



# MIAMI-DADE PUBLIC HOUSING AGENCY RETURN POLICY **SCOTT/CARVER HOMES HOPE VI INITIATIVE**

Revised July 15, 2010

## **INTRODUCTION**

In order to return to the new Scott/Carver community after its revitalization, the Miami-Dade Public Housing Agency (MDPHA), in accordance with United States Department of Housing and Urban Development (US HUD) federal housing regulations, has set forth certain requirements for occupancy in the new community. The following selection criteria are predicated on these requirements. This policy does not apply to current or future applicants who were not former residents of Scott/Carver Homes as further described below.

## **BASIC ASSUMPTIONS**

Basic assumptions delineated in this section will apply to all eligible former Scott/Carver Residents seeking rental and/or homeownership, who resided in Scott/Carver Homes as of September 16, 1999, and who are in "good standing" with the MDPHA. (Residents)

- a. To be in good standing the Resident must demonstrate evidence of timely payments of rent and utilities in conjunction with Section 8, Public Housing, other, housing programs, or private rental market from the date he/she vacated Scott/Carver Homes.
- b. The Resident will not be considered to be in good standing if he/she has been evicted, or is in the process of being evicted, or negatively terminated from the Section 8 Program, Public Housing, other housing programs, or the private rental market.
- c. To be in "good standing" each Resident must not have a record, criminal or otherwise, of engaging in violent or non-violent criminal and/or drug-related activities while in a relocation status.
- d. This includes all newly created households as a result of a family separation during their relocation from Scott/Carver Homes.
- e. Upon request, MDPHA will consider verifiable mitigating circumstances regarding determinations that a Resident is not in good standing. Mitigating circumstances are facts that may mitigate negative rental or criminal background. Examples of mitigating circumstances may include: (1) the reason for the unsuitable rental history is no longer in effect or is under control, (2) evidence of successful completion of drug or alcohol rehabilitation program, (3) circumstances leading to eviction or criminal activity no longer exist (i.e. the criminal household member has died or is imprisoned); (4) participation in social service or other appropriate counseling service. If the mitigating circumstances are related to a disability, medical condition or treatment, the residents may obtain necessary forms to request a reasonable accommodation that will require disability verification. If the Resident requests such consideration or if more information is required, MDPHA will verify:
  - i. that the Resident has a disability (as defined in Admissions and Continued Occupancy Policy (ACOP), Appendix I Definition of "Person with Disabilities";
  - ii. that the specific situation(s) that led to the determination that the Resident is not in good standing is/are caused by or occurred because of the disability or that the disability substantially contributes to the specific situation(s) that led to the determination that the Resident is not in good standing; and

- iii. that the proposed accommodation can reasonably be expected to prevent the recurrence of the situation(s) that led to the determination that the Resident is not in good standing.
1. In addition to the applicable good standing requirements indicated under paragraph a. above, all eligible Resident/heads of households for rental and/or homeownership occupancy, who are not current MDPHA public housing Residents or who are Section 8 rental assistance recipients must provide an acceptable and verifiable landlord reference or other appropriate reference deemed acceptable by MDPHA, as part of their application for occupancy.
2. Residents shall be required to establish a one (1) year tenant history that shows his/her rent and utilities were paid in a timely manner, that he/she properly cared for the rental unit and common areas (if applicable), and he/she did not disturb other tenants or otherwise violated the lease. Additionally, current or past landlords will be asked by MDPHA to complete a verification form.
3. All eligible Residents for rental and/or homeownership occupancy must have an acceptable criminal, sex offender and credit background clearance check completed as part of their application.
  - a. Credit background clearance checks are essential in the proper case management of the Resident to help them prepare for becoming self-sufficient and taking advantage of the various housing options.
  - b. Credit problems not related to timely payment of rent, including utilities, or mortgage (i.e. credit cards, car payments, etc.) will not be detrimental to the Resident's tenancy for public housing or homeownership.
  - c. All members of each household requesting to transfer to public housing rental and homeownership occupancy in the new community must maintain a history free from criminal activities while temporarily relocated and prior to application for return to the new community. Criminal activities are defined as: (1) Violent Criminal Activity: any criminal activity that has as one of its elements the use, attempted use of physical force substantial enough to cause, or be reasonable likely to cause, serious bodily injury or property damages, including crimes that involve weapons; (2) a Drug-related Criminal Activity: Illegal manufacture, sale distribution, or use of a drug, or possession of a drug, with the intent of manufacture, sell distribute or use the drug, including Methamphetamine manufacturing and use; (3) Non-violent Criminal Activity: Any criminal activity that is not a Violent or a Drug-related criminal activity, but is such that it may threaten the health, safety or right to peaceful enjoyment of the premises by other resident, including but not limited to fraud, bribery, vandalism, burglary, larceny and robbery; (4) Sex offenders subject to a lifetime registration under a state sex offender registration program if the said activity occurred after the period of relocation. Except for the sex offender check, the criminal background clearance check will begin from the date of relocation, but will only include criminal records while temporarily relocated and prior to application for return to the new community. If any household member is subject to a lifetime registration requirement under a state sex offender registration program as registered on the Florida Department of Law Enforcement website ([www.fldel.state.fl.us](http://www.fldel.state.fl.us)), the household will not be permitted to return to the Scott/Carver Homes project. Additionally, MDPHA will perform background checks in other states where the household members are known to have resided. Relocated families from Scott/Carver Homes or any other site of temporary relocation shall, at all times, comply with existing MDPHA standards of conduct so as not to adversely affect the health, safety and welfare of MDPHA staff or other Residents living in public housing owned and operated by MDPHA or other housing owned by a private landlord during the period of relocation.
    - (i) In order to obtain access to criminal records, MDPHA will require every Resident to sign a consent form for each adult household member.
    - (ii) By execution of the consent form, an adult household member consents that:

- (1) Any law enforcement agency may release criminal records concerning the household member to MDPHA in accordance with the federal regulations; and
  - (2) MDPHA may receive the criminal records from a law enforcement agency, and may use the records in accordance with federal regulations and this policy.
4. At the time of the initial relocation counseling, all Residents are requested to indicate in writing whether their choice is to return to the new community or not. Notwithstanding this choice, a Resident may change his/her mind during whatever stage of relocation the Resident is in, but before the opening of the Scott/Carver Homes transfer list. MDPHA will officially open the transfer list by sending a request to transfer form to relocated families to complete. After the transfer list is established, Resident who missed the required deadline date to return the form may request to be added to the transfer list because he/she changed his/her mind by indicating his/her wish to return to the new community. At that point, the Resident's name will be added to the bottom of the transfer list for whatever size and type unit they are qualified; however, their priority for obtaining housing may be affected in that his/her name will be placed after the names on the established Scott/Carver transfer list.
5. All otherwise approved Residents must complete the following Pre-Occupancy (PO) workshop prior to occupancy:
  - Financial management and credit counseling (rental only)
  - Pre-occupancy training (rental and homeownership)
  - Homeownership and budget counseling (homeownership only)
  - Housekeeping Training (rental and homeownership)

## **TRANSFER LIST CATEGORIES**

### **INTRODUCTION**

Residents for occupancy at the new HOPE VI developments shall be placed on the Scott/Carver Homes transfer list for the category of housing they have requested-- namely rental and/or homeownership. The transfer lists shall also be divided by the number of bedrooms for which each Resident's household is eligible. Residents may request placement on more than one transfer list. Within each housing category, Residents will be placed in the appropriate priority group, as defined below.

Please note that the priority status for former Scott/Carver Residents is only available to those households that were in residence at Scott/Carver as of September 16, 1999 and is restricted to those individuals listed on the lease as of that date. The public housing rental units in the new Scott/Carver community are designed to be a family development. The household must be appropriate sized for the rental units being offered as detailed in MDPHA's Admissions and Continued Occupancy Policy (ACOP). Note that individuals in priority categories 4-7 below, will be required to meet eligibility requirements as established in the Public Housing Admissions and Continued Occupancy Policy ACOP of Miami-Dade Public Housing Agency.

### **SCOTT/CARVER HOMES PUBLIC HOUSING RENTAL SELECTION PRIORITIES**

1. Eligible former Scott/Carver residents who have submitted their MDPHA Request for Transfer Form (form), and who have indicated in their form; Yes, interested in returning to the new Scott/Carver Community; provided that the form was received by MDPHA by the deadline date of June 30, 2010, will enter a lottery system for the Public Housing units. These residents will be

randomly selected by a computer for the Scott/Carver (SC) waiting list to return to the new Scott/Carver Community for the 177 Public Housing units. Residents must have resided in Scott and Carver Homes as of September 16, 1999 in order to be eligible for the lottery. Additionally, they must be in good standing. Each eligible resident will be advised of their lottery number and rank order and also advised to notify MDPHA if they move at anytime. The S/C waiting list will be posted at the HOPE VI office, the MDPHA main office and at the new Scott/Carver property management office.

2. The allocation of accessible Scott/Carver dwelling units shall be prioritized as follows:
  - a. When an accessible unit becomes available, the unit will first be offered to a former Scott/Carver Resident on the S/C lottery waiting list with a disability that requires the accessibility features of the vacant, accessible unit and occupying a unit not having those features;

#### **SCOTT/CARVER HOMES HOMEOWNERSHIP SELECTION PRIORITIES**

1. Priority shall be given to former Residents of Scott/Carver Homes as of September 16, 1999 who are:
  - a. Employed continuously for a period of two (2) years.
  - b. Actively engaged in or have successfully completed their Family Self-Sufficiency Contract of Participation.
  - c. Earning household income sufficient to pay debt service and homeownership fee (if applicable).
  - d. In possession of the minimum down payment and closing costs required under their mortgage program (including any available help from the City, County, State or other institution offering assistance to promote homeownership.
  - e. Good Credit (mortgage ready).
2. Former Scott/Carver Residents who are pursuing homeownership training and counseling, whose case managers believe they will meet the eligibility standards set forth in Item #1 of this section prior to the expiration of the HOPE VI program period. Households in this category shall not be eligible to purchase a home until they are designated as purchase-ready by MDPHA, but shall be placed into priority group #1 upon receiving such designation.
3. Other MDPHA public housing/Section 8 New Construction residents who meet the standards as outlined in Item #1 of this section.
4. Other MDPHA Section 8 residents who meet the standards as outlined in Item#1 of this section.
5. New Residents who live in or are employed in the Target Area and who meet the standards as outlined in Item #1 of this section.
6. New applicants who do not reside in MDPHA's public housing or participate in the Section 8 Voucher Program or do not live in or are employed in the target area who meet the standards outlined in Item#1 of this section. (Applicants not able to meet the Family Self-Sufficiency Program requirements may have the participation requirement waived upon request).
7. All newly created households as a result of family separations at Scott/Carver Homes will receive the same priority as families in Item #1 of this section.

*NOTE: Within priority groups, the ranking system described in the Rental Selection Priorities section shall be applicable.*

## **MANDATORY REQUIREMENTS FOR SCOTT/CARVER HOMES PUBLIC HOUSING RENTAL**

To participate in the Scott/Carver public housing rental program, each resident must meet all of the following mandatory requirements:

1. Minimum rental payment of \$50.00. (Consistent with ACOP).
2. Complete and pass a criminal, sex offender and credit background check.
3. Responsibility for the common area cleaning and yard maintenance as required by management

### **New Scott/Carver Homes**

#### **Transfer List Screening Process (Rental and/or Homeownership)**

1. The Resident must have a record of meeting financial obligations in a timely manner.
  - a. For homeownership units; A credit check will be done as part of the application process. Primary focus is on the absence of judgments, delinquent or unpaid utility bills that may result in the applicant not being able to obtain utility services and/or excessive, delinquent or unpaid commercial debt.
  - b. For public housing rental units; Primary focus is on the absence of delinquent or unpaid rent and utility bills that may result in the applicant not being able to obtain utility services. Notwithstanding the foregoing, the existence of unpaid medical bills or student loans is not grounds for denial of an application to rent a unit.
2. Residents must be in good standing for one (1) year, when applicable.
3. The Resident must have adequate income to pay the rent. There is a minimum rental payment of \$ \$50.00 (Consistent with ACOP). Public housing assistance or a Section 8 voucher is considered evidence that a Resident can pay the rent. The Resident shall not have a disqualifying criminal history, which involves sex offenses, drug-related activity and/or violent or non-violent criminal activity against persons or property. Conviction or other evidence of criminal activity, including arrest records that involve violence to persons or property or other endangerment to the health and safety of other persons is grounds for denial of a request for transfer depending on the time frame in which the conviction, arrest or other evidence of criminal activity occurred. Conviction, arrest or other evidence of drug-related crimes including the sale, distribution, manufacture, use or possession of a controlled substance(s) is grounds for denial. In reviewing criminal records, consideration will be given to evidence that the Resident has been rehabilitated and other mitigating circumstances described in MDPHA's Admissions and Continued Occupancy Policy (ACOP). These are the same rules that currently exist in public housing and will be applied to all Residents whether or not they are applying for public housing. Except for methamphetamine manufacturing and sex offender checks, the criminal background check will cover the period of relocation, prior to the submission of the application for housing.
4. Upon request, MDPHA will consider verified mitigating circumstances regarding determinations that a Resident is disqualified for admission. Mitigating circumstances are facts that may mitigate negative rental or criminal background. Examples of mitigating circumstances may include: (1) the reason for the unsuitable rental history is no longer in effect or is under control, (2) evidence of successful completion of drug or alcohol rehabilitation program, (3) circumstances leading to eviction or criminal activity no longer exist (i.e. the criminal household member has died or is imprisoned); (4) participation in social service or other appropriate counseling service. If the mitigating circumstances are related to a disability, medical condition or treatment, the residents may obtain necessary forms to request a reasonable accommodation that will require disability verification. If the Resident requests such consideration or if more information is required, MDPHA will verify:

- a. that the Resident has a disability (as defined in Admissions and Continued Occupancy Policy (ACOP), Appendix I Definition of "Person with Disabilities";
- b. that the specific situation(s) that led to the denial of Request for Transfer is/are caused by or occurred because of the disability or that the disability substantially contributes to the specific situation(s) that led to the denial of application; and
- c. that the proposed accommodation can reasonably be expected to prevent the recurrence of the situation(s) that led to the denial of Request for Transfer.

Case managers will be available to assist those Residents needing to address any outstanding balances owed MDPHA and other pertinent issues prior to their completing the application process.

Each Resident is encouraged to:

1. Attend and participate in at least six (6) community meetings, activities or events per year;
2. Have all children in the household, who have attained the age of five (5) years, enrolled in at least one supervised youth activity within thirty (30) days of initial occupancy;
3. Complete at least eight (8) hours per month of volunteer service within the community;\*
4. Resolve any problems that arise in the neighborhood through mediation using the Neighborhood Community Council, Re-Occupancy Committee, and/or MDPHA management staff.

**\* Non-exempt residents in public housing rental units must complete at least eight (8) hours of community service or self-sufficiency programs as defined in the dwelling lease and consistent with the ACOP.**

**Key Requirements related to Occupancy and Admissions for new Scott/Carver units developed under Phase II and funded under the Section 42 (Low Income Housing Tax Credit) Program, and pursuant to the Neighborhood Stabilization Program funds awarded to Miami-Dade County.**

1. The original Return Policy did not address requirements for low income tax credit or the Neighborhood Stabilization Program (NSP) funding sources. These funding sources are being used to fund the project. The corresponding federal requirements and summary (Attachment A) are herein made part of the Return Policy.

## **GRIEVANCE**

In the event a Resident is denied housing because he/she fails to meet one of the criteria set forth herein, the Resident shall be afforded the right to appeal the denial. The Resident shall file a written request to MDPHA's representative for a grievance hearing within five (5) business days from the date of the denial notice. Thereafter, the Resident shall be afforded a hearing in compliance with federal laws, regulations and the policies of MDPHA, which are all incorporated herein by reference.

A former Scott/Carver resident will serve on the board/committee, when applicable, provided they are fair and impartial and must review and abide by the MDPHA's ACOP, Section 8 Administrative Plan, Policies and Procedures, HUD regulations, privacy and confidentiality rights of residents.

The written request must specify:

4. The reasons(s) for the grievance or content of MDPHA's proposed action; and
5. The action or relief sought.

The process described in MDPHA's Reasonable Accommodation Policy and Procedures document will be followed for residents with disabilities that have been denied housing.

**Miami-Dade Public Housing Agency**  
**701 NW 1<sup>st</sup> Court, 16<sup>th</sup> Floor, Miami, FL 33136**  
**786-469-4121**





## **ATTACHMENT A**

### **KEY REQUIREMENTS RELATED TO OCCUPANCY AND ADMISSIONS FOR NEW SCOTT/CARVER UNITS DEVELOPED UNDER PHASE II AND FUNDED UNDER THE SECTION 42 (LOW INCOME HOUSING TAX CREDIT) PROGRAM, AND PURSUANT TO THE NEIGHBORHOOD STABILIZATION PROGRAM FUNDS AWARDED TO MIAMI-DADE COUNTY**

Phase II units are receiving funding under the Section 42 Low Income Housing Tax Credit program and the Neighborhood Stabilization Program and are therefore subject to the requirements below.

#### **I. SECTION 42 ELIGIBILITY REQUIREMENTS**

IRS Code Section 42 governs the Low Income Housing Tax Credit and carries program related requirements for tenant eligibility that cannot be changed or waived. The Low Income Housing Tax Credit requirements apply to the **177 public housing units** and the **107 affordable/tax credit units** planned for Phase II as both of these unit types will receive the benefits of the tax credits. For public housing units, the Section 42 requirements will only be used to determine initial eligibility and do not impact the rent calculation for individual tenant payments; the public housing rules that are in place will continue. These requirements will be the same for all applicants to public housing units regardless of whether the applicant is a returning resident. **Requirements are related to household size, household income and student status, as described below.**

- a. **Household Size & Income:** Section 42 establishes income limits for households residing in tax credit units at 60% of the Area Median Income (AMI) which is determined annually by the US Department of Housing and Urban Development (HUD) for cities and counties across the country. The chart below illustrates the 2010 income limits at 60% AMI by household size for Miami-Dade County. Income limits will be adjusted annually.

**2010 INCOME LIMITS**

HOUSEHOLD SIZE	MAXIMUM INCOME (AT 60% OF AREA MEDIAN INCOME) <sup>1</sup>
1 PERSON	\$29,580
2 PERSONS	\$33,780
3 PERSONS	\$37,980
4 PERSONS	\$42,180
5 PERSONS	\$45,600

<sup>1</sup> Maximum income limits are subject to change when published annually by HUD.



6 PERSONS	\$48,960
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**b. Student Status**

A household which consists entirely of full-time students<sup>2</sup>, not one of whom is entitled to file a joint federal income tax return, is not eligible to occupy an apartment.

There are two categories of exceptions:

- 1) An individual who is (a) a student and receiving assistance under Title IV of the Social Security Act, or (b) enrolled in a job training program receiving assistance under the Job Training Partnership Act or under similar federal, state, or local laws.
- 2) A household occupied entirely by full-time students if such students are (a) single parents and their children and such parents and children are not dependents of another individual, or (b) married and filing a joint federal income tax return, subject to the Tax Credit Regulatory Agreement.

**II. NEIGHBORHOOD STABILIZATION PROGRAM REQUIREMENTS**

Of the 177 public housing units to be set-aside in Phase II, the Neighborhood Stabilization Program funds awarded to the project require 59 units set aside for households with incomes up to 50% of the area median income (AMI). The 59 units will be distributed across a mix of unit sizes and types. The chart below illustrates the 2010 income limits at 50% AMI by household size for Miami-Dade County. Income limits will be adjusted annually.

HOUSEHOLD SIZE	MAXIMUM INCOME (AT 50% OF AREA MEDIAN INCOME) <sup>3</sup>
1 PERSON	\$24,650
2 PERSONS	\$28,150
3 PERSONS	\$31,650
4 PERSONS	\$35,150
5 PERSONS	\$38,000
6 PERSONS	\$40,800

<sup>2</sup>As defined in Section 151(c)(4) of the IRC

<sup>3</sup> Maximum income limits are subject to change when published annually by HUD.