PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)

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EFFECTIVE:

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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:

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- 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.

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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

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- 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

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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

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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.

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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.

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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

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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:

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- 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

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the SSN at the next interim or regularly scheduled reexamination if the participant has:
- o Not previously disclosed a SSN to the agency; or
- o Previously disclosed a SSN that HUD or the Social Security Administration (SSA) determined was invalid; or
- o 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).

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- 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:

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- 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.

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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

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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,

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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

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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.

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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.

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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.

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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

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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

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- ✓ 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.

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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

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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

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- 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.

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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

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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

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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.

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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

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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.

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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

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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.

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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

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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

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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

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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

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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

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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.

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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.

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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;

   c. 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.

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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.

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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.

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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.

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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:

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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.

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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

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(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:

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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.

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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.

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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.

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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

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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.

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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).

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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

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

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

   b. Information on alternative housing available; and

   c. 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* for detailed procedures.

2. Permanent Relocation: Residents of public housing units which are dilapidated, unsafe, and/or in substantial disrepair as determined by PHCD for which there are no immediate reconstruction plans, may be relocated to comparable vacant public housing units of their choice, based on availability. The impacted residents will not be considered part of the public housing transfer waiting list and will be provided with:

   a. Applicable meeting(s) to inform of available or potentially available alternative housing which may include new acquisition(s) of public housing units.

   b. Written Information on alternative housing which may include new acquisition(s) of public housing units that may be under HUD-approval process.

   c. Written notice of the date of relocation and other requirements in accordance with the Uniform Relocation Act (URA), if applicable.

   d. Reimbursement of reasonable out-of pocket expenses, including moving expenses, upon presentation of acceptable receipts.

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e. After all affected residents have been permanently relocated, any remaining vacant units in a new acquisition development may be filled from the transfer list or waiting list.

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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.

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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.

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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:

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- 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.

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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.

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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.

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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).

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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.

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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;

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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.

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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

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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.

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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.

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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

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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.

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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.

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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.

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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.

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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.

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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

Effective FY2014-15, as required by PIH Notice 2014-12, the Flat Rent structure shall be reviewed annually and adjusted accordingly using a rent reasonableness study based on the variables listed above.

a. Flat Rents will be set at no less than 80% of the Fair Market Rent (FMR) and adjusted, if necessary, to account for utility costs.

b. If a new Flat Rent amount will increase a family's existing rental payment by more than 35%, then the new amount shall be phased in to ensure the family's rent does not increase by more than 35% annually.

c. The revised Flat Rents will be applied to new admissions upon the revision's effective date; however, when a current Public Housing resident chooses Flat Rent, his/her rent shall not be adjusted until the next regular annual recertification.

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

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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.

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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);

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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);

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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;

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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;

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- 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));

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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.

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- 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.

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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.

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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.

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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.

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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).

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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.

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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.

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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.

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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

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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.

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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.

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