

# Miami Dade Housing Choice Voucher Program

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Owner Meeting  
January 28, 2015



# Welcome

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Deonna Wheeler  
Program Support Manager



# Change of Dwelling Process

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Jamaal Williams  
Intake & Moves  
Manger

# Intake and Moves

## New COD Process

- Effective 1/5/15
- Case Management Approach
- Customer Driven
  - “Voice of the Customer”
- Documentation/Forms
  - HAP Payee
  - Ownership
  - Tenant And Owner Notification of HAP/Lease Change
- Survey/Feedback
  - New HAP survey effective 3/16/15

# Change of Ownership Process

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Karen Lara  
Finance Specialist

# COO Process-Prior to Transfer

1. Owner Submits a COO request
  - Owner must obtain prior written consent of MDHCV before any assignment of the HAP contract can take place; prior to transfer (Housing Assistance Payment Contract Sec. 14)
  - In the event prior approval was not requested/granted, HAP may be terminated
2. Owner provides contact info for new owner
  - MDHCV will contact proposed new owner to inform of the COO process

# COO Process-Prior to Transfer

## 3. Place Hold on payments

- Future hold at 60 days will be placed pending transfer and owner eligibility
- 30 day follow up with old owner to determine transfer status

## 4. New Owner must submit all required paperwork and be qualified eligible

- MDHCV will contact proposed new owner to inform of the COO process
- If all documents are not provided, MDHCV will deny partial documents; MDHCV will only receive complete packets

# COO Process-Prior to Transfer

## Required Documents

- **IRS W9–Taxpayer identification and certification**
  - this form is used to provide the correct TIN or SSN of the person who is required to file an information return with the IRS to report, income paid to you
- **Government issued ID**
  - Drivers license, photo ID, passport are acceptable
- **Social Security Card**
  - Is required if a private owner
- **Direct Deposit form**
  - Accompanied by a voided check with company or persons name and address imprinted (no starter checks)



# COO Process-Prior to Transfer

## Required Documents

- **Proof of Ownership**
  - Warranty or Quit Claim Deed (if in a Trust, Trust documents are required)
  - Court order of assignment (signed and stamped by court)
- **Landlord Certification of Responsibility**
  - For both CODs and Change of Ownerships, the owner must complete
  - If the owner checked 16b acknowledging they or a family member is a county employee, then the owner must request a letter of opinion from the Commission on Ethics.
  - The application to request a letter of opinion can be found on our website at: <http://ethics.miamidade.gov/frequently-used-forms.asp>
  - The owner must supply a copy of the decision from the Commission on Ethics to MDHCV for the file; if decision was determined a conflict the owner cannot lease under the HCV program

# COO Process-Prior to Transfer

## Required Documents

- **Property Owner Consent Form**
  - Required when two or more owners are on the deed; authorizing that either or a 3<sup>rd</sup> party can collect payment and/or execute documents
  - Notary required
- **Management Agreement**
  - Required when a company is authorizing a outside company to collect payments and/or execute documents
- **Condo Association Letter**
  - Required approval letter from the association for the tenant.

# COO Process-Prior to Transfer

## Required Documents

- **Taxes**
  - Can be obtained from the Miami Dade Property Appraiser web site
  - Current year taxes are required to be paid
- **IRS Letter**
  - A copy can be obtained from the IRS website [www.irs.gov](http://www.irs.gov)

# COO Process-Prior to Transfer

## 5. Owner Eligibility

- MDHCV shall limit, deny or terminate owner participation in the following circumstances:
  - An owner is debarred, suspended, by HUD
  - When directed by HUD as a result of a Fair Housing Violation
  - An owner has history of uncorrected HQS
  - An owner has been convicted of fraud, bribery or any corrupt or criminal act with federal housing program
  - An owner has violated a HAP contract (24 CFR part 982)
  - An owner has engaged in drug related or violent criminal activity
  - An owner has not paid local property taxes or fines
  - An owner has a history of being abusive towards MDHCV staff or program participants

# COO Process-Prior to Transfer

## Owner Eligibility (continued)

- MDHCV shall limit, deny or terminate owner participation in the following circumstances:
  - An owner has claimed homestead exemption on the assisted unit
  - An owner is a member of the participant family, unless owner had prior approval from MDHCV to provide a reasonable accommodation for a person with disabilities
  - When an owner or their family member is a County employee and has not obtained a waiver from the Miami Dade Ethics Commission
  - When an owner has not paid owner supplied utilities related to the tenancy of the HCV participant
  - When an owner has a history of failing to terminate the tenancy of HCV tenants for drug related or violent criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants

# COO Process-Prior to Transfer

## Owner Eligibility (continued)

- If MDHCV denies the proposed new owner, the participant family will be provided a voucher to look for a new unit
- The HAP payments will stop to the current when the family moves
- If the new owner is approved and the sale transfer has completed, the HAP payments will be made to the new owner on behalf of the family

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# COO Process-After Transfer

1. MDHCV notified of New Owner
  - HAP payments are on HOLD to current owner
2. New Owner will submit all required paperwork
3. New Owner will need to be qualified eligible
  - If disapproved, participant will receive voucher to move
  - If approved, HAP payments on hold will be released once all paperwork is submitted as complete and the change is made within 30 days

# Security Deposits, Side Payments, and Eviction Process

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Jeffrey Hearne

Advocacy Director – Tenants' Rights Project  
Legal Services of Greater Miami

# Security Deposits

- Florida Statute 83.49
  - Must keep deposit in separate account and you cannot commingle it with other funds.
  - In the lease or within 30 days, you must tell the tenant the bank where the deposit is held, and include a statutory disclosure.
- Advance rent must be treated as a deposit.
  - If you collect advance rent from a Section 8 tenant (i.e. last month's rent), you must only collect the tenant's portion of the rent.

# Security Deposits

- When returning deposit, you must follow the notice requirements in Fla. Stat. 83.49(3).
  - If returning all, must do so in 15 days.
  - If you are making claim, you must send notice within 30 days.
  - You cannot charge for normal wear and tear.
- If you withhold the deposit improperly, tenant can sue to recover deposit and attorneys' fees and costs.

# Side Payments

- You can only charge a Section 8 tenant the amount of rent set by Section 8.
- It is illegal to demand or accept side payments from the tenant. Must return immediately.
- Consequences include:
  - Termination as a landlord for Section 8
  - Liability under the False Claims Act
    - US ex. rel Wade v. DBS Investments
    - Landlord accepted \$4,398 additional rent, court entered judgment of \$35,194 against landlord.
  - Criminal Prosecution for Fraud.

# Evictions

- Evictions are technical and best to get specific legal advice or representation.
- Tenant cannot be evicted for non-payment of the Housing Assistance Payment from Section 8.
  - Make sure you address all HQS violations.
- Remember it takes time to move using the Section 8 voucher.

# Questions?

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Thank You for Coming