cassel-CLINIC, Charlotte [mailto:ccassel-clinic@law.miami.edu]
Sent: Friday, February 28, 2014 4:48 PM
To: PHA Public Comment (PHCD)
Cc: Bettinger-Lopez, Caroline
Subject: Comment to 2014-2015 Proposed Public Housing Agency Plan and Policies

Dear Miami-Dade Public Housing and Community Development,

Please find our comments to the 2014 proposed plan and policies for Section 8 and ACOP attached to this email.

Please do not hesitate to contact me if you have any questions.

Thank you for your consideration.

Best,

Charlotte Joseph Cassel, M.P.H.
J.D. Candidate, Class of 2014
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Comments on Miami-Dade Public Housing and Community Development Proposed Section 8 Administrative Plan

Submitted by the University of Miami School of Law Human Rights Clinic

- 1.7(A)(3)
  - HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* is not listed as a vital document that is available in both Spanish and Creole, in addition to English. These translations are available from the HUD website directly, and the Proposed Section 8 Administrative Plan should accurately reflect their availability.
- 2.14(A)
  - Definitions for "sexual assault" and "sexual battery" are not included in Attachment A. Definitions[1] are included in the Proposed ACOP Definitions Appendix, but for consistency and comprehensiveness, Proposed Attachment A – Definitions should include these defined terms as well.
  - In addition to the Violence Against Women Act, Miami-Dade County passed a resolution in 2012 declaring that "Protection against domestic violence is a fundamental human right."[2] Furthermore, the resolution states "This resolution shall serve as a charge to all local government agencies to incorporate these principles into their policies and practices." Thus, we recommend the following revision for the first sentence of 2.14(A):
    - "Under the Violence Against Women Act (VAWA), **and Miami-Dade County Resolution No. R-644-12,** PHCD is required to implement internal policies to include provisions for protection of victims of domestic violence, dating violence, sexual assault, sexual battery and stalking (domestic violence)."
    - The bolded terms should be added to the Section 8 Administrative Plan.

- 2.14(B)(1)
  - Pursuant to the Violence Against Women Act (VAWA), "An applicant cannot be denied admission or assistance solely because the person has been a victim of domestic violence, **dating violence, sexual assault,**

[1] Appendix 1 of ACOP includes the following definitions: **Sexual Assault** - "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** – "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."

[2] Miami-Dade County, Resolution No. R-644-12 (July 17, 2012), *available at* http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/121380.pdf.

or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy."[3]

- The bolded terms should be added to the Section 8 Administrative Plan.

- 2.14(B)(5)
  - VAWA 2013 added an important new protection for tenants who wish to remain in housing after lease bifurcation. The law states:
    - If the evicted "individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program."[4]
  - Thus, the Section 8 Administrative Plan should reflect this important update codified in VAWA 2013.

- 2.14(C)
  - The wording in this paragraph is somewhat unclear and should be amended to use the exact language provided in Proposed ACOP Plan § XIV(C):
    - "When confronted with cases of domestic violence, PHCD must provide the alleged victim with HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* and request that it be returned to PHCD. Additional documentation to accompany the victim's statement or in lieu of the victim's statement may include but is not limited to[ ]."
- 2.14(C)(8)
  - It is unclear what "A record of an administrative agency" is, and thus, we recommend that this language be clarified.

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[3] Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54, § 601 (2013) [hereinafter "VAWA 2013"], available at http://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf.

[4] VAWA 2013, § 601 (to be codified at 42 U.S.C. § 14043e-11(b)(3)(B)(ii)).

Comments on Miami-Dade Public Housing and Community Development Proposed ACOP Plan

- XIV(B)(5)
    - VAWA 2013 added an important new protection for tenants who wish to remain in housing after lease bifurcation. The law states:
        - If the evicted "individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program."[5]
    - Thus, the ACOP Plan should reflect this important update codified in VAWA 2013.

For questions or additional information please contact:

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[5] VAWA 2013, § 601 (to be codified at 42 U.S.C. § 14043e-11(b)(3)(B)(ii)).