SECTION 8 ADMINISTRATIVE PLAN

FOR THE

PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

HOUSING CHOICE VOUCHER

AND

MODERATE REHABILITATION PROGRAMS

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Revised:

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Effective:

Public Housing and Community Development
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PUBLIC HOUSING AND COMMUNITY DEVELOPMENT

ADMINISTRATIVE PLAN
HOUSING CHOICE VOUCHER PROGRAMS

Chapter 1. Program Administration

1.1. Purpose of the Plan

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

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

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

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

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

C. To provide an incentive to private property owners to rent to lower income families by offering timely assistance payments.

In addition, this Plan advocates the following:

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

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

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

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

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

1.2 Public Housing and Community Development (PHCD)

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

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

Administration of the Housing Choice Voucher programs shall comply with all applicable Federal, State and local law, the Housing Choice Voucher regulations, handbooks, and policies promulgated by USHUD, and other federal laws including but not limited to the Fair Housing Act, as amended**,** The Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 3 of the Housing and Urban Development Act of 1968, as amended.

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

1.3 Jurisdiction of the Agency

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

1.4 Location of Office

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

1.5 Administrative Fee Reserve

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

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

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

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

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

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

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

1.7 Assistance for Limited English Proficiency (LEP) Persons

Assistance to Limited English Proficient Persons

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

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

A. Four (4) Factor Analysis

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

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

B. Language Assistance Plan (LAP) and Safe Harbor

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

1. Staff Training

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

2. Oral Language Interpretation

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

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

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

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

3. Written Language Translation of Vital Documents

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

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

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

C. Monitoring and Updating

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

Chapter 2. Eligibility for Admission and Processing of Applications

2.1 Affirmative Marketing

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

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

A. Outreach to Very-Low Income Families

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

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

B. Marketing and informational materials will:

1) Comply with Fair Housing Act requirements on and the regulations promulgated by USHUD wording, logo, etc.;
2) Describe the application process, waiting list and preference structure accurately;
3) Use clear and easy to understand terms and distribute in more than English-language print media;
4) Contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/504/ADA-adaptable units are offered to applicants who need their features;
5) Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and
6) Be clear about PHCD's responsibility to provide reasonable accommodations to people with disabilities.

2.2 Waiting List Management

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

A. The Project-based programs include the following:

1) Conventional Public Housing, including Assisted Living Facilities

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B. The Tenant-based programs include the following:

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

C. Other Programs

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

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

D. Movement on the Waiting List

1) Each applicant family moves up the waiting list in sequence, based upon:

a. For the Housing Choice Voucher program, a neutral lottery system that determines the applicant's ranking at the time of the initial application.

b. For the Moderate Rehabilitation and Project Based Voucher programs, in addition to a neutral lottery system that determines the applicant's ranking, each applicant will be categorized by the type (e.g., general occupancy, elderly designated buildings, elderly and individuals with disability designated buildings and size (number of bedrooms required) of unit.)

c. When an applicant reaches the top for the Tenant-based waiting list, the applicant's information will be verified, so that the applicant may be certified eligible to receive benefits.

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

2) Making Housing Offers to Eligible Applicants for Moderate Rehabilitation and Project Based Voucher Programs

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

a. Eligible applicants will receive a housing offer letter for the next available unit. If the applicant fails to respond or select an available unit, he/she will not be eligible to receive another letter.

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

c. Subject to the process described above, any applicant who refuses an offer shall be removed from the Tenant-based waiting list except if the applicant demonstrates good cause (as defined in Section 31.3 of this Administrative Plan and Attachment A - Definitions) for rejecting the offer.

d. If the applicant accepts participation in a project based assisted housing program (i.e. Section 8 Moderate Rehabilitation or Project Based Voucher) under the tenant-based ranking number, the applicant will not be considered for any other project-based program under the tenant-based ranking.

E. Changes to Family Composition

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

1) Addition to Family Composition

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

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

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

2) Addition of a Live-in Aide

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

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

c. The live-in aide may live in the unit solely to care for the disabled family member and qualifies for occupancy as long as the individual requires the supportive services. PHCD shall deny occupancy of the unit to the live-in aide after the disabled resident, for whatever reason, no longer resides in the unit.

d. A relative may be considered as a live-in aide, but must meet all the above criteria and be qualified to provide the care for the family member. The head of household and the live-in aide shall acknowledge that the live-in aide does not have any right to the voucher. The live-in aide does not qualify for continued occupancy as a remaining family member, and shall be required to sign a Live-In Aide Agreement which shall become an addendum to the resident's lease (for the Live-In Agreement form, refer to Attachment C, Reasonable Accommodation Policies and Procedures).

e. Under extraordinary circumstances, upon approval of the PHCD, relatives satisfying the definition of a live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in aide. In such case, the relative's income will be considered in the family's annual income.

f. An eligible live-in aide may be granted up to one (1) additional bedroom if approved as a reasonable accommodation. The live-in aide may have PHA-approved family member(s) live with him/her in the unit, as long as Housing Quality Standards (HQS) are not violated and there are no more than two people per bedroom or living/sleeping space (PIH Notice 2010-51). If additional family members result in violation of HQS, or do not meet the eligibility requirements set forth below, this specific live-in aide may not be approved. No additional bedrooms will be provided to accommodate the live-in aide's family members.

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

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

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

j. The live-in aide individual (and any family members) may be denied for the following reasons:
   - Commits/committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
   - Unauthorized household members.
   - The screening process shows a pattern of arrests within the last 10 years of engaging in drug or violent criminal activities excluding murder, arson, aggravated felony battery and sex-related crimes not subject to lifetime registration under a state sex offender registration program.

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

- A sex offender according to State Laws. PHCD will perform nationwide background checks. The nationwide background check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).

- Owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

3) Removals from the Family Composition:

Applicants (see Section 5.2 regarding removal of Residents and Unauthorized Persons):

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

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

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

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

4) Removal of Applicants from the Waiting List

a. If an applicant does not respond to notices of scheduled appointments or to Agency correspondence, even if no correspondence was received by the applicant, the applicant will be removed from the waiting list. If removed from the waiting list, applicants will have a right to request an informal review in accordance with Section 29.2, Applicant Reviews.

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

c. If applicant is issued a voucher, the applicant will only remain on the Project-based waiting list.

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

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2.3 Opening and Closing of the Waiting List

A. Timing

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

2) One lottery is conducted for the tenant-based waiting list and another lottery is conducted for the project-based programs. Ranking for each list is done through a computerized application and is verified by a neutral third party.

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

4) The opening and closing of registration periods will be advertised in the media, as described in Section 2.1 of this chapter, for the purpose of reaching all segments of the community and providing advance notice.

B. Open Registration at Designated Locations

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

2) Applications will be available on-line at designated locations. Media advertisement and marketing providing notice of the opening of the waiting list will be conducted. The designated locations will be accessible to people with disabilities and will be part of the notice.

C. Submission of Applications

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

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

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

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

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

6) If an applicant is determined ineligible, the applicant is entitled to an informal review.

2.4 Processing Applications for Admission

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

A. All applicants are responsible for updating PHCD regarding changes of address and other contact information. If an applicant does not respond to notices of scheduled appointments or PHCD correspondence requiring information, the applicant's name will be removed from the waiting list. If removed from the waiting list, applicants will have a right to request an informal review in accordance with Section 29.2, Applicant Reviews.

B. Applications are nontransferable, except under the following conditions:

1) If the head of household deceases prior to or during the application process, one of the remaining adult family members on the application will automatically become the head of household, provided such person meets all eligibility requirements. In circumstances where there is more than one (1) surviving adult family member, the family shall determine which surviving family member should be head of household as long as they are part of the original application. PHCD shall not make the determination nor create more than one (1) application.

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

3) Only one (1) application is allowed per family. PHCD will consider the following circumstances in determining which family member shall assume the application:

a. The desires of the family;

b. The interest of minor children, or disabled or elderly family members;

c. Any instance of actual or threatened physical violence against a family member by another family member;

d. Which family members were part of the original application for assistance; or

e. If a court determines property disposition between the family members, PHCD will abide the court's determination.

2.5 Administering the Applicant Waiting List

Applications for admission will be processed centrally. Initial intake, screening, and voucher issuance will be made by the PHCD.

2.6 Qualifying for Admission

A. Placement on the waiting list does not indicate that the applicant is eligible for admission. A final determination of eligibility will be made when the applicant is selected for interview from the waiting list. It is PHCD's policy to admit into its housing programs only qualified applicants.

B. An applicant is qualified if he/she meets all of the following criteria:

1. Is a family, as defined in the Attachment A of this Administrative Plan;

2. Meets USHUD requirements on citizenship or immigration status as described in item c below;

3. Is within USHUD's established income limits for new applicants or continually assisted tenants;

4. Provides documentation of Social Security numbers for all family members, except for those individuals who do not contend that they have eligible immigration status. Provides documentation validating identity of each adult or emancipated minor; and

C. Citizenship or Eligible Immigration Status

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

1. There are four (4) categories of citizenship/immigration status:

   a. Eligible citizen
   b. Eligible noncitizen
   c. Ineligible noncitizen
   d. Pending verification

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

3. A citizen/national may submit one of the following documents:

   - U.S. Passport
   - U.S. Birth Certificate
   - Puerto Rican Birth Certificate (will only be accepted if issued after July 1, 2010)
   - Certificate of Citizenship
   - Naturalization Certificate
   - Voter's Registration
   - Other documents as may be required by USHUD

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

   a. Permanent residents: Permanent Resident Card (Form I-551), also known as the "Green Card."

   b. Asylees: Asylum Approval Notice, Employment Authorization Document (EAD), or Arrival-Departure Record (Form I-94), along with government-issued ID card with photo.

   c. Refugees: Refugee Approval Notice or Employment Authorization Document (EAD).

   d. For non-citizens 62 years of age and older receiving assistance under a covered program on September 30, 1996 or applying for assistance after that date, a signed declaration of eligible immigration status and proof of age is required.

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5. Documents must be current and unexpired.

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

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

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

    - As long as one (1) family member is either a citizen or eligible noncitizen, the family may qualify as a "mixed family" and the housing assistance must be prorated based on the family members who are either citizens or eligible immigrants, which means they will pay a higher rent than they would if all family members were either citizens or eligible (24 CFR § 5.508).

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

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

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

    1. Primary Verification: The DHS System Alien Verification of Entitlements (SAVE) system provides automated immigration status. This must be done as part of the applicant eligibility process or additions to households.

    2. Secondary Verification: If primary verification is unsuccessful and the family member has disclosed eligible immigration status and presents valid immigration documents, a secondary verification must be immediately done. This consists of mailing a DHS form with copies of the immigration documents.

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

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

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

a. That the family has a right to request an appeal to DHS of the results of the verification of immigration status;

b. That the family has the right to request an informal review/hearing with PHCD upon completion of the DHS appeal. Such hearing shall be in accordance with hearing procedures in Chapter 29 of this Administrative Plan;

c. That housing assistance may not be denied or terminated until the conclusion of the DHS or PHCD appeal process; and

d. Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

D. Mandatory Social Security Numbers

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

1. Disclosure requirement for applicants

At the time applicant's eligibility is determined, each applicant must submit: a) the complete and accurate SSN assigned of the applicant and each member of the applicant's household, including the live-in aide and children under the age of six (6), unless the member of the household does not contend that they have eligible immigration status, and b) required documentation to verify each SSN as referred in item (3) below.

2. Disclosure requirement for program participants

a. Initial Disclosure: Each participant whose initial determination of eligibility began before January 31, 2010, except for those age 62 or older as of January 31, 2010, must submit a complete and accurate SSN and documentation to verify the SSN at the next interim or regularly scheduled reexamination if the participant has:

1) Not previously disclosed a SSN to PHCD; or
2) Previously disclosed a SSN that USHUD or Social Security Administration (SSA) determined was invalid; or
3) Been issued a new SSN.

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

3. Verification of SSNs

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

a. A valid SSN issued by SSA, or

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

Referral sources for applicants and participants who need to request SSN or obtain information are available at www.socialsecurity.gov or 800- 772-1213.

4. Time frame to submit documents to confirm the SSN

a. Applicants: If at the time of eligibility, the documents to verify the SSN for each family member cannot be submitted and the applicant is otherwise eligible, the applicant may retain his or her place on the waiting list for the program, but cannot become a program participant until the required documents to confirm the SSN is provided. Applicants may be given up to 90 days, or 120 days for applicants 62 years or older, to submit documents confirming each household member's SSN.

b. Program Participants: Next annual or interim reexamination or within 90 days of request date, or 120 days for participants 62 years or older.

c. PHCD may grant additional time up to 90 days, only if there are unforeseen circumstances beyond the family's control that prevent the family from complying with the SSN requirements.

5. Penalties for failing to disclose and verify SSN

a. Applicants: PHCD must deny the eligibility of an applicant if the applicant does not meet the applicable SSN disclosure, documentation and verification requirements by the time eligibility is determined or within the period of time established by PHCD to provide documentation in item (4).

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

E. Verification of Identity

1. Ineligible Immigration Status

Adult or emancipated minor applicants that do not contend eligible immigration status will be required to confirm their identity providing any of the following documents:

- Foreign passport
- Foreign driver's license
- Foreign birth Certificate
- Identification card issued in US
- Foreign military identification card
- Other documents as may be required by USHUD

2. Citizens or Eligible Immigration Status

Required documentation validating identity of each adult or emancipated minor having citizenship or eligible immigration status:

- State issued driver's license (current and unexpired), or

- State issued identification card (issued within the last ten years)
- U.S. passport (current and unexpired)
- US issued immigration verification documents that contain a picture of individual (issued within the last ten (10) years)
- Military identification card
- Other documents as may be required by USHUD

F. Legal Capacity

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

2.7 Denial of Assistance

A. Eviction or Termination from Federally Assisted Housing

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

B. Monies Owed

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

1. If the applicant or any member of the applicant family currently owes rent or other amounts to PHCD or any other housing agency in connection with Section 8 or public housing assistance under the United States Housing Act and applicable federal regulations, or any applicant who previously lived in public housing or an assisted unit and vacated leaving an unpaid balance, will not be offered assistance until the outstanding balance is paid in full.

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

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

C. Abusive Behavior

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

D. Criminal Activity

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

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

3. PHCD may propose to deny assistance in the following instances whether the person had been arrested or convicted.

   a. Ten (10) years from date of arrest for criminal activities under the One Strike Policy:

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

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

      iii. Non-violent criminal activities that may threaten the health, safety or right to peaceful enjoyment of the premises by other residents. Examples are crimes that involve disturbing the peace, crimes against the property such as burglary, larceny and robbery, and crimes that impose a financial cost such as vandalism, bribery and fraud, including fraud in connection with federally assisted housing.

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

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

   b. Permanently:

      i. Methamphetamine manufacturers on premises of federally assisted housing.

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

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

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E. Notification of Proposed Rejection

PHCD must notify the household of the proposed rejection, the reason for the denial of admission, and provide an opportunity to dispute the accuracy and relevance of the record. If the denial is because of criminal background, PHCD must provide the household member with copy of the criminal records, upon request. Criminal records for minors available to PHCD by operation of law will be released to the head of household, parent or legal guardian of the minor, upon request.

F. Other Non-criminal Activities:

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

G. Veterans Assisted Supportive Housing (VASH) Program

Applicants for the VASH program are only screened for income and sex offenders subject to a lifetime registration under nationwide sex offender registration programs. Additions to households must meet regular eligibility criteria prior to being added as household members.

2.8 Applicants and Tenants Claiming Mitigating Circumstances

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

B. Mitigating circumstances are facts relating criminal history, that, when verified, indicate: (1) the reason for the unsuitable criminal history or behavior; and (2) that the reason for the unsuitable criminal history or behavior is no longer in effect or is under control, justifying admission or continued assistance. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.

C. If the applicant or tenant asserts that mitigating circumstances relate to a disability, medical condition or treatment, the PHCD shall evaluate the evidence and verify the mitigating circumstance. The PHCD shall also have the right to request further information to verify the mitigating circumstance. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation (see PHCD's Reasonable Accommodation Policies and Procedures document under Attachment C of this Plan), which will be used by the PHCD as the source document to process reasonable accommodation requests for persons with disabilities.

In its decision to deny assistance, the PHCD may consider the seriousness of the case, and the effect of denial of assistance on other family members who were not involved in the action or failure to act. The PHCD, if it admits such a family to the program, may impose as a condition of assistance, the requirement that family members who participated in or were culpable for the action or failure to act will not reside in the assisted unit, upon approval of the PHCD or hearing officer.

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

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E. The factors below will be taken into consideration, as well as any pattern of arrests for engaging in criminal activity within the last ten (10) years. These factors are not the only allowable mitigating circumstances. The PHCD will consider other mitigating circumstances as appropriate. Providing documentation of mitigating circumstances as described below is the responsibility of the family. It is incumbent upon the family to provide documentation, evidence and any and all other third party proof at any time, including but not limited, to the investigation interviews, appointments with the PHCD staff, at the time of the informal review or within the time limit set by the hearing officer to provide substantiating information challenging the recommendation to deny assistance.

1. Request to Remove Family Member

   The applicant or tenant may request removal of the offending family member permanently from the family composition and the family member may not remain on the application nor reside in the Housing Choice Voucher unit in order for the family to be assisted in the program. If the offending family member(s) is not removed, then the entire family shall be recommended for denial of assistance from the Program. In circumstances where the offending family member is the head of household, the entire family shall be recommended for denial of assistance from the Program. See Section 5.2 for additional details on removal of family members.

2. Non-Violent Charges Involving Firearms

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

3. Prior Criminal History

   In cases of multiple prior charges of one or more family members where the disposition of the cases was dropped, nolle prosse, no action, not guilty, acquitted, dismissed or not prosecuted by the court or State Attorney's Office, the PHCD or its authorized contractor may take both the family and individual family member's history and/or outcome into consideration at arriving at a final determination whether to deny assistance. See Section 2.7(4) – Criminal Activity.

4. Violation of Peaceful Enjoyment

   The PHCD may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the head of household or household member(s) in the offending activity and the extent to which the head of household or household member(s) has shown personal responsibility to prevent or mitigate the offending action. Upon determination by the hearing officer or the PHCD may require a family to exclude a household member in order to receive housing assistance, where that household member has participated in or been culpable for the action or failure to act that warrants denial of assistance.

5. Substance Abuse Rehabilitation

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

supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

6. Domestic Violence

   Other documents may be submitted in lieu of HUD form 50066, or in addition to the certification form. The PHCD or its authorized contractor will allow the perpetrator of the domestic violence, dating violence, or stalking to be removed from the household at the request of the family member who is the victim. See Section 2.14 – Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking and the Attachment of Definitions to this Plan for additional details.

F. Examples of mitigating circumstances may include:

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

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

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

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

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

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

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

   3. The nature and seriousness of the criminal activity, especially drug related and criminal activity that appears in the applicant's or resident's record.

2.9 Qualified and Unqualified Applicants

Verified information will be analyzed and a determination made with respect to:

A. Eligibility of the applicant as a family,

B. Eligibility of the applicant with respect to income limits for admission;

C. Eligibility of the applicant with respect to citizenship or eligible immigration status;

D. Unit size required for and selected by the family; and

E. Qualification of the applicant with respect to the selection criteria

Qualified families will be notified by the PHCD of the approximate date of admission insofar as that date can be determined; however, the date stated by the PHCD is an estimate and does not guarantee that applicants can expect to be housed by that date.

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Applicants who do not respond within 30 days to a notice of ineligibility to receive program benefits, or a notice to come in for processing, or do not cooperate with PHCD in providing all required information, will be notified in writing that he/she will be removed from the Tenant-based or Project-based Waiting List, as applicable, unless he/she requests an informal review by contacting PHCD in writing within 30 days of the notice. If an applicant does not respond because of the family member's disability, the PHCD will review and recommend whether to reinstate the applicant to the family's former position on the waiting list in accordance with the PHCD's Reasonable Accommodation Policies and Procedure (Attachment C of this plan).

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

In the event that an applicant's hearing does not occur prior to the dissolution of the existing waiting lists, no hearing will be afforded to the applicant because the relief upon which they have appealed (i.e., to be reinstated) cannot be legally provided by the PHCD.

Eligible applicants, who are known to have a disability, but fail to meet the applicant selection criteria in this chapter, will be offered an opportunity to submit documentation in support of their claims that mitigating circumstances related to disabilities or reasonable accommodations would make it possible for them to be housed in accordance with the screening procedures. PHCD will review such claims in accordance with PHCD's Reasonable Accommodation Policies and Procedure (Attachment C of this plan).

2.10 The Applicant Selection System

The factors that may affect applicant selection are described below**:**

A. Tenant Based Programs

The number of applicants selected will be based on the availability of assistance. The USHUD funding levels are generally not sufficient to fund all allocated vouchers. A family at the top of any of the tenant-based program waiting lists may not be skipped over for a smaller family but will be admitted when sufficient funds are available to subsidize the unit selected by the family within the allowable occupancy limits.

B. Income Targeting

The PHCD will comply with USHUD income targeting requirements indicated below or as may be amended by USHUD. At least 75% of families initially provided tenant-based assistance in any fiscal year shall be families whose incomes do not exceed 30% of the area median income as established by USHUD. This income targeting requirement does not apply to:

1. Low-income families continuously assisted (as defined in Section 2.6(B) of this Chapter);

2. Low-income or moderate-income families entitled to preservation assistance under the tenant-based program as a result of a mortgage prepayment or opt-out; and

3. Moderate Rehabilitation Program

C. Disaster-Affected Families

Families who are Public Housing residents or Housing Choice Voucher holders from another jurisdiction and who are displaced by federally declared disasters will be housed over other waiting list placeholders, subject to USHUD's approval. The PHCD may use existing available Public Housing units to assist either displaced Public Housing or voucher participants affected by the disaster. If the family arrives without any documentation, the PHCD will obtain the name and

social security number of the Head of Household and verify current eligibility by calling the Real Estate Assessment Center (REAC) at 888-245-4860.

D. Special Purpose Vouchers (Refer to Chapter 3)
    1. Veterans referred through the Veterans Assisted Supportive Housing (VASH).
    2. Non-Elderly Disabled (NED) persons on the waiting list when designated NED or Mainstream Voucher becomes available,

2.11 Interviews and Verification Process

A. As applicants approach the top of the waiting list, they will be contacted by mail and scheduled for an initial eligibility interview to commence their screening. Once selected from the waiting list, the applicant will be contacted by mail and scheduled for an eligibility interview to complete the applicant file. Applications will be withdrawn if an applicant fails to attend a scheduled interview or cannot be contacted to schedule an interview. Notwithstanding this, PHCD will make an exception for those people with a disability requiring a reasonable accommodation as described in PHCD's Reasonable Accommodation Policy and Procedures.

B. The following items will be verified to determine qualification for admission to PHCD

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

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

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

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

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2. Debt owed: If the EIV information shows that a family or household member was a former PHCD tenant, moved from another housing authority or program leaving a debt, or was terminated for adverse reason(s), the family will be responsible for clearing the debt or termination information within up to 45 calendar days. Assistance will be denied if the family cannot or does not provide proof of debt cancellation or reversal of the termination prior to the expiration of the 45 calendar days.

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

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

E. Applicant Interview Process:

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

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

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

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

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

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

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

7. After PHCD has reviewed all information with the applicant, all adult family members (see definition in Attachment A) at the time of the eligibility interview, are required to sign the *Personal Declaration* form and other necessary forms, such as the *Authorization to Release Information* form, prior to conducting background checks.

F. Personal Declaration Form

The *Personal Declaration* form is a personal statement of information required to evaluate the eligibility for selection of the applicant. Information required on the *Personal Declaration* form relate to the following:

- Household composition
- Local preferences (if applicable)
- Emergency contacts
- Previous landlord references
- Background references
- Care of unit
- Family income
- Family assets
- Child-care expenses
- Disability assistance expenses
- Medical expenses
- Criminal background

G. Third Party Verifications

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

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

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

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

- **Level 2:** Oral Third Party Verification: (Low) Mandatory if written third party verification is not available;
- **Level 1:** (Low) Use as a last resort when unable to obtain any type of third party verification.

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

5. Level 2 oral verifications will be used when written verification is not obtained within ten (10) business days from the date that the written verification was mailed, faxed or e-mailed directly to the independent source. Documentation shall be placed in the applicant or resident file and on PHCD's computer system notes and shall indicate the name(s) of the person(s) who provided the information and date of the communication, as well as the name of the staff person who obtained the information.

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

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

   In support of the applicant/tenant's declaration of income, PHCD may review original documents, authenticated copies, and/or electronic documents (unaltered) provided by the applicant or resident. All income related documents must be dated less than 60 days preceding the determination date (eligibility interview) and continues to be valid an additional 60 days following the request date. If income related documents expire, the applicant or resident will have to provide new documents. A photocopy will be placed in the file. Acceptable applicant or resident provided documents include:
   - Consecutive and unaltered pay stubs;
   - Social Security Administration award letter;
   - bank statements;
   - pension benefit statements;
   - TANF award letter;
   - other official and authentic documents from a Federal, State or local agency.

8. Value of Assets: Each asset must be analyzed to obtain its net value (market/face value less redemption cost). When verifying the value of assets, for example, a bank account, use the current balance for savings account. For checking accounts, use at least one current bank statement indicating the average balance or two consecutive bank statements in order to calculate the average balance. PHCD will accept unaltered documents (bank statement) to verify assets from checking and savings accounts in lieu of obtaining written or verbal third party verifications, if the balance does not exceed $4,999 and PHCD is able to verify the asset through review of unaltered documents (bank statement) provided by the applicant or resident.

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

a. The actual amount of income from assets, or

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

10. If third party income verification is not otherwise available, a copy of the most recent federal income tax return shall be submitted, including any W-2 information, or at least two (2) consecutive pay stubs or earnings statements. As stated above, notarized statements or affidavits are the least desirable forms of verifications and shall be accepted only when all other types of verification attempted have failed.

11. PHCD may obtain verifications from previous landlords to verify the applicant's ability to pay rent and to comply with the lease terms, and will perform criminal background (not including juvenile records) and sex offender registration checks on applicants and family members 18 years of age and over. PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses. If PHCD discovers the family has a history of failure to comply with lease terms under previous landlords or fails the background check, such shall result in removal from the waiting list, withdrawal of an offer, or termination of assistance.

12. Prior to initial certification, applicants shall be informed that PHCD will subsequently verify the family's income information they have provided PHCD through USHUD's Enterprise Income Verification (EIV) system. EIV is a computer matching program that compares the income provided by the resident against income information supplied by state agencies on wages, unemployment compensation, and Social Security benefits.

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

14. Uncollected child support will not be counted as income so long as the family provides documents proving the debt uncollectible for at least three (3) months.

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

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

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

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2.12 Screening Applicants for Admission

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

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

1. To pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;

2. To care for and avoid damaging the unit and common areas;

3. To use facilities and equipment in a reasonable way;

4. To create no health, or safety hazards, and to report maintenance needs;

5. Not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;

6. Not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and

7. To comply with necessary and reasonable rules and program requirements of USHUD and PHCD.

B. PHCD will perform criminal background (excluding juvenile records) and sex offender registration checks for applicants and additions to households 18 years of age and older at local and national levels; PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

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

C. Prior to conducting any criminal (excluding juvenile records) and sex offender registration background check, household members over 16 years of age or older, including the live-in aide, must sign the *Consent Form Authorizing Miami-Dade Public Housing to Obtain Criminal Background Records*. The custodial parent will sign the required form for the minor.

2.13 Applicant Responsibilities

1. Social Security Numbers

Applicants are required to provide Social Security numbers as per Section 2.6(D).

Social security numbers will be verified through the provision of a valid social security card or one of the following documents if it includes the Social Security number that has been verified by the issuing agency:

1. Driver's license Federal, State or Local Agency I.D.

2. Employer or Trade Union I.D. Medical Insurance Company I.D.

3. Earnings statement of payroll stub bank statements

4. IRS Form 1099 Governmental benefit award letters

5. Retirement benefit letter, life insurance policies

6. Court records verification of Social Security benefits

The PHCD may determine other documents as adequate evidence of a valid Social Security number.

2. Documentation of Citizenship or Eligible Immigration Status

Applicants must provide evidence of citizenship or eligible immigration status as per Section 2.6(C).

3. Annual Updates and Address Changes

The applicant and participant are responsible for updating all address and family composition changes upon occurrence. If the applicant does not respond to a scheduled appointment or to PHCD correspondence, even if the correspondence was not received because of a change of address, the applicant's name will be removed from the waiting list. If removed from the waiting list, applicants will have the right to request an informal review in accordance with this Plan.

2.14 Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking

A. Overview

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

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

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

The PHCD's Emergency Transfer Plan for victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Emergency Transfer Plan) is attached hereto as Attachment D and in incorporated herein by reference. When in conflict with any policy under this Administrative Plan, the Emergency Transfer Plan for victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking shall prevail.

B. Admission and Continued Occupancy Criteria

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

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

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

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

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

6. Victims of domestic violence will be considered for emergency transfers. See Section 31.5 – Transfer Policy for additional information and requirements.

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

C. Evidence Required as Proof of Domestic Violence, Sexual Assault/Battery, Dating Violence or Stalking

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

1. A listing of the approximate dates when each incident occurred, discussion of the applicant's fears and injuries and the effect that each abusive incident has had on the applicant and her/his family;

2. Restraining or civil protection orders;

3. Medical records or statement from medical professional;

4. Documentation from mental health professional;

5. Police reports, records of telephone calls or visits to the victim's address. This may include telephone calls to the police registering a compliant, a log of police visits made to the residence, copies of all tapes and reports written by officers responding to a call;

6. Court records;

7. Statements signed by workers from a domestic violence shelter or other domestic violence programs attesting to the time the victim spent in the shelter and the reason as linked to incidents of abuse;

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

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

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

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

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

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

D. Considerations for Victims of Domestic Violence

PHCD must consider:

1. The nature and severity of each case while exercising discretion on whether or not family members or their guests pose an actual **and** imminent threat to the health, safety, or right to peaceful enjoyment of the premises by others. Any eviction or termination of assistance taken on this basis should only be used when there are no other actions that can be taken to reduce or eliminate the threat, including but not limited to:
   - Transferring the victim
   - Barring the perpetrator from the property
   - Contacting law enforcement
2. The effects of denial or termination of assistance on other family members who were not involved in the offense.
3. The conditions barring the culpable household member from residing in or visiting the unit.
4. The circumstances relevant to an eviction or termination of tenancy based on the extent to which the person has shown personal responsibility to prevent the offending action, and the time that has elapsed since their arraignment for that crime.
5. The range of evidence as proof of domestic violence, which may include, but is not limited to victim's statement, testimony or affidavit outlining the facts of the violence or cruelty in each incident, utilizing form HUD-50066.

E. Protection of Victims of Domestic Violence

1. PHCD shall refer victims of domestic violence to the State of Florida Office of the Attorney General, State Attorney's Office or the Department of Law Enforcement to apply for participation in the Address Confidentiality Program for Victims of Domestic Violence. Once the victim has applied, the address, telephone number and social security number are exempt from public review, except when the information is required by a law enforcement agency.
2. PHCD may collaborate with appropriate counseling and law enforcement entities to assist victims of domestic violence, including but not limited to the following services and programs for domestic violence victims:
   a. Certified Domestic Violence Centers:
      - Safespace Shelter: 305-758-2804
      - The Lodge: 305-693-1170

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

3. In determining if termination, removal or in some cases eviction is appropriate, PHCD must consider the safety and well-being of victims, as well as the health, safety and peaceful enjoyment of other residents who may be affected by incidents or domestic violence. Per VAWA 2013, if the evicted individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency, owner, or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing, owner, or manager of housing assisted under the covered housing program shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.
4. PHCD must develop linkages and referrals to appropriate counseling and law enforcement entities.
5. The information under the *Certification of Domestic Violence* will remain confidential and will be used by PHCD only to provide the victims with the exceptions and protections under VAWA.
6. PHCD must ensure that private information of victims of domestic violence is protected in accordance with Records Management provisions.

F. Nondiscrimination

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

Chapter 3. Non-Waiting List Issuance and Special Programs

When USHUD awards program funding to the Agency that is targeted for families that live in specified units or for a special or targeted Housing Choice Voucher program**,** the PHCD may admit a family that is not on the waiting list, or without considering the family's waiting list position upon approval of the PHCD Director or designee. The PHCD shall maintain records showing that the family was admitted with USHUD-targeted assistance. PHCD may issue vouchers to persons not on the waiting list in the following instances:

3.1 Displacement Due to Governmental Action

Families displaced (as defined in Attachment A of this plan) because of governmental action must be referred and verified. The referral for Housing Choice Voucher assistance must be made within six (6) months of the displacement in order for such families to qualify for Housing Choice Voucher assistance. The PHCD shall, at its discretion, determine the availability of vouchers for displaced persons. Written referrals may also be accepted from USHUD, appropriate federal, state and local law enforcement agencies, the State Attorney's Office, or by the courts, including requests for assistance for eligible clients under witness protection.

3.2 Relocation

Provision of Housing Choice Voucher assistance may be provided to a family being relocated if allowed under the Uniform Relocation Assistance and Real Property Acquisition Regulations for federal and federally assisted programs.

3.3 Settlement of Lawsuits

The PHCD shall comply with any mandates settlements, or directives by a court of the United States or USHUD in relation to the issuing of vouchers to persons not on the waiting list**.**

3.4 Preservation Housing

Families that reside in a property covered by project-based voucher assistance in which the owner opts out or pre-pays the USHUD insured mortgage or is at or near the end of the housing assistance payment contract may be eligible for Preservation Voucher assistance. The PHCD shall certify families eligible for Preservation Voucher housing pursuant to executed Annual Contribution Contracts (ACC's) by USHUD for mandated or targeted projects.

3.5 Veterans Assisted Supportive Housing (VASH)

To be eligible for the Veterans' Assisted Supportive Housing program (VASH), applicants must be referred by the Veterans Affairs Medical Center (VAMC) and fulfill all the following criteria:

A. Be an income-eligible United States Veteran

B. Be homeless as determined by the VAMC, and

C. Must not be subject to a lifetime registration requirement under a state sex offender registration program (including family members). The nationwide sex offender registration check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).

The U.S. Department of Veterans Affairs (VA) conducts all interviews, initial applications, and monitoring of the VASH program. The VA notifies the PHCD in writing of eligible applicants. These eligible applicants are scheduled for an appointment for possible certification under the Housing Choice Voucher Program. All Housing Choice Voucher Program regulations apply to these eligible applicants. It is the responsibility of the VA office to notify all ineligible applicants. The number of VASH Program participants shall be restricted to the number of VASH vouchers under contract to the Agency by USHUD.

Additions to households must meet regular eligibility criteria prior to being added as household members.

3.6 Family Unification Program (FUP)

The Family Unification Program (FUP) offers tenant-based housing assistance in coordination with the State of Florida Department of Children and Family Services or other authorized child protective agency. Referrals will be families for whom the lack of adequate housing is a primary factor that would result in:

A. The imminent placement of the family's child(ren) in out-of-home care; or,

B. The delay of the child(ren)*'s* return to the family from out-of-home care.

"Lack of adequate housing" is defined by the federal regulation as:

- Substandard or dilapidated housing;
- Homelessness;

- Displacement by domestic violence, or

- Living in an overcrowded unit.

The program will allow families to avoid foster care placement and be unified in stable housing. Applicants for the Family Unification Program shall be referred and certified in coordination with the State of Florida Department of Children and Family Services.

The PHCD's responsibilities under the FUP include the acceptance of families whose eligibility is certified in writing by the State of Florida Department of Children and Families. The PHCD, upon receipt of the original caseload list, not copies or faxes, of families from the Department of Children and Families accompanied by original FUP applications, shall compare the names with those of families already on the PHCD's Housing Choice Voucher waiting list. Any families on the PHCD's Housing Choice Voucher waiting list that are also included in the Department of Children and Families' list shall be assisted in order of their position on the waiting list in accordance with the PHCD admission policies. Any family certified by the Department of Children and Families as eligible, but not on the Housing Choice Voucher waiting list shall be placed on the PHCD waiting list. If the PHCD has a closed waiting list, the waiting list shall be opened to accept FUP applicants. If the referred family is already housed in Public Housing, the Residents in Transition Policy must be followed to deter duplicate housing.

The PHCD shall initially advertise the opening of the waiting list for the sole purpose of accepting FUP eligible families only. The advertisement will not be repeated when additional funding is received.

Pursuant to the National Affordable Housing Act, children in temporary foster care shall be counted as part of a family unit for the purposes of determining a family's eligibility for housing assistance. The temporary placement period for children shall be defined as at least six (6) months; however, this time frame shall be determined and changed at the PHCD's discretion based on local needs and conditions.

Once a family is housed using a Housing Choice Voucher under the Family Unification Program, the PHCD shall not cancel the voucher if the family splits so long as the family is otherwise in compliance with Housing Choice Voucher Program rules and regulations.

3.7 Non-Elderly Disabled (NED) Vouchers

PHCD will comply with USHUD's requirement in PIH Notice 2013-19, to make assistance available for non-elderly disabled applicants when a designated NED or Mainstream voucher becomes available due to turnover. Eligible non-elderly disabled applicants will be selected in chronological order from the Tenant-based waiting list. PHCD must maintain a NED voucher leasing rate of 95 to 100 percent of the NED and Mainstream allocation. A NED eligible family will not be skipped over if the PHCD has reached it required NED or Mainstream allocation.

PHCD will affirmatively market to a diverse population of NED-eligible families to attract protected classes least likely to apply.

3.8 Other Specialized Allocations

Other tenant-based voucher allocations that are for special programs in addition to FUP, Veterans Affairs Supportive Housing (VASH), Mainstream Vouchers for Non-Elderly Persons with Disabilities (NED) and Project-Based Voucher Program shall be administered in accordance to criteria stipulated in the Notification for Funding Availability (NOFA) and voucher application**.**

3.9 Change of Program Issuance

The PHCD may, at its sole discretion, for humanitarian reasons, including reasonable accommodation for a family member with disabilities, issue a voucher to a family participating in another program (such as the Moderate Rehabilitation program). The PHCD will confirm that the tenant is in compliance with all assisted housing tenant and lease obligations prior to voucher issuance. Such issuance requires the approval of the PHCD Director or deputy director (or designee).

Chapter 4. Issuing Housing Vouchers

4.1 Issuing and Briefing

Upon selection to participate in the Housing Choice Voucher Program, the family will be scheduled for an appointment with the PHCD. No applicant from the waiting list shall be certified without a file containing a hard (paper) copy of the original application. At the appointment, the family must verify the information on their application, receive a briefing (verbal and written) about the program, their rights, and obligations, and provide documentation as required by federal regulation. Should the family comply with the above-referenced steps, they shall be issued a voucher. The briefing shall include the following topics:

A. How the program works;

B. Family and Owner responsibilities;

C. Where the family may lease a unit, including outside the Agency's jurisdiction;

D. Portability procedures, if applicable; and

E. Advantages of moving to a neighborhood that does not have a high concentration of low-income participants.

F. The family will receive a packet of information at their briefing or initial certification appointment that will include at least the following:

1. The term of the voucher and the policy on extensions or suspensions of the term;

2. How the Housing Assistance Payment (HAP) is determined including the payment standard for a unit and total tenant payment;

3. How the Agency determines the maximum rent for an assisted unit; and

4. The maximum amount the family may pay when moving to a new unit (40% rule of adjusted monthly income, if applicable).

G. What the family should consider in leasing a unit including the condition of the unit, the reasonableness of the rent, the cost of tenant paid utilities, whether the unit is energy efficient, and the location of the unit;

H. Where a family may lease a unit, including portability to another jurisdiction, USHUD-required lease addendum;

I. The *Request for Tenancy Approval* form *(HUD-52517)* and an explanation of how to request the Agency's approval to lease a unit;

J. A statement of the PHCD's policy on providing information about a family to prospective owners;

K. The PHCD subsidy standards, including when exceptions may be granted;

L. USHUD brochure on how to select a unit;

M. Information on federal, state and local equal opportunity laws, and a copy of the *housing discrimination complaint* form;

N. A list of landlords or others known to the PHCD and the PHCD, who may be willing to lease a unit to the family or assist the family in locating a unit;

O. If the family includes a person with disabilities, or if the family informs the PHCD that one of its members is a person with disabilities, The PHCD will provide a current listing of available accessible units known to the PHCD, and if necessary, otherwise assist the family in locating an available accessible dwelling unit.

P. Family obligations under the program, including the requirement that family members be U.S. citizens or eligible non-citizens;

Q. The grounds on which the PHCD may terminate assistance because of family action or failure to act; and

R. The PHCD's informal hearing procedures, including when the PHCD is required to give the opportunity for a hearing and how to request a hearing.

S. The PHCD may include other items as determined necessary and will use available forms or USHUD forms.

4.2 Type of Assistance

The PHCD shall determine whether the family shall be issued a Housing Choice Voucher based on availability of the tenant-based assistance.

4.3 Term of Voucher

The Housing Choice Voucher is valid for a period of 60 days from the date of issuance. Prior to the expiration date, the family may contact the PHCD to request assistance in locating suitable housing. The family must submit a completed Request For Tenancy Approval (RFTA) package within the 60-day period unless an extension (as described below in Section 4.4) has been granted by the PHCD.

4.4 Extensions of Term

A family may request a 60-day extension to the initial 60-day term of an issued voucher for a total voucher term of 120 days. All requests for extensions should be received at least one week prior to the expiration date of the voucher and must be made to the Admissions and Intake department. Requests may be made in person or by telephone. If an extension is granted by telephone, a copy of the voucher will be mailed to the voucher holder indicating the extended expiration date. Extensions are permissible at the discretion of the PHCD primarily for the following reasons:

A. Extenuating circumstances such as hospitalization of a family member or a family emergency over an extended period of time that has affected the family's ability to find a unit within the initial 60-day term.

B. The term of a voucher may be extended over 120 days as a reasonable accommodation for applicants or participants having difficulties locating suitable housing to meet their needs. In

accordance with PHCD's Reasonable Accommodation Policy and Procedures, if reasonable accommodation is denied (including a voucher extension), the applicant or participant may appeal the denial of the reasonable accommodation by requesting an ADA Grievance.

Written notice of extensions will be given to the family. Hearings or informal reviews are not required and shall not be given for denial of extensions.

4.5 Suspensions

Suspensions of the term of the voucher can only be granted when family submits a RFTA. The PHCD can only stop the clock on the term of the voucher from the time family submits a RFTA for approval of tenancy until the time when the PHCD approves or denies the request. Additional extension beyond suspension time can only be given by the Director or his/her designee, and will only be considered under the following conditions:

A. If the delay is due to the PHCD administrative reasons and not due to the applicant's delay;

B. The applicant has shown due diligence in locating an appropriate unit during the voucher term; and

C. Denial of the suspension of term would constitute an undue hardship on the family.

Chapter 5. Occupancy Policies

5.1 Subsidy Standards

Determination of Voucher Size

The subsidy standard, (refer to Chapter 8 for more details regarding the "payment standard"), which is used to determine the voucher bedroom size assigned to a family, is based on the following criteria:

Minimum and Maximum-Number-of-Persons-Per Unit Standard

Voucher BR Size	**Number of Persons in Household**		
	Minimum	**Maximum**	**HQS**
0 BR	1	1	1
1 BR	1	2	4
2 BR	2	4	6
3 BR	3	6	8
4 BR	6	8	10
5 BR	8	10	12
6 BR	10	12	14

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

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

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

C. The subsidy standard must be applied consistently for all families of like size and composition.

D. The following principles govern the size of the unit for which a family will qualify. Generally, two (2) people are expected to share one (1) bedroom, except that the subsidy standards will be applied so that:

1. Exceptions to the largest subsidy standards may be made in case of reasonable accommodations for a person with disabilities;

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

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

4. A family that consists solely of a pregnant woman (with no other members) shall be allocated a maximum of one (1) bedroom voucher;

5. PHCD will count a child in the subsidy standard if the parent has primary custody of the child.

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

7. The PHCD will count a child in the subsidy standard who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school.

8. A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family;

9. A live-in aide may be assigned up to one (1) bedroom if approved as a reasonable accommodation. The live-in aide may have PHA-approved family member(s) live with him/her in the unit, as long as Housing Quality Standards (HQS) are not violated and there are no more than two people per bedroom or living/sleeping space (PIH Notice 2010-51). If additional family members result in violation of HQS, or do not meet eligibility requirements set forth for live-in aides, this specific live-in aide may not be approved. No additional bedrooms will be provided to accommodate the live-in aide's family members;

10. Due to current market conditions, the PHCD will issue a zero or (1) one-bedroom voucher to a single person;

11. As a reasonable accommodation, an applicant or program participant family may be allowed a larger bedroom unit to accommodate a family member who requires a hospital bed or other large medical equipment. The equipment must be substantial in size and must be verifiable by a medical doctor as medically necessary in order to justify approval of a larger unit. In addition, the applicant or participant will be required to submit evidence of equipment specifications including but not limited to detailed description of equipment to include dimensions, photographs of equipment, etc. See Section 5.5 – Medical Equipment.

E. Actual Unit Size Selected

The family may select their choice in unit size other than that listed on the assigned voucher so long as the family is not under-housed. Four (4) factors to consider are:

1. The PHCD shall apply the payment standard for the smaller of:

1) the bedroom size shown on the voucher, or
2) the size of the actual unit selected by the family;

2. The utility allowance used to calculate the gross rent shall be based on the actual size unit selected by the family regardless of the size authorized on the voucher; and

3. Under Housing Quality Standards (HQS) two (2) persons per living/sleeping room are allowed thus the above levels may be exceeded if a room is used as a living/sleeping area as indicated under the HQS column on the above chart.

4. Selection of a unit larger than for which the family is certified may result in an affordability issue.

5.2 Changes in Family Composition

The PHCD will utilize guidelines outlined in PIH Notice 2010-3 for changes in family composition. The voucher size issued to a family is determined by comparing the family composition to the PHCD subsidy standard before the briefing with the family. The family may request a change in the voucher size due to the addition to family composition by birth, adoption, or otherwise granted custody to the family by operation of law, which may include foster children. Except for natural births to, or adoptions by, family members, or court awarded custody or other operation of law, any family seeking to add a new member must request approval in writing and receive approval in writing before the new member is added to the family composition as described below. For purposes of this Section, the use of the term "by operation of law" shall include but not be limited to pre-need guardianships and durable powers of attorney.

All other additions to applicant families after an application is submitted shall be considered only on a case-by case basis by the director or designee overseeing the eligibility process for the tenant-based waiting list or his/her designee and must be documented at the times such changes occur. Additions may be made for humanitarian reasons, including reasonable accommodation for family member.

A. Addition of Adult Family Member

Upon approval of the PHCD, a participant family may add an additional adult family member to the family composition, other than by operation of law, under all the following circumstances:

1. The adult can be an immediate family member (sons, daughters, brothers, sisters, parents, grandparents, and grandchildren) of an existing household member;

2. Such member must be eligible for participation in the Housing Choice Voucher program;

3. Such member's income must be considered in calculation towards rent; and

4. Addition of the family member shall be in consideration of a reasonable accommodation or for humanitarian reasons; or

5. Unrelated/unmarried partners who show proof of intention to live as a family.

Participant families must inform the PHCD in writing of the requested additional adult family member prior to the adult family member being added to the family composition. Requested additions to the family requiring advance approval in writing also include spouses or a request to add a live-in aide.

Participant families must inform the PHCD within 30 days of additions to the family due to birth, adoption, or otherwise granted custody to the family by operation of law or if a family member

moves out. Only those persons listed on the most recent certification form and lease shall be permitted to be included in the family composition.

All other additions to participant families shall be considered only on a case-by-case basis and must be documented at the times such changes occur. Additions may be made for a reasonable accommodation or for humanitarian reasons. The addition of a family member shall not change the size of the voucher, unless approved by PHCD under extenuating circumstances. Addition of family members shall be the sole discretion of the PHCD or PHCD Contractor.

B. Screening of New Family Members

When an applicant or tenant requests approval to add a new family member, the PHCD will conduct a pre-certification screening of any proposed new adult member 18 years of age and older (excluding juvenile records) to determine whether the PHCD will allow the family member to be added to the family composition prior to the PHCD's approval of the new family member. PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

Minor children for whom juvenile justice records are not available or added through a formal custody award or kinship care arrangement are exempt from the pre-certification screening process, although the tenant needs prior approval from the PHCD to add children other than those born to, adopted by, or awarded by the court to the family.

The PHCD will consider the request for approval and require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor. Changes to the family composition may also be allowed for families in which one or more children less than 18 years of age live with the designee of the parent or legal custodian, with parent or custodian's written consent. Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc.

All persons listed on the most recent certification form and residential lease must use the dwelling unit as their sole residence. Examples of situations where the addition of a family or household member is subject to screening are:

1. Participant plans to be married and requests to add the new spouse to the lease;

2. Participant desires to add a new member to the lease, employ a live-in aide or take in foster child(ren) over the age for which juvenile justice records are available;

3. One of the family members under age 18 who is not an emancipated minor, or an adult, not part of the original household, requests permission to take over as the head of the household.

Applicants or tenants who fail to notify the PHCD of additions to the household or who permit persons to be added to the family composition without undergoing screening are in violation of program requirements. Persons added without PHCD approval will be considered unauthorized occupants and the entire household will be recommended for termination from the Housing Choice Voucher or Moderate Rehabilitation Programs.

C. Removals from the Family Composition

1. Residents (continuous assistance):

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

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

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

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

2. Unauthorized persons:

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

5.3 Foster Children

The applicant and participant family must obtain approval for the addition of a foster child to the family before the new member occupies the unit. The family may request a change in the voucher size based on the following factors.

A. Adding to the Family

Foster children will be added to the family composition upon written request and so long as the applicant provides documentation by the appropriate agency establishing responsibility. A larger voucher unit size, if available, will only be granted to a family adding a foster child if the maximum occupancy level has been exceeded creating an overcrowded situation.

B. Temporary Placement of Family Member

A child who normally resides with the family but is temporarily away from the home because of placement in foster care, rehabilitation, treatment, or incarceration for a non-felonious crime, is considered a member of the family.

5.4 Live-In Aide

See Section 2.2(5)(B) for Addition of Live-in Aide and also Attachment C, Reasonable Accommodation Policy and Procedure.

A live-in aide is a person 18 years of age or older who resides with one or more elderly (at least 62 years of age), near-elderly (at least 50 years of age but below 62 years of age), or disabled person(s) and who is determined to be essential to the care and well-being of the person; is not obligated for the support of the person; and would not be living in the unit except to provide the necessary supportive services. A relative may be considered a live-in aide, but must meet all the criteria listed herein.

5.5 Medical Equipment

As a reasonable accommodation, an applicant or program participant family may be allowed a larger voucher size to accommodate a family member who requires a hospital bed or other large medical equipment. The equipment must be substantial in size and must be verifiable by a medical doctor as medically necessary in order to justify approval of a larger voucher size. In addition, the applicant or participant will be required to submit evidence of equipment specifications including but not limited to detailed description of equipment to include dimensions, photographs of equipment, etc.

5.6 Family Absences from Unit

A family may not be absent from the unit for more than 60 consecutive days without prior written approval by the PHCD as described below. It shall also be the responsibility of the family to advise the owner of any absence from the unit. Absence means that no member of the family as listed on the lease is residing in the unit. During all absences, the family must meet all program and lease obligations including the payment of rent, utilities, and complying with inspection and recertification obligations.

Absences from the unit for a period of 61 to 120 consecutive days must receive prior written approval from a supervisor or higher authority. Absences for more than 120 consecutive days will not be approved. Assistance to a family will be terminated if the family is absent from its unit for more than 60 days without prior written approval. If assistance to a family is terminated for such reason, the family may request a hearing within 30 days of the termination notice. If the family is reinstated as a result of the hearing, the prior lease and contract will not be resumed but a new voucher will be issued and a new lease and contract executed.

The owner or management agent is obligated to reimburse the PHCD for any housing assistance payment made for the period after the effective date of termination of assistance to the family. Such reimbursement shall be billed by the PHCD Accounting office and remittance must be made by check or money order and submitted to the PHCD Accounting Office. Absence from a unit may be verified by any of the following methods: Housing Quality Standards inspection, proof of utility payments, service verifications, through owner/management company verifications, through an investigation or other documentation or means.

5.7 Family Break-up

If an assisted family separates due to a divorce, separation, or by any other operation of law, the PHCD will determine who continues to be assisted under the program. No additional housing voucher will be issued.

The PHCD will take into consideration the following criteria in making its decision as to which family member continues to receive assistance in the program:

A. The desires of the family;

B. The interest of minor children, or of ill, disabled or elderly family members;

C. Whether any family members are going to remain in the assisted unit;

D. Whether there has been any instance(s) of actual or threatened physical violence against a family member by another member of the household;

E. Which family members was part of the original application for assistance;

F. If a court determines property disposition between the family members, the PHCD will adhere to the court's determination as to who shall hold the Housing Choice Voucher assistance; and

G. Whether there is drug-related or violent criminal activity. The PHCD, in its sole discretion, may recommend terminating the entire family.

5.8 Remaining Family Member

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

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

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

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

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

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

Chapter 6. Citizen and Immigration Status

6.1 Submission of Documents and Verification

Refer to Section 2.6 for documents to be submitted and related immigration topics.

6.2 Provision of Notice

In circumstances where Immigration and Naturalization Service (INS) has not verified eligibility, the family will be provided with a written notice that shall include:

A. That the family has a right to request an appeal to INS of the results of the verification of immigration status;

B. That the family has the right to request an informal hearing with the PHCD upon completion of the INS appeal. Such hearing shall be in accordance with hearing procedures in Chapter 29 of this plan;

C. That Housing Choice Voucher assistance may not be denied or terminated until the conclusion of the INS or the PHCD appeal process; and

D. Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

Chapter 7. Determination and Verification of Annual Income

7.1 Overview

The determination of eligibility and Total Tenant Payment (TTP) for the Housing Choice Voucher Program requires that the applicant's or participant's family adjusted annual income be calculated at the time of admission into the Program and on an annual basis. USHUD regulations specify: the types and amounts of income from all family members that must be included in this calculation; the allowable deductions to be subtracted from the gross annual income to determine the adjusted income and the amount of utilities the tenant is responsible for paying. PHCD reserves the right to implement PIH Notice 2013-03 as needed to relieve administrative burden.

7.2 Annual Income

Annual income means all amounts, monetary or not, or anticipated to be received, from a source outside of the household, by the family head, co-head, or spouse (even if temporarily absent) or any other family member during the 12 month period following the effective date of admission or annual re-examination.

For a participant family which includes persons with disabilities under the Housing Choice Voucher Program (excluding Moderate Rehabilitation), the PHCD's determination of annual income will include the disallowance of increase as provided in 24 CFR § 5.617, if applicable. The Earned Income Disallowance (EID) is the exclusion from the calculation of the family's income, the income increase attributable to new employment or increased earnings, over the income received prior to qualifying for the disallowance. Additional disallowance requirements and the period of income disallowance are further described under 24 CFR § 5.617. The EID carries a maximum 48-month lifetime limitation.

Annual income means all amounts that not specifically excluded by regulation. It includes, but is not limited to:

A. The full amount of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services, before any payroll deductions.

B. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service (IRS) regulations. Any withdrawal of cash or assets from the operation of a business or profession is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

C. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness are not used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in IRS regulations. Any withdrawal of cash or assets from an investment is included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of $5,000, annual income includes the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate.

D. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount. However, deferred periodic amounts from supplemental security income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts are excluded.

E. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. However, lump sum additions such as insurance payments from worker's compensation are excluded.

F. Temporary Assistance for Needy Families (TANF). If the TANF includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income consists of:

1. The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

2. The maximum amount that the welfare assistance agency could allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this requirement is the amount resulting from one application of the percentage.

3. If the amount of welfare is reduced due to an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

4. If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted.

G. Periodic and determinable allowances, such as alimony and child support payments (see note), and regular contributions or gifts received from organizations or from persons not residing in the dwelling. (Note: uncollected child support will not be counted so long as the family provides documents demonstrating that the debt is uncollectible or has not been paid or received for more than three (3) months).

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

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

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

I. All regular pay, special pay, and allowances of a member of the Armed Forces Special pay to a member exposed to hostile fire is excluded.

7.3 Exclusions from Income

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

A. Income from employment of children (including foster children) under the age of 18 years;

B. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

C. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;

D. Amounts received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member;

E. Income of a live-in aide;

F. The full amount of student financial assistance paid directly to the student or to the educational institution;

G. Special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

H. The amounts received from the following programs:

1. Amounts received under training programs funded by USHUD;

2. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

3. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;

4. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the Housing Authority or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and resident initiative coordination. No resident may receive more than one such stipend during the same period of time;

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5. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program;

I. Temporary, nonrecurring, or sporadic income (including gifts);

J. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

K. Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household, co-head, and spouse. Full Time Student status will be identified by the college or vocational school. Students with approval to attend school for the next semester, either after graduation or in the summer will be considered for this income exemption;

L. Adoption assistance payments in excess of $480 per adopted child;

M. Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts;

N. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

O. Amounts paid by a State agency to a family with a member with a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;

P. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits, including:

1. The value of the allotment of food stamps
2. Payments to volunteers under the Domestic Volunteer Services Act of 1973
3. Payments received under the Alaska Native Claims Settlement Act
4. Income from sub-marginal land of the U.S. that is held in trust for certain Indian tribes
5. Payments made under the Department of Health and Human Services' Low-Income Energy Assistance Program
6. Payments received under the Job Training Partnership Act
7. Income from the disposition of funds of the Grand River Band of Ottawa Indians
8. The first $2,000 per capita received from judgment funds awarded for certain Indian claims
9. Amount of scholarships awarded under Title IV including Work-Study
10. Payments received under the Older Americans Act of 1965
11. Payments from Agent Orange Settlement

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12. Payments received under the Maine Indian Claims Act

13. The value of child care under the Child Care and Development Block Grant Act of 1990

14. Earned income tax credit refund payments

15. Payments for living expenses under the AmeriCorps Program

7.4 Adjusted Annual Income

Adjusted income is the annual income of family members residing in or intending to reside in the rental unit, less allowable deductions of:

A. $480 for each dependent

B. $400 for any elderly family or disabled family

C. Child care

D. Medical expenses (must exceed 3% of gross annual family income)

E. Disability assistance (must exceed 3% of gross annual family income)

7.5 Enterprise Income Verification (EIV), Third Party Verification, and Factors Affecting Eligibility and Family Rent

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

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

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

If Enterprise Income Verification (EIV) as described below is not available, third-party verification, which may be provided by the participant, will be used. If third party verification is not available, the reasons must be clearly and specifically stated in the tenant's file. Verification requirements are set forth in USHUD regulations at 24 CFR Part 982. Acceptable documents include:

- Financial statements or tax returns for self-employed;
- Copies of insurance policies;
- Real estate tax statements;
- Copies of birth certifications; and/or
- Copies of court orders concerning custody.

USHUD's EIV system is the preferred form of verifying income that is provided by the tenant on the Housing Choice Voucher Applicant/Participant Information Worksheet. If the household's income in EIV matches the tenant-provided income, or if it is not substantially different, then third party verification is not necessary. However, third party verification may continue to be necessary to complement EIV income verification, for example, when the tenant disputes the data. It will not be considered as an automatic substitute for other third party verification, and may supplement other verification documentation, such as unaltered, current tenant provided documents. The PHCD will obtain as much information as possible about employment income, such as start date (new employment), termination date (previous employment), pay frequency, pay rate, anticipated pay increases in the next 12 months, year-to-date earnings, bonuses, overtime, company name, address and telephone number, name and position of the person completing the employment verification form. EIV is used to verify income for recertification, annual, interim and change of dwelling, or on a random basis.

EIV information cannot be accessed unless a current unexpired *Authorization to Release Information (HUD form 9886)* has been signed by all adult family members. This form expires 15 months after it is signed by the tenant. If income information in EIV is not available or if it is substantially different from tenant-provided information, then written verification from third parties is the next most desirable form of verification. Currently, a substantial difference requiring third party verification in cases where EIV income data differs from tenant-provided and/or other verified income information is defined as being greater than $200 per month ($2,400 per year), unless amended by the PHCD. If EIV income data is not substantially different than current tenant-provided income documentation, the following guidelines for projecting annual income will be used:

- If EIV income data is less than current tenant-provided documentation, the PHCD will use tenant-provided documents to calculate anticipated income.
- If EIV income data is more than current tenant-provided documentation, the PHCD will use EIV income data to calculate anticipated annual income unless the tenant provides the PHCD with documentation of a change in circumstances (i.e., change in employment, reduction in hours, etc.). Upon receipt of acceptable tenant-provided documentation of a change in circumstances, the PHCD will use tenant-provided documents to calculate anticipated annual income.

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

- Request written third party verification from the discrepant income source. For EIV Social Security Administration (SSA) benefit discrepancies, the PHCD shall require the tenant to obtain a current unaltered SSA benefit letter within ten (10) business days of the interview date.
- Review historical income data for patterns of employment, paid benefits, or receipt of other income, when the PHCD cannot readily anticipate income, such as in cases of seasonal employment, unstable working hours, and suspected fraud.

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

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

In verified differences of greater than $200 per month ($2,400 per year), the PHCD may require the family to enter into a repayment agreement for monies owed or require payment in full. Should the family refuse to enter in a repayment agreement or not fulfill its obligations under its repayment agreement, the PHCD shall recommend termination and may refer the case to the USHUD Office of the Inspector General. The PHCD, in its sole discretion, may recommend terminating assistance for tenant fraud on a case-by-case basis, e.g., forgery or has demonstrated a pattern of unreported or under-reported income in between or at prior reexaminations. In such cases, the PHCD will make the determination whether to recommend terminating assistance and forwarding the case to the USHUD Office of Inspector General via the PHCD.

In instances where fraud (as defined in Attachment A of this policy), as opposed to tenant error (as defined in Attachment A of this policy), has occurred by the tenant and the difference is verified as being $10,000, the PHCD may recommend terminating housing assistance and shall forward cases to the USHUD Office of Inspector General for fraud prosecution, where authorized by PHCD.

Tenant income information derived from the EIV system is confidential and cannot be released to outside parties or unauthorized staff. This information is exempt from the disclosure requirements of the Florida Public Records Act and USHUD requires PHAs to keep said information private under penalty of Federal law. Any EIV-derived information is required to be kept guarded under lock and key and must be shredded and destroyed when no longer needed. Copies are not kept in tenant files to avoid risking the release of such information to anyone other than the client and authorized PHCD staff. PHCD shall provide the participant with information obtained through EIV upon the participant's request.

Unauthorized disclosure or inspection of EIV data can result in a felony conviction punishable by a fine up to $5,000 or five (5) years imprisonment, as well as civil penalties, pursuant to the Privacy Act of 1974 as amended, 5 U.S.C. § 552(a).

Chapter 8. Payment Standard and Housing Assistance Payments

8.1 Payment Standard

Under the Housing Choice Voucher program, a payment standard is used to calculate the monthly housing assistance payment for families of different sizes and compositions. The payment standard is based on the area Fair Market Rent (FMR) published by the USHUD and is established by bedroom size. The payment standard is the maximum monthly subsidy payment the PHCD will make for a family based on the unit size that the PHCD determines as appropriate for the family. PHCD reserves the right to implement PIH Notice 2013-03 as needed to relieve administrative burden.

The payment standard per bedroom size may not be less than 90%, or more than 110% of FMR. The PHCD shall review its payment standard annually after the FMR is published. The review shall include:

A. Capacity for families to be mobile (i.e., ability of families to locate housing outside of high poverty areas);

B. Fair housing choice (i.e., the ability of families to locate housing outside areas of minority concentration), and

C. When families have difficulty locating housing for lease within the term of the voucher.

The Agency shall also review the payment standard for adequacy when 30% or more of the families have high rent burdens.

In order to maximize the number of families to be served based on available funds, the PHCD may adjust, upon a waiver from USHUD, the payment standards when USHUD publishes the FMR. The PHCD may adjust the payment standard amounts within these limits in order to assure continued affordability of units within the Miami-Dade County jurisdiction.

8.2. Exception Payment Standard

The PHCD may request an exception payment standard amount from USHUD for all units or all units with a given number of bedrooms in a designated "exception rent area" if it is determined that an exception rent is needed to help families find housing in low-poverty areas based on market conditions, or if voucher holders are experiencing difficulty in finding housing for lease under the program terms.

The PHCD shall apply to USHUD for approval of payment standard amounts whenever deemed necessary by the analysis of need for a geographic area or neighborhood consistent with the Miami-Dade County Consolidated Plan.

8.3 Calculating Housing Assistance Payments

The PHCD shall use the applicable payment standard schedule for the FMR area or the USHUD-approved exception rent area to calculate the housing assistance payment for a family. The payment standard for a family is the lower of the payment standard for the family unit size determined by the PHCD as appropriate for the family composition or the payment standard for the unit actually rented by the family.

During the Housing Assistance Payment (HAP) contract term for the unit, the payment standard is determined by the FMR rent limits effective at the most recent regular reexamination of family income and composition after the beginning of the HAP contract term.

The payment standard for a family shall not drop below the payment standard in effect at the time of Request For Tenancy Approval (RFTA) unless:

A. The rent to owner decreases;

B. There is a change in family size or composition; or

C. The family enters into a new lease. A family entering into a new lease at a current or new unit shall have the current payment standard in effect.

8.4 Reasonable Accommodation

As a reasonable accommodation for a family that includes a person with a disability, the PHCD may establish a higher payment standard for that family up to 110% of the published FMR. With approval of the USHUD Field Office, the payment standard can be up to 120% of the published fair market rent. The applicant, participant, or representative must request this exception (Refer to Attachment C for PHCD's Reasonable Accommodation Policies and Procedures).

Applicants with Accessibility or Special Needs:

Applicants whose family includes a disabled person may request a current list of accessible units known to the Agency. The Agency shall not be held responsible for certifying the unit as accessible.

Such verification is the responsibility of the family. Verification of the handicap or disability of the family member may be necessary to determine the need for an accessible unit as well as for any disability assistance expenses that the applicant may be able to make a claim.

If the need for an accessible unit is clearly evident, verification of need is not required. The PHCD will conduct outreach efforts to encourage owners with accessible units to participate in the Housing Choice Voucher program (See Attachment C for PHCD's Reasonable Accommodation Policies and Procedures).

Chapter 9. Rent Comparability and Reasonableness

9.1 Comparability

Rent charged for a unit under the Housing Choice Voucher Program must be reasonable. The PHCD must assure that the rent for the unit assisted is not more than rents charged for comparable units in the private housing market and that the rents approved by the Housing Choice Voucher Program for any units placed under lease do not have the effect of inflating rents in the area or neighborhood. In order to determine comparability the PHCD performs surveys of comparable rents by field visits and through published rental data analyses. The PHCD reserves the right to contract with a private entity to perform surveys of comparable rent.

At the time of initial move-in or change of dwelling, where the rent reasonableness study establishes a contract rent for a unit which is less than the amount requested by the owner and also less than the payment standard, the tenant does not have the option to pay the owner more than the PHCD's approved contract rent nor the determined tenant portion of the rent.

If the rent reasonableness study for an initial move-in or change of dwelling establishes a contract rent that is greater than the payment standard, i.e., (the unit's value is greater than the payment standard) the family may agree to pay the difference in the rent given the family's ability to pay. The PHCD will not approve a rent amount that is beyond the family's ability to pay and under no circumstances approve a tenant portion more than 40% of the family's adjusted monthly income if the gross rent is above the payment standard at time of initial move-in or change of dwelling.
Under no circumstances may an owner charge an amount to a tenant that is more than is approved by the PHCD nor demand side payments in addition to the approved rent.

9.2 Initial Determination of Rent

A comparable unit shall be defined as a unit which is similar to the subject unit using the following criteria for comparison:

- Square footage
- Number of bedrooms/bathrooms
- Type (i.e., single family, townhouse, duplex, multi-family, etc.)
- Location
- Condition or maintenance
- Amenities
- Year Built (Age)
- Quality
- Housing Services

On occasion, assessing the rent influence of a non-conforming design or condition may require unsupported but reasoned appraisal judgment. In many cases, however, the effect on the rent can be determined from market data.

In general, a minimum of two (2) to three (3) comparable private market (unassisted) units will be used. At the request of the family, the PHCD will assist the family in negotiating the rent, if the rent reasonableness study shows that the unit is valued less than the amount requested by the owner. As part of the rent reasonableness documentation, the PHCD may require the owner to provide a rent roll of unassisted comparable units in buildings of two or more units that shall consist of, at minimum, the apartment or unit number, bedroom size, contract or full rent charged, and the utilities included in the rent, unless there are comparable, assisted units in the complex or building.

The PHCD may require such documentation at lease-up and every time the owner requests an annual or special adjustment (increase) or if there is a change in the utilities distribution. The PHCD may request the owner to provide information on units in the general area for comparability.

9.3 Documentation and Record Keeping

The PHCD will maintain in a database listing (by zip code or census tract) the reasonable rents approved for units under a Housing Choice Voucher HAP contract for a minimum of three (3) years. Such documentation shall include the bedroom size of unit, address, last rent charged and date of last rent adjustment.

Copies of approved rental survey forms shall be maintained for three (3) years by the PHCD and indexed to ensure easy reference. A copy of the approved survey shall also be maintained in the tenant file. The PHCD shall also retain and maintain completed and approved rent increase requests and RFTAs.

Chapter 10. Housing Quality Standards and Inspections

The PHCD will inspect all units to ensure that the units are in a decent, safe and sanitary condition in accordance with the Housing Quality Standards (HQS) as described in 24 CFR § 982.401,interpretative guidance of acceptability criteria in Form HUD 52580-A Inspection Checklist the HUD Housing Inspection Manual.

<u>Emergency HQS Violations</u>
The following items are considered emergency fails:

A. No electricity
B. No running water
C. No gas if heat, hot water or range are powered by gas
D. Natural gas leak or fumes from fuel burning appliances/equipment
E. Major plumbing leaks or flooding, (such as sewer back up or water line breakage)
F. No operational sanitary facilities
G. Any electrical fixture or equipment that smokes, sparks, or short circuits creating a fire hazard
H. Uninhabitable units due to fire, tornado, flood, or destroyed/vandalized units that prevent a tenant from using the bathroom or kitchen.

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10.1 Initial Inspections

No unit will be placed under an initial contract until the unit is inspected and any and all violations are corrected and the unit is approved by the PHCD.

If the unit fails inspection, the family and owner will be advised of the repairs needed to pass inspection and given ten (10) business days to correct the failed items. The re-inspection will be automatically scheduled and completed ten (10) business days following the initial fail unless the owner or tenant decides to cancel the RFTA for the unit before the expiration of the ten days. If the unit does not pass re-inspection, the Request for Tenancy Approval will be voided and the family must find another suitable unit, if the family has time remaining on the Housing Choice Voucher.

Approval for the tenant to move in will not be given until the unit passes inspection, reasonable rent has been established, and the executed lease has been submitted**.**

10.2 Annual Inspections

Each unit under contract will be inspected at least annually or any other time and as often as deemed necessary by the PHCD to determine compliance with the PHCD or inspection standards. Written notice of the annual inspection date will be mailed to the tenant, with a copy to the owner. It is the tenant's responsibility to ensure the PHCD access to the unit and premises. Failure to gain access to the unit and premises to conduct annual inspections and any subsequent re-inspections is a violation of the family's obligations and may result in termination from the program. The family is responsible for HQS violations caused by:

- The family's failure to pay for tenant supplied utilities;
- The family's failure to provide and maintain tenant supplied appliances;
- Damage caused by the family or guest to the assisted unit or premises.

All other HQS violations must be corrected by the owner.

The PHCD will provide written notice to owners and tenants of specific HQS requirements that fail the Inspection. The notice will note whether violations are the tenant's or the owner's responsibility.

The participant must allow inspections to be made by the PHCD. Additionally, the participant must allow the owner to make repairs upon reasonable notice and at reasonable hours. Failure of the participant to give access to the unit to allow inspections and/or repairs in compliance with the lease and housing program rules and regulations shall result in the family's termination from the program.

Owners and tenants will be given 24 hours to correct any HQS violation that is considered an emergency as described above. Owners and tenants must correct all other HQS violations within 30 calendar days of the annual inspection. The date of re-inspection will be automatically set by PHCD and appear on the notice to owner and tenant describing the failed items. Failure to gain entry to the unit and premises for the purposes of conducting a re-inspection will result in sanctions to the owner and/or tenant.

A. Non Compliance Due to Violations that are Owner Responsibility

If an owner fails to comply with corrective action within the time period ordered by the PHCD, the Housing Assistance Payment (HAP) will be abated beginning no later than the day after the re-inspection. The unit may remain in abatement status for a maximum of 180 days upon which time the HAP contract will automatically terminate. If the unit has not passed HQS inspection within ten (10) business days from notification of the abatement of HAP the tenant will be issued a voucher to move to another unit provided the tenant is in compliance with all program regulations

including HQS. It is the owner's responsibility to request a compliance inspection if violations are corrected after the compliance date and prior to the HAP contract termination date. If the violations are corrected and verified by inspection before the HAP contract is terminated, the payments will be reactivated as of the date the unit passes inspection, as long as there is a current lease in place and the tenant still resides in the unit. If the violations are corrected after the termination, the owner and the tenant must execute a new lease and HAP contract. Another inspection must be conducted to verify there are no HQS deficiencies.

The PHCD will notify the tenant in writing to request a change of dwelling due to violations that are the owner's responsibility and not corrected within the PHCD-required time frame. The tenant will be contacted to begin the Change of Dwelling (COD) process. If there are both tenant and owner responsible violations, HAP will be abated and the tenant assistance may be recommended for termination according to HUD regulations.

B. Noncompliance due to Violations that are Tenant Responsibility

For violations that are deemed the tenant's responsibility and are not corrected within the above time frames, the tenant will be recommended for termination from the program. Both the owner and tenant shall be notified in writing by the PHCD. If the tenant requests a compliance inspection within ten (10) business days from the date of notice of intent to terminate program assistance, and the unit passes, PHCD will cancel the termination process. Should a tenant's participation be recommended for termination for HQS violations in the unit, they will be entitled to a hearing in accordance with this Administrative Plan. While the hearing proceedings and decision are pending, HAP will continue to the owner provided the owner is in compliance with all other provisions of the HAP Contract, but not for longer than a period of 90 days from the date of the failed inspection or the end of the tenancy, whichever is shorter. Should the owner evict the tenant for tenant-responsible HQS violations, the owner may be paid through the date of eviction. For the payment to be approved, the owner must provide evidence that the eviction has been completed.

In the event that the family's participation is terminated as a result of a hearing decision, and the family remains in the unit, the family is responsible for the full rent to the owner. The PHCD shall notify the owner and tenant by mail of the determination of a unit failing compliance inspection, abatement or termination of assistance. If there are both tenant and landlord responsible violations, HAP will be abated and tenant's assistance may be recommended for termination according to USHUD regulations.

10.3 Complaint Inspections

Complaints regarding legitimate HQS issues will be investigated by the PHCD. Complaint inspections will be scheduled by mail or telephone. HQS failures as a result of complaint inspections will be enforced by the PHCD in the same manner as annual inspections.

10.4 Quality Control Inspections

Quality Control inspections will be conducted to ensure that inspections are in conformance with HQS, to verify the accuracy and efficiency of inspection personnel, and to monitor and document program performance. It is the intent that these inspections and the keeping of records will assist in the identification and prevention of repeated violations. Quality Control inspections will be conducted by a staff member of the PHCD, trained and experienced in conducting unit inspections. The quality control inspection is a re-inspection of units recently inspected. Selection of the units for quality control inspections is done randomly by the Quality Control Inspector or Supervisor from a computer listing of all recently inspected units and should be a cross-section of neighborhoods and a cross-section of the work of inspectors to include the work of each inspector. HQS failures resulting from quality control inspections will be enforced in the same manner as annual inspections.

10.5 Ongoing Maintenance required for Compliance with 24 CFR Part 35, Lead-based Paint

The owner and PHCD are required to conduct a visual assessment for deteriorated paint and failure of any hazard reduction at time prior to move-in and at least annually. In addition, the owner is required to make corrections of deteriorated paint and any failed lead hazards reduction measures.

10.6 Extensions of Time to Cure Inspection Violations

Reasonable extensions to the time limitations for compliance established in this section may be granted by the PHCD in extenuating circumstances. Requests for such extensions must be submitted in writing prior to the MDHCV re-inspection compliance date and supported by documentation. Examples of extenuating circumstances may include but are not limited to the following:

- Inclement weather
- Verification of unavailability of necessary parts or
- Emergency situations such as a natural disaster

In the event that the violation(s) is/are caused by a natural disaster, extensions to the compliance inspection date may be granted. In order to approve such an extension, the PHCD may request evidence of insurance claims, estimates for repair or other related documents.

Chapter 11. Utilities

11.1 Utility Allowance Schedule

The PHCD maintains utility allowance schedules for all commonly used utilities. Utility allowances are not meant to provide a dollar for dollar recapture of utility payments, but are an estimate of the monthly cost of a reasonable consumption of utilities by energy-conservative households that occupy housing of similar size and type in the same locality. The utility allowance schedules are reviewed and revised annually. If there is a 10% increase or decrease in utility rate in any utility category since the last revision, the utility allowance schedules shall be revised.

The utility allowance schedules are by unit size and typical unit types in the Miami-Dade County area. The PHCD maintains utility allowance schedules that apply to the Housing Choice Voucher, Shelter Plus Care, Moderate Rehabilitation and Moderate Rehabilitation Single Room Occupancy units. A copy of the revised utility allowance schedules are provided to local USHUD office annually for their review and comments prior to their implementation on the effective date.

11.2 Utility Reimbursements

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

The PHCD, at its discretion and as deemed operationally feasible may make utility reimbursement payments directly to the utility company. Such direct payment shall not require the family's consent; however, PHCD shall inform the family immediately upon its decision to make payments directly.

11.3 Tenant-Responsible Utilities

Utilities for which the tenant has agreed to be responsible, as stated in the Request for Tenancy Approval (RFTA), are a family responsibility as specified at 24 CFR § 982.404. The denial of service, disconnection or shutting off of utilities that the resident is responsible for paying or the discovery that a resident is tampering with utilities to illegally obtain service, may result in a recommendation for termination.

Chapter 12. Security Deposits and Late Fees

12.1 Security Deposits

For all housing assistance payments contracts, an owner may collect a security deposit from the tenant. It shall be the owner's responsibility to collect the security deposits from the family. The amount of the security deposit must be consistent with common practice in the Miami-Dade Private Rental Market and not in excess of security deposits collected for owner's unassisted tenants and not to exceed one month's rent.

12.2 Late Fees

Late fees by PHCD shall not be assessed on Housing Assistance Payments except when each of the following conditions is met:

A. Such penalties are in accordance with generally accepted practices and law, as applicable in the local housing market, governing penalties for late payment of rent by a tenant;

B. It is the owner's practice to charge such penalties for assisted and unassisted tenants; and

C. The owner also charges such penalties against the tenant for late payment of family rent to owner.

Late fees may be assessed at the written request of the owner if the initial payment of the HAP has been delayed in excess of 60 days from the effective date of the HAP contract or if timely payment was not received from the County thereafter when it was due pursuant to the lease agreement between the Section 8 tenant and the landlord. In instances beyond the PHCD's control, which affect payments to other owners, late fees shall not be assessed. This may include, but not be limited to, reactivation of payment delays because of system cutoff dates following abatements due to HQS violations.

Late fee(s) are paid to the landlord based on the same monthly late charge fee the landlord charges his/her tenants stipulated in the dwelling lease. However, no late payment penalty shall exceed $50 per occurrence.

Owners shall submit a claim on a PHCD-approved form which can be either mailed to the Owner or (via U.S. mail or electronic mail) can be found on the PHCD website. Late fee(s) are paid to the landlord based on the same monthly late charge fee the landlord charges his/her tenants stipulated in the dwelling lease. However, no late payment penalty shall exceed $50 per occurrence.

For new leases or change of dwellings, PHCD is obligated to make housing assistance payments within 60 days from the HAP effective date. Except for new leases or changes of dwellings, generally HAP's are due to the owner on the first of each month. HAPs shall be considered made when the check is issued or electronically submitted to the owner. After the first two calendar months of the HAP contract term, owners can submit late payment claims to the PHCD and the PHCD may be required to pay late fees for any months the payment is past due. Owners must submit any late

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payment claims on a PHCD-approved Claim Form within 30 days after receipt of the late housing assistance payment from PHCD. The *Claim Form* will be made available for downloading from the County's website located at www.miamidade.gov/housing and will also be provided to new owners during the orientation described in Section 13.1 of this Administrative Plan. Failure of the owner to make a claim within 30 days waives his/her right to make a claim for late payment penalties. If there is any dispute over the amount of the late fee or a denial of the late fee, PHCD will endeavor to attempt to resolve the dispute.

Chapter 13. Tenancy Approval

13.1 Documents to be Submitted

When the voucher holder has located a unit during the term of the housing voucher, he/she must submit a completed Request for Tenancy Approval package to the PHCD containing the following:

A. *Request for Tenancy Approval Form HUD-52517*, fully executed and signed by both owner and voucher holder tenant;

B. *Miami-Dade County Vendor Affidavit fully completed, executed by the owner*;

C. Proof of Ownership: if currently on the computerized Miami-Dade County property rolls, the tax bill or other document indicating the folio number may be submitted; if not current on the tax rolls, then a valid deed may be submitted;

D. A Tenancy Addendum or other document or information source containing the same information as a Tenancy Addendum.

E. Condominium, co-op, or homeowner association approval letter, if applicable and required by such association. The letter should also indicate whether the owner of the condominium or co-op is delinquent on any fees due to the homeowner association.

F. Tax Identification Number or Social Security Number, as applicable, for the owner; and

G. Other affidavits, as required by Miami-Dade County.

In circumstances where clarification of ownership is required, the PHCD may request appropriate documentation and may verify such ownership with other Miami-Dade County Agencies and the County Attorney's Office.

Prior to the approval of the assisted tenancy, the PHCD will request the following from the owner: *IRS Form W-9*, completed and executed, unless previously provided by the owner.

New owners will be provided with an orientation to advise them of their rights and responsibilities under the HAP. The PHCD, may provide the option to attend this orientation or view an orientation video at a designated site including, but not limited to, the PHCD website. Ownerships by trusts and corporations shall conform to Internal Revenue Service and the State of Florida requirements. A W-9 shall be completed for every ownership entity with a different tax identification number.

13.2 Approval of Assisted Tenancy and Approval to Move In

The PHCD must review and approve all submitted documents, the rent must be reasonable; the unit must pass HQS initial inspection, and receive an executed lease prior to granting authorization for the family to move into the unit. The tenant shall be responsible for the full contract rent to owner if the family moves into the unit prior to being given authorization to move in. To the greatest extent possible, the PHCD will approve tenancy within 15 days of RFTA acceptance given all documents are

submitted, completed and executed, the rent is determined as reasonable or negotiated and the unit passes HQS inspection.

The PHCD shall not approve a family for initial tenancy of a unit under Housing Choice Voucher if the family's portion of the rent exceeds 40% of the family's monthly adjusted income. This requirement is subject to change in conformance with USHUD federal regulations.

13.3 Use of Unit for Business

A tenant may conduct small-scale legal business in the unit if all of the following conditions are met. An example of a business includes, but is not limited to, cottage industries such as sewing and alteration service. Conditions for use of unit for business are:

A. Must be included in the lease or as an addendum to the lease,

B. Must be approved by owner,

C. Income derived from the business must be included and calculated as part of the family's income,

D. Business is in compliance with local zoning codes and other ordinances; and

E. Business does not conflict with federal housing quality standards regarding space and occupancy standards.

13.4 Use of Unit Address

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

Chapter 14. Housing Assistance Payments

Payments under valid Housing Assistance Payments (HAP) contracts will be made on or about the first of the month for which the payment is due. HAP shall be considered made when the check is issued or electronically transmitted to the owner. Initial payments, due to processing steps, may be delayed. However, all amounts due to date will be paid when processing is complete.

14.1 HAP Contract and Lease Termination

HAP payments will continue so long as the unit passes inspection, the family completes recertification annually, and is qualified and eligible for continuation in the Housing Choice Voucher program or until the HAP contract or lease is terminated by the owner, the tenant, or the PHCD in accordance with federal regulations. If the HAP contract or lease is terminated, the assistance payment will terminate as follows:

A. If the tenant moves, the HAP will be paid through the last month the tenant occupies the unit as determined by PHCD.

B. If the owner terminates the lease, the HAP payment will terminate when the tenant vacates the unit. The PHCD must be given a copy of owner initiated notice of termination of lease.

C. If the owner plans to evict the tenant for violating the terms of the lease, such notice must be given to tenant with a copy to the PHCD prior to commencement of any eviction action. Such notice may not be simultaneous to eviction process.

D. If the PHCD terminates the contract, payment will stop on the date indicated in the Notice.

E. See Chapters 22 for Transfer of Ownership and/or Chapter 23 for Owner's Foreclosure.

14.2 Right to Recoup Amounts Paid

A. Recapture by the PHCD

If a contract is terminated after payment has been made or a stop payment is not possible, the PHCD reserves the right to recoup amounts paid erroneously to owners by withholding any payment owed to that owner, even if the payment owed is for another Housing Choice Voucher tenant or for another program. If the owner has no other valid Housing Choice Voucher contracts, he/she will be responsible for making repayment to the PHCD promptly upon request. As an accommodation to those owners who have only one active unit, or who are no longer participate, in the MDHCV program and are experiencing economic hardship repaying the entire amount to be recouped as a result of over payments, PHCD, may enter into a repayment agreement over a reasonable period of time, not to exceed one year, to recover such payments. The payment terms and duration of these repayment agreements shall be determined at the sole discretion of PHCD, in accordance with fair credit practices, local laws and ordinances.

The PHCD reserves the right to place a lien on the property for any amounts owed after efforts to recoup funds are unsuccessful. The PHCD may deny any new Requests for Tenancy approvals until the payment is made by the owner.

B. County Obligations

The PHCD reserves the right to withhold payments if an owner owes funds to another Miami-Dade County department. Such withholding is pursuant to County ordinance and administrative order and will only be made upon request by the affected department and with written notice to the owner.

14.3 Reduction or Termination of HAP Contract for Insufficient Funding

The PHCD may reduce or terminate the HAP contract if it is determined, in accordance with USHUD requirements, that the funding under the consolidated ACC is insufficient to support the continued assistance for families in the program. In the event that termination of HAP contracts becomes necessary, the PHCD shall exempt the following:

- Elderly persons, 62 years and older;
- Disabled families;
- Housing Choice Voucher Homeownership Program participants;
- Families receiving voucher assistance as a result of relocation due to HOPE VI development; or
- Families receiving voucher assistance through special allocations in VASH, Access 2000 and Mainstream programs.

The PHCD reserves the right to determine the methodology of termination of HAP contracts. Such methodology shall be based on income. Families currently paying 75% or more of contract rent will have the HAP contracts terminated. If after terminating families paying 75% or more of contract rent there continues to be insufficient funding, then families paying 50% to 74% of contract rent will be

terminated. If there continues to be insufficient funding, then families paying 25% to 49% of contract rent will be terminated. The order of families being terminated in these payment groups shall be conducted on a first in first out basis (i.e., those families who have participated the longest in the program by lease-up date will be the first HAP contracts terminated). Notice of the HAP contract termination will be provided to the tenant and owner. Families terminated due to lack of sufficient HAP funding leaving in good standing shall be afforded, where available, other housing opportunities, including homeownership opportunities and affordable rental housing. Families removed from the program shall be placed on a list until funding is available for re-housing.

Chapter 15. Annual and Interim Re-certification

15.1 Annual Re-certification

A. Scheduling of Appointments

Each family participating in the Housing Choice Voucher and Moderate Rehabilitation Programs is required by federal regulation to be recertified every 12 months. Re-certification requires the program participant to provide information regarding family income and composition to PHCD so that tenant rent for the coming year may be established.

The PHCD will notify the Housing Choice Voucher family approximately 90 to 120 days of re-certification time and will notify the family of documentation the family will be required to provide. Re-certification can be conducted either electronically, in person, by mail or home visit depending upon circumstances, at the discretion of the PHCD. The PHCD may access criminal records of any household members with the purpose of determining continued assistance under the program, at re-certification, change of dwelling, when adding a member to the household or a live-in aide, to substantiate allegations of criminal activities, and at any time the PHCD deems necessary.

B. Number of Appointments and Missed Appointments

A family shall be allowed to miss no more than two appointments to complete the re-certification. If the family fails to keep the first appointment, a second notice shall be mailed stating that failure to complete the re-certification at the second appointment will be grounds for termination from participation in the Housing Choice Voucher program.

Exceptions may be granted by the PHCD on a case-by-case basis with consideration of the reason or circumstances for not meeting the re-certification requirements. The PHCD may require documentation from the family to prove any extenuating circumstances. The same number of appointments and procedure stipulated above shall apply to all programs, including the Family Unification program, Veterans Assisted Supportive Housing (VASH), and other targeted Housing Choice Voucher programs. The Florida Department of Children and Families shall be copied on the second appointment notification to Family Unification Program participants in an effort to provide any necessary intervention.

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

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

When the family causes an unreasonable delay in the recertification processing i.e. does not provide information within 30 days of the effective date of the recertification, PHCD will:

- Implement any decrease in family share of the rent on the first of the month following the completion of the recertification processing.

- Implement any increase in family share of the rent retroactive to the family's recertification effective date without a 30-day notice since the delay on the family's part results in a waiver of the 30-day notice.
- Families and owners will be notified, in writing, of the results of the recertification and the effective date of the change.

D. Acceptable Verification of Income

The PHCD will utilize the same procedures as used at admission for obtaining and verifying income. The PHCD will utilize the verification guidelines under PIH Notice 2010-19, PIH Notice 2010-03 Verification of Social Security and Supplemental Security Income Benefits, and subsequent guidelines or regulations that may be issued by USHUD.

Enterprise-Income Verification (EIV), when available, and third party written verification of information (which may be provided by the family), are the most desirable types of documentation. If EIV information conforms to the family's declared income as described under Section 7.5, third party verification may not be required. The PHCD staff will utilize the third-party verification criteria stipulated in Section 2.11(7), for tenants under the program.

E. Student Eligibility

A full or part-time household student must meet federal regulation eligibility requirements.

15.2 Interim Re-certifications

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

A. Family Composition Changes

The family must inform and provide verification to PHCD of family composition changes due to birth, adoption or custody granted to the family by operation of law, or upon a family member moving out of the unit. An increase or decrease in family size may result in a change in the family's rent. Any other additions to the family must be requested in writing and approved by PHCD prior to the family member being added to the family composition as further described under Section 5.2 - Changes in Family Composition.

B. Income Changes for Existing Family Members

1. Increase in Family Income

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

2. Decrease in Family Income

If the family experiences a decrease in income of any amount that will be for a period longer than 30 calendar days, an appointment for an interim review may be scheduled as needed.

Child Support non-payment will be considered for an interim re-certification if family shows court document or proof of non-payment for a period of at least three (3) months. As long as information is provided in a timely manner by the participant, decreases in rent will be made effective on the first day of the following the month in which the change is reported and proper verification is needed.

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Reductions in income from seasonal employment (i.e. summer months for school board employees, teachers, etc.) may be eligible for an interim re-examination if the family's income was originally calculated without taking into consideration anticipated reductions in income. An interim re-examination may not be required if anticipated decreases were already included in the annual income.

Rent will not be adjusted as a result of a family's income decreasing because of a reduction in Temporary Assistance to Needy Families (TANF) due to sanctioning by the welfare agency, State of Florida Department of Children and Families. The family is entitled to a hearing, should it wish to appeal such decision by the PHCD not to reduce the tenant portion of the rent.

Chapter 16. Family Moves

16.1 Tenant Notice

With proper notice, a participant family may move to another unit either within or beyond the PHCD's jurisdiction at the expiration of the lease term. Moves after the initial year of the lease term are limited to not more than one move in any 12-month period. A second move within the same calendar year may be allowed only under hardship conditions upon the approval of the PHCD and for victims of domestic violence, sexual assault/battery, dating violence, and stalking, as described under Section 2.15. The notice to move must be in accordance with the lease and addressed to the owner with a copy to the PHCD or its authorized contractor.

A family may move under the Housing Choice Voucher program with a change of dwelling approved by the PHCD, as long as, the family has not been terminated from the program. PHCD will not pay HAP to a former landlord if a new HAP contract has been executed with another landlord, unless any payments are owed to the former landlord.

16.2 Mutual Lease Termination

A participant may move from an assisted unit, prior to the end of the first year of lease, by obtaining a mutual lease termination executed by the participant and the owner. The Housing Assistance Payments contract with the owner will be terminated by the PHCD as of the date the lease is mutually terminated. A mutual lease termination in the initial lease term only applies under the conditions stated above in Section 16.1.

16.3 Owner Responsibility on Tenant Move-out

The owner is required to provide the PHCD with a copy of any notice to the tenant upon move out.

Chapter 17. Tenant Rents and Housing Assistance Payment (HAP) Increases

17.1 Tenant Rents

The minimum rent imposed on tenants is in accordance with federal regulations. The PHCD has adopted a minimum tenant rent of $50.00 per month. If the family can demonstrate a long-term hardship (over 90 days) in paying the minimum rent that would result in the family being evicted from the unit for its inability to pay the minimum rent, the PHCD shall temporarily exempt the family from payment and will review the tenant's circumstances at the next scheduled recertification.

17.2 HAP Increases

An owner may request an adjustment to the contract rent 60 days prior of the anniversary date of the HAP contract. Requests by the owner shall be in writing to the PHCD rent increases are subject to

market rent comparability surveys that prohibit paying more for a Housing Choice Voucher unit than a comparable unit on the unassisted market.

The rent to owner will only be increased for housing assistance payments covering months commencing on the latter of: the first day of the first month commencing on or after the contract anniversary date or a minimum of 60 days after the request is received. The PHCD shall not grant a rent increase unless the owner has complied with obligations under the HAP contract, including compliance with the HQS for all contract units. Prior to PHCD's approval the owner's rent increase request, the tenant must also consent in writing to such rent increase. Such written consent may include the execution of a lease or other agreement with the owner. Additionally, PHCD will also send a courtesy notice to tenants upon approval of an increase in rent or change. The requested rent must still be reasonable as relates to comparable rents in the market and shall be determined by a rent survey.

The PHCD reserves the right to suspend consideration of the rent increase requests, dependent on available funding provided for the Housing Choice Voucher Program by USHUD.

17.3 Change in responsibility for Utilities

The approved contract rent to the owner and amount of HAP payment includes consideration of utilities. Should the owner and tenant agree to change the responsibilities for utilities, PHCD must be notified. PHCD will recalculate the contract rent and HAP payment. The owner will be required to enter into a new HAP and the owner and tenant will be required to execute a new lease.

Chapter 18. Portability

18.1 Moving out of the PHCD's Jurisdiction

A newly certified family may move to a unit outside of the PHCD's jurisdiction after being certified for the Housing Choice Voucher Program so long as they are a resident of Miami-Dade County at the time of certification or for humanitarian reasons if they are not a resident at the time of certification. The PHCD operates within all of the jurisdictions located within Miami-Dade County.

If the participant family is not a resident of Miami-Dade County at time of certification, the following applies to the family during the first 12 months after admission to the program:

A. The family may lease a unit within the PHCD's jurisdiction
B. The family does not have any right to portability
C. The PHCD may choose to allow the family to port outside the PHCD's jurisdiction
D. Both the PHCD and the receiving housing authority must agree to allow the family to lease a unit outside of the PHCD's jurisdiction

   PHCD may allow a family to port out to other housing agencies within the jurisdiction, as a reasonable accommodation.

18.2 Absorption of Incoming Portables

Absorption of incoming portable vouchers will be based on the following criteria:

A. The PHCD must determine the family's unit size for the portable family according to PHCD's subsidy standards

B. The PHCD may make the determination to deny or terminate assistance to a portable family in accordance with Section 2.7, Denial of Assistance, and Chapter 27, Termination of Assistance

C. The PHCD shall attempt to obtain criminal history checks, including sex offender, nationwide. The nationwide sex offender registration check will be conducted online using a database available at www.nsowp.gov (PIH Notice 2012-28).

D. The same conditions apply for incoming portable families participating in the Family Self-Sufficiency (FSS) program in the PHA initiating the portability process

E. Availability of assistance and funding

F. Number of incoming Portables from a specific jurisdiction

G. Possibility of swapping vouchers within a given jurisdiction

H. Dependent upon whether sufficient funding allows for absorption.

Chapter 19. Family Self-Sufficiency Program

19.1 Overview

The purpose of the Family Self-Sufficiency (FSS) program is to promote the development of local strategies to coordinate the use of public housing assistance and housing assistance under the Section 8 voucher programs with public and private resources, to enable families eligible to receive assistance under these programs to achieve economic independence and self-sufficiency. The PHCD FSS is an employment and savings incentive program for low-income families receiving assistance under the Housing Choice Voucher Program. It was designed to encourage program participants' economic self-sufficiency and possibly homeownership via gainful employment, thereby decreasing and ultimately eliminating their dependency on welfare assistance. FSS consists of case management services, which are partnered with social service agencies, schools, businesses, and other organizations, to help families pursue job search training, employment, educational opportunities and supportive services; escrow accounts into which PHCD deposits the increased rental charges that a family pays as its earnings rise.

19.2 Selection and Screening

Family participation is voluntary and encouraged. Interested families can request information and an application. Housing Choice Voucher program staff reaches out to participants of the Family Unification, and Homeownership programs, as well as others. Applicants must be in compliance with HCV program requirements and family obligations in order to enroll in FSS. Applicants may be screened for interest and motivation to attend FSS orientation sessions or pre-selection interviews and may be assigned certain tasks that indicate their willingness to meet the obligations imposed by the *FSS Contract of Participation (COP)*. Any tasks assigned must be readily achievable by the family, based on its educational level and disabilities, if any. However, they cannot be screened for education, job history or performance, credit rating, marital status, or number of children, and any other factors that could result in discriminatory practices toward individuals with disabilities or those from minority or non-minority groups. Applications to the FSS Program are time dated and considered on a first come/first serve basis, as slots become available.

19.3 Contract of Participation: Term and Conditions

If the last annual or interim reexamination is older than 120 days, an annual or interim reexamination must be conducted before the Contract of Participation (COP) is executed. Family members must fulfill all requirements to obtain full benefits. The FSS contract requires that the family comply with lease stipulations, that all family members become independent of welfare assistance, and that the head of the family seek and maintain suitable employment that pays a living wage.

The family and case manager will work together to establish goals. The COP must be executed no more than 120 days after the household's most recent annual or interim re-examination. It lists the family's current annual income, the amount of earned income included, and the family's Total Tenant Payment (TTP).

During the term of the COP, increases in earned income and TTP are compared to the amounts listed in calculating escrow credits. The initial term of the COP is five (5) years; however, PHCD may grant an extension of up to two (2) years in response to a written request from the family describing "good cause." Good cause includes circumstances beyond the family's control (e.g., serious illness or involuntary loss of employment) that thwarted the family's ability to remain off of welfare assistance for 12 consecutive months. The COP is considered complete and the family's FSS participation concluded when:

A. The family has fulfilled all of its obligations under the COP on or before the contract expiration date; or
B. 30% of the monthly adjusted income equals or exceeds the published FMR for the family unit size under PHCD's subsidy standards. To claim its escrow, no family member can be receiving welfare as defined by the FSS regulations, but the 12 consecutive months requirement does not apply. Although successful completion of the contract requires that no family member be receiving welfare assistance, the family may still receive rental assistance at the time of and after their successful completion of the FSS program.

19.4 Individual Training and Services Plan

The Individual Training and Services Plan (ITSP) identifies appropriate service needs for the head of household and each participant adult family member. Before the COP can be executed, the PHCD must determine if employment goals proposed in the ITSP are appropriate, considering the participant's skills, interests, education, and jobs available in the local market. Based on these employment and personal goals, FSS Program staff refers participants to the appropriate resources and services that are needed for them to achieve their self-sufficiency goals. The ITSP establishes interim and final goals to be achieved within specific deadlines so the family's progress toward self-sufficiency can be measured.

19.5 Services Provided under FSS

Case management services may include, but not be limited to:

A. Child care
B. Transportation
C. Education
D. Job readiness, training, and employment counseling
E. Substance/alcohol abuse treatment or counseling
F. Household skills training
G. Life skills training
H. Homeownership counseling

19.6 The Escrow Account

A single, interest-bearing FSS escrow account is established for each participating family. An escrow credit, based on increases in the family's earned income, is credited to the account by the PHCD during the term of the COP. A portion of this escrow amount can be made available to the family to complete an interim goal (e.g., education). If the family completes the terms of the COP and no

member is receiving welfare assistance, the amount of the escrow account is paid to the head of the family. If the FSS contract is terminated, or if the family fails to complete it before the expiration date, the escrow funds are forfeited.

Chapter 20. Expanding Housing Opportunities

20.1 Overview

PHCD actively recruits landlords of suitable rental units for their participation in the Housing Choice Voucher Program. Likewise, PHCD provides voucher holders with a list of landlords who are participants in the program, information concerning the availability and benefits of mobility opportunities, as well as encouragement, support, and guidance on leasing rental units. Moreover, voucher holders are briefed on the effective implementation of portability and other cooperative mobility strategies within and outside of Miami-Dade's jurisdiction. The overall objective is to encourage the availability of affordable housing and maximum geographic diversity; and the movement of voucher families into a broader range of neighborhoods.

20.2 Outreach to Owners and Owner Referral Lists

The PHCD employs a variety of strategies to recruit owners of units inside, and especially outside areas of high poverty and minority concentration. For the latter group, landlords will be contacted through groups including the Miami-Dade County Realtors Association and Builders Association of South Florida. Additional strategies may include:

A. Newsletters and semi-annual seminars that provide up-to-date information, including program changes, to current and prospective owners;

B. Surveys of owners are conducted to identify issues and based on the results, to improve program operation;

C. Periodically, the PHCD engages in direct advertising in *The Miami Herald, The Miami Times*, *Diario Las Americas* periodicals, the *Haiti en March*, and *The Voice*. It also makes public service radio and television announcements;

D. Informational letters and flyers are posted at community organizations, neighborhood centers, churches and other places of worship; word-of-mouth leads and referrals are encouraged;

E. This Administrative Plan and other information on the Housing Choice Voucher program are provided on the internet at the PHCD's website so interested landlords or property owners can readily access information;

F. Success stories involving the program and its participating families are disseminated via various media;

G. Membership in associations of owners/managers of rental properties;

H. Direct personal contact with owners

The PHCD will maintain a listing by bedroom size of available rental units, including accessible units for persons with disabilities. Upon request, this list shall be made available to Housing Choice Voucher participants and shall be placed in public reception areas of the Housing Choice Voucher Program office.

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20.3 Information Assistance for Voucher Families

The PHCD will provide all new Housing Choice Voucher holders an information packet, typically distributed at the initial briefing, home visit or via mail. Maps will be provided showing areas of housing opportunities outside areas of poverty or minority concentration within its and neighboring jurisdictions, and assemble information on the characteristics of these areas (e.g., population demographics, types of housing offered, rent levels, schools, transportation, shopping, and employment options). The information is intended to introduce the family to a full range of neighborhoods where they may lease units and the advantages each offers. The maps and related information are used to brief voucher holders of the full range of areas where they may lease units. The packet requirements are as follows:

A. A list of owner-landlords who are willing to lease units within and outside of poverty or minority concentrated areas, or organizations that are willing to help families find units within and outside of poverty or minority concentration areas.

B. A written description of how portability works and a list of contact persons for neighboring housing agencies outside Miami-Dade County (including name, address, and phone numbers) for families who move under portability.

C. Information about the existence and availability of units that can accommodate a family member with disabilities.

D. The participants' fair housing rights and what to do if discrimination is encountered will be discussed. In cases where discrimination is suspected, the PHCD will advise the family to file a discrimination complaint with the Department of Housing and Urban Development, the Florida Commission on Human Relations, the Miami-Dade Commission of Human Rights or any other enforcement agency.

PHCD periodically analyzes whether rental voucher holders have experienced difficulties in finding housing outside areas of poverty or minority concentration; if so, it also analyzes whether it is appropriate to seek approval of exception payment standard amounts within its jurisdiction and seeks HUD approval when necessary.

Chapter 21. Providing Information and Complaints

21.1 Florida Public Records Act

Pursuant to the State of Florida's Public Records Act, Chapter 119 of Florida Statutes, all records generated by public entities during the normal course of business are considered public records and are open to review upon reasonable notice, unless exempted by State of Florida law or as stipulated below. A copy of this Administrative Plan shall be made available to the public at the Housing Choice Voucher Program office, and posted on the PHCD's website.

Requests to view a file must be made in writing or by submitting a Public Information Request to the PHCD during normal business hours. Upon requesting a file, the person making the request shall be notified of the location at which the file may be accessed. Files may not be available at the time requested. If a file is not available, the PHCD shall provide the requestor with the date or date/time the file will be available for viewing. The PHCD shall obtain the requestor's name and telephone number to contact the requestor of any change in date or time the file is available for reviewing**.**

Copies of file documents may be requested. There will be a charge for copies in accordance with the Public Records law and Miami-Dade County Administrative Order No.4-48. Requests that require extensive staff time, or information checking resources, may access a charge that reflects the lowest salary (plus fringes) among all clerical workers, and if applicable, among all supervisory/management

personnel who might perform such work, or the actual salary and fringes of the specific person or persons performing the work. Files may not be removed from the Housing Choice Voucher office.

Notwithstanding the requirement to comply with Chapter 119 of the Florida Statutes, the PHCD reserves the right to claim any applicable exemption from the general requirements of the statute In instances of families in witness protection, victims of domestic violence, families with restraining orders or other documented circumstances where the file identifies information that places the family at liability, requests for reviewing such files, which include addresses and other identifying information, shall be considered based on a review of the appropriateness of the requestor and individual circumstances**.**

21.2 Information to Owner

A potential owner will be provided the following information about the program participant on the Owner/Agent Certification form upon request:

A. The participant's current and prior address as shown in PHCD records;

B. The address of the participant's current and prior landlord; and

C. A statement to the effect that the Agency has not screened the family's background or suitability for tenancy with the exception of a criminal and sex offender background check in accordance with PHCD's policies.

The landlord is responsible for any other screening to be completed in a non-discriminatory manner. Landlords are responsible for determining whether to conduct their own criminal background checks to decide if the family is suitable for tenancy. If the current or potential owner requests criminal background information on an applicant/tenant, the PHCD may not release details of the criminal background check but may notify the owner verbally over the telephone or in writing whether the family is eligible for assistance.

21.3 Complaints

PHCD shall promptly notify the owner of any complaints by or about the family concerning its tenancy or housing as it relates to their tenancy or the Housing Choice Voucher program. Such notification shall be in conformance with Miami-Dade County Resolution No. R-1543-97. PHCD has the right to request action by the owner or a response as to the resolution or outcome of the issue. In responding to a complaint, the PHCD may require the family to come to the Housing Choice Voucher Office for an interview to address its concerns regarding participation in the Housing Choice Voucher program. Members of the public may file complaints against owners, tenants, and employees of the PHCD by submitting a letter describing the specific problems to:

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

PHCD investigates allegations of fraud or illegal activity committed by housing program applicants and tenants. Incidents of fraud or illegal activity may be reported by calling the PHCD fraud hotline number. All calls are confidential and callers remain anonymous at all times.

Additional information on the PHCD's Fraud Program can be found on PHCD's website. Except as described in Chapter 30, Fair Housing and Equal Opportunity and Grievance Procedures, all non-fair housing and ADA complaints shall be reviewed by an appropriate staff member and answered in no more than 30 calendar days. Persons filing complaints shall be informed on a regular basis as to the progress of their complaint and any decisions made by the PHCD. Persons wishing to report welfare fraud may do so by calling or writing:

Florida Social Services Department
1317 Winewood Boulevard
Tallahassee, Florida 37399
800342-9274

Chapter 22. Transfer of Ownership

Section 14 of the existing HAP contract requires the owner to obtain the prior written consent of the PHCD before any assignment of the HAP contract. In the event prior written consent was not requested nor granted, the HAP contract may be terminated. See Chapter 23 for change of ownerships resulting from foreclosures.

The new owner must submit all necessary paperwork and documents to Housing Choice Voucher Program staff and be qualified as an owner as indicated in Chapter 24. At the time of notification, PHCD, shall stop payment to the former owner. If there is an overlap between the transfer of ownership date and the date the payments are stopped, the PHCD shall not be responsible for funds already disbursed to the former owner and Housing Assistance Payment disbursements shall be settled between the new and the previous owners.

Chapter 23. Owner's Foreclosure

Any notification of foreclosure of a unit received by the housing agency shall be placed in the tenant file. A change of dwelling shall be given to the family at the discretion of the PHCD. Preliminary notice of foreclosure action does not necessitate that the family move. The PHCD may contact the owner or the foreclosing party (mortgage holder) for information. Failure of the PHCD or its authorized contractor to make housing assistance payments when payment is owed and due shall not be the responsibility of the family. In such cases, the Agency shall expedite payment, including remittance of emergency check to assure continued tenancy for the Housing Choice Voucher family. PHCD will comply with PIH Notice 2010-49. If a property is foreclosed during the term of the lease, the new owner cannot require the tenant to vacate the property prior to the effective date of transfer of ownership. However, the tenancy can be terminated as of the effective date of transfer if the owner:

1. Will occupy the unit as a primary resident; and
2. Has provided the tenant a 90-day notice to vacate.

Otherwise, the new owner shall assume the same lease and HAP contract that was effective between the prior owner, tenant, and PHCD.

Chapter 24. Disapproval of Owners and County Employee Participation in Tenant-Based Programs

24.1 Disapproval of Owners: Conditions

The PHCD shall limit, deny or terminate participation of owners in any of the following circumstances:

A. When the owner is debarred, suspended, or subject to a limited denial of participation by USHUD;

B. When directed by USHUD as a result of an administrative or judicial action in violation of the Fair Housing Act;

C. When an owner has a history of uncorrected HQS;

D. When an owner has a history of fair housing violations or complaints;

E. When an owner has been convicted of fraud, bribery or any corrupt or criminal act in connection with any federal housing program;

F. When an owner has violated a HAP contract pursuant to the federal regulation at 24 CFR part 982;

G. When an owner has engaged in any drug-related or violent criminal activity;

H. When an owner has not paid local property real estate taxes, fines or assessments;

I. When an owner has claimed homestead exemption on the assisted unit;

J. When the owner is any member of the participant family, unless the PHCD determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities;

K. When the owner or a member of the owner's family is a County employee and has not obtained a waiver from the Miami-Dade Ethics Commission;

L. When the owner has not paid in full all utility bills related to the tenancy of a Housing Choice Voucher family that are owner responsibility;

M. When an owner has a history of failing to terminate the tenancy of Housing Choice Voucher tenants for activity engaged by the tenant, any member of the household, guest or other person that threatens the health, safety or right to peaceful enjoyment of the premises by other tenants, for drug- related criminal activity; or violent criminal activity;

N. When an owner has a history of being abusive towards the PHCD staff or program participants.

Nothing in this Administrative Plan is intended to give or confer any rights upon any owner any right to participate in the PHCD's Housing Choice Voucher Program. There are no appeal rights for the Agency's decision to disapprove owner participation.

24.2 County Employees and Immediate Family – Participation in Tenant-Based Programs

A. PHCD complies with 24 CFR 982.161 which states that any employee of the PHA, contractor, subcontractor or agent shall not enter into a contract or other arrangement in connection with tenant-based programs.

B. Any PHCD employee or member of the employee's family wanting to participate in a tenant-based program must obtain a waiver from the Miami-Dade Ethics Commission.

Chapter 25. Project-based Voucher Program

25.1 Overview

A. Overall Approach

PHCD may designate a maximum of 20% of its non-targeted housing choice voucher allocation for project-based vouchers in order to administer project-based Voucher assistance. The PHCD will project-base the vouchers for newly constructed, rehabilitated or existing housing units.

PHCD will enter into a Housing Assistance Payments (HAP) contract with qualified owners to provide project-based voucher assistance in compliance with PHCD's PHA plan and consistent with the goals of deconcentrating poverty and expanding housing and economic opportunities.

B. Program Objectives

The project-based voucher program is intended to provide housing assistance to individuals and families, so that specific objectives can be accomplished in accordance with USHUD's regulations as follows:

1. To encourage developers or property owners, including non-profit housing development corporations, to construct standard, or to upgrade substandard, rental stock throughout the Miami-Dade County;

2. To make existing, newly constructed or rehabilitated dwelling units available to very-low and low-income persons at rents within the PHCD's applicable payment standard.

Preference will be given to proposals that intend to attach project-based assistance to larger units, i.e., units with three (3) bedrooms or more.

C. Program Requirements

At its discretion, PHCD will solicit proposals from developers, property owners and nonprofit housing corporations to participate in the project-based voucher program. Project based assistance may be attached to existing units, units to be rehabilitated and newly constructed units. In addition, a maximum of 25% of the units in any one building may receive project-based voucher assistance. However, single-family properties and properties designated for elderly families, disabled families, or families receiving supportive services are exempt from the 25% limit.

For the purposes of the project-based voucher program, existing units require a maximum expenditure of less than $1,000 per assisted unit, including a prorated share of work on common areas or systems to comply with federal Housing Quality Standards (HQS) at the time the PHCD notifies the applicant of selection. Rehabilitated units, for the purpose of the project-based voucher program, are units that require a minimum expenditure of $1,000 per assisted unit, including a prorated share of work on common areas or systems to comply with HQS.

All units in the building receiving project-based assistance shall be inspected for HQS, as stipulated in Chapter 10 of this Administrative Plan. The PHCD shall inspect each unit on an annual basis. Only units that comply with HQS shall be included in the HAP contract.

For units undergoing rehabilitation or new construction concerning site and neighborhood standards apply. The site shall be accessible to social, recreational, educational, commercial, health facilities, and other appropriate municipal facilities and services.

Properties to be assisted under the project-based voucher program will be subject to the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (URA) and the requirements of 49 CFR, Part 24, subpart B.

D. Location of Project-based Vouchers

The PHCD may administer the program on a county-wide basis. In compliance with the federal regulations and the PHCD's Equal Housing Opportunity Plan, suitable dwelling units must be made available under the project-based voucher program in structures that are located in areas outside of low income and minority concentrations, unless a waiver is requested from and granted by USHUD.

The PHCD may request exceptions of the requirement that project-based assistance be located in census tracts with a poverty rate of less than 20%, based upon the review of the proposals submitted to the PHCD.

E. Administrative Approach

The PHCD shall perform traditional Housing Choice Voucher program administrative responsibilities associated with the implementation of the project-based voucher program. These functions include, but are not limited to, outreach, review and selection of proposals, inspections, tenant selection from the waiting list, determination of tenant eligibility, and annual recertifications, in accordance with this Administrative Plan, for applications that involve new construction or rehabilitation of units. The PHCD staff will also perform work write-ups, cost estimates, and feasibility analyses.

The PHCD reserves the right to solicit proposals from private concerns to perform selected administrative responsibilities in the implementation of the project-based voucher program or may contract with the property owner or developer of the project-based property for any administrative functions that are the responsibility of the housing agency.

25.2 Administration of Project-based Program

A. Solicitation of Owner Proposals

The PHCD will solicit owner participation by advertising in three newspapers of general circulation, such as *The Miami Herald, Diario Las Americas* and *The Miami Times*, stating proposals to attach rental assistance for specific properties will be accepted.

The advertisement may be published at least three times over a period of not less than 30 days, and will include a statement that applications will not be accepted beyond the specified 30-day deadline. The advertisement will also specify the number of dwelling units the PHCD estimates that it will be able to assist under the funding that the PHCD is making available for this purpose and that only applications submitted in response to the advertisement will be considered. The advertisement will also state the PHCD's selection policies.

For proposals requiring new construction or rehabilitation of assisted units, the PHCD will establish competitive procedures for the submission of proposals, which will be submitted to USHUD for approval.

An application packet will be prepared for distribution to interested parties, and will also be made available at the PHCD administrative offices. The packet will contain a description of the project-based voucher program, an outline of the rules and regulations governing the project-based voucher program, the required contents of owner proposals, and the criteria that PHCD will use in the selection of eligible proposals.

At PHCD's discretion, additional information may be provided at pre-proposal conferences or workshops.

B. Requirements for the Submission of Proposals

The owner's submission of the application to the PHCD must contain:

1. Description of housing to be assisted, including the number of units by size (square footage); bedroom count; bathroom count; sketches of proposed new construction or rehabilitation, if applicable; unit plans; listing of amenities and services and estimated date of completion for

units to be rehabilitated or constructed. For rehabilitation, the description must describe the property “as-is” and must also describe the proposed rehabilitation.

2. Evidence of site control, and for new construction, identification and description of the proposed site, site plan and neighborhood.

3. Evidence that the proposed new construction or rehabilitation is permitted by current zoning ordinances or regulations or evidence to indicate that the needed rezoning is likely and will not delay the project.

4. The proposed contract rent per unit, including an indication of which utilities, services and equipment are included in the rent and which are not included.
5. Information concerning the occupancy status of the units to be assisted under the project-based voucher program, including applicability of permanent and temporary relocation of site occupants.

6. A certification from the owner that there will be no displacement of residential tenants from units to be assisted under the project-based voucher program.

7. The identity of the owner, developer, builder, architect, management agent (and other participants) and the names of officers and principal members, shareholders, investors, and other parties have a financial interest; a disclosure of any possible conflict of interest by any of these parties; and information on the qualifications and experience of the principal participants, including previous participation in any USHUD programs.

8. The owner’s marketing plan.

9. The owner’s plan for managing and maintaining the units.

10. Evidence of financing or lender interest and the proposed terms of financing.

11. The proposed term of the HAP Contract.

C. Initial Inspection

Prior to the ranking and rating of proposals, an initial inspection will be performed by the PHCD staff for properties included in proposals accepted for consideration of rating and ranking. The PHCD will not inspect properties included in the proposals that do not meet threshold requirements for further consideration.

1. The inspection will determine if the property is eligible as defined at 24 CFR § 983.101, meets federal HQS, and the occupancy status of the units to be assisted.

2. For proposals which will involve rehabilitation, the inspection will also determine if the property can be rehabilitated without causing displacement of residential tenants from units to be assisted, will identify the rehabilitation work meets the minimum $1,000 per unit requirement, and if the specific work items will bring the units in compliance with HQS.

3. For proposals in which there will be new construction, the inspection will determine that construction work has not begun.

4. Should the PHCD discover as a result of the initial inspection that the proposal does not meet program requirements, the owner will be informed in writing of the reasons for the rejection.

D. Rating and Ranking of Proposals

The rating and ranking of proposals will be performed by PHCD staff. With regard to the initial screening of proposals, the criteria that will be utilized to determine whether a proposal should be rejected without further review or accepted for further consideration of rating and ranking will include:

1. Receipt of the proposal by the date and time as specified in the advertisement

2. Receipt of the proposal in the proper format, including submission of all specified forms with all of the entries completed as required

3. Proposals that indicate gross rents will exceed 110% of the PHCD payment standards, or which clearly indicate that the proposed project is infeasible, will be rejected

4. Proposals involving ineligible properties or housing types identified in 24 CFR 983.53will be rejected.

Proposals will be evaluated based on the factors determined by the PHCD to rate and rank proposals. Among the factors to be considered in the ranking and rating of proposals include: suitability of the site to accommodate the number and type of units proposed for assistance, including environmental and health and safety concerns; design elements, with preference to proposals that offer larger units to be assisted; experience of the owner and other participants in providing affordable housing; plan for the relocation of current tenants, if applicable; and financial feasibility of the project.

For proposals that involve new construction or rehabilitation of units, additional factors will be considered: the estimated cost per unit of construction or rehabilitation, and the experience of the owner and other participants in construction or rehabilitation of rental properties in accordance with USHUD regulations.

E. Notification to Owners

Proposals that have been received in response to PHCD's advertisement which comply with all of the prescribed selection criteria and procedures and are deemed feasible will be rated and ranked in accordance with the PHCD's written policies. The Owners who submitted the highest ranked feasible proposals will be sent a written Notice of Acceptance stating the tentative number of units to be assisted.

25.3 Agreement to Enter into Housing Assistance Payments Contract

A. Pre-Agreement Process

For proposals in which there will be rehabilitation or new construction, owners shall have 60 days in which to complete required actions before an Agreement to Enter into a Housing Assistance Payments (AHAP) Contract can be signed.

Prior to the AHAP execution for rehabilitation projects, the actions required are: preparation of detailed work write-ups, cost estimated, specifications and plans, as appropriate, depending upon the nature of the nature of the identified rehabilitation. Davis-Bacon wage rates are applicable for those buildings containing nine (9) or more units. The work write-ups must address the specific work items identified to meet the $1000 per assisted unit rehabilitation requirement as well as the work items that are needed to bring each unit to be assisted up to the USHUD Housing Quality Standards.

Prior to the AHAP execution for new construction units, the USHUD shall review owner proposals, which are submitted by the PHCD, for compliance with site and neighborhood requirements set forth in at 24 CFR 983.154. Davis-Bacon wage rates are applicable for those buildings containing nine (9) or more units. In addition, the Owner must submit the design architect's certification that the proposed new construction reflected in the working drawings and specifications comply with HQS, local codes and ordinances, and zoning requirements.

B. Selection of Contractor

Owners are responsible for the selection of a competent contractor to undertake the new construction or rehabilitation work under the AHAP contract. The owner, contractor and his/her subcontractors are subject to Section 3 of the Housing and Urban Development Act, as amended in 1968, and the regulations at 24 CFR part 135, which requires that training, employment and contracting opportunities be provided, where feasible, to low-income Section 3 residents. The PHCD's Administration Division shall provide oversight and assistance regarding the owner's responsibility under Section 3.

C. Uniform Federal Accessibility Standards: Section 504 and Fair Housing Act

The owner and his/her contractors and subcontractors are subject to compliance with the Fair Housing Acts, Americans with Disabilities Act and Section 504 of the Rehabilitation Act and are required to comply with Uniform Federal Accessibility Standards requirements for persons with disabilities and the Fair Housing Amendments Act. The PHCD's construction unit will coordinate Section 504/ADA requirements through the PHCD's ADA Coordinator's office.

D. Execution of the Agreement

When all required pre-Agreement procedures have been satisfactorily completed, the AHAP contract shall be executed. The AHAP must be executed before the start of any new construction or rehabilitation to be performed under the AHAP. Under the AHAP, the owner agrees to construct the units in accordance with the PHCD approved working drawings and specifications or to rehabilitate the units in accordance with the PHCD approved work write-ups.

25.4 New Construction or Rehabilitation Phase

A. Timely Performance of Work

Immediately following the execution of the AHAP contract, the owner shall promptly proceed with the construction or rehabilitation work as provided in the agreement. In the event the work is not so commenced, diligently continued, or completed, the PHCD may terminate the Agreement or take other appropriate action.

B. Inspections

PHCD shall conduct periodic inspections during the new construction or rehabilitation phase to ensure that work is proceeding on schedule and is being accomplished in accordance with the terms of the AHAP. Inspections shall be performed at such intervals so as to ensure that the work meets the levels of materials specified in the work write-ups or working drawings and specifications, and meets typical levels of workmanship in the area.

C. Changes to Work

Owners must obtain prior approval from PHCD for any changes from the work specified in the AHAP contract that would alter the design or quality of the required new construction or rehabilitation. If the owner makes any changes without the prior approval of the PHCD,PHCD may request USHUD to lower the initial contract rents in the amount determined by USHUD, and

may require the Owner to remedy any deficiencies, prior to, and as a condition for, acceptance of the units. The PHCD shall have the right to disapprove any changes requested by the owner.

D. Completion of New Construction or Rehabilitation

The owner must notify the PHCD in writing when the work is completed and submit evidence of completion. Among the documents the owner must submit is a Certificate of Occupancy, or other official approvals required by the locality, and a certification that the work has been completed in accordance with the requirements of the AHAP.

The PHCD will conduct a final inspection to verify the completion of all the work items required by the AHAP and a determination regarding compliance with Section 504/ADA/ Fair Housing Act, and other applicable laws, regulations and executive orders, HQS and the South Florida Building Code. If the PHCD determines from the review and inspection that the unit(s) has been completed in accordance with the AHAP contract, the PHCD shall accept the units(s).

If there are any items of delayed completion that are minor items or that are incomplete because of weather conditions, and in any case that do not preclude or affect occupancy, and all other requirements of the AHAP contract have been met, the PHCD shall accept the unit(s); however, the PHCD shall require the owner to deposit in escrow with the PHCD's funds in an amount the PHCD determines to be sufficient to ensure completion of the delayed items. In addition, the owner and the PHCD shall execute a written agreement, specifying the schedule for completion of these items. If the items are not completed within the agreed time period, the PHCD may terminate the AHAP contract or exercise other rights under the AHAP contract.

25.5 Housing Assistance Payments (HAP) Contract

A. Time of Execution

The PHCD and the owner shall execute the Housing Assistance Payments (HAP) contract if the PHCD determines from review and inspection that the unit(s) has been completed in accordance with the AHAP contract and the owner has submitted the required evidence of completion as set forth herein. The effective date of the contract may not be earlier than the date of the PHCD's inspection and acceptance of the unit(s).

B. Term of Contract

The HAP contract shall have a term no greater than ten (10) years, subject to available funding. At the discretion of the PHCD and for a term determined by the PHCD, extension to the contract may be granted beyond the original term, contingent upon continued funding to achieve long-term availability of affordable housing for eligible households or to expand housing opportunities.

C. Initial Contract Rents

The HAP contract shall establish contract rents that will not exceed 110% of the Fair Market Rent (FMR) and will be the lowest of the reasonable rent or the rent requested by the owner. The initial contract rent must be reasonable in relation to rents currently being charged for units in the private unassisted market, taking into account the location, size, structure type, quality, amenities, facilities, and management and maintenance service of the unit.

If the property has been allocated low-income tax credits, but it is not located in a "qualified census tract," the rent to owner must not exceed the lowest of: the tax credit rent minus any utility allowance, the reasonable rent or the rent requested by the owner.

D. Contract Rent Adjustments

The HAP contract allows for adjustments in contract rent during the contract term and such adjusted rents shall be reasonable.

E. Vacancy Payments

Vacancy Payments will be made only if PHCD has elected to include the vacancy payments in the HAP contract. If a unit becomes vacant as a result of a tenant moving out, the PHCD shall continue to provide assistance for the unit for up to a maximum of 60 days. Such payment will be made only if the vacancy is not a result of the owner's failure to take reasonable action to minimize such vacancies.

F. Reduction of Contract Units after Vacancy

If no eligible family rents a vacant unit with 120 days of the vacancy, the PHCD may terminate its commitment to make additional assistance payments for the unit for the balance of the HAP contract.

25.6 Management Phase

A. Family Selection and Participation

The selection of tenants for the project-based voucher program will be consistent with the procedures detailed in Chapter 2 of this Administrative Plan. An applicant who rejects an offer of a projected-based unit or who is rejected by the owner of the housing unit will remain in the same position on the tenant-based assistance list, as if the offer had not been made. If a dwelling unit to which assistance is to be attached under the project-based voucher program is occupied, the PHCD must determine whether the unit's occupants are eligible for assistance. If a unit is occupied by an eligible family and the unit is selected by the PHCD, the family must be placed in an appropriately size project-based assisted unit in the project without requiring the family to be placed on the PHCD's waiting list.

In the event that there are an insufficient number of eligible persons on the waiting list, the PHCD shall place applicants referred by the owner on the waiting list. Eligibility for selection in the Project-based voucher program shall be consistent with the PHCD's tenant-based and project-based assistance programs.

Should a family elect to move from a unit assisted under the project-based voucher program after the initial year, the PHCD must provide the family with a Housing Choice Voucher. If no vouchers are available to the family, the PHCD must give the family priority to receive the next available tenant-based voucher.

B. Briefing of Families

When a family is selected to occupy a unit under the program, the PHCD shall provide the family with written information concerning the tenant rent and any applicable utility allowance. The information conveyed at the briefing will include, but not be limited to:

1. Family and owner responsibilities,

2. That the subsidy is tied to the unit and the family must occupy an approved unit under the program,

3. The likelihood of the family receiving a Housing Choice Voucher after the HAP contract expires,

4. The family's options under the project-based voucher, program, if the family is required to move because of a change in family size or composition, and

5. Hearing procedures, including a description of the circumstances in which the PHCD is required to provide the opportunity for an informal hearing and of the procedures for requesting a hearing.

C. Lease Requirements and Termination of Tenancy

The lease between the family and the owner shall be for one (1) year, or the remaining term of the HAP contract, if the contract will expire within one (1) year. The lease may contain a provision permitting the family to terminate the lease on not more than 60 days advance written notice to the owner. In the case of a lease term for more than one (1) year, the lease must contain a provision permitting the family to terminate the lease on not more than 60 days advance written notice to the owner after the first year of the term.

D. Informal Hearing and Review

The regulations at 24 CFR §§ 982.554 and 982.555 regarding informal reviews for applicants and informal hearings for participants, apply to this program. See Chapter 29 for the PHCD's Informal Hearing and Review Procedures.

E. Overcrowded and Under Occupied and Accessible Units

If the PHCD determines that a family is occupying an overcrowded or under-crowded unit, or a unit with accessibility features that the family does not require, and the unit is needed by a family that requires the accessibility features, the PHCD must notify the family and the owner of this determination and of the PHCD's offer of continued assistance. The continued assistance offer may be:

1. Project-based voucher assistance in an appropriate size-unit (in the same building or another building);

2. Other project-based housing assistance;

3. Tenant-based rental assistance under the voucher program;

4. Other comparable public or private tenant-based assistance (e.g. under the HOME program.)

The determination of the offer of continued assistance will be at the discretion of the PHCD. However, if the PHCD offers the family the opportunity to receive tenant-based rental assistance under the voucher program, the PHCD must terminate assistance payments for the project-based unit at the expiration of the term of the voucher.

If the PHCD offers the family the opportunity for another form of continued housing assistance, except for tenant-based voucher assistance, and the family does not accept the offer, does not move out of the Project-based Voucher unit within a reasonable time, or both, the PHCD must terminate the housing assistance payments for the project-based unit.

Chapter 26. Homeownership under Housing Choice Voucher

26.1 Overview

The PHCD shall administer and offer a homeownership program as allowed under 24 CFR §§ 982.625 through 982.641 to permit eligible Housing Choice Voucher recipients to purchase a home using the voucher subsidy. With the competitive rental market and increasing need for affordable housing in Miami-Dade County, the establishment of a Housing Choice Voucher Homeownership program will create a larger selection of housing choice which eligible Housing Choice Voucher families can use.

The PHCD shall oversee the Housing Choice Voucher Homeownership program, hereafter referred to as the Homeownership program. The PHCD shall determine eligibility of families and enforce the federal regulations regarding homeownership and its Administrative Plan rules.

The goal of the program is to provide homeownership opportunities, along with counseling, self-sufficiency, training and support, thereby facilitating economic opportunity within communities while providing parameters to ensure the success of the homebuyer. This program is designed to minimize default of the homeowner, which would have a negative impact on the family and the neighborhood where the unit is located and would enhance economic opportunity for families eligible for such a program.

The PHCD implements a wide range of housing programs designed to enhance housing opportunities for low and moderate-income families, including homeownership for first time homebuyers. The PHCD's experience in homebuyer opportunity programs dates back to 1984. A maximum of 10% of the voucher allocation inventory may be targeted for homeownership. The percentage may be amended based on the success of the program and need of Housing Choice Voucher families. Upon authorization by USHUD, the PHCD may opt to administer other types of homeownership programs using the housing subsidy, including but not limited to an alternative down payment assistance program.

26.2 Eligibility of Family

Family eligibility shall be:

A. A family assisted under the homeownership option may be a newly admitted or existing participant in the program;

B. The family must be currently in good standing with the housing agency, including no outstanding debt to the PHCD for previous housing quality standard damages or unpaid rent;

C. The family must be in compliance with the current lease;

D. The family shall not have tenant responsible housing quality standards violations existing in the unit which have not been corrected within the time provided by the Inspections Department;

E. The family shall not have a history of late rent payments;

F. The family must be a first time homebuyer and not have any member of the immediate family owning a home for a minimum of three (3) years prior to receiving the homeownership assistance. A displaced homemaker or single parent who owned a home with a former spouse is exempt from this requirement;

G. The family must not have any financial interest in any other home while receiving Housing Choice Voucher assistance;

H. The family must not have any outstanding debts which would deem them unqualified for home financing;

I. Any family member must not have been previously assisted under the PHCD's Homeownership program while an adult and defaulted on a mortgage obtained through a PHCD Homeownership program;

J. The family must be income eligible and have at least one adult family member who is employed full time year round for a minimum of one year. Families with an adult family member who is disabled or elderly shall be exempt from the employment requirement; and

K. The family must not be within the initial one-year (1-year) term of the HAP contract in order to be considered eligible.

Families currently enrolled in the Family Self-Sufficiency Program shall be encouraged to participate in the Homeownership program.

26.3 Income Requirements

Homeownership opportunities will be offered to Housing Choice Voucher households having acceptable credit to the private lenders participating in the Homeownership Program. Those families without acceptable credit shall be allowed ample time to clear credit while completing other requirements as defined herein, in order to participate.

Exceptions may be made on a case-by-case basis by the PHCD regarding time limits or other policies to help facilitate usage of the Voucher for homeownership as a realistic goal. Eligible families must demonstrate that the monthly income for the head of household or spouse/partner is sufficient to meet homeownership guidelines and other family expenses for initial qualification for the program. At least one (1) adult member of the household must be currently employed on a full-time basis, or not less than 30 hours per week, and must have been continuously employed full-time for the year before receiving homeownership assistance, with the exception of elderly or disabled families.

Except for disabled families, a family must have a minimum annual income of not less than the federal minimum hourly wage multiplied by 2,000 hours The current amount may change when the minimum wage changes as defined by 24 CFR § 982.627 (c)(1)(i).

Except in the case of an elderly or disabled family, the PHCD shall not count any welfare assistance received by the family in determining the annual income (24 CFR § 982.627 (c)). For an elderly or disabled family, welfare assistance for the adult family members who will own the home will be included for determining if the family meets the minimum income requirement. For disabled families, the minimum annual income is the monthly Federal Supplemental Security Income (SSI) benefit for an individual living alone (or paying his or her share of food and housing costs) multiplied by 12. Full time employment records must be submitted and reviewed as part of the qualification process. Families interested in the program will have their income eligibility determined by Housing Choice Voucher staff once determined initially eligible, the family shall be referred to the PHCD's Homeownership program administrator for an initial briefing regarding the program.

26.4 Income and Credit Verification

The Homeownership program shall use the Housing Choice Voucher definition for income, which is based on annual income. Annual income is the gross amount of income anticipated to be received by all adults in a family (excluding full-time students and authorized live-in aides) during the 12 months following the effective date of the determination. The PHCD's non-federal funding may be utilized for second mortgage financing which allows for income averaging for the prior two (2) years for candidates that are self-employed, earn commission, tips or overtime.

When the homeownership case is sent to PHCD's HCD, designated Homeownership staff will conduct an Enterprise Income Verification (EIV) as described under Section 7.5. Applicants' income will be verified using the following one or more documents:

A. Last two (2) pay stubs from employer and past two (2) years tax returns;

B. If self-employed, past two years tax returns will be required and a profit and loss statement as of the date of application;

C. Verification of employment;

D. Any other source of income that can be readily verified, i.e., Social Security, SSI (SSI income may be subject to federal restrictions, which may limit their use), pension retirement, and child support (Note: uncollected child support will not be counted so long as the family provides documents demonstrating that the debt is uncollectible or has not been paid or received for more than three (3) months); and

E. Any other form of verification as required by funding.

In addition to federal income tax returns, the number of household occupants shall be verified using any one or more of the following items:

A. Birth certificates on which the parent/applicant's name is listed

B. School records which give the parent's name and address

C. Court-ordered letters of guardianship/adoption

D. Copy of recorded divorce decree and property settlement

A credit report will be generated and at the option of the PHCD, staff will complete a home visit.

26.5 Homebuyer Education and Counseling

As a requirement of the program, the family must attend and complete homeownership education and counseling. Once the PHCD determines eligibility, the Housing Choice Voucher participant is required to participate in the counseling regarding purchasing and financing a home. The PHCD contracts with several homebuyer counseling agencies to provide homeownership training to all low income population groups in Miami-Dade County in English, Spanish, and Creole. The normal homebuyer training curriculum requires a minimum of an eight (8) hours course and an original certificate of completion or certified copy must be part of the loan application.

The counseling shall include such issues as types of financing, how to find appropriate financing, fair housing practices, credit counseling, budget and money management, how to locate a home, selecting a neighborhood including consideration of schools, employment and transportation, how to negotiate a purchase price, and home maintenance. Through counseling, the family will also be encouraged to consider the advantage of purchasing a home in deconcentrated areas.

Post purchase counseling shall be ongoing and will be afforded to assure the success of the family once they assume homeownership.

26.6 Eligible Housing

Eligible voucher families, as defined in Section 26.2, participating in the Homeownership program may purchase a home using federal housing assistance. Section 8 assistance may be used to

purchase an existing home or a new home under construction, defined as a home where the foundation has been completed with footings in place. The following housing is eligible:

A. A newly constructed single family or town home (never lived in),

B. An existing single family home or town home,

C. A single family home or town home under construction,

D. A condominium,

E. A cooperative,
F. Twin home (one-side only),

G. Manufactured home meeting the Florida Building Code minimum requirements for construction must have a permanent foundation and a 40-year lease.

Eligible properties to be acquired may be owner-occupied or vacant. Under no conditions will the property be sold to an applicant if the acquisition triggers the relocation requirement. The maximum purchase price of eligible properties shall be reviewed annually. Various funding sources may have requirements regarding maximum purchase price.

26.7 Loan Qualification and Application Process

Homeownership loans to applicants allow for the following ratios:

A. Funding Source First mortgage lender

B. Monthly housing expense-to-income 33%

C. Monthly total obligations-to-income 45%

Exceptions to the total obligations-to-income ratio may only be made by the PHCD on a case-by-case basis, when compensating factors exist. Participating lenders should bring the ratios as close to the maximum as possible.

Housing Choice Voucher families interested in purchasing a house may do so by purchasing a newly constructed house from a developer in the County's affordable loan program, or purchase an existing house, as defined in Section 26.6 in the open market utilizing a participating lender.

The PHCD provides each Housing Choice Voucher family with a pre-qualification letter and HCD provides the family with an affordability study indicating the maximum dollar value of the home to be purchased using the voucher. Once a home is selected, all homebuyers must be approved by a qualified lender. Once the lender takes an application and provides a loan commitment, the lender will forward a copy of the loan file to the PHCD on behalf of the Housing Choice Voucher family in order to reserve the required secondary mortgage financing, if needed.

Upon completion and processing of the loan by the lender and the PHCD, the loan is scheduled for closing by the lender. The PHCD may provide first mortgage financing in limited instances upon the recommendation of the HCD staff.

26.8 Housing Search

After pre-qualification, the family will be advised they have a period of 120 days to locate a home for purchase. Upon initial selection of a unit, the family will be allowed an additional 120 days to secure financing and close on the chosen property. During this time, the family shall be allowed to continue

to use their Housing Choice Voucher for rental assistance. At the option of the PHCD, due to reasonable documented circumstances, time limitations may be extended or revised on a case-by-case basis.

Should the family be unable or unwilling to complete the purchase of a home through the Homeownership program, the family may continue to use their voucher for rental assistance, so long as they continue to be eligible and comply with PHCD policies, as contained in this Administrative Plan, and federal housing regulations.

26.9 Down Payment Requirement

The required down payment is 3% of the purchase price. One percent (1%) must come from the applicant's own funding. The family may be eligible and seek additional funding for down payment and closing costs as assistance to low-income families.

26.10 Program Requirements

Once a family purchases the unit, the family must use the property as their primary residence which will be reflected in the mortgage documents. The family must comply with all mortgage requirements. At the option of the housing agency, the homebuyer may be requested to attend and complete additional homeownership counseling and training.

Ownership must be in fee simple title, a 99-year leasehold interest, or ownership or membership in a cooperative. In cases of a 99-year leasehold interest, the remaining lease term must equal the term of the loan.

Annual recertification by the family is required, for as long as homeownership assistance is being provided. Limitation of homeownership assistance will be a maximum of 15 years for a home purchased with 20 or more years financing from the date of the first homeownership housing assistance payment and a maximum of ten (10) years in all other cases. If the family qualifies as elderly or disabled upon commencement of the homeownership assistance, there is no time limit by which the family may receive such assistance.

HCD may provide second mortgage financing to Homeownership Program participants. HCD requires that applicants obtain 30 year first mortgage financing from a first mortgage lender in order to obtain the secondary financing. For families who sell the original house and seek to purchase another house under the Homeownership program with continued homeownership assistance, the maximum term commences upon the date of purchase of the first house.

The PHCD shall encourage participants to establish and maintain a savings, credit union, or other type of investment account at the time of the loan closing. The purpose of this account will be to generate a reserve fund for necessary maintenance, replacement or repair needs. Funds would then be withdrawn as needed for the home. The PHCD reserves the right to establish such accounts on behalf of the homebuyer.

26.11 Housing Assistance Payments

The family's monthly Housing Assistance Payment will be the lesser of the Housing Choice Voucher payment standard minus the Total Tenant Payment (TTP) or the monthly homeowner expenses minus the TTP. The PHCD will annually re-examine the family's income and family composition and make appropriate adjustments to the amount of the monthly Housing Assistance Payment.

Homeownership expenses include, but may not be limited to principal, interest, applicable taxes and insurance on mortgage debt, refinancing charges of mortgage debt, and the PHCD determined utility and maintenance allowances. Other housing expenses that may be incurred by the family include but are not limited to condominium maintenance fees.

Families who have lost their employment will be considered for adjustments, as will families with changes in their family composition. If a family's income increases to a point that they are not eligible to receive a Housing Assistance Payment, eligibility for such payments will continue for 180 calendar days. At the end of a continuous period of 180 days, eligibility for Housing Choice Voucher assistance will automatically terminate.

To assure the timely mortgage payment, the PHCD's loan servicing unit will issue the monthly mortgage payment to the first lender. The family shall be responsible for remitting the TTP of the payment to the loan servicing unit by the first of each month along with the payment due on the second mortgage loan, if applicable. If the Housing Assistance Payment is greater than the mortgage payment and taxes and insurance escrow payments, the difference will be paid to the family.

26.12 Financing and Payments

First mortgage financing must meet current lending standards, including Federal National Mortgage Corporation "Fannie Mae" and Federal Home Loan Mortgage Corporation "Freddie Mac." First mortgages shall be offered by a participating lender at prevailing market rates.

The PHCD shall reserve the right to determine whether the Housing Choice Voucher family can afford the proposed financing. In order to protect the family and to meet the parameters of the financial arrangement by the family, the Homeownership program will prohibit any financing which includes balloon payments, variable interest rates, or private seller financing.

For those homebuyers who are FSS participants, the PHCD shall encourage these families to utilize their escrow balance to assist with the down payment and closing costs of the home purchase as well as the capitalization of the escrow reserve. Escrow withdrawals will be permitted for the purchase of required home appliances and for necessary home improvements and repairs only if the family has fulfilled established interim goals and requires a portion of the FSS escrow for purposes consistent with the contract of participation. Such releases from the FSS escrow reserves will be at the discretion of the Agency.

The amount of the monthly homeownership assistance payment shall include all principal, interest, taxes and insurance and, if applicable, homeownership association fees and maintenance allowance, the allowance for cost of major repairs and replacements and the applicable utility allowance. This payment will be the lower of the payment standard, less the total tenant payment or the family's monthly homeownership expenses, minus the total tenant payment. The total tenant payment will not exceed 30% of the family's gross monthly income, taking into consideration allowances and deductions permitted by regulation.

Second mortgage loan payments may be interest deferred, principal only. Deferred loans may be given to Housing Choice Voucher families on an as-needed basis.

26.13 Inspections Requirements

In accordance with the federal housing regulations and PHCD loan policies, inspections of the property will be conducted prior to the approval for purchase of the home. An inspection by the Housing Choice Voucher Inspections Department will be conducted for compliance with federal housing quality standards.

A second inspection must be an independent professional home inspection conducted by an independent inspector. The cost of this inspection must be borne by the Housing Choice Voucher family. If the homebuyer is a participant in the FSS program, this inspection may be paid from funds in their FSS escrow account. The inspector shall be certified by the American Society of Home Inspections. Such inspection shall require the inspector to develop a written list of items that are likely to need replacement or repair within the next one to three years. Such an inspection shall include, but

not be limited to, cover the major building systems and components, including the foundation and structure, the house's exterior and interior, roofing, plumbing, electrical and air conditioning/heating systems. These inspections shall be performed before closing of all units with the Homeownership program. The PHCD retains the right to disqualify the unit for inclusion in the Homeownership program, based on the inspections.

In addition, on newly constructed properties funded through Miami-Dade County, the County will provide random inspections during the construction of the home and detailed final inspections prior to the placement of the first or second mortgage. Environmental clearances will be required when using federal funds.

26.14 Insurance Requirements

Title insurance will be required. In the case of the Housing Choice Voucher family, the costs for title insurance shall be included in the closing costs. The family shall obtain and maintain hazard, flood and windstorm (if required) insurance, at minimum, in the amount of all financing (first, and if necessary second and subsequent mortgages). The family should be responsible for obtaining such insurance. The cost for the insurance may be included in the loan amount. If the PHCD has financed any portion of the loan, the PHCD must be listed as a loss payee. The lender has the responsibility to determine and document whether the unit is in a flood hazard zone. It is the responsibility of the family to insure units in flood zones for flood damage.

26.15 Sales Contract

Housing Choice Voucher families purchasing a home through the Homeownership program must complete a contract of sale with the owner of the property to be purchased. The unit must be substantially built before the contract is executed. The contract must include the price of the unit, terms of sale, the purchaser's inspection requirements, and notice that the sale is condition on the purchaser's acceptance of the inspection reports, and include an agreement that the purchaser is not obligated to pay for necessary repairs.

The contract must also provide a certification from the seller stating the seller has not been debarred, suspended or subject to a limited denial of participation by USHUD.

26.16 Family Obligations

Before closing, the family must execute a statement of homeowner obligation in a form prescribed by the housing agency. To receive homeownership assistance, a family must comply with the following obligations:

A. The family must comply with the terms of the mortgage securing debt incurred to purchase the home;

B. For as long as the family is receiving homeownership assistance, the family may not sell, convey, encumber or transfer any interest in the home to any entity or person other than a member of the assisted family residing in the home, without the PHCD's knowledge and approval;

C. The family must supply required information regarding income and family composition in order to correctly calculate total tenant payment and homeownership assistance;

D. The family must provide information on any mortgage or other debt incurred to purchase the home and any refinancing of such debt and any sale or other transfer of any interest in the home;

E. The family must notify the PHCD if the family defaults on a mortgage securing any debt incurred to purchase the home;

F. The family must notify the PHCD before the family moves out of the home;

G. The family must, at annual recertification, document that he or she is current on all housing related payment include mortgage, insurance and utility payments; and

H. The family cannot refinance without the authorization of the PHCD.

26.17 Portability

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of PHCD's jurisdiction if the receiving housing agency is administering a Homeownership program and is accepting new families into the receiving housing agency's homeownership program**.**

26.18 Default and Termination of Assistance

If the family fails to comply with its family obligations as set forth in federal regulations or in this Administrative Plan, the family may be terminated from homeownership assistance. Federal regulations further require the housing agency to terminate homeownership assistance for any family that is dispossessed from the home pursuant to judgment or foreclosure. If the family defaults on the mortgage, the family will have their housing voucher withdrawn and no new voucher will be issued for either homeownership or rental assistance. Exceptions to this policy shall be reviewed on a case-by-case basis, particularly as it relates to income loss of the family. Termination from the homeownership program will be in compliance with Chapter 27.

26.19 Continuation of Assistance

A homeownership family may purchase another home with assistance provided there is no mortgage loan default and the family is in compliance with the statement of homeowner obligations.

26.20 Down Payment Assistance and Other Program Issues

The PHCD shall consider and implement other homeownership program rules as promulgated by USHUD, including but not limited to use of housing assistance payment funding for down payment assistance.

Chapter 27. Termination of Assistance

27.1 Grounds for Termination of Assistance

A. Housing Choice Voucher housing is a scarce resource and the PHCD holds the position that Housing Choice Voucher families must be held accountable for their actions as it relates to their tenancy under the Housing Choice Voucher program.

The PHCD shall terminate assistance for a participant family, including Moderate Rehabilitation tenants (where applicable), on any of the following grounds:

1. If the family violates any family obligation stipulated in federal housing regulation under the program or the Statement of Understanding;

2. If the family fails to sign and submit consent forms or other documentation required to determine continued eligibility in the program;

3. Failure by the participant to report to any recertification interview or provide verification of any information required by PHCD. Participants who fail to comply are provided an Intent to Terminate letter and an opportunity to cure. See Section 15.1.

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

5. If there is any drug-related criminal activity, violent criminal activity, or non-violent criminal activity, whether on or off the premises, committed by the participant, any member of his/her household, a guest or a person under the control of the participant, that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. Any such criminal activity, even in the absence of an arrest or a conviction, shall be cause for termination (See Section 2.7(4) – Criminal Activity for additional details):

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

    b. Violent criminal activity includes, but is not limited: any criminal activity that has as one (1) of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage.

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

    d. An arrest where the criminal charges are dropped, dismissed no action, nolle prossed or other resolution that does not involve an admission of guilt, or where the participant is found not guilty or acquitted, may not result in denied assistance except for the cases specified in Paragraph 7 below, or when there is a pattern of repeated arrests for engaging in criminal activity within the last ten (10) years that may threaten health, safety, or right to peaceful enjoyment by other residents, employees of PHCD or any other Miami-Dade County personnel or official.

    e. A fugitive felon or parole violator after conviction of a crime or attempt to commit a crime is considered a person that threatens the health, safety and right to peaceful enjoyment of the premises by other participants or employees of PHCD.

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

6. If any activity does not threaten the health, safety or right to peaceful enjoyment of the participants, after a warning has been issued, any subsequent warning regarding the same individual shall be considered a violation of the Statement of Understanding.

7. Open cases shall be held pending final disposition. Upon a disposition from the court, the PHCD shall either recommend termination or take no action based on the outcome as defined above. In circumstances where the family member admits to the crime, whether or not an arrest, charge, or conviction takes place, the family shall be recommended for termination based on the admission.

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8. If the family currently owes rent or other amounts to the PHCD or to another housing authority in connection with Housing Choice Voucher or public housing assistance under the 1937 Act;

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

10. If the family breaches an agreement with the PHCD to pay amounts owed to the PHCD or amounts paid to an owner by the PHCD;

11. If the family has engaged in or threatened abusive or violent behavior toward the PHCD personnel;

12. If the family has made threatening behaviors to others or has failed to maintain the property or caused severe damage to the unit;

13. The denial of service, disconnection or shutting off of utilities that the participant is responsible for paying will result in termination; PHCD will not terminate assistance if the participant restores utility service legally within 30 days of the issuance of the Intent to Terminate notice.

14. Discovery that a participant is tampering with utilities to illegally obtain service;

15. If the participant, any member of his/her household, a guest or a person under the participant's control threatens, obstructs or interferes with a PHCD employee conducting official business.

16. If the family repeatedly breaks obligations under the lease or for serious violations of the lease, including, but not limited to:

    a. failure of HQS inspection due to tenant caused violations, serious or repeated damage to dwelling unit,
    b. repeated activities which interfere with the peaceful enjoyment of the premises by other residents documented by police reports, neighborhood complaints or other third party information.
    c. If the owner terminates tenancy through court action for serious or repeated violation(s) of the lease, including but not limited nonpayment and damage to the unit
    d. Non-payment of rent does not include any portion of HAP payment being withheld by PHCD for owner's failure to comply with the HAP contract;

17. If the PHCD determines that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other tenants.

18. Full-time or part-time students who do not meet student eligibility requirements.

19. Tenants who execute a Lease for an assisted unit but are not in the unit at the time a Voucher expires, will be considered as having moved out without authorization.

20. Any other grounds for termination permitted by USHUD.

B. Mitigating Circumstances

Prior to PHCD's decision to send a notice terminating assistance, PHCD shall consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the

extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action. See Chapter 2, Section 2.8 – Applicants and Tenants Claiming Mitigating Circumstances, for additional details.

27.2 Notice

If the PHCD recommends termination of a family's participation in the program, the family will be notified in writing stating the grounds for proposed termination of assistance and the effective date of termination. The notice will also state whether the participant has a right to a hearing in accordance with the regulations, the procedure for requesting a hearing, and that the participant may be represented at the hearing at their own expense. The owner will receive notice of the recommendation of termination of a family's participation. The same provision stipulated above shall apply to the Family Unification Program. However, the PHCD shall notify the Department of Children and Families if a family is at-risk of termination in order to allow timely intervention.

Chapter 28. Policies Concerning Repayment of Amounts Owed to the PHCD

Except as otherwise required under Section 7.5, Enterprise Income Verification, Third Party Verification, and Factors Affecting Eligibility and Family Rent, the PHCD has the discretion to enter into repayment agreements with program participants for amounts owed to the PHCD, if it is in the best interest of the County, the debt has not been expunged by operation of law, and the participant has not intentionally committed any act that led to the amount owed. Currently, the debt will be considered expunged by operation of law if the time period has exceeded five (5) years and the PHCD has not attempted to collect the debt within the five-year period.

28.1 Standards for Repayment

If a repayment agreement is offered to a participant in lieu of full payment, it will be in writing and may be within the following guidelines:

A. Down payment of at least 20% to be paid at time of signing the repayment agreement by money order or cashier's check.

B. The balance is to be paid a maximum of 12 consecutive monthly payments starting 30 days from the date of down payment.

28.2 Exceptions

Any terms allowing more time for repayment or for a lower down payment must be approved by Housing Choice Voucher Program director or his/her designee. A hearing officer shall also have the discretion to set the amounts and length of time for repayment, if a repayment agreement is a stipulation of participation determined at an informal hearing. Strict adherence to the terms of the repayment agreement by the participant is necessary otherwise, benefits may be terminated in accordance with this plan, as indicated in Chapter 27.

Chapter 29. Informal Hearing and Review Procedures

29.1 Participant Hearings

Informal hearings will be allowed regarding the application of PHCD policies in this Administrative Plan to a particular participant. Such hearings will not be a means to challenge a policy as a whole.

Thus if a program participant considers an PHCD action, such as being terminated from the Housing Choice Voucher program, detrimental to their interest, the participant may request an informal hearing to contest the action, not the policy which resulted in the action.

Hearings are afforded to Housing Choice Voucher participants in accordance with the Code of Federal Regulations 24 CFR § 982.555 and as included in this Administrative Plan. (The process described in the PHCD's Reasonable Accommodation Policies and Procedures document included under Attachment C will be followed for participants denied reasonable accommodation requests.) Further, this document describes the process that must be followed if the hearing officer becomes aware that the reason for the termination of assistance or other adverse action occurred because of the participant's disability.

Hearings are not afforded to families appealing decisions on:

A. HQS violations; except when the family is terminated due to breach of HQS as caused by the family

B. Determination that the unit is not in accordance with HQS because of family size;

C. The PHCD determination not to approve an extension or suspension of a voucher term;

D. The PHCD determination not to approve a unit for lease under Housing Choice Voucher;

E. Discretionary administrative determinations by the PHCD;

F. General policy issues or class grievances;

G. Establishment of PHCD's utility allowance schedule.

H. The PHCD's determination to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

If the PHCD proposes to terminate assistance on the basis of a criminal record, the PHCD will advise the head of household in the recommendation of denial letter with the (1) name of the affected family member and description of the charge; that (2) the family member with the criminal record and the head of household may request a copy of the criminal record either before or at the informal review and (3) he/she will be provided an opportunity to dispute the accuracy and relevance of that record.

1. Requesting a hearing and pre-hearing procedures

   A hearing may be requested by written request to the Hearing Office at the address indicated on the adverse action notice. The hearing must be requested within 15 business days of the notice date. Failure of the participant to respond within the required time waives the right to a hearing.

   When feasible, the PHCD will schedule the hearing within 30 calendar days of the participant's request. The hearing will be scheduled at the first available hearing date. The participant and any other interested parties will be notified of the date and time for the hearing by mail from the PHCD.

   A program participant shall not be adversely affected by the scheduling of a hearing beyond the 30 calendar days. Payment shall continue to the owner so long as the family remains in the unit and a hearing has been scheduled.

   Before the hearing, the tenant has the right to review any PHCD documents, including but not limited to the tenant's file, that are directly related to the informal hearing. If the tenant requests to review or make copies of documents, he/she must do so no later than three (3) days prior to the

informal hearing. In the event the PHCD fails to make the documents available for examination upon request of the tenant or the tenant's representative, the PHCD is prohibited from relying on the document(s) at the hearing. Participants may be charged for copying costs.

2. Hearing Procedures

The hearing must be presided over by a hearing officer unassociated with the day-to-day operations of the program.

The hearing officer's decision will be based solely on the testimony of witnesses, written documentation in the tenant's file, and any other evidence presented at the hearing. The hearing officer must verify any document provided by the participant, such as evidence of completion of rehabilitation program or any other proof or testimony provided, before submitting the decision letter to uphold or overturn the denial of assistance.

The tenant must attend the hearing at the time scheduled as notified by the Hearing Office. The owner may attend. The tenant may be represented by legal counsel or another person chosen as a representative.

The party that fails to appear for a hearing will relinquish all further hearings or appeals of the adverse action.

A hearing may be held via telephone conference call in situations where a health condition or portability to another housing agency's jurisdiction prevents either party (tenant or owner) from attending the hearing in person. Hearings held by telephone conferences are not allowed simply for the convenience of the tenant or owner. Any other reasons shall be at the discretion of the hearing office supervisor.

The decision of the hearing officer shall be forwarded in writing to the participant and other interested parties within 30 calendar days of the hearing. The decision of the hearing officer shall be final, except on the occasion when the PHCD Director or his/her designee may review, overturn or modify the decision of a hearing officer upon showing of the following:

a. The hearing decision concerns a matter for which PHCD is not required to provide an opportunity for an informal hearing under 24 C.F.R. § 982 or that otherwise exceeds the authority of the person conducting the hearing under PHCD's hearing procedures.

b. The hearing decision is contrary to USHUD regulations or requirements, or otherwise contrary to federal, state of the Code of Miami-Dade County or other local laws.

If PHCD determines that it is not bound by a hearing decision, PHCD shall promptly notify the family of the determination, and of the reasons for the determination. The hearing officer's decision shall not abridge any other rights the participants have under law.

29.2 Applicant reviews

Applicants denied program participation or removed from the waiting list shall be entitled to a review conducted by the PHCD in accordance with 24 CFR § 982.554. Applicants will be notified of such determination in writing, generally at the time of their initial certification appointment. Applicants who have not completed application forms as instructed in the Housing Application Instructions will not be processed and their name will not be placed on the waiting list. Applicants in this situation will not be offered an informal review.

The process described in the PHCD's Reasonable Accommodation Policies and Procedures included under Attachment C will be followed for applicants denied reasonable accommodation requests. Further, this document describes the process that must be followed by the hearing officer if he/she

becomes aware during the informal review that an applicant's ineligibility determination occurred because of the applicant's disability. It is an applicant's responsibility to inform the PHCD staff when there is a change in address.

A. Processing Removals

An applicant or who is determined ineligible for program benefits shall be notified in writing that his/her name will be removed from the waiting list unless he/she requests an informal review by contacting the PHCD within 30 days of the notice. The applicant whose mail is returned by the post office will be automatically withdrawn from the waiting list.

Applicants who have been removed from the waiting list for failing to respond to notices calling him/her for processing may, within 30 days of being removed from the waiting list, request an informal review seeking reinstatement to his/her original place on the waiting list.

If the PHCD proposes to deny admission on the basis of a criminal record, the PHCD will advise the head of household in the recommendation of denial letter with the (1) name of the affected family member and description of the charge; that (2) the family member with the criminal record and the head of household may request a copy of the criminal record either before or at the informal review and (3) he/she will be provided an opportunity to dispute the accuracy and relevance of that record.

Before the review, the applicant has the right to review any the PHCD documents, including but not limited to the applicant's file, that are directly related to the informal review. If the applicant requests to review or make copies of documents, he/she must do so no later than three (3) days prior to the informal review. Applicants may be charged for copying costs.

B. Requesting a review

Applicants may request a review in writing to the address or fax number indicated on the adverse action letter. The request shall be made within 30 days from the date of the notice. The PHCD, at its discretion, may schedule an informal review at the applicant's request, beyond the thirty (30) days, on a case-by-case basis. The PHCD will schedule the review for the next available hearing date and forward written notification to the applicant.

C. Review Procedures

The review will be conducted by a designated PHCD hearing officer or supervisor. When feasible, the reviewer's decision will be made in writing within 30 calendar days of the review. The hearing officer must verify any document provided by the applicant, such as evidence of completion of rehabilitation program or any other proof or testimony provided, before submitting the decision letter to uphold or overturn the denial of assistance. The decision of the reviewer shall be final. The reviewer's decision, however, shall not abridge any other rights the applicants have under law.

29.3 End of Participation Reviews

Participants who have been terminated, within the past 90 days, from the program may request a final review of their case, if they failed to request a hearing within the time period allowed by this plan. PHCD will review the case and determine whether reinstatement is appropriate due to agency error or mitigating circumstances as delineated in Section 27.1. To be reinstated, the participant must be in compliance with the program. If the participant is reinstated, HAP will be paid to the landlord retroactive to the date of the effective End of Participation so long as the participant continues to reside in the previously assisted unit.

Chapter 30. Fair Housing and Equal Opportunity and Grievance Procedures

30.1 Non-discrimination Policy

A. PHCD complies with all federal, state and local antidiscrimination laws including, but not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, and all other applicable laws and regulations.

B. The PHCD will ensure that persons with disabilities have full access to the PHCD's Housing Choice Voucher (HCV) program and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the HCV program.

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

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

E. PHCD will provide applicants and participants with federal/state/local information regarding discrimination and any recourse available to them if they believe they may be victims of discrimination.

F. PHCD will display the Fair Housing poster at ALC, Public Housing and Section 8 New Construction site offices. Upon eligibility determination, applicants will be provided with the Housing Discrimination Complaint form and information pertaining to procedures to be followed if the applicant believes he/she has experienced illegal discrimination.

G. The PHCD will ask all applicants and participants if they require any type of accommodation, in writing, on the intake application and reexamination documents

H. The PHCD will inform disabled applicants who believe that they have been subject to unlawful discrimination on how to file a fair housing complaint. The PHCD will provide a copy of a discrimination complaint form to the complainant and provide them with information on how to complete and submit the form to USHUD's Office of Fair Housing and Equal Opportunity (FHEO). These applicants will also be provided with the Fair Housing complaint Hotline number: 1-800-669-9777. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at 1-800-887-8339.

30.2 Processing Discrimination Complaints and Reasonable Accommodation Requests

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

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

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C. PHCD will cooperate with USHUD in conducting monitoring and compliance reviews and complaint investigations, pursuant to all applicable civil rights statutes and regulations, Executive Orders, and all civil rights related program requirements.

D. Reasonable accommodation requests are processed through the 504/ADA Coordinator's office (refer to Attachment C, Reasonable Accommodation Policies and Procedures).

The PHCD's Reasonable Accommodation Policies and Procedures are included under Attachment C.

Chapter 31. Special Rules for Moderate Rehabilitation

The foregoing policies and procedures apply in general to the Moderate Rehabilitation Program except as provided below:

31.1 Transfer and Waiting List Referrals

A. Vacancy Notices

Every unit vacancy, which occurs in the Moderate Rehabilitation Program administered by the PHCD, must be reported to the PHCD. Owners or managers must immediately forward the vacancy notice either by hand delivery, facsimile**,** or mail to the following address:

Public Housing and Community Development
Attention: Moderate Rehabilitation Program Unit
701 NW 1st Court, 8th Floor
Miami, Florida 33136-3914
Fax: (786) 469-4222

B. PHCD Transfer Referrals

The PHCD approved transferees will be offered available units before applicants from PHCD's waiting list. Section 31.5 details the PHCD's transfer policy for the Moderate Rehabilitation Program.

If there are families on the transfer list, the PHCD's first mail-out will consist of the PHCD's transfer referrals for a period of eight (8) days to applicants for whom the unit is suited. If applicable, PHCD will conduct a second mail-out for a period of eight (8) days if: (a) none of the PHCD's referrals accept the offer; (b) the referrals are rejected by the owner based on a valid, non-discriminatory reason within the ten (10) day period; or (c) there is no response from the applicant. For each unit, the PHCD will offer up to 20 interested applicants for whom the unit is suited. The PHCD will assist victims of domestic violence, sexual assault, dating violence and stalking, as detailed under Section 2.14.

C. PHCD Waiting List Referrals

If there are no families on the transfer list, PHCD will refer interested applicants to the owner/manager from PHCD's waiting list.

In order to deter discrimination by a Moderate Rehabilitation owner/manager (hereafter referred to as owner), the PHCD shall utilize the following procedure for the screening and selection process. After proper receipt of the vacancy notice from the owner/manager, PHCD's offer letters (often referred to as "mail-outs"*)* will be mailed no later than five (5) working days from the date the unit passes Housing Quality Standard (HQS) Inspection. Applicants will have a minimum of eight (8) calendar days to respond to the PHCD and the owner/manager of the offered unit concerning their interest.

Owner/managers must make themselves available to accept the referred applicants' and to show the unit. The unit must have passed HQS inspection prior to showing. The PHCD shall also forward to the owner a log of all applicants referred to the available unit. The owner shall provide to the PHCD his/her written policy on selection procedures to include the policy regarding the collection of application fees, if applicable.

Owners may only reject applicants for valid, nondiscriminatory reasons and must report the reason for any rejected applicants in writing to the PHCD**.**

In the event that the owner/manager request a release of the available unit, PHCD shall assign a staff person to contact each applicant within the mail out(s), three days after the close of the final mail out to assure that all applicants referred the unit are being treated fairly under the law. The assigned staff shall also confirm that the owner's selection process was expeditious and unbiased. Assigned staff will maintain a log to document all communications with the applicants and owners. The unit will not be released if there are sufficient applicants to refer off the waiting list or if the owner/manager fails to comply with submittal of their written policy on selection procedures and/or written notification of the rejection of applicants.

After the owner selects a prospective tenant for the unit, the owner shall submit to the PHCD a selection package. This package will include a log of all PHCD referred applicants, a written letter stating the results of the owner's screening, and justification with supporting documentation for the applicant selected or rejected for tenancy. PHCD will review the owner package to confirm that the selection process was without bias.

D. Assignment of Accessible Units

Accessible units will be offered in the following order:

1. Current tenant in the development who requires the accessibility features of the vacant unit;

2. Current tenant(s) in other developments who require the accessibility features of the vacant, accessible unit;

3. Interested applicant(s) on the waiting list for the tenant based program who requires the accessibility feature(s) of the vacant, accessible unit;

4. Interested applicant(s) on the waiting list for the tenant-based program who do not require the accessibility features of the vacant, accessible unit.

5. Interested applicants referred by the owner who require the accessibility features of the vacant, accessible unit; then

6. Interested applicants referred by the owner who do not require the accessibility features of the vacant, accessible unit.

Transfer requests related to reasonable accommodation for a person with disabilities will be processed in accordance with the PHCD's Reasonable Accommodation Policies and Procedures included under Attachment C. Transfer requests related to reasonable accommodation must be approved by the PHCD's ADA coordinator.

Further, transfers of tenants with disabilities and placement of applicants with disabilities in units with accessible features will be centrally coordinated through the division responsible for the management of the Moderate Rehabilitation Program. . The owner will be encouraged to incorporate language in their lease that requires the tenant to transfer to a non-accessible unit

when one becomes available, in situations where an applicant is housed in an accessible unit but does not require the accessibility features.

31.2 Condition of Units

Owners must make units ready for occupancy and HQS inspection by the time applicants are referred to the unit. PHCD reserves the right to not make referrals for units that are not ready for occupancy.

Units with a history of repeated or habitual violations will be inspected every six (6) months. Inspections shall be performed at the discretion of the PHCD and shall not require prior notification to the owner as to when an inspection will occur.

31.3 Valid Rejections of Offered Units

An applicant will be made one offer of a housing unit under the Moderate Rehabilitation program. However, the offer is not considered a suitable offer under the following circumstances*:*

The applicant rejects the offer for "good cause," that is, the applicant can demonstrate through objective evidence that a move into the offered unit located more than five (5) square miles in distance would result in a hardship related to the ability of the applicant or a member of the applicant's family to retain his or her employment, job training, or retain particular day care, or educational programs for children with disabilities or medical services uniquely suited to the affected individual's needs.

A. The offered unit is not suitable or accessible due to a disability of the applicant or a member of the applicant's family.

B. If the applicant accepts a unit but is rejected by the owner/manager.

C. If the unit is not ready for occupancy and has not passed an initial HQS Inspection.

D. The family demonstrates that accepting the offer will place a family member's life, health or safety in jeopardy. The family must provide specific and compelling documentation, such as restraining orders, other court orders or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

E. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member.

When an offer is not counted against the applicant, the applicant's name will remain in active status on the waiting list in order to receive another offer. PHCD will maintain a record of units offered, including location, date and circumstances of each offer, and each acceptance or refusal, including the reason for the refusal.

31.4 Changes to Family Composition

Family members will be added to the family composition if they are born to the family during tenancy under the Moderate Rehabilitation program, if the family is awarded custody, guardianship, by any other operation of law, or as otherwise provided under Section 5.2 of this plan.

PHCD will consider the request for approval and require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that the head of household has authorization to include a minor. Changes to the family composition may also be allowed for families in which one

or more children less than 18 years of age live with the designee of the parent or legal custodian, with the parent's or legal custodian's consent.

Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc.

The owner of the family's unit must consent to the addition of any additional family members.

31.5 Transfer Policy

Transfers in the Moderate Rehabilitation Program will be granted if there are available units in the circumstances described below. In all instances, families on the transfer waiting list will be given one (1) offer. If the offer is refused, except for good cause, including reasonable accommodation for a family member with disabilities, the family's name will be removed from the transfer waiting list.

A. Overcrowded or Under-Occupied Units

If a family has a change in family composition that causes the number of occupants of the unit to be more than the occupancy standards allowed for the bedroom size, or less than the minimum occupancy for the bedroom size, then the family will be required to move. The family shall move into the appropriate size unit or be terminated from participation in the program. If there is an available appropriate vacancy in the same development, the family will be offered such vacancy in the same development. This offer may not be refused, except for good cause, including reasonable accommodation for a family member with disabilities.

B. Medical Necessity

Transfers based on medical or disability need shall be documented and shall relate to either proximity (define as at least five (5) squares miles in distance) to medical facilities that a family member must attend on a frequent basis (at least once per week) or other verifiable reason, as determined by PHCD's ADA Coordinator, or be related to a condition/s of the unit or complex that must be changed or avoided due to physical health concerns. If a transfer is necessary due to a condition in the unit, the owner of the project has the option to make an accommodation in lieu of the transfer.

Transfers based on medical necessity shall be given the next available suitable unit based on the date of the requested transfer.

C. Special Circumstances

Special circumstances that may be considered for transfer include, but are not limited to, the following:

1. Hate crimes or overt discrimination against a family member;

2. Habitual violence or victimization against a family member;

3. Cooperation for a witness protection program; or

4. Domestic violence.

Transfers for special circumstances shall be documented (i.e. police reports, support letters from law enforcement, restraining orders, etc.) and shall be required for the immediate safety and welfare of the family. A special circumstance transfer shall be given the next available vacancy that is not in the same project.

31.6 HQS

HQS inspections shall be performed in conformance with the Moderate Rehabilitation standards.

31.7 Occupancy Standards

The general occupancy policies described in Chapter 5 will apply to Moderate Rehabilitation applicants and tenants.

31.8 Single Room Occupancy (SRO) and Shelter Plus Care Programs

All Moderate Rehabilitation Single Room Occupancy Administrative Plans for homeless individuals are developed and submitted to USHUD on a project basis for approval.

All Single Room Occupancy Moderate Rehabilitation Administrative and Shelter Plus Care Plans have been approved.

SRO and Shelter Plus Care Moderate Rehabilitation developments are subject to Section 3 of the Housing and Urban Development Act of 1968, as amended, and Section 504 Uniform Federal Accessibility Standards pertaining to accessible units for persons with disabilities.

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ATTACHMENTS

ATTACHMENT A DEFINITIONS

ATTACHMENT B EFFECTIVE COMMUNICATION POLICY:
PHCD has an Effective Communication Policy to ensure effective communication with applicants, program participants, employees and persons with disabled. Such policy is Attachment B of this Plan.

ATTACHMENT C REASONABLE ACCOMMODATION POLICY AND PROCEDURES:
PHCD's Reasonable Accommodation Policies and Procedures as referenced throughout this Plan is Attachment C of this Plan.

ATTACHMENT D EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

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