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LEGAL SERVICES OF GREATER MIAMI, INC.

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April 30, 2008

Miami Dade Housing Agency
Administration and Compliance
1401 NW 7th St.
Miami, FL 33125

Re: Comments to PHA Plan for Fiscal Year 2008-2009

To Whom It May Concern:

Legal Services of Greater Miami, Inc. is a private non-profit law firm representing many residents and participants throughout Miami-Dade Housing Agency's various housing programs. We are submitting the following comments based upon our experiences representing our clients who are residents and participants in the Section 8 program and public housing operated by the Miami-Dade Housing Agency.

Section 8 Customer Service

The most serious problem currently facing the Miami-Dade Housing Agency are the problems in the Section 8 Voucher Program. The MDHA Section 8 Voucher Program is currently facing a crisis and the 2008-2009 Annual Plan fails to identify or address the crucial problems.

The Executive Summary of the Plan explains that MDHA has reorganized its Private Rental Housing Division and opened the new Section 8 Customer Service Center. MDHA claims that the Customer Service Center provides services to Section 8 landlords and tenants. Since MDHA abruptly shut down the Section 8 office at Coral Way and opened the Customer Service Center in December 2007, customer service for Section 8 participants and landlords has declined significantly. This is a clear departure from the Goals listed in MDHA's Five Year Plan.

The Customer Service Center is a walk-in office which is open 4 days a week. MDHA directs all Section 8 participants and landlords to "log questions, complaints, and other inquiries" at the Customer Service Center. If Section 8 participants have a problem, they can no longer call the Section 8 office, but rather must visit the Customer Service Center in person. This causes a problem for Section 8 participants with jobs, who are forced to take off work and lose income in order to have a question answered, those participants with young children, and those participants that live far from the Customer Service Center.



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These concerns were also raised by the Section 8 Resident Advisory Board in its 2008/20089 Recommendations for the Proposed 2008-2009 PHA Plan (Comments #6 and 7).

Most troubling is the impact the Customer Service Center is having on disabled and elderly voucher holders. Requiring disabled and elderly voucher holders to travel to the Customer Service Center for assistance and failing to provide a reasonable accommodation for the disabled is highly problematic and discriminatory. The Customer Service Center press release issued by MDHA on December 14, 2007, provides no explanation how disabled individuals could obtain "customer service." Requiring Section 8 participants to visit the Customer Service Center to receive assistance likely violates the Voluntary Compliance Agreement between MDHA and US HUD which requires MDHA to provide accessibility for disabled individuals.

Once a voucher holder contacts the Customer Service Center, MDHA employees do not provide any resolution to the participant's problem; instead, the problem is merely documented by the Customer Service Center employee. All Section 8 files are kept in a different location, so the Customer Service Center employee usually does not have the information necessary to provide an answer. Clients frequently tell us that they have visited the Service Center on multiple occasions and are constantly told that an MDHA representative will contact them. Most clients advise us that they never receive a response. Landlords have also complained to our office about similar responses when they visit the Service Center.

Since the opening of the Customer Service Center, Section 8 participants have complained that MDHA has failed to process paperwork once it is left at the Customer Service Center. This includes both rent adjustments and requests for tenancy approval (RFTA). The federal regulations state that the RFTA should be approved within a reasonable time and, to the extent practicable, within fifteen days. *See* 24 C.F.R. §982.306(b)(2). Unfortunately, MDHA regularly takes 3 or more months to approve a unit, and in some of our cases, MDHA has taken over one year to approve a unit. (See RAB Comment #5). MDHA's failure to timely process paperwork prevents participants from moving into new units or paying too much for rent. MDHA's failure to process paperwork timely leads to evictions and homelessness for Section 8 participants.

Recently, payments to landlords have become a serious problem. Since November 2007, many Section 8 landlords and participants have complained that MDHA has stopped making the Housing Assistance Payments (HAP). This problem is particularly bad for the initial HAP payment after a participant moves into an approved unit. (See RAB Comment #5) While some landlords have been patient and understand MDHA is responsible for the payment problem, many landlords have filed evictions against the innocent Section 8 tenants. The payment problems have been well-documented in the media. Attached is a Miami Herald article from January 2, 2008, and a March 26, 2008, column from the Miami Herald's Action Line which includes four letters from landlords complaining about MDHA's failure to pay the HAP. MDHA's failure to make HAP payments adversely impacts the states goals in the 5 Year Plan to increase customer satisfaction and attract new landlords to the Section 8 program.

MDHA should have identified each of these serious problems in its Annual Plan and MDHA should also address how each of these problems will be resolved. Unfortunately, the Annual Plan makes no

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reference to the problems that impact Section 8 participants on a daily basis. Without solutions to these problems, MDHA will not meet its 5 Year Plan goals to expand the supply of assisted housing, to improve the quality of assisted housing, to improve voucher management, or increase customer satisfaction.

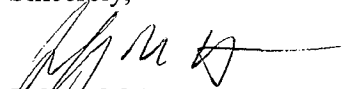
Waiting List

On Page 2 of the Plan, the Executive Summary states that the Miami-Dade Housing Agency's (MDHA) waiting lists will reopen during Fiscal Year 2007-2008. Although the Fiscal Year is not yet completed, as of April 30, 2008, the waiting lists have not yet reopened. The waiting list was last opened in 2005. At that time, our office had serious concerns about the waiting list application process and we encourage MDHA to make changes to the upcoming application process.

In the Statement of Progress in Meeting the 2005-2009 Five Year Plan Mission and Goals, MDHA states that during the 2005 application period, 3,500 applications were rejected for incomplete information. In 2005, MDHA required that housing applicants complete and bubble a form which would be scanned by a machine. Unfortunately, many of the applicants, including the elderly, disabled, and those with limited English skills, had their applications rejected and determined invalid because the areas to be scanned were not properly shaded. Unfortunately, MDHA did not allow the rejected applicants to request an informal review of MDHA's decision. This was improper and denied some applicants from challenging mistaken application denials. See 24 C.F.R, §982.554. For the upcoming application period, we urge MDHA to use a different application form (i.e. do not use an application which requires the applicant to bubble in responses) and to provide denied applicants for housing with an informal review as required by the federal regulations.

If you have any questions about these comments, please feel free to contact me at (305) 438-2403.

Sincerely,



Jeffrey M. Hearne
Attorney at Law

Enclosures as stated