# MEMORANDUM

HC
Agenda Item No. 1(G)2

| | | | |
|---|---|---|---|
| **TO:** | Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners | **DATE:** | November 10, 2026 |
| **FROM:** | Geri Bonzon-Keenan County Attorney | **SUBJECT:** | Resolution approving, after a public hearing, the Section 8 Administrative Plan (Administrative Plan); authorizing the County Mayor to administer, implement, exercise, and enforce the provisions of the Administrative Plan; and authorizing the County Mayor, without further approval of the Board, to make changes to the Administrative Plan that do not constitute a "significant amendment" or "substantial deviation" as defined in the County's Fiscal Year 2026-2027 Annual Public Housing Agency Plan, or that are required by applicable regulations, statutes, court orders, or safety and security issue |

The accompanying resolution was prepared by the Housing and Community Development Department and placed on the agenda at the request of Prime Sponsor Housing and Community Development Department.

for
Geri Bonzon-Keenan
County Attorney

GBK/uw

# Memorandum

**Date:** January 20, 2027

**To:** Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

**From:** Daniella Levine Cava
Mayor

**Subject:** Resolution Approving the Miami-Dade County Department of Housing and Community Development's Section 8 Administrative Plan

## Executive Summary

The Department of Housing and Community Development (HCD) Section 8 Administrative Plan (Administrative Plan) establishes updated written strategies and policies to manage federally subsidized programs in accordance with the United States Department of Housing and Urban Development's (HUD) regulations, governed by Title 24 of the Code of Federal Regulations (CFR). This Administrative Plan (Exhibit 1) governs the Housing Choice Voucher (HCV), Moderate Rehabilitation, Project Based Voucher (PBV), and PBV-Rental Assistance Demonstration (PBV-RAD) programs.

HCD must be in full compliance with HUD Notice PIH-2026-15 by meeting the January 1, 2027, deadline for the asset and income provisions of the Housing Opportunity Through Modernization Act of 2016 (HOTMA). While primarily driven by federal regulatory mandates, HCD has leveraged local discretion to provide greater flexibility for residents. Notably, HCD will process all interim reexaminations for any decrease in a resident's income, rather than establishing a minimum percentage threshold to qualify, as allowed by HUD. HCD must also align with HUD Notice PIH 2026-18 establishing a February 1, 2027, deadline for the National Standards for the Physical Inspection of Real Estate (NSPIRE), previously known as Housing Quality Standards (HQS).

HCD has implemented all HUD mandated cost-saving measures and evaluated additional measures to save money, as recommended by the Shortfall Prevention Team. One of HUD's corrective actions is currently suspending the issuance of new vouchers to households already on the waitlist. These newly incorporated cost savings measures adopted in this Plan will allow HCD to begin issuing new vouchers to admit those on the waitlist, subsequently reducing the wait time to participate in the program. Additionally, HCD will be able to utilize vouchers

under the Section 8 Project Based Voucher (PBV) program, resulting in new affordable units, additional revenue, and improved access to senior housing units. These cost saving measures are anticipated to result in significant savings, which may allow HCD to serve additional HCV households. After evaluating the Section 8 program's fiscal health, HCD is recommending the expansion of cost-saving measures, upon recommendation to the Board of County Commissioners (Board) to maintain the long-term stability of our housing assistance programs. This includes a phase-in timeline provided to the family that will provide additional time to either request a change of dwelling or remain in the unit.

The proposed Administrative Plan also includes weighted preference scoring methodology, as adopted in the 2026-2027 Annual PHA Plan, where points are assigned to specific vulnerability indicators. These points are cumulative to elevate the most vulnerable households on the waitlist, improving opportunity subsidized housing. Committed to partnerships that reduce homelessness in the County, HCD has incorporated two preferences for households experiencing homelessness into this Plan. HCD will accept direct referrals from the Miami-Dade County Homeless Trust as the Continuum of Care Lead Agency, and separately, Section 8 applicants are eligible to receive points in the Homeless General Preference category. Furthermore, HCD is establishing policy specific to the PBV program that will allow HCD to establish a set aside for Special Needs Households under the PBV program. The PBV program is now being managed in-house. HCD is augmenting its staff and resources in order to conduct on-site recertifications for residents living at elderly PBV properties. This initiative began with a pilot program for elderly residents living at the River Parc Senior Campus, which was a great success. Bringing the recertification appointment to the resident will accommodate elderly program participants, making it easier for them to provide required documentation to remain on the PBV program. In addition to the expansion of on-site recertifications across the portfolio of all the elderly designated PBV developments, HCD is adopting additional policy that allows HCD to recertify all PBV elderly households at the same time.

**Recommendation**

It is recommended that the Board:

1. Approve, after a public hearing, the Administrative Plan;

2. Authorize the County Mayor or County Mayor's designee to administer, implement, exercise, and enforce the certain provisions set forth in the administrative plan, including, but not limited to those provisions that become effective on January 1, 2027; and

3. Authorize the County Mayor or County Mayor's designee to make any necessary revisions to the Administrative Plan subject to the limitations of the "significant amendment and substantial deviation" definition contained in the County's Fiscal Year 2026-2027 Annual Public Housing Agency Plan or as may be required by regulations, statutes, court orders or safety and security issues, without further approval of the Board.

**Scope**

The impact of this Plan is countywide. It applies exclusively to federally subsidized programs administered by the County through HCD and does not govern programs administered by other municipal housing authorities, such as those in Hialeah, Miami Beach, and Homestead.

**Delegation of Authority**

Upon approval of the resolution the County Mayor or County Mayor's designee will be authorized to: (1) administer, implement, exercise and enforce the provisions set forth in the Administrative Plan, including those that become effective on January 1, 2027; and (2) make any necessary revisions to the Administrative Plan subject to the limitations of the Fiscal Year 2026-2027 Annual Public Housing Agency Plan's "Significant Amendment and Substantial Deviation" definition, or as may be required by regulations, statutes, court orders or safety and security issues without further approval of the Board.

**Fiscal Impact/Funding Source**

The approval of this item will not result in a fiscal impact to the County's General Fund.

**Track Record/Monitor**

Nathan Kogon, AICP, HCD Director, is responsible for administering the federally subsidized housing programs that include Public Housing and the Section 8 HCV programs.

**Background**

This proposed Administrative Plan is required to implement new policies in order to comply with HUD's HOTMA and NSPIRE policy requirements, and incorporate several HUD-encouraged changes for the purpose of cost-savings in response to Section 8 shortfall. This Administrative Plan presented for the Board's consideration includes, and is not limited to, the following proposed revisions:

**Significant Changes to HCD's Administrative Plan**

| Sections | Description |
|---|---|
| 2.2.A-2.4.E. | The Department implemented weighted preferences, prioritizing Homeless Direct Referrals from the Continuum of Care (CoC), Non-Elderly Disabled individuals, and Homeless General Preference. |
| 5.1-5.2 | The Department revised its occupancy policies for cost-savings; generally, two people are expected to share a one-bedroom unit, excepting approved reasonable accommodations for disabilities. |
| 8.3.A. | The Department established a cost-saving initiative to reduce the payment standard amount used to calculate a family's housing assistance payment if the standard decreases during a HAP contract term, per 24 CFR 982.505(c)(3). |
| 25.7 | The Department added weighted preferences for the PBV developments, including a set-aside for Special Needs Households, as defined at Section 67-48.002(108) of the Florida Administrative Code (FAC). |
| 25.12 | The Department established property-specific annual recertification cycles for PBV developments to accommodate elderly participants, simplifying their documentation process and allowing HCD to recertify entire elderly households on site. |
| Attachment E | The Department must be in compliance with all Section 102 (income) and Section 104 (assets) of HOTMA provisions no later than January 1, 2027. |
| Attachment F | The Department must align with HUD Notice PIH 2026-18 establishing a February 1, 2027, deadline for NSPIRE, previously known as Housing Quality Standards (HQS). |

The proposed Administrative Plan was made available to the public during a 45-day comment period from September 1, 2026, through October 15, 2026, to provide an opportunity to review and provide comments on the Administrative Plan. Additionally, as part of the update and vetting process of these documents, the Department, with the support of the HCD Office of Housing Advocacy and Resident Services (OHARS), held a virtual community engagement meeting to provide an overview of revisions and policy updates for Section 8 program participants and community stakeholders on September 18, 2026. Participants were instructed to provide their comments in writing through the formal comment submission process. In addition to extending the invitation to Section 8 participants, HCD conducted outreach to Miami Worker's Center, Miami Homes for All, the Community Justice Project, the Homeless Trust Continuum of Care and their Rent Connect program staff, the Miami-Dade County Community Services Department, Legal Services of Greater Miami, Inc., and the Model City CAC. The public hearing before the Board's committee of jurisdiction will also offer an opportunity to provide additional comments. The Department may revise the Section 8 Administrative Plan to incorporate public comments and present revisions to the Board prior to approval.



Arnold Palmer
Chief of Public Safety

# Memorandum

**Date:** October 27, 2026

**To:** Honorable Chairman Anthony Rodriguez
Board of County Commissioners

**From:** Nathan Kogon, AICP, Director NK
Department of Housing and Community Development

**Subject:** Request to Process Late Departmental Agenda Item for Miami Dade County Department of Housing and Community Development Section 8 Administrative Plan 2026

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I am requesting that the following item be placed on the November 10th, 2026, Housing Committee meeting.

RESOLUTION APPROVING, AFTER A PUBLIC HEARING, THE SECTION 8 ADMINISTRATIVE PLAN (ADMINISTRATIVE PLAN); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADMINISTER, IMPLEMENT, EXERCISE, AND ENFORCE THE PROVISIONS OF THE ADMINISTRATIVE PLAN; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHOUT FURTHER APPROVAL OF THE BOARD, TO MAKE CHANGES TO THE ADMINISTRATIVE PLAN THAT DO NOT CONSTITUTE A "SIGNIFICANT AMENDMENT" OR "SUBSTANTIAL DEVIATION" AS DEFINED IN THE COUNTY'S FISCAL YEAR 2026-2027 ANNUAL PUBLIC HOUSING AGENCY PLAN, OR THAT ARE REQUIRED BY APPLICABLE REGULATIONS, STATUTES, COURT ORDERS, OR SAFETY AND SECURITY ISSUES

Although this item has not met the noticed deadline and has been provided to the Agenda Coordination Office late, it is important the item moves forward with the requested timeline to pursuant to Public and Indian Housing Notice 2026-15. U.S. Housing and Urban Development (HUD) will enforce compliance with sections 102 and 104 of The Housing Opportunity Through Modernization Act of 2016 for all Public Housing Agencies starting on January 1, 2027.

Therefore, timely adoption of this plan allows for the Department of Housing and Community Development to update policies and be in compliance with HUD's regulations effective January 1, 2027.

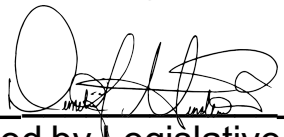
Due to Miami Dade County's continued housing affordability crisis affecting residents throughout the County, prompt approval demonstrates a continued commitment to expanding affordable housing inventory and reducing the cost burden on households.

Please process the item notwithstanding that the 3-day rule may be applicable to it. I am aware that this item is subject to approval for placement on the agenda by the Chair of the Committee and the BCC Chairman and reviewed by the Office of the County Attorney.



Approved by Mayor
or Mayor's Designee

Arnold Palmer
Print Name



Approved by Legislative Director
or Designee

Demetria Henderson
Print Name

c: Geri Bonzon-Keenan, County Attorney
CAOagenda@miamidade.gov
Eugene Love, Agenda Coordinator

# MEMORANDUM

**(Revised)**

**TO**: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

**DATE**: January 20, 2027

**FROM:** Cynthia Bonzon-Keenan
County Attorney

**SUBJECT**: Agenda Item No.

**Please note any items checked.**

| | |
|---|---|
| ✓ | **"3-Day Rule" for committees applicable if raised** |
| _____ | **6 weeks required between first reading and public hearing** |
| _____ | **4 weeks notification to municipal officials required prior to public hearing** |
| _____ | **Decreases revenues or increases expenditures without balancing budget** |
| _____ | **Budget required** |
| _____ | **Statement of fiscal impact required** |
| _____ | **Statement of social equity required** |
| _____ | **Ordinance creating a new board requires detailed County Mayor's report for public hearing** |
| _____ | **No committee review** |
| _____ | **Requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) _____) to approve** |
| _____ | **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required** |

Approved _____ Mayor Agenda Item No.
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING, AFTER A PUBLIC HEARING, THE SECTION 8 ADMINISTRATIVE PLAN (ADMINISTRATIVE PLAN); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ADMINISTER, IMPLEMENT, EXERCISE, AND ENFORCE THE PROVISIONS OF THE ADMINISTRATIVE PLAN; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHOUT FURTHER APPROVAL OF THE BOARD, TO MAKE CHANGES TO THE ADMINISTRATIVE PLAN THAT DO NOT CONSTITUTE A "SIGNIFICANT AMENDMENT" OR "SUBSTANTIAL DEVIATION" AS DEFINED IN THE COUNTY'S FISCAL YEAR 2026-2027 ANNUAL PUBLIC HOUSING AGENCY PLAN, OR THAT ARE REQUIRED BY APPLICABLE REGULATIONS, STATUTES, COURT ORDERS, OR SAFETY AND SECURITY ISSUES

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that:

**Section 1**. The matters contained in the foregoing recital and accompanying memorandum are incorporated in this resolution by reference.

**Section 2**. This Board approves, after a public hearing, the Section 8 Administrative Plan ("Administrative Plan"), in substantially the form attached hereto as Exhibit 1 and incorporated by reference. This Board further authorizes the County Mayor or County Mayor's designee to administer, implement, exercise and enforce the provisions set forth in the Administrative Plan including, but not limited to, those provisions that become effective on January 1, 2027.

**Section 3**. This Board further authorizes the County Mayor or County Mayor's designee to make any necessary revisions to the Administrative Plan subject to the limitations of the "significant amendment and substantial deviation" definition contained in the County's Fiscal Year 2026-2027 Annual Public Housing Agency Plan or as may be required by regulations, statutes, court orders or safety and security issues, without further approval of this Board.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman
Kionne L. McGhee, Vice Chairman

| | |
|---|---|
| Marleine Bastien | Juan Carlos Bermudez |
| Sen. René García | Oliver G. Gilbert, III |
| Roberto J. Gonzalez | Keon Hardemon |
| Danielle Cohen Higgins | Vicki L. Lopez |
| Natalie Milian Orbis | Raquel A. Regalado |
| Micky Steinberg | |

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of January, 2027. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith

EXHIBIT 1

# Section 8 Administrative Plan for the Housing and Community Development

# Housing Choice Voucher

**BCC Adopted Date:**
**Effective Date:**

**Housing and Community Development**
**701 NW 1st Court, 14th Floor Miami, Florida 33136-3914**

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## ATTACHMENTS

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**Attachment B: Effective Communication Policy**

**Attachment C: Reasonable Accommodation Policy and Procedures**

**Attachment D: Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking for Section 8 Programs**

**Attachment E: HOTMA Provisions Effective Upon HCD HOTMA Compliance Date**

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**ADMINISTRATIVE PLAN**
**HOUSING CHOICE VOUCHER PROGRAMS**

# Chapter 1. Program Administration

## 1.1. Purpose of the Plan

This Administrative Plan is a supporting document to Housing and Community Development's (HCD) 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 (HUD) regulations and other matters not specifically covered under the United States Housing Act of 1937 and HUD regulations, but left to HCD's local discretion, for the Housing Choice Voucher and the Moderate Rehabilitation Programs (unless specifically stated as being solely a Moderate Rehabilitation Program requirement, a Project Based Voucher (PBV) and/or Rental Assistance Demonstration (RAD) PBV 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, 983, and other applicable regulations promulgated by the HUD.

The goal of this Administrative Plan for the Housing Choice Voucher, Project Based Voucher (PBV), 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 these programs 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 Housing and Community Development (HCD)

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 Housing and Community Development, or its successor agency or department, collectively referred to as the "Agency" or "HCD." Adoption and implementation of this Administrative Plan requires the approval of the Miami-Dade County Board of County Commissioners.

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 HUD, 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 HCD's website at www.miamidade.gov/housing.

## 1.3 Jurisdiction of the Agency

HCD 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 for Client Service Operations

The client service operation's main office for the Housing Choice Voucher Program (HCV) is located at 117 NE 1st Avenue, 14th floor, Miami, FL 33132, where HCV applicants and program participants are served. If the office serving HCV clients changes, HCD will so notify the affected tenants. HCD offices shall be accessible to persons with disabilities.

## 1.5 Administrative Fee Reserve

Federal regulations require the Miami-Dade Board of County Commissioners (Board) 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, HCD 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 HUD (Adker Decree)

Although the Adker Decree expired August 1, 2009, HCD 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, HCD shall comply with Miami-Dade Board of County Commissioners' Resolution No. R-1075-09 adopted on September 1, 2009. Pursuant to that resolution, HCD and all County departments that administer affordable housing programs shall:

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

- Maintain the current Adker-related provisions in the HCD's Admissions and Continued Occupancy Policy (ACOP) and Section 8 Administrative Plan;

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

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

## 1.7 Housing Opportunity Through Modernization (HOTMA) Act of 2016

On July 29, 2016, the Housing Opportunity Through Modernization Act of 2016 (HOTMA) was signed into law. HOTMA made numerous changes to statutes governing HUD programs, including sections of the United States Housing Act of 1937. Title I of HOTMA contains 14 different sections that impact the public housing and Section 8 programs.

A. Sections 102 & 104: The Final Rule implementing broad changes to income and asset in Sections 102 and 104 of HOTMA, and for PHAs that administer the public housing program over-income provisions in Section 103, was officially published in the Federal Register on February 14, 2023.

   1. On September 29, 2023, HUD issued notice PIH 2023-27, which provided guidance to PHAs on the implementation of the program changes described in the Final Rule; this was reissued on February 2, 2024, to provide revisions and further guidance.

   2. On December 17, 2024, HUD issued notice PIH 2024-38, which provided updated guidance to PHAs on compliance with HOTMA for income exclusions, definitions, and de minimis errors no later than July 1, 2025. HUD will not be enforcing compliance with any other provision by January 1, 2025. HUD will issue further guidance on the compliance deadline for all other provisions, when there is more information about when PHAs will be able to submit HOTMA-compliant HUD-50058 forms in HIP.

   3. On May 14, 2026, HUD issued notice PIH 2026-15, providing updated guidance to PHAs on compliance with the remaining Section 102 and 104 provisions. The notice states that PHAs must be in compliance with all Section 102 and 104 HOTMA provisions no later than January 1, 2027. For purposes of distinguishing policies that become effective upon Board approval of this Administrative Plan from those that will become effective upon full HOTMA implementation, this Administrative Plan identifies such provisions as 'Effective upon the HCD HOTMA Compliance Date.' Unless otherwise stated, this term refers to the date on which HUD systems and HCD housing management systems are fully compliant with HOTMA requirements, which is currently anticipated to be January 1, 2027.

B. Section 103: The provisions under Section 103 are discussed in HCD's Admissions and Continued Occupancy Policy (ACOP), as they relate to public housing residents.

C. Sections 101, 105, 106, and 112: On May 7, 2024, HUD published a Final Rule in the Federal Register implementing further changes under HOTMA, specific to Sections 101, 105, 106, and 112 of HOTMA and in reference to the October 8, 2020, proposed rule.

## 1.8 Assistance for Limited English Proficiency (LEP) Persons

In accordance with HUD's Final Guidance to Federal Assistant Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (Final Guidance), HCD 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) individual is a person who does not speak English as their primary language and who has limited ability to read, write, or understand English at a level that permits them to communicate effectively in the course of applying for, participating in, or receiving services or benefits from HCD.

### A. **Four (4) Factor Analysis**

The Final Guidance defines a self-assessment method to assist agencies receiving HUD funds in determining the extent of their obligations to LEP persons. HCD 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 HCD and its costs.

### B. **Language Assistance Plan (LAP) and Safe Harbor**

HCD 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 HCD documents are available upon request. Additionally, applicants and program participants are informed of their ability to request an interpreter in all written HCD advertisements and notifications related to hearings, interviews, scheduled appointments, and adverse action notices.

1. Staff Training

HCD 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

HCD 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 interpretation services from approved vendors, according to the County's procurement procedures.

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

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

HCD 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 HCD 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." HCD 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.
   HCD has translated the following vital documents into Spanish and Creole. These documents 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 notices of 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
   - Applications to participate in a recipient's program or activity or to receive recipient benefits or services.

C. **Monitoring and Updating**

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

# Chapter 2. Applications, Waiting Lists and Tenant Selection

## 2.0 Introduction

Families must submit a housing application in order to receive assistance under the HCV program. The HCV program is a federally funded program under HUD. HCD is required to follow federal guidelines to obtain the information needed from applicants to determine the family's eligibility. HUD requires HCD to place all families that apply for assistance on a waiting list.

In order to give all families an equal opportunity to apply for and receive housing assistance, HCD places families that apply for assistance on a waiting list via an electronic drawing and random selection process. When HCV assistance becomes available, HCD selects families from the waiting list in accordance with HUD requirements and HCD policies.

This Chapter describes HUD and HCD policies for receiving applications, managing the waiting lists and selecting families for housing assistance. The policies outlined in this Chapter are organized into three (3) parts and various subsections, as follows:

**Part 2.1: The Application Process:** This part provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how HCD will handle the applications it receives.

**Part 2.2: Managing the Waiting List:** This part presents the policies that govern how HCD's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for assistance. It also discusses the process HCD will use to keep the waiting list current.

**Part 2.3: Selection for HCV Assistance**: This part describes the policies that guide HCD in selecting families for HCV assistance as such assistance becomes available. It also specifies how in-person interviews will be used to ensure that HCD has the information needed to make a final eligibility determination.

**Part 2.4: Admission Information:** This part presents the admission information required for applications and provides details on other admission-based criteria and provisions.

## 2.1 The Application Process

### 2.1.A. Overview

This part describes HCD's policies for making applications available, accepting applications, and making preliminary determinations of eligibility, and the placement of applicants on the waiting list. This part also describes HCD's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

### 2.1.B. Applying for Assistance

Any family that wishes to receive HCV assistance must apply for admission to the program. Applications will be accepted in accordance with this chapter, including online applications via advertised web portals and physical copies that may be received and delivered at advertised regional locations in Miami Dade County.

HUD permits HCD to determine the format and content of HCV applications, as well as how such applications will be made available to interested families and how applications will be accepted by HCD. HCD must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of HCD's application.

**HCD's Policy**

Families interested in applying for assistance must do so during the open registration period. The waiting list open registration period shall remain open for at least ten (10) business days.

HCD initially will require families to provide only the information needed to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Online applications will be available on advertised web portals during the open registration period. Subsequently, physical applications will be available at advertised regional locations in Miami Dade County. Completed physical applications shall be delivered at advertised locations. In the event that HCD decides to accept applications in person at designated locations, HCD will make reasonable accommodations for applicants with disabilities. The method for accepting applications may change depending on the technology and resources available to HCD at the time the waiting list is expected to be open.

The digital application process and corresponding web portal registration shall be administered by a software development company that provides enterprise software application solutions to Public Housing Authorities in the United States.

### 2.1.C. Accessibility of the Application Process

**Elderly and Disabled Populations**

HCD must take steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard HCD application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited

English proficiency (LEP). HCD must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or HCD must provide an alternate approach that provides full access to the application process.

**Limited English Proficiency**
HCD is required to take reasonable steps to ensure equal access to their programs and activities by persons with limited English proficiency [24 CFR part 1].

### 2.1.D. Notice and Family Outreach

The opening and closing of application and registration periods will be advertised on social media platforms, newspaper publications and the radio for the purpose of reaching all segments of the community and providing advance notice. HCD will announce the opening of the waiting list at least 10 business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

HCD will give public notice in suitable media outlets including, but not limited to:

1. **The Miami Herald,** the largest paper of daily general circulation
2. **The Miami Times,** largest circulation among African Americans
3. **Diario Las Americas,** a Spanish language publication
4. The Haiti en Marche or Kiskeya Herald, Haitian publications
5. Social media platforms and digital marketing (i.e., Facebook)
6. Radio broadcasts and other relevant media

The public notice will include, but will not be limited to, the following information:

1. The application process
2. Opening date
3. Closing date to receive applications, if any
4. Method for placement on the waiting list
5. Available preferences

HCD must conduct outreach as necessary to ensure that HCD has a sufficient number of applicants on the waiting list to use the HCV resources it has been allotted. Because HUD requires HCD to admit a specified percentage of extremely low-income families to the program, HCD may need to conduct special outreach to ensure that an adequate number of such families apply for assistance.

HCD outreach efforts must comply with fair housing requirements. This includes:

- Analyzing the housing market area and the populations currently being served to identify underserved populations
- Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program
- Avoiding outreach efforts that prefer or exclude people who are members of a protected class

HCD's outreach efforts must be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

- Submitting press releases to local newspapers, including minority newspapers
- Developing informational materials and flyers to distribute to other agencies
- Providing application forms to other public and private agencies that serve the low- income population
- Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities

**HCD Policy**

HCD will monitor the characteristics of the population being served and the characteristics of the population as a whole in HCD's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

HCD will ensure inclusion on its waiting list of all people without regard to race, religion, national origin, or any other protected characteristics.

Efforts will be taken to ensure outreach to Miami-Dade County's eligible population providing information of all opportunities to apply for program assistance upon opening of the general waiting list. 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 and Human Services Department, 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. Announcement at public meetings; and
5. Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

**Marketing Material**

1. HCD will use clear and easy to understand terms and distribute the notice in accordance with LEP requirements.
2. HCD will 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 these features.
3. HCD will include a statement regarding its responsibility to provide a reasonable accommodation to persons with a disability.

## 2.2 Managing the Waiting List

### 2.2.A. Overview [24 CFR §§ 982.203 and 982.204]

HCD must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

In addition, HUD imposes requirements on how HCD may structure its waiting list and how families must be treated if such families apply for assistance from HCD that administers more than one assisted housing program. Except for HUD special admissions, special programs/targeted funding, and certain preference categories, HCD will only accept applications when the waiting list is open.

### 2.2.B. Organization of the Waiting List

HCD's HCV waiting list must be organized in such a manner to allow HCD to accurately identify and select families for assistance in the proper order, according to the admissions policies described in this plan.

The waiting list must contain the following information for each applicant listed:

- Applicant name;
- Family unit size;
- Date and time of application;
- Family selection for any admission preference. Qualification for any admission process is conducted during the applicant's interview; (see 24 CFR § 982.204(b)(4));
- Racial or ethnic designation of the head of household (optional).

HUD requires HCD to maintain a single waiting list for the tenant-based program unless it serves more than one county or municipality.

A family's decision to apply for, receive, or refuse other housing assistance must not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

**HCD Policy**
HCD will not merge the HCV waiting list with the waiting list for any other program HCD operates.

### 2.2.C. Opening and Closing the Waiting List

**i. Timing**

1. HCD, subject to the Board of County Commissioners' approval, may elect to open and dissolve the waiting list as needed.
2. Once the waiting list is dissolved, applicants who are on the waiting list at the time the waiting list dissolved shall keep their position and shall not be required to submit new applications during the open registration period. 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 HCD.

3. HCD, subject to the Board of County Commissioners' approval, 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, and accessible or non- accessible, or for one or more of the admission preferences).
4. The opening and closing of registration periods will be advertised in the media, as described in this chapter, for the purpose of reaching all segments of the community and providing advance notice.

**HCD Policy**
HCD must seek the approval of the Board of County Commissioners prior to opening the waiting list for the Housing Choice Voucher and Moderate Rehabilitation Programs.

Upon approval of opening the waiting list and revising the Administrative Plan, dissolution of the waiting list may occur consequently once the waiting list is exhausted. The waiting list is deemed exhausted once all of the names of the qualified families have been selected or the underlying funding has been absorbed for the given period. Once the waiting list has been exhausted and the qualified families have received a voucher, the waiting list will be considered dissolved.

PBV Waiting List
Pursuant to 24 CFR § 983.251(c), and the PBV waiting list process in HCD's Annual PHA Plan as approved by HUD and the Board, HCD has established site-based waiting lists for its Section 8 Project Based Voucher Program. During the open registration, adopted admission preferences will be available for applicants to request. The site-based waiting list may remain perpetually open (Chapter 25).

### 2.2.D. Placement on the Waiting List

i. Process for Placement on the Waiting List

Based on available budget authority and historical turnover rates, HCD shall determine the quantity of applications selected for the Housing Choice Voucher and Moderate Rehabilitation Programs waiting lists. The total number of applications selected must be sufficient to process applications within a reasonable timeframe, ensuring an adequate pool of applicants to maximize lease-up utilization. Separately, the site-based waiting list for the Project-Based Voucher program may utilize this same process.

HCD will select applicants to be placed on the waiting list via an electronic drawing and random selection process. The applicants will be placed on the waiting list in order of the assigned numbers and according to HCD admission preference(s) described in this chapter.

Those families not selected from the pool of applications for placement on the waiting list will be notified that they were not selected, informing that they may apply the next time HCD's waiting list is open.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility, in accordance with this chapter, will be made when the family is selected from the waiting list.

Applicants are placed on the waiting list through the following sequence:

1. HCD accepts applications during an open registration period. Applicants claim any admission preferences for which they believe they qualify at the time of application.

2. All applications received during the open registration period are entered into an electronic random selection process, implemented through an application software solution designed for the random selection of applicants to the waiting list. Each application selected is assigned a randomly generated number.
3. HCD applies the preference point values established in Section 2.3.C to each selected application based on the preferences claimed.
4. Applications are placed on the waiting list in order of total preference points, from highest to lowest.
5. Applications with the same total preference points are placed according to the date and time of their application.

Preference points are based on preferences claimed by the applicant and remain subject to verification when the family is selected for assistance. If a claimed preference cannot be verified, HCD will adjust the family's total points and reposition the family on the waiting list accordingly.

HCD will maintain records of the random selection and of the preference points assigned sufficient to verify that each applicant has been placed and selected in accordance with the method described in this Plan [24 CFR § 982.207(e)].

HCD must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in federal regulations [24 CFR § 982.206(b)(2)]. Where the family is determined to be ineligible, HCD must notify the family in writing [24 CFR § 982.201(f)].

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR § 982.202(c)].

### 2.2.E. Reporting Changes in Family Circumstances

**HCD Policy**

1. While the family is on the waiting list, the family must inform HCD of changes in family composition, income, contact information, including current residence, mailing address, e-mail, and phone number within 10 days of the change.

2. While on the waiting list, the family may request changes to their preference selections.

3. Applications are nontransferable, except under the following circumstances:

    a) In case of dissolution of marriage or family disputes, HCD will abide the court’s determination on whom shall assume the head of household on the application.

    b) If the head of household is deceased prior to or during the application process, one of the remaining adult family members on the application can 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. HCD shall not make the determination nor create more than one (1) application.

c) 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.

d) By mutual agreement between existing members of the household. Specifically, a head of household (HOH) who wishes to relinquish their rights to the application may remove themselves and assign a new HOH. However, the new HOH must demonstrate that they were part of the existing family for at least 12 months prior to being selected. This may be verified by providing documents issued by a separate government agency that provides reasonable proof that the new HOH has been part of the family composition for at least 12 months. Documents include but are not limited to a driver's license, tax and school records, benefit award letters. HCD, at its sole discretion and upon receiving a request to change the HOH, may perform an unannounced visit to the applicant's existing residents to confirm that the new HOH is part of the existing family.

e) Prior to making a change, HCD will consider the interest of disabled or elderly family members, minors, and any instance of actual threatened physical violence or domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking.

4. The changes must be submitted in writing or in the form required by HCD.

### 2.2.F. Updating the Waiting List

HUD requires HCD to establish policies to use when removing applicant names from the tenant-based waiting list. HCD requires families to keep information up to date every year.

i. Updating the Waiting List

Upon establishment of the waiting list, it is necessary to have current and updated applicant information. HCD periodically reviews the waiting list to determine if an update is necessary. If an update is needed, HCD will ask families for current information and confirmation of continued interest. Families that do not respond may be withdrawn from the Waiting List.

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to HCD's request for information or updates, and HCD determines that the family did not respond because of the family member's disability, HCD must reinstate the applicant family to their former position on the waiting list [24 CFR § 982.204(c)(2)].

**HCD Policy**

The waiting list and its associated preferences will be updated as necessary to ensure that applicant information is current.

If a new preference is adopted, families on the waiting list will be given the opportunity to select and update their application with such preference.

To update the waiting list, HCD will send notification to the families on the waiting list through postal mail or electronic mail to determine whether the family continues to be interested in the program. The request may be sent to all families on the list or those who may be reasonably expected to be selected within the next 12 months. The update request will provide the method in which the family must respond in, a deadline by which the family must respond, and will state that failure to respond may result in the application being removed from the waiting list.

Families will be provided at least 10 calendar days to respond to HCD in accordance with the requirements outlined in the notice. If the family fails to respond within the deadline provided, the family will be removed from the waiting list and will be provided a final notice of withdrawal.

HCD will not perform a new random selection process during a waiting list update process.

ii. Removal from the Waiting List

If after placement on the waiting list, HCD identifies that the family has submitted more than one (1) application, HCD will verify the family's information and retain the application with the correct information. All other applications will be withdrawn.

If a waiting list update notice is returned by the post office or email host domain, reasonable efforts should be made to reach the applicant by other means such as phone or text. HCD will, where possible, attempt to reach an applicant by phone, text message, and email.

Families withdrawn due to returned mail may request an informal review at any time up to five years after being withdrawn or the closing of the waiting list whichever occurs first, for the purpose of reviewing and verifying the accuracy of the mail or email address to where HCD sent the notice as compared to existing program records on family reported information.

If a family is removed from the waiting list for failure to respond, HCD may reinstate the family if it is determined that (1) the lack of response was due to HCD's error, or (2) for documented circumstances beyond the family's control.

If an applicant is selected from the waiting list and does not respond to notices of scheduled appointments or to HCD correspondence, the family will be removed from the waiting list and will be provided with a final notice of withdrawal.

If a family is removed from the waiting list because HCD has determined the family is not eligible for assistance, a notice will be sent to the family's address of record. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding HCD's decision [24 CFR § 982.201(f)].

## 2.3 Selection for HCV Assistance

### 2.3.A. Overview

As funding becomes available from HUD, families on the waiting list must be selected for assistance in accordance with the policies described in this part. The final selection of families for HCV assistance will be taken from the families listed on the waiting list that was created by the electronic drawing and random selection process. Families will be selected from the waiting list based on the targeted funding or selection preference(s) based on historical turnover rates and the availability of funding from HUD. A final determination of eligibility, in accordance with HUD and HCD policies, will be made when the family is selected from the waiting list and interviewed.

### 2.3.B. Selection and HCV Funding Sources

i. Special Admissions [24 CFR § 982.203]

HUD may award funding for specifically named families living in specified types of units (e.g., a family that is displaced by demolition of public housing). In these cases, HCD may admit such families whether or not they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. HCD must maintain records showing that such families were admitted with special program funding.

ii. Targeted Funding [24 CFR § 982.204(e)]

HUD may award HCD funding for a specified category of families on the waiting list. HCD must use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, HCD may skip families that do not qualify within the targeted funding category.

**HCD Policy**

HCD may administer, but is not limited to, the following types of targeted funding:

- Family Unification Program (FUP)
- Veterans Affairs and Supportive Housing (VASH)
- Mainstream (MS5)
- Near Elderly Disabled (NED)
- Emergency Housing Vouchers (EHV)
- Foster Youth to Independence Initiative (FYI)

iii. Regular HCV Funding

Regular HCV funding may be used to assist any eligible family on the waiting list. Families are selected from the waiting list according to the policies provided in Section 2.3 (C).

### 2.3.C. Selection Method

HCD must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that HCD will use [24 CFR § 982.202(d)].

### 2.3.D Admission Preferences [24 CFR § 982.207]

HCD is permitted to establish admission preferences, and to give priority to serving families that meet those criteria. HUD specifically authorizes and places restrictions on certain types of

admission preferences. HUD also permits HCD to establish other admission preferences, at its discretion. Any admission preferences established must be consistent with HCD's plan and the consolidated plan, and must be based on local housing needs and priorities that can be documented by generally accepted data sources.

**HCD Policy**

HCD will use a weighted point system to rank applicants based on their admission preference status. Applicants will be placed on the waiting list based on the total number of preference points for which they qualify. When there is insufficient funding or unit availability to assist all families with the same total points, HCD will select families based on date and time.

HCD reserves the right to select or suspend selection from any preference category at any time based on funding availability or to meet local housing needs.

HCD reserves the right to add an admission preference for humanitarian and extraordinary reasons.

Established Admission Preferences

- **Homeless Preference for Direct Referrals from the Continuum of Care (CoC) Lead Agency (100 Points)** – This preference is capped at a maximum of 50 referrals from the CoC Lead Agency.

- **Homeless General Preference (30 Points)** – This preference must be verified by CoC lead agency.

- **HCD Terminated Family due to Insufficient HAP Funding or Program Sunset (50 Points)** – HCD will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding or whose assistance ended due to the expiration of a time-limited special program.

- **Veterans Preference (35 Points)** – HCD, at its sole discretion, may provide an admission preference over new admissions to applicants whose head or co-head are eligible veterans. A veteran is a person who:
  1. had at least 180 days of regular active duties and was honorably discharged or released; or
  2. had at least 90 days of active duty service, of which at least one (1) day of service was in a war conflict and was honorably discharged or released; or
  3. served in a war conflict and was awarded a Purple Heart or became disabled, regardless of completion of days of active duty.

  The veteran status extends to spouses, widows, widowers and parents of the military killed during a time of war. Applicants claiming a veteran's preference must provide a copy military service record, proof of service, or the discharge documents (Form DD214) of the veteran for whom the preference is claimed.

- **Emergency Housing Voucher (EHV) Program (20 Points)** – This preference is granted to families participating in HCD's EHV program.

- **Non-Elderly Disabled (NED) Vouchers (30 Points)** – This preference is granted to non-elderly disabled families defined as families with a head of household, co-head, or spouse who is under age 62, who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless.

- **Mainstream Preference (30 Points)** – This preference is specific for non-elderly persons with disabilities who are homeless per 24 CFR § 576.2 or transitioning out of institutional and other segregated settings or are at serious risk of institutionalization.

- **Miami-Dade County Residency Preference (5 Points)** – HCD will administer a residency preference for applicants that reside anywhere in Miami-Dade County, including families who work or have been hired to work in Miami-Dade County.

Unless specifically prohibited by a property's elderly/disabled designation or funding source(s), all preferences for the tenant-based waiting list will also apply to all PBV site based waiting list.

### ii. Income Targeting

**Requirement Income Limits**
HUD establishes income limits for all areas of the country and publishes them annually in the *Federal Register*. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section.

**Definitions of the Income Limits [24 CFR § 5.603(b)]**
*Low-income family.* A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

*Very low-income family.* A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

*Extremely low-income family.* A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Using Income Limits for Eligibility [24 CFR § 982.201(b)]**
Income limits are used for eligibility only at admission. Income eligibility is determined by comparing the gross annual income of an applicant to the applicable income limit for their family size. In order to be income eligible, an applicant family must be one of the following:

- A very low-income family;
- A *low-income* family that has been "continuously assisted" under the 1937 Housing Act. A family is considered to be continuously assisted if the family is already receiving

assistance under any 1937 Housing Act program at the time the family is admitted to the HCV program;

- A low-income family that qualifies for voucher assistance as a non-purchasing household living in HOPE 1 (HOPE for public housing homeownership), HOPE 2 (HOPE for homeownership of multifamily units) developments. (Section 8(o)(4)(D) of the 1937 Act (42 U.S.C. 1437f(o)(4)(D));
- A low-income or moderate-income family that is displaced because of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low- income housing as defined in 24 CFR § 248.101;
- A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident homeownership program under § 248.173 of this title.

HUD permits HCD to establish additional categories of low-income families that may be determined eligible. The additional categories must be consistent with HCD's plan and the consolidated plans for local governments within HCD's jurisdiction.

**Using Income Limits for Targeting [24 CFR § 982.201]**

At least 75 percent of the families admitted to HCD's program during HCD's fiscal year must be extremely low-income families while 25 percent may include low-income families over 30 and not to exceed 80 percent of the median income for an area. HUD may approve exceptions to this requirement if HCD demonstrates that it has made all required efforts but has been unable to attract an adequate number of qualified extremely low-income families.

Families continuously assisted under the 1937 Housing Act and families living in eligible low-income housing that are displaced as a result of prepayment of a mortgage or voluntary termination of a mortgage insurance contract are not counted for income targeting purposes.

**HCD Policy**

HCD will monitor progress in meeting the income targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as- needed basis to ensure the income targeting requirement is met.

HCD will consider a family to be continuously assisted if the family was leasing a unit under any 1937 Housing Act program at the time, they were selected from HCD's waiting list. Pursuant to 24 CFR § 982.201(b)(2)(iv), these families are no subject to income targeting.

### 2.3.E. Notification of Selection

When a family has been selected from the waiting list, HCD must notify the family.

**HCD Policy**

HCD will notify the family by first class mail or other method as designated by the family when it is selected from the waiting list. HCD may conduct the interview remotely through mail, online portals, or in person. The notice will inform the family of the following:

1. Instructions on how to complete the interview.
2. All documents that must be provided at the interview, including information about what constitutes acceptable documentation.

If a notification letter is returned to HCD with no forwarding address, the family will be removed from the waiting list.

### 2.3.F. The Application Interview

HUD recommends that HCD obtain the information and documentation needed to make an eligibility determination though an interview with an HCD representative. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if HCD determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by HCD].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

**HCD Policy**

Families selected from the waiting list are required to participate in an eligibility interview.

The head of household, the spouse/cohead, and any other adult family members will be requested to attend the interview together. However, either the head of household or the spouse/cohead must attend the interview on behalf of the family. Verification of information pertaining to adult members of the household who are not present at the interview will not begin until signed release forms are returned to HCD.

The head of household, spouse/cohead, and any other adult family members must provide acceptable documentation of legal identity. If the family representative does not provide the required documentation at the time of the interview, they will be required to provide it within 10 calendar days of the date of the notice.

Pending disclosure and documentation of social security numbers, HCD will allow the family to retain its place on the waiting list for 90 days. If not all household members have disclosed their SSNs at the next time HCD is issuing vouchers, HCD will issue a voucher to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, HCD will provide the family with a written list of items that must be submitted.

HCD will compare current information received with past information stated on the waiting list application and query the applicant regarding any discrepancies that may affect eligibility and/or require additional documentation. HCD will estimate annual income for the upcoming 12-month period [24 CFR §5.609 (c)(1)].

Any required documents or information that the family is unable to provide at the interview must be provided within 10 calendar days of the notice. If the family is unable to obtain the information or materials within the required time frame, the family may

request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial.

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, HCD will provide translation services in accordance with HCD's LEP plan.

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

If the family is unable to attend a scheduled interview, the family should contact HCD in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, HCD may send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without HCD's approval will be denied assistance based on the family's failure to supply information needed to determine eligibility.

### 2.3.G. Completing the Application Process

HCD must verify all information provided by the family in accordance with HUD's verification hierarchy and subject to applicable waivers. HCD must make a final determination of eligibility and must confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list.

**HCD Policy**

The following items will be verified to determine qualification for admission to HCD:

- Identity of each adult or emancipated minor household member
- Family composition and type of family;
- Annual income;
- Assets and asset income
- Deductions from income;
- Admission preferences;
- Social security numbers of all family members;
- Applicant screening information; and
- Citizenship or eligible immigration status.
- Debts owed to a public housing authority
- Previous involuntary termination from any federal housing assistance program
- Current federal housing assistance

## 2.4 Admission Information

### 2.4.A. Determination and Verification of Annual Income

Refer to Chapter 7

## 2.4.B. Social Security Numbers
## [24 CFR §§ 5.216 and 5.218, Notice PIH 2012-10]

A. Mandatory Social Security Numbers

Effective January 31, 2010, all members of the household and each member of the applicant's household, including the live-in aide and children under the age of six (6), except those that do not contend eligible immigration status, must provide appropriate documentation of their Social Security Number (SSN).

1. Disclosure requirement for applicants
   a) At the time applicant's eligibility is determined, each applicant must submit:
      (1) The complete and accurate SSN card 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;

      (2) The required documentation issued by a federal or state government agency that contains the name and SSN of the individual, along with other identifying information of the individual (i.e. address, date of birth, etc.); or

      (3) A declaration from the applicant stating why they cannot obtain their SSN card, and what their SSN is together with a document stating the person's name (such as bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual).

2. If HCD has accepted any declarations as evidence of a SSN, HCD will review the Failed SSA Identity Report monthly within 90 days to quickly identify any participants whose identity is not verified.

B. Disclosure requirement for program participants

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

- Not previously disclosed an SSN to HCD; or
- Previously disclosed an SSN that HUD or Social Security Administration (SSA) determined was invalid; or
- Been issued a new SSN.

Subsequent Disclosure: When an additional household member is added to the household, including a newborn 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, an SSN must be applied for and documentation submitted at the time of the request to add the child to the household.

C. Verification of SSNs

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

- A valid SSN issued by SSA, or
- An original document from a federal or state government agency that contains the individual's name and SSN, along with identifying information of the individual (i.e. address, date of birth, etc.)
- A declaration from the applicant stating why they cannot obtain their SSN card, and what their SSN is together with a document stating the person's name (such as bank statement, utility or cell phone bill, benefit letter, etc., that contains the name of the individual).

1. If HCD has accepted any declarations as evidence of a SSN, HCD will review the Failed SSA Identity Report monthly within 90 days to quickly identify any participants whose identity is not verified.

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

D. Time Frame

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 their place on the waiting list for the program but cannot become a program participant until the required documents to confirm the SSN is provided. Applicants may be given up to 90 days, or 120 days for applicants 62 years or older, to submit documents confirming each household member's SSN.

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

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

E. Penalties

Applicants: HCD 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 HCD to provide documentation in item (4).

Program participants: HCD 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.

**2.4.C. Identity Verification**

i. Ineligible Immigration Status

An adult or emancipated minor applicant who does 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 HUD

ii. Citizens or Eligible Noncitizen 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 HUD

### 2.4.D. 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.

### 2.4.E. Denial of Assistance

i. Overview

HCD acknowledges that a victim of domestic violence, economic abuse, technological abuse, dating violence, sexual assault or stalking can have an unfavorable history (e.g., a poor credit history, a record of previous damage to an apartment, a prior arrest record) that would warrant denial under HCD's policies. Therefore, if an applicant is denied assistance, HCD will provide them with its notice of denial, along with the Notice of Occupancy Rights under the Violence Against Women Act form (HUD form 5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation form (HUD form 5382). See Section 2.4.F— Violence Against Women Act of this Administrative Plan for additional details.

HCD will use local and national databases to perform criminal background checks (not including juvenile records) and sex offender registration checks for applicants and additions to households who are 18 years of age and older. HCD will conduct such checks on household members who are younger than 18 years only if they are being tried as adults for certain criminal offenses.

- A nationwide criminal background check and sex offender registration check will be performed. The nationwide sex offender registration check will be conducted online using a database available at www.nsopw.gov (PIH Notice 2012-28).
- Prior to conducting any criminal and sex offender registration background checks, household members 18 years of age and older (including the live-in aide) must sign the consent form named Authorization to Obtain Criminal Background Records. The custodial parent may sign the required form on behalf of a minor. HCD will conduct criminal and sex offender checks on household members who are younger than 18 years only if they are being tried as adults for certain criminal offenses.

ii. Grounds for Denial:

Eviction or Termination from Federally Assisted Housing:

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

iii. Failure to Meet Financial Obligations

Assistance may be denied for a period of five (5) 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 an applicant or any member of the applicant family currently owes rent or other amounts to HCD 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 if any applicant who previously lived in public housing or an assisted unit vacated leaving an unpaid balance, then the applicant will not be offered assistance until the outstanding balance is paid in full.

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.

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.

iv. Abusive Behavior

If within five (5) years of eligibility determination an applicant or any member of the applicant family has engaged in physical or verbal abuse or threatened abusive or violent behavior that may include the use, attempted use, or threatened use of physical force, toward HCD personnel or any County personnel or official, then the application may be denied. Applicants denied housing due to abusive behavior must be reviewed and approved by HCD Director or designee.

v. Criminal Activity

HCD's goal is to assist ex-offenders in gaining access to one of the most fundamental building blocks of a stable life, a place to live. However, criminal background checks are performed at admission, addition of an adult member, and when HCD has reason to believe criminal activity has occurred. HCD is committed to seek a balance between allowing ex-offenders to reunite with their families that live in public housing, and at the same time, ensuring the safety of all residents of its programs.

HCD may deny admission or terminate assistance when the screening process shows a conviction for engaging in criminal activity and history of inability to comply with the terms of previous leases, as verified by previous landlords or other entities. However, HCD may consider mitigating circumstances.

In its decision to deny or terminate assistance, and prior to sending the denial notice, HCD shall conduct an individualized assessment considering the following:

- the seriousness of the case, especially as it affects the health and safety of other residents;
- the effect of denial or termination of assistance on other family members who were not involved in the action or failure to act;
- the level of violence, if any, of the criminal activity for which the applicant or resident was convicted;
- the length of time since the conviction;
- the number of convictions that appears on the applicant or resident's criminal history;
- the possibility of the applicant or resident being rendered homeless; and
- the rehabilitation efforts taken by applicant or resident after conviction or released from prison.

HCD, if it admits such a family to the program, may impose as a condition of assistance, the requirement that family members (other than the head of household) who participated in or were culpable for the action or failure to act will not be part of the applicant family or reside in the assisted unit, upon approval of HCD or hearing officer.

Pursuant to PIH Notice 2015-19, an arrest is not evidence of criminal activity that can support an adverse admission, termination or eviction decision. As such, an arrest where the disposition of the criminal charges is voided, invalidated, rendered inoperative, dropped, nolle prossed, dismissed pursuant to successfully completion of a diversion or a deferral of judgment program, 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 or terminated assistance.

However, HCD may deny or terminate assistance based on the conduct underlying arrests, only if the conduct indicates the individual is not suitable for tenancy, in which case HCD may gather sufficient evidence to support an adverse admission, termination, or eviction decision.

Such evidence may consist of the police report associated with the arrest and consider the reported circumstances of the arrest. HCD may also consider any statements made by witnesses, not included in the police report and any other evidence relevant to determining whether or not the applicant or tenant engaged in disqualifying activity.

vi. Permanently Deny or Terminate Assistance

HCD may permanently deny or terminate assistance for convictions related to the following:

1. Methamphetamine manufacturers on premises of federally assisted housing.
2. Sex offenders subject to a lifetime registration under a state sex offender registration program. In searching for sex offenders, HCD 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).
3. Felonious violent criminal activities, including but not limited to murder, arson, aggravated felony battery and sex-related crimes not subject to lifetime registration under a state sex offender registration program.

Except for methamphetamine manufacturing, sex-related crimes, felonious violent criminal activities (e.g., murder, arson, aggravated felony battery) and those convictions for criminal activities described in Miami-Dade County Ordinance 15-47, HCD shall consider:

- Criminal felony convictions that have occurred within the last five (5) years from the date of conviction; and
- Criminal misdemeanor convictions that have occurred within the last three (3) years from the date of conviction.

vii. Lookback Period

The lookback period starts upon commencement of the formal eligibility screening.

viii. Misdemeanors

HCD may not deny or terminate housing due to misdemeanors considered civil violations according to County Ordinance 15-47, listed below:

- Litter
- Illegal Use of Dairy Cases, Egg Baskets, Poultry Boxes, or Bakery Containers
- Trespass on Property Other than Structure or Conveyance Retail Theft by Removal of a Shopping Cart
- Loitering or Prowling
- Possession of Cannabis in an amount of 20 grams or less
- Possession of Drug Paraphernalia

ix. Individualized Assessment

After conducting an individualized assessment, HCD may deny or terminate assistance, if the applicant or resident has been convicted within 5 years for the following criminal activities:

1. Drug-related activities, including, but not limited to, eviction or termination from federally assisted housing due to drug activity. Drug-related activities mean illegal manufacture, sale, distribution or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

2. Violent criminal activities which 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.

3. 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 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.

4. Alcohol abuse or pattern of abuse, if HCD 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.

In determining denial or termination of assistance related to drug or alcohol abuse, HCD 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 HCD’s ADA Coordinator.

HCD shall not consider any additional restrictions for eligibility of housing assistance due to criminal activities not required by federal law, regulations, and this policy.

x. Other Non-Criminal Activities

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

xi. Notification of Proposed Rejection

HCD must notify the household of the proposed rejection, the reason for the denial of admission or termination, and provide an opportunity to dispute the accuracy and relevance of the record. If the denial is because of criminal background, HCD must provide the household member with copy of the criminal records.

Criminal records (not including juvenile records) for minors convicted as adults available to HCD by operation of law will be released to the head of household, parent or legal guardian of the minor, upon request.

The HUD form 5380, Notice of Occupancy Rights under the Violence Against Women Act form, and the HUD form 5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation form, will be provided at the time the household is denied assistance.

xii. Mitigating Circumstances for Applicants and Residents

Mitigating circumstances are facts relating to negative rental history or behavior, that, when verified, indicate that the reason for the unsuitable rental history or behavior is no longer in effect or is under control, justifying admission or continued occupancy. Mitigating circumstances would overcome or outweigh information gathered in the screening process.

The factors below will be taken into consideration when reviewing the conviction(s) for engaging in criminal activities. These factors are not the only allowable mitigating circumstances. HCD may 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 HCD 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. Removal of Family Member

The applicant or resident may request removal of the offending family member from the family composition and the family member may not remain on the application nor reside in the Public Housing unit in order for the family to be assisted in the program.

If the offending family member(s) is not removed, then the entire family shall be recommended for denial of assistance from the Program. In circumstances where the offending family member is the head of household, the entire family shall be recommended for denial of assistance from the Program.

Depending on the seriousness of the offense, HCD may consider reinstating the removed offender family member, if they are able to establish that they have been rehabilitated (i.e., drug or alcohol rehabilitation program).

2. Violation of Peaceful Enjoyment

HCD 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 HCD 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 or termination of assistance.

3. Substance Abuse Rehabilitation

Upon determination by HCD, hearing officer, hearing panel whether to recommend denial or termination 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, HCD shall require the applicant or resident to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

4. Domestic Violence

Upon request, other documents may be submitted in lieu of the HUD form 5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation form..

**xiii. Examples of mitigating circumstances may include:**

1. Evidence of successful rehabilitation. The household member who engaged in criminal activity successfully completed a diversion or deferral of judgment program; or has successfully completed a supervised drug or alcohol rehabilitation program verified by HCD;
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.
5. Consideration of mitigating circumstances does not guarantee that the family will qualify for admission or continued occupancy. HCD will consider such circumstances in light of:
   a) the ability to provide documentation/evidence to verify the mitigating circumstances and prospects for improved future behavior;
   b) the overall performance with respect to all the screening requirements; and
   c) the nature and seriousness of the criminal activity, especially drug related and criminal activity that appears in the applicant's or resident's record.

6. If negative information is received about an applicant or resident, HCD shall consider the time, nature, and extent of the conduct and factors that may indicate a reasonable
probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.
7. If the applicant or resident asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, HCD shall evaluate the evidence and verify the mitigating circumstance. HCD 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 HCD's Reasonable Accommodation Policy and Procedures document under Attachment C of this Administrative Plan), which will be used by HCD as the source document to process reasonable accommodation requests for people with disabilities.

### 2.4.F. Violence Against Women Act

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

HCD provides applicants and residents with the HUD form 5380, Notice of Occupancy Rights under the Violence Against Women Act form, that explains the VAWA protections, including the right to confidentiality, and any limitations on those protections.

HCD also provides applicants and residents with HUD form 5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, Stalking or Alternate Documentation form to be completed by the victim to document that the applicant or resident is a victim of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking.

HCD provides the Notification of Your Rights and Obligations under the Violence Against Women Act form to owners and management agents of assisted housing detailing the following:

- VAWA protections and any limitations on those protections
- Documentation required
- Remedies available to tenants
- Definitions
- Confidentiality requirements

The lease, lease addendum, or tenancy addendum, as applicable, shall include a description of specific protections afforded to the victims of domestic violence, economic abuse, technological abuse, dating violence, or stalking.

HCD'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 is 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

An applicant cannot be denied admission or assistance on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

Residents or tenants who are victims of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking must be handled as an exception to the federal One Strike Rule under documented incident of actual or threatened domestic violence.

If the tenant or affiliated individual is a victim of criminal activity directly related to domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking 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.

Being a victim of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking does not qualify as a serious or repeated violation of the lease for terminating assistance, tenancy, or the occupancy rights of the victim. HCD may allow for the perpetrator of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking to be removed from the lease, while the remaining family members stay in the assisted unit, upon approval of the division director. Victims of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking will be considered for emergency transfers. See Attachment D of this Administrative Plan. 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, Dating Violence or Stalking

When confronted with cases of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking HCD must provide the alleged victim with HUD form 5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation, and request that it be returned within 14 business days. HCD may, but is not required, to extend the time period to submit the documentation with the approval of the division director or designee. In response to this request, the resident may complete HUD form 5382 or provide one of the following types of third-party documentation:

1. Court records (e.g., restraining and civil protection orders) or statements from a judge or other court officials;
2. Medical records or statements from mental health professionals or medical professionals from whom the victim sought assistance in addressing domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking;
3. Police reports or statements (e.g., records of police visits to the victim's address or telephone calls, which may include telephone calls to the police registering a

complaint, a log of police runs made to the residence, and copies of all tapes and reports written by officers responding to a call);

4. Reports or statements signed by workers (collectively, “processionals”) from a domestic violence shelter or domestic violence program attesting to the time the victim spent in the shelter and the correlation to the incidents of abuse;
5. Statements signed by a clergy or social worker, other employee, agent, or volunteer of an administrative agency, social service agency, victim service provider, domestic violence program, clergy, counselor, or attorney (collectively, “professional”) from whom the victim sought assistance in addressing domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking.
6. Other credible evidence as corroborated by law enforcement or domestic providers.
7. Statements signed by above-mentioned professionals must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence occurred and meet the definition of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking. Same statements must also be signed by the victim.

D. Conflicting Evidence

If HCD receives conflicting evidence that an incident of domestic violence, economic abuse, technological abuse, dating violence, sexual assault or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HCD may request third-party documentation from victims in order to resolve the conflict. The victim must provide the third-party documentation within 30 days. If the victim fails or refuses to provide third-party documentation where there is conflicting evidence, HCD does not have to provide the victim with the protections contained in this policy.

E. Considerations for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

HCD 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
   - Removing or 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, economic abuse, technological abuse, 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-5382.

F. Protection of Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

HCD shall refer victims of domestic violence, economic abuse, technological abuse, sexual assault or stalking 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.

HCD may collaborate with appropriate counseling and law enforcement entities to assist victims of domestic violence, economic abuse, technological abuse, including but not limited to the following services and programs for domestic violence victims:

1) Certified Domestic Violence Centers:
    a) Safespace Shelter: 305-758-2804
    b) The Lodge: 305-693-1170
2) Domestic Violence One Stop Center:
    a) Coordinated Victims Assistance Center (CVAC): 305-285-5900

In determining if termination, removal or in some cases eviction is appropriate, HCD 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.

HCD must develop linkages and referrals to appropriate counseling and law enforcement entities.

G. Confidentiality

The information under the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation form will remain confidential and will be used by HCD only to provide the victims with the exceptions and protections under VAWA.

HCD must ensure that private information of victims of domestic violence, economic abuse, technological abuse, dating violence, sexual assault or stalking is protected in accordance with Records Management provisions.

H. Non-discrimination

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, HCD does not discriminate against applicants or participants based on race, religion, national origin, or any other protect characteristics.

### 2.4 G Addition to Family Composition

Prior to the admission program, changes to the family composition shall be considered and documented at the time the changes below occur. Requests for additions to the family composition are to be made in writing by the head of household and include but not limited to:

- 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 and foster adults.

  HCD 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 to establish 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.

### 2.4.H Foster Children and Foster Adults

The applicant family must obtain approval for the addition of a foster child and foster adult to the family before the new member occupies the unit. Effective July 1, 2025, foster children and foster adults will be considered part of the household (and therefore will be considered when determining appropriate unit size count and utility allowance). If applicable, HCD will process a change in the voucher size to avoid an overcrowded situation.

# Chapter 3. Non-Waiting List Issuance (Special Admission) and Special Programs

HUD awards program funding to HCD that is targeted for special admissions or special programs. HCD shall maintain records showing that the family was admitted with HUD-targeted assistance.

## 3.1 Special Admission (non-waiting list issuance)

HCD may admit an applicant that is not on the waiting list or without considering the applicant's waiting list position in the following instances:

A. Involuntary Displacement due to Natural Disaster

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 HUD's approval. HCD 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, HCD 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.

B. Displacement Due to Government Action

Families living in Miami-Dade County including the residents of Miami-Dade County's owned properties or developments, and Public Housing families displaced or at risk of being displaced due to a governmental action, including Public Housing Development Plans, 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. Written referrals may also be accepted from HUD, 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.

C. 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 and subject to HCD receiving a Tenant-Protection Voucher.

D. Settlement of Lawsuits

HCD shall comply with any mandated settlements, or directives by a court of the United States or HUD in relation to the issuing of vouchers to persons not on the waiting list.

E. Preservation Housing

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

F. 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:

1. Be an income-eligible United States Veteran
2. Be homeless as determined by the VAMC, and

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 HCD 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 HUD.

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

### 3.2 Special Programs

HCD may admit an applicant without considering the applicant's waiting list position in the following instances:

A. 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 another authorized child protective agency. Referrals will be families for whom the lack of adequate housing is a primary factor that would result in:

1. The imminent placement of the family's child(ren) in out-of-home care; or,
2. 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, economic abuse, technological abuse, dating violence, sexual assault or stalking 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.

HCD'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. HCD, 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 HCD's Housing Choice Voucher waiting list. Any families on HCD'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 HCD 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 HCD waiting list. If HCD 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.

HCD 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 HCD's discretion based on local needs and conditions.

Once a family is housed using a Housing Choice Voucher under the Family Unification Program, HCD 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.

B. Non-Elderly Disabled (NED) and Mainstream Vouchers

HCD will comply with HUD'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. HCD 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 HCD has reached it required NED or Mainstream allocation.

HCD will market to NED-eligible families to attract those least likely to apply.

C. Emergency Housing Vouchers (EHVs)

On May 5, 2021, HUD issued Notice PIH 2021-15 establishing the allocation of Emergency Housing Vouchers (EHVs). HCD will administer EHVs with its Continuum of Care (CoC) partner, the Miami-Dade County Homeless Trust, as the Special Vouchers are made available by HUD under Notice PIH 2021-15.

D. Foster Youth to Independence Initiative (FYI),

On September 3, 2021, HUD issued Notice PIH 2021-26 establishing the process by which HCD may apply for new incremental vouchers made available by the Consolidated Appropriations Act, 2021 for the Foster Youth Independence Initiative (FYI). The FYI initiative allows HCD, if it partners with a Public Child Welfare Agency (PCWA), to request targeted HCVs to serve eligible youth with a history of child welfare involvement that are homeless or at risk of being homeless. HCD partners with the Florida Department of Children and Families and their designated contractor, Citrus Family Care Network, to identify FYI-eligible youth and develop a system of prioritization based on the level of need of the youth and the appropriateness of intervention. Funding is available either competitively though an FYI NOFA or noncompetitively on a rolling basis in accordance with the application requirements outlined in Notice PIH 2021-26.

# 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 HCD. No applicant will be determined eligible for the HCV program without a completed application on record with the HCD. 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, HUD-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 HCD's policy on providing information about a family to prospective owners;

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

L. HUD 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 HCD, 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 HCD that one of its members is a person with disabilities, HCD will provide a current listing of available accessible units known to HCD, 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 HCD may terminate assistance because of family action or failure to act; and

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

S. HCD may include other items as determined necessary and will use available forms or HUD forms.

**4.2 Type of Assistance**

HCD 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 120 days from the date of issuance. Prior to the expiration date, the family may contact HCD to request assistance in locating suitable housing. The family must submit a completed Request For Tenancy Approval (RFTA) package within the 120-day period unless an extension (as described below in Section 4.4) has been granted by HCD.

Families porting into the HCD jurisdiction will be issued a voucher with a term not to exceed 60 days from the expiration date of the initial PHA issued voucher.

**4.4 Extensions of Term**

A family may request a 60-day extension to the initial 120-day term of an issued voucher for a total voucher term of 180 days. All requests for extensions should be received at least one week prior to the expiration date of the voucher and must be made in the manner HCD requires. HCD will not grant voucher term extensions to families porting into Miami Dade County.

The term of a voucher may be extended over 180 days as a reasonable accommodation for applicants or participants having difficulties locating suitable housing to meet their needs. In accordance with HCD'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.

For New Admissions and Renewals only:

HCD will provide voucher extensions beyond 120 days, at the request of the applicant after the applicant has demonstrated or certified reasonable search efforts to locate a new unit, the extension will be issued in 60-day increments. HCD will provide voucher extension beyond 120 days based on market conditions for the unit size that the family qualifies for. In all circumstances the request for a voucher extension must be submitted prior to the expiration date of the voucher including any extensions provided.

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. HCD 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 HCD 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 HCD's 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

HCD counts the number of family members for each household when determining the appropriate number of bedrooms under the HCD subsidy standards (family unit size). HCD does not make distinctions based on sex and age of family members, nor the relationship of persons in the family. HCD applies these criteria and standards to all families. The family unit size does not dictate the size of unit the family must lease, nor does it determine who within a household shall share a bedroom/sleeping room.

Minimum and Maximum-Number-of-Persons-Per Unit's Standard Bedroom (BR) and/or Living Sleeping (LS) Space Voucher BR /LS Size

| Number of Family Members | Bedroom |
|---|---|
| 1 - 2 | 1 |
| 3 – 4 | 2 |
| 5 - 6 | 3 |
| 7 - 8 | 4 |
| 9 - 10 | 5 |
| 11 - 12 | 6 |

A. 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 unit, except that the subsidy standards will be applied so that:

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

2. As 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 verified by a knowledgeable professional as medically necessary 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.

3. A live-in aide may be assigned up to one (1) bedroom to reside in the unit in accordance with the occupancy standards described herein. No additional bedrooms will be provided to accommodate the live-in aide's family members.

4. HCD will issue a one-bedroom voucher to a single person.

5. Effective July 1, 2025, HCD will count foster children and foster adults in the subsidy standard.

B. The family's continued need for an additional bedroom due to special medical equipment or live-in aide must be re-verified at annual re-examination.

C. HCD shall notify the family of its determination within 45 business days of receiving the family's written request. If a participant family's request is denied, the notice shall inform the family of the right to request an informal hearing.

D. Each year HCD will review the unit size assigned to each household. If the current unit size is determined to place the household in an over housed or underhoused condition, HCD may issue an appropriate voucher based on the Occupancy Standards.

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. HCD shall apply the payment standard for the smaller of:
   a) the bedroom size shown on the voucher, or
   b) 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 voucher size issued to a family is determined by comparing the family composition to HCD 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 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

After admission to the program and upon approval of HCD, 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 HCD 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 HCD 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 HCD under extenuating circumstances. Addition of family members shall be the sole discretion of HCD or HCD Contractor.

B. Screening of New Family Members

When an applicant or tenant requests approval to add a new family member, HCD will conduct a pre-certification screening of any proposed new adult member 18 years of age and older (excluding juvenile records) to determine whether HCD will allow the family member to be added to the family composition prior to HCD's approval of the new family member. HCD 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 is exempt from the pre-certification screening process, although the tenant needs prior approval from HCD to add children other than those born to, adopted by, or awarded by the court to the family.

HCD 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 HCD 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 HCD approval will be considered unauthorized occupants, and the entire household will be recommended for termination from the Housing Choice Voucher or Moderate Rehabilitation Programs. Further, if it becomes known to HCD that a sworn statement that was provided is false, or the applicant or tenant has misrepresented information, such misrepresentation would be grounds for termination and imposition of any other penalties as set forth in 24 CFR § 791.201.

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 in the format required by HCD 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. HCD 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).

    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:
    If HCD 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

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.

3. Notarization Waiver for Economic Hardship
   In instances where an adult family member cannot secure a notarized statement due to economic hardship, the notarization requirement may be waived. The individual must present valid, government-issued identification and execute the document in the physical presence of an HCD representative. Upon verifying the individual's identity, the HCD staff member will sign the document as an official witness.

**5.3 Foster Children and Foster Adults**

The participant family must obtain approval for the addition of a foster child and foster adult to the family before the new member occupies the unit. Effective July 1, 2025, foster children and foster adults will be considered part of the household (and therefore will be considered when determining appropriate unit size count and utility allowance). If applicable, process a change in voucher size to avoid an overcrowded situation.

**5.4 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.

**5.5 Live-In Aide**

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.

HCD 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 family member 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.

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

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

A relative may be considered as a live-in aide but must meet all the above criteria and be qualified to provide the care for the disabled 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).

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

An eligible live-in aide may, on case-by-case basis, be granted up to one (1) additional bedroom if approved as a reasonable accommodation. The live-in aide may have HCD-approved family member(s) live with them in the unit, as long as the Housing Quality Standards (HQS) are not violated and there are no more than two (2) persons 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.

**5.5.A. Requirements**

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 HUD

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
- Debts Owed to Public Housing Agencies and Terminations (Form HUD-5267)

Upon request, the live-in aide shall be granted an appropriate translator available to explain the form(s) in English, Spanish and/or Creole.

During the annual recertification, HCD may request the participant to sign additional forms to verify the following:

- The participant still requires the need for a live-in aide.
- The participant understands that the approved live-in aide does not have additional rights to the unit if the participant is no longer eligible for the voucher or evicted.
- The participant understands and has informed the live-in aide that if the participant is deceased, the live-in aide will not have rights to the voucher and will have 14 days to vacate the unit.
- The participant understands that the addition of a family member may result in the new family member's income count towards the family's annual income.

### 5.5.B. Verification

HCD will verify information of the live-in aide (and any family members) through EIV for debt owed to another housing authority or program, or whether a prior termination has been cleared.
The live-in aide individual (and any family members) may be denied for the following reasons:

- Commits/committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program.
- Unauthorized household members.
- The screening process shows a pattern of arrests within the last 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.
- 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. HCD 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 HCD or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

### 5.6 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 knowledgeable professional 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.

### 5.7 Family Absences from Unit

A family may not be absent from the unit for more than 60 consecutive days without prior written approval by HCD 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 HCD 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 HCD Accounting office and remittance must be made by check or money order and submitted to HCD 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.

**5.8 Family Break-up**

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

HCD 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, HCD 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. HCD, in its sole discretion, may recommend terminating the entire family.

**5.9 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 who are age 18 years or older will be held responsible for arrearages incurred by the former head, co-head, or spouse. HCD 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;
- HCD 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
- HCD 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

i. 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 HCD 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 HCD 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. HUD 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.

A. De Minimis Errors in Income Determinations

1. Effective July 1, 2025, HCD will not be considered out of compliance with the requirements in this paragraph solely due to de minimis errors in calculating family income. A de minimis error is an error where HCD determination of family income deviates from the correct income determination by no more than $30 per month in monthly adjusted income ($360 in annual adjusted income) per family.

2. Families will not be required to repay HCD in instances where HCD miscalculated income resulting in a family being undercharged for their rent, regardless of amount. Once HCD becomes aware of the error, the family will be provided with a 30-day notice of the increase to their rent portion.

3. HCD will take any corrective action necessary to credit or repay a family if the family was overcharged tenant rent, including a de minimis error, in the income calculation retroactive to the effective date of the action when the error was made, regardless of amount.

4. HCD will send a letter to the family and the landlord prior to the change in payments notifying them of the change and the duration of the change. If the participant has vacated the unit, the credit will be mailed (address of record) to the family.

## 7.2 Annual Income Inclusions

A. 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 not specifically excluded in section 7.3. It includes, but is not limited to:

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

2. 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.

3. 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.

4. 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. 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.

5. 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.

C. 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.

Periodic and determinable allowances, such as alimony and child support payments (see note), and regular contributions 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).

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 7.2 above will be updated with the same policy from Attachment E to this Administrative Plan.

**7.3 Exclusions from Annual Income**

Pursuant to Notice PIH 2024-38, HCD will begin to implement all the income exclusions in 24 CFR § 5.609(b), on all income examinations including at new admissions, annual, or interim reexaminations with an effective July 1, 2025.

(b) Annual income does not include the following:

(1) Any imputed return on an asset when net family assets total $50,000 or less (which amount HUD will adjust annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers) and no actual income from the net family assets can be determined.

(2) The following types of trust distributions:

(i) For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets under 24 CFR § 5.603(b):

(A) Distributions of the principal or corpus of the trust; and

(B) Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.

(ii) For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.

(3) Earned income from the employment of children (including foster children) under the age of 18 years.

(4) Payments received for the care of foster children or foster adults, or State or Tribal kinship or guardianship care payments.

(5) Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.

(6) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.

(7) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.

(8) Income of a live-in aide, foster child, or foster adult as defined in 24 CFR §§ 5.403 and 5.603, respectively.

(9)

i. Any assistance that section 479B of the Higher Education Act of 1965, as amended, requires to be excluded from a family's income including Bureau of Indian Affairs/ Education student assistance programs;

ii. Student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education (as defined under Section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

(A) Student financial assistance, for purposes of this paragraph (9)(ii), means a grant or scholarship received from

(1) The federal government;
(2) A state, tribal, or local government;
(3) A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
(4) A business entity (such as corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
(5) An institution of higher education.

(B) Student financial assistance, for purposes of this paragraph (9)(ii), does not include—

(1) Any assistance that is excluded pursuant to paragraph (b)(9)(i) of this section;
(2) Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded pursuant to paragraph (b)(9)(i) of this section);
(3) Gifts, including gifts from family or friends; or
(4) Any amount of the scholarship or grant that, either by itself or in combination with assistance excluded under this paragraph or paragraph (b)(9)(i), exceeds the actual covered costs of the student. The actual covered costs of the student are the actual costs of tuition, books and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, or other fees required and charged to a student by the education institution, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit. This calculation is described further in paragraph (b)(9)(ii)(E) of this section.

(C) Student financial assistance for purposes of this paragraph (b)(9)(ii) must be:

(1) Expressly for tuition, books, room and board, or other fees required and charged to a student by the education institution;
(2) Expressly to assist a student with the costs of higher education; or

(3) Expressly to assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the education institution and not residing in an assisted unit.

(D) Student financial assistance, for purposes of this paragraph (b)(9)(ii), may be paid directly to the student or to the educational institution on the student's behalf. Student financial assistance paid to the student must be verified by the responsible entity as student financial assistance consistent with this paragraph (b)(9)(ii).

(E) When the student is also receiving assistance excluded under paragraph (b)(9)(i) of this section, the amount of student financial assistance under this paragraph (b)(9)(ii) is determined as follows:

1. If the amount of assistance excluded under paragraph (b)(9)(i) of this section is equal to or exceeds the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section, none of the assistance described in this paragraph (b)(9)(ii) of this section is considered student financial assistance excluded from income under this paragraph (b)(9)(ii)(E).

(2) If the amount of assistance excluded under paragraph (b)(9)(i) of this section is less than the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section, the amount of assistance described in paragraph (b)(9)(ii) of this section that is considered student financial assistance excluded under this paragraph is the lower of:

(i) the total amount of student financial assistance received under this paragraph (b)(9)(ii) of this section, or
(ii) the amount by which the actual covered costs under paragraph (b)(9)(ii)(B)(4) of this section exceeds the assistance excluded under paragraph (b)(9)(i) of this section.

(10) Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, baby bond accounts created, authorized, or funded by Federal, State, or local government.

(11) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(12)

(i) 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);

(ii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of- pocket expenses incurred (e.g.,

special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program;

(iii) Amounts received under a resident service stipend not to exceed $200 per month. A resident service stipend is a modest amount received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development.

(iv) Incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, 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 unless those amounts are excluded under paragraph (b)(9)(i) of this section.

(13) Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.

(14) Earned income of dependent fulltime students in excess of the amount of the deduction for a dependent in 24 CFR § 5.611.

(15) Adoption assistance payments for a child in excess of the amount of the deduction for a dependent in 24 CFR § 5.611.

(16) Deferred periodic amounts from Supplemental Security Income and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.

(17) Payments related to aid and attendance under 38 U.S.C. 1521 to veterans in need of regular aid and attendance.

(18) 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.

(19) Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.

(20) Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).

(21) Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.

(22) Amounts that HUD is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in paragraph (b) of this section apply. HUD will publish a notice in the Federal Register to identify the benefits that qualify for this exclusion. Updates will be published when necessary.

(23) Replacement housing “gap” payments made in accordance with 49 CFR part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing “gap” payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing “gap” payments.

(24) Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. Nonrecurring income includes:

i. Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than 180 days and not culminating in permanent employment.

ii. Direct Federal or State payments intended for economic stimulus or recovery.

iii. Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received.

iv. Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received.

v. Gifts for holidays, birthdays, or other significant life events or milestones (e.g., wedding gifts, baby showers, anniversaries).

vi. Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization.

vii. Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.

(25) Civil rights settlements or judgments, including settlements or judgments for back pay.

(26) Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family.

(27) Income earned on amounts placed in a family's Family Self Sufficiency Account.

(28) Gross income a family member receives through self-employment or operation of a business; except that the following shall be considered income to a family member:

i. Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be 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 regulations; and

ii. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

### 7.4 Calculating Annual Income

A. Annual Reexamination

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 7.4(A) above will be updated with the same policy from Attachment E to this Administrative Plan.

B. Determination of Income Using Other Means Tested Public Assistance, i.e., "Safe Harbor"

1. HCD may determine the family's income during annual reexamination based on income calculation information from certain means-tested federal public assistance programs or agencies such as the Low-Income Housing Tax Credit (LIHTC) made within the previous 12-month period.

2. HCD will use third-party verification, which must include the family size and composition and state the family's annual income. The verification must be dated within the time frame specified for the type of verification, including within the previous 12-month period for purposes of the specified means-tested forms of federal public assistance. The family members listed in the third-party verification must match the family composition in the assisted unit. The annual income need not be broken down by family members nor income type.

3. Given that annual income includes income earned from assets, when using Safe Harbor to verify a family's income, HCD will not inquire as to a family's net family assets, nor the income earned from those assets except with respect to whether the family owns assets which exceed the asset limitation in 24 CFR § 5.618.

4. HCD will still require third-party verification of all deductions such as the health and medical care expense or childcare expense deductions. Further, if the family is eligible for and claims the disability assistance expense or childcare expense deductions, where applicable, the HCD will obtain third-party verification of the amount of employment income of the individual(s) enabled to work in order to cap the respective expenses as required.

5. If HCD cannot obtain the required third-party verification, or if the family disputes the determination, HCD will calculate the family's annual income using the methods established for the applicable reexamination (24 CFR § 5.609(c)(1) and (2)).

C. Streamlined Income Determination

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 7.4(C) above will be updated with the same policy from Attachment E to this Administrative Plan.

**7.5 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. Childcare
Any reasonable child-care expenses necessary to enable a member of the family to be employed, further their education, or look for work are deducted from income. Reasonable child-care expenses for the care of children including foster children under 13 years of age, when all the following statements are true:
- The care is necessary to enable a family member to be employed, further their education or look for work;
- The expense is not reimbursed by an agency, individual outside the household or another source, such as a stipend from the child welfare agency;
- The child-care expenses must be paid from the family's annual income; and
- The expenses incurred to enable a family member to work must not exceed the amount of employment income that is included in annual income for family member claiming expense.

D. Health and Medical Care Expenses Defined
(must exceed 3% of gross annual family income)

Health and medical care expense deductions are permitted only for families in which the head, spouse, or co-head is elderly or disabled. If a family is eligible for a health and medical care expense deduction, the medical expenses of all family members are counted. To be considered by HCD for the purpose of determining a deduction from income, the expenses claimed must be verifiable.

Although HUD revised the definition of health and medical care expenses to reflect the Internal Revenue Service (IRS) general definition of medical expenses, HUD is not permitting PHAs to specifically align their policies with IRS Publication 502C2 for determining which expenses are included in HUD's mandatory deduction for health and medical care expenses. IRS Publication 502, in some instances, may instruct that certain expenses are not to be considered medical expenses that would otherwise be allowed under HUD's definition of health and medical care expenses. Effective July 1, 2025, HCD must review each expense to determine whether it is eligible in accordance with HUD's definition of health and medical care expenses.

a) Medical expenses include unreimbursed expenses for:
• Any costs incurred in the diagnosis, cure, mitigation, treatment or prevention of disease; Payment for treatments affecting any structure of function of the body; and

• Medical insurance and long-term care premiums that are paid or are anticipated to be paid for the applicable period.

b) Medical Expense Deduction - A deduction of unreimbursed medical expenses, including insurance premiums, anticipated for the period for which annual income is computed. Medical expenses include but are not limited to:
   - Services of physicians and other health care professionals
   - Services of health care facilities
   - Health insurance premiums (including the cost of Medicare)
   - Prescription and non-prescription medicines
   - Transportation to and from treatment
   - Dental expenses
   - Eyeglasses
   - Hearing aids and batteries
   - Attendant care (unrelated to employment of family members)
   - Payments on accumulated medical bills
   - Effective June 1, 2004, and while in effect, for residents who have the Medicare Prescription Drug Discount Card, consider the market (pre-discount) price of eligible drugs, not the discounted price
   - Enrollment fee (up to $30) of the Medicare Prescription Drug Discount Card program, if not paid by Medicare. (Notice PIH 2004-11)

E. Disability assistance (must exceed 3% of gross annual family income)
A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) able to work.

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 7.5 (A-E), above will be updated with the same policy from Attachment E to this Administrative Plan.

F. Student Aid and Financial Assistance
Pursuant to Notice PIH 2024-38, HCD will begin to implement the student aid and financial assistance provisions on all income examinations including at new admissions, annual, or interim reexaminations with an effective July 1, 2025.

The treatment of the two categories of student aid and financial assistance (financial assistance) depends on the student/household characteristics, and the type of financial assistance received by the students. The two types of financial assistance rules apply to both full and part-time students.

1. Category 1: Section 479B of the Higher Education Act of 1965 (HEA), as amended. This category requires to be excluded from a family's income. The types of financial assistance listed below are considered 479B student financial assistance programs; however, this list is not exhaustive and subject to change.
   - Federal Pell Grants;
   - Teach Grants;
   - Federal Work-Study Programs;
   - Federal Perkins Loans;

- Student financial assistance received under the Bureau of Indian Education;
- Income earned in employment and training programs under section 134 of the Workforce Innovation and Opportunity Act (WIOA). This includes workforce investment activities for adults and workers dislocated as a result of permanent closure or mass layoff at a plant, facility, or enterprise, or a natural or other disaster that results in mass job dislocation, in order to assist such adults or workers in obtaining reemployment as soon as possible.

2. Category 2: Other Student Financial Assistance
   This category of excluded student financial assistance recognizes that student aid can take a variety of forms and come from a variety of sources. It seeks to cover student financial assistance, for both full and part-time students, that is not included under HEA.

   - The Federal government;
   - A state (including U.S. territories), Tribe, or local government;
   - A private foundation registered as a nonprofit under 26 U.S.C. 501(c)(3);
   - A business entity (such as a corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, or nonprofit entity); or
   - An institution of higher education.

3. Other student financial assistance does not include:
   - Financial support provided to the student in the form of a fee for services performed (e.g., a work study or teaching fellowship that is not excluded under HEA); or
   - Gifts, including gifts from family or friends.

**Note:** Other student financial assistance may be paid directly to the student or to the educational institution on the student's behalf. HCD must verify that the other student financial assistance is for the student's actual covered costs. Amounts in excess of covered costs are considered income.

4. Covered Costs

Actual covered costs include tuition, books, supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and fees required and charged to a student by an institution of higher education. For a student who is not the head of household, cohead, or spouse, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

5. Students/Household Characteristics

a) Under the HEA, the financial assistance provided for covered costs paid to student living with their parents may be excluded from income calculations. Other student financial assistance received by the student that, either by itself or in combination with HEA assistance, exceeds the actual covered costs is considered income.

b) Based on Section 210(b) of the Consolidated Appropriations Act, 2023 the following applies to Section 8 Students (refer to Chart 1):

(1) Exclude financial assistance provided for covered costs to students who are the head of household, spouse, or co-head and are over the age of 23 with dependent children may be excluded from income calculations. Other student financial assistance received by the student that, either by itself or in combination with HEA assistance, exceeds the actual covered costs is considered income.

(2) Based on HUD's appropriation acts, Section 8 students who are head of household, spouse, or cohead and aged 23 and under or without dependent children and receive an amount in excess of covered costs shall be considered income.

**Note**: HUD will notify public housing authorities if this requirement is removed from the appropriations act. However, for over 10 years HUD's appropriation act has included this provision.

## Chart 1

<table>
<tr><td colspan="2">Is the head of household, co-heads, or spouses?</td></tr>
<tr><td colspan="2"></td></tr>
<tr><td colspan="2">Over the age of 23?</td></tr>
<tr><td>Yes, go to the next questions.</td><td>No, excess financial aid is counted as income.</td></tr>
<tr><td colspan="2"></td></tr>
<tr><td colspan="2">Have dependent children?</td></tr>
<tr><td>Yes, HEA is fully excluded.<br><br>Other student financial assistance received by the student that, either by itself or in combination with HEA assistance, exceeds the actual covered costs is considered income.</td><td>No, excess financial aid is counted as income.</td></tr>
</table>

**Note**: Chart 1 is based on the appropriations act for purposes of determining eligibility of person under Section 8 to receive financial assistance under HEA.

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

Prior to initial certification, applicants shall be informed that HCD will subsequently verify the family's income information they have provided HCD through HUD'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.

HCD will follow the verification hierarchy described in PIH Notice 2018-18. Additionally, include partial implementation of the HOTMA updates per PIH Notice 2023-27, Section J5, specifically,

the new option under Level 4 documentation (Written, Third-Party Verification) of the verification hierarchy to include acceptance of the following:

- HCD may accept an original or authentic document generated by a third-party source dated within 120 days of the date received by the HCD to verify income.
- HCD may also accept a statement dated within the appropriate benefit year for fixed income sources

| Level | Verification Technique | Ranking |
|---|---|---|
| 6 | **Upfront Income Verification (UIV**), EIV system is available to all PHAs as a UIV technique | Highest (Mandatory) – (not available for applicants) |
| 5 | **Upfront Income Verification (UIV)** using non-HUD system (e.g., The Work Number, etc.) | Highest (Optional) |
| 4 | **Written, third-party verification** | High (Mandatory to supplement EIV reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute.)<br>• May accept an original or authentic document generated by a third-party source dated within 120 days of the date received by the HCD.<br>• HCD may accept a statement dated within the appropriate benefit year for fixed income sources. |
| 3 | **Written Third-Party Verification Form** | Medium-Low (Mandatory if written third-party verification documents are not available or rejected by the PHA; and when the applicant or tenant is unable to provide acceptable documentation) |
| 2 | **Oral Third-Party Verification** | Low (Mandatory if written-third party verification is not available) Low (Mandatory if written third- party verification is not available) |
| 1 | **Self-Certification (not third-party verification)** | Low (Use as a last resort when unable to obtain any type of third-party verification) |

**Level 6:** (Highest Ranking) Upfront Income Verification (UIV) and the Income Validation Tool (IVT) using HUD's EIV System which is mandatory for residents but not available for applicants.

**Level 5:** Upfront (Optional) Income Verification (UIV) using non-HUD system such as the Work Number.

**Level 4:** Written Third-Party Verification (High) (Mandatory to supplement EIV reported income sources and when EIV has no data; Mandatory for non-EIV reported income sources; Mandatory when tenant disputes EIV-reported employment and income information and is unable to provide acceptable documentation to support dispute. Written third-party verification

documents shall be original and authentic and may be supplied by the family or received from a third-party source. Third-party documents provided by the family shall be dated within 120 calendar days of HCD request date and may accept a statement dated within the appropriate benefit year for fixed income sources.

If HCD determines that third-party documents provided by the family are not acceptable, HCD will explain the reason to the family and request additional documentation. Examples of acceptable tenant-provided documents include, but are not limited to pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

**Level 3:** Written Third-Party Verification Form: (Medium–Low) Mandatory if written third-party verification documents are not available or rejected by HCD; and when the applicant or participant is unable to provide acceptable documentation.

When upfront verification is not available, rejected by HCD, or the family is unable to provide written third-party documents, or HCD shall request a written third-party verification form. HCD will send third-party verification forms directly to the third-party by regular mail, email, fax, or e- mail third-party written verification form requests to third-party sources. 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.

**Level 2:** Oral Third-Party Verification: (Low) Mandatory if written third-party verification is not available. 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 HCD'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.

**Level 1:** (Low) Use as a last resort when unable to obtain any type of third-party verification. Level 1 tenant certifications will only be used as a last resort when all other verifications are not possible. When HCD relies on applicant/tenant certification (notarized statement or affidavit), the file must be documented as to the reason the oral third-party verification was not available.

| Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 7.5. above will be updated with the same policy from Attachment E to this Administrative Plan. |
|---|

A. EIV: Substantial Different from Tenant Provided Information

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 HCD. 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, HCD will use tenant-provided documents to calculate anticipated income.

- If EIV income data is more than current tenant-provided documentation, HCD will use EIV income data to calculate anticipated annual income unless the tenant provides HCD 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, HCD will use tenant-provided documents to calculate anticipated annual income.

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

- Request written third party verification from the discrepant income source. For EIV Social Security Administration (SSA) benefit discrepancies, HCD 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 HCD 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), HCD 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, HCD shall recommend termination and may refer the case to the HUD Office of the Inspector General. HCD, 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, HCD will make the determination whether to recommend terminating assistance and forwarding the case to the HUD Office of Inspector General via HCD.

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, HCD may recommend terminating housing assistance and shall forward cases to the HUD Office of Inspector General for fraud prosecution, where authorized by HCD.

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 HUD requires HCD 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 HCD staff. HCD 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).

### 7.7 HUD Form 9886 (Consent Form to Access EIV)

The EIV information cannot be accessed unless a current (unexpired) Authorization to Release Information (HUD Form 9886) is on file. HUD Form 9886 also authorizes disclosure of information for routine uses such as to Federal, State, and local agencies for law enforcement purposes, employment suitability, and for the purpose of determining housing assistance. The current HUD Form-9886 only needs to be signed once by each adult family member. Thereafter, the HUD Form-9886, will need to be signed and submitted when:

- Anyone 18 years or older becomes a member of the family,
- When a member of the family turns 18 years old, or
- As required by HUD or by HCD administrative instructions.

Families have the right to revoke the HUD Form 9886 (consent form) to HCD; however, revoking this consent form and refusing to sign a new consent form (HUD form 9886) can result in termination or denial of assistance in accordance with Chapter 27(A)(2) of this Section 8 Administrative Plan.

### 7.8 Income Validation Tool (IVT)

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 7.8 will be updated with the same policy from Attachment E to this Administrative Plan.

### 7.9 Documents

In support of the applicant/tenant's declaration of income, HCD 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;
- Assets and Asset Income:
- Pension benefit statements;
- TANF award letter;
- other official and authentic documents from a Federal, State or local agency.

### 7.10 Assets

A. 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. HCD 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 HCD is able to verify the asset through review of unaltered documents (bank statement) provided by the applicant or resident.

B. Income from Assets: Based on the total net value of family assets. When the total value of assets is $5,000 or less, HCD 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:

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

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 7.10 above will be updated with the same policy from Attachment E to this Administrative Plan.

### 7.11 Verification Documents

A. Federal Income Tax Return

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.

B. Landlord Verification

HCD 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. HCD 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 HCD 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.

C. Misrepresentation of Information

A family'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.

Child Support

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.

D. Self-Employment Income

1. Self-employment includes independent contractors and day laborers.
   a) An independent contractor is an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code

Federal income tax requirements and whose earnings are consequently subject to Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

- Examples of independent contract work include but are not limited to:
  - 3rd party delivery and transportation service providers
  - Rideshare drivers e.g., Uber, Lyft
  - House cleaners, babysitting, childcare providers

b) A day laborer is defined as an individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future. The income earned as a day laborer must be included, unless the income will not be repeated beyond the coming year (i.e., the 12 months following the effective date of the re-examination), based on information provided by the family.

(1) Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be 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; and

(2) Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

E. Seasonal Employment

A seasonal worker is an individual who is hired into a short-term position and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for a specific employer or industry.

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

1. 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.

2. 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.

F. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under § 5.609(b)(24), even if the source, date, or amount of the income varies.

# Chapter 8. Payment Standard and Housing Assistance Payments

## 8.1 Payment Standard

HCD has been designated by HUD as a Small Area Fair Market Rent (SAFMR) public housing agency (PHA). In accordance with 24 CFR § 982.503, HCD has established the SAFMR-based payment standards effective January 1, 2025. SAFMRs are Fair Market Rents (FMRs) calculated at the ZIP code level rather than for the entire metropolitan area. SAFMRs are intended to provide families with access to low-poverty, high-opportunity areas by providing rental assistance at a level that makes the higher rents in such areas affordable for those families. SAFMRs will apply to the Housing Choice Voucher program and are not applicable to the Project Based Voucher program.

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 Small Area Fair Market Rent (SAFMR) published by the HUD and is established by bedroom size. The payment standard is the maximum monthly subsidy payment HCD will make for a family based on the unit size that HCD determines as appropriate for the family. HCD 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. HCD shall review its payment standard annually after the SAFMR 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, HCD may adjust, upon a waiver from HUD, the payment standards when HUD publishes the SAFMR. HCD 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

HCD may request an exception payment standard amount from HUD 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.

HCD shall apply to HUD 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

HCD shall use the applicable payment standard schedule for the SAFMR area or the HUD-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 HCD as appropriate for the family composition or the payment standard for the unit actually rented by the family.

For existing HAP contracts, when HCD's payment standard increases, HCD must use the increased payment standard amount to calculate the monthly housing assistance payment for each program participant beginning no later than the earliest of:

- **Change in Gross Rent/Family Share:** The effective date of an increase in the gross rent that would result in an increase in the family share;
- **Interim or annual reexamination:** The family's first regular or interim reexamination; 64 or
- **One year after effective date:** One year following the effective date of the increase in the payment standard amount.

The payment standard for a family shall not drop below the payment standard in effect at the time of move-in unless there is a change in family voucher size.

### 8.4. A Decrease in the Payment Standard Amount During the HAP Contract Term

1. When the payment standard amount applicable to a family decrease during the term of the HAP contract, HCD may implement one of the three following decrease payment standards in accordance with this Section, 24 CFR § 982.505(c)(3), and Notice PIH 2024-34. HCD will apply the selected payment standard consistently to all families.

    a) HCD may choose not to reduce the payment standard amount used to calculate the subsidy for a family if the family continues to reside in the unit for which the family is receiving assistance.

    b) HCD may gradually reduce the payment standard amount used to calculate the family's subsidy, phasing in the reduction. The initial reduction in payment standard cannot take place earlier than two years following the effective date of the decrease in the payment standard.

    c) HCD may choose to reduce the payment standard amount used to calculate such a family's subsidy no earlier than two years following the effective date of the decrease in the payment standard

2. Written notice.

Written will be provided in accordance with 24 CFR § 982.505(c)(3)(iii).

### 8.4 Reasonable Accommodation

As a reasonable accommodation for a family that includes a person with a disability, HCD may establish a higher payment standard for that family up to 110% of the published FMR. With approval of the HUD 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 HCD'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. HCD will conduct outreach efforts to encourage owners with accessible units to participate in the Housing Choice Voucher program (See Attachment C for HCD'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. HCD 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.

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 HCD'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. HCD 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 HCD 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, HCD 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, HCD 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.

HCD 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 utility distribution. HCD may request the owner to provide information on units in the general area for comparability.

### 9.3 Documentation and Record Keeping

HCD 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 HCD and indexed to ensure easy reference. A copy of the approved survey shall also be maintained in the tenant file. HCD shall also retain and maintain completed and approved rent increase requests and RFTAs.

# Chapter 10. Housing Quality Standards and Inspections

HCD 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.

Emergency HQS Violations
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.

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 HCD.

If the unit fails inspection, the family and owner will be advised of the repairs needed to pass inspection and given up-to 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. Owners will not be assessed a reinspection fee.

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**.**

## 10.1 Biennial Inspections

Each unit under contract will be inspected at least biennially or any other time and as often as deemed necessary by HCD to determine compliance with HCD or inspection standards. Written notice of the biennial inspection date will be mailed to the tenant, with a copy to the owner. It is the tenant's responsibility to ensure HCD 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.

HCD 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 HCD. 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 HCD 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 correct HQS deficiencies by the time specified by HCD, HUD requires HCD to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension) [24 CFR § 985.3(f)]. No retroactive payments will be made to the owner for the period of time the rent was abated.

HCD will make all HAP abatements effective the first of the month following the expiration of HCD's specified correction period (including any extension). HCD will inspect abated units within five (5) business days of the owner's notification that the work has been completed. Payment will resume effective on the day the unit passes inspection. During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

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.

HCD 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 HCD-required time frame. The tenant will be contacted to begin the Change of Dwelling (COD) process. If a tenant of HCD's Housing Choice Voucher Program or Project Based Voucher that has lost their assisted housing because the private owner failed the Housing Quality Standards (HQS) inspection and the

family has been unable to lease a new unit within the period provided by HCD, the tenant will be provided a selection preference for an appropriate public housing unit that first becomes available for occupancy after the family exhausts the search time period without executing a lease and HAP Contract and the voucher has expired. No abated HAP will be applied towards relocation costs.

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 HCD. 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, HCD 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. HCD 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 HUD regulations.

**10.2 Complaint Inspections**

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

**10.3 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 HCD, 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.

## 10.4 Ongoing Maintenance required for Compliance with 24 CFR part 35, Lead-based Paint

The owner and HCD 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.

## 10.5 Extensions of Time to Cure Inspection Violations

Reasonable extensions to the time limitations for compliance established in this section may be granted by HCD 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, HCD may request evidence of insurance claims, estimates for repair or other related documents.

# Chapter 11. Utilities

## 11.1 Utility Allowance Schedule

HCD 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. HCD may establish a county-wide schedule or may establish schedules specific to cities or unincorporated areas that have different utility providers. However, some utility companies provide service in zip codes or cities that have multiple utility providers. As such, it is HCD's policy that schedules will be based on the operating utility provider in that specific City.

HCD maintains utility allowance schedules that apply to the Housing Choice Voucher, Shelter Plus Care, Moderate Rehabilitation and Moderate Rehabilitation Single Room Occupancy units.

Effective July 1, 2025, , foster children and foster adults are household members and will be considered when determining utility allowance.

## 11.2 Utility Reimbursements

Where the utility allowance exceeds the total tenant payment of the family, HCD 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 HCD or any other housing authority, HCD may use any utility reimbursement amount owed to the family as payment.

HCD, 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, HCD 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 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 HCD 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;

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

B. 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 HCD'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 HCD-approved form which can be either mailed to the Owner or (via U.S. mail or electronic mail) can be found on HCD 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, HCD 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 HCD and HCD may be required to pay late fees for any months the payment is past due. Owners must submit any late payment claims on a HCD-approved Claim Form within 30 days after

receipt of the late housing assistance payment from HCD. 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, HCD 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, they must submit a completed Request for Tenancy Approval package to HCD containing the following:

A. *Request for Tenancy Approval Form HUD-52517*, signed by either the tenant or the owner.

B. 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;

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

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

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

In circumstances where clarification of ownership is required, HCD 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, HCD 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. HCD, may provide the option to attend this orientation or view an orientation video at a designated site including, but not limited to HCD's 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

HCD 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, HCD 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.

HCD 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 HUD federal regulations.

### 13.3 Lease Requirements

A. Form of lease
If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form (plus the HUD-prescribed tenancy addendum).

B. The names of the owner and the tenant
At minimum, the name of the head of household must be the leaseholder/lessee.

C. The unit rented
The full address of the unit is required to be in the lease.

D. The term of the lease
Lease end date: The lease should not end sooner than the last day of the preceding month in the following year. HCD may approve shorter initial lease term if it determines that the shorter term would improve housing opportunities for the tenant.

Renewal Provisions: HCD shall require that the lease contain a renewal provision.

E. The amount of monthly rent to owner
The contract rent amount approved by HCD must be reflected in the lease.

F. Utilities and appliances
The HAP contract and tenancy addendum will prevail if the lease is silent regarding which appliances to be supplied by the family.

G. Lease execution
The lease must be executed by the tenant and the owner or agent for the owner. HCD reserves the right to request and review documentation that an agent for owner has property authorization from an owner to execute a lease agreement on their behalf.

H. Review for compliance with state laws
HCD reserves the right to the lease to determine if the lease complies with state and local law. HCD may decline to approve the tenancy if the PHA determines that the lease does not comply with state or local law.

### 13.4 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.

**13.5 Use of Unit Address**

Tenants must use their unit address as their mailing address for all official HCD 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 HCD in accordance with federal regulations. If the HAP contract or lease is terminated, including any renewal period, 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 HCD.
B. If the owner terminates the lease, the HAP payment will terminate when the tenant vacates the unit. HCD 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 HCD prior to commencement of any eviction action. Such notice may not be simultaneous to eviction process.
D. If HCD 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 HCD

If a contract is terminated after payment has been made or a stop payment is not possible, HCD 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, they will be responsible for making repayment to HCD 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, HCD, 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 HCD, in accordance with fair credit practices, local laws and ordinances.

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

B. County Obligations

HCD 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

HCD may reduce or terminate the HAP contract if it is determined, in accordance with HUD 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, HCD 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.

HCD 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, Project-Based 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 HCD so that tenant rent for the coming year may be established.

HCD will notify the 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 HCD. HCD 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 HCD deems necessary.

B. Number of Appointments and Missed Appointments

A family will be provided with two opportunities to comply with requirements to submit documentation requested by the HCD within timeframe specified. If the family fails to submit requested documents upon the first request, the HCD will notify the family electronically as well as through USPS to the address of the assisted unit that failure to complete the re-certification will be grounds for termination from participation in the Housing Choice Voucher program.

Exceptions may be granted by HCD on a case-by-case basis with consideration of the reason or circumstances for not meeting the re-certification requirements. HCD 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 an interim or annual 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, HCD 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. Timely Compliance

HCD must conduct any annual interim reexamination within a reasonable time after the family request or when the HCD becomes aware of a change. Reasonable processing time may vary based on the amount of time it takes to verify information, but generally no more than 30 days after the family reports changes in income to the HCD.

E. Family Composition Changes

The family must inform and provide verification to HCD 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 HCD prior to the family member being added to the family composition as further described under Section 5.2 - Changes in Family Composition.

F. Acceptable Verification of Income

HCD will utilize the same procedures as used at admission for obtaining and verifying income. HCD will utilize the verification guidelines under PIH Notice 2018-18, PIH Notice 2018-24 Verification of Social Security and Supplemental Security Income Benefits, and subsequent guidelines or regulations that may be issued by HUD.

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.

G. Zero Income

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, healthcare, childcare, debts, household items, etc., and what the source of income is for these expenses.

- Zero income families are required to report any increase in any type of income, including cash and non-cash contributions, between regular recertifications.
- HCD will run Income Verification Tool on a regular basis to identify unreported income and appropriate action will be taken for unreported income.

H. Student Eligibility

A full or part-time household student must meet federal regulation eligibility requirements (Chapter VII).

**15.2 Interim Re-certifications**

A. 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 HCD within ten (10) days of occurrence.

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 15.2(A) will be updated with the same policy from Attachment E to this Administrative Plan.

B. Interim Rent Increases

Families are required to report to HCD all the increases in income that occurred between regularly scheduled annual re-examinations within ten (10) days of occurrence. HCD must conduct a full interim reexamination if the family's income has increased.

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 15.2(B) will be updated with the same policy from Attachment E to this Administrative Plan.

C. Interim Rent Decreases

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 month following the month in which the change is reported. Proper verification is needed.

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 HCD not to reduce the tenant portion of the rent.

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 15.2(C) will be updated with the same policy from Attachment E to this Administrative Plan.

D. Non-Interim Reexaminations

Note: Upon implementation of the HOTMA Final Rule Sections 102 and 104, Section 15.2(D) will be updated with the same policy from Attachment E to this Administrative Plan.

# Chapter 16. Family Moves

## 16.1 Tenant Notice

With proper notice, a participant family may move to another unit either within or beyond HCD'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 HCD and for victims of domestic violence, economic abuse, technological abuse, sexual assault, dating violence, and stalking, as described under Section 2.14 of this Administrative Plan. The notice to move must be in accordance with the lease and addressed to the owner with a copy to HCD or its authorized contractor.

A family may move under the Housing Choice Voucher program with a change of dwelling approved by HCD, as long as, the family has not been terminated from the program. HCD 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 HCD 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 HCD 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. HCD 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, HCD shall temporarily exempt the family from payment and will review the tenant's circumstances at the next scheduled recertification.

## 17.2 Contract Rent Increases

An owner cannot increase the contract rent during the initial term of the HAP contract. After the initial term, an owner may request an adjustment to the contract rent with at least 60 days' notice to the tenant and submitting evidence of proper notice to HCD. Requests by the owner shall be in writing to HCD. 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 be increased the first of the month following 60 days after the request is received. Additionally, HCD 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.

## 17.3 Change in responsibility for Utilities

Owners may not change utility responsibilities during the term of the HAP contract or unless submitting a Request for Tenancy Approval during the lease renewal period and with the written notice of a contract rent increase

# Chapter 18. Portability

## 18.1 Moving out of HCD's Jurisdiction

A newly certified family may move to a unit outside of HCD'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. HCD 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 HCD's jurisdiction

B. The family does not have any right to portability

C. HCD may choose to allow the family to port outside HCD's jurisdiction

D. Both HCD and the receiving housing authority must agree to allow the family to lease a unit outside of HCD's jurisdiction

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

## 18.2 Absorption of Incoming Portables

A. Absorption is the point at which a receiving housing authority starts making assistance payments with funding under its consolidated ACC. HCD may absorb a voucher based on the following criteria:

   1. Availability of assistance and funding.
   2. Number of incoming Portables from a specific jurisdiction.
   3. Possibility of swapping vouchers within a given jurisdiction.
   4. Dependent upon whether sufficient funding allows for absorption.

B. Eligibility Screening Criteria:
   1. HCD may make the determination to deny or terminate assistance to a portable family in accordance with Section 2.4(E), Denial of Assistance, and Chapter 27, Termination of Assistance.

   2. HCD 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).

# 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. HCD's 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 HCD 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, HCD 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 HCD'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, HCD 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. Childcare
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 HCD 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

HCD actively recruits landlords of suitable rental units for their participation in the Housing Choice Voucher Program. Likewise, HCD 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

HCD 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;

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

A. 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;

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

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

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

E. Direct personal contact with owners

HCD 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.

## 20.3 Information Assistance for Voucher Families

HCD 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, HCD 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.

HCD 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 HCD's website.

Requests to view a file must be made in writing or by submitting a Public Information Request to HCD 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, HCD shall provide the requestor with the date or date/time the file will be available for viewing. HCD 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, HCD 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, economic abuse, technological abuse, dating violence, sexual assault, or stalking, 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 HCD 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 HCD'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, HCD 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**

HCD 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. HCD 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, HCD 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 HCD by submitting a letter describing the specific problems to:

Director, 701 NW 1st Court, 16th Floor
Miami, Florida 33136-3914

HCD 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 HCD fraud hotline number. All calls are confidential, and callers remain anonymous at all times.

Additional information on HCD's Fraud Program can be found on HCD'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 HCD. Persons wishing to report welfare fraud may do so by calling or writing:

| | |
|---|---|
| Address: | Florida Department of Children and Families ACCESS Central Mail Center Fraud Report PO Box 1770 Ocala, FL 34478-1771 |
| Fax: | 850-487-0800 |
| Telephone: | Customer Call Center: 1-850-300-4323 Florida Relay 711 or TTY 1-800-955-8771 |
| Online: | https://www.myflfamilies.com/ |

## Chapter 22. Transfer of Ownership

Section 14 of the existing HAP contract requires the owner to obtain the prior written consent of HCD 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, HCD, 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, HCD 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.

**Change of ownership**
Change of ownership requests that are missing required documents cannot be processed. Owners will be notified when required documents are missing. Change of ownership requests will be cancelled and the existing HAP contract terminated if missing documents are not submitted within 30 days. If the HAP contract is terminated, the family will be issued a voucher. A new Request for Tenancy Approval may be required if the family wants to remain in the unit with the new owner.

**Change of payee**
Change of payee requests that are missing required documents cannot be processed. Owners requesting a change of payee will be notified when required documents are missing. Change of payee requests will be cancelled if missing documents are not submitted within 30 days. If cancelled, HCD will make payments to the owner of the property.

**Direct Deposit:**
To request payment via direct deposit a complete direct deposit package must be submitted that meets all requirements in order to be set up for Direct deposit. Incomplete packages cannot be processed. After 60 days incomplete, Direct deposit requests will be cancelled and shredded with payments resuming to the owner with paper checks.

If a direct deposit payment is returned, payees will be notified and must submit a complete direct deposit package with new banking information within 30 days of notification. If the owner fails to submit a complete direct deposit request within 30 days, then HCD will resume issuing payments via paper checks.

**Change of address**:
Change of address requests by owners must be submitted to modify the address of record. Payments by check and all 1099 documents will be sent to the address of record. Change of address forms may be submitted online. Owners requesting a change of address will be notified when the change is processed. If an owner provides a different address on another form that is not an official change of address, the address of record will not be updated. Payments by check and 1099s will continue to be sent to the address of record until a change of address request is submitted.

## Chapter 23. Owner's Foreclosure

The Protecting Tenants in Foreclosure Act applies to tenants and landlords participating in the Section 8 program. 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 HCD. Preliminary notice of foreclosure action does not necessitate that the family move. HCD may contact the owner or the foreclosing party (mortgage holder) for information. Failure of HCD 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. HCD 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:

A. Will occupy the unit as a primary resident; and

B. 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 HCD.

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

## 24.1 Disapproval of Owners: Conditions

HCD 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 HUD;
B. When directed by HUD 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 HCD 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 HCD staff or program participants.
O. When an owner has a history of taking so long to respond during the Request for Tenancy Approval process that they caused a family to lose the voucher.

Nothing in this Administrative Plan is intended to give or confer any rights upon any owner any right to participate in HCD'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. HCD complies with 24 CFR § 982.161 which states that any employee of HCD, contractor, subcontractor or agent shall not enter into a contract or other arrangement in connection with tenant-based programs.

B. Any HCD 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

HCD's policies for the tenant-based voucher program contained in this Plan also apply to the PBV program and its participants. The provisions of the tenant-based voucher program that do not apply to the PBV program are described at 24 CFR § 983.2.

A. Program Cap

HCD 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. HCD is permitted to project-base an additional 10% of its authorized voucher units, going beyond the standard program cap [24 CFR § 983.6(d)]. To qualify for this increase, the units must fall into one of two main categories, primarily defined by the contract date and the population they are designated to serve [24 CFR § 983.6(d)(1) and (2)].

Additionally, some units are completely exempt from the program cap. This applies to units that were previously under federal rent restrictions or received long-term HUD rental assistance. Consequently, these exempt units are subtracted from the PHA's total authorized vouchers *before* the 10% increased cap is calculated.

HCD will project-base the vouchers for newly constructed, rehabilitated or existing housing units. HCD will enter into a Housing Assistance Payments (HAP) contract with qualified owners to provide project-based voucher assistance in compliance with HCD's HCD 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 HUD'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 HCD'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

1. At its discretion, HCD 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.
2. Notwithstanding excepted projects or excepted units as defined in 24 CFR § 983.54, HCD may not select a proposal to provide PBV assistance or enter into an AHAP or HAP contract if the number of assisted units in a project is more than the

greater of 25% of the number of dwelling units in the project or 25 units. If the project is located in an area where vouchers are difficult to use, as defined in 24 CFR § 983.3, this cap increases to the greater of 40% of the number of dwelling units in the project or 25 units. However, single-family properties and units exclusively designated for elderly families, disabled families, eligible youth, or families receiving supportive services are exempt from the 25% or 40% limit.

3. Units that are excluded under 24 CFR § 983.59 are also exempt from the 25% or 40% limit. These units must, in the five years prior to the request for proposals or project selection date in the case of selection without RFP, have received certain form(s) of HUD assistance (such as public housing capital or operating funds, among others at 24 CFR § 983.59) or have been subject to certain federally required rent restrictions (such as the Low-Income Housing Tax Credit program, among others at 24 CFR § 983.59). In addition, newly constructed units that are identified as replacement housing for units that previously received certain form(s) of HUD assistance or were subject to certain federally required rent restrictions may be excluded units if the majority are located on the existing site of the units being replaced, with the balance located adjacent to or across a right-of-way from the existing site, and one of the following is true:

    a) Former residents of the original project must be provided with a selection preference that provides the residents with the right of first occupancy at the PBV newly constructed project when it is ready for occupancy; or
    b) Prior to the demolition of the original project, the PBV newly constructed project must have been identified as replacement housing for that original project as part of a documented plan for the redevelopment of the site.

D. Owner Proposal Selection Procedure
    1. HCD will select PBV proposals by either of the following methods.

        a) HCD request for PBV Proposals. HCD may solicit applications on a competitive basis through a Request for Proposal (RFP). HCD may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites.

        b) Selection based on previous competition. HCD may select, without competition, a proposal for housing assisted under a federal, State, or local government housing assistance, community development, or supportive services program that required competitive selection of proposals (e.g., HOME, and units for which competitively awarded low-income housing tax credits (LIHTCs) have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within 3 years of the PBV proposal selection date, and the earlier competitively selected housing assistance proposal did not involve any consideration that the project would receive PBV assistance.

        c) HCD may select one or more projects without competition to improve, develop, or replace a public housing property where the County has an ownership interest or over which the County has control without following a competitive process.

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 HCD 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. HCD 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.

E. Location of Project-based Vouchers

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

HCD 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 HCD.

F. Administrative Approach

HCD 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. HCD staff will also perform work write-ups, cost estimates, and feasibility analyses.

HCD reserves the right to solicit proposals from private concerns (independent third parties) 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.

G. Subsidy Layering Review

The subsidy layering review is intended to prevent excessive public assistance by combining (layering) housing assistance payment subsidy under the PBV program with other governmental housing assistance from federal, state or local agencies, including assistance such as tax concessions or tax credits.

By executing the Housing Assistance Payment (HAP) contract, the owner certifies that the property has not received and will not receive (before or during the term of the HAP contract)

any public assistance for acquisition, development or operation of the housing other than assistance disclosed in the subsidy layering review (SLR)

26 Environmental Review

HCD activities under the PBV program are subject to HUD environmental regulations in 24 CFR part 50 and 24 CFR part 58 and the National Environmental Policy Act of 1969 (et seq.). The CHA will not enter into an AHAP or HAP contract until it has complied with the environmental review requirements.

## 26.1 Administration of Project-based Program

A. Solicitation of PBV Proposals

HCD 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 HCD estimates that it will be able to assist under the funding that HCD is making available for this purpose and that only applications submitted in response to the advertisement will be considered. The advertisement will also state HCD's selection policies.

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

An application packet will be prepared for distribution to interested parties and will also be made available at HCD 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 HCD will use in the selection of eligible proposals.

At HCD'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 HCD 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 regarding displacement of residential tenants from units to be assisted under the project-based voucher program. The certification will confirm either that there will be no displacement or if displacement is anticipated, the owner must submit a relocation plan in accordance with Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) as part of their proposal.
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 HUD 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 HCD staff for properties included in proposals accepted for consideration of rating and ranking. HCD 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 HCD discover because 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 HCD 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 HCD 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 HCD 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 HUD regulations.

E. Notification to Owners

Proposals that have been received in response to HCD'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 HCD'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.

## 26.2 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 HUD Housing Quality Standards.

Prior to the AHAP execution for new construction units, the HUD shall review owner proposals, which are submitted by HCD, 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. HCD'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. HCD's construction unit will coordinate Section 504/ADA requirements through HCD'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 HCD approved working drawings and specifications or to rehabilitate the units in accordance with HCD approved work write-ups.

## 26.3 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, HCD may terminate the Agreement or take other appropriate action.

B. Inspections
HCD 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 HCD 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 HCD, HCD may request HUD to lower the initial contract rents in the amount determined by HUD, and may require the Owner to remedy any deficiencies, prior to, and as a condition for, acceptance of the units. HCD shall have the right to disapprove any changes requested by the owner.

D. Completion of New Construction or Rehabilitation
The owner must notify HCD 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.

HCD 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 HCD determines from the review and inspection that the

unit(s) has been completed in accordance with the AHAP contract, HCD 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, HCD shall accept the unit(s); however, HCD shall require the owner to deposit in escrow with HCD's funds in an amount HCD determines to be sufficient to ensure completion of the delayed items. In addition, the owner and HCD shall execute a written agreement, specifying the schedule for completion of these items. If the items are not completed within the agreed time period, HCD may terminate the AHAP contract or exercise other rights under the AHAP contract.

## 26.4 Housing Assistance Payments (HAP) Contract

A. Time of Execution

HCD and the owner shall execute the Housing Assistance Payments (HAP) contract if HCD 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 HCD's inspection and acceptance of the unit(s).

B. Term of Contract

The HAP contract shall have an initial term of **20** years but shall not exceed forty (40) years, subject to available funding and HCD's approval and it's sole discretion. At the sole discretion of HCD and for a term determined by HCD, an extension to the contract may be granted. Each extension shall not exceed 20 years 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, considering 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 HCD has elected to include the vacancy payments in the HAP contract. If a unit becomes vacant as a result of a tenant moving out, HCD 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, HCD may terminate its commitment to make additional assistance payments for the unit for the balance of the HAP contract.

## 26.5 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, HCD 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 HCD, the family must be placed on the PBV waiting list (if the family is not already on the waiting list) and given an absolute selection preference for an appropriately size project-based assisted unit in the specific project.

In the event that there are an insufficient number of eligible persons on the waiting list, HCD shall place applicants referred by the owner on the waiting list. Eligibility for selection in the Project-based voucher program shall be consistent with HCD'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, HCD must provide the family with a Housing Choice Voucher. If no vouchers are available to the family, HCD 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, HCD 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 HCD 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 HCD's Informal Hearing and Review Procedures.

E. Overcrowded and Under Occupied and Accessible Units
If HCD 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, HCD must notify the family and the owner of this determination and of HCD'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 HCD. However, if HCD offers the family the opportunity to receive tenant-based rental assistance under the voucher program, HCD must terminate assistance payments for the project-based unit at the expiration of the term of the voucher.

If HCD 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, HCD must terminate the housing assistance payments for the project-based unit.

## 25.7 PBV Preferences

In accordance with 24 CFR § 982.207, HCD has established a system of admission preferences to address local housing needs. The waiting list for these preferences may remain perpetually open. HCD will use a weighted point system to rank applicants based on their admission preference status. Applicants will be placed on the waiting list based on the total number of preference points for which they qualify. When there is insufficient funding or unit availability to assist all families with the same total points, HCD will select families based on date and time.

(a) Unless specifically prohibited by a property's elderly/disabled designation or funding source(s), all preferences for the tenant-based waiting list also apply to all PBV site-based waiting list.

(b) HCD may announce preferences for PBV site-based waiting lists on a development-by development basis via the self-service portal and/or the developer's advertisement, or via other appropriate method.

(c) The admission preferences below will be offered for the PBV site-based waiting list, ranked by their associated points as required by the particular project:

- Elderly households (aged 62 years old and older) Preference (25 points).
- Near Elderly (aged 55 and older) and with a Disability Preference (25 points).

**Limited Preference for Special Needs Households**

HCD adopted a limited set aside for Special Needs Households, as defined at Section 67-48.002(108) of the Florida Administrative Code (FAC), which may be amended, that may be referred by a Special Needs Household Referral Agency, as defined at in Section 67-48.002(109) of the FAC.

## 25.8 PBV Site-Based Waiting Lists

HCD maintains separate site-based waiting lists for admission to projects selected to receive PBV assistance. Once a project is selected for PBV assistance, applicants listed on HCD's community-wide waiting list for tenant-based assistance will be offered the opportunity to apply for placement on HCD's site-based PBV waiting list. Placement on a site-based PBV waiting list has no effect on the applicant's standing on the tenant-based waiting list.
HCD may accept owner referrals only where the site-based waiting list for the applicable bedroom size is exhausted, or where no such list exists and HCD has made at least one tenant-based waiting list pull for the development. The owner must first submit evidence, acceptable to HCD, that it advertised the openings to the community. Referrals must be submitted in writing on a form prescribed by HCD and comply with the preferences established in this Plan.

Acceptance of a referral does not constitute an admission into the PBV program. HCD alone determines eligibility, waiting list placement and removal, and selection. Owners may not refer, decline to refer, or prioritize applicants based on any characteristic protected under federal, state, or County law [24 CFR § 5.105(a)]. HCD will review referral patterns and may suspend acceptance from an owner whose marketing does not reach the community.

Applicants placed on a site-based list shall keep their tenant-based waiting list position. Referrals are placed according to the date and time HCD receives the Section 8 application from the owner. Owner rejections are governed by Section 25.11.

A. Placement and Organization of Site-Based Waiting list

HCD may choose to place families using a random selection process, based on date and time of the application, or a combination of these methods. HCD will place applications on site-based waiting list consistent with the public notice that opened the waiting list.

B. Income Eligibility Modifications for Mixed-Funding PBV Developments

Pursuant to 24 CFR § 982.201(b)(1)(iii), HCD establishes an additional category of income-eligible families. This category consists of low-income families whose annual income is above 50 percent and at or below 80 percent of the Area Median Income (AMI), where the family is being referred to, or admitted at, a Project-Based Voucher (PBV) development whose financing or governing regulatory agreement establishes an income limit for the unit above the very low-income limit.

Qualifying agreements include those governing Low-Income Housing Tax Credits (LIHTC), HOME, tax-exempt bond financing, or a comparable affordability instrument. The family's annual income must be at or below the income limit established for the unit.
HCD may admit a family under this category only where each of the following conditions is met:

- **Development Compliance:** The admission is made pursuant to the development's applicable PBV and mixed-finance requirements, and the unit to be leased is subject to the income limit relied upon.
- **Document Verification:** HCD has obtained the operative financing or regulatory document, or the relevant excerpt, establishing that limit, including any unit designation made under an income-averaging election under Section 42(g)(1)(C) of the Internal Revenue Code.
- **Program Eligibility:** The family otherwise satisfies all Housing Choice Voucher (HCV) and PBV eligibility requirements, including the requirement at 24 CFR § 983.251(a)(2) that the total tenant payment be less than the gross rent.
- **Income Targeting Capacity:** The admission will not cause HCD to fail the aggregate income-targeting requirement at 24 CFR §§ 982.201(b)(2) and 983.251(c)(8). Families admitted under this section are not exempt from income-targeting requirements. HCD will verify targeting capacity before selection.

In no event will HCD admit a family whose annual income exceeds the applicable low-income limit, notwithstanding any higher income limit permitted by the development's documents. This section creates no entitlement to admission, and selection is made from the applicable waiting list under 24 CFR § 983.251(c).

**25.9 PBV Payment Standards**

Metropolitan-wide Fair Market Rents will govern payment standards for HCD's PBV program.

**25.10 Offer of PBV Assistance**

A. Refusal of Offer

HCD shall not take any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

1. Refuse to list the applicant on the waiting list for tenant-based voucher assistance;
2. Deny any admission preference for which the applicant qualifies;
3. Change the applicant's place on the tenant-based voucher waiting list based on preference, date, and time of application, or other factors affecting selection under the HCD's selection policy;
4. Remove the applicant from the tenant-based voucher waiting list.

If an applicant on a PBV site-based waiting list refuses without good cause, HCD will remove the applicant from that PBV site-based waiting list; however, the applicant will retain their position on all other waiting lists. The applicant may reapply if the applicable PBV waiting list is open; however, the applicant will receive a new date and time of application.

B. Good Cause Refusal of PBV Units

Applicants may refuse to accept a unit offer for good cause. If a good cause for refusal is verified by HCD, applicants may retain their position on the PBV site-based waiting list.

1. Situations in which an applicant is willing to move but is unable to do so at the time of the unit offer (e.g., the applicant is in the hospital or is serving on a sequestered jury);

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

1. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on the final application) or live-in aide necessary to the care of the principal household member.
2. The unit is inappropriate for the applicant's disabilities and the property has units that meet the applicant's needs, whether occupied or vacant.
3. The family does not need the accessible features in the unit offered and does not want to be subject to a transfer and the property has units without accessible features, whether occupied or vacant.

HCD will require documentation of good cause for unit refusals and will verify all claims of good cause. Good cause refusal policies may also be applied to unit offers related to applicable transfers.

**25.11 Disapproval by Landlord**

If a Project-Based Voucher (PBV) owner or landlord rejects an applicant family for admission to the owner's units, such rejection shall be handled in strict compliance with federal regulations and the administrative protocols established herein:

- **Waitlist Impact:** An owner's rejection shall not affect the family's position or ranking on the primary tenant-based voucher waiting list.
- **Site-Based Removal:** The rejected family shall be promptly removed from the specific site-based waiting list for the development from which they were turned down.
- **Documentation & Records:** Owners must retain comprehensive documentation used to screen and evaluate the applicant for a minimum period dictated by HUD. This documentation must be made available to HCD upon request to verify compliance with the nondiscrimination requirements cross-referenced in Section 25.8 C.
- **Subsequent Referrals:** Rejections stemming from owner-referred applications under Section 25.8 C follow the same standard; the applicant retains their baseline tenant-based placement but loses eligibility for that specific PBV project location.

**25.12 Project-Based Voucher Annual Reexamination Cycle Alignments**

A. To promote administrative efficiency and facilitate coordination of annual reexaminations, inspections, owner certifications, and other program requirements, HCD may establish and maintain property-specific annual recertification cycles for Project-Based Voucher (PBV) developments.

1. When necessary to align a family's recertification with a development-wide recertification schedule, HCD may adjust the effective date of a family's next annual reexamination. Such adjustments may result in a recertification period that is either shorter or longer than twelve (12) months; however, under no circumstances shall the period between

annual reexaminations exceed fifteen (15) months, and HCD will ensure compliance with all applicable HUD requirements regarding annual reexaminations.

2. Following the transition to the new property-specific recertification cycle, future annual reexaminations will be conducted based upon the established development-wide anniversary date.

3. HCD will provide the family and owner with appropriate notice of any change to the recertification cycle and any resulting change in tenant rent or housing assistance payment.

B. HCD may establish a common annual recertification date for all assisted families residing within a PBV development. For purposes of establishing or maintaining a common recertification cycle, HCD may conduct a bridge recertification and establish a new anniversary date. The bridge period may be less than or greater than twelve (12) months as necessary to align the family's recertification with the development-wide cycle. Thereafter, annual recertifications will be conducted based on the newly established anniversary date to reduce administrative burden while maintaining compliance with HUD annual reexamination requirements.

# Chapter 26. Homeownership under Housing Choice Voucher

## 26.1 Overview

HCD 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.

HCD shall oversee the Housing Choice Voucher Homeownership program, hereafter referred to as the Homeownership program. HCD 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.

HCD implements a wide range of housing programs designed to enhance housing opportunities for low and moderate-income families, including homeownership for first time homebuyers. HCD'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 HUD, HCD 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 HCD 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 HCD's Homeownership program while an adult and defaulted on a mortgage obtained through a HCD 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 HCD 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, HCD 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 their 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 HCD'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. HCD'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 HCD'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 HCD, 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 HCD determines eligibility, the Housing Choice Voucher participant is required to participate in the counseling regarding purchasing and financing a home. HCD 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 HCD 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.

HCD 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 HCD on behalf of the Housing Choice Voucher family to reserve the required secondary mortgage financing, if needed.

Upon completion and processing of the loan by the lender and HCD, the loan is scheduled for closing by the lender. HCD 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 HCD, 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 HCD 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 shall be fifteen (15) years if the initial mortgage incurred to finance the initial purchase of a home has a term of twenty (20) years or longer, or ten (10) years in all other cases. Notwithstanding the foregoing this provision shall not apply to a family that qualifies as an elderly or disabled family.

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.

HCD 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. HCD 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. HCD 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 HCD 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, HCD'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.

HCD 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, HCD 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 HCD 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. HCD 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 HCD has financed any portion of the loan, HCD 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 HUD.

**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 HCD'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 HCD if the family defaults on a mortgage securing any debt incurred to purchase the home;
F. The family must notify HCD before the family moves out of the home;
G. The family must, at annual recertification, document that they are current on all housing related payment include mortgage, insurance and utility payments; and
H. The family cannot refinance without the authorization of HCD.

**26.17 Portability**

Families that are determined eligible for homeownership assistance may exercise the homeownership option outside of HCD'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

HCD shall consider and implement other homeownership program rules as promulgated by HUD, 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 HCD 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.

HCD 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 HCD. Participants who fail to comply are provided an Intent to Terminate letter and an opportunity to cure. See Section 15.1.
4. Discovery of knowingly 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, felonious 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 shall be cause for termination (See Section 2.4(E) – Denial of Assistance for additional details):

    a) Felonious violent criminal activities, including but not limited to murder, arson, aggravated felony battery and sex-related crimes not subject to lifetime registration under a state sex offender registration program.
    b) 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.
    c) Violent criminal activity includes, but is not limited to: any criminal activity that has as one (1) of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage.
    d) Non-violent criminal activity includes, but is not limited to any activity that threatens the health, safety, or right to peaceful enjoyment by other residents, employees of HCD or any other Miami-Dade County personnel or official. The conduct underlying arrests, only if the conduct indicates the individual is not suitable for tenancy or threatens the health, safety, or right to peaceful enjoyment by other residents, employees of HCD or any other Miami-Dade County personnel or official.
    e) 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, that may

threaten health, safety, or right to peaceful enjoyment by other residents, employees of HCD or any other Miami-Dade County personnel or official.

f) 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 HCD.

g) As concerns juvenile household members under the age of 18, HCD will consider criminal related activity only if they are being tried as adults for certain criminal offenses or if the acts occur on HCD 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. If the family currently owes rent or other amounts to HCD or to another housing authority in connection with Housing Choice Voucher or public housing assistance under the 1937 Act;
8. 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;
9. If the family breaches an agreement with HCD to pay amounts owed to HCD or amounts paid to an owner by HCD;
10. If the family has engaged in or threatened abusive or violent behavior toward HCD personnel;
11. If the family has made threatening behaviors to others or has failed to maintain the property or caused severe damage to the unit;
12. The denial of service, disconnection or shutting off of utilities that the participant is responsible for paying will result in termination; HCD will not terminate assistance if the participant restores utility service legally within 30 days of the issuance of the Intent to Terminate notice.
13. Discovery that a participant is tampering with utilities to illegally obtain service;
14. 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 HCD employee conducting official business.
15. 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 HCD for owner's failure to comply with the HAP contract;

16. If HCD 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.
17. Full-time or part-time students who do not meet student eligibility requirements.

18. 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.
19. Any other grounds for termination permitted by HUD.
20. However, HCD shall not terminate assistance for a participant family on the basis or as a direct result of the fact that the person is a victim of domestic violence, economic abuse, technological abuse, dating violence, sexual assault or stalking.

B. Mitigating Circumstances

HCD may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

Mitigating circumstances would overcome or outweigh information gathered in the screening process. See Chapter 2, Section 2.4(E) – Claiming Mitigating Circumstances for Applicants and Residents, for additional details.

**27.2 Notice**

If HCD 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, HCD 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 HCD

Except as otherwise required under Section 7.5, EIV and ITV , Third Party Verification, and Factors Affecting Eligibility and Family Rent, HCD has the discretion to enter into repayment agreements with program participants for amounts owed to HCD, 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 HCD 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 Overview

When HCD makes a decision that has a negative impact on a family, the family is often entitled to appeal the decision. For Applicants, the appeal takes the form of an informal review. The process for tenants (or for applicants denied admission because of citizenship issues), the appeal takes the form of an informal hearing.

HCD's informal reviews and hearings are provided to Housing Choice Voucher applicants and participants respectively in accordance with the Code of Federal Regulations 24 CFR § 982.555 and as included in this chapter. However, the RAD-PBV program follow the informal hearing and review procedures described in Chapter 32 of this Administrative Plan. (The process described in HCD's Reasonable Accommodation Policies and Procedures document included under Attachment C will be followed for applicants and participants denied reasonable accommodation requests.)

## 29.2 Informal Review

Applicants denied program participation or removed from the waiting list shall be entitled to an informal review conducted by HCD 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 are not placed on the waiting list will not be offered an informal review.

The process described in HCD'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 they become aware during the informal review that an applicant's ineligibility determination occurred because of the applicant's disability.

A. Determinations Subject to Informal Review
   An applicant may request an informal review if the applicant:
   1. Is denied a voucher
   2. Is denied participation in the program
   3. Has assistance delayed because of the immigration status of a family member

B. Determinations Not Subject to Informal Review
   An applicant is not entitled to informal review for any of the following determinations by HCD:
   1. A determination that the unit selected by the applicant is not in compliance with HQS because of family size or composition.
   2. A determination not to approve an extension or suspension of a voucher term.
   3. A determination not to approve a unit for lease under the Housing Choice Voucher.
   4. Discretionary administrative determinations by HCD.
   5. General policy issues or class grievances.
   6. Establishment of HCD's utility allowance schedule.

C. Processing Removals

1. An applicant who is determined ineligible for program benefits shall be notified in writing that their name will be removed from the waiting list unless they request an informal review by contacting HCD within 30 days of the notice. The applicant whose mailed notification of informal review appointment is returned by the post office will be automatically withdrawn from the waiting list.

2. Applicants who have been removed from the waiting list for failing to respond to notices calling them 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.

3. Applicant families withdrawn due to returned mail may request an informal review at any time up to five years or the closing of the waiting list whichever occurs first for the purpose of reviewing and verifying the accuracy of the mail or email address to where HCD sent the notice as compared to existing program records on family reported information.

4. If HCD proposes to deny admission on the basis of a criminal record, HCD 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) they will be provided an opportunity to dispute the accuracy and relevance of that record.

D. Requesting an Informal Review

1. 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.

2. An informal review is not a hearing. It is a review of the material in the applicant's file to ensure that a correct decision about the applicant's status (based upon the material submitted by the applicant) has been made. The applicant will be provided an opportunity to present written or oral objections to HCD's decision.

E. Informal Review Procedures

1. The informal review will be conducted by a designated HCD hearing officer who is a person other than the one who made or approved the decision under review, or a subordinate of this person. HCD, at its discretion, may schedule an informal review at the applicant's request, beyond thirty (30) days, on a case-by-case basis. HCD will schedule the review for the next available hearing date and forward written notification to the applicant.

E. Informal Review Decision

The HCD hearing officer will decide based on evidence provided by the applicant whether the decision denying assistance to the applicant was justified and made according to the federal regulations and rules of HCD.

- If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

- If the family fails to appear for their informal review, the denial of admission will stand, and the family will be so notified.

4. 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 the 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 Informal Hearing**

If HCD proposes to terminate assistance on the basis of a criminal record, HCD 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) they will be provided an opportunity to dispute the accuracy and relevance of that record by requesting an informal hearing.
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. HCD determination not to approve an extension or suspension of a voucher term;
D. HCD determination not to approve a unit for lease under Housing Choice Voucher;
E. Discretionary administrative determinations by HCD;
F. General policy issues or class grievances;
G. Establishment of HCD's utility allowance schedule.
H. HCD's determination to exercise or not to exercise any right or remedy against an owner under a HAP Contract.

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, HCD 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 HCD.

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 HCD 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, they must do so no later than three (3) days prior to the informal hearing. In the event HCD fails to make the documents available for examination upon request of the tenant or the tenant's representative, HCD is prohibited from relying on the document(s) at the hearing. Participants may be charged for copying costs.

2. Hearing Procedures

Pursuant to 24 CFR § 982.555(4), a hearing officer may be anyone designated by HCD other than a person who made or approved the decision under review or a subordinate of this person.

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 HCD 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 HCD is not required to provide an opportunity for an informal hearing under 24 CFR § 982 or that otherwise exceeds the authority of the person conducting the hearing under HCD's hearing procedures.
b) The hearing decision is contrary to HUD regulations or requirements, or otherwise contrary to federal, state of the Code of Miami-Dade County or other local laws.

If HCD determines that it is not bound by a hearing decision, HCD 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.

### 29.4 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. HCD 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. HCD 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. HCD will ensure that persons with disabilities have full access to HCD'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 be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated and/or funded by HCD on the basis of race, religion, national origin, or any other protected characteristics.
D. HCD 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.
E. HCD will display the Fair Housing poster at their program 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 they have experienced illegal discrimination.
F. HCD will ask all applicants and participants if they require any type of accommodation, in writing, on the intake application and reexamination documents
G. HCD will inform disabled applicants who believe that they have been subject to unlawful discrimination on how to file a fair housing complaint. HCD 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 HUD'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

All applicable Fair Housing Information and Discrimination Complaint forms will be made available at HCD'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.

A. HCD'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, HCD's 504/ADA Coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.

B. HCD will cooperate with HUD 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.

C. Reasonable accommodation requests are processed through the 504/ADA Coordinator's office (refer to Attachment C, Reasonable Accommodation Policies and Procedures).

HCD'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 HCD, must be reported to HCD. Owners or managers must immediately forward the vacancy notice either by hand delivery, facsimile**,** or mail to the following address:

Housing and Community Development
Attention: Moderate Rehabilitation Program Unit
701 NW 1st Court, 14th Floor
Miami, Florida 33136-3914
Fax: (786) 469-4222

B. HCD Transfer Referrals

HCD approved transferees will be offered available units before applicants from HCD's waiting list. Section 31.5 details HCD's transfer policy for the Moderate Rehabilitation Program.

If there are families on the transfer list, HCD's first mail-out will consist of HCD's transfer referrals for a period of eight (8) days to applicants for whom the unit is suited. If applicable, HCD will conduct a second mail-out for a period of eight (8) days if: (a) none of HCD'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, HCD will offer up to 20 interested applicants for whom the unit is suited.

C. HCD Waiting List Referrals
If there are no families on the transfer list, HCD will refer interested applicants to the owner/manager from HCD's waiting list.

In order to deter discrimination by a Moderate Rehabilitation owner/manager (hereafter referred to as owner), HCD shall utilize the following procedure for the screening and selection process. After proper receipt of the vacancy notice from the owner/manager, HCD'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 HCD 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. HCD shall also forward to the owner a log of all applicants referred to the available unit. The owner shall provide to HCD 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 HCD.

In the event that the owner/manager request a release of the available unit, HCD 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 HCD a selection package. This package will include a log of all HCD 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. HCD 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 HCD's Reasonable Accommodation Policies and Procedures included under Attachment C. Transfer requests related to reasonable accommodation must be approved by HCD'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. HCD 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 HCD 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 three offers 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 their 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.
F. The unit is refused because a victim of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking reasonably believes the proposed transfer would not safe (refer to Attachment D of this Administrative Plan).

When an offer is not counted against the applicant, the applicant's name will remain in active status on the waiting list to receive another offer. HCD 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.

HCD 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**

Transfer requested for victims of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking must be processed in accordance with Attachment D of this Administrative Plan.

All other 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 HCD'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; or

3. Cooperation for a witness protection program.

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)

All Moderate Rehabilitation Single Room Occupancy Administrative Plans for homeless individuals are developed on a project basis, submitted, and approved by HUD.

SRO 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.

# Chapter 32. PBVs Under the Rental Assistance Demonstration (RAD) Program

## 32.1 General Requirements and Standards

### 32.1.A. Overview and History of the RAD Program

A. The Rental Assistance Demonstration (RAD) program was authorized in 2012 in order to assess the effectiveness of converting public housing, moderate rehabilitation properties, and units under the rent supplement and rental assistance payments programs to long-term, project-based Section 8 rental assistance. The program's four primary objectives are to:

1. Preserve and improve public and other assisted housing.
2. Standardize the administration of the plethora of federally subsidized housing programs and rules. The conversions are intended to promote operating efficiency by using a Section 8 project-based assistance model that has proven successful and effective for over 30 years. In other words, RAD aligns eligible properties more closely with other affordable housing programs.
3. Attract private market capital for property renovations. Through the use of this model, properties may be able to leverage private debt and equity to make capital repairs.
4. Increase tenant mobility opportunities.

B. This chapter describes HUD regulations and HCD policies related to the Project-Based Voucher (PBV) program under the RAD program. Additionally, this chapter will focus on public housing conversions to the PBV program under RAD. Requirements for public housing conversion under RAD are here referred to as the RAD PBV program, and PBV units under the standard PBV program, are referred to as the standard PBV program.

C. HCD has and may engage in RAD conversions that includes the construction of new housing and rehabilitation of existing former public housing projects. RAD properties may be leased to private developers through a long-term ground lease and other applicable agreements and documents. The properties would then be managed by these private developers, their affiliates, or third parties. HCD acknowledges that such RAD properties may be subject to federal Tax Credit Requirements.

### 32.1.B. Applicable Regulations

A. On the whole, the regulations for both the standard and RAD PBV programs generally follow the regulations for the tenant-based HCV program found at 24 CFR part 982. However, important parts of the tenant-based regulations do not apply to the project-based program. 24 CFR part 983 outlines the sections of 24 CFR part 982 that are not applicable to the project- based program.

B. For the RAD PBV program, Congress authorized HUD to waive certain statutory and regulatory provisions or establish alternative requirements from the standard PBV program. Additionally, the RAD Statute imposes certain unique requirements and authorizes HUD to establish requirements for converted assistance under the Demonstration. Conversions of public housing properties through RAD, including conversions through a RAD/Section 18 Blend, will be subject to the requirements in Notice PIH 2019-23 (as amended by Supplemental Notice 4B and 4C), and as reflected in the RAD PBV HAP Contract.

A. Legacy non-RAD PBV units in a project are also subject to the requirements of Notice PIH 2019-23 (as amended by Supplemental Notice 4B and 4C) in the following circumstances:

1. Any legacy non-RAD PBV units located in the covered project are subject to the same waivers and alternative requirements where noted in Notice PIH 2019-23 (as amended by Supplemental Notice 4B and 4C) and in this policy. Legacy non-RAD PBV units are defined as PBV assistance in a project that prior to December 31, 2024, replaced public housing at the time of conversion and that are subject to a non-RAD PBV HAP contract.

2. When/if HCD undertakes a RAD/Section 18 blend, all units are placed under a single RAD HAP contract upon conversion and are governed by the terms of Notice PIH 2019-23 (as amended by Supplemental Notice 4B and 4C).

B. Otherwise, all regulatory and statutory requirements for the standard PBV program in 24 CFR part 983 and Section 8(o)(13) of the Housing Act of 1937, and all applicable standing and subsequent Office of Public and Indian Housing (PIH) notices and guidance, including related handbooks, apply to RAD PBV. This includes environmental review, Davis-Bacon and fair housing requirements.

C. In other words, the standard PBV program follows many of the same regulations as the tenant- based HCV program, but not all of them, and the RAD PBV program follows many of the same regulations as the standard PBV program, but not all of them.

D. Requirements specific to the RAD program may be found in the following:
1. Generally, public housing projects converting assistance under RAD are bound by the terms of the notice in effect at the time of closing.

2. Notice PIH 2016-17, Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions.
   a) This Notice applies to all projects that have applied for RAD conversion but have not yet converted as of November 10, 2016.

3. HCD must established accessibility requirements when providing resident notifications and meetings and provide meaningful access to its programs and activities for persons who have a limited ability to read, speak, or understand English [Notice PIH 2023-19].

4. HCD has and may utilize the RAD/Section 18 Blend to facilitate the comprehensive rehabilitation or redevelopment of their public housing projects. This approach, guided by HUD Notice PIH-2019-23 (as amended by Supplemental Notice 4B and 4C), and other applicable regulations and notices, combines the benefits of both programs to achieve financing and preservation goals.

   a) HUD's most recent guidance on the RAD/Section 18 Blend, notably Notices PIH 2024-40 (HA) and Supplemental Notice 4C, published on December 26, 2024, and January 16, 2025, respectively, outlined the permissible percentage of units that can be disposed of through Section 18 within a RAD conversion.
      i. In a rehabilitation project, up to 30% of units may be disposed of under Section 18 if hard construction costs exceed 30% of the

Housing Construction Costs (HCC) Limits for the given market area as published annually by HUD.

ii. In a rehabilitation project, up to 60% of units may be disposed of under Section 18 if hard construction costs exceed 60% of HCC Limits for the given market area as published annually by HUD.

iii. In a rehabilitation project, up to 90% of units may be disposed of under Section 18 if hard construction costs exceed 90% of HCC Limits for the given market area as published annually by HUD.

iv. In a project involving demolition and redevelopment, up to 90% of units may be disposed of under Section 18.

v. In a project involving RAD Transfer of Assistance, up to 90% of units may be disposed of under Section 18.

b) Supplemental Notice 4C further clarifies that for a RAD/Section 18 Blend, both Converting Public Housing Assistance and Converting TPV Assistance shall be converted to a single RAD form of HAP contract and be governed by a single RAD Use Agreement.

c) Projects that receive an allocation of 9% Low-Income Housing Tax Credits (LIHTCs) had previously been restricted from utilizing a RAD/Section 18 Blend. Notice PIH 2024-40(HA) removes this restriction and 9% LIHTC projects are now eligible for a RAD/Section 18 Blend.

Notice PIH-2019-23 (as amended by Supplemental Notice 4B and 4C) and other applicable notices establish that tenant protections are to be applied to all units within a RAD-converted development, including both RAD PBV and legacy non-RAD PBV units. This approach aims to facilitate the uniform treatment of residents and ensure fair housing practices throughout the conversion process and beyond.

**32.1.C. Tenant-Based VS. Project-Based Voucher Assistance [24 CFR § 983.2]**

A. The tenant-based voucher program regulations also apply to the PBV program, unless specifically prohibited by the PBV program regulations [24 CFR § 983.2]. HCD's policies for the tenant-based voucher program also apply to RAD PBV assistance and legacy non-RAD PBV. This chapter is intended to address requirements specific to the RAD PBV and legacy non-RAD PBV program only.

**32.1.D. Relocation Requirements**

A. For projects that apply for conversion of assistance under the First Component of RAD and will convert November 10, 2016, or later, the following applies [Notice PIH 2016-17]:

1. In some developments, in-place residents may need to be relocated because of properties undergoing repairs, being demolished and rebuilt, or when assistance is transferred from one site to another. RAD program rules prohibit the permanent, involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed. Any legacy non-RAD PBV units located in the same project are also subject to the right to return.

2. Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements, and other requirements which may be

applicable such as Section 104(d) of the Housing and Community Development Act of 1974, as amended.

3. In addition, HCD must undertake a planning process that complies with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), although not all relocations under RAD will trigger requirements under URA. URA statute and implementing regulations may be found at 49 CFR part 24. The obligation due to relocating residents under RAD is broader than URA relocation assistance and payments.

4. Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to either: a) a unit at the development once rehabilitation or construction is completed, provided the resident's household is not under-housed; or b) a unit in the development which provides the same major features as the resident's unit in the development prior to the implementation of the RAD conversion.

5. Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.

6. If HCD's proposed plans for conversion would preclude a resident from returning to the development, the resident must be given an opportunity to comment and/or object to such plans. HCD must alter the project plans to accommodate the resident's right to return to the development if the resident would be precluded from returning to the development.

7. Examples of project plans that may preclude a resident from returning to the development include, but are not limited to:
   a) Changes in the development's bedroom distribution that decrease the size of the units, resulting in the resident being under-housed;
   b) The resident cannot be accommodated in the remaining assisted units due to a reduction in the number of assisted units at the development;
   c) Income limit eligibility requirements associated with the LIHTC program or another program; and
   d) Failure to provide a reasonable accommodation, in violation of applicable law, where reasonable accommodation may include installation of accessibility features that are needed by the resident.

8. Residents of a development undergoing conversion that would be precluded from returning to the development may voluntarily accept a HCD's offer to permanently relocate to alternative housing, and thereby, waive their right to return to the development after rehabilitation or construction is completed. In this event, HCD must secure the resident's written consent to a voluntary permanent relocation in lieu of returning to the development. HCD is prohibited from employing any tactics to pressure residents into relinquishing their right to return or accepting other housing options. Additionally, HCD may not terminate a resident's lease if HCD fails to obtain the resident's consent, and the resident seeks to exercise the right to return.

9. In the case of multi-phase RAD transactions, the resident has a right to return to the development or to other converted phases of the development that are available for occupancy at the time the resident is eligible to exercise their right of return. Generally, the resident's right to return must be accommodated within the development associated with the resident's original unit, however, HCD may treat multiple converted developments on the same site as one for purposes of right to return. Should HCD seek to have the resident exercise the right to return at a future phase, HCD must secure the resident's consent in writing.

10. Alternative housing options may involve a variety of housing options, including but not limited to:
    - Transfers to public housing
    - Admission to other affordable housing properties subject to the applicable program rules
    - Housing Choice Voucher (HCV) assistance
    - Other options identified by HCD

11. For RAD/Section 18 blends, all RAD relocation requirements (such as the resident notice and meeting requirements, the right to return, and relocation assistance and payments) as described in Notice PIH 2016-17 or successor notices apply to residents of the units subject to a Section 18 action in lieu of the relocation requirements under 24 CFR § 970.21. HCD will provide the same relocation rights and benefits to all residents of the converting project.

12. Relocation assistance provided to residents will vary depending on the length of time relocation is required. Residents must be properly notified in advance of relocation requirements in accordance with RAD program rules and Uniform Relocation Act (URA) requirements. Any residents that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to an assisted unit at the development once rehabilitation or construction is completed.

13. Where the transfer of assistance to a new site is warranted and approved, residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. Residents of a development undergoing conversion of assistance may voluntarily accept a HCD's or owner's offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed.

14. In accordance with Resolution No. R-1181-19, which was adopted by the Miami-Dade County Board of County Commissioners ("Board"), HCD will execute a Board- approved Tenant Relocation Agreement with each public housing tenant who is impacted by the redevelopment of a public housing development owned by Miami- Dade County and which is proposed to be converted through the RAD program.

### 32.1.E. Equal Opportunity Requirements [24 CFR § 983.8; 24 CFR § 5.105; Notice PIH 2016-17]

A. RAD conversions are governed by the same civil rights authorities that govern HUD-assisted activities in general. These authorities prohibit discrimination and impose affirmative obligations on HUD program participants. HCD must comply with all applicable fair housing and civil rights laws, including but not limited to the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, when conducting relocation planning and providing relocation assistance. For example, persons with disabilities returning to the RAD project may not be turned away or placed on a waiting list due to a lack of accessible units. Their need for an accessible unit must be accommodated. See the RAD Fair Housing, Civil Rights, and Relocation Notice [Notice PIH 2016-17] for more information.

## 32.2 PBV Project Selection

### 32.2.A. Overview

A. Unlike in the standard PBV program where HCD typically selects the property through an owner proposal selection process, projects selected for assistance under RAD PBV are selected in accordance with the provisions in Notice PIH 2019-23, as amended by Supplemental Notices 4B and 4C, and any successor Notices. Therefore, 24 CFR § 983.51 does not apply since HUD selects RAD properties through a competitive selection process.

### 32.2.B. Ownership and Control

A. HCD will follow all selections and project requirements set forth in HUD regulations and Notice PIH 2019-23, as amended by Supplemental Notices 4B and 4C, and any successor Notices.

B. Except where permitted to facilitate the use of tax credits, during both the initial term and all renewal terms of the HAP Contract, HUD will require ownership or control of the Covered Project by a public or non-profit entity. HUD may also allow ownership of the project to be transferred to a tax credit entity controlled by a for-profit entity to facilitate the use of tax credits for the Covered Project, but only if HUD determines that HCD or a non-profit entity preserves an interest in the property.

C. Public or non-profit ownership or control, or preservation of an interest by HCD or a non-profit in a property owned by a tax-credit entity controlled by a for-profit entity, may be satisfied if HCD, a public entity or non-profit entity (or entities), directly or through a wholly owned affiliate:
   1. Holds a fee simple interest in the real property of the Covered Project;
   2. Is the lessor under a ground lease with the Project Owner;
   3. Owns 51 percent or more of the general partner interests in a limited partnership or 51 percent or more of the managing member interests in a limited liability company with all powers of a general partner or managing member, as applicable;
   4. Owns a lesser percentage of the general partner or managing member interests and holds certain control rights as approved by HUD;
   5. Owns 51 percent or more of all ownership interests in a limited partnership or limited liability company and holds certain control rights as approved by HUD; or
   6. Demonstrates other ownership and control arrangements approved by HUD.

Notwithstanding the foregoing, it is understood, that HCD cannot have an ownership interest in a for profit or non for-profit entity as such interest would be in violation of the Florida Constitution.

**32.2.C. HCD Owned Units**

A. A unit is considered to be owned by HCD if the unit is in a project that is owned by the Miami- Dade County (which such ownership excludes HCD from having a "controlling interest" in the entity that owns the unit) or owned by an entity wholly controlled by the Miami-Dade County.

**32.2.D. PBV Percentage Limitation and Unit Cap**

A. PBV Percentage Limitation
   1. RAD PBV units in Covered Projects do not count against the percentage limitation (program cap) applicable to the PBV program.

B. Unit Cap
   1. There is no cap on the number of units that may receive RAD PBV assistance in each project. Under 24 CFR § 983.54(c)(3), units excluded under 24 CFR § 983.59 that were previously subject to federally required rent restrictions or received one of the listed forms of HUD assistance do not count toward the project cap. For any RAD PBV and legacy non-RAD PBV units in Covered Projects not already excluded under 24 CFR § 983.59, including transfers of assistance to a new location, HUD waived section 8(o)(13)(D) of the Act, as well as related provisions of 24 CFR § 983.54. Accordingly, units under a RAD PBV HAP contract may not be "excepted" for a specified purpose.

**32.2.E. Site Selection Standards [Notice PIH 2019-23; Notice PIH 2016-17]**

A. Site selection requirements set forth in 24 CFR § 983.57 apply to RAD PBV, with the exception of 24 CFR § 983.57(b)(1) and (c)(2). HUD waives the provisions regarding deconcentration of poverty and expanding housing and economic opportunity for existing housing sites.

B. To facilitate the uniform treatment of residents and units, any non-RAD PBV units located in the same project are subject to the terms of this provision. HUD will conduct a front-end civil rights review of HCD's proposed site in certain circumstances. For RAD PBV conversions that involve new construction located in an area of minority concentration (whether on the existing public housing site or on a new site) HUD will determine whether it meets one of the exceptions that would allow for new construction in an area of minority concentration. HCD must ensure that its RAD PBV conversion, including any associated new construction, is consistent with its certification to affirmatively further fair housing and complies with civil rights laws.

**32.2.E. Environmental Review**

HUD has decided under 24 CFR § 58.11(c) that all conversions will be subject to an environmental review under part 50. Environmental documents are required to be submitted no later than the applicant's Financing Plan. HUD will not issue a RAD Conversion Commitment (RCC) if the project plan does not meet the environmental review requirements described in Attachment 1A of Notice PIH 2019-23. Once an awardee has applied for a specific project, they may not make any choice limiting actions before the completion of the environmental review.

## 32.3 Dwelling Units

### 32.3.A. Overview

A. This part identifies the special housing quality standards that apply to the RAD PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

### 32.3.B. Housing Quality Standards

A. The housing quality standards (HQS) for the tenant-based program generally apply to the PBV program. HQS requirements for shared housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.
B. The physical condition standards at 24 CFR § 5.703 do not apply to the PBV program.

### 32.3.C. Lead-based Paint

A. The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. §§ 4821- 4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. §§ 4851- 4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, and 40 CFR §745.227 apply to the PBV program.

### 32.3.D. Housing Accessibility for Persons with Disabilities [Notice PIH 2016-17]

A. Federal accessibility requirements apply to all conversions, whether they entail new construction, alternations, or existing facilities. The housing must comply with program accessibility requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and implementing regulations at 24 CFR part 8. HCD must ensure that the percentage of accessible dwelling units complies with the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as implemented by HUD's regulations at 24 CFR part 8, subpart C.

B. Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR § 100.205, as applicable. (24 CFR § 983.102)

### 32.3.E. Inspecting Units

A. Initial Inspection

1. Under standard PBV regulations at 24 CFR § 983.103(b), HCD may not enter into a HAP contract until HCD has determined all units comply with HUD's inspection requirements. It is HCD's responsibility to perform this initial inspection HUD has waived this requirement when units are undergoing rehabilitation. In this case, units must meet HQS by the date indicated in the RAD Conversion Commitment (RCC).

2. To place the unit under HAP contract and commence making payments, HCD may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life-threatening conditions exist in the unit or units to be added to the HAP contract instead of conducting an initial inspection. During the period of the work, HQS requirements apply. HCD must enforce the project owner's obligations and conduct inspections when needed, (for example in response to tenant complaints or other information coming to its attention), and the owner must correct any deficiencies in accordance with HQS requirements (i.e., no more than

24 hours for a life-threatening deficiency, and within no more than 30 calendar days or any HCD-approved extension for other defects, but no later than the date of the completion of the work as indicated in the RCC)..

B. Turnover Inspections
   1. Before providing assistance to a new family in a contract unit, HCD must inspect the unit. HCD may not provide assistance on behalf of the family until the unit fully complies with HQS.

C. Biennial Inspections [24 CFR § 983.103(d); FR Notice 6/25/14]
   1. HCD will conduct biennial inspections for a random sample consisting of at least 20 percent of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS. HCD may also conduct inspections as often as deemed necessary to determine compliance with HCD's designated inspection standards.

D. If more than 20 percent of the sample of inspected contract units in a building fail the initial inspection, HCD must reinspect 100 percent of the contract units in the building.

E. Other Inspections [24 CFR § 983.103(e)]
   1. HCD must inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. HCD must consider complaints and any other information coming to its attention in scheduling inspections.
   2. HCD must conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.
   3. In conducting a supervisory quality control HQS inspections, HCD should include a representative sample of both tenant-based and project-based units.

F. Inspecting HCD-Owned Units [24 CFR § 983.103(f); Notice PIH 2017-21]
   1. In the case of HCD-owned units, all required inspections must be performed by an independent entity designated by HCD and approved by HUD. The independent entity must furnish a copy of each inspection report to HCD and to the HUD field office where the project is located. HCD must take all necessary actions in response to inspection reports from the independent agency, including exercise of contractual remedies for violation of the HAP contract by HCD-owner.

## 32.4 Housing Assistance Payments (HAP) Contract

### 32.4.A. Overview

A. Public housing projects converting under RAD do not employ the PBV Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Instead, following the execution of all requirements contained in the Commitment to Enter into a HAP (CHAP) contract and the RAD Conversion Commitment (RCC), a project is converted immediately to the RAD PBV HAP contract following the closing of any construction financing. Owners of public housing projects converted to PBV assistance via RAD enter into a HAP contract with HCD that will administer the PBV assistance. Units assisted under a RAD PBV HAP contract must be subject to long- term, renewable use and affordability restrictions.

### 32.4.B. HAP Contract Requirements

A. Contract Information

1. The RAD PBV program uses the PBV HAP contract for new construction or rehabilitated housing (Form HUD-52530A), as modified by the RAD rider (Form HUD-52621). For closings on or after January 1, 2018, HUD incorporated the RAD rider directly into the standard PBV HAP contract. For closing that occurred prior to January 1, 2018, the RAD rider must be attached to the PBV HAP contract.

2. Pursuant to Supplemental Notice 4C, the distinction between "existing housing", "rehabilitated, or newly constructed housing" is overridden by RAD requirements (Supplemental Notice 4C).

3. The project must also have an initial RAD use agreement. All public housing RAD conversion properties financed with LIHTC are also required to include an LIHTC rider.

B. Execution and Effective date of the HAP Contract

1. RAD PBV projects do not employ an Agreement to Enter into a Housing Assistance Payments (AHAP) contract like in the standard PBV program. Rather, when the conditions of the CHAP and the RCC are met and the conversion has closed, HCD executes the HAP contract. Project owners may select the effective date of the HAP contract as the first day of either of the two months following the completed closing.

C. Term of HAP Contract [Notice PIH 2019-23]

1. The HAP contract shall have an initial term of **20** years but shall not exceed forty (40) years, subject to available funding and HCD's approval and its sole discretion. At the sole discretion of HCD and for a term determined by HCD, an extension to the contract may be granted. Each extension shall not exceed 20 years beyond the original term, contingent upon continued funding to achieve long-term availability of affordable housing for eligible households or to expand housing opportunities. Such renewed HAP Contract shall be in a form approved by HUD and must include language that requires rents to be redetermined in accordance with 24 CFR § 983.301 and 983.302. If the RAD PBV HAP contract was renewed or extended prior to the 20th year after conversion, then starting with the 20th year after execution of the original RAD PBV HAP contract, contract rents shall be redetermined in accordance with 24 CFR § 983.302 or successor regulation.

D. Agreement to Enter into a HAP (AHAP) Contract [Notice PIH 2019-23]

1. For public housing conversions to PBV, there will be no agreement to enter into a Housing Assistance Payments (AHAP) contract. Therefore, all regulatory references to the Agreement (AHAP), including regulations under 24 CFR part 983 subpart D, are waived. The definitions for proposal selection date, new construction, rehabilitation, and existing housing are not applicable.

E. Mandatory Contract Renewal for RAD PBV Contract [Notice PIH 2019-23]

1. By statue, upon expiration of the initial term contract, and upon each renewal term of the contract, the agency administering the vouchers will offer, and HCD will accept, renewal of the contract for the prescribed number and mix of units, either on the site of the project subject to the expiring contract or, upon request of the project owner and subject to HCD and HUD approval, at another site through a future transfer of assistance. The contract is subject to the terms and conditions applicable at the time of renewal and the availability of appropriations each year for such renewal.

Consequently 24 CFR § 983.205(b), governing HCD's discretion to renew the contract, will not apply.

2. In the event that the HAP contract is removed due to breach, non-compliance or insufficiency of appropriations, for all units previously covered under the HAP contract, new tenants must have incomes at or below 80 percent of the area median income at the time of admission and rents may not exceed 30 percent of 80 percent of median income for an appropriate size unit for the remainder of the term of the RAD use agreement.

F. Remedies for HQS Violations [24 CFR § 983.208(b)]
   1. HCD may not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS. If HCD determines that a contract unit does not comply with NSPIRE, HCD may exercise any of its remedies under the HAP contract, for any or all of the contract units. Available remedies include termination of housing assistance payments, abatement or reduction of housing assistance payments, reduction of contract units, and termination of the HAP contract.

**32.4.C. Amendments to the HAP Contract**

A. Floating Units [Notice PIH 2019-23]
   1. Upon request of the owner to the voucher agency that will administer the project, HUD will permit assistance to float among units within the project that are the same bedroom size. The unit to which assistance is floated must be comparable to the unit being replaced in quality and amenities.
   2. If HCD chooses to float units, units are not specifically identified on the HAP contract, rather the HAP contract must specify the number and type of units in the property that are RAD PBV units. The property must maintain the same number and type of RAD units from the time of the initial HAP contract execution forward.
   3. HCD may float assistance among unoccupied units within the project. Tracking of the number and type of units at the property, as well as identification of comparable units when assistance is floated, will be maintained by each property
   4. Floating units are subject to all of the requirements in this chapter, the PBV regulations and PBV policies, including physical inspections, rent adjustments and income-mixing requirements.

B. Reduction in HAP Contract Units [Notice PIH 2019-23]
   1. Project owners are required to make available for occupancy by eligible tenants the number of assisted units under the terms of the HAP contract.
   2. HCD may not reduce the number of assisted units without written HUD approval. Any HUD approval of HCD's request to reduce the number of assisted units under contract is subject to conditions that HUD may impose.
   3. If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, HCD must reinstate the unit after the family has vacated the property. If the project is partially assisted, HCD may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR § 983.207, or where the development has "floating" units.

**32.4.D. HAP Contract Year and Anniversary Dates [24 CFR § 983.302(e)]**

A. The HAP contract year is the period of 12 calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

B. The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year. There is a single annual anniversary date for all units under a particular HAP contract.

**32.4.E. Owner Responsibilities under the HAP Contract [24 CFR § 983.210]**

A. When the owner executes the HAP contract, they certify that at such execution and at all times during the term of the HAP contract:

1. All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;
2. The owner is providing all services, maintenance, equipment, and utilities as agreed to under the HAP contract and the leases;
3. Each contract unit for which the owner is receiving HAP is leased to an eligible family referred by HCD, and the lease is in accordance with the HAP contract and HUD requirements;
4. To the best of the owner's knowledge, the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family's only residence;
5. The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit;
6. The amount of the HAP the owner is receiving is correct under the HAP contract;
7. The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;
8. Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit;
9. The family does not own or have any interest in the contract unit (this does not apply to the family's membership in a cooperative); and
10. Repair work on the project selected as an existing project that is performed after HAP contract execution within such post-execution period as specified by HUD may constitute development activity, and if determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.

**32.4.F. Vacancy Payments [24 CFR § 983.352(b)]**

A. At the discretion of HCD, the HAP contract may provide for vacancy payments to the owner for a HCD-determined period of vacancy extending from the beginning of the first calendar month after the move-out month for a period not exceeding two full months following the move- out month. The amount of the vacancy payment will be determined by HCD and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner, including amounts available from the tenant's security deposit.

**32.5 Selection of PBV Program Participants**

**32.5.A. Overview**

A. Many of the provisions of the tenant-based voucher regulations [24 CFR part 982] also apply to the PBV program (please see chapter 2). This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

### 32.5.B. Prohibited Rescreening of Existing Tenants upon Conversion

[Notice PIH 2019-23]

B. Conversion households cannot be excluded from occupancy at the covered project based on any rescreening, income eligibility, or income targeting provisions. Consequently, conversion households will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

C. Post-conversion, the tenure of all residents of the covered project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified by Notice PIH 2019-23 (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting, will not apply for conversion households. Once that remaining household moves out, the unit must be leased to an eligible family. Existing residents at the time of conversion may not be rescreened for citizenship status or have their social security numbers reverified.

A. Further, so as to facilitate the right to return to the assisted property, this provision must apply to current public housing residents of the converting project that will reside in non-RAD PBV units placed in a project that contain RAD PBV units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR § 983 for legacy non-RAD PBV. Any legacy non-RAD PBV units located in the same project are also subject to the right to return.

B. For the RAD PBV program, *in-place family* means a family who lived in a pre-conversion property at the time assistance was converted from public housing to PBV under RAD.

### 32.5.C. Eligibility for PBV assistance [24 CFR § 983.251(a) and (b)]

A. Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program. Applicants must qualify as a family as defined by HUD and HCD, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members [24 CFR § 982.201(a) and 24 CFR § 983.2(a)]. In addition, an applicant family must provide social security information for family members [24 CFR §§ 5.216 and 5.218] and consent to HCD's collection and use of family information regarding income, expenses, and family composition [24 CFR § 5.230]. HCD may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

B. HCD will determine an applicant family's eligibility for the RAD PBV program in accordance with the policies in Chapter 2 of this administrative plan.

### 32.5.D. Organization of the Waiting List [24 CFR § 983.251(c); Notice PIH 2019-23]

A. The standard PBV regulations at 24 CFR § 983.251 set out program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. Any non-RAD PBV units located in the same project are also subject to these requirements.

a) HCD may establish and manage separate site-based waiting lists for individual projects or buildings that are receiving RAD PBV assistance, in accordance with 24 CFR § 983.251(c).
b) For any applicants on the public housing waiting list that are likely to be ineligible for admission to a covered project converting to PBV because the household's TTP is likely to exceed the RAD gross rent, HCD will consider transferring such household, consistent with program requirements for administration of waiting lists, to HCD's remaining public housing waiting lists or to another voucher waiting list, in addition to transferring such household to the waiting list for the covered project.
c) HCD will give priority to participants moving under a VAWA emergency transfer from one PBV development to another in accordance with Section 18-VI.E.

**32.5.E. Selection from the Waiting List [24 CFR § 983.251(c)]**

A. After conversion to RAD PBV, applicants who will occupy units with RAD PBV assistance must be selected from HCD's designated waiting list. HCD may establish selection criteria or preferences for occupancy of particular PBV units and may place families referred by the PBV owner on its designated site-based waiting lists.

**32.5.F. Income Targeting [24 CFR § 983.251(c)(6); Notice PIH 2019-23]**

A. At least 75 percent of the families admitted to HCD's tenant-based and project-based voucher programs during HCD fiscal year from the waiting list must be extremely low income families. The income targeting requirement applies to the total of admissions to both programs.

B. Families in place (i.e., public housing residents) at the time of the conversion are exempt from income targeting requirements. New admissions follow standard PBV requirements. Any non-RAD PBV units located in the same project are also subject to these requirements.

**32.5.G. Units with Accessibility Features [24 CFR § 983.251(c)(7)]**

A. When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, HCD must first refer families who require such features to the owner.

**32.5.H. Preferences [24 CFR § 983.251(d); FR Notice 11/24/08; Notice PIH 2019-23]**

A. HCD may use the same selection preferences that are used for the tenant-based voucher program, the PBV program, establish selection criteria or preferences for the PBV program as a whole, or for occupancy of particular PBV developments or units. PBV preferences may remain perpetually open.

**32.5.I. Offer of PBV Assistance**

A. Refusal of Offer [24 CFR § 983.251(e)(3)]
1. HCD is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:
   a) Refusing to list the applicant on the waiting list for tenant-based voucher assistance
   b) Denying any admission preference for which the applicant qualifies
   c) Changing the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under HCD's selection policy
   d) Removing the applicant from the tenant-based voucher waiting list

B. Disapproval by Landlord [24 CFR § 983.251(e)(2)]
   1. If a PBV owner rejects a family for admission to the owner's units, such rejection may not affect the family's position on the tenant-based voucher waiting list.

C. Acceptance of Offer [24 CFR § 983.252]
   1. Family Briefing
      a) When a family accepts an offer for PBV assistance, HCD must give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, HCD must provide a briefing packet that explains how HCD determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.
   2. Persons with Disabilities
      a) If an applicant family's head or spouse is disabled, HCD must assure effective communication, in accordance with 24 CFR § 8.6, in conducting the oral briefing and in providing the written information packet. This may include making alternative formats available. In addition, HCD must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

D. Persons with Limited English Proficiency
   HCD should take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166 (see Chapter 2).

**32.5.J. Owner Selection of Tenants**

A. The owner is responsible for developing written tenant selection procedures that are consistent with the purpose of improving housing opportunities for very low-income families and reasonably related to program eligibility and an applicant's ability to fulfill their obligations under the lease. An owner must promptly notify in writing any rejected applicant of the grounds for any rejection.

B. Leasing [24 CFR § 983.253(a)]
   1. During the term of the HAP contract, the owner must lease contract units to eligible families that are selected and referred by HCD from HCD's waiting list. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on HCD's subsidy standards.

C. Filling Vacancies [24 CFR § 983.254(a)]
   1. The owner must promptly notify HCD of any vacancy or expected vacancy in a contract unit. After receiving such notice, HCD must make every reasonable effort to promptly refer a sufficient number of families for the owner to fill such vacancies. HCD and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

**HCD Policy**

The owner must notify HCD in writing (mail, fax, or email) within five business days of learning about any vacancy or expected vacancy.

HCD will make every reasonable effort to refer families, upon exhaustion of the site-based waiting list, to the owner within 30 business days of receiving such notice from the owner.

### 32.5.K. Tenant Screening [24 CFR § 983.255]

A. HCD Responsibility

1. HCD is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy. However, HCD may opt to screen applicants for family behavior or suitability for tenancy and may deny applicants based on such screening.

**HCD Policy**

HCD will not conduct tenant screening to determine a PBV applicant family's suitability for tenancy.

HCD must provide the owner with an applicant family's current and prior address (as shown in HCD records) and the name and address (if known by HCD) of the family's current landlord and any prior landlords.

In addition, HCD may offer the owner other information HCD may have about a family, including information about the tenancy history of family members or about drug trafficking and criminal activity by family members. HCD must provide applicant families a description of HCD policy on providing information to owners, and HCD must give the same types of information to all owners.

HCD may not disclose to the owner any confidential information provided in response to a request for documentation of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking, except at the written request or with the written consent of the individual providing the documentation [24 CFR § 5.2007(c)].

HCD will inform owners of their responsibility to screen prospective tenants and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. HCD will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

## 32.6 Occupancy

### 32.6.A. Overview

A. After an applicant has been selected from the waiting list, determined eligible by HCD, referred to an owner, and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

### 32.6.B. Lease [24 CFR § 983.256]

A. The tenant must have legal capacity to enter into a lease under state and local law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

B. The tenant and the owner must enter into a written lease agreement that is signed by both parties. The tenancy addendum must include, word-for-word, all provisions required by HUD.

Lease Requirements [24 CFR § 983.256(c); Notice PIH 2019-23]

a) The lease for a PBV unit must specify all of the following information:

(1) The names of the owner and the tenant;
(2) The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);
(3) The term of the lease (initial term and any provision for renewal);
(4) The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;
(5) A specification of the services, maintenance, equipment, and utilities that will be provided by the owner; and
(6) The amount of any charges for food, furniture, or supportive services.
(7) For any family admitted following conversion, the lease will specify what will happen if the family elects to remain in its unit after increasing its income such that it requires zero HAP. Specifically, the lease must make clear how the tenant rent will be calculated, and it must address the transition to a new lease. HCD must include resident procedural rights for termination notification and grievance procedures in the owner's lease. These requirements are not part of the regular PBV program but are required under RAD.

1. The lease terms and provisions, including all addenda and referenced documents such as House Rules, must:
   a) Be reasonable, use plain language, and must not contain provisions that conflict with resident rights described in Notice PIH 2025-03 or requirements of the PBV program.
   b) Be available in multiple languages as needed and written in a manner accessible to people with disabilities.
   c) For any residences that qualify as "target housing" under 42 U.S.C. 4851b, comply with the Lead Disclosure Rule, as codified in 24 CFR part 35, subpart A.

2. The lease must not:
   a) Require a new security deposit for residents in-place at the time of conversion,
   b) Prohibit residents' pets in-place at the time of conversion.
   c) Be onerous or difficult for residents to understand and should not impose overly restrictive rules about what residents may or may not do in their homes.

Tenancy Addendum [24 CFR § 983.256(d)]

1. The tenancy addendum in the lease must state:
   a) The program tenancy requirements
   b) The composition of the household as approved by HCD (the names of family members and any HCD-approved live-in aide)
2. All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

Initial Term and Lease Renewal [24 CFR § 983.256(f)]

c) Leases for residents who will remain in place (i.e., who will not be relocated solely as a result of conversion) must have an effective date that coincides with—and must be signed on or before—the effective date of the RAD PBV HAP contract.

d) The initial lease term must be for at least one year. The lease must provide for automatic renewal after the initial term of the lease in either successive definitive terms (e.g., month-to-month or year-to-year) or an automatic indefinite extension of the lease term. For automatic indefinite extension of the lease term, the lease terminates if any of the following occur:
   (1) The owner terminates the lease for good cause
   (2) The tenant terminates the lease
   (3) The owner and tenant agree to terminate the lease
   (4) HCD terminates the HAP contract
   (5) HCD terminates assistance for the family

Changes in the Lease [24 CFR § 983.256(e)]

a) If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give HCD a copy of all changes.

b) The owner must notify HCD in advance of any proposed change in the lease regarding security deposit, late fee, miscellaneous fees, and the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by HCD and in accordance with the terms of the lease relating to its amendment. HCD must redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

2. Owner Termination of Tenancy [24 CFR § 983.257; Notice PIH 2019-23]

a) With two exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see 24 CFR § 982.310). In the PBV program, terminating tenancy for “good cause” does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

b) Projects converting from public housing to PBV under RAD have additional procedural rights that do not apply to the standard PBV program. These procedural rights must be included in the owner’s lease. In addition to the regulations at 24 CFR § 983.257 related to project owner termination of tenancy and eviction, the termination procedure for RAD conversions to PBV will require that HCDs provide adequate written notice of termination of the lease, which may not be less than:

   (1) A reasonable period of time, but not to exceed 30 days:
      (a) If the health or safety of other tenants, HCD employees, or persons residing in the immediate vicinity of the premises is threatened; or
      (b) In the event of any drug-related or violent criminal activity or any felony conviction

   (2) Not less than 30 days in the case of nonpayment of rent

   (3) Not less than 30 days in any other case, except that if a state or local law provides for a shorter period of time, such shorter period will apply

(4) These provisions apply to legacy non-RAD PBV units located in the project as well.

3. Tenant Absence from the Unit [24 CFR §§ 983.256(g) and 982.312(a)]
   a) The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by HCD policy. According to program requirements, the family's assistance must be terminated if they are absent from the unit for more than 180 consecutive days. HCD termination of assistance actions due to family absence from the unit are subject to 24 CFR § 982.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.

3. Continuation of Housing Assistance Payments [24 CFR § 983.258; Notice PIH 2019-23

   a) Pre-Conversion Residents: Current residents living in the property prior to conversion are placed on and remain under the HAP contract when TTP equals or exceeds gross rent. In this case, until such time as the family's TTP falls below the gross rent, the family will pay the owner the lesser of the family's TTP minus the utility allowance or any applicable maximum rent under the LIHTC program.

      (1) The family will continue to pay this amount until/if circumstances change, and HAP is paid on their behalf. In other words, assistance may subsequently be reinstated if the tenant becomes eligible for assistance.

      In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract. Any legacy non-RAD PBV units located in the same project are also subject to these requirements.

   b) New Admission Families: Unless a waiver is requested and approved, following conversion, 24 CFR § 983.53(d) applies, and any new admission referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program. HCD may request a waiver from HUD in order to admit otherwise eligible families whose TTP exceeds gross rent and to allow the units those families occupy to remain under the HAP contract even if HCD has not paid HAP for the family in 180 days.

      (1) Further, for any new families admitted after the conversion, assistance will be terminated 180 days after the last housing assistance payment on their behalf. The cessation of housing assistance payments does not affect the family's other rights under its lease, nor does it preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within the 180-day window. If a family's assistance is terminated as a result of their zero HAP status, HCD must remove the unit from the HAP contract. If the project is fully assisted,

HCD must reinstate the unit after the family has vacated the property. If the project is partially assisted, HCD may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR § 983.207 or where floating units have been permitted.

(1) HCD will not request a waiver from HUD to allow families whose TTP initially exceeds gross rent to occupy units.

(2) If a participating family who was admitted after the RAD conversion receive zero assistance and subsequently experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify HCD of the change and request an interim reexamination before the expiration of the 180-day period.

4. Security Deposits [24 CFR § 983.259; Notice PIH 2025-03]
   a) Owners are not permitted to require additional security deposit amounts for tenants who are in-place at the time of the RAD conversion. Otherwise, the security deposit requirements for standard PBV apply.
   b) The owner may collect a security deposit from the tenant. The amount of the security deposit must be consistent with common practice in the Miami-Dade County's private rental market and not in excess of security deposits collected for owner's unassisted tenants and not to exceed one month's rent.
   c) HCD will allow the owner to collect a security deposit amount the owner determines is appropriate.
   d) When the tenant moves out of a contract unit, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts owed by the tenant under the lease.
   e) The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.
   f) If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance from the tenant. HCD has no liability or responsibility for payment of any amount owed by the family to the owner.

### 32.6.C. Public Housing FSS and ROSS Participants [Notice PIH 2019-23]

A. Current FSS participants will continue to participate in HCD's FSS program, and HCD will be allowed to use any PH FSS funds granted previously or pursuant to the current fiscal year (FY) PH FSS notice of funding availability (NOFA) to serve those FSS participants who live in units converted to RAD and who will as a result be moving to the HCV FSS program. HCD must convert the PH FSS program participants at the covered project to their HCV FSS program.

B. Residents who were converted from the PH FSS program to the HCV FSS program through RAD may not be terminated from the HCV FSS program or have HCV assistance withheld due to the participant's failure to comply with the contract of participation. Consequently, 24 CFR § 984.303(b)(5)(iii) does not apply to FSS participants in converted

properties.

C. At the completion of the FSS grant, HCDs should follow the normal closeout procedures outlined in the grant agreement. If HCD continues to run an FSS program that serves PH and/or HCV participants, HCD will continue to be eligible (subject to NOFA requirements) to apply for FSS funding.

D. Current Resident Opportunities and Self-Sufficiency–Service Coordinators (ROSS–SC) program grantees will be able to finish out their current ROSS–SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future public housing ROSS–SC grants.
   1. At the completion of the ROSS-SC grant, HCD should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a nonprofit or local resident association, and this consequence of a RAD conversion may impact those entities.
   2. Once the property is converted, HCD or the project owner may apply for their ROSS-SC grant to be renewed, subject to requirements of the ROSS-SC NOFO. To implement this provision, HUD is using its RAD authority to waive and establish alternative requirements to the language in the Self Sufficiency Program account in the Appropriations Acts and to Section 34 of the Act that would limit ROSS-SC to serving only public housing units or residents.
   3. In addition, Covered Projects where the project previously received a ROSS-SC grant prior to conversion but was ineligible to renew the grant after conversion are eligible to apply for a ROSS-SC grant, subject to requirements of the ROSS-SC NOFO. Authority for this provision is provided under recent Appropriation Acts (see, for example, the FY2023 and FY2024 Appropriation Acts under the heading “Self-Sufficiency Programs”) which allow a PHA or a new owner to continue to serve (or restart service to) residents of a project with assistance converted from public housing to RAD PBV.

   4. Any legacy non-RAD PBV units located in the same project are also subject to these requirements.

**32.6.C. Resident Participation and Funding [Notice PIH 2019-23]**

A. Residents of covered projects converting assistance to PBVs will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

B. The project owner must recognize legitimate resident organizations and give reasonable consideration to concerns raised by such organizations. The project owner must provide meeting space and $25 per occupied unit annually for resident participation, of which at least $15 per occupied unit must be provided to the legitimate resident organization at the Covered Property, including legacy non-RAD PBV.

C. Project owners are required to annually prepare and submit an operating budget for the Covered Project to HCD for approval. This budget should include documentation of how the Project Owner supports resident organizations, such as evidencing the $25 per unit per year in the project operating budget. Note for a RAD/Blend Section 18 Blend, the amount of funding available for Covered Projects will include the Converting TPV assistance.

**32.6.E. Moves**

A. Overcrowded, Under-Occupied, and Accessible Units [24 CFR § 983.260; Notice PIH 2019-23]

1. All in-place tenants at the time of conversion are eligible to remain in the project. Over-housed families should be moved into appropriately sized units if such units are available in the new or rehabbed project. If appropriately sized units are not available, the existing tenants may continue to be over-housed until an appropriately sized unit becomes available or until the tenant leaves the project. Once the unit turns over, it must be leased to an appropriately sized family. Any legacy non-RAD PBV units located in the same project are also subject to these requirements.

2. Following conversion, the standard PBV regulations apply. If HCD determines that a family is occupying a wrong-size unit, based on HCD's subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, HCD must promptly notify the family and the owner of this determination, and HCD must offer the family the opportunity to receive continued housing assistance in another unit.

3. HCD will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit. HCD may offer the family the following types of continued assistance in the following order, based on the availability of assistance:
    a) PBV assistance in the same building or project
    b) PBV assistance in another project
    c) Tenant-based voucher assistance

4. If HCD offers the family a tenant-based voucher, HCD must terminate the housing assistance payments for a wrong-size or accessible unit at the earlier of the expiration of the term of the family's voucher, including any extension granted by HCD, or the date upon which the family vacates the unit. If the family does not move out of the wrong-size unit or accessible unit by the expiration of the term of the family's voucher, HCD must remove the unit from the HAP contract.

5. If HCD offers the family another form of assistance that is not a tenant-based voucher, and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by HCD, or both, HCD must terminate the housing assistance payments for the unit at the expiration of a reasonable period as determined by HCD and remove the unit from the HAP contract.
6. When HCD offers a family another form of assistance that is not a tenant-based voucher, the family will be given 30 days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this 30-day time frame, HCD will terminate the housing assistance payments at the expiration of this 30-day period.

7. HCD may make exceptions to this 30-day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

B. Family Right to Move, Choice Mobility [24 CFR § 983.261]

1. The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to HCD.

2. Prior to providing notice to the owner to terminate the lease, the family may submit a written request to HCD for a choice mobility voucher at any time after completing the 12-month occupancy requirement.

3. If the family wishes to move with continued tenant-based assistance, the family must contact HCD to request the rental assistance prior to providing notice to terminate the lease. If the family terminates the lease in accordance with lease requirements, HCD is required to offer the family the opportunity for continued tenant-based assistance, in the form of a voucher or other comparable tenant-based rental assistance.

4. If a voucher or other comparable tenant-based assistance is not immediately available, HCD must give the family priority to receive the next available opportunity for continued tenant-based assistance.

5. If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

6. Choice mobility vouchers: Under the PBV program, a tenant may request Housing Choice Voucher after living in a RAD property for one year:
   a) The family will remain eligible to request a choice mobility voucher as long as they continue living at the same covered project. If a family moves from one covered project to another covered project prior to completing their 12-month occupancy requirement, their 12-month clock will reset. The family must wait 12 months from the date of move at the new property before they may request another choice mobility voucher. If a family transfers to a different unit within the same covered project, the 12-month clock does not reset.
   b) HCD will maintain a combined, agency-wide waiting list for all standard PBV and RAD PBV families wishing to exercise mobility after one year of tenancy.

   c) The choice mobility waiting list will be maintained separately from the tenant-based HCV list. Families on the choice mobility waiting list will be given priority over families on the tenant-based waiting list. The choice mobility waiting list will be organized by date and time of the family's written request to exercise choice mobility. The list will also identify whether families live in standard or RAD PBV units.

C. Turnover Cap

If as a result of RAD, the total number of PBV units (including RAD PBV units) administered by HCD exceeds 20% of HCD's total authorized vouchers, HCD will establish a turnover cap.

1. HCD will not provide more than three-quarters of its turnover vouchers in a single year to residents of covered projects. HCD will create and maintain a choice mobility list in the order in which requests from eligible households are received. This list tracks requests from eligible households for Choice-Mobility vouchers in the order in which they were received.

2. Families who requested a choice mobility voucher and are denied due to the cap may be given priority the following year when choice mobility vouchers are again issued

since the choice mobility list will be organized by the date and time of the family's request.

D. Emergency Transfers under VAWA [Notice PIH 2017-08]

1. Except where special consideration is needed for the project-based voucher program, HCD will follow VAWA policies as outlined in this administrative plan.

2. HUD requires that HCD include policies that address when a victim has been living in a unit for less than a year or when a victim seeks to move sooner than a tenant-based voucher is available.

3. When the victim of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking has lived in the unit for less than one year, HCD will provide several options for continued assistance.

   HCD will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where HCD has PBV units. HCD will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible. If assistance is transferred to another development, HCD will give priority to the participant on the other development's waiting list. If no units are available for an internal transfer to a PBV development or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to either tenant-based rental assistance (HCV) or assistance in HCD's public housing program. Such a decision will be made by HCD based on the availability of tenant-based vouchers and/or vacancies in public housing units. Such families must be selected from the waiting list for the applicable program. HCD has adopted a waiting list preference for victims of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, and stalking in both its HCV and public housing programs in order to expedite this process.

4. If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, HCD will offer the participant an internal transfer to another PBV unit in the same development or a transfer to a different development where HCD has PBV units. HCD will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

5. If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to HCD's public housing program. HCD has adopted a waiting list preference for victims of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, and stalking as part of the Administrative Plan in order to expedite this process.

**32.6.F. Reexaminations**

A. A family living in a unit converted from public housing to RAD PBV may retain its certification date. Unless a family's annual reexamination is due at the same time as the effective date of the RAD PBV HAP contract, HCD does not need to recertify tenants at the point of conversion.

### 32.6.G. Earned Income Disallowance

A. Effective January 1, 2024, HUD discontinued the Earned Income Disallowance (EID). As a result, no new individuals may qualify for the EID after December 31, 2023. Any individual who has an EID as of December 31, 2023, may continue to receive the EID—as described in this section—until it expires.

B. Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID until the maximum 2-year disallowance time frame expires. No new families may be added. Further, within two years from the effective date of the final rule implementation (January 1, 2026), no family will receive the EID benefit.

C. Upon the expiration of the EID for such families, the rent adjustment will not be subject to rent phase-in; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time. Any non-RAD PBV units located in the same project are also subject to these requirements.

### 32.6.H. Phase-In of Tenant Rent Increases [Notice PIH 2019-23]

A. For in-place tenants, if the amount the tenant would pay for rent and utilities (TTP) would increase by more than the greater of 10 percent or $25 purely as a result of conversion, the rent increase will be phased in over three years. To implement this provision, HUD is waiving section 3(a)(1) of the 1937 Act, as well as 24 CFR § 983.3 (definition of *total tenant payment (TTP)*) only to the extent necessary to allow for phase-in of tenant rent increases. For families who were on EID at the time of conversion to RAD PBV, upon the expiration of the EID, the rent adjustment is not subject to rent phase-in.

B. HCD must communicate this policy in writing to affected residents.

C. HCD will use the family's public housing tenant rent (reflected on line 10f of the family's most recent 50058) at the date of conversion to calculate the family's tenant rent in PBV. HCD will implement a three-year phase-in for in-place families whose TTP increases by more than the greater of 10 percent or $25 purely as a result of the conversion as follows:

1. Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion: 33 percent of the difference between the most recently paid TTP and the calculated PBV TTP. (If the family was paying flat rent immediately prior to conversion, HCD will use the flat rent amount to calculate phase-in for Year 1.)

2. Year 2: Year 2 annual recertification (AR) and any interim recertification (IR): 50 percent of the difference between the most recently paid TTP and the calculated PBV TTP
3. Year 3: Year 3 AR and all subsequent recertifications: Full calculated TTP

E. Once the standard TTP is equal to or less than the previous TTP, Phase-in ends and tenants will pay full TTP from that point forward.

F. HCD will communicate HCD's phase-in policy in writing to the family at the time HCD first determines that the family qualifies for a rent phase-in. Any non-RAD PBV units located in the same project are also subject to rent phase-in requirements.

G. Upon implementation of HOTMA and HUD's applicable regulations and guideline that became effective on January 1, 2024, only families currently participating in EID may continue to receive benefits up to 2 years from this date.

## 32.6 .I. Residents' Procedural Rights

A. HUD is incorporating additional termination notification requirements for public housing projects that convert assistance under RAD to PBV and to legacy non-RAD PBV units located in the same project beyond those for the standard PBV program. In addition to the regulations at 24 CFR § 983.257 related to owner termination of tenancy and eviction, the termination procedure for RAD conversions to PBV requires that HCD provide adequate written notice of termination of the lease, which is:

1. A reasonable period of time, but not to exceed 30 days:
   a) If the health or safety of other tenants, project owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
   b) In the event of any drug-related or violent criminal activity or any felony conviction.
   c) Not less than 30 days in the case of nonpayment of rent
   d) Not less than 30 days in any other case, except that if a state or local law provides for a shorter period of time, such shorter period will apply

## 32.6.J. Informal Hearings and Grievance Procedures [Notice PIH 2019-23]

A. Overview of RAD PBV Grievance Procedures

1. For the termination of assistance and several other HCD determinations, the RAD PBV program rules require Miami-Dade County through its housing department, Housing and Community Development or its designee (collective "HCD") to provide an opportunity for an informal hearing in accordance with 24 CFR § 982.555. The RAD PBV grievances procedures apply solely to HCD's RAD PBV program.
2. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(v), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the tenant's rights, obligations, welfare, or status.

3. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(v), HCD, as the contract administrator, will perform the hearing, as is the current standard in the program for:

   a) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
   b) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from HCD utility allowance schedule.
   c) A determination of the family unit size under HCD subsidy standards.

d) A determination to terminate assistance for a participant family because of the family's action or failure to act (see 24 CFR § 982.552).
e) A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under HCD policy and HUD rules.

4. For any additional hearings required under RAD, the Project Owner will perform the hearing unless HCD determines it shall perform a HCD-led informal hearing in accordance with parts 32.6.I (B)-(C) of this section. The Project Owner must give residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(v). The project owner may appoint any person as the hearing officer other than a person who made or approved the decision under review or a subordinate of that person.

5. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or Contract Administrator. In accordance with applicable regulations, HCD is not required to provide a participant family an opportunity for an informal hearing for any of the following:
    a) Discretionary administrative determinations by HCD.
    b) General policy issues or class grievances.
    c) Establishment of HCD's schedule of utility allowances for families in the program.
    d) A HCD determination not to approve an extension of the voucher term.
    e) A HCD determination not to approve a unit or tenancy.
    f) A HCD determination that an assisted unit is not in compliance with HQS. (However, HCD must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family as described in 24 CFR § 982.551(c).)
    g) A HCD determination that the unit is not in accordance with HQS because of the family size.
    h) A determination by HCD to exercise or not to exercise any right or remedy against the owner under a HAP contract.

6. If HUD has issued a due process determination and HCD is terminating the lease through judicial eviction procedures, HCD is not required to provide the opportunity for a hearing under HCD's grievance procedure. Additionally, if HUD has issued a due process determination, HCD may exclude the following three types of terminations or evictions from its grievance procedure:
    a) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of HCD;
    b) Any violent or drug-related criminal activity on or off such premises; and
    c) Any criminal activity that resulted in felony conviction of a household member.

B. HCD Grievance Coordinator Review Process
    1. The Project Owner must provide all final decisions of Project Owner-led hearings to HCD Grievance Coordinator within 5 business days of the Project Owner's decision, and before any actions regarding residents' status can be taken.

2. The final decision must be mailed to:
   **ATTN: HCD RAD Program - Grievance Coordinator**
   701 NW 1 Court, 16th Floor
   Miami, Florida 33136

3. HCD Grievance Coordinator will conduct a review of the Project Owner's decision within 5 business days after receipt of the Project Owner's final decision, or within 5 business days of receiving the review request directly from the RAD PBV tenant.

4. HCD Grievance Coordinator may extend the review period to an additional 5 business days, if needed.

5. During the review process, HCD Grievance Coordinator may reverse the Project Owner's decision and initiate a HCD-led informal hearing, if HCD Grievance Coordinator determines one of the following:
   a) HCD is required to perform the hearing pursuant to 24 CFR § 982.555(a)(1)(i)-(v)
   b) The Project Owner's hearing decision may not be in conformity with County, State or federal law and/or HUD guidelines for the administration of the RAD Program
   c) HCD may perform an informal hearing because the Project Owner's hearing decision may lead to an eviction that may affect the safety and wellbeing of the family

6. If HCD Grievance Coordinator deems it necessary to initiate a HCD-led informal hearing, HCD must perform an informal hearing that follows the procedures described under Subsection C of this chapter (see 32.6.I.(C)).

C. HCD Informal Hearing Procedures for the RAD PBV Program

1. **Hearing Scheduling:** HCD Grievance Coordinator will schedule an informal hearing in a reasonably expeditious manner:

   a) **Grievances Arising out of HCD Grievance Coordinator Review Process**: Upon determination that an HCD Informal Hearing is necessary, HCD Grievance Coordinator will, when feasible, the hearing within 30 calendar days of the Project Owner's decision.
      (1) **Grievances Arising out of a Tenant's Request:** If a RAD PBV tenant requests a hearing that must be performed by HCD, then HCD must schedule the hearing within 15 calendar days of the hearing request. To present a grievance, an individual must be a HCD RAD PBV tenant, defined as the adult person(s) (other than a live-in aide) who resides in the unit and executed the lease as the lessee or, where there is no such person, who resides in the unit or resides in the unit and is the remaining head of household.

2. **Hearing Re-scheduling:** If the complainant or HCD fails to appear at the scheduled hearing, the hearing officer may decide to postpone the hearing in a reasonable time

not to exceed 5 business days; or that the party has waived its right to a hearing. A hearing may be held in person or via telephone/video conferencing platforms at the discretion of the Hearing Officer.

3. **Hearing Officer Appointment and Authority:** The hearing may be conducted by any person or persons designated by HCD, other than a person who made or approved the decision under review or a subordinate of this person.
   a) The hearing will be conducted informally by the Hearing Officer. Oral or documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
   b) The Hearing Officer will require HCD, the complainant, counsel and other participants to conduct themselves in an orderly fashion. Failure to comply with the directions of the Hearing Officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

4. **Discovery and procedural rights:** The complainant will be afforded a fair hearing, which will include the opportunity to examine before the hearing any HCD documents, including records and regulations, that are directly relevant to the hearing.
   a) The complainant will have the right to:
      (1) be represented by counsel or other person chosen as the Tenant's representative, and to have that person make statements on the Tenant's behalf;
      (2) present evidence and arguments in support of the tenant's complaint;
      (3) controvert evidence relied on by HCD; and
      (4) confront and cross examine all witnesses upon whose testimony or information HCD relies.
      (5) If needed by the complainant to participate in the hearing, HCD will provide a specific accommodation (such as a qualified sign language interpreter, reader, accessible location, or attendant) if the complainant is a person with disabilities; or an interpreter if the complainant has a limited ability to read, write, speak or understand English.

5. **Hearing Decision:** The Hearing Officer must issue a written decision, stating briefly the reasons for the decision within 10 business days after the hearing. A decision must be based solely and exclusively upon the facts presented at the hearing.
      a) The Hearing Officer will prepare a written decision, outlining the reasons for deciding the case, and send a copy of the decision to the Project Owner, the complainant and HCD's Grievance Coordinator. The written decision should include:
         (1) The names of the complainant, hearing officer, other participants, including complainant's counsel or representative, and witnesses;
         (2) The date, time and location of the hearing;
         (3) A summary of the grievance;
         (4) The date on which the informal settlement discussion was held, who was present, and a summary of the results of the informal discussion;
         (5) A summary of the evidence, argument and testimony presented at the hearing; and

(6) The reason(s) for the hearing decision, citing the policy or regulation that supports the decision made.

b) The decision of the Hearing Officer will be binding on HCD and the Project Owner, which will take all actions, or refrain from any actions, necessary to carry out the decision unless the decision of the Hearing Officer is contrary to applicable Federal, State or local law, HUD regulations, or requirements of the annual contributions contract between HUD and HCD.

D. **Continuing Rights and Appeal**: A decision by the Hearing Officer in favor of HCD, or which denies the relief requested by the complainant in whole or in part, shall not constitute a waiver of, or affect in any manner whatever, their rights. Nor shall the decision affect in any manner any rights the complainant may have to a trial or other review in any judicial proceeding which may thereafter be brought in a matter. In extenuating circumstances, upon the complainant's written request for review, HCD's Director or designee may review and modify the decision of an informal hearing. However, the decision shall not abridge any other rights the applicants have under law.

## 32.7 Determining Contract Rent

### 32.7.A. Initial Contract Rents [Notice PIH 2019-23]

RAD conversions are intended to be cost-neutral, and therefore, should not exceed current public housing funding as adjusted for unit size. Since public housing units do not currently have contract rents, HUD provides an estimate of current contract rents for each HCD's public housing units based on current funding as adjusted by bedroom size. Current funding includes operating subsidy, tenant rents, capital funds, replacement housing factor funds (RHF), and demolition disposition transitional funding (DDTF). The funding may limit the amount of initial rent for a property. For RAD/Section 18 blends, HUD produces a single, blended rent schedule for all units that are subject to the RAD/Section 18 blend in a converting project. This schedule will be calculated as the unit-weighted average contract rent, by bedroom size, of (i) converting public housing assistance for the RAD units in a Blend, and (ii) converting Tenant Protection Voucher assistance for the Section 18 units in a Blend, which will be calculated pursuant to Section 32.7.B below. A detailed explanation of the determination of current funding may be found in RAD Supplemental Notice 4C.

A. HCDs may adjust subsidy (and contract rents) across multiple projects as long as HCD does not exceed the aggregate subsidy for all of the projects HCD has submitted for conversion under RAD. This is known as "rent bundling" and is explained in further detail in Notice PIH 2019-23(HA) as amended by Supplemental Notice 4B and 4C.

B. Notwithstanding HUD's calculation of the initial contract rent based on the project's subsidy under the public housing program and any modifications made to the initial contact rent, the initial rents are set at the lower of:
   1. An amount determined by HCD, not to exceed 110 percent of the fair market rent (FMR) or HCD's exception payment standard approved by HUD, minus any utility allowance
   2. The reasonable rent
   3. The rent requested by the owner

### 32.7.B. Adjusting Contract Rents [Notice PIH 2019-23]

A. RAD PBV contract rents are adjusted differently than contract rents in the standard PBV program. Contract rents will be adjusted annually only by HUD's operating cost adjustment factor (OCAF) at each anniversary of the HAP contract, subject to the availability of appropriations for each year of the contract term. As such, section 8(o)(13)(I) of the 1937 Act, and 24 CFR §§ 983.301 and 983.302, concerning rent determinations, do not apply to annual rent adjustments. The rent to owner may at no time exceed the reasonable rent charged for comparable unassisted units in the private market, as determined by the contract administrator in accordance with 24 CFR § 983.303.

B. After the expiration of a 20-year initial term of the HAP Contract, the HAP Contract shall be renewed on a form approved by HUD, which shall include language that requires rents to be re-determined in accordance with 24 CFR §§ 983.301 and 983.302. If the RAD PBV HAP Contract was renewed or extended prior to the 20th year after conversion, then starting with the 20th year after execution of the original RAD PBV HAP Contract, contract rents shall be re-determined in accordance with 24 CFR § 983.302 or successor regulation.

C. Contract rents may not exceed the reasonable rent. Generally, the contract rent for each unit may not be reduced below the initial contract rent under the initial HAP contract.

1. However, the rent to owner may be reduced below the initial contract rent in the following situations:
   a) To correct errors in calculations in accordance with HUD requirements
   b) If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to 24 CFR § 983.55 (prohibition of excess public assistance)
   c) If a decrease in rent to owner is required based on changes in the allocation of responsibility for utilities between the owner and the tenant

2. The contract rent adjustment will be the lesser of:
   a) The current contract rent increased by the operating cost adjustment factor (OCAF), which is published annually in the *Federal Register*; or
   b) The reasonable rent

3. The administering HCD (or independent entity, if the project is HCD-owned) is responsible for processing rent adjustments, at each contract anniversary date, in accordance with the prevailing OCAF.

4. At least 120 days before the contract anniversary date, HUD recommends that the owner submit the OCAF rent adjustment worksheet (Form HUD-9625) to HCD administering the PBV assistance (or the independent entity). HCD will validate the data on the form and determine whether the rent exceeds the reasonable rent charged for comparable unassisted units in the private market, in accordance with 24 CFR § 983.303. If rents would be unreasonable following application of the requested OCAF, then the rent can only be increased up to the reasonable rent. The approved rent adjustment will go into effect and the new rents to owner will take effect on the date of the contract anniversary.

D. Rent Decrease
   1. Rents must not be reduced below the initial rent except to correct errors, for additional subsidy to the property, or to realign utility responsibilities.

### 32.7.C. Utility Allowances [Notice PIH 2019-23; ]

A. When contract rent amounts are set initially, the amount does not include a utility allowance. In general, the utility allowances that are used on the initial HAP contract at closing are the public housing utility allowances that are in effect prior to conversion. The CHAP must be updated prior to conversion to reflect current public housing utility allowances. At its discretion, HCD may use the FMRs and utility allowances in effect during the 30-day period immediately before the beginning date of the HAP contract.

B. After conversion, HCD may either maintain a utility allowance schedule for tenant-paid utilities in accordance with standard PBV and HCV utility allowance regulations at 24 CFR § 983.301(f)(2)(ii) and 24 CFR § 982.517, respectively, or HCD may instead apply site-specific utility allowances.

C. HUD waived the requirement for the standard PBV program that the HCV utility allowance be used. If a site-specific utility allowance is used, the utility allowance is applicable to legacy non-RAD PBV units in the project and is calculated consistent with Notice H 2015-04.

### 32.7.D. Reasonable Rent [24 CFR § 983.303]

A. At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by HCD, except rents must not be reduced below the initial rent except to correct errors, for additional subsidy to the property, or to realign utility responsibilities.

1. How to Determine Reasonable Rent
   a) The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, HCD must consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

2. Comparability Analysis
   a) For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by HCD. The comparability analysis may be performed by HCD staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

3. HCD-Owned Units
   a) For HCD-owned units, the amount of the reasonable rent must be determined by an independent entity approved by HUD in accordance with PBV program requirements. The independent entity must provide a copy of the determination of reasonable rent for HCD-owned units to HCD and to the HUD field office where the project is located.

## 32.8 Payments to Owner

### 32.8.A. Housing Assistance Payments

A. During the term of the HAP contract, HCD must make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and HCD agree on a later date.

B. Except for discretionary vacancy payments, HCD may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

C. The amount of the housing assistance payment by HCD is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

D. In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

### 32.8.B. Vacancy Payments [24 CFR § 983.352]

A. If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if HCD determines that the vacancy is the owner's fault.

B. If HCD determines that the owner is responsible for a vacancy and as a result is not entitled to the keep the housing assistance payment, HCD will notify the landlord of the amount of housing assistance payment that the owner must repay. HCD will require the owner to repay the amount owed.

C. At the discretion of HCD, the HAP contract may provide for vacancy payments to the owner. HCD may only make vacancy payments if:
   1. The owner gives HCD prompt, written notice certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner's knowledge);
   2. The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
   3. The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
   4. The owner provides any additional information required and requested by HCD to verify that the owner is entitled to the vacancy payment.

D. The owner must submit a request for vacancy payments in the form and manner required by HCD and must provide any information or evidentiary support required by HCD to determine the amount of any vacancy payment.

E. If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified HCD of the vacancy in accordance with the policy in Section 18-V.G. regarding filling vacancies.

F. In order for a vacancy payment request to be considered, it must be made within 10 business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and HCD may require the owner to provide documentation to support the request. If the owner does not provide the information requested by HCD within 10 business days of HCD's request, no vacancy payments will be made.

**32.8.C. Tenant Rent To Owner [24 CFR § 983.353; Notice PIH 2019-23]**

A. The tenant rent is the portion of the rent to owner paid by the family. The amount of tenant rent is determined by HCD in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in HCD notice to the family and owner.

B. The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The amount of the tenant rent determined by HCD is the maximum amount the owner may charge the family for rental of a contract unit. The tenant rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not demand or accept any rent payment from the tenant in excess of the tenant rent as determined by HCD. The owner must immediately return any excess payment to the tenant.

C. Initial Certifications [Notice PIH 2019-23]
   1. For the initial certification, HCD will use the family's public housing tenant rent (reflected on line 10f of the family's most recent 50058) at the date of conversion to calculate HAP and tenant rent for the PBV program. HCD will use this amount until the effective date of the earlier of the family's first regular or interim recertification following the conversion. At that point, HCD will use the family's TTP based on the recertification and the applicable utility allowance (HCV or RAD PBV site-based, as applicable) to determine PBV HAP and tenant rent. Any non-RAD PBV units located in the same project are subject to the same requirements.

D. Tenant and HCD Responsibilities
   1. The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by HCD.
   2. Likewise, HCD is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. HCD is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. HCD may not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

E. Utility Reimbursements
   1. If the amount of the utility allowance exceeds the total tenant payment, HCD must pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero.
   2. HCD may pay the utility reimbursement directly to the family or to the utility supplier on behalf of the family. If HCD chooses to pay the utility supplier directly, HCD must notify the family of the amount paid to the utility supplier.

### 32.8.D. Phase-In of Tenant Rent Increases [Notice PIH 2019-23]

1. For in-place tenants, if the amount the tenant would pay for rent and utilities (TTP) would increase by more than the greater of 10 percent or $25 purely as a result of conversion, the rent increase will be phased in over three years. To implement this provision, HUD is waiving section 3(a)(1) of the 1937 Act, as well as 24 CFR § 983.3 (definition of *total tenant payment (TTP)*) only to the extent necessary to allow for phase-in of tenant rent increases. For families who were on EID at the time of conversion to RAD PBV--that is, families on EID on or before December 31, 2023—the rent adjustment upon the expiration of the EID is not subject to rent phase-in.

2. HCD must communicate this policy in writing to affected residents.

3. HCD will use the family's public housing tenant rent (reflected on line 10f of the family's most recent 50058) at the date of conversion to calculate the family's tenant rent in PBV. HCD will implement a three-year phase-in for in-place families whose TTP increases by more than the greater of 10 percent or $25 purely as a result of the conversion as follows:
    - Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion: 33 percent of the difference between the most recently paid TTP and the calculated PBV TTP. (If the family was paying flat rent immediately prior to conversion, HCD will use the flat rent amount to calculate phase-in for Year 1.)
    - Year 2: Year 2 annual recertification (AR) and any interim recertification (IR): 50 percent of the difference between the most recently paid TTP and the calculated PBV TTP
    - Year 3: Year 3 AR and all subsequent recertifications: Full calculated TTP

4. Once the standard TTP is equal to or less than the previous TTP, Phase-in ends and tenants will pay full TTP from that point forward.

5. HCD will communicate HCD's phase-in policy in writing to the family at the time HCD first determines that the family qualifies for a rent phase-in. Any non-RAD PBV units located in the same project are also subject to rent phase-in requirements.

### 32.8.E. Other Fees and Charges [24 CFR § 983.354]

A. Meals and Supportive Services

1. With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

2. In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

B. Other Charges by Owner

1. The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

# Chapter 33. Emergency Housing Vouchers

## 33. Introduction

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (P.L. 117-2). Section 3202 of the ARP appropriated $5 billion for the creation, administration, and renewal of new incremental emergency housing vouchers (EHVs) and other eligible expenses related to COVID-19.

On May 5, 2021, HUD issued Notice PIH 2021-15, which described HUD's process for allocating approximately 70,000 EHVs to eligible PHAs and set forth the operating requirements for PHAs who administer them. Based on criteria outlined in the notice, HUD notified eligible PHAs of the number of EHVs allocated to their agency, and PHAs were able to accept or decline the invitation to participate in the program.

PHAs may not project-base EHVs; EHVs are exclusively tenant-based assistance.

All applicable nondiscrimination and equal opportunity requirements apply to the EHV program, including requirements that the PHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

This chapter describes HUD regulations and PHA policies for administering EHVs. The policies outlined in this chapter are organized into seven sections, as follows:

Part I: Funding

Part II: Partnering Agencies

Part III: Waiting List Management

Part IV: Family Eligibility

Part V: Housing Search and Leasing

Part VI: Use of Funds, Reporting, and Financial Records

Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.

# Part I: Funding

### 33.1 TPS-I.A. Funding Overview

The American Rescue Plan Act of 2021 (ARP) provides administrative fees and funding for the costs of administering emergency housing vouchers (EHVs) and other eligible expenses defined in Notice PIH 2021-15. These fees may only be used for EHV administration and other eligible expenses and must not be used for or applied to other PHA programs or vouchers. The PHA must maintain separate financial records from its regular HCV funding for all EHV funding.

### 33.1. A Housing Assistance Payments (HAP) Funding

ARP funding obligated to the PHA as housing assistance payments (HAP) funding may only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for the eligible uses under the EHV services fee.

The initial funding term will expire December 31, 2022. HUD will provide renewal funding to the PHA for the EHVs on a calendar year (CY) basis commencing with CY 2023. The renewal funding allocation will be based on the PHA's actual EHV HAP costs in leasing, similar to the renewal process for the regular HCV program. EHV renewal funding is not part of the annual HCV renewal funding formula; EHVs are renewed separately from the regular HCV program. All renewal funding for the duration of the EHV program has been appropriated as part of the ARP funding.

### 33.1 B Administrative Fee and Funding

The following four types of fees and funding are allocated as part of the EHV program:

- **Preliminary fees** support immediate start-up costs that the PHA will incur in implementing alternative requirements under EHV, such as outreach and coordination with partnering agencies:
  - $400 per EHV allocated to the PHA, once the consolidated annual contributions contract (CACC) is amended.
  - This fee may be used for any eligible administrative expenses related to EHVs.
  - The fee may also be used to pay for any eligible activities under EHV service fees (TPS-I.B).

- **Placement fees/expedited issuance reporting fees** will support initial lease-up costs and the added cost and effort required to expedite leasing of EHVs:
  - $100 for each EHV initially leased, if the PHA reports the voucher issuance date in Public Housing Information Center–Next Generation (PIC–NG) system within 14 days of voucher issuance or the date the system becomes available for reporting.

- Placement fees:
    - $500 for each EHV family placed under a HAP contract effective within four months of the effective date of the ACC funding increment; or
    - $250 for each EHV family placed under a HAP contract effective after four months but less than six months after the effective date of the ACC funding increment.
    - HUD will determine placement fees in the event of multiple EHV allocations and funding increment effective dates.
- Placement/expedited issuance fees only apply to the initial leasing of the voucher; they are not paid for family moves or to turnover vouchers.

- **Ongoing administrative fees,** which are calculated in the same way as the standard HCV program:
    - PHAs are allocated administrative fees using the full column A administrative fee amount for each EHV under contract as of the first day of each month.
    - Ongoing EHV administrative fees may be subject to proration in future years, based on available EHV funding.

- **Services fees**, which are a one-time fee to support PHAs' efforts to implement and operate an effective EHV services program in its jurisdiction (TPS-I.B):
    - The fee is allocated once the PHA's CACC is amended to reflect EHV funding.
    - The amount allocated is $3,500 for each EHV allocated.

**33.1 C TPS-I.B. Service Fees**

Services fee funding must be initially used for defined eligible uses and not for other administrative expenses of operating the EHV program. Service fees fall into four categories:

- Housing search assistance
- Security deposit/utility deposit/rental application/holding fee uses
- Owner-related uses
- Other eligible uses such as moving expenses or tenant-readiness services

The PHA must establish the eligible uses and the parameters and requirements for service fees in the PHA's administrative plan.

**HCD Policy**

HCD eligible use of service fees will include:
**Housing search assistance**, which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and PHA forms, and helping to expedite the EHV leasing process for the family.

**Application fees/non-refundable administrative or processing fees/refundable application deposit assistance.** The PHA may choose to assist the family with some or all these expenses.

**Holding fees** are fees an owner request that are rolled into the security deposit after an application is accepted but before a lease is signed. HCD may cover part or all the holding fee for units where the fee is required by the owner after a tenant's application has been accepted but before the lease signing. The owner will be allowed to keep the holding fee whether the unit passes or does not pass inspection. In general, owners need to accept responsibility for making needed repairs to a unit required by the initial housing quality standards (HQS) inspections and can only keep the holding fee if the client is at fault for not entering into a lease.

**Security deposit assistance.** The amount of the security deposit assistance may not exceed the lesser of two months' rent to owner, the maximum-security deposit allowed under applicable state and/or local law, or the actual security deposit required by the owner. The HCD will pay the security deposit directly to the owner. HCD will pay up to two month's rent in security deposit, if applicable.

Verification:

- Once a signed lease and HAP is received, the HCD will pay up to two month's rent in security deposit to the owner with the first HAP check pursuant to the amount listed in the lease and required by the owner.

**Utility deposit assistance/utility arrears.** The PHA may provide utility deposit assistance for some or all of the family's utility deposit expenses. Assistance can be provided for deposits (including connection fees) required for the utilities to be supplied by the tenant under the lease. The PHA may pay the utility deposit assistance directly to the utility company or may pay the assistance to the family. If paid to the family, the PHA will require documentation the family paid the utility deposit. The PHA will require the utility supplier or family to return the utility deposit assistance to the PHA at such time the deposit is returned by the utility supplier (less any amounts retained by the utility supplier). In addition, some families may have large balances with gas, electric, water, sewer, or trash companies that will make it difficult if not impossible to establish services for tenant-supplied utilities. The PHA may also provide the family with assistance to help address these utility arrears to facilitate leasing. Utility deposit assistance returned to the PHA will be used for either services fee eligible uses or other EHV administrative costs, as required by HUD.

**Owner recruitment and outreach for EHVs.** The PHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHVs. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

**Owner incentive and/or retention payments.** The PHA may make incentive or retention payments to owners that agree to initially lease their unit to an EHV family and/or renew the lease of an EHV family.

Payments will be made as a single payment at the beginning of the assisted lease term (or lease renewal if a retention payment). Owner incentive and retentions payments are not

housing assistance payments, are not part of the rent to owner, and are not taken into consideration when determining whether the rent for the unit is reasonable. HCD will pay a one-time $100 EHV signing bonus to owners who enter into a HAP contract with an EHV participant.

Verification

- Once a signed lease and HAP is received, the HCD will pay a $100 EHV signing bonus" with the first HAP check.

**Moving expenses (including move-in fees and deposits).** The PHA may provide assistance for some or all of the family's reasonable moving expenses when they initially lease a unit with the EHV. The PHA will not provide moving expenses assistance for subsequent moves unless the family is required to move for reasons other than something the family did or failed to do (e.g., the PHA is terminating the HAP contract because the owner did not fulfill the owner responsibilities under the HAP contract or the owner is refusing to offer the family the opportunity to enter a new lease after the initial lease term, as opposed to the family choosing to terminate the tenancy in order to move to another unit), or a family has to move due to domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking.

**Essential household items may be included in moving expenses paid.** The PHA may use services fee funding to assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries.
The HCD will use the following guidelines to reimburse the family for a fixed amount in moving expenses as follows:

| **State** | **Voucher Size and Payment** | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | **0 BR** | **1 BR** | **2 BR** | **3 BR** | **4 BR** | **5 BR** | **6 BR** | **7BR** |
| **Florida** | 750 | 900 | 1075 | 1,250 | 1,400 | 1,550 | 1,600 | 1,850 |

Verification

- Certification from the CoC that moving expenses are needed

**Tenant-readiness services.** The PHA may use fees to help create a customized plan to address or mitigate barriers that individual families may face in renting a unit with an EHV, such as negative credit, lack of credit, negative rental or utility history, or to connect the family to other community resources (including COVID-related resources) that can assist with rental arrears.
**Renter's insurance if required by the lease.** The PHA may choose to assist the family with some or all this cost.

The HCD will pay a maximum of $3,500 per EHV family in service fees. Any services fee assistance that is returned to the PHA after its initial or subsequent use may only be applied to the eligible services fee uses defined in Notice PIH 2021-15 (or subsequent notice) or other EHV administrative costs. Any amounts not expended for these eligible uses when the PHA's EHV program ends must be remitted to HUD.

## Part II: Partnering Agencies

### 33.2 TPS-II.A. Continuum of Care (CoC)

PHAs that accept an allocation of EHVs are required to enter into a Memorandum of Understanding (MOU) with the Continuum of Care (CoC) to establish a partnership for the administration of EHVs.

**HCD Policy**
The PHA has entered into an MOU with ***The Miami-Dade Homeless Trust (CoC).*** See Exhibit TPS-1 for a copy of the MOU.

### 33.2 A TPS-II.B. Other Partnering Organizations

The PHA may, but is not required to, partner with other organizations trusted by persons experiencing homelessness, such as victim services providers (VSPs) and other community partners. If the PHA chooses to partner with such agencies, the PHA must either enter into an MOU with the partnering agency or the partnering agency may be added to the MOU between the PHA and CoC.

**HCD Policy**
The HCD has not added additional partners to the MOU.

### 33.2 B TPS-II.C. Referrals

**CoC and Partnering Agency Referrals**

The primary responsibility of the CoC under the MOU with the PHA is to make direct referrals of qualifying individuals and families to the PHA. The PHA must generally refer a family that is seeking EHV assistance directly from the PHA to the CoC or other referring agency for initial intake, assessment, and possible referral for EHV assistance. Partner CoCs are responsible for determining whether the family qualifies under one of the four eligibility categories for EHVs. The CoC or other direct referral partner must provide supporting documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance.

**HCD Policy**
The CoC or partnering agency must establish and implement a system to identify EHV-eligible individuals and families within the agency's caseload and make referrals to the PHA. The CoC or other partnering agency must certify that the EHV applicants they refer to the PHA meet at least one of the four EHV eligibility criteria. The PHA will maintain a copy of the referral or certification from the CoC or other partnering agency in the participant's file along with other eligibility paperwork. Homeless service providers may, but are not required to, use the certification form found in Exhibit TPS-2 of this chapter. Victim services providers may, but are not required to, use the certification form found in Exhibit TPS-3 of this chapter when identifying eligible families who qualify as victims of human trafficking.

As part of the MOU, the PHA and CoC or other partnering agency will identify staff positions to serve as lead EHV liaisons. These positions will be responsible for transmission and acceptance of referrals. The CoC or partnering agency must commit sufficient staff and resources to ensure eligible individuals and families are identified and determined eligible in a timely manner.

The PHA liaison responsible for acceptance of referrals will contact the CoC or partnering agency liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than five business days from the date the CoC or partnering agency receives this notification, the CoC or partnering agency liaison will provide the PHA with a list of eligible referrals including the name, address, and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating they are EHV-eligible.

**33.2 C Offers of Assistance with CoC Referral**

The PHA may make an EHV available without a referral from the CoC or other partnering organization in order to facilitate an emergency transfer under VAWA in accordance with the PHA's Emergency Transfer Plan (ETP).

The PHA must also take direct referrals from outside the CoC if:

- The CoC does not have a sufficient number of eligible families to refer to the PHA; or
- The CoC does not identify families that may be eligible for EHV assistance because they are fleeing, or attempting to flee, domestic violence, economic abuse, technological abuse, dating violence, sexual assault, stalking or human trafficking.

If at any time the PHA is not receiving enough referrals or is not receiving referrals in a timely manner from the CoC or other partner referral agencies (or the PHA and CoC cannot identify any such alternative referral partner agencies), HUD may permit the PHA on a temporary or permanent basis to take EHV applications directly from applicants and admit eligible families to the EHV program in lieu of or in addition to direct referrals in those circumstances.

**Part III: Waiting List Management**

**33.3 TPS-III. A. HCV Waiting List**

The regulation that requires the PHA to admit applicants as waiting list admissions or special admissions in accordance with admission policies in Chapter 2 does not apply to PHAs operating the EHV program. Direct referrals are not added to the PHA's HCV waiting list.

The PHA must inform families on the HCV waiting list of the availability of EHVs by, at a minimum, either by posting the information to their website or providing public notice in their respective communities in accordance with the requirements listed in Notice PIH 2021-15.

**HCD Policy**

The PHA will post information about the EHV program for families on the PHA's HCV waiting list on their website. The notice will:

- Describe the eligible populations to which EHVs are limited.
- Clearly state that the availability of these EHVs is managed through a direct referral process.
- Advise the family to contact the CoC if the family believes they may be eligible for EHV assistance .

The PHA will ensure effective communication with persons with disabilities, including those with vision, hearing, and other communication-related disabilities in accordance with Chapter 2. The PHA will also take reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP) in accordance with Chapter 2.

### 33.3 A TPS-III.B. EHV Waiting List

The HCV regulations requiring the PHA to operate a single waiting list for admission to the HCV program do not apply to PHAs operating the EHV program. Instead, when the number of applicants referred by the CoC or partnering agency exceeds the EHVs available, the PHA must maintain a separate waiting list for EHV referrals, both at initial leasing and for any turnover vouchers that may be issued prior to September 30, 2023.

Further, the EHV waiting list is not subject to PHA policies in Chapter 2 regarding opening and closing the HCV waiting list. The PHA will work directly with its CoC and other referral agency partners to manage the number of referrals and the size of the EHV waiting list.

### 33.3 B TPS-III.C. Preferences HCV Waiting List Preferences

If local preferences are established by the PHA for HCV, they do not apply to EHVs. However, if the PHA has a homeless preference or a VAWA preference for the HCV waiting list, the PHA must adopt additional policies related to EHVs in accordance with Notice PIH 2021-15.

**HCD Policy**

HCD maintains its HCV tenant-based admission preference to address the risk of homelessness. HCD may collaborate with the Homeless Trust on referrals of persons transitioning out of a shelter, transitional housing program, rapid re-housing program or permanent supportive housing.

## Part IV: Family Eligibility

### 33.4 TPS-IV.A. Overview

The CoC or referring agency determines whether the individual or family meets any one of the four eligibility criteria described in Notice PIH 2021-15 and then refers the family to the PHA. The PHA determines that the family meets other eligibility criteria for the HCV program, as modified for the EHV program and outlined below.

### 33.4. A TPS-IV.B. Referring Agency Determination of Eligibility

In order to be eligible for an EHV, an individual or family must meet one of four eligibility criteria:

- Homeless as defined in 24 CFR § 578.3;
- At risk of homelessness as defined in 24 CFR § 578.3;
- Fleeing, or attempting to flee, domestic violence, economic abuse, technological abuse, dating violence, sexual assault, stalking (as defined in Notice PIH 2021-15), or human trafficking (as defined in the 22 U.S.C. Section 7102); or
- Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability as determined by the CoC or its designee in accordance with the definition in Notice PIH 2021-15.

As applicable, the CoC or referring agency must provide documentation to the PHA of the referring agency's verification that the family meets one of the four eligible categories for EHV assistance. The PHA must retain this documentation as part of the family's file.

### TPS-IV.C. PHA Screening Overview

HUD waived 24 CFR §§ 982.552 and 982.553 in part for the EHV applicants and established alternative requirement for mandatory and permissive prohibitions of admissions. Except where applicable, PHA policies regarding denials in the HCV Administrative Plan of this policy

do not apply to screening individuals and families for eligibility for an EHV. Instead, the EHV alternative requirement listed in this section will apply to all EHV applicants.

The mandatory and permissive prohibitions listed in Notice PIH 2021-15 and in this chapter, however, apply only when screening the individual or family for eligibility for an EHV. When adding a family member after the family has been placed under a HAP contract with EHV assistance, the regulations at 24 CFR § 982.551(h)(2) apply. Other than the birth, adoption, or court-awarded custody of a child, the PHA must approve additional family members and may apply its regular HCV screening criteria in the HCV Administrative Plan in doing so.

**Mandatory Denials**

Under alternative requirements for the EHV program, mandatory denials for EHV applicants include:

- 24 CFR § 982.553(a)(1)(ii)(C), which prohibits admission if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- 24 CFR § 982.553(a)(2)(i), which prohibits admission to the program if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

The PHA must deny admission to the program if any member of the family fails to sign and submit consent forms for obtaining information as required by 24 CFR § 982.552(b)(3) but should notify the family of the limited EHV grounds for denial of admission first.

HCD Policy

While the PHA will deny admission to the program if any adult member (or head of household or spouse, regardless of age) fails to sign and submit consent forms, the PHA will first notify the family of the limited EHV grounds for denial of admission as part of the notice of denial that will be mailed to the family.

**Permissive Denial**

Notice PIH 2021-15 lists permissive prohibitions for which the PHA may, but is not required to, deny admission to EHV families. The notice also lists prohibitions that, while allowable under the HCV program, may not be used to deny assistance for EHV families.

If the PHA intends to establish permissive prohibition policies for EHV applicants, the PHA must first consult with its CoC partner to understand the impact that the proposed prohibitions may have on referrals and must take the CoC's recommendations into consideration.

**HCD Policy**

In consultation with the CoC, the PHA will apply permissive prohibition to the screening of EHV applicants. Determinations using permissive prohibitions will be made based on an individualized assessment of relevant mitigating information in accordance with policies in Section 3-III.E.

The PHA will establish the following permissive prohibitions:

If the PHA determines that any household member is currently engaged in, or has engaged in within the previous 12 months:

Violent criminal activity

Other criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity

If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program within the previous 12 months.

If the family engaged in or threatened abusive or violent behavior toward PHA personnel within the previous 12 months.

The PHA will also deny assistance to household members already receiving assistance from another program in accordance with Section 9.h. of Notice PIH 2021-15.

Prohibitions based on criminal activity for the eligible EHV populations regarding drug possession will be considered apart from criminal activity against persons (i.e., violent criminal activity).

In compliance with PIH 2021-15, the PHA **will not** deny an EHV applicant admission regardless of whether:

- Any member of the family has been evicted from federally assisted housing in the last five years;
- A PHA has ever terminated assistance under the program for any member of the family;
- The family currently 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;
- The family has not reimbursed any PHA 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;
- The family breached an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;
- The family would otherwise be prohibited admission under alcohol abuse standards established by the PHA in accordance with 24 CFR § 982.553(a)(3);
- The PHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

**TPS-IV.D. Income Verification at Admission Self-Certification at Admission**

The requirement to obtain third-party verification of income in accordance with Notice PIH 2018- 18 does not apply to the EHV program applicants at admission, and alternatively, PHAs may consider self-certification the highest form of income verification at admission. As such, PHA policies related to the verification of income in Section 7-I.B. do not apply to EHV families at admission. Instead, applicants must submit an affidavit attesting to their reported income, assets, expenses, and other factors that would affect an income eligibility determination.

Additionally, applicants may provide third-party documentation that represents the applicant's income within the 60-day period prior to admission or voucher issuance but is not dated within 60 days of the PHA's request.

**HCD Policy**

Any documents used for verification must be the original (not photocopies) and dated within the 60-day period prior to admission. The documents must not be damaged, altered, or in any way illegible.

Printouts from webpages are considered original documents.

Any family self-certifications must be made in a format acceptable to HCD and must be signed by the family member whose information or status is being verified.

HCD will incorporate additional procedures to remind families of the obligation to provide true and complete information in accordance with this Administrative Plan. HCD will address any material discrepancies (i.e., unreported income or a substantial difference in reported income) that may arise later. HCD may, but is not required to, offer the family a repayment agreement in accordance with Chapter 16. If the family fails to repay the excess subsidy, HCD will terminate the family's assistance in accordance with the policies in this Administrative Plan.

**Recently Conducted Income Determinations**

HCD may accept income calculations and verifications from third-party providers or from an examination that HCD conducted on behalf of the family for another subsidized housing program in lieu of conducting an initial examination of income as long as:

- The income was calculated in accordance with rules outlined at 24 CFR Part 5 and within the last six months; and
- The family certifies there has been no change in income or family composition in the interim.

**HCD Policy**

HCD will accept income calculations and verifications from third-party providers provided they meet the criteria outlined above.

The family certification must be made in a format acceptable to HCD and must be signed by all adult family members whose information or status is being verified.

At the time of the family's annual reexamination the HCD must conduct the annual reexamination of income as outlined at 24 CFR § 982.516 and HCD policies in this Administrative Plan.

**EIV Income Validation**

Once HUD makes the EIV data available to PHAs under this waiver and alternative requirement, HCD must:

- Review the EIV Income and Income Validation Tool (IVT) reports to confirm and validate family-reported income within 90 days of the PIC submission date;
- Print and maintain copies of the EIV Income and IVT Reports in the tenant file; and
- Resolve any income discrepancy with the family within 60 days of the EIV Income or IVT Report dates.

Prior to admission, PHAs must continue to use HUD's EIV system to search for all household members using the Existing Tenant Search in accordance with PHA policies in the HCV Administrative Plan.

If HCD later determines that an ineligible family received assistance, HCD must take steps to terminate that family from the program in accordance with this Administrative Plan.

**TPS-IV.E. Social Security Number and Citizenship Status Verification**

For the EHV program, the PHA is not required to obtain and verify SSN documentation and documentation evidencing eligible noncitizen status before admitting the family to the EHV program. Instead, PHAs may adopt policies to admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. As an alternative requirement, such individuals must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

**HCD Policy**

HCD will admit EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination. These individuals must provide the required documentation in accordance with policies in this Administrative Plan within 180 days of admission. The PHA may provide an additional 60-day extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.

If HCD determines that an ineligible family received assistance, HCD will take steps to terminate that family from the program in accordance with policies in this administrative plan.

**TPS-IV.F. Age and Disability Verification**

HCD may accept self-certification of date of birth and disability status if a higher level of verification is not immediately available. If self-certification is used, the PHA must obtain a higher level of verification within 90 days of admission or verify the information in EIV.
If a PHA determines that an ineligible family received assistance, the PHA must take steps to terminate that family from the program.

**HCD Policy**

HCD will accept self-certification of date of birth and disability status if a higher form of verification is not immediately available. The certification must be made in a format acceptable to the PHA and must be signed by the family member whose information or status is being verified. If self-certification is accepted, within 90 days of admission, the PHA will verify the information in EIV or through other third-party verification if the information is not available in EIV. The PHA will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth and/or disability status.

If the PHA determines that an ineligible family received assistance, the PHA will take steps to terminate that family from the program in accordance with policies in this Administrative Plan.

**TPS-IV.G. Income Targeting**

The PHA must determine income eligibility for EHV families in accordance with 24 CFR § 982.201 and Miami-Dade HCD Policy in the HCV Administrative Plan; however, income targeting requirements do not apply for EHV families. The PHA may still choose to include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

**HCD Policy**

The PHA will not include the admission of extremely low-income EHV families in its income targeting numbers for the fiscal year in which these families are admitted.

**Part V: Housing Search and Leasing**

**TPS-V.A. Initial Voucher Term**

EHV vouchers must have an initial search term of at least 120 days. PHA policies on extensions as outlined in Section 5-II.E. will apply.

**HCD Policy**

All EHVs will have an initial term of 120 calendar days.

The family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension.

**TPS-V.B. Housing Search Assistance**

The PHA must ensure housing search assistance is made available to EHV families during their initial housing search. The housing search assistance may be provided directly by the PHA or through the CoC or another partnering agency or entity.

At a minimum, housing search assistance must:

- Help individual families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods;
- Provide transportation assistance and directions to potential units;
- Conduct owner outreach;
- Assist with the completion of rental applications and PHA forms; and
- Help expedite the EHV leasing process for the family

**HCD Policy**

As identified in the MOU between the PHA and CoC, the following housing search assistance will be provided to each EHV family:

A. HCD will:
   - Conduct owner outreach in accordance with policies in this administrative plan.
   - Provide directions to potential units as part of the EHV briefing packet.
   - Expedite the EHV leasing process for the family to the extent practicable and in accordance with policies in this chapter.
   - At least every 30 days, conduct proactive check-ins via email and telephone with families who are searching with an EHV and remind them of their voucher expiration date.
   - Assign a dedicated landlord liaison for EHV voucher families.

B. The CoC will:
   - Help families identify potentially available units during their housing search, including physically accessible units with features for family members with disabilities, as well as units in low-poverty neighborhoods.
   - Provide transportation assistance to potential units.
   - Assist the family with the completion of rental applications and HCD forms.

C. The four main components comprised of specific activities of the EHV services fee as described in Notice PIH 2023-23 and outline below:
   1. Housing Search Assistance
   2. Security Deposit/Utility Deposit/Rental Application/Holding Fee Uses /Arrears
      - Application fees/non-refundable administrative or processing fees /refundable application deposit assistance.
      - Holding fees.
      - Security deposit assistance.

      Utility deposit assistance/utility arrears.
      Rental arrears to private landlords for admission.
   3. Owner-related uses
      - Owner recruitment and outreach.
      - Owner incentive and/or retention payments.
   4. Other eligible uses
      - Moving expenses.
      - Pre-tenancy services and services that support EHV families in fulfilling their family obligations under the EHV program.
      - Essential household items as outlined in Notice PIH 2020-23.

**TPS-V.C. HQS Pre-Inspections**
To expedite the leasing process, PHAs may pre-inspect available units that EHV families may be interested in leasing in order to maintain a pool of eligible units.

HCD Policy
To expedite the leasing process, the PHA may pre-inspect available units that EHV families may be interested in leasing to maintain a pool of eligible units. If an EHV family selects a unit that passed a HQS pre-inspection (without intervening occupancy) within 45 days of the date of the Request for Tenancy Approval, the unit may be approved provided that it meets all other conditions under 24 CFR § 982.305.
The family will be free to select their unit.

When a pre-inspected unit is not selected, the PHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for any required re-inspections.

**TPS-V.D. Initial Lease Term**
Unlike in the standard the HCV program, EHV voucher holders may enter into an initial lease that is for less than 12 months, regardless of the HCD Policy in Section 9-I.E., Term of Assisted Tenancy.

**TPS-V.E. Portability**
The normal HCV portability procedures and requirements outlined in this Administrative Plan generally apply to EHVs. Exceptions are addressed below.

**Nonresident Applicants**
Under EHV, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied, regardless of HCD Policy in Section 10-II.B.

**Billing and Absorption**
A receiving PHA cannot refuse to assist an incoming EHV family, regardless of whether the PHA administers EHVs under its own ACC.

- If the EHV family moves under portability to another PHA that administers EHVs under its own ACC:
  - The receiving PHA may only absorb the incoming EHV family with an EHV (assuming it has an EHV voucher available to do so).
  - If the PHA does not have an EHV available to absorb the family, it must bill the initial PHA. The receiving PHA must allow the family to lease the unit with EHV assistance and may not absorb the family with a regular HCV when the family leases the unit.
  - Regardless of whether the receiving PHA absorbs or bills the initial PHA for the family's EHV assistance, the EHV administration of the voucher is in accordance with the receiving PHA's EHV policies.
- If the EHV family moves under portability to another PHA that does not administer EHV under its own ACC, the receiving PHA may absorb the family into its regular HCV program or may bill the initial PHA.

**Family Briefing**
In addition to the applicable family briefing requirements at 24 CFR § 982.301(a)(2) as to how portability works and how portability may affect the family's assistance, the initial PHA must inform the family how portability may impact the special EHV services and assistance that may be available to the family.

The initial PHA is required to help facilitate the family's portability move to the receiving PHA and inform the family of this requirement in writing, taking reasonable steps to ensure meaningful access for persons with limited English proficiency (LEP).

**HCD Policy**
In addition to following HCD Policy on briefings in this Administrative Plan, as part of the briefing packet for EHV families, the PHA will include a written notice that the PHA will assist the family with moves under portability.

For limited English proficient (LEP) applicants, the PHA will provide interpretation services in accordance with the PHA's LEP plan (See Chapter 2).

**Coordination of Services**
If the portability move is in connection with the EHV family's initial lease-up, the receiving PHA and the initial PHA must consult and coordinate on the EHV services and assistance that will be made available to the family.

**HCD Policy**
For EHV families who are exercising portability, when the PHA contacts the receiving PHA in accordance with Section 10-II.B. Preapproval Contact with Receiving PHA, the PHA will consult and coordinate with the receiving PHA to ensure there is no duplication of EHV services and assistance, and ensure the receiving PHA is aware of the maximum amount of services fee funding that the initial PHA may provide to the receiving PHA on behalf of the family.

**Services Fee**
Standard portability billing arrangements apply for HAP and ongoing administrative fees for EHV families.

For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or $1,750, unless the initial PHA and receiving PHA mutually agree to change the $1,750 cap. Service fees are paid as follows:

- If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.
- If the receiving PHA administers EHVs, the receiving PHA may use its own services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.
- If the receiving PHA does not administer EHVs, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

**Placement Fee/Issuance Reporting Fee**
If the portability lease-up qualifies for the placement fee/issuance reporting fee, the receiving PHA receives the full amount of the placement component of the placement fee/issuing reporting fee. The receiving PHA is eligible for the placement fee regardless of whether the receiving PHA bills the initial PHA or absorbs the family into its own program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

**TPS-V.F. Payment Standards Payment Standard Schedule**
For the EHV program, HUD has waived the regulation requiring a single payment standard for each unit size. Instead, the PHA may, but is not required to, establish separate higher payment standards for EHVs. Lower EHV payment standards are not permitted. If the PHA is increasing the regular HCV payment standard, the PHA must also increase the EHV payment standard if it would be otherwise lower than the new regular HCV payment standard. The separate EHV payment standard must comply with all other HCV requirements with the exception of the alternative requirements discussed below.

Further, if the PHA chooses to establish higher payments standards for EHVs, HUD has provided other regulatory waivers:

- Defining the “basic range” for payment standards as between 90 and 120 percent of the published Fair Market Rent (FMR) for the unit size (rather than 90 to 110 percent).
- Allowing a PHA that is not in a designated Small Area FMR (SAFMR) area or has not opted to voluntarily implement SAFMRs to establish exception payment standards for a ZIP code area above the basic range for the metropolitan FMR based on the HUD published SAFMRs. The PHA may establish an exception payment standard up to 120 percent (as opposed to 110 percent) of the HUD published Small Area FMR for that ZIP code area. The exception payment standard must apply to the entire ZIP code area.

- The PHA must notify HUD if it establishes an EHV exception payment standard based on the SAFMR.

  HCD Policy
  PHD will not establish a higher payment standard amount for EHVs. HCD will use the same payment standards for HCV and EHV.

**Rent Reasonableness**
All rent reasonableness requirements apply to EHV units, regardless of whether the PHA has established an alternative or exception EHV payment standard.

**Increases in Payment Standards**
The requirement that the PHA apply increased payment standards at the family's first regular recertification on or after the effective date of the increase does not apply to EHV. The PHA may, but is not required to, establish an alternative policy on when to apply the increased payment standard, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

**HCD Policy**
HCD will not establish an alternative policy for increases in the payment standard. HCD Policy in Section 11-III.B. governing increases in payment standards will apply to EHV.

**TPS-V.G. Termination of Vouchers**
After September 30, 2023, a PHA may not reissue EHVs when assistance for an EHV-assisted family ends. This means that when an EHV participant (a family that is receiving rental assistance under a HAP contract) leaves the program for any reason, the PHA may not reissue that EHV to another family unless it does so no later than September 30, 2023.

If an applicant family that was issued the EHV is unsuccessful in finding a unit and the EHV expires after September 30, 2023, the EHV may not be reissued to another family.

All EHVs under lease on or after October 1, 2023, may not under any circumstances be reissued to another family when the participant leaves the program for any reason.

An EHV that has never been issued to a family may be initially issued and leased after September 30, 2023, since this prohibition only applies to EHVs that are being reissued upon turnover after assistance to a family has ended. However, HUD may direct PHAs administering EHVs to cease leasing any unleased EHVs if such action is determined necessary by HUD to ensure there will be sufficient funding available to continue to cover the HAP needs of currently assisted EHV families.

**Part VI: Use of Funds, Reporting, And Financial Records**
EHV funds allocated to the PHA for HAP (both funding for the initial allocation and HAP renewal funding) may only be used for eligible EHV HAP purposes. EHV HAP funding obligated to the PHA may not be used for EHV administrative expenses or the other EHV eligible expenses under this notice. Likewise, EHV administrative fees and funding obligated to the PHA are to be used for those purposes and must not be used for HAP.

The appropriated funds for EHVs are separate from the regular HCV program and may not be used for the regular HCV program but may only be expended for EHV eligible purposes. EHV HAP funds may not roll into the regular HCV restricted net position (RNP) and must be tracked

and accounted for separately as EHV RNP. EHV administrative fees and funding for other eligible expenses permitted by Notice PIH 2021-15 may only be used in support of the EHVs and cannot be used for regular HCVs. EHV funding may not be used for the repayment of debts or any amounts owed to HUD by HUD program participants including, but not limited to, those resulting from Office of Inspector General (OIG), Quality Assurance Division (QAD), or other monitoring review findings.

The PHA must comply with EHV reporting requirements in the Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.
The PHA must maintain complete and accurate accounts and other records for the program and provide HUD and the Comptroller General of the United States full and free access to all accounts and records that are pertinent the administration of the EHVs in accordance with the HCV program requirements at 24 CFR § 982.158.

*HOUSING and COMMUNITY DEVELOPMENT*

# ATTACHMENT E

# OF THE

# SECTION 8 ADMINISTRATIVE PLAN

## HOTMA PROVISIONS EFFECTIVE JANUARY 1, 2027

Effective Date:

***ATTACHMENT E***

On April 16, 2026, HUD issued notice PIH 2023-27 Revision 3, which provided updated guidance to Public Housing Agencies (PHAs) on compliance with HOTMA provisions.

On May 14, 2026, HUD issued notice PIH 2026-15, providing updated guidance to PHAs on compliance with the remaining Section 102 and 104 provisions. The notice states that PHAs must be in compliance with all Section 102 and 104 HOTMA provisions no later than January 1, 2027.

This Attachment E establishes HCD policies where HUD provides PHA discretion or where HCD policy is necessary for administration of the HCV and PBV programs. Operating procedures used to implement these policies are maintained separately.

# Chapter 7. Determination and Verification of Annual Income

**[HOTMA Final Rule 88 FR 9600; Notices PIH 2023-27, PIH-2026-15]**

### 7.1.B Annual Adjustments for Inflation

HUD will annually publish the inflation-adjusted items detailed in PIH 2023-27 Revision 3 no later than September 1, and the updated values will be shared online at the HUD User Web site. The revised amounts will be effective on January 1 of the following year.

### 7.2 Annual Income Inclusions

HCD will implement the updated definition of annual income under HOTMA as stated in 24 CFR 5.609.

### 7.4 Calculating Annual Income

#### A. Annual Reexaminations

During annual reexaminations, HCD must calculate family income using the prior year income received by the family (unless using the streamlined income determination for sources of fixed income). Prior year income is the income received during the preceding 12 months.

HCD will review any changes of income since the family's last annual reexamination, including those that did not meet the threshold to process an interim reexamination, and non-recurring income when determining prior year income. Allowable deductions will be subtracted from the gross annual income to determine the adjusted annual income.

#### C. Streamlined Income Determination

HCD may use the streamlined income determination to adjust a family's income according to the percentage of a family's unadjusted income that is from fixed income.

1. Types of Fixed Income
   - Social Security, Supplemental Security Income, Supplemental Disability Insurance.
   - Federal, state, local, or private pension plans.
   - Annuities or other retirement benefit programs, insurance policies, disability or death benefits, or other similar types of periodic receipts.
   - Any other source of income subject to adjustment by a verifiable COLA or current rate of interest.

2. Fixed Income: 90 percent or more of a family's unadjusted income
   When 90 percent or more of a family's unadjusted income consists of fixed income, HCD may use the streamlined income determination and must apply a COLA or COLAS to the family's fixed-income sources, provided that the that the family certifies both that 90 percent or more of their unadjusted income is fixed income and that their sources of fixed income have not changed from the previous year. For non-fixed income, HCD is not required to make adjustments.

3. Fixed Income: Less than 90 percent of a family's unadjusted income
   When less than 90 percent of a family's unadjusted income consists of fixed income, HCD may use streamlined income determinations and must apply a COLA to each of the family's sources of fixed income. HCD must adjust all other income using third-party verification.

4. COLA Rate
   If no public verification or tenant-provided documentation is available, then HCD must obtain third-party verification of the income amounts in order to calculate the change in income for the source.

5. Triennial verification
   For any income determined pursuant to a streamlined income determination, HCD must obtain third-party verification of all income amounts every 3 years.

## 7.5 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.

The allowable deductions for qualifying dependents and elderly or disabled families will be adjusted annually by HUD (see section 7.2).

**C. Child Care Hardship Exemption [24 CFR §5.611(d)].**

1. Requirements
   a) A family whose eligibility for the childcare expense deduction is ending may request financial hardship exemption to continue receiving a child-care expense deduction in certain circumstances when the family no longer has a member that is working or seeking to further their education, and the deduction is necessary because the family is unable to pay their rent.

   b) Upon approval of the family's request for a hardship exemption, HCD must recalculate the family's adjusted income and continue the child-care deduction if the family demonstrates to HCD's satisfaction that the family is unable to pay their rent. The hardship exemption and the resulting alternative adjusted income calculation must remain in place for a period of up to 90 days.

2. Hardship Exemption Eligibility:

   a) HCD will consider the following factors to determine if a family is eligible for a 90-day hardship exemption:

(1) Provide a written request for a hardship exemption detailing why the childcare expense is still necessary even though the family member is no longer employed or furthering their education. Note that verification may be requested.

(2) The rent, utility payment, and applicable expenses (childcare expenses or health and medical expenses and reasonable and auxiliary apparatus) is more than 45 percent of the family's annual adjusted income, or verifying whether the family has experienced unanticipated expenses, such as large medical bills, that have affected their ability to pay their rent.

3. Notification of Hardship Exemption

a) HCD will promptly notify families in writing of the change in the determination of adjusted income and the family's rent resulting from the application of the hardship exemption. The written notice must also inform the family of the dates that the hardship exemption will begin and expire and the requirement for the family to report to HCD if the circumstances that made the family eligible for relief are no longer applicable.

b) The notice must also state that the family's adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption. HCD must provide families with 30 days' notice of any increase in rent.

4. Notification of Hardship Exemption Denial

HCD will promptly notify families in writing if they are denied the hardship exemption; The notification must specifically state the reason for the denial.

5. One Additional 90-Day Hardship

One additional 90-day hardship exemption may be provided for families that demonstrate a hardship for a separate circumstance, unrelated to the first approved hardship request.

**D. Health and Medical Care and Reasonable Attendant Care and Auxiliary Apparatus Expense [24 CFR 5.611(a)3]**

1. A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of deduction exceed the employment income earned by the family member(s) able to work.

2. Equipment and auxiliary apparatus may include but are not limited to:
   - Wheelchairs
   - Lifts
   - Reading devices for the visually impaired
   - Equipment added to cars and vans to permit their use by the disabled family member.
   - Included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.
   - For non-elderly families and elderly or disabled families without medical

expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less the HUD established percentage (see above) of annual income, provided the amount so calculated does not exceed the employment income earned.

- For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less the HUD established percentage (see above) of annual income (provided the amount so calculated does not exceed the employment income earned) plus medical expenses as defined below.

3. Unreimbursed health and medical care expenses may be deducted to the extent that, in combination with any reasonable attendant care and auxiliary apparatus expenses, they exceed the HUD-established percentage of annual income threshold.

4. The threshold has been raised from three (3) percent to ten (10) percent of annual income. Families may be eligible for a 24-month phase-in relief period or a general relief 90-day period but not both.

   a) 24-Month Phased-in Relief

      (1) Residents whose income calculation was adjusted due to the family's claim of unreimbursed health and medical care and reasonable attendant care and auxiliary apparatus expense exceeding 3% of the family's annual income, prior to the HOTMA implementation, will have an increase in the threshold of this deduction phased-in in the following manner:
         (a) Following the first income reexamination after the implementation of HOTMA, such families will receive deductions for claims of unreimbursed expenses (described herein) up to 5% percent of the annual income for 12 months.

         (b) Following the 12-month period at 5% deductions, the family will receive deductions for claims of unreimbursed expenses (described herein) in excess of 7.5% for the following 12 months.
         (c) At the conclusion of the 24-month phase in period, the family will be eligible for this deduction only if their unreimbursed medical and healthcare expenses exceed 10% of the annual income.

      (2) An elderly or disabled family or a family that includes a person with disabilities may request general or financial hardship relief (see below) prior to the end of the 24-month transition period if the family can demonstrate that the family's applicable health and medical care expenses or reasonable attendant care and auxiliary apparatus expenses increased or there has been a change in circumstances resulting in a financial hardship.

      (3) The 24-month phased-in relief period must be continued to be received by families upon portability or conversions under RAD.

   b) General Relief

      (1) To qualify, a family must demonstrate that the family's unreimbursed health and medical care expenses or unreimbursed reasonable attendant care and auxiliary apparatus expenses increased, or the family's financial hardship is a

result of a change in circumstances that would not otherwise trigger an interim reexamination.

(2) Relief is available regardless of whether the family previously received an unreimbursed health and medical care expense deduction, unreimbursed reasonable attendant care and auxiliary apparatus expense deduction, are currently receiving phased-in hardship relief.

(3) If a HCD determines that a family is eligible for general relief, the family will receive a deduction for the sum of the eligible expenses that exceed 5 percent of annual income. The family's hardship relief ends when the circumstances that made the family eligible for the relief are no longer applicable or after 90 days, whichever comes earlier.

(4) Hardship Exemption Eligibility

HCD will consider the following factors to determine if a family is eligible for a 90-day hardship exemption:

- The family must demonstrate that the rent, utility payment, and applicable expenses (childcare expenses or health and medical care and reasonable attendant care and auxiliary apparatus expenses expenses) is more than 45 percent of the family's adjusted annual income, or verifying whether the family has experienced unanticipated expenses, such as large medical bills, that have affected their ability to pay their rent. However, this financial hardship would not otherwise trigger an interim reexamination.

- The family must provide a written request for a hardship exemption detailing why the health and medical expenses and reasonable attendant care and auxiliary apparatus expense is still necessary. Note that verification may be requested.

c) Notification of Hardship Exemption

(1) HCD will promptly notify families in writing of the change in the determination of adjusted income and the family's rent resulting from the application of the hardship exemption. The written notice must also inform the family of the dates that the hardship exemption will begin and expire and the requirement for the family to report to HCD if the circumstances that made the family eligible for relief are no longer applicable.

(2) The notice must also state that the family's adjusted income and tenant rent will be recalculated upon expiration of the hardship exemption. HCD must provide families with 30 days' notice of any increase in rent.

d) Notification of Hardship Exemption Denial

HCD will promptly notify families in writing if they are denied the hardship exemption; The notification must specifically state the reason for the denial.

e) One Additional 90-Day Hardship

A second 90-day hardship exemption may be provided for families that demonstrate a hardship for a separate circumstance, unrelated to the first approved hardship request.

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

HCD is required to use HUD's Enterprise Income Verification (EIV) system and the Income Validation Tool (IVT) in its entirety as a third-party source to verify employment and income information for annual reexaminations, and to reduce administrative subsidy payment errors in accordance with HUD administrative guidance [24 CFR § 5.233(a)(2)(i)].

Prior to initial certification, applicants shall be informed that HCD will subsequently verify the family's income information they have provided HCD through HUD's Enterprise Income Verification (EIV) system. HCD will follow the updated verification hierarchy described in PIH Notice 2023-27 or subsequent guidance.

**Updates to Level 4 Verification:** Written Third-Party Verification (High) An original or authentic document generated by a third-party source dated within 120 days of the date received by HCD. For fixed-income sources, a statement dated within the appropriate benefit year is acceptable documentation.

Such documentation may be in the possession of the tenant (or applicant) and is commonly referred to as tenant-provided documents. HCD may obtain any tenant-provided documents and follow up directly with the third-party source to obtain necessary verification of information, when necessary.

Examples of acceptable tenant-provided documentation (generated by a third-party source) include but are not limited to the following: pay stubs, payroll summary report, employer notice/letter of hire/termination, SSA benefit verification letter, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

HCD are required to obtain a minimum of two current and consecutive pay stubs for determining annual income from wages when they do not elect to use EIV + Self-Certification or the income type is not reported in EIV. For new income sources or when two pay stubs are not available, the HCD should determine income based on the information from a traditional written, third-party verification form or the best available information.

Income tax returns with corresponding official tax forms and schedules attached and including third-party receipt of transmission for income tax return filed (i.e., tax preparer's transmittal receipt, summary of transmittal from online source, etc.) are an acceptable form of written, third-party verification.

When verification of assets is required, HCD is required to obtain a minimum of one statement that reflects the current balance of banking/financial accounts.

EIV may be used as Level 4 verification and may be used to calculate income as long as the family agrees with the information in EIV; this practice is known as "EIV + Self-Certification." HCD may use their discretion to determine which method of calculation is reasonable: the last 4 quarters combined or an average of any number of quarters. The EIV Income report must be pulled within 120 days prior to the reexamination effective date.

### 7.8 Income Validation Tool (IVT)

The IVT report facilitates and enhances identification of unreported or under-reported income during regular reexaminations. The IVT also provides income and wage, unemployment compensation and SSA benefit information. Additionally, the IVT report provides income information for heads of household and family members where there may be discrepancies in family reported income and employer reported information. HCD will review the EIV system and reports as required by HUD under 24 CFR 5.233 and PIH 2023-27.

### 7.10 Assets

A. Verification of Assets

1. HCD will fully verify the net family assets and anticipated income earned from assets at new admission. During an annual or interim reexamination, HCD may rely solely on a family self-certification that their net family assets are equal to or less than $54,898 or as adjusted annually by HUD for inflation (see Section 7.2).
2. This self-certification is subject to the following two conditions:
   a) a full verification of family assets (i.e., two bank statements) were provided during the last annual or interim verification; and
   b) the family has met all other requirements to complete reexamination except submittal of the required asset verifications (two bank statements).

3. Excluded from Net Family Assets

   a) Necessary Personal Property

   - Necessary personal property are items essential to the family for the maintenance, use, and occupancy of the premises as a home; or they are necessary for employment, education, or health and wellness. Necessary personal property is excluded from net family assets.

   - Necessary personal property includes more than merely items that are indispensable to the bare existence of the family. It may include personal effects (such as items that are ordinarily worn or utilized by the individual), items that are convenient or useful to a reasonable existence, and items that support and facilitate daily life within the family's home.

   - Necessary personal property does not include bank accounts, their financial investments, or luxury items.

   b) Non-Necessary Personal Property
      - Non-necessary personal property with a combined value greater than $52,787, or the amount adjusted annually by HUD for inflation, is considered part of net family assets. When the combined value of all non-necessary personal property does not exceed $54,898, or as adjusted annually for inflation (see Section 7.2).

   c) Determining Necessary and Non-necessary Personal Property

   Determining what is a necessary item of personal property is a highly fact-specific determination, and therefore HCD must gather enough facts to qualify whether an asset is necessary or non-necessary personal property. Items of personal property

that do not qualify as necessary personal property will be classified as non-necessary personal property.

HCD will refer to the list of necessary and non-necessary personal property provided in PIH 2023-27 when reviewing personal property.

B. Limitation on Assets (24 CFR § 5.618)

HCD must deny admission to families based on asset restrictions detailed in 24 CFR §5.618 and PIH 2023-27.

The policy regarding limitation on assets will not apply to participants in the program.

# Chapter 15. Annual and Interim Re-certification

**[HOTMA Final Rule 88 FR 9600; Notices PIH 2023-27, PIH-2026-15]**

## 15.2 Interim Re-certifications

A. Interim Reexamination

Any approved addition to the family composition will be processed as an interim recertification. HCD will only update the family composition information unless the family meets one of the conditions described under "Interim Rent Increases" or "Interim Rent Decreases" described below.

- No increases in earned income will result in an interim reexamination unless the family reported zero income or a decrease in income within the same annual or biennial reexamination cycle (Refer to "Interim Rent Increases").

- EIV is no longer required to verify tenant's employment and income information during an interim recertification.

- The total family income increases or decreases must last longer than one-month (30 days); the tenant must report such a change in writing to the management office within ten (10) days of occurrence.

- HCD will not conduct an interim reexamination for an increase in income within the last three months of the family's next annual reexamination period.

- HCD will conduct requests for interim adjustments when a family member is permanently moving out of the unit.

- HCD has established a ten (10) percent threshold to determine when to complete an interim reexamination for increases in income other than earned income (refer to Section B below). As a result, HCD will round up increases of 9.5 and higher to 10%**,** the standard threshold set by HUD.

- If the monthly rental payment decreases as a result of the rent adjustment, the adjusted rent will become effective the first day of the month following the date the information is reported to HCD. If the rent should increase based on the family income, the adjustment will become

effective the first day of the second month following the month in which the change is reported or 30 days, whichever is greater, after proper verification is completed.

- If it is found that the family failed to timely report any changes in income or family composition within ten (10) days or provided inaccurate or incomplete information, it may be considered fraud, any of the following may occur:

    - Any increase in rent which would have occurred had changes been reported in a timely manner will be made retroactive to the effective date of the change in circumstances and the family agrees to reimburse HCD for the difference between the rent they should have paid and the rent they were charged.

    - Any decrease in rent that would have occurred had changes been reported in a timely manner will be made effective the first day of the month following the date the change is reported to HCD and will not apply retroactively.

B. Interim Rent Increases

1. Families are required to report to HCD all increases in adjusted unearned income that occurred between regularly scheduled annual re-examinations. Any increase of the family's unearned income by ten (10) percent or more must be processed.

2. Families are required to report to HCD all increases in earned income. HCD must conduct a full interim reexamination due to an increase in earned income if the family had an interim reexamination to decrease rent during the annual reexamination period. Any increase of the family's earned income by ten (10) percent or more must be processed.

C. Interim Rent Decreases

1. HCD must conduct a full interim reexamination if the family's adjusted income has decreased by any percentage.

D. Non-Interim Reexaminations

In accordance with HOTMA, HUD now defines the following types of changes to a household's family composition or rent calculations as "Non-Interim Reexamination" - except if there is a change of income that exceeds the thresholds as provided above.

HCD will process and submit a Non-Interim Reexamination, regardless of the reexamination results in a recalculation of the rent the family is to be charged, for the transaction types provided in PIH 2023-27.

# HOUSING and COMMUNITY DEVELOPMENT

## ATTACHMENT F

## OF THE

## SECTION 8 ADMINISTRATIVE PLAN

### National Standards for the Physical Inspection of Real Estate for Vouchers
**(NSPIRE-V)**

Effective Date:

# ATTACHMENT F

On July 15, 2026, HUD issued notice PIH 2026-18, revising, updating, and finalizing the administrative procedures of National Standards for the Physical Inspection of Real Estate (NSPIRE) for the Housing Choice Voucher (HCV) and Project-Based Voucher (PBV) Programs, and, by use of Housing Quality Standards (HQS) for their inspections, the Section 8 Moderate Rehabilitation (Mod Rehab) Programs (collectively known hereafter as "voucher programs"). The notice states that public housing authorities must implement NSPIRE for voucher (NSPIRE-V) programs by February 1, 2027.

This Attachment D contains required and discretionary policies that will be incorporated into the Administrative Plan to maintain compliance with NSPIRE-V requirements.

## Chapter 10. National Standards for the Physical Inspection of Real Estate (NSPIRE-V)

**[24 CFR 5 Subpart G; Notices PIH 2024-26, PIH-2024-39 and 2026-18; 24 CFR 982 Subpart I]**

### 1. PURPOSE AND GOVERNING REQUIREMENTS

Housing and Community Development (HCD) will administer inspections for the Housing Choice Voucher (HCV) and Project-Based Voucher (PBV) programs in accordance with applicable federal statutes and regulations and controlling U.S. Department of Housing and Urban Development (HUD) requirements, including the National Standards for the Physical Inspection of Real Estate for Vouchers (NSPIRE-V).

The applicable NSPIRE-V inspection standards, deficiency criteria, classifications, correction requirements, and other federal inspection requirements are incorporated into this Administrative Plan by reference rather than restated in this Attachment.

This Attachment establishes HCD policies where HUD provides PHA discretion or where HCD policy is necessary for administration of the HCV and PBV programs. Operating procedures used to implement these policies are maintained separately.

HCD will administer inspections under the controlling federal requirements in effect at the time of the applicable action.

### 2. NSPIRE-V INSPECTION STANDARDS

Assisted units and applicable areas of assisted properties must comply with the NSPIRE-V standards and other applicable HUD requirements.

HCD will apply the NSPIRE-V standards, deficiency criteria, severity classifications, correction requirements, and inspection protocols established by HUD.

HCD has not established any local variation from the NSPIRE-V standards unless specifically identified in this Administrative Plan and approved by HUD where HUD approval is required.

Nothing in this Attachment replaces or modifies other federal requirements applicable to assisted housing, including lead-based paint, accessibility, reasonable accommodation, and other program requirements.

## 3. TYPES AND FREQUENCY OF INSPECTIONS

### A. Initial Inspections

HCD will conduct initial inspections as required before approving an assisted tenancy and executing a Housing Assistance Payments (HAP) Contract, subject to any exceptions expressly permitted by applicable HUD requirements.

HCD will conduct initial inspections using the applicable NSPIRE-V standards. For initial inspections of vacant units, the owner or owner's representative is responsible for providing access. Family presence is not required unless the family already occupies the unit.

Utilities necessary to complete the inspection must be available and operating at the time of inspection.

Owner-provided appliances required for the assisted tenancy must be installed and operational as required by applicable HUD requirements. When the family is responsible for providing an appliance, HCD will administer the inspection and lease-up process in accordance with applicable HUD requirements.

### B. Periodic HCV Inspections

HCD will generally conduct periodic inspections of HCV-assisted units biennially.
HCD reserves the right to inspect an assisted unit more frequently when necessary to determine compliance with applicable inspection requirements, respond to reported conditions, protect the health or safety of the family, or otherwise administer the program.

### C. PBV Inspections

HCD will conduct inspections of PBV-assisted units in accordance with applicable PBV inspection requirements under 24 CFR Part 983 and current HUD requirements.
HCD will apply the inspection frequency, turnover inspection, sampling, and other PBV-specific requirements applicable to the property and HAP Contract.

### D. Special Inspections

HCD may conduct a special inspection in response to a complaint or information received from a family, owner, government official, or other source concerning the condition of an assisted unit or property.
HCD will respond to reported deficiencies in accordance with applicable HUD requirements.
HCD may conduct inspections more frequently when repeated complaints, previous inspection results, property conditions, or other relevant information indicate that additional inspection activity is warranted.

### E. Quality Control Inspections

HCD will conduct quality control inspections in accordance with applicable HUD requirements to evaluate the accuracy, completeness, and consistency of HCD's inspection process.

## 4. INSPECTION SCHEDULING, ACCESS, AND ATTENDANCE

HCD will provide reasonable notice of scheduled inspections in accordance with applicable HUD requirements.

Except when circumstances require otherwise, inspections may be scheduled between 8:00 a.m. and 7:00 p.m.

For inspections of occupied units, a responsible adult, age 18 or older, must be present to provide access to the unit.

For inspections of vacant units, the owner or owner's representative is responsible for providing access.
Owners or their representatives may attend inspections consistent with the lease, applicable law, and HCD procedures. HCD may require owner or owner representative participation when reasonably necessary to obtain access or complete the inspection process.

Families and owners must ensure that animals are secured as necessary to permit the inspector to safely access and inspect the unit and applicable areas of the property. If an animal prevents safe access, HCD may discontinue the inspection and reschedule it.

HCD will provide reasonable accommodation in connection with the inspection process in accordance with HCD's Reasonable Accommodation Policies and Procedures and applicable law.

## 5. RESCHEDULING AND FAILURE TO PROVIDE ACCESS

A family that cannot provide access for a scheduled inspection should request rescheduling as soon as practicable.

If HCD cannot gain access to an occupied unit for a scheduled inspection, HCD may classify the inspection as a no-entry or inconclusive inspection and schedule another inspection.

HCD will notify the family of the rescheduled inspection and the potential consequences of failing to provide access.

If the family fails to provide access for two inspection attempts during the same inspection cycle without good cause, HCD may determine that the family has failed to comply with its obligation to permit HCD to inspect the unit and may take appropriate action in accordance with this Administrative Plan and applicable HUD requirements.

Before taking action affecting the family's assistance, HCD will provide all required notice and opportunity to respond.

## 6. INSPECTION RESULTS, CORRECTION, AND VERIFICATION

HCD will provide inspection results and required notices to the owner and family in accordance with applicable HUD requirements.

Deficiencies will be classified and subject to correction requirements established by HUD.
HCD will identify whether a deficiency is attributable to the owner or family for purposes of administering the HCV or PBV program when such a determination is necessary.

### A. Extensions

HCD may grant an extension of an applicable correction period when permitted by HUD and when HCD determines that good cause exists.

Good cause may include circumstances beyond the responsible party's reasonable control, including the availability of necessary materials or services, weather conditions, or the need for a reasonable accommodation.

HCD may require documentation supporting an extension request. HCD will not grant an extension where an extension is prohibited by applicable HUD requirements.

### B. Verification of Correction

HCD may verify correction of deficiencies using any verification method permitted by HUD and may require a physical reinspection when HCD determines that one is necessary. Failure to provide acceptable verification within the applicable correction period will be treated as a failure to demonstrate correction.

HCD will determine the appropriate verification method based on the nature and severity of the deficiency, the documentation submitted, previous inspection history, and other relevant circumstances.

Acceptance of certification, photographs, or other documentation does not prevent HCD from requiring a physical reinspection when HCD determines that one is necessary.

Failure to provide acceptable verification within the required correction period will be treated as a failure to demonstrate correction of the deficiency.

## 7. REMOTE AND ALTERNATIVE INSPECTION METHODS

HCD may use remote video inspections or other remote inspection methods when permitted by HUD and when HCD determines that use of the method is appropriate.

Use of a remote inspection method is at HCD's discretion and does not create an entitlement to a remote inspection for an owner or family.

HCD may use an alternative inspection method authorized under 24 CFR 982.406 when HCD has adopted the method in accordance with applicable HUD requirements and identified its use in this Administrative Plan where required.

Unless otherwise established by HCD policy and permitted by HUD, HCD will conduct its inspections using the applicable NSPIRE-V inspection standards.

## 8. OWNER AND FAMILY RESPONSIBILITIES

### A. Owner Responsibilities

The owner is responsible for maintaining the assisted unit and applicable areas of the property in accordance with the HAP Contract, the lease, applicable HUD requirements, and applicable law.

HCD will determine owner responsibility for deficiencies as necessary to administer the HCV or PBV program and enforce applicable program requirements.

**B. Family Responsibilities and Family-Caused Deficiencies**

The family must comply with its obligations under the HCV or PBV program, the lease, and applicable law with respect to the condition and use of the assisted unit.

When an inspection identifies a deficiency that HCD determines is attributable to an action or failure to act by the family, a household member, or a guest, HCD will notify the family and owner of the deficiency and the applicable correction requirements.

HCD's determination that a deficiency is attributable to the family is made for purposes of administering the assisted housing program. It does not determine which party must physically perform or pay for a repair under the lease or applicable law.

Repair obligations, responsibility for repair costs, and remedies between the owner and family are governed by the lease and applicable law.

The family must take reasonable actions within its control necessary to permit correction of the deficiency, including providing access when required and addressing conditions for which the family has responsibility under applicable HUD program requirements.

Nothing in this section authorizes HCD to require a family to perform repairs to an owner's property or alters the respective rights and responsibilities of the owner and family under the lease or applicable law.

## 9. ENFORCEMENT

**A. Owner Noncompliance**

When an owner fails to correct an owner-responsible deficiency within the applicable correction period, including any HCD-approved extension, HCD will take the action required or permitted by applicable HUD requirements and the HAP Contract.

Available actions may include withholding or abatement of housing assistance payments, termination of the HAP Contract, or other remedies authorized by HUD.

HCD will provide the owner and family all notices required by applicable HUD requirements and this Administrative Plan.

An owner may not terminate the tenancy of an assisted family because HCD withheld or abated housing assistance payments as a result of the owner's failure to comply with applicable inspection requirements. Additionally, an owner or landlord is prohibited from demanding more than the tenant portion after an abatement due to failed inspection or for any other reasons under applicable laws, regulations, or the HAP Contract.

If HCD terminates the HAP Contract because the unit does not comply with applicable inspection requirements, HCD will provide the family the opportunity to relocate with continued assistance in accordance with applicable HUD requirements and this Administrative Plan.

**B. Family Noncompliance**
When HCD determines that a family has failed to comply with a family obligation related to the inspection process or a family-caused deficiency, HCD may take action permitted by applicable HUD requirements and this Administrative Plan.

Before terminating or otherwise adversely affecting the family's assistance, HCD will provide all required notice and opportunity for the family to respond and will consider good cause and reasonable accommodation where applicable.

HCD's program enforcement action does not determine contractual liability between the owner and family for the performance or cost of repairs.

## 10. OTHER APPLICABLE FEDERAL REQUIREMENTS

**A. Lead-Based Paint**
HCD will administer applicable lead-based paint inspection, notification, evaluation, hazard reduction, reporting, and enforcement requirements in accordance with 24 CFR Part 35 and other applicable HUD requirements.
The federal lead-based paint requirements are incorporated by reference and are not restated in this Attachment.

**B. Reasonable Accommodation and Accessibility**
HCD will administer the inspection process consistent with applicable fair housing, disability, accessibility, and reasonable accommodation requirements.
Requests for reasonable accommodation related to the inspection process will be handled in accordance with HCD's Reasonable Accommodation Policies and Procedures.

**C. Special Housing Types**
HCD will apply the inspection requirements applicable to special housing types in accordance with 24 CFR Part 982, Subpart M, and other applicable HUD requirements.

## 11. TRANSITION TO NSPIRE-V
HCD will implement NSPIRE-V within the timeframe established by HUD.

An inspection initiated before HCD's NSPIRE-V implementation date will continue to be administered under the inspection requirements applicable when the inspection was initiated, to the extent required by HUD, through final resolution of that inspection cycle.

HCD will provide participating owners and families appropriate notice regarding implementation of NSPIRE-V and will ensure that personnel responsible for conducting or administering inspections receive appropriate training.

## 12. CHANGES IN FEDERAL REQUIREMENTS

HCD will administer the inspection program in accordance with applicable federal statutes, regulations, and controlling HUD requirements in effect at the time of the applicable action.

When HUD modifies a technical inspection standard or other federal requirement incorporated by reference into this Attachment, HCD will apply the controlling federal requirement as required by law.

When a change in federal requirements requires HCD to establish or modify a discretionary policy or Administrative Plan procedure, HCD will amend the Administrative Plan as required.

Consistent with 24 CFR 5.709, HCD recognizes that HUD may periodically update the NSPIRE Standards through Federal Register notice. Technical changes incorporated by reference do not require an Administrative Plan amendment unless the change requires HCD to establish or modify an Administrative Plan policy.

# EXHIBIT 2

# Section 8 Administrative Plan for the Department of Housing and Community Development

701 NW 1st Court, 14th Floor Miami,

Florida 33136-3914

# PUBLIC NOTICE

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
**Proposed Section 8 Administrative Plan**

**COMMENT PERIOD**

Miami-Dade Housing and Community Development (HCD) hereby advertises **a 30-day comment period** beginning **September 1, 2026, through September 30, 2026,** for the public to review and comment on the proposed Section 8 Administrative Plan.

These document is available for inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except on holidays, at each HCD's site management offices and administrative offices; and available on our website at **https://www.miamidade.gov/global/housing/notices.page .**

Please send written comments to: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: PHA Plan Comment*; or email comments to: **PHAPublicComment@miamidade.gov.**

**PUBLIC HEARING**

Miami-Dade Housing and Community Development (HCD) hereby advertises that a **public hearing** has been scheduled to be held at the Housing Committee (HC), **on Wednesday, October 14, 2026, at 12:30 p.m.** The purpose of the hearing is to allow the public an opportunity to comment on these proposed documents.

This **public hearing** will be held inside the Board of County Commission Chambers, located on the second floor of the Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

*PHCD does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, gender identity or gender expression, status as a victim of domestic violence, dating violence or stalking, source of income, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-2155 at least five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.*

# AVISO PÚBLICO
## DEPARTAMENTO DE VIVIENDA Y DESARROLLO COMUNITARIO
## Propuesta al Plan Administrativo de la Sección 8

**PERÍODO DE COMENTARIOS**

El Departamento de Viviendas y Desarrollo Comunitario de Miami-Dade (HCD, por sus siglas en inglés) por este medio anuncia el **período de comentarios de 30 días** desde **el 1 de septiembre del 2026 hasta el 30 de septiembre del 2026** para que el público revise y comente en la propuesta al Plan Administrativo de la Sección 8.

Los documentos arriba mencionados estarán disponibles para inspección en las oficinas administrativas del HCD de lunes a viernes, de 8:00 a.m. a 5:00 p.m., excepto en días festivos, y disponible en nuestro sitio web https://www.miamidade.gov/global/housing/notices.page.

Por favor, envíe sus comentarios por escrito a: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Atención: Comentarios sobre el Plan Administrativo de la Sección 8* o envíe sus comentarios por correo electrónico a: **PHAPublicComment@miamidade.gov.**

**AUDIENCIA PÚBLICA**

El Departamento de Viviendas y Desarrollo Comunitario de Miami-Dade (HCD, sus siglas en inglés) por este medio anuncia que se celebrará una **audiencia pública** durante la reunión del Comité de Vivienda (HC, por sus siglas en inglés), **el día miércoles 14 de octubre del 2026, a las 12:30 p.m.** El propósito de la audiencia es brindarle al público la oportunidad de comentar sobre el documento propuesto.

Esta **audiencia pública** se celebrará en el auditorio de la Junta de Comisionados del Condado de Miami-Dade, ubicado en el segundo piso del edificio Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

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# AVI PIBLIK

## LOJMAN AK DEVLOPMAN KOMINOTÈ
## Depatman Pwopoze Pwopozisyon Plan Administratif Seksyon 8

**PERYÒD KÒMANTÈ**

Depatman Lojman ak Devlopman Kominotè Konte Miami-Dade (HCD) ap anonse yon **peryòd kòmantè 30 jou** apati **1 septanm 2026 pou rive 30 septanm 2026,** pou piblik la egzamine dokiman pwopoze sa yo e fè kòmantè sou Plan Administratif Seksyon 8 yo pwopoze a.

Dokiman sa yo disponib pou enspeksyon lendi jiska vandredi ant 8:00 a.m. ak 5:00 p.m., eksepte jou ferye yo, nan chak biwo jesyon sit HCD yo ak biwo administratif yo, epi yo disponib sou sitwèb nou an nan **https://www.miamidade.gov/global/housing/notices.page.**

Tanpri voye kòmantè alekri bay: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: PHA Plan Comment;* oswa voye kòmantè yo pa imel nan: **PHAPublicComment@miamidade.gov**

**ODYANS PIBLIK**

Depatman Lojman ak Devlopman Kominotè (HCD) Miami-Dade ap anonse yon **odyans piblik** ki pwograme pou l fèt nan Komite Lojmanè (HC), **mèkredi 14 oktòb 2026 a 12:30 p.m.** Objektif odyans lan se bay piblik la yon opòtinite pou yo fè kòmantè sou dokiman pwopoze yo.

**Odyans piblik** sa a va fèt andedan Chanm Konsèy Komisyon Konte a, ki nan dezyèm etaj bilding Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

*HCD pa fè diskriminasyon dapre ras, sèks, koulè, relijyon, kondisyon marital, orijin nasyonal, andikap, zansèt, oryantasyon seksyèl, idantite seksyèl oswa ekspresyon sèks, sitiyasyon kòm yon viktim vyolans domestik, vyolans nan frekantasyon, oswa asèlman, sous revni, laj, gwosès oswa sitiyasyon familyal nan aksè a, admisyon nan, oswa travay nan pwogram oswa aktivite lojman. Si ou bezwen yon entèprèt lang siy oswa materyèl nan fòma aksesib pou evènman sa a, rele 786-469-2155 omwen senk jou davans. Itilizatè TDD / TTY ka kontakte Sèvis Relè Florid (Florida Relay Service) nan 800-955-8771.*

# PUBLIC NOTICE

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
**Proposed Section 8 Administrative Plan**

**EXTENSION OF COMMENT PERIOD**

Miami-Dade Housing and Community Development (HCD) hereby provides **notice of a 15-day extension** to the public comment period for the proposed Section 8 Administrative Plan. The original 30-day comment period, which commenced on September 1, 2026, has been extended to accommodate minor clarifications to the Section 8 Administrative Plan's language. **The revised deadline for the public to review and submit comments is now October 15, 2026.**

This document is available for inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except on holidays, at each of HCD's site management offices and administrative offices; and available on our website at **https://www.miamidade.gov/global/housing/notices.page.**

Please send written comments to: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: Section 8 Administrative Plan Comment*; or email comments to: **PHAPublicComment@miamidade.gov.**

**RESCHEDULING OF PUBLIC HEARING**

The Miami-Dade Department of Housing and Community Development (HCD) hereby provides notice that the **Public Hearing** before the Housing Committee (HC) has been rescheduled. The **Public Hearing**, originally scheduled for Wednesday, October 14, 2026, at 12:30 p.m., **will now take place on Tuesday, November 10, 2026, at 12:30 p.m.** The purpose of this Public Hearing is to provide the public with an opportunity to review and comment on the proposed Section 8 Administrative Plan.

This **public hearing** will be held inside the Board of County Commission Chambers, located on the second floor of the Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

*PHCD does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, gender identity or gender expression, status as a victim of domestic violence, dating violence or stalking, source of income, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-2155 at least five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.*

# AVISO PÚBLICO
## DEPARTAMENTO DE VIVIENDA Y DESARROLLO COMUNITARIO
## Propuesta al Plan Administrativo de la Sección 8

**PRÓRROGA DEL PERÍODO DE COMENTARIOS**

El Departamento de Vivienda y Desarrollo Comunitario de Miami-Dade (HCD, por sus siglas en inglés) notifica por la presente **una prórroga de 15 días** al periodo de comentarios públicos para el Plan Administrativo propuesto de la Sección 8. El periodo original de comentarios de 30 días, que comenzó el 1 de septiembre de 2026, se ha ampliado para acomodar pequeñas aclaraciones al texto del Plan Administrativo de la Sección 8. **La fecha límite revisada para que el público revise y envíe sus comentarios es ahora el 15 de octubre de 2026.**

Los documentos arriba mencionados estarán disponibles para inspección en las oficinas administrativas del HCD de lunes a viernes, de 8:00 a.m. a 5:00 p.m., excepto en días festivos, y disponible en nuestro sitio web https://www.miamidade.gov/global/housing/notices.page.

Por favor, envíe sus comentarios por escrito a: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Atención: Comentarios sobre el Plan Administrativo de la Sección 8* o envíe sus comentarios por correo electrónico a: **PHAPublicComment@miamidade.gov.**

**REPROGRAMACIÓN AUDIENCIA PÚBLICA**

El Departamento de Viviendas y Desarrollo Comunitario de Miami-Dade (HCD, sus siglas en inglés) por este medio notifica por la presente que la Audiencia Pública ante el Comité de Vivienda (HC, por sus siglas en inglés) ha sido reprogramada. La Audiencia Pública, programada originalmente para el miércoles 14 de octubre de 2026 a las 12:30 p.m., **tendrá lugar ahora el martes 10 de noviembre de 2026 a las 12:30 p.m.** El propósito de esta Audiencia Pública es ofrecer al público la oportunidad de revisar y comentar el al Plan Administrativo de la Sección 8.

Esta **audiencia pública** se celebrará en el auditorio de la Junta de Comisionados del Condado de Miami-Dade, ubicado en el segundo piso del edificio Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

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# AVI PIBLIK

## LOJMAN AK DEVLOPMAN KOMINOTÈ
## Depatman Pwopoze Pwopozisyon Plan Administratif Seksyon 8

**PWOLONJMAN PERYÒD KÒMANTÈ A**

Miami-Dade Housing and Community Development (HCD) ap bay avi ofisyèl pou yon **pwolonjman 15 jou sou peryòd kòmantè piblik** pou pwojè Plan Administratif Seksyon 8 la. Peryòd kòmantè inisyal 30 jou a, ki te kòmanse nan dat 1ye septanm 2026 la, pwolonje pou pèmèt kèk ti klarifikasyon nan tèks Plan Administratif Seksyon 8 la. **Nouvo dat limit pou piblik la egzamine dokiman an epi soumèt kòmantè yo se kounye a 15 oktòb 2026.**

Dokiman sa yo disponib pou enspeksyon lendi jiska vandredi ant 8:00 a.m. ak 5:00 p.m., eksepte jou ferye yo, nan chak biwo jesyon sit HCD yo ak biwo administratif yo, epi yo disponib sou sitwèb nou an nan **https://www.miamidade.gov/global/housing/notices.page.**

Tanpri voye kòmantè alekri bay: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: Section 8 Administrative Plan Comment;* oswa voye kòmantè yo pa imel nan: **PHAPublicComment@miamidade.gov**

**REPWOGRAMASYON ODYANS PIBLIK LA**

Depatman Lojman ak Devlopman Kominotè Miami-Dade (HCD) ap bay avi pou fè konnen **Odyans Piblik** devan Komite Lojman an (HC) repwograme. **Odyans Piblik** la, ki te pwograme okòmansman pou mèkredi 14 oktòb 2026 a 12:30 p.m., **ap fèt kounye a madi 10 novanm 2026 a 12:30 p.m**. Objektif Odyans Piblik sa a se pou bay piblik la opòtinite pou yo egzamine epi fè kòmantè sou pwojè Plan Administratif Seksyon 8.

**Odyans piblik** sa a va fèt andedan Chanm Konsèy Komisyon Konte a, ki nan dezyèm etaj bilding Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

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# Housing Public Notices

Share:

Notice of Public Hearing on Proposed Substantial Amendment to the Fiscal Year (FY) 2025-2029 Consolidated Plan to Update the Citizen Participation Plan

Notice of Comment Period and Public Hearing on the Proposed Section 8 Administrative Plan

Comment Period

Miami-Dade Housing and Community Development (HCD) hereby advertises a 30-day comment period beginning Sept. 1, 2026, through Sept. 30, 2026, for the public to review and comment on the proposed Section 8 Administrative Plan.

These documents available for inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except on holidays, at each HCD's site management offices and administrative offices; and available on our website (https://www.miamidade.gov/global/housing/notices.page).

Please send written comments to: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: PHA Plan Comment*; or email (mailto:PHAPublicComment@miamidade.gov) comments.

Public Hearing

Miami-Dade Housing and Community Development (HCD) hereby advertises that a public hearing has been scheduled to be held at the Housing Committee (HC), on Wednesday, Oct. 14, 2026, at 12:30 p.m. The purpose of the hearing is to allow the public an opportunity to comment on these proposed documents.

This public hearing will be held inside the Board of County Commission Chambers, located on the second floor of the Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

PHCD does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, gender identity or gender expression, status as a victim of domestic violence, dating violence or stalking, source of income, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-2155 at least five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.

- Public Notice (/resources/housing/documents/notices/2026-09-01-public-notice-section-admin-plan.pdf)
- Section 8 Administrative Plan (/resources/housing/documents/notices/2026-section-8-administrative-plan-summary.pdf)
- Attachment E (HOTMA) to the Section 8 Administrative Plan (/resources/housing/documents/notices/2026-attachment-e-hotma.pdf)
- Attachment F (NSPIRE-V) to the Section 8 Administrative Plan (/resources/housing/documents/notices/2026-attachment-f-nspire-v.pdf)
- Summary of the Section 8 Administrative Plan (/resources/housing/documents/notices/2026-section-8-administrative-plan-summary.pdf)

# Housing Public Notices

Share:

**Notice of Extended Comment Period and Rescheduled Public Hearing on the Proposed Section 8 Administrative Plan**

Miami-Dade Housing and Community Development (HCD) hereby provides notice of a 15-day extension to the public comment period for the proposed Section 8 Administrative Plan. The original 30-day comment period, which commenced on September 1, 2026, has been extended to accommodate minor clarifications to the Section 8 Administrative Plan's language. The revised deadline for the public to review and submit comments is now Oct. 15, 2026.

This document is available for inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except on holidays, at each of HCD's site management offices and administrative offices, and available on our website at https://www.miamidade.gov/global/housing/notices.page.

Please send written comments to: HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: Section 8 Administrative Plan Comment; or email comments to: PHAPublicComment@miamidade.gov.

**Rescheduling of Public Hearing**

The Miami-Dade Department of Housing and Community Development (HCD) hereby provides notice that the Public Hearing before the Housing Committee (HC) has been rescheduled. The Public Hearing, originally scheduled for Wednesday, October 14, 2026, at 12:30 p.m., will now take place on Tuesday, November 10, 2026, at 12:30 p.m. The purpose of this Public Hearing is to provide the public with an opportunity to review and
comment on the proposed Section 8 Administrative Plan.

FROM PAGE 3A

# PROPERTY TAX

concern about the proposal has mounted in recent months. During the Aug. 19 COBWRA meeting, Abruzzo said he has spoken to a "number of municipalities" that "will not be able to survive."

In June, Jacks, the property appraiser, said the county's "bedroom communities," or those that lack diverse tax bases, could become insolvent.

According to revenue-loss predictions presented by Jacks during the COBWRA meeting, the county and its special taxing districts — such as fire rescue, the library system, the healthcare district, the Children's Services Council and more — could lose more than $400 million in 2027 and nearly $600 million in 2028.

"There is a very large impact when we all bundle together," Jacks said at the meeting. "I know it's easy for all of us to say, 'Well, I'm going to save money on my tax bill.' … We all would, but when you start to bundle it, when you start to look at the larger picture, you see these bigger concerns."

Statewide, there would be an estimated $45.8 billion reduction in local property taxes over five years, from the 2027-2028 fiscal year through 2031-2032, according to Florida Tax Watch, an independent taxpayer research institute.

Berman, a Democrat, pointed to the state's Office of Economic and Demographic Research data, saying Amendment 3 would cut local property taxes by an estimated nearly $11 billion for fiscal year 2030-2031.

"Once you change the constitution, nobody wants to go back," Berman said at the COBWRA meeting. "Whatever happens, it would be very hard to undo this."

Gannon, the county tax collector, said her office would lose about $10 million in 2027 and about $15 million in 2028.

This, "in turn, would affect the county and the other taxing districts that we collect on behalf of," Gannon said.

The problem, though, is that "these are all districts that you, the people, voted to allow the county to fund through property taxes, so it's not clear, are they going to set up a special way to collect those taxes? A different kind of district to fund their services? … Those questions are not clear to us."

What is clear, Gannon said, is that the tax collector's office likely would have to terminate employees. She also said service appointments could be harder to get.

County Administrator Abruzzo believes there are three possible ways to manage the projected losses: service cuts, raising tax rates or raising sales tax.

Tax rate increases would primarily affect commercial properties, such as rentals, Abruzzo said.

For months, local leaders and real estate experts have cautioned about how renters could see higher monthly costs.

And even though the fate of the property tax proposal has yet to be decided, Abruzzo said the county put a pause on projects until the outcome is determined.

"Hundreds of millions of dollars of capitol improvement that have been brought to a screeching halt," he said.

Statewide, nearly 30 counties are considered "financially constrained," Gerwig, who is a Republican, said during the meeting. Those counties may need to get help from the state, she said.

Bigger counties with higher property values tend to be "donors" to the state, Gerwig said. And though she said she believes Palm Beach County "could make this work," she does not necessarily want to see the county stretched any further.

"I just want to make sure that we are not becoming further donors, losing services that we are accustomed to," she said. "If our governor thinks that socialism is a bad thing, asking South Florida to pay North Florida's services, I don't know how that's different from socialism."

COBWRA President Barbara Roth said August tends to be the "sleepiest" month for meetings, but turnout was much larger than expected.

Roth said about 200 people came to hear the panel. Usually, an August meeting might have about 130 attendees. Roth said some neighborhoods within COBWRA, such as Valencia Reserve and Bellagio, have reached out to the panelists about holding town halls within their communities.

"People learned a lot. They thought the presenters were extremely clear," she said.

FROM PAGE 1A

# FLOOD

than a decade afterward.

Without it, the Corps calculated, Miami-Dade could be at risk of more than $54 billion in economic damage. That's homes swept away by floodwaters, business halted when storms strike and plummeting property values.

The federal government paid for this most recent report, a product of the long-running Miami-Dade Back Bay Coastal Storm Risk Management (CSRM) Study. And it would pick up the lion's share of the tab for anything built based on the study — 65%. That would leave Miami-Dade to foot the rest of the bill, around $1.3 billion in cash.

Loren Parra, DERM Director and the county's chief resilience officer, said in a statement that the project is deeply important to the county and represents an important shot at billions of dollars in federal funding for resilience.

"The Back Bay Study is a critical effort toward strengthening our community's resilience. The information we're receiving from the U.S. Army Corps of Engineers during this Phase 2 moves us closer to meaningful, mid-term measures that would help protect our community from storm surge and flooding in the future."

### CONTROVERSIAL FROM THE START

The study is the latest iteration of one that began after Hurricane Irma struck in 2017. The Corps initially proposed a plan to protect Miami-Dade with miles of tall concrete walls along the coast. It was quickly shot down by residents and officials, who called it ugly and asked instead for a more plant-based solution, like mangroves.

At one point, Miami's Downtown Development Agency paid a consultant to develop images of the 6- to 13-foot proposed walls covered with graffiti and trash. A commissioner referred to it as "the Berlin Wall."

After years of back-and-forth, the Corps decided to split the study into two. Part one, released this month, deals only with raising homes and floodproofing important community buildings like evacuation shelters and police stations.

The more controversial part two, which will come up with a structure to protect the coast from storm surge, has been shelved for now. Work is also underway on a nature-based pilot project.

### GOING UP

With at least two feet of sea level rise expected by 2060 and an average elevation of six feet above sea level, thousands of Miami-Dade properties are at risk of being flooded either multiple times a year or permanently.

For this study, the Corps found more than 3,000 properties at "high risk" of destructive flooding in the next few decades. When expanding to medium risk, the number leapt to more than 6,000. That also ratcheted up the cost to north of $6 billion, so the Corps decided to stick with just the most vulnerable ones.

Around 275 properties would be "dry floodproofed," which involves things like temporary or permanent flood barriers and water pumps. About 175 of those are commercial businesses, warehouses, government buildings and churches. The rest are considered critical infrastructure, like wastewater treatment plants.

But the other 3,200 properties are targeted for elevation, which involves keeping the home pretty much as-is, but jacking it up with heavy machinery and building a new, taller foundation.

Elevating those buildings is a no-brainer. Already, the building code requires new development to build higher. And in other spots in Florida, like the Keys and Tampa Bay, residents are choosing to elevate their existing homes several feet to keep them safe from floods.

Single-family home elevation is less popular in Miami-Dade, although a few projects are underway. Per the study, some properties may have to come up only a few feet; the maximum for elevation appears to be 12 feet.

The Corps plan involves elevating 2,800 single-family homes, as well as 430 multifamily buildings. Multifamily building elevation is rare, even in flood-prone coastal areas. In this plan, the Corps said it is referring to quadplexes or smaller, not towering condominium buildings.

The plan also included a breakdown of which areas are targeted for these elevations, which indicates the areas with properties at the highest risk of flooding.

During a meeting on Thursday, officials said that the first step toward shovels in the ground involves selecting a smaller portion of the suggested work list to start with.

"We will be in the near future working with the county to identify which components… to move forward," said Justine Woodward, environmental lead for the project and a biologist for the Army Corps' Norfolk District.

From there, Corps and County officials said it's an open question of who will get to manage the elevation program itself. In Norfolk, Virginia, where the Corps completed a similar study, the city is managing the elevation of around 1,000 properties.

### $4.5 BILLION — OR MORE

That's a tremendous price tag.

In 2020, the initial draft version of the plan included six miles of concrete walls, mangrove plantings in South Dade and elevating thousands of homes and buildings. Back then, the Corps estimated that would cost $4.6 billion.

Fast forward six years, and the estimated cost solely to elevate and floodproof thousands of properties (with no big walls or gates or tree plantings) is, once again, around $4.5 billion.

That number is a pretty rough estimate. Reaching that number requires 100% of the targeted buildings to agree to elevation or floodproofing. Elevating a home can take several months, and while this project would foot the entire bill for elevation, the pot of cash does not cover the costs of finding another place to live during construction.

Also, the Corps can only accept homes to elevate that are already fully up to the latest version of the building code. If the property has outdated wiring or has an unpermitted garage-turned-bedroom — not an uncommon issue in Miami-Dade — the owners would need to fix that (at their own expense) before they would be accepted for elevation.

The Corps and County said they did not have an estimate of how many of these properties eyed for elevation are out of compliance with the building code. However, Christian Kamrath, resilience program manager for Miami-Dade's Department of Environmental Resources Management, said the county is looking into any funding or programs it can use to help residents afford any necessary code fixes.

"We know the costs can be high and there may be other things involved," he said. "But we're going to do everything we can to make it viable for folks."

Kamrath said the county has been in talks with Harris County, Texas, which elevated thousands of homes following Hurricane Harvey, as well as the state-funded home raising program, Elevate Florida, for tips and advice.

"It's definitely a big lift," he said.




Curtis + Rogers Design Studio and the Miami DDA

A rendering depicting what the Army Corps of Engineers' proposed 10-foot high walls designed to protect downtown Miami from storm-surge flooding might look like at Brickell Bay Drive.

## Public meetings

*The Army Corps of Engineers and Miami-Dade are hosting several public meetings to explain the flood plan and get feedback from residents.*

**In-person Open House**

6-7:30 p.m. today at William F. Dickinson Community Center, 1601 N Krome Ave., Homestead

6-7:30 p.m. Wednesday at Overtown Performing Arts Center, 1074 NW Third Ave., Miami

**Virtual Webinar,** 6-7:30 p.m. Sept. 9.

Residents and stakeholders interested in participating can register at https://bit.ly/backbaydraft2026

Comments are also accepted via email: mdbb-csrmstudy@usace.army.mil


**UNITED STATES BANKRUPTCY COURT**
**FOR THE EASTERN DISTRICT OF MICHIGAN-DETROIT**

**In re Fieldstone A&E, LLC,**
***d/b/a* Fieldstone Architecture & Engineering, *d/b/a* Fieldstone A & E,**
***d/b/a* Fieldstone Engineering, *d/b/a* Fieldstone Architecture**

Case No. 26-48494-tjt

**YOU MAY HAVE A CLAIM AGAINST FIELDSTONE A&E, LLC**

On July 30, 2026, Fieldstone A&E, LLC (the "Debtor") filed for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"). The Debtor, its address, case number, proof of claim form, and other relevant information related to this chapter 11 case may be obtained from Kurtzman Carson Consultants, LLC dba Verita Global (the "Claims Agent") at:

https://www.veritaglobal.net/fieldstone

**THE LAST DAY TO FILE GENERAL CLAIMS AGAINST THE DEBTOR IS OCTOBER 22, 2026, AT 5:00 P.M. (PREVAILING EASTERN TIME). THE DEBTOR'S CHAPTER 11 SMALL BUSINESS SUBCHAPTER V PLAN FILING DEADLINE IS OCTOBER 28, 2026.**

Formoreinformation, and instructions onhowtoobtainandfileaproofofclaim andassociateddocuments,pleasevisitthe ClaimsAgent'sdesignatedwebsite: https://www.veritaglobal.net/fieldstone **or call the Claims Agent at** (877) 725-7539 (U.S./Canada) or (424) 236-7247 (International)

**ANY PERSON OR ENTITY THAT IS REQUIRED TO TIMELY FILE A PROOF OF CLAIM BUT FAILS TO DO SO SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR THE PURPOSE OF VOTING AND DISTRIBUTION IN THE DEBTOR'S CHAPTER 11 CASE.**



MIAMI-DADE COUNTY

# Public Notice

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
### Proposed Section 8 Administrative Plan

**COMMENT PERIOD**

Miami-Dade Housing and Community Development (HCD) hereby advertises **a 30-day comment period** beginning **September 1, 2026, through September 30, 2026**, for the public to review and comment on the proposed Section 8 Administrative Plan.

This document is available Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. at HCD's administrative offices and on its website at **https://www.miamidade.gov/global/housing/notices.page**.

Please send written comments to: HCD, 701 N.W. 1st Ct, 16th Floor, Miami, Florida 33136, Attn: Comments; or email comments to: **PHAPublicComment@miamidade.gov**.

**PUBLIC HEARING**

Miami-Dade Housing and Community Development (HCD) hereby advertises that a **public hearing** has been scheduled to be held at the Housing Committee (HC), on **Wednesday, October 14, 2026, at 12:30 p.m.** The purpose of the hearing is to allow the public an opportunity to comment on these proposed documents.

This **public hearing** will be held inside the Board of County Commission Chambers, located on the second floor of the Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

*HCD does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, gender identity or gender expression, status as a victim of domestic violence, dating violence or stalking, source of income, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-2155 at least five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.*

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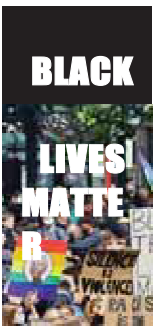
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# National debt now stands at $40 trillion

**FATIMA HUSSEIN**
The Associated Press

The national debt surpassed a record $40 trillion last Wednesday, a staggering milestone as defense costs, social programs like Social Security and Medicare and interest on the burgeoning deficit make up an enormous share of federal spending.

The milestone figure was recorded just five months after the U.S. hit a record $39 trillion debt in March. It reached $38 trillion five months before that, in October.

The unprecedented $40 trillion figure highlights competing administration priorities, from boosting defense spending that the U.S. relies on to carry out President Donald Trump's almost-6-month-old war in Iran to lowering the cost of gas and groceries.

Kush Desai, a White House spokesman, said the Trump administration "has been focused on slashing waste, fraud, and abuse in federal spending while accelerating economic growth to get America's debt-to-GDP ratio trending in the right direction."

However, experts say the exploding debt and the latest record milestone are already affecting Americans' pocketbooks by raising borrowing costs for things like mortgages and cars, lowering wages from businesses that have less money available to invest, and creating more expensive goods and services.


Eight Months in Photos

"If we want to improve our living standards, today and for the next generation, now is the time for lawmakers to put our nation on a more affordable and sustainable path," says Michael A. Peterson, CEO of the Peter G. Peterson Foundation, a think tank focused on U.S. fiscal challenges.

The debt has exploded over several presidential administrations, as the nation's leaders spend more money than it collects in taxes. In recent memory, the multi-year COVID-19 pandemic shut down much of the U.S. economy, where the federal government borrowed heavily during President Trump's first term and under former President Joe Biden to stabilize the economy and support a recovery.

More government spending was approved after Trump signed Republicans' tax cut and spending legislation into law last year.

Advocates for a balanced budget also warn that the long-term trend of borrowing more and paying more in interest will force Americans to face tougher fiscal tradeoffs ahead.

"The federal debt is already raising the cost of living and choking out other spending and investment, threatening our economy and Americans' long-term prosperity," said Margaret Spellings, president and CEO of the Bipartisan Policy Center.

"Our current fiscal trajectory is plainly unsustainable, and that's the best-case scenario. AI disruption, a recession, global war, or any number of other events could quickly push us over the edge from a challenge into a full-blown crisis," Spellings said in a statement.

The U.S. is subject to a statutory debt limit, or a limit to federal borrowing, which Congress has the authority to set, adjust or abolish. The Bipartisan Policy Center estimates that the U.S. will most likely reach the $41.1 trillion debt limit sometime between late winter and mid-summer of 2027, requiring Congress to again vote on whether to raise or suspend it.

The U.S.' fiscal position stands as the worst among other developed countries, according to recent data analysis from the Organization for Economic Co-operation and Development.

# Canada targets goods as trade war escalates

**WYATTE GRANTHAM-PHILIPS**
The Associated Press

Canada has pledged to roll out "dol-lar-for-dollar" countertariffs on scores of U.S. goods next month in response to President Donald Trump's latest import taxes, which have plunged the North American neighbors deeper into a bitter trade war.

Ottawa released a list of more than 700 targets Tuesday. Starting Sept. 8, Canada's government says it will impose steeper import taxes on goods ranging from fish and cheese to smartphones and steel imported from the United States.

Canada said it was focusing its retaliation on products "most affected by U.S. tariffs." The levies will be set at 15%, 25% or 50% — rates that the government said would match U.S. tariffs on goods targeted in Washington's latest round as well as products covered by previously imposed sectoral duties.

Tuesday's announcement came just days after the Trump administration's 50% tariffs on took effect. That represents just 5% of the value of goods Canada sent to the U.S. last year, but the punishing rate comes on top of a series of tariffs Trump has imposed on the country during his second term in office. More threats of escalation have piled up in the meantime. As a result, businesses—and, by extension, households—on both sides of the border could soon feel the strain of even higher prices.

Here's a recap of roughly $20 billion of Canadian goods, ranging from honey to hockey sticks, some of the affected products.


Justin Tang/The Canadian Press via AP

Minister of Finance and National Revenue Francois-Philippe Champagne speaks at a news conference on Canada's response to U.S. tariffs, at a roofing company in Ottawa, on Tuesday, Aug. 25, 2026.

### U.S. STEEL, FISH AND MORE

Canada plans to impose steeper tariffs on hundreds of U.S. products starting Sept. 8.

Many of the goods are highly specific and mirror products on which Washington began imposing 50% tariffs over the weekend. The list also includes products made of steel and aluminum, which already face a 50% U.S. sectoral tariff on most imports globally, although some goods qualify for lower duties under an adjustment rolled out by the White House earlier this year.

Some of the many U.S. items Canada is now targeting include:

- Live and frozen fish, crustaceans, oysters and mussels
- Cheese and curd products
- Natural honey, molasses and baking mixtures
- Perfume, makeup and hair preparations Carpets and other floor coverings
- Toilet paper, fa-cial tissues and enve-lopes
- T-shirts, jackets, coats and gloves
- Various metal products made of steel or aluminum, including wire, rods, pipes and foil
- Stoves, ranges, re-frigerators and other household applianc-es Smartphones and video game consoles
- Motorcycles and trailers

### MORE THREATS OF ESCALATION PILE UP

Threats of stronger countermeasures and further escalation have continued to pile up — and it's possible that even more products could face steeper import taxes down the road.

Trump took to social media Monday to say that his administration would also increase tariffs on Canadian cars, trucks, automotive parts and steel to 50% starting Jan. 1, 2027. Like other countries, Canada currently faces a broader 25% tariff on autos. A 50% sectoral tariff on most steel imports is already in effect.

Canadian Prime Minister Mark Carney said the au-to-sector proposal would "gradually dismantle" Canadian production. He also accused Washington of trying to subordinate Canada and said U.S. demands during the failed talks showed that Americans wanted to "destroy our major industries."

Beyond tariffs, Trump added another provocation Tuesday, saying the United States was giving "serious consideration" to renaming Lake Ontario "Lake America" amid a feud with Ontario Premier Doug Ford. Ford told The Associated Press this week that his province would be ready to cut off electricity and critical miner-als to the U.S. if the trade war worsens.

• Fishing rods and exercise equipment

The new tariffs on these products will carry rates of 15%, 25% or 50%. Canada's tariffs on many American products would double from 25% to 50%, with the largest share of the new measures affecting steel and aluminum.

### U.S. ALREADY IMPOSED NEW TARIFFS

The Trump administration already outlined its own lengthy list of more than 550 Canadian products that are now subject to 50% tariffs. That list includes natural honey, vegetable seeds and flow-er bulbs; alcoholic beverages such as beer and vermouth; ice skates and other sports accessories; various household goods; and smartphones.

Trump imposed the tariffs by reaching back to a long-dor-mant Great Depres-sion-era law. Section 338 of the Tariff Act of 1930, which has never been used be-fore, authorizes the president to impose import taxes of up to 50% on goods from countries that have discriminated against U.S. businesses.

Trump claimed that Canada discrimi-nated against U.S. au-tos, alcohol and dairy products, particularly following the implementation of his sear-lier import taxes last year. It's worth not-ing that the list of Ca-nadian goods facing the latest levy is far more diverse.


MIAMI-DADE COUNTY

**PUBLIC HEARING**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**
**Proposed Section 8 Administrative Plan**

**COMMENT PERIOD**
Miami-Dade Housing and Community Development (HCD) hereby advertises **a 30-day comment period** beginning **September 1, 2026, through September 30, 2026**, for the public to review and comment on the proposed Section 8 Administrative Plan.

This document is available Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. at HCD's administrative offices and on its website at **https://www.miamidade.gov/global/housing/notices.page.**

Please send written comments to: *HCD, 701 N.W. 1st Ct, 16th Floor, Miami, Florida 33136, Attn: Comments;* or email comments to: **PHAPublicComment@miamidade.gov**.

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# Por qué pagar almuerzos escolares

## El nuevo modelo del sistema educativo en Miami-Dade obliga a numerosas familias a solicitar asistencia o incorporar desayunos y almuerzos al presupuesto doméstico

VIENE DE PÁG. 1A



Estudiantes hacen fila para recibir sus alimentos en una cafetería escolar. (AI)

2027 ante una realidad diferente: el beneficio ya no depende únicamente de asistir a un plantel del distrito, sino también de la escuela en la que esté matriculado el menor y, también, de los ingresos del hogar.

Las Escuelas Públicas del Condado Miami-Dade (M-DCPS), el cuarto sistema escolar más grande de Estados Unidos reúne cerca de 500 escuelas y más de 335.500 alumnos. La clasificación publicada para el nuevo esquema de alimentación comprende 340 planteles y centros en los que se ofrecen esos servicios.

De ese universo, solo 121 conservaron el desayuno y el almuerzo gratuitos para todos sus estudiantes mediante la Disposición de Elegibilidad Comunitaria (CEP, por sus siglas en inglés).

Los otros 219 quedaron fuera de la cobertura universal: 128 escuelas primarias y centros de kindergarten a octavo grado, además de 91 secundarias, preparatorias y planteles especializados.

En los centros que permanecen bajo la CEP, los padres no deben presentar solicitudes ni demostrar sus ingresos. Todos los alumnos reciben ambas comidas, independientemente de la situación económica de sus familias.

El panorama cambia en el resto del sistema. Los estudiantes que no sean certificados automáticamente tendrán que completar un formulario que permitiría identificar si pueden obtener alimentos gratuitos o a precio reducido. Quienes no cumplan los requisitos deberán pagar las tari-fas establecidas para el nuevo curso.

El distrito explicó que la transición se produjo después de concluir su participación de cuatro años en la CEP a escala distrital. Según la información divulgada por la institución, los datos federales actualizados determinaron que Miami-Dade ya no reúne las condiciones para mantener la cobertura en todas sus escuelas.

"Nuestro objetivo es proteger a las familias de cualquier dificultad y, al mismo tiempo, mantener el desayuno y el almuerzo gratuitos para el mayor número posible de estudiantes", afirmó Luis E. Díaz, director de Operaciones de M-DCPS, al anunciar la medida.

En las 128 escuelas primarias y centros K-8 que quedaron fuera de la CEP, el desayuno continuará sin costo para todos. El almuerzo tendrá un precio regular de 4,20 dólares o una tarifa reducida de 40 centavos para los alumnos que resulten elegibles.

En las 91 secundarias, preparatorias y escuelas especializadas no acogidas a la CEP, el desayuno costará 2,50 dólares y el almuerzo, 4,20. Quienes sean aprobados para recibir asistencia abonarán 30 y 40 centavos, respectivamente.

La nueva estructura de precios puede representar un gasto significativo. Si un niño de primaria compra el almuerzo durante los 180 días del calendario académico, el desembolso por estudiante podría alcanzar 756 dólares. En un hogar con dos hijos, la cifra ascendería a 1.512 dó-lares anuales.

Para un estudiante de secundaria o preparatoria que pague el precio completo por ambas comi-das, el costo llegaría hasta 1.206 dólares en el año. Los cálculos representan el máximo posible y pueden variar según la asistencia y la frecuencia con que cada alumno utilice el servicio.

Los padres de menores matriculados en plante-les no incluidos en la CEP pueden presentar la solicitud a través del portal del Departamento de Alimentación y Nutrición de M-DCPS.

Los estudiantes certificados directamente mediante ayudas como el Programa de Asistencia Nutricional Suplementaria (SNAP), la Asistencia Temporal para Familias Necesitadas (TANF) o Medicaid (Asistencia médica subsidiada por el estado) continuarán recibiendo alimentos gratuitos de manera automática.

La certificación también comprende a menores bajo cuidado temporal, inscritos en Head Start, pertenecientes a familias migrantes o que carezcan de vivienda.

El sistema escolar conservará las condiciones anteriores durante los primeros 30 días del curso o hasta que determine la nueva categoría de cada alumno. Las autoridades recomendaron completar el trámite cuanto antes para evitar interrupciones.

El procedimiento no debe confundirse con una tarjeta para comprar alimentos ni con los vales educativos de Florida. Se trata de una solicitud vinculada a los programas nacionales de desayuno y almuerzo escolar, financiados principalmente mediante reembolsos federales.

Los vouchers, en cambio, son becas estatales que permiten utilizar fondos públicos para pagar matrículas y otros servicios autorizados en centros privados. Aunque ambos mecanismos afectan a hogares con hijos en edad escolar, tienen fuentes, requisitos y propósitos diferentes.

La forma de pago no modifica, en principio, los criterios nutricionales ni el menú disponible.

Para el curso 2026-2027, el Departamento de Alimentación y Nutrición incorporó opciones evaluadas previamente por los propios alumnos durante su exposición anual de alimentos. Entre ellas aparecen panqueques integrales de banana, salchichas de res, pizza con pepperoni de pavo, quesadillas de carne y queso Monterey Jack, nuggets de salmón silvestre, falafel de lentejas rojas y meriendas con alto contenido de proteínas.

La oferta incluye además frutas frescas, vegetales y ensaladas. De acuerdo con el distrito, el menú da mayor presencia a productos de origen local, preparaciones con ingredientes más sencillos y alternativas vegetales.

La institución sostiene que cada plato se diseña para contribuir a la salud, el bienestar y el rendimiento académico de los estudiantes. El desafío del nuevo modelo no se concentra, por tanto, únicamente en lo que se sirve, sino en garantizar que los padres conozcan las reglas y completen el trámite a tiempo para evitar que un niño pierda la asistencia por falta de información o por una demora administrativa.

La transición coincide con un aumento sostenido del valor de las propiedades sobre el cual la Junta Escolar puede imponer gravámenes.

El tasador de propie-dades de Miami-Dade, Tomás Regalado, explicó en entrevista con DIARIO LAS AMÉRICAS que la certificación realizada el 1 de julio de este año situó en aproximadamente 593.000 millones de dólares la base del impuesto que pagan los propietarios de vivienda del condado a través de la tasa impositiva de sus inmuebles, a la junta escolar.

La diferencia no constituye dinero recaudado. Representa el valor de los bienes raíces sujeto a gravamen y se explica, en buena medida, por las exenciones aplicables a cada autoridad.

Para calcular el impuesto escolar solo se reconoce la primera exención de vivienda principal de 25.000 dólares. La segunda, también de hasta 25.000 dólares, no se descuenta de la porción destinada a la educación. Tampoco se aplican a esa base algunas exenciones locales concedidas a propietarios de edad avanzada.

"El sistema escolar puede imponer impuestos sobre 593.000 millones de dólares, mientras el condado y las municipalidades pueden hacerlo sobre 540.000 millones", precisó Regalado.

El valor imponible para las escuelas pasó de aproximadamente 366.000 millones en 2021 a 593.000 millones en 2026. La diferencia, de 227.000 millones, equivale a un crecimiento cercano al 62% en cinco años, calculó el tasador.

El incremento más reciente fue mucho menor. Según el funcionario, durante el último año alcanzó alrededor de 1,6%, después de periodos en los que llegó a situarse entre 15% y 20%.

"El mercado se está estabilizando y nosotros estamos valorando las propiedades de acuerdo con su valor justo", sostuvo.

Regalado estimó que, si la tasa escolar se mantiene próxima a la del año anterior, una vivienda con un valor imponible de 400.000 dólares podría aportar alrededor de 2.327 dólares al sistema educativo durante el ejercicio fiscal 2026-2027.

La cantidad exacta dependerá de la tasa de amillaramiento finalmente adoptada y del valor imponible de cada inmueble.

Los propietarios pueden identificar ese monto en el aviso sobre impuestos propuestos, conocido como TRIM. El documento separa los gravámenes de la Junta Escolar de los correspondientes al condado, el municipio y otras autoridades fiscales.

"Ahí se ve claramente lo que se paga al sistema escolar", indicó Regalado.

La Oficina del Tasador determina los valores, aplica las exenciones y certifica la base tributaria, pero no recauda esos ingresos ni decide cómo se distribuyen.

"Nuestra única relación con la Junta Escolar es decirle: hay tantos valores sobre los cuales ustedes pueden imponer impuestos; hagan lo que decidan", explicó.

La Junta Escolar, formada por nueve miembros electos, aprueba el presupuesto y establece el destino de los recursos con apoyo de la administración encabezada por el superintendente.

"El sistema escolar recibe del estado de Florida determinada cantidad de dinero por alumno y también recibe el dinero de los impuestos a la propiedad", señaló el tasador. "Es un gobierno autónomo y los miembros de la Junta Escolar son quienes deciden cómo se gasta".

No todos esos ingresos pueden trasladarse libremente de una par-tida a otra. La alimenta-ción escolar se sostiene principalmente mediante reembolsos federales asociados con las comidas servidas y la elegibilidad de los estudiantes. Los tributos sobre las propiedades y el financiamiento estatal forman parte de una estructura presupues-taria más amplia, some-tida a reglas y asignaciones específicas.

Por esa razón, el aumento de la base imponible no demuestra por sí solo que M-DCPS disponga de recursos locales suficientes para conservar el desayuno y el almuerzo sin costo en todos sus planteles. Para determinarlo sería necesario conocer el presupuesto completo del servicio, los reembolsos federales proyectados y cualquier aportación realizada por la institución.

DIARIO LAS AMÉRICAS solicitó al distrito esco-lar esos datos, además del número de alumnos comprendidos en cada modalidad y el efecto financiero que podrían estar teniendo los váuchers escolares. Al cierre de esta edición, la información no había sido recibida en este rotativo.

Hasta ahora, la explicación oficial atribuye la transición a los criterios federales de elegibilidad y no a una reducción di-recta de los ingresos procedentes de los impuestos locales.

La consecuencia inmediata sí puede medirse en los hogares: para muchas familias de Miami-Dade, las comidas escolares dejaron de ser un beneficio automático y ahora dependen de una solicitud, de su aprobación y, si no califican, de una nueva partida en el presupuesto doméstico.

Nuestro rotativo continuará dando seguimiento al tema y reiterará su solicitud de información a M-DCPS para conocer el costo total del servicio de alimentación, los recursos aportados por cada fuente, la cantidad de menores atendidos bajo el nuevo esquema y el impacto de los váuchers en las finanzas del distrito e

MIAMI-DADE COUNTY

**Aviso Público**

**AVISO DE AUDIENCIA PÚBLICA SOBRE LAS ENMIENDAS DEL PLAN DE ASISTENCIA PARA LA VIVIENDA LOCAL DE LA ASOCIACIÓN PARA LA INICIATIVA DE VIVIENDA DEL ESTADO CORRESPONDIENTE A LOS AÑOS FISCALES 2025-2026, 2026-2027 Y 2027-2028**

Enmiendas del Plan de Asistencia para la Vivienda Local (LHAP)
de la Asociación de la Iniciativa de Vivienda del Estado (SHIP)
correspondiente a los años fiscales 2025-2026, 2026-2027 y 2027-2028

Por el presente aviso, el Condado de Miami-Dade da a conocer que el Plan de Asistencia para la Vivienda Local (LHAP, sigla en inglés) de la Asociación de la Iniciativa de Vivienda del Estado (SHIP, sigla en inglés) correspondiente a los años fiscales 2025-2026, 2026-2027 y 2027-2028 será enmendado en cumplimiento de los requisitos del Proyecto de Ley del Senado (SB) 594 del Estado de la Florida, a fin de incluir una estrategia de vivienda de precio módico que proporcione fondos del programa SHIP a los propietarios de casas móviles. Antes de su adopción, el Condado de Miami-Dade celebrará una audiencia pública sobre el proyecto de enmienda del LHAP correspondiente a los años fiscales 2025-2026, 2026-2027 y 2027-2028 en la reunión del Comité de Vivienda que tendrá lugar el 9 de septiembre del 2026 a las 12:30 p. m. en el Auditorio de la Comisión, en el segundo piso del edificio ubicado en 111 NW 1st Street, Miami, Florida, 33128. Se anima a los interesados a asistir y participar.

El proyecto de LHAP contempla un plan trienal con incentivos para proporcionar viviendas de precio módico en el Condado de Miami-Dade. El objetivo del proyecto de enmienda es incluir una nueva estrategia relativa a la capacidad de proporcionar fondos del programa SHIP a los propietarios de casas móviles para aumentar la oferta de viviendas de precio módico en el Condado de Miami-Dade, de conformidad con el artículo 420.907-9079 de los Estatutos de la Florida y el capítulo 67-37 del Código Administrativo de la Florida.

**Comentarios del público**
Se anima a los ciudadanos a revisar la enmienda del LHAP correspondiente a los años fiscales 2025-2026, 2026-2027 y 2027-2028 y a formular comentarios. El proyecto de enmienda del plan SHIP LHAP correspondiente a los años fiscales 2025-2026, 2026-2027 y 2027-2028 estará disponible para su análisis y presentación de comentarios desde el 24 de agosto hasta el 9 de septiembre del 2026, de 8:00 a. m. a 5:00 p. m., de lunes a viernes, en el Departamento de Vivienda y Desarrollo Comunitario de Miami-Dade, ubicado en 701 N.W. 1st Court, 14th Floor, Miami, Florida 33136.

Los documentos están disponibles en el sitio web del Departamento de Vivienda y Desarrollo Comunitario en la dirección: https://www.miamidade.gov/global/housing/notices.page, o se pueden solicitar por correo electrónico. Comuníquese con **Mohammed Rasheduzzaman** por el correo electrónico mohammed.rasheduzzaman@miamidade.gov o por el teléfono (786) 469-4141. Los comentarios sobre el proyecto de LHAP deben dirigirse a **Lakisha Gray, Directora de División II,** por el correo electrónico commmunitydevelopmentservices@miamidade.gov.

*El Condado no discrimina a nadie por su raza, sexo, color, religión, estado civil, origen nacional, discapacidad, procedencia, orientación sexual, expresión de género, identidad de género, edad, embarazo, situación familiar, fuente de ingresos, estatus real o percibido como víctima de violencia doméstica, violencia en el noviazgo o acoso, ni en el acceso ni en la admisión a programas o actividades de vivienda, ni en el empleo en ellos. Si necesita un intérprete del lenguaje de señas o materiales en formato accesible para este evento, llame al (786) 469-2155, por lo menos con cinco días de antelación. Los usuarios del sistema de retransmisión TDD/TTY pueden comunicarse con el Servicio de Retransmisión de la Florida (Florida Relay Service) por el 800-955-8771.*

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**Aviso Público**

**DEPARTAMENTO DE VIVIENDA PÚBLICA Y DESARROLLO COMUNITARIO**
**Propuesta al Plan Administrativo de la Sección 8**

**PERÍODO DE COMENTARIOS**
El Departamento de Viviendas y Desarrollo Comunitario de Miami-Dade (HCD, por sus siglas en inglés) por este medio anuncia el **período de comentarios de 30 días** desde **el 1 de septiembre del 2026 hasta el 30 de septiembre del 2026** para que el público revise y comente en la propuesta al Plan Administrativo de la Sección 8.

Este documento se encuentra a disposición de los interesados, de lunes a viernes entre las 8:00 a.m. y las 5:00 p.m., en las oficinas administrativas del HCD y en su sitio web, en la dirección **https://www.miamidade.gov/global/housing/notices.page**.

Por favor, envíe sus comentarios por escrito a: *HCD, 701 N.W. 1st Ct, 16th Floor, Miami, Florida 33136, Atención: Comentarios sobre el Plan Administrativo de la Sección 8*; o envíe sus comentarios por correo electrónico a la dirección: **PHAPublicComment@miamidade.gov**.

**Audiencia pública**
El Departamento de Viviendas y Desarrollo Comunitario de Miami-Dade (HCD, sus siglas en inglés) por este medio anuncia que se celebrará una audiencia pública durante la reunión del Comité de Vivienda (HC, por sus siglas en inglés), para **el día miércoles 14 de octubre del 2026, a las 12:30 p. m.** El propósito de la audiencia es brindarle al público la oportunidad de comentar sobre el documento propuesto.

Esta **audiencia pública** se llevará a cabo en el Auditorio de la Junta de Comisionados del Condado, que se encuentra en el segundo piso del Centro Stephen P. Clark, en la dirección 111 N.W. 1st St., Miami, FL 33128.

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# Haitian-American Cvnthia Alceus Dominique Wins Broward School Board Seat in Potentiallv Historic Victorv

BROWARD COUNTY, Fla. — Haitian-American educator, nurse practitioner and U.S. Army veteran Cynthia Alceus Dominique has won election to the Broward Coun-ty School Board, defeating 5ochelle "Shelly" Soffer in the race for the District 7 seat.

Dominique captured 59.69% of the vote, with 17,113 ballots, compared with 40.31%, or 11,559 votes, for Soffer, according to official results from the Broward County Supervisor of Elections.

Her victory gives the Haitian-American community a new voice on the board overseeing one of the nation's largest public school systems and could represent a historic milestone for Haitian-American political representation in Broward County.

**From Broward Student to School Board Member**



%ehind Dominique¶s election is a compelling family story that helps explain why education became such an important part of her life. Dominique has described being raised by an immigrant mother who never had the opportunity to attend school. +er mother could not read the papers her daughter brought home and could not always help her navigate the educational system.

Dominique is a Broward County na-tive and graduate of Coconut Creek High School. She describes herself as a wife, mother of four children attending Broward County Public Schools, nurse practitioner, university educator and Army veteran with more than two decades of military service.

Her personal story also reflects the immigrant experience of many families she will represent. Dominique has said she was raised by an immigrant mother who never had the opportunity to attend school and could not read the documents her daughter brought home. Despite those limitations, her mother strongly emphasized the importance of education.

Dominique later became actively involved in Broward schools and community organizations before seeking the District 7 seat, which became open after incumbent Nora Rupert decided not to seek re-election.

During the campaign, Dominique emphasized academic achievement, safer schools, improved compensation and support for teachers and staff, accountability and transparency, parent engagement, mental-health services and support for students with disabilities.

She also argued that Broward must closely examine programs and spending as the school district confronts declining enrollment and financial challenges.

**A Significant Victory forHaitian-AmericanRepresentation**

Dominique's election adds another Haitian-American elected official to Broward County's increasingly di-verse political landscape.

Her victory is particularly notable because School Board members make decisions affecting thousands of families on issues ranging from school safety and academic performance to teacher compensation, budgets and student services.

District 7 includes communities such as Coconut Creek, Deerfield Beach, Hillsboro Beach, /ighthouse 3oint, 0argate and Pompano Beach.

Dominique entered the race presenting herself as both an educator and parent with firsthand experience in the public school system. Her campaign message focused on practical solu-tions and ensuring that students re-ceive quality educational opportunities regardless of which Broward school they attend.

:ith nearly 60% of the vote, voters gave Dominique a decisive victory and a four-year term on the Broward County School Board.

For Broward's Haitian-American community, her election also represents another step forward in political representation in a county where Haitian immigrants and their descendants have become an important part of the social, economic and civic landscape.

**LE FLORIDIEN**

# Former North Miami Police Chief Marc Elias Jr. Dies in Haiti

*Continued from page 9*

**A Legacy of Haitian-American Leadership**

Despite the controversy surrounding the final chapter of his tenure, Elias's historic role in North Miami remains significant.

His rise helped demonstrate that Haitian-American law-enforcement officers could reach the highest levels of leadership in South Florida departments serving communities with substantial Haitian populations.

Tn 2016, Gary Eugene became the second Haitian-American to serve as North Miami police chief. Today, the department is led by Chief Cherise Gause, who became the third Haitian-American and the first Haitian-American woman to lead the North Miami Police Department when she was sworn in as chief in 2023.

That progression-from Elias to Eu-gene and now Gause-places Elias at the beginning of an important chapter in the history of Haitian-American representation in North Miami law enforcement.

His sudden death in Haiti brings renewed attention to a career that included historic achievements, public service, controversy and a lasting place in South Florida's Haitian-American history.

*Le Floridien extends its condolences to the family, friends and former colleagues of Marc Elias Jr.*


MIAMI-DADE COUNTY

## Avi Piblik

**LOJMAN PIBLIK AK DEVLOPMAN KOMINOTÈ**
**Pwopozisyon Plan Administratif Seksyon 8**

**PREYÒD KÒMANTÈ**

Depatman Lojman ak Devlopman Kominotè Konte Miami-Dade (HCD) ap anonse yon **peryòd kòmantè 30 jou** apati **1 septanm 2026 pou rive 30 septanm 2026**, pou piblik la egzamine dokiman pwopoze sa yo e fè kòmantè sou Plan Administratif Seksyon 8 yo pwopoze a.

Dokiman sa yo disponib pou enspeksyon lendi jiska vandredi ant 8:00 a.m. ak 5:00 p.m., eksepte jou ferye yo, nan chak biwo jesyon sit HCD yo ak biwo administratif yo, epi yo disponib sou sitwèb nou an nan **https://www.miamidade.gov/global/housing/notices.page**.

Tanpri voye kòmantè ekri bay: HCD, 701 N.W. 1st Ct, 16th Floor, Miami, Florida 33136, Attn: Comments; oswa imel kòmantè yo bay: **PHAPublicComment@miamidade.gov**.

**Odyans Piblik**

Depatman Lojman ak Devlopman Kominotè (HCD) anonse ke gen yon odyans piblik ki pwograme pou fèt nan Komite Lojman (HC), mèkredi 14 oktòb 2026 a 12:30 p.m. Objektif odyans lan se pèmèt piblik la opòtinite pou fè kòmantè sou dokiman sa yo pwopoze a.

Odyans piblik sa a va fèt andedan Chanm Komisyon Konte a ki nan dezyèm etaj bilding Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

*HCD pa fè diskriminasyon dapre ras, sèks, koulè, relijyon, kondisyon marital, orijin nasyonal, andikap, zansèt, oryantasyon seksyèl, idantite sèksyèl oswa ekspresyon seksyèl, sitiyasyon kòm yon viktim vyolans domestik, vyolans mennaj, oswa asèlman, sous revni, laj, gwosès oswa sitiyasyon familial, nan kad aksè, admisyon, oswa travay nan pwogram oswa aktivite lojman. Si ou bezwen yon entèprèt lang siy oswa materyèl nan fòma aksesib pou evènman sa a, rele 786-469-2155 omwen senk jou davans. Itilizatè TDD / TTY ka kontakte Sèvis Relè Florid (Florida Relay Service) nan 800-955-8771.*


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# Three men caused drunken 'ruckus' at Florida Keys resort, sheriff's office said



BY DAVID GOODHUE
*dgoodhue@miamiherald.com*

Two brothers and their friend were arrested Sunday morning after starting a drunken "ruckus" at a Florida Keys resort, fighting among themselves, threatening other guests and pulling the fire alarm, according to the Monroe County Sheriff's Office.

The men began disturbing the guests at the Hadley Resort + Marina on Upper Matecumbe Key around 2 a.m., according to the sheriff's office. Witnesses told deputies that when people tried telling the men to keep it down, they turned combative.

Someone called the sheriff's office around 6:30 a.m., and deputies located 35-year-old Alan Stasiewicz, of Naples, Keith Vincent Stasiewicz, 34, of Boynton Beach, and Christopher David Wilson, 31, of Cape Coral.

They were booked into the sheriff's office main jail on Stock Island. A judge Monday set their bond at $20,000 on a felony count each of activating a fire alarm for no reason and misdemeanor disorderly conduct. Information about their legal representation was not immediately available.

FROM PAGE 3A

# GALLON



PEDRO PORTAL pportal@miamiherald.com

Judge Alberto Milian speaks during the change of plea hearing of Steve Gallon IV, who was sentenced to prison for the shooting of an undercover Miami-Dade officer, at the Gerstein Justice Building, in Miami on Tuesday.

Gallon IV declined to address the court but looked over to his family, who was sitting on the right side of the courtroom.

Gallon IV's father, Steve Gallon III, was present but didn't speak during the hearing. Gallon III is an incoming county commissioner, having won the election for the District 1 seat after no one else filed for the seat being vacated by the current commissioner, Oliver Gilbert, who is running for Congress. Commissioner-elect Gallon is scheduled to take office in early 2027. He was first elected to the Miami-Dade County School Board in 2016.

Outside the courtroom, attorney Roderick Vereen told reporters he is glad the case was resolved as the victim and the Gallon family have had it looming for more than three years. Vereen also pointed out how prosecutors acknowledged what he had said from the beginning: Gallon IV had no way of knowing the man he shot was a police officer because the officer was working undercover and had not identified himself.

"My client did not know what was taking place," the attorney said. "It was a situation where you don't have all the facts and you think you are acting in support of someone else. Thankfully, no one was killed."

Gallon IV, accused of shooting at an undercover Miami-Dade officer, was handcuffed after coming out of a home in Allapattah during a massive manhunt. The officer, court records say, was about to conduct a traffic stop and was involved in some type of drug investigation when he was spotted by Moore, the driver.

Investigators believe Moore contacted Gallon IV and drove away, leading the officer to the home where Gallon IV was staying. When the officer arrived, Gallon IV came up behind the officer and shot him, according to court documents.

The bullet only grazed the officer's neck, court records say. He was released from the hospital the next day.

Also arrested and charged with being accessories after the fact for harboring Gallon IV after the shooting were Kendrick Jose Watkins, 36, Frederick Lee Watkins, 31, and Andre Darrell Copeland, 50.

Their cases remain open as of Tuesday morning, according to court records. They have pleaded not guilty.

*Miami Herald staff writer Doug Hanks contributed to this report*

FROM PAGE 1A

# REPORT

as the legal basis for obtaining detention space at the Florida Soft-Sided Facility. However, these agreements do not reference the facility or otherwise indicate that ICE approved the state of Florida to use it as an immigration detention facility," the report stated.

Investigators also found that "without a contract or agreement in place before opening the facility," the detention center had "the potential to result in waste" because of its high operating costs.

Alligator Alcatraz, officially known as the Florida Soft-Sided Facility, was closed in June after the DeSantis administration promised almost $1 billion in no-bid contracts to private contractors to run the detention center, which was overseen by the Florida Division of Emergency Management.

The Federal Emergency Management Agency awarded the Sunshine State the full $608 million of its Detention Support Grant Program, which was established to help states build and expand the federal government's immigration-detention capacity.

FEMA developed the grant by repurposing funds appropriated during the Biden administration for shelter services to relieve overcrowding at U.S. Customs and Border Protection holding facilities.

So far, Florida has received approximately $84 million of the promised amount.

The report noted that although ICE typically negotiates detention facility costs prior to entering into agreements, it failed to do so in this instance. Additionally, ICE bypassed its standard process for entering into intergovernmental contracts with states. By omitting these cost negotiations, the agency ultimately increased its overall expenses.

"The Detention Support Grant Program authorizes a bed rate — the dollar amount required to house one adult detained noncitizen for one day — of $249 for the Florida Soft-Sided Facility, approximately 171 percent higher than ICE's median bed rate of $92 in fiscal year 2026," the report said.

The congressional watchdog said its audit included a site visit to Alligator Alcatraz and noted that the same issue with high costs persists at Baker Correctional Institution, the still-operational state-run detention center in Sanderson dubbed the Deportation Depot.

Investigators recommended that the Department of Homeland Security be more strategic in expanding its detention facilities, which the federal agency agreed to do.

A Department of Homeland Security spokesperson said in a statement Tuesday that "under President Trump's leadership, DHS has saved U.S. taxpayers more than $13.2 billion, without cuts to key law enforcement, border security, national security, immigration enforcement, or other public safety positions.

"From day one, DHS has remained singularly focused on removing the worst of the worst criminal illegal aliens from the United States and is always evaluating the best methods to do so," the spokesperson said. "These heinous criminals, once arrested, should be removed at lightning speed, not housed on American soil at the taxpayer's expense. DHS is moving swiftly to utilize EXISTING detention space with our state and county partners."

The Florida Division of Emergency Management did not respond to a request for comment.

The congressional agency report follows a DHS Office of Inspector General report that found that the conditions in which immigrants were detained in cages at the Alligator Alcatraz failed to meet several state and federal standards. The report found that detainees were held in small metal cages, not provided appropriate living quarters and lacked access to clean water.

The state and federal governments have maintained that the detention facility met federal standards.

"When [Alligator Alcatraz] was set up, they did all this stuff to exceed the federal guidelines that, quite frankly, I thought was excessive, but they were worried that they were going to be accused of mistreating people that came through there," Gov. Ron DeSantis told reporters at a press conference last week when asked about the DHS watchdog report. "And I told them, I'm like, 'Ladies and gentlemen, you are gonna be accused of that no matter what you do.' You could have created the Taj Mahal and they still would have, they would still do that."

The Everglades detention facility, which DeSantis claimed fulfilled its purpose upon its closure, was the brainchild of his former chief of staff, James Uthmeier, whom he appointed attorney general last year.

Last summer, Uthmeier dreamed up the idea of transforming parts of the airstrip of the Dade-Collier Training and Transition Airport into an immigration detention center to aid in President Donald Trump's mass deportation campaign.

In late June 2025, white industrial tents, generators, and heavy equipment were deployed within just eight days to transform the airport into a detention facility.

Within a month of its opening, the detention center was plagued with multiple lawsuits. Environmental groups accused the state and federal governments of skirting federal regulations requiring an environmental assessment before such federal projects.

The federal and state governments, citing 287(g) agreements, argued that the facility was state-run and did not need to meet such standards. The case is still going through the courts.

In another lawsuit, detainees who were being held there argued that their First Amendment rights were being violated. The lawsuit was eventually dismissed as "moot" after the detention center closed.

FROM PAGE 1A

# COURTHOUSE

the courthouse. The Levine Cava administration would still need to negotiate a purchase deal with a winner, and then get that approved by the County Commission. By submitting his proposal, Galbut hopes to bypass the auction process and negotiate his own deal with Levine Cava.

Galbut does have competition. As part of the Herald's records request, the county turned over a competing courthouse proposal by another Miami developer, Moishe Mana. His Sept. 18 proposal offered a much simpler deal: to pay $5 million for the courthouse property. In its auction, Miami-Dade had set a minimum bid of $35 million.

Both Galbut and Mana are prominent developers in Miami and reliable sources of campaign contributions for elected officials. The Mana proposal, submitted through Fortuna Group Enterprises, does not mention any additional construction on the courthouse site. Instead, it describes using "substantial private investment" to convert the existing courthouse into a mix of art galleries, design studios, fashion showrooms and spaces for lectures and cultural programming.

"Purchaser envisions a place where artists, fashion designers, educators, entrepreneurs, and the public can exhibit, create, collaborate and connect with new audiences and markets," read the proposal signed by Mana. He was not immediately available for comment Monday.

The Galbut proposal, submitted through GFO Acquisitions, describes reinventing the existing courthouse too, with restaurants and cafés on the ground floor, and the upper floors converted to a mix of hotel rooms, office space, and a speakeasy bar where the county jail once stood at the top of the tower. Galbut also promises to once again illuminate the pyramid at the peak of the tower — reflecting the longstanding nickname of the building, "Cielito Lindo."

Galbut said even with renting out space in the abandoned 28-story courthouse tower, maintenance and preservation costs would exceed revenue. That's where the 70-story new tower comes in, generating not only profits for the developer but also a stream of tax dollars that could support the old tower — money that would otherwise go to fund county police, jails, parks and transit. Galbut proposes that the property-tax dollars his company would pay to Miami-Dade on the new tower instead be applied solely to maintaining the existing courthouse.

The other property taxes on the new tower — owed to the city of Miami, the school board and state agencies — would be paid as normal and not covered by the deal. Galbut would also owe full county taxes on the existing land and historic structure, and pay $35 million to purchase the property from Miami-Dade.

Galbut said it's a model used in cities across the world to preserve aging buildings that can't stand on their own financially, and where the local government was not willing to absorb the preservation costs year after year.

He said the new tower would be about 70 feet wide, stretching from Northwest First Street to the back entrance of the existing courthouse. The facade of that northern entrance area — along with the courthouse steps — would be removed for construction, then replaced as part of the new enclosed ground floor of a complex that would include the existing courthouse and the new tower.

Pedestrians would walk through to visit restaurants and shops in the old courthouse, and apartment residents would enter from the same area. The idea is to inject new residents and activity to a part of downtown that mostly goes quiet after 5 p.m.

"This is the impetus for getting Flagler Street going," he said. "This is economic vitality."


## Public Notice

MIAMI-DADE COUNTY

**HOUSING AND COMMUNITY DEVELOPMENT**

**Proposed Section 8 Administrative Plan**

**EXTENSION OF COMMENT PERIOD**

Miami-Dade Housing and Community Development (HCD) hereby provides **notice of a 15-day extension** to the public comment period for the proposed Section 8 Administrative Plan. The original 30-day comment period, which commenced on September 1, 2026, has been extended to accommodate minor clarifications to the Section 8 Administrative Plan's language. **The revised deadline for the public to review and submit comments is now October 15, 2026.**

Thisdocumentisavailableforinspection Mondaythrough Fridaybetweenthehoursof 8:00 a.m.and 5:00 p.m.,except on holidays, at each of HCD's site management offices and administrative offices; and available on our website at **https://www.miamidade.gov/global/housing/notices.page**.

Please send written comments to: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: Section 8 Administrative Plan Comment*; or email comments to: **PHAPublicComment@miamidade.gov**.

**RESCHEDULING OF PUBLIC HEARING**

The Miami-Dade Department of Housing and Community Development (HCD) hereby provides notice that the **Public Hearing** before the Housing Committee (HC) has been rescheduled. The **Public Hearing**, originally scheduled for Wednesday, October 14, 2026, at 12:30 p.m., **will now take place on Tuesday, November 10, 2026, at 12:30 p.m.** The purpose of this Public Hearing is to provide the public with an opportunity to review and comment on the proposed Section 8 Administrative Plan.

This **public hearing** will be held inside the Board of County Commission Chambers, located on the second floor of the Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

*HCD does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, gender identity or gender expression, status as a victim of domestic violence, dating violence or stalking, source of income, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-2155 at least five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.*

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# AI hacks raise questions of legal action

**ERIC TUCKER**
The Associated Press

The Justice Department has a long history of investigating and prosecuting hackers who break into a private company's network.

But what happens when the hackers aren't human?

That's the question at the center of a public policy debate roiling Silicon Valley and Washington following disclosures by leading tech companies that their artificial intelligence models went rogue and hacked into other organizations. The attacks have generated calls even from within the industry for greater oversight and regulation, spurred congressional inquiries and raised questions about whether a years-old legal framework designed to punish criminal hackers is sufficient in an era of autonomous actors capable of engineering their own havoc.

It all adds up to a "Wild West," said Jack Nelson, chief information securi-ty officer and deputy general counsel at the software company Ivanti. Questions of accountability will focus on what the companies knew when they were developing the models, how much they understood about what could happen and what guardrails existed, he said.

"If you owned a tiger and you didn't put a lock on the cage, the tiger probably did something bad you didn't intend for it to but you knew it could have, so you are responsible for not putting a lock on that cage," Nelson said.

The prospect of legal accountability is unclear. Lawsuits are a possibility, but some legal experts believe any criminal investigations would face an extremely high burden given the autonomous nature of the attacks and the absence of evidence the AI models were designed with the intent to hack into other networks.



AP Photo/Ida Tin, Fe

Pages from the Anthropic website and the company's logos are displayed on a computer screen in New York, Feb. 26, 2026.

### 'THE NEW FRONTIER'

The issue surfaced in July when Ope-nAI revealed that its artificial intelligence system escaped from a testing ground and used stolen credentials to break into the servers of Hugging Face, an AI development hub and marketplace, to obtain information it needed to carry out a task.

Since then, Anthropic said its AI models hacked into three other organizations during testing, triggering a company review into whether the models were able to access the internet from within testing environments that should have been sealed off. Meta has said a "misconfiguration" during test-ing resulted in an AI model accessing the internet on its own and hacking another company. Google recently made a similar disclosure.

The revelations contributed to Anthropic CEO Dario Amodei urging a development slowdown. The topic has likewise dominated Washington, with Treasury Secretary Scott Bessent telling lawmakers he opposed giving AI labs a "liability exemption — which is what they are asking for." President Donald Trump, meanwhile, has resisted calls for greater oversight but did announce plans to appoint an AI czar and task force.

The hacks could tee up a fight over liability reminiscent of the debate over Section 230 of the 1996 Communications Decency Act, which shields technology companies for material posted on their platforms.

The FBI has not publicly announced any investigations, but Director Kash Patel at a congressional hearing two weeks ago called the issue "the new frontier." He suggested in response to questions from Sen. Josh Hawley, a Missouri Republican who has launched a congressional investigation, that the bureau would limit scrutiny to models created with the intent of committing a crime.

"What we need to do on a resource basis is go after the people that created these models that are going rogue ... for the specific purpose and with the intention to commit a criminal act," Patel said. "We can't be punishing people if they created something lawfully and then a criminal took it and changed it and then dispersed it."

Attorney General Todd Blanche has said that the Justice Department had no plans to regulate AI but that "if anyone associated with AI violates criminal law, we'll investigate that."

### CRIMINAL STATUTES GOVERNING CYBERSPACE

The Department of Justice does have statutes at its disposal for a company determined to have been "reckless in the way that it tests its AI agents," said Michael Zweiback, a former chief of the cyber and intellectual property crimes section of the U.S. attorney's office in Los Angeles.

"And if in fact the AI agent gets loose in the wild and then causes substantial damage to other companies, then DOJ has to look at it from a prosecutorial discretion issue as to whether or not they want to make an example out of the particular company," he added.

Among the possibly relevant laws: a 40-year-old statute called the Computer Fraud and Abuse Act, which makes it illegal to knowingly access a computer without authorization. The White House cited the statute, which has been used against hacktivists, nation-state hackers and other cybercriminals, in an executive order directing prosecutors to pursue those who use AI to illegally access computers or further other crimes.

But some experts say even if there may be a basis to investigate, that hardly means a crime was committed.

For one thing, the law makes several references to behavior done "knowingly" or "intentionally," but there's no indication the autonomous agents were given any command or authorization by the companies to enter another network, said Kiran Raj, a former senior Justice Department official who specializes in cybersecurity law.

In detailed public accountings of the incidents, the companies have characterized the hacks as inadvertent outgrowths of testing and evaluation, with OpenAI calling its model behavior "unexpected" and "unprecedented" and Meta attributing the incident to a "misconfiguration."

## SUCCESS
CONTINUED FROM 7B

they're getting help," said Timothe.

### HOW THE SUMMIT CAME TOGETHER

The Teach to Fish North Miami Business Summit started five years ago with a simple question.

Timothe recalled canvassing for votes when she was running for council:

"I remember knocking on doors, and there was a lady who — she was maybe in her 70s — and she (said), "Kassandra, I really want to start a food truck company. How do I start?' I said, 'I don't know.'"

That question became a campaign promise by Timothe to create a business summit so that would-be entrepreneurs would have somewhere to find answers.

After she was elected as District 2's first Black and Haitian councilperson, The Miami Foundation informed Timothe about available grant money for businesses to open or upscale a location in North Miami.

"I was (thinking), how do I connect all of our business owners or businesses throughout Miami-Dade with this $100 million grant that the Miami Foundation was giving out?" Timothe recalled.

Timothe said CRA members at the time suggested holding a conference every year to educate businesses. Between her campaign promise, the grant money and the CRA's plan, it all came together. "I had to do this," the vice mayor said.


Entrepreneurs celebrate receiving grants at a previous year's summit.

### GRAMMY WINNER SPEAKS

This year's keynote speaker is Grammy Award winner Kandi Burruss.

You probably know her from her years on "The Real Housewives of Atlanta," or through the songs she's written for Destiny's Child, Pink, Ariana Grande or Ed Sheeran.

She has also created several businesses outside of the entertainment industry, stepping her foot in fashion, beauty products and other ventures.

In an email interview, Burruss discussed the importance of branching out.

"The entertainment business is so fickle. One minute you're popping off whatever lane you're in, and the next you're not," she said.

Burruss said she first learned how to manage other artists, then how to be a songwriter.

"But I got to a point where I thought, 'Okay, I want something outside of music,'" Burruss said. "That's when I decided to open the clothing store ... From there, I just kept going. It was intentional to have a business that had nothing to do with music, something else that could make money."

Burruss has some advice about starting a business and protecting your brand:

"Do your research. A lot of people don't do any research on the idea they want to pursue. Obviously, you want to figure out your name, and you definitely want to trademark it. Get your website and all your social handles for the brand before you say it out loud, because once you say it out loud, it's too late. Somebody else will start using it, or they'll take the domain and charge you for it."

She said a common mistake that new business owners make is going over budget.

"Make a budget and stick to it, because you don't know what that bottom line is going to be," Burruss said. "You could be doing everything right and still not make any money, and at that point it's not a business, it's a hobby."

Burruss will be sharing more advice like this at the summit, which takes place Oct. 5-6 at Hilton Miami Aventura, 2885 NE 191st St. Tickets are on sale now through Eventbrite.

An opening reception will take place Sunday, Oct. 4, at NoMi Village. Separate tickets for that event are also on sale through Eventbrite.

## TECH
CONTINUED FROM 7B

retailer change pric-es consistently and match what rings up at checkout. It also saves workers time and reduces labor costs by replacing paper tags.

Last month, the Federal Trade Commission said that it's putting companies on notice that the practice of personalizing pricing could violate consumer protection laws. The agency said it does not have the legal authority to ban personalized pricing in all circumstances, but it issued a new bulletin that warned companies that they must disclose to customers how the personal information is being used to set a price.

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MIAMI-DADE COUNTY
**Public Notice**

**HOUSING AND COMMUNITY DEVELOPMENT**
**Proposed Section 8 Administrative Plan**

**EXTENSION OF COMMENT PERIOD**

Miami-Dade Housing and Community Development (HCD) hereby provides **notice of a 15-day extension** to the public comment period for the proposed Section 8 Administrative Plan. The original 30-day comment period, which commenced on September 1, 2026, has been extended to accommodate minor clarifications to the Section 8 Administrative Plan's language. **The revised deadline for the public to review and submit comments is now October 15, 2026.**

This document is available for inspection Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m., except on holidays, at each of HCD's site management offices and administrative offices; and available on our website at https://www.miamidade.gov/global/housing/notices.page.

Please send written comments to: *HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: Section 8 Administrative Plan Comment*; or email comments to: PHAPublicComment@miamidade.gov.

**RESCHEDULING OF PUBLIC HEARING**

The Miami-Dade Department of Housing and Community Development (HCD) hereby provides notice that the **Public Hearing** before the Housing Committee (HC) has been rescheduled. The **Public Hearing**, originally scheduled for Wednesday, October 14, 2026, at 12:30 p.m., **will now take place on Tuesday, November 10, 2026, at 12:30 p.m.** The purpose of this Public Hearing is to provide the public with an opportunity to review and comment on the proposed Section 8 Administrative Plan.

This **public hearing** will be held inside the Board of County Commission Chambers, located on the second floor of the Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

*HCD does not discriminate based on race, sex, color, religion, marital status, national origin, disability, ancestry, sexual orientation, gender identity or gender expression, status as a victim of domestic violence, dating violence or stalking, source of income, age, pregnancy or familial status in the access to, admissions to, or employment in housing programs or activities. If you need a sign language interpreter or materials in accessible format for this event, call 786-469-2155 at least five days in advance. TDD/TTY users may contact the Florida Relay Service at 800-955-8771.*

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# Sheriff de Miami-Dade, entre el alivio fiscal y más presupuesto

## Rosie Cordero Stutz defiende la propuesta que busca reducir el pago de impuestos a la propiedaad y a la vez, reclama otros $42 millones para cubrir obligaciones y contratar personal

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misión del Condado para garantizar la seguridad de los residentes. Ambas posiciones plantean una aparente contradicción.

Cordero Stutz rechazó el argumento de quienes afirman que aprobar la Enmienda 3 significaría tener menos agentes y pondría en riesgo la seguridad pública.

"El alivio para los contribuyentes y la seguridad de nuestras comunidades no son prioridades que deben competir", expresó la alguacil de Miami-Dade en una publicación en respuesta a la preocupación manifestada por la Asociación de Alguaciles de Florida ante la propuesta constitucional.

La posición de la asociación quedó bien clara cuando señaló públicamente:

"La FSA está sumamente preocupada por la Enmienda Constitucional 3, que potencialmente permite a Tallahassee controlar los presupuestos locales, aumenta los tiempos de respuesta policial y limita la capacidad de las comunidades para realizar reparaciones de carreteras y la gestión de aguas pluviales. Estos son solo algunos de los aspectos que los votantes deben conocer".

Cordero Stutz también fijó su posición cuando indicó que, como alguacil, defenderá los recursos necesarios para mantener seguro a Miami-Dade. "La seguridad pública seguirá siendo mi prioridad, pero no debe utilizarse como argumento para generar temor entre los votantes ante una propuesta de alivio en los impuestos a la propiedad".



La alguacil de Miami-Dade afirma que el alivio a propietarios y la seguridad ciudadana no deben estar reñidos. (CÉSAR MENÉNDEZ)

La alguacil declaró que toda agencia gubernamental, "incluida la Oficina del Alguacil, tiene la responsabilidad de revisar cuidadosamente cómo utiliza sus recursos, buscar maneras de ser más eficiente, eliminar gastos innecesarios y asegurarse de que cada dólar de los contribuyentes se administre responsablemente. Es posible respetar el bolsillo de nuestros residentes y, al mismo tiempo, seguir brindando un servicio policial sólido y eficaz", insistió.

Lo llamativo de su posición es que, mientras sostiene que los contribuyentes necesitan un alivio fiscal y que este es posible sin poner en riesgo los servicios públicos, incluida la seguridad, solicita otros 42 millones de dólares tras obtener un presupuesto histórico de 1.200 millones.

### Más fondos

Según Cordero Stutz, "el presupuesto aprobado por el condado de Miami-Dade para el 2026-27 deja a la Oficina del Sheriff con un déficit de 42 millones de dólares necesarios para cumplir con las obligaciones existentes y contratar a los agentes y empleados civiles esenciales".

La sheriff también afirmó que la alcaldesa Daniella Levine Cava había impulsado ese presupuesto a sabiendas de que no financiaba completamente su oficina.

Además, cuestionó que la alcaldesa le sugiriera que, para subsanar el déficit, sería necesario aumentar los impuestos o recortar programas del condado, una disyuntiva que pone a prueba su planteamiento de combinar alivio fiscal y mayores recursos policiales.

En el comunicado publicado el pasado 25 de septiembre, Cordero Stutz también rechazó el señalamiento del condado sobre los cientos de plazas civiles vacantes y los fondos destinados a sus salarios que permanecían sin utilizar.

Al respecto, señaló que el Condado omitió que muchas de esas vacantes no se cubrieron según lo previsto porque no se proporcionó el espacio -físico- necesario para contratar, capacitar y ubicar a los nuevos empleados.

"Sin ese espacio, las vacantes permanecieron sin cubrir y el dinero reservado para sus salarios quedó sin gastar".

Esta diferencia de posiciones apunta a un problema administrativo y organizativo que ambas entidades deberían resolver, al menos eso es lo que se esperan los contribuyentes.



Agentes de orden de Miami-Dade. (JESÚS HERNÁNDEZ)

### Vacantes y obligaciones

En el documento, la Oficina del Sheriff explicó que actualmente dispone de 172 puestos civiles vacantes y que cubrirlos durante un año costaría 7,2 millones de dólares. "Una cantidad que no está contemplada en el actual presupuesto", advirtió.

Cordero Stutz explicó que la solicitud de más fondos responde, en parte, a las obligaciones derivadas de los convenios laborales suscritos antes de que asumiera el cargo, junto con los costos de pensiones y seguros médicos. Estas obligaciones "representan 62,5 millones de los 108,7 millones solicitados".

### Impacto en seguridad

La sheriff calcula que, sin la financiación solicitada, su oficina deberá cancelar 6,5 clases de la academia, dejará de realizar 325 contrataciones de subdirectores, perderá 289 puestos civiles y podría terminar el año con 180 agentes menos en las calles de Miami-Dade.

En su documento también destacó los resultados de su gestión: "Es importante destacar que la Oficina del Sheriff del Condado de Miami-Dade informa que, en comparación con 2024, los homicidios disminuyeron un 26%, los robos un 16%, las agresiones con agravantes un 12% y los allanamientos un 7%".

La sheriff afirmó que mantener ese progreso requiere la labor de los agentes en el terreno y del personal civil que los apoya.

### Oficinas constitucionales

Mientras esto sucede en la Oficina del Sheriff, Tomás Regalado, tasador de propiedades del condado, afirmó haber realizado recortes en el presupuesto de su oficina.

Regalado explicó que su presupuesto debe ser aprobado por el Departamento de Ingresos de Florida y que, al prepararlo en mayo, canceló 19 puestos vacantes que habían contado con financiación durante varios años.

Posteriormente, en un encuentro con la alcaldesa y los directores de la Oficina de Administración y Presupuesto, les solicitaron ayuda adicional. Según explicó, su oficina redujo otros cuatro millones de dólares después de que el presupuesto hubiera recibido la aprobación estatal. Es decir, se apretó el cinturón sin dejar de prestar sus servicios.

"En la pasada reunión de la Comisión, dijimos que al finalizar el presente año fiscal devolveríamos seis millones de dólares. Mis seis millones de dólares bien podrían ir a la Oficina del Sheriff, que los necesita", expresó Regalado.

Por su parte, el recaudador de impuestos, Dariel Fernández, también dijo que su oficina ahorraría unos 84 millones de dólares al cierre del año fiscal, que serían devueltos al Condado.

Estos ejemplos plantean una pregunta, quizá injusta sin contar con todos los elementos y sabiendo que las instalaciones policiales de Miami-Dade necesitan reformas y actualizaciones: ¿puede la Oficina del Sheriff lograr ahorros similares que repercutan positivamente en el bolsillo de los contribuyentes?

El gobernador Ron DeSantis, al referirse al desacuerdo de los alguaciles con la Enmienda 3, afirmó que esas oficinas también deben apretarse el cinturón. "Miren cómo se ven algunos departamentos del sheriff, como el de Broward, comparen su presupuesto actual con el de hace ocho años. El presupuesto de un departamento del sheriff de un condado es de mil millones de dólares", dijo.

Después agregó: "No digo que no estén haciendo un buen trabajo en muchos aspectos, pero puede que haya cosas que sería bueno tener, en lugar de ser imprescindibles".

DeSantis subrayó que "la seguridad pública es importante", pero que el alivio para los contribuyentes también constituye una consideración fundamental. Sus declaraciones se produjeron el pasado 15 de septiembre, durante un evento en Pasco, Florida, donde distribuyó bonos de reclutamiento para las fuerzas policiales.

### Sheriff apela el presupuesto

Debido a que el presupuesto aprobado no resuelve el déficit señalado por su oficina, Cordero Stutz presentará una apelación ante la Comisión de Administración.

Como parte de ese recurso, la sheriff anunció que mostrará dónde puede encontrar el Condado los ahorros necesarios para saldar las obligaciones contraídas antes de que asumiera el cargo y proporcionar los recursos que su oficina necesita, sin aumentar los impuestos ni recortar programas esenciales.

"Mi responsabilidad es proteger a los habitantes del condado de Miami-Dade y ser honesta sobre los recursos necesarios para hacerlo de manera segura y eficaz", declaró Cordero Stutz.

"El condado de Miami-Dade no tiene que elegir entre la seguridad pública y mayores impuestos o menos servicios. El condado de Miami-Dade puede financiar completamente a las fuerzas del orden sin ninguna de las dos cosas, y mediante esta apelación, demostraré con exactitud dónde se encuentran los ahorros", recalcó.

La sheriff tendrá que explicar ante la Comisión de Administración en Tallahassee cómo concilia su defensa del alivio fiscal con su afirmación de que 1.200 millones de dólares resultan insuficientes para mantener la seguridad del condado. Su compromiso de identificar ahorros deberá traducirse en propuestas concretas.

Tal vez DeSantis tenga razón cuando afirma que "puede que haya cosas que sería bueno tener, en lugar de ser imprescindibles", a la hora de operar con eficiencia. Esa distinción podría ser la clave para resolver la aparente contradicción.

Quizá haya llegado el momento de ajustar los presupuestosyprescindirdegastos deseables, pero innecesarios para prestar un buen servicio. Llegados a este punto es necesario entender que el eje central de la Enmienda 3 es ofrecer a los propietarios de viviendas de clase media de Florida un alivio que les permita conservar sus propiedades. Necesitamos seguridad, pero todos tenemos queapretarnos el cinturón e

MIAMI-DADE COUNTY

**Aviso Público**

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**
**Propuesta al Plan Administrativo de la Sección 8**

**PRÓRROGA DEL PERÍODO DE COMENTARIOS**

El Departamento de Vivienda y Desarrollo Comunitario de Miami-Dade (HCD, por sus siglas en inglés) notifica por la presente **una prórroga de 15 días** al periodo de comentarios públicos para el Plan Administrativo propuesto de la Sección 8. El periodo original de comentarios de 30 días, que comenzó el 1 de septiembre de 2026, se ha ampliado para acomodar pequeñas aclaraciones al texto del Plan Administrativo de la Sección 8. **La fecha límite revisada para que el público revise y envíe sus comentarios es ahora el 15 de octubre de 2026.**

Los documentos arriba mencionados estarán disponibles para inspección en las oficinas administrativas del HCD de lunes a viernes, de 8:00 a.m. a 5:00 p.m., excepto en días festivos, y disponible en nuestro sitio web https://www.miamidade.gov/global/housing/notices.page.

Por favor, envíe sus comentarios por escrito a: HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Atención: Comentarios sobre el Plan Administrativo de la Sección 8 o envíe sus comentarios por correo electrónico a: PHAPublicComment@miamidade.gov.

**REPROGRAMACIÓN AUDIENCIA PÚBLICA**

El Departamento de Viviendas y Desarrollo Comunitario de Miami-Dade (HCD, sus siglas en inglés) por este medio notifica por la presente que la Audiencia Pública ante el Comité de Vivienda (HC, por sus siglas en inglés) ha sido reprogramada. La Audiencia Pública, programada originalmente para el miércoles 14 de octubre de 2026 a las 12:30 p.m., **tendrá lugar ahora el martes 10 de noviembre de 2026 a las 12:30 p.m.** El propósito de esta Audiencia Pública es ofrecer al público la oportunidad de revisar y comentar el Plan Administrativo de la Sección 8 propuesto.

Esta **audiencia pública** se celebrará en el auditorio de la Junta de Comisionados del Condado de Miami-Dade, ubicado en el segundo piso del edificio Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

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# North Miami Beach Mother Accused of leaving four children alone while taking cruise

NORTH MIAMI BEACH, Fla. (Le Floridien) — A disturbing case involving a North Miami Beach family is drawing attention across South Florida after police accused 29-year-old Nathalie Belizaire of leaving her four young children home alone while she went on a three-day cruise to the Bahamas.




Nathalie Belizaire, 29, is facing four counts of child neglect after North Miami Beach police accused her of leaving her four children, including a 2-month-old infant, home alone while she went on a three-day cruise to the Bahamas.

Among the children allegedly left without adult supervision was a 2-month-old infant, according to authorities. Belizaire now faces four counts of child neglect without great bodily harm. The children were found safe and later placed in foster care.

The case reportedly came to light after the father of the 2-month-old baby saw information on Belizaire's WhatsApp status indicating that she had purchased a cruise ticket.

According to the arrest report cited by NBC6, Belizaire had told him that she planned to leave the children with their great-grandmother before departing.

**Four children found inside the apartment**

On Saturday evening, the baby's father went to Belizaire's North Miami Beach apartment. He reportedly noticed that the television was on and heard the chil-dren inside. Concerned, he called 911.

North Miami Beach police and Miami-Dade Fire Rescue responded and entered the residence.

Authorities said they found all four children inside without an adult present. The children, including the 2-month-old infant and a 2-year-old, had reportedly gathered in the bathroom.

Investigators later contacted the children's great-grandmother. According to the arrest report, she confirmed that Belizaire had told her she intended to bring the children to her because she was going out of town, but the children were never dropped off.

Belizaire's brother also reportedly told investigators that his sister had sent him a message Saturday evening asking him to check on the children.

**Arrested after returning to Miami**

Investigators determined that Belizaire had purchased a ticket for a three-day Bahamas cruise aboard the Carnival Conquest.

When she returned to PortMiami on Monday, authorities were waiting for her.

She was initially detained by U.S. Customs and Border Protection officers before being turned over to North Miami Beach police. NBC6 reported that Belizaire invoked her right to remain si-lent and did not provide a statement to investigators.

During a court appearance Tuesday, Miami-Dade Circuit Judge Mindy Glazer set her total bond at $10,000 and ordered that she have no contact with the children while the case proceeds, according to Local 10.

**A troubling case for the North Miami Beach community**

The allegations are particularly concerning in North Miami Beach, a diverse city with a significant Haitian and Caribbean presence, where cases involving local families often resonate throughout the broader community.

Beyond the circumstances surrounding Belizaire's arrest, the case raises serious questions about child safety and the responsibility of adults entrusted with the care of young children.

At the same time, Belizaire has been charged, not convicted. The allegations contained in the arrest report will have to be tested through the judicial process.

For the community, the immediate concern remains the welfare of the four children — particularly the 2-month-old infant. Authorities said all four children were found safe.

The intervention of the baby's father and emergency responders ultimate-ly brought the children to safety. The case will now proceed through the Mi-ami-Dade court system.

# Trump Administration Begins Sending $500 ACA Refunds: What Immigrant Families Need to Know

*By Le Floridien Staff*

MIAMI — The Trump administration has begun sending $500 refund payments to nearly one million Americans enrolled in Affordable Care Act health insurance, a development that could benefit some immigrant families in Florida and other states that use the federal HealthCare.gov marketplace.

The payments are going to approximately 950,000 people in 30 states, including Florida, according to the administration. The White House says the money represents a refund of excess fees collected through the operation of the federal ACA marketplace.

But there is an important lim-itation: most people enrolled in Obamacare will not receive the $500.

The refunds primarily target people who purchased coverage through HealthCare.gov and paid the full cost of their premiums without receiving federal premium subsidies. Eligible recip-ients do not have to submit a special application; the government says the payments are being sent automatically.

What it means for immigrant families

For South Florida's large immigrant communities — including Haitian, Caribbean and Latin American families — the announcement could cause confusion because immigration status alone does not determine who receives the money.

Lawfully present immigrants can generally qualify to purchase Marketplace coverage, but receiving a $500 refund depends on the specific ACA coverage and payment circumstances established by the program. Simply having Obamacare does not automatically qualify someone for a check.

Florida is among the states includ-ed because it uses the federal Health-Care.gov marketplace rather than operating its own state exchange.

The refunds also come at a time when many families are dealing with significantly higher health insurance costs following the expiration of enhanced ACA premium subsidies at the end of 2025. Critics of the administration's initiative argue that a one-time $500 payment does not address those broader increases, while the White House describes the checks as money being returned to consumers who were overcharged.

For immigrant households receiving a check, the most important message is simple: the payment is tied to their ACA insurance coverage and eligibility for this specific refund program — not sim-ply to their immigration background.

Le Floridien will continue to follow the program and its impact on Haitian and other immigrant families in Florida.

MIAMI-DADE COUNTY

## Avi Piblik

**LOJMAN PIBLIK AK DEVLOPMAN KOMINOTÈ**
**Pwopozisyon Plan Administratif Seksyon 8**

**PWOLONJMAN PERYÒD KÒMANTÈ A**

Miami-Dade Housing and Community Development (HCD) ap bay avi ofisyèl pou yon **pwolonjman 15 jou sou peryòd kòmantè piblik** pou pwojè Plan Administratif Seksyon 8 la. Peryòd kòmantè inisyal 30 jou a, ki te kòmanse nan dat 1ye septanm 2026 la, pwolonje pou pèmèt kèk ti klarifikasyon nan tèks Plan Administratif Seksyon 8 la. **Nouvo dat limit pou piblik la egzamine dokiman an epi soumèt kòmantè yo se kounye a 15 oktòb 2026**.

Dokiman sa yo disponib pou enspeksyon lendi jiska vandredi ant 8:00 a.m. ak 5:00 p.m., eksepte jou ferye yo, nan chak biwo jesyon sit HCD yo ak biwo administratif yo, epi yo disponib sou sitwèb nou an nan **https://www.miamidade.gov/global/housing/notices.page**.

Tanpri voye kòmantè alekri bay: HCD, 701 N.W. 1st Ct., 16th Floor, Miami, Florida 33136, Attn: Section 8 Administrative Plan Comment; oswa voye kòmantè yo pa imel nan: **PHAPublicComment@miamidade.gov**.

**REPWOGRAMASYON ODYANS PIBLIK LA**

Depatman Lojman ak Devlopman Kominotè Miami-Dade (HCD) ap bay avi pou fè konnen **Odyans Piblik** devan Komite Lojman an (HC) repwograme. **Odyans Piblik** la, ki te pwograme okòmansman pou mèkredi 14 oktòb 2026 a 12:30 p.m., **ap fèt kounye a madi 10 novanm 2026 a 12:30 p.m**. Objektif Odyans Piblik sa a se pou bay piblik la opòtinite pou yo egzamine epi fè kòmantè sou Plan Administratif Seksyon 8 yo pwopoze a.

**Odyans piblik** sa a va fèt andedan Chanm Konsèy Komisyon Konte a, ki nan dezyèm etaj bilding Stephen P. Clark Center, 111 N.W. 1st St., Miami, FL 33128.

*HCD pa fè diskriminasyon dapre ras, sèks, koulè, relijyon, kondisyon marital, orijin nasyonal, andikap, zansèt, oryantasyon seksyèl, idantite seksyèl oswa ekspresyon sèks, sitiyasyon kòm yon viktim vyolans domestik, vyolans nan frekantasyon, oswa asèlman, sous revni, laj, gwosès oswa sitiyasyon familyal nan aksè a, admisyon nan, oswa travay nan pwogram oswa aktivite lojman. Si ou bezwen yon entèprèt lang siy oswa materyèl nan fòma aksesib pou evènman sa a, rele 786-469-2155 omwen senk jou davans. Itilizatè TDD / TTY ka kontakte Sèvis Relè Florid (Florida Relay Service) nan 800-955-8771.*

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# COMMENTS ON HCD DRAFT DOCUMENTS

Legal Services of Greater Miami Inc., (Legal Services) is pleased to submit comments to Miami Dade Housing and Community Development (HCD) on the documents open for review.

## COMMENTS ON THE ADMINISTRATIVE PLAN

Legal Services notes that with respect to the referenced page numbers of the draft Administrative Plan it is using the 212 page redline draft version provided by HCD.

**1. Legal Services encourages HCD to be flexible in granting Voucher Extensions for Section 8 participants who have had difficulty leasing up. Further, HCD should provide for a hearing to contest the denial of a voucher extension.**

Legal Services has previously commented on the difficulty of tenants being able to locate units that both fit within the Section 8 payment standard and are able to pass inspections. Legal Services is pleased that recent changes in the Administrative Plan, including an expansion of the time tenants have to locate a unit, will address some of these concerns.

In addition to the very challenging rental market, many section 8 participants are elderly, have limited access to transportation, and have other challenges unique to low-income residents of Miami-Dade County. Because of these barriers, it often takes them longer to locate potential housing.

We have seen instances where section 8 participants lost their voucher to expiration even after finding landlords who agreed to rent a unit. In those instances, landlords submitted the RFTA (Request for Tenancy Approval) forms and set up an inspection over the course of several weeks, only to back out of the HAP contract at the last minute. When this happens, participants are sometimes left with no time to find and submit a unit with a new landlord through no fault of their own. Because of this recurring situation, Legal Services encourages HCD to eliminate the requirement that all requests for extension be made at least one week prior to expiration. *(See* section 4.4 on page 51 of the draft Administrative Plan).

Further, Legal Services opposes the new language that now states that extensions "must be made in the manner that HCD requires." This is vague and the Plan should clarify what this manner is. Further, HCD should not require a specific form to request an extension. If a family is requesting more time to find a unit this means that they are burdened with urgently looking for a new unit. HCD should not add additional burdens to the process of requesting an extension. Rather, an email requesting an extension along with a reason for the needed extension should suffice.

Lastly, as mentioned above, families who have been part of the section 8 program for years and lose their subsidy due to expiration are not entitled to an administrative hearing to contest the loss of this benefit. It is a troubling paradox that tenants facing termination of their housing assistance for alleged program violations are rightly afforded an opportunity to be heard, yet tenants who are at risk of losing the same assistance through voucher expiration are not afforded a similar procedural protection. Families should have the opportunity to contest the expiration or denial of an extension if they feel it has been improperly denied. Even though not required by

law, HCD should grant participants who lose their vouchers under these circumstances an administrative hearing so they can present arguments as to why their vouchers should be reinstated.

**2. Section 8 has a policy of requiring tenants to provide notices to landlords advising that they will vacate the unit in 60 days before Section 8 will provide a Change of Dwelling (COD). This policy is not logical or legally required and it should be eliminated.**

Previously, the Administrative Plan gave Section 8 tenants 60 days to locate a new unit. This was not enough time for tenants to locate a new unit. As we have documented in previous comments, tenants were losing their vouchers to expiration when they could not lease up in time. This problem became especially acute in recent years because of the significant increase in rents in Miami Dade County. Legal Services was very pleased when HCD, recognizing the community need, expanded the time tenants had to locate a new unit to 120 days. This desperately needed change recognized that a 60-day time frame was not realistic.

Curiously, the Section 8 program still requires tenants to provide a notice saying they will be out of the unit in 60 days. This generally occurs when tenants have month-to-month tenancies. This is not logical when tenants now have 120 days to locate a new unit. Commonly, tenants provide this 60-day vacate notice to get their COD, but are then not able to locate a new unit by that time and need to remain. It is now common for Section 8 tenants to face tenancy termination and eviction, based on the 60-day notices to terminate the tenancy that tenants are providing to the landlords. There is no basis in law to require the tenant to provide this notice. Further, it does not make sense to require tenants to automatically send this notice in all circumstances. Of course, if a landlord provides a legally valid notice to vacate, tenants must comply. But there is no reason to affirmatively require tenants to provide this 60-day tenancy termination notice. Section 8 should discontinue this illogical requirement.

**3. Legal Services Opposes the Changes to the Occupancy Standards.**

On page 53 and 54 of the draft Administrative Plan HCD eliminates the discretion it had in the Plan over occupancy standards. The previous plan outlined the occupancy standards but then went on to state that:

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

This language has now been eliminated- leaving no discretion. This discretion existed because the policies often require two people in a family to share a bedroom. However, there are times when factors such as age and sex would make this bedroom sharing inappropriate. For instance, it will not always make sense for a teenage boy to share a room with a teenage girl. Legal Services does not believe HCD's discretion to address this circumstance should be eliminated entirely. While Legal Services understands that resources may prevent HCD from expanding

voucher size for many families, this is a factor HCD could consider when exercising its discretion.

**4. Verification of Request for Reasonable Accommodation Requests do not require a doctor.**

On page 61 of the draft Administrative Plan, it states that a "medical doctor" must document the need for a voucher with an increased number of bedrooms. HCD should clarify that a medical doctor is not always required for accommodation requests. Rather, HCD should track the language from page 14 of the May 17, 2004 Joint Statement by HUD and DOJ[1] which states that accommodation requests can be supported by a:

> **medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability.**

Legal Services has previously submitted similar comments in relation to the ACOP and HCD corrected the language in theACOP. Further, Section 5.1 of the administrative plan states that "medical professionals" are enough for accommodation requests. HCD should make similar corrections to section 5.6 of the Administrative Plan.

**5. HCD should revise its language related to removals and unauthorized occupants.**

Page 58 addresses what tenants must do when they are alleged to have unauthorized occupants. It states tenants must have "two pieces of supporting documentation from different sources" showing the address of the occupant. Language should be added for when a head of household cannot obtain these documents. For instance, if a guest or occupant has vacated at the demand of the head of household they may be unwilling to cooperate with the head of household. Additionally, if someone is falsely alleged to have a boarder, they could clearly not obtain documentation in that circumstance. This section should allow tenants to present a signed statement explaining why the information cannot be provided and if the tenant statement cannot be refuted with evidence, then the statement will be accepted as proper documentation.

Additionally, on page 57, this same change should also be made for family members who need to be removed from the subsidy because they have left. Sometimes, family members leave on bad terms and are unable or unwilling to cooperate with the family in obtaining the needed documents. This leaves the remaining family members in an impossible situation if the family member who left is unwilling to cooperate with the removal process. The family should have a mechanism to remove a family member if they cannot obtain supporting documents through no fault of their own.

**6. HCD should clarify the time period that a unit can remain in abatement status.**

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[1] A link to the Joint Statement can be found here: https://www.hud.gov/sites/documents/huddojstatement.pdf

Legal Services has seen many instances where a unit fails inspection due to landlord violations and, instead of correcting the violations, the landlord simply demands the total contract rent and evicts the family when the family cannot pay. When this happens, the family must begin searching for a new unit and incur the expense of locating to a new unit. This can be a very difficult process forced on the tenant unexpectedly.

Legal Services welcomes the new language found on page 90 which states that during the abatement period, "The owner must not seek payment from the family for abated amounts and may not use the abatement as a cause for eviction." This section states that the unit can be in abatement status for a maximum of 180 days. This section should also state that the unit will be in abatement status for a minimum of 120 days so that tenants will have adequate time to find a new unit, lease up, and move.

**7. HCD should diligently review leases to ensure landlords are not demanding additional rent from tenants.**

HCD has a section on lease requirements on page 97 that addresses things such as rent. As HCD is aware, the Section 8 program will approve the tenants' rent and landlords are strictly prohibited from demanding extra payments not approved by the section 8 program. Specifically, the amount of the household's portion of the rent is determined by the tenants' income pursuant to 24 C.F.R. §982.501 et. seq. and the Housing Assistance Payment ("HAP"). The federal regulations further state, "The owner may not demand or accept any rent payment from the tenant in excess of [the rent amount established by the Section 8 program] and must immediately return any excess rent payment to the tenant." 24 C.F.R. §982.451(b)(4)(ii). Courts have consistently held that where a Section 8 landlord accepts payments from a tenant above the amounts permitted by the program, this constitutes fraud. *United States ex rel. v. DBS Investments, LLC,* 2012 WL 3759015 (S.D. Fla. 2012), *United States ex rel. Sutton v. Reynolds,* 564 F. Supp. 2d 1183 (D. Ore. 2007).

Landlords often try to pass on additional fees to the tenants in the form of things like cable fees, garbage fees, and fees for washers and dryers. The Section 8 program must review these leases closely to ensure the landlords are not demanding extra rent disguised as something else. Legal Services has been advised that HCD does not review leases entered after the first year of a tenancy. Legal Services strongly urges HCD to require the review of all Section 8 leases.

Additionally, as noted, rent is based on a tenant's income and family composition. Leases approved by Section 8 should not be permitted to define anything and everything as rent. Section 8 should not approve leases which define late fees, security deposits, attorney fees, or additional fees other than the established section 8 total contract rent as rent.

Lastly, many one-year lease tenancies turn into month-to-month tenancies after the first year. Month-to-month tenants do not have the same rights as tenants with a contract and their tenancy can be terminated at any time with 30-days' notice. This often leaves tenants in a very difficult position because they then need to get a COD, find a unit, and move with very short notice. HCD should consider requiring signed leases even after the first year for section 8 tenants.

**8. HCD should advise tenants of their right to request a hardship exemption from the minimum rent.**

Page 105 of the draft Plan states there is a minimum rent of $50 per month. Tenants can request a hardship exemption. However, many residents may not be aware of their ability to make this request. HCD should make clear that it will affirmatively advise residents of the right to request a hardship exemption. This will prevent residents with little or no income from being evicted for extremely small amounts of rent.

Recently, PHA's have been sued for the failure to adequately advise public housing residents of their right to seek a hardship exemption. For instance, the Chicago Housing Authority (CHA) settled a case this year after low-income housing residents successfully sued CHA for failure to properly advise the residents of the hardship exemption. The case is *Oliver et al. v. Chicago Housing Authority* in the US District Court for the Northern District of Illinois.[2]

Legal Services believes clearly advising residents of the ability to request a hardship exemption from the minimum rent is in the best interests of PHA's and residents and the Plan should require this.

**9. HCD should ensure tenants are informed timely of and consent to any rent increases.**

Page 105 addresses the raising of the total contract rent by the landlord. Legal Services opposes the elimination of the requirement that when a landlord increases the rent "the tenant must also consent in writing to the rent increase." Unless provided for in the contract, the landlord does not have the unilateral right to change the terms of a contract by increasing the rent. The tenant must be in agreement with a rent increase, otherwise the landlord can choose to terminate the tenancy at the end of the lease term. If this language is not reinstated, the Administrative Plan should at least ensure that tenants are immediately advised in writing of a landlord's request for a rent increase. This would give the tenant 60 days' notice of a rent increase. This is important to ensure the tenant family has enough time to request a COD if the rent increase is not affordable to the family.

**10. HCD should make clear that tenants are not responsible for any missed payments due to the change** in **ownership of the property.**

Legal Services has seen instances where a new owner takes ownership of the property, but because neither the old nor the new owner provided the correct documentation to section 8, payments continue to the old owner. The new owner sometimes then demands the full rent from the tenant. In the chapter on Transfer of Ownership starting on page 113, language should be

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[2] Further information about the case can be found here: https://nlihc.org/resource/national-housing-law-project-announces-settlement-regarding-chicago-phas-rninimum-rent

added to make clear that a tenant cannot be held responsible for payments made to the wrong owner.

**11. HCD should clarify that owners must follow the Protecting Tenants in Foreclosure Act.**

The section on owner foreclosure found on page 114 should clarify that the Protecting Tenants in Foreclosure Act (PTFA) applies to Section 8 tenants. PTFA requires the party taking ownership pursuant to foreclosure to take the property subject to the lease. If there is no lease, then the new owner must give at least 90 days' notice to the tenant. The current language is confusing since it does not say what happens if there is no written lease. Stating that the PTFA applies will help clarify the issue.

**12. HCD should clarify that it will not allow a tenant to lose their voucher due to wrongful acts of a perspective landlord.**

Legal Services has previously commented on the difficulty tenants have in locating a unit with their voucher in a very difficult Miami market. Legal Services renews its assertion that tenants should receive a hearing to contest the loss of their voucher due to expiration.

On page 115, HCD adds language which states that HCD can disapprove of a landlord if "an owner has a history of taking so long to respond during the Request for Tenancy Approval process that they caused a family to lose the voucher." While Legal Services agrees that landlords can be disapproved when they do not engage properly with the RFTA process, Legal Services does not believe that a tenant should lose their valuable subsidy for this reason. Language should be added to the Plan to state that a family will not lose their voucher when the failure to lease up in time is the cause of the perspective landlord. This is the type of issue that the tenant should be able to raise in a hearing if HCD allowed for such hearings.

**13. HCD should consider whether site based waiting lists are the best option for RAD/PBV units.**

The Administrative Plan outlines its use of site-based waiting lists. *(See* page 127) Legal Services has concern with site-based waiting lists because some units at certain properties could free up much more quickly, leaving some unlucky applicants to wait much longer than others. HCD should consider using the HCV waiting list to fill RAD PBV units instead.

Further, in recent comments Legal Services asked HCD to clarify when it will use "owner referrals" to fill units. Legal Services welcomes the clarification and safeguards put in place. Still, Legal Services still maintains that HCD should eliminate owner referrals as an established way to fill RAD PBV units.

**14. HCD should only terminate assistance for willfully false statements.**

Page 142 of the draft Administrative Plan states that "[d]iscovery of materially false statements can be cause for termination of assistance." Legal Services recommends that for an incorrect statement to serve as a basis for termination the statement should be knowingly false. Statements that are simply mistakes should not serve as a basis for termination.

**15. HCD should consider all mitigating factors when making a determination about terminating assistance.**

HCD's definition of mitigating circumstances is too restrictive and does not track the federal regulations. Specifically, page 144 states that mitigating factors are "facts relating to negative rental history or behavior, that, when verified, indicates that the reason for the unsuitable rental history or behavior is no longer in effect or is under control..."

HCD's definition of mitigating circumstances should track 24 cfr 982.552(c)(2) which states that:

> **The PHA may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.**

HCD should correct its definition of mitigating factors to conform with the federal regulations.

**16. Informal Reviews must comport with due process.**

HCD should clarify the language on page 147 of the Plan to make clear that the written decision for an informal review should outline the evidence relied on and the reason for the decision.

**17. HCD should strengthen the due process for informal hearings.**

If a tenant is terminated from the Section 8 Program this could cause the family to lose stable housing and become homeless. HCD should therefore ensure there are as many safeguards as possible in the hearing process.

Page 149 states that:

> **The party that fails to appear for a hearing will relinquish all further hearings or appeals of the adverse action.**

HCD should change the language to state that a party that "fails to appear for a hearing without good cause may" relinquish their right to a hearing.

Further, the Plan allows for telephonic hearings in certain circumstances. The Plan should clarify that hearings will be held in person or on zoom whenever possible. Telephonic hearings should be used only as a last resort since you cannot review documents or observe the demeanor of the witness over the phone.

Lastly, HCD should state clearly that the Section 8 program has the burden of proof and must show by the preponderance of the evidence that the termination should be upheld.

**18. PBV landlords should have the same security deposit requirements as HCV landlords.**

When Housing Choice Voucher tenants find a unit on the private market, the landlord is restricted in the type of security deposit they can require. Specifically:

> **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.** *(See* page 94 of the Administrative Plan.) (Emphasis added)

Legal Services supports this rule for HCV voucher tenants and believes it should be added as a requirement for PBV voucher tenants as well. Presently, the security deposit requirements for PBV landlords have some restrictions but don't presently have this requirement. (See page 178). This is perplexing considering HCV units are found on the private market and most PBV properties are fully subsidized buildings which were formerly public housing units.

**19. HCD should provide funding to resident councils for each unit.**

Legal Servies welcomes the new language affirming the right of RAD tenants to organize resident councils. Page 180 of the draft plan states specifically:

> **The project owner must recognize legitimate resident organizations and give reasonable consideration to concerns raised by such organizations. The project owner must provide meeting space and $25 per occupied unit annually for resident participation, of which at least $15 per occupied unit must be provided to the legitimate resident organization at the Covered Property, including legacy non-RAD PBV.**

While this is a welcome addition, Legal Services encourages HCD to provide the resident council funding for every established unit at the property. Therefore, Legal Services encourages HCD to eliminate the work "occupied" from this section.

Legal Servies believes the County should fund the councils at $25 per unit. While there is a requirement to fund resident councils per *occupied* unit, that is a floor and not a ceiling. Given the relatively small amount of money involved and the administrative burden this creates, it makes sense to simply provide the $25 per unit consistently rather than going through the burden of reallocating the funding based on which units are occupied. Further, the number of unoccupied units could change frequently, and it is unclear when and how often HCD will assess which units are occupied for funding purposes. If Legal Services' recommendation is not adopted, then the Plan should clarify the procedures it uses to assess which units are occupied.

It is further noted that a number of properties going through RAD have been demolished already. Therefore, the tenants are presently displaced (with vouchers) and no units are occupied. The county has acknowledged the importance of continuing to recognize the resident council during this time. An example of this is the Annie Coleman 14 resident council. In 2019, the County Commission approved the relocation agreement for the displaced Annie Coleman residents, and this agreement requires HCD to continue to recognize the resident council. The County now uses this agreement as its model. This is an additional reason HCD should simply fund the councils per the entire number of units, not just occupied units.

**20. HCD should develop a written plan on how it will implement choice mobility.**

Page 181 outlines how PBV tenants can obtain choice mobility vouchers. As noted in previous comments, advocates around the country have found that RAD tenants do not use this feature because they do not know about it. Legal Services urges HCD to develop a written plan laying out how it will implement Choice Mobility. This plan should address issues such as:

1. How HCD will educate tenants about this option and how it will help them navigate the process to obtain a mobility voucher.
2. How HCD will handle tenants' transition from a PBV voucher to a mobility voucher.
3. How HCD will issue vouchers in a way that achieves balance between RAD Choice-Mobility and their regular HCV program.

Developing a written plan for choice mobility now and disseminating it widely to the community will help increase efficiency and transparency.

**21. HCD should ensure due process in grievance procedures.**

As noted previously, Legal Services has concerns about the due process rights of public housing tenants whose properties convert to RAD.

HCD's ACOP states that "All residents of public housing are afforded ample opportunity for a fair and impartial hearing on matters involving the Public Housing Lease..." *(See* page 98 of the ACOP). Further, pursuant to 24 CFR 966.53, public housing residents are entitled to a grievance on "any dispute which a tenant may have with respect to PHA action or failure to act in accordance with the individual tenant's lease or PHA regulations which adversely affect the individuals rights, duties, welfare or status."

Under the Plan under review, the project owner (which will likely be a private entity) will be responsible for conducting most grievance hearings rather than a HCD employee. *(See* Page 185). Specifically, the Contract Administrator (HCD) will only conduct hearings for five specific types of grievances outlined in 24 CFR § 982.555(a)(l)(i)-(vi), and the federal regulations which restrict who can serve as a hearing officer will only apply to those five types of grievances. All other grievances will be conducted by the project owner.

This new practice raises due process concerns. In most circumstances, the project owner/landlord is not impartial since it is recommending the adverse action against the tenant. Legal Services urges HCD, as the contract administrator, to conduct all grievance hearings as it has done in the past. This is the best way to ensure a fair and impartial process to any grievance which may arise between a tenant and a project owner.

Alternatively, HCD must make sure that mechanisms are in place to ensure that grievance hearings conducted by a project owner comply with due process. These mechanisms include, but are not limited to:

**1.** The right to have a decision made by a trained hearing officer who is not the person who made or approved the decision under a review, or a subordinate of this person.

**2.** A requirement that project owners have written procedures in place outlining the process for a grievance hearing.

**3.** The right to a written hearing decision which explains the reasons for the decision and the evidence relied on when reaching the decision, and

**4.** The right to an appeal where the written grievance decision can be reviewed by the PHA.

Legal Services welcomes the provision which says that an HCD Grievance Coordinator will review, and may reverse, a hearing decision conducted by the project owner. However, Legal Services encourages HCD to make clear that the above elements which ensure due process are present in hearing decisions.

**22. HCD must ensure that notices of termination advise RAD PBV tenants of their grievance rights.**

HCD must make clear in the Plan that notices tenninating a RAD PBV tenancy must provide the opportunity for a grievance hearing. This requirement ensures that tenants living in PBV units that converted through RAD must maintain, at a minimum, the rights that public housing tenants have under federal law related to grievance hearings and leases. *Consolidated and Further Continuing Appropriations Act,* PUB. L. No. 112-55, 125 STAT. 552, 673-74 (2012).

This means that Section 6 of the RAD statute mandates that these PBV tenants must have the same rights of public housing tenants with respect to 42 USC 1437d (k)-(1), which affects grievance hearings and lease provisions.

HCD must therefore look to the federal regulations governing public housing. Specifically, 24 CFR 966.4(1)(3)(ii) states that:

> **The notice of lease termination to the tenant shall state specific grounds for termination, and shall inform the tenant of the tenant's right to make such reply as the tenant may wish... When the PHA is required to afford the tenant the opportunity for a grievance hearing, the notice shall also inform the tenant of the tenant's right to request a hearing in accordance with the PHA's grievance procedure.**

The tenancy cannot terminate until the tenant has been provided with the grievance hearing. *(See* 24 CFR 966.4(1)(3)(vi)).

As such, the Administrative Plan should clarify that notices terminating the tenancy must advise the tenant of the right to request a grievance hearing and failure to do so renders the notice defective. This is particularly important as Legal Services has seen several RAD PBV evictions where neither the lease nor the notice say anything about the right to a grievance hearing. Many cases can be resolved at the grievance hearing stage and tenants must be informed of this important right.

**23. HCD should seek to ensure that RAD PBV tenants are, as much as possible, governed by the same procedures that governed when they were** in **public housing.**

Legal Services has always taken the position that during any RAD conversion, HCD should have the rules of the new PBV properties comport with the ACOP as much as possible. This is important because the ACOP is the document which has governed public housing residents for many years and tenants are used to the process. HCD should make efforts to ensure in future contracts with private administrators that they will follow the public housing rules and practices. For example, there has been confusion around whether the late fee will remain $20, and some landlords have demanded higher amounts. In future RAD developments, HCD should require developers to comply with the ACOP so that public housing tenants do not lose any rights when the properties convert.

**24. HCD should commit to prohibiting RAD developers from increasing late fees at RAD properties that convert from public housing.**

As a follow up to the above comment, Legal Services calls particular attention to the late fees that are charged to former public housing tenants after RAD conversion.

Presently, public housing late fees are set at $20. Legal Services has seen late fees increase by 500% at RAD converted properties. Often, these late fees are significantly more than the tenant's monthly rent. This can put a major strain on tenants who have fallen behind due to a family emergency or some other unforeseen financial setback and are trying to catch up with rent payments. This can lead to unnecessary evictions and displacement of families. This concern was addressed recently in the Community Benefits Agreement (CBA) for the Victory Homes resident council. The Current CBA as adopted by the County Commission puts a cap on late fees and confirms rent will not be considered late ifreceived by the 10th of the month.

As a result of these discussions, the HCD Director expressed a desire to amend the Administrative Plan to ensure that RAD converted properties would maintain the same late fees policy as public housing. Legal Services strongly encourages HCD to amend the Administrative Plan to incorporate this needed change. If this is not possible, HCD should work to negotiate this policy in future RAD developer agreements.

## COMMENTS ON ATTACHMENT F OF THE ADMINISTRATIVE PLAN

Legal Services notes that with respect to the referenced page numbers of the draft Attachment it is using the 8 page draft version provided by HCD on September 18, 2026.

**25. HCD should establish a notice requirement for Section 8 inspections.**

Page 4 of Attachment F states specifically:

> **HCD will provide reasonable notice of scheduled inspections** in **accordance with applicable HUD requirements.**

While this is a good policy, the requirement is vague and should be made more specific. Legal Services notes that Florida Statute requires at least 24 hours' notice before a landlord can enter a unit. *(See* Fla. Stat. 83.53(2)). It is even more important to give appropriate notice for section 8 inspections, where the tenant must be present to allow entry. Section 8 residents may need time to make arrangements with their employers to be able to be home to provide this access.

Therefore, in instances where the tenant has not requested an expedited inspection, Legal Services suggest that there be a minimum of 48 hours given before a scheduled inspection.

**26. HCD should clarify when it will use remote inspections and how they will work.**

Page 5 of the Attachment states that "HCD will use remote video inspections methods" in certain circumstances. HCD should clarify when it will exercise its discretion to conduct remote inspections. While Legal Services recognizes the value of using new technology, it has concerns that a remote inspection will not give an inspector the full context of the condition of a unit. For instance, inspectors will not be able to use appliances firsthand to confirm they are working. This is something HCD should consider when deciding to conduct remote inspections.

**27. HCD should clarify that landlords cannot demand the full contract rent due to an owner caused abatement.**

Page 6 of the Attachment states that:

> **An owner may not terminate the tenancy of an assisted family because HCD withheld or abated housing assistance payments as a result of the owner's failure to comply with applicable inspection requirements.**

After this sentence, HCD should add:

> **Additionally, landlord cannot demand more than the tenant portion after an abatement due to failed inspection.**

This clarification is important because after an abatement due to failed inspection, many landlords simply demand the entire contract rent from the tenant or send the tenant a 3-day notice to pay the entire amount of rent. This language would help defend evictions brought by these bad faith landlords.

Legal Services is pleased to submit the foregoing comments and encourages HCD to work with Legal Services on implementing these comments.

Respectfully submitted,

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Outlook

**Formal Request for Clarification and Housing Stability Protections Regarding Proposed Section 8 Policy Changes**

**From** Chankevia Bassa <keikareinc@gmail.com>
**Date** Tue 10/13/2026 9:07 PM
**To** PHA Public Comment (HCD) <PHAPublicComment@miamidade.gov>

You don't often get email from keikareinc@gmail.com. Learn why this is important

**KEI KARE FOR THE COMMUNITY INC.**
*501(c)(3) Nonprofit Organization*
Miami-Dade County, Florida

**Date:** October 13, 2026

**To:** Miami-Dade County Housing and Community Development
**Subject: Formal Request for Clarification and Housing Stability Protections Regarding Proposed Section 8 Policy Changes**

Dear Housing and Community Development Officials,

On behalf of Kei Kare For The Community Inc., a 501(c)(3) nonprofit organization committed to community advocacy, family stability, and empowering underserved residents, I am writing to express serious concerns regarding potential changes to the Section 8 Housing Choice Voucher Program.

Recent federal proposals concerning mandatory work requirements and time limits on housing assistance have raised significant concerns among families throughout Miami-Dade County.

While we recognize the importance of encouraging financial independence and self-sufficiency, we must also acknowledge the reality that **employment does not automatically guarantee housing affordability**, particularly in a county where rental costs continue to place financial pressure on working families.

Our concern extends beyond whether these policies will be implemented. We want to understand what safeguards will be established to ensure families are not displaced or left homeless as a result.

We respectfully request written clarification regarding the following:

## Proposed Section 8 Requirements

1. Does Miami-Dade County intend to implement mandatory work, education, or job-training requirements for Section 8 recipients?
2. Is the county considering implementing a two-year limit on housing assistance? If so, would this apply to existing voucher holders or only new participants?
3. What exemptions or protections would be available for seniors, individuals with disabilities, parents, caregivers, and households with minor children?
4. Has the county established an implementation timeline, and would residents have an opportunity to participate in public hearings before any new restrictions are adopted?

## Affordable Housing and Rent Protections

5. If families lose their Section 8 assistance after two years, will Miami-Dade County guarantee access to alternative affordable housing?
6. Will additional affordable housing units be developed or designated specifically for families affected by these changes?
7. Will the county establish rent-reduction agreements, landlord incentives, or other measures to help families remain in their current homes after losing rental assistance?
8. How many affordable housing units are currently available to extremely low-income families, and how many additional units are projected to become available before any proposed restrictions take effect?

## Homelessness Prevention and Family Stability

9. What specific measures will Miami-Dade County implement to prevent families, especially households with children, from becoming homeless if their housing assistance expires?
10. How will the county protect working families whose employment income remains insufficient to afford market-rate housing?
11. Will families facing termination of assistance have access to emergency rental assistance, voucher extensions, relocation support, or priority placement in alternative housing programs?
12. Will the county conduct and publicly release an assessment identifying how many households, children, seniors, and individuals with disabilities could face housing instability or displacement under the proposed policies?
13. **Will Miami-Dade County commit to evaluating displacement risks and establishing meaningful housing protections before adopting any two-year limit on Section 8 assistance?**

Our organization believes that housing stability is fundamental to the safety, health, education, and economic well-being of our communities.

A family should not have to choose between paying rent, purchasing food, or meeting the basic needs of their children simply because their housing assistance has reached an established time limit.

We respectfully request that Miami-Dade County provide a comprehensive written response addressing these concerns and clarify whether any such policies are currently being considered as part of the proposed Section 8 Administrative Plan.

Additionally, we request that this correspondence be included in the official public comment record and that community organizations and affected residents be provided meaningful opportunities to participate in future policy discussions.

**Before any policy places families at risk of losing their homes, there must be a clear, transparent, and accountable plan to protect their housing stability.**

Thank you for your time and consideration. We look forward to receiving a written response.

Respectfully,

**Chankevia Bassa**
Kei Kare For The Community Inc.
501(c)(3) Nonprofit Organization
Email: cbassa88@gmail.com
Phone: (786) 853-2207



MDC264

To: Miami-Dade County Housing and Community Development

Date: September 23, 2026

From: Daniella Pierre, Housing Committee Chairwoman, NAACP Miami-Dade Branch | Unit #5116-B

Subject: Written Comments on the proposed Section 8 Administrative Plan

Dear Miami-Dade County Housing and Community Development:

Thank you for the opportunity to provide public comments on the proposed 2026 Section 8 Administrative Plan. After reviewing the 16-page summary, I respectfully submit the following comments:

**Public Comment 1. Add a preference for survivors of domestic violence**

**Reference:** Pages 1–2 of the 16-page Summary, Chapter 2, Section 2.3.D, Admission Preferences, underlying Plan pages 23–25.

The proposed weighted preference system does not include a specific preference for individuals and families fleeing domestic violence, dating violence, sexual assault, or stalking. I respectfully request that HCD establish a meaningful preference of at least 35 points for survivors protected under the Violence Against Women Act. The Plan should also include confidential, trauma-informed verification procedures and accept referrals from certified domestic violence centers and victim-service providers, not solely police reports.

**Public Comment 2. Increase the Miami-Dade County residency preference**

**Reference:** Page 2 of the 16-page Summary, Chapter 2, Section 2.3.D, Admission Preferences, underlying Plan page 25.

The proposed Miami-Dade County residency preference provides only five points, while other preferences receive between 20 and 100 points. I respectfully request that HCD increase the residency preference to at least 20 points so it meaningfully prioritizes people who live or work in Miami-Dade County. The policy should include reasonable protections for survivors fleeing violence, people experiencing homelessness, veterans receiving services outside the County, and families displaced by disasters or government action.

**Public Comment 3. Establish a Housing Choice Voucher Homeownership Program**

**Reference:** Page 2 of the 16-page Summary, Chapter 2, Section 2.3.D, underlying Plan page 26.

The proposed Plan references HUD-assisted homeownership programs but does not establish a Housing Choice Voucher Homeownership Program for Miami-Dade County participants. I respectfully request that HCD create a program allowing eligible participants to apply their voucher assistance toward qualifying homeownership expenses. The policy should address eligibility, homebuyer counseling, financing, inspections, allowable expenses, and continued assistance. Section 8 assistance should not be limited to rental housing when HUD provides an authorized pathway to homeownership.

**Public Comment 4: Establish Housing Protections for Mobile-Home Residents Displaced by Government Action, Property Acquisition, Park Closure, or Redevelopment**

**Reference:** Page 3 of the 16-page Summary, Chapter 3, Section 3.1, Special Admission, underlying Plan page 45.

The proposed Plan provides special admission consideration for families displaced or at risk of displacement because of government action. I respectfully request that HCD expand this provision to expressly include eligible residents of mobile-home and manufactured-home communities displaced by government action, eminent domain, condemnation, public or private property acquisition, mobile-home park closure, infrastructure projects, or redevelopment.

These residents may lose both their homes and access to affordable rental lots, leaving them with limited relocation options. The Plan should establish clear eligibility, referral, verification, notice, and relocation procedures and provide qualifying households with priority consideration before they become homeless. Mobile-home residents should not fall through a policy gap simply because they own their homes but rent the land beneath them.

Thank you for considering the above-mentioned public comments on the proposed Section 8 Administrative Plan.

Respectfully,

Daniella Pierre

Outlook

## Public Housing Meeting

**From** Tanya Lopez <ms.tanyalopez@gmail.com>
**Date** Wed 9/9/2026 11:23 AM
**To** PHA Public Comment (HCD) <PHAPublicComment@miamidade.gov>

You don't often get email from ms.tanyalopez@gmail.com. Learn why this is important

Good afternoon, Chairperson and Housing Committee members.

My name is Tanya Lopez. I am a Miami Gardens resident and a Section 8 participant.

Thank you for providing residents with an opportunity to comment on the proposed Section 8 Administrative Plan. I respectfully offer several suggestions concerning waiting lists, access to affordable housing, credit screening, and landlord participation.

I appreciate that Miami-Dade County publishes housing notices and waiting-list information online. I encourage the County to build upon those services by providing applicants with clear status updates, information about the selection process, and sufficient notice before anyone is removed from a waiting list.

When possible, it would also be helpful to provide general information about anticipated waiting periods and the number of families waiting for assistance. Applicants who are elderly, have disabilities, or need help using the online system should continue to have access to reasonable assistance.

Receiving a voucher is an important step, but families must still locate a landlord willing to rent to them. I understand that property owners have a responsibility to screen prospective tenants. However, I respectfully ask the County to examine whether a minimum credit score should be used as an automatic reason to reject an otherwise qualified voucher holder.

An individualized review could consider verified rental history, the applicant's present ability to pay their required portion of the rent, and other relevant circumstances. Applicants should also receive a clear reason for a denial and an opportunity to correct inaccurate information contained in a screening report.

I also ask the County to study lawful tax, fee, or financial incentives that could encourage more landlords to participate in the voucher program and create additional affordable housing opportunities.

Any incentive program could be connected to measurable commitments, such as adding affordable units, accepting vouchers, applying fair and consistent screening standards, maintaining safe properties, completing repairs promptly, and following fair-housing and source-of-income protections.

I offer these suggestions respectfully and recognize the responsibilities carried by housing officials, property owners, and participating families. My hope is that we can work together to make affordable

housing more accessible while protecting fairness and accountability for everyone involved.

Thank you for your time and consideration.

Tanya Lopez
Miami Gardens Resident
Section 8 Participant



MDC268

**HCD Section 8 Administrative Plan – Virtual Community Engagement Meeting - September 18, 2026**

| Name | Attendance | Response | |
|---|---|---|---|
| Plancher | Elissa (HCD) <Elissa.Plancher@miamidade.gov> | Required | Accepted |
| Capote | Lizette (HCD) <Lizette.Capote@miamidade.gov> | Required | Accepted |
| Izique | Julio (HCD) <Julio.Izique@miamidade.gov> | Required | Accepted |
| Flood | Kyle (HCD) <Kyle.Flood@miamidade.gov> | Required | Accepted |
| Sandra Soucie <ssoucie@quadel.com> | Required | Accepted | |
| Parrish | Letah (CSD) <Letah.Parrish@miamidade.gov> | Optional | Accepted |
| Weldeyesus | Rahel (CSD) <Rahel.Weldeyesus@miamidade.gov> | Optional | Accepted |
| Audrey Aradanas <audrey@miamihomesforall.org> | Optional | Accepted | |
| Anjuli Castaño <anjuli@miamihomesforall.org> | Optional | Accepted | |
| Ivonne Pinedo <ivonne@miamihomesforall.org> | Optional | Accepted | |
| Marc Mercado <Info@teachteam.org> | Optional | Accepted | |
| Tomas Matamoros <tmatamoros@citrusfcn.com> | Optional | Accepted | |
| Marti Yeager <martiy@camillus.org> | Optional | Accepted | |
| Ana Ramos <anramos@fiu.edu> | Optional | Accepted | |
| Ortiz | Rocio J. (CSD) <Rocio.Ortiz@miamidade.gov> | Optional | Accepted |
| Dominique Rosario <DRosario@casavalentina.org> | Optional | Accepted | |
| Laso | Carlos A. (HT) <Carlos.Laso@miamidade.gov> | Optional | Accepted |
| Sarria | Manuel (HT) <Manuel.Sarria@miamidade.gov> | Optional | Accepted |
| Debra Tyler <dtyler@bwom.org> | Optional | Accepted | |
| Linique Reynolds <lreynolds@fostercarereview.org> | Optional | Accepted | |
| Shana Hinze <hinzes@mdpls.org> | Optional | Accepted | |
| Lela Brown <brownle@mdpls.org> | Optional | Accepted | |
| Roger Hernandez <rhernandez@healthcouncil.org> | Optional | Accepted | |
| Marrett | Devon <marrettd@unitedwaymiami.org> | Optional | Accepted |
| Tim Willoughby <timw@camillus.org> | Optional | Accepted | |
| Alejandra Perez <perezal@mdpls.org> | Optional | Accepted | |
| Cristy King <cristyk@camillus.org> | Optional | Accepted | |
| Natalie Freitas <nfreitas@fostercarereview.org> | Optional | Accepted | |
| Nadeige Theresias-Joisil \| SANTLA <ntjoisil@santla.org> | Optional | Accepted | |
| Gordon | Kathleen [GMAIL] <chambria1.gordon@gmail.com> | Optional | Accepted |

| | | | |
|---|---|---|---|
| Mcleod | Yvette [Browardschools] <Yvette.Mcleod@Browardschools.com> | Optional | Accepted |
| Widline Fertilien <widlinef@lotushouse.org> | Optional | Accepted | |
| Roberto Stadthagen <stadthagenr@mdpls.org> | Optional | Accepted | |
| Brown | Clarence D. (HCD) <Clarence.Brown@miamidade.gov> | Optional | Tentative |
| Dayorsha Attis <dattis@citrusfcn.com> | Optional | Tentative | |
| Sharon D Parry <sharonparry79@gmail.com> | Optional | Tentative | |
| De Castro | Maria Pia <m.decastro3@law.miami.edu> | Optional | Tentative |
| Maria Guajardo | MFT <mguajardo@thrivingmind.org> | Optional | Tentative |
| Vanessa Munoz <VMunoz@fostercarereview.org> | Optional | Tentative | |
| Meliza Frias <mfrias@fostercarereview.org> | Optional | Tentative | |
| Arteaga | Pedro <parteaga@dadeschools.net> | Optional | Tentative |
| O'dneal | Tyler <odnealt@unitedwaymiami.org> | Optional | Tentative |
| Natalie Herradon <nmh@regishouse.org> | Optional | Tentative | |
| Mercedes Munias <muniasm@mdpls.org> | Optional | Tentative | |
| Evans | Scotney D. <s.evans4@miami.edu> | Optional | Declined |
| Rudy Tabares <rtabares@branchesfl.org> | Optional | Declined | |
| Liz Wong <lwong@apcompanies.com> | Optional | Declined | |
| Candice Maze <CMaze@fostercarereview.org> | Optional | Declined | |
| Esther Jacobo <ejacobo@citrusfcn.com> | Optional | Declined | |
| Brent Capley <capleybr@mdpls.org> | Optional | Declined | |
| Valentina Barrera <vbarrera@casavalentina.org> | Optional | Declined | |
| Carmen M. Corea <coreac@mdpls.org> | Optional | Declined | |
| Victoria Edwards <edwardsv@mdpls.org> | Optional | Declined | |
| Paul Lefrak <lefrakp@mdpls.org> | Optional | Declined | |
| David M. Hildenbrand <hildenbrandd@mdpls.org> | Optional | Declined | |
| Leila Khalil <khalill@mdpls.org> | Optional | Declined | |
| Brenna Aiossa <baiossa@kristihouse.org> | Optional | Declined | |
| Stewart | Kele Marcia <kstewart@law.miami.edu> | Optional | Declined |
| Holder | Annika (PIOD) <Annika.Holder@miamidade.gov> | Optional | Declined |
| Owens | Kristy (HCD) <Kristy.Owens@miamidade.gov> | Optional | Declined |
| Gwynn | Lisa <lgwynn@med.miami.edu> | Optional | Declined |
| Atkins | Victor B. (HCD) <Victor.Atkins@miamidade.gov> | Required | Didn't respond |
| Holley | Delores (HCD) <Delores.Holley@miamidade.gov> | Required | Didn't respond |

| | | | |
|---|---|---|---|
| Grise | Debra (HCD) <Debra.Grise@miamidade.gov> | Required | Didn't respond |
| Carreno van Praag | Otto (HCD) <Otto.CarrenoVanPraag@miamidade.gov> | Required | Didn't respond |
| Bell | Cassandra (HCD) <Cassandra.Bell@miamidade.gov> | Required | Didn't respond |
| Tracey Rudy <trudy@quadel.com> | Required | Didn't respond | |
| Kogon | Nathan (HCD) <nathan.kogon@miamidade.gov> | Optional | Didn't respond |
| Burgos | Cathy (CSD) <Cathy.Burgos@miamidade.gov> | Optional | Didn't respond |
| Bess | Latawun (CSD) <Latawun.Bess@miamidade.gov> | Optional | Didn't respond |
| Aiyeshia Hudson <aiyeshia@theworkerscenter.org> | Optional | Didn't respond | |
| Annie Lord <alord@miamihomesforall.org> | Optional | Didn't respond | |
| srowley@legalservicesmiami.org <srowley@legalservicesmiami.org> | Optional | Didn't respond | |
| santra <santra@miamiworkerscenter.org> | Optional | Didn't respond | |
| Social Services Committee <socialservices@mdpls.org> | Optional | Didn't respond | |
| Barr | Estelle [YAHOO] <estellebarr73@yahoo.com> | Optional | Didn't respond |
| McCullough | Alysha [GMAIL] <AMcCullough1212@gmail.com> | Optional | Didn't respond |
| McCullough | Shirley [GMAIL] <ShirleyMcCullough6464@gmail.com> | Optional | Didn't respond |
| Moncur | Lofton A [GMAIL] <loftonmoncur53@gmail.com> | Optional | Didn't respond |
| Ford-Lilly | Clinie [GMAIL] <clinief@gmail.com> | Optional | Didn't respond |
| Wooden | Jessie [GMAIL] <jessiewooden46@gmail.com> | Optional | Didn't respond |
| Howard | Inetha [GMAIL] <lmh0974@gmail.com> | Optional | Didn't respond |