

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011
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1.0	PHA Information PHA Name: <u>City of Miami</u> PHA Code: <u>FL145</u> PHA Type: <input checked="" type="checkbox"/> Small <input checked="" type="checkbox"/> High Performing <input type="checkbox"/> Standard <input checked="" type="checkbox"/> HCV (Section 8) PHA Fiscal Year Beginning: (MM/YYYY): <u>10/2010</u>												
2.0	Inventory (based on ACC units at time of FY beginning in 1.0 above) Number of PH units: <u>N/A</u> Number of HCV units: <u>136 HCV + 280 Mod Rehab</u>												
3.0	Submission Type <input type="checkbox"/> 5-Year and Annual Plan <input type="checkbox"/> Annual Plan Only <input checked="" type="checkbox"/> 5-Year Plan Only (Qualified PHA)												
4.0	PHA Consortia <input type="checkbox"/> PHA Consortia: (Check box if submitting a joint Plan and complete table below.)												
	Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program <table border="1"> <thead> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>PHA 1: N/A</td> <td></td> </tr> <tr> <td>PHA 2: N/A</td> <td></td> </tr> <tr> <td>PHA 3: N/A</td> <td></td> </tr> </tbody> </table>	PH	HCV	PHA 1: N/A		PHA 2: N/A		PHA 3: N/A	
PH	HCV												
PHA 1: N/A													
PHA 2: N/A													
PHA 3: N/A													
5.0	5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.												
5.1	Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: <i>The primary objective of the City of Miami Section 8 Housing Program is to assist eligible low-income families to obtain decent, safe and sanitary housing. The mission of the City of Miami Department of Community Development through its Section 8 program is to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.</i>												

Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

City of Miami - Housing Choice Voucher & moderate rehabilitation Program Goals

The public housing goals detailed in this section provide a summary of the goals and objectives of the City's plan for Housing Choice Voucher and Moderate Rehabilitation programs. Though the City of Miami does not operate any public housing, it is responsible for a limited number of Housing Choice Vouchers (Section 8) and Moderate Rehabilitation units. These are housing assistance programs developed to assist eligible low-income families to receive rental subsidies that enables tenants to afford standard units. The Department of Community Development is the City's designated Housing Agency (HA); as such, the Department submitted to HUD the program goals for its housing choice vouchers. Below are outlined the key goals and objectives identified in the plan:

Strategic Goal: 1

Increase the Availability of Decent, Safe, and Affordable Housing

OBJECTIVE 1: Improve the quality of assisted housing:

- *Improve voucher management (SEMAP score).
The City's goal is continue to obtain a high SEMAP score.*
- *Increase customer satisfaction and implement regular customer satisfaction surveys.*
- *Provide replacement vouchers: by applying for replacement vouchers in the event that expiring Section 8 Moderate Rehabilitation contracts are not renewed.*

OBJECTIVE 2: Increase assisted housing choices:

- *Conduct outreach efforts to potential voucher landlords.
The City will offer regular outreach through the distribution of program marketing materials targeting multi-family housing landlords. Also, the City will conduct prospective landlord workshops to explain program rules and administration.*

Strategic Goal: 2

Improve Community Quality of Life and Economic Vitality

OBJECTIVE 1: Provide an improved living environment.

- *Target Neighborhood Development Zones/Model Blocks. Also, target vacant residential parcels through the City of Miami for extensive development and community revitalization efforts.*

Strategic Goal: 3

Promote Self-sufficiency and Asset Development for Families and Individuals

OBJECTIVE 1: Increase independency of families receiving housing assistance.

- *Provide or attract supportive services to increase the independency for elderly or families with disabilities.*

Strategic Goal: 4

Ensure Equal Opportunity in Housing

OBJECTIVE 1: Affirmatively further fair housing.

- *Undertake affirmative measures to provide a suitable living environment for families living in assisted housing, regardless of race, color, religion, national origin, sex, familial status, and disability.*

*** Please refer to Section XX on Page XX for the progress the city has made in meeting the goals and objectives described in the previous 5-Year PHA Plan (FY2005-2009).*

6.0	<p>PHA Plan Update</p> <p>(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:</p> <p>(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions.</p> <p>(a) None.</p> <p>(b) Interested individuals may obtain a copy of the 5-Year and Annual PHA Plan at 444 SW 2 Avenue, 2 Floor, Miami, FL 33130 or by downloading it from our website at www.miamigov.com/communitydevelopment.</p>
7.0	<p>Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. <i>Include statements related to these programs as applicable.</i></p> <p>N/A</p>
8.0	<p>Capital Improvements. Please complete Parts 8.1 through 8.3, as applicable.</p>
8.1	<p>Capital Fund Program Annual Statement/Performance and Evaluation Report. As part of the PHA 5-Year and Annual Plan, annually complete and submit the <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i>, form HUD-50075.1, for each current and open CFP grant and CFFP financing.</p> <p>N/A</p>
8.2	<p>Capital Fund Program Five-Year Action Plan. As part of the submission of the Annual Plan, PHAs must complete and submit the <i>Capital Fund Program Five-Year Action Plan</i>, form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan.</p> <p>N/A</p>
8.3	<p>Capital Fund Financing Program (CFFP).</p> <p><input type="checkbox"/> Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements.</p> <p>N/A</p>

9.0

Housing Needs. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

The purpose of the public housing needs assessment is to provide an estimate of public housing needs and detail a strategy on how the need will be addressed. It should be noted that the City of Miami does not manage public housing units. The Miami-Dade Housing Agency (MDHA) is responsible for this function; however, a large portion of the County’s inventory is located within City limits.

MDHA provides federal-subsidies for about 9,340 units of public housing, which it manages, maintains, and inspects on an annual basis.¹ MDHA also provides limited supportive services and programs to improve the quality of life and general environment of public housing residents, and coordinates most of the County’s affordable housing programs, including the in-fill housing initiative.

EXISTING PUBLIC HOUSING INVENTORY

The Shimberg Center for Affordable Housing’s database of Assisted Housing Inventory includes all Florida multi-family rental developments that receive assistance under federal, state, and local government funding programs to offer affordable housing units with certain rent and income restrictions. Of these units, there are approximately 38,548 assisted housing units in Miami-Dade County of which 23,294 (64 percent) are located within the City of Miami². It is worthy to remember that this figure (as all the data in this section), only accounts for multi-family assisted developments and does not take into consideration single-family scattered sites.

The majority of assisted units in the City of Miami have been set aside for families (69 percent) and the elderly (25 percent) –See Table X-1. Other populations served, such as the homeless and persons with disabilities, make up only 3 percent of the City’s assisted housing units.

Table X-1. Assisted Housing Units by Population Served, City of Miami

Population Served	Total Assisted Developments	Percent	Total Assisted Units	Percent
Elderly	65	33%	5,725	25%
Elderly / Family	7	4%	835	4%
Family	114	57%	16,085	69%
Homeless	5	3%	422	2%
Persons with Disabilities	8	4%	227	1%
Total	199	100%	23,294	100%

Source: Shimberg Center for Affordable Housing; Florida Housing Data Clearinghouse

Of the 23,294 assisted housing units in the City of Miami, 21 percent are located within the Neighborhood Development Zones (NDZs). The greatest concentrations of these units are located in Little Havana and Edison/East Little River/Little Haiti. Following the same City trends, the majority of the populations served are families and the elderly. It should be noted that, though small in absolute numbers, a significant percentage of the mixed elderly/family units (48 percent) and homeless units (39 percent) are located within the NDZs; however, none of the 227 units for persons with disabilities are located in the NDZs.

¹ Miami-Dade Housing Agency website: www.miamidade.gov/housing

² Shimberg Center for Affordable Housing, Assisted Housing Inventory

Table X-2: Total Assisted Units by NDZ and Population Served

NDZ	Population Served					Total
	Elderly	Elderly Family	Family	Homeless	Persons with Disabilities	
Allapattah	205	300	405	-	-	910
Coconut Grove	-	-	-	-	-	0
Edison/East Little River/Little Haiti	99	-	1,157	-	-	1,256
Little Havana	677	-	550	76	-	1,303
Model City	-	100	447	90	-	637
Overtown	-	-	793	-	-	793
Wynwood	-	-	40	-	-	40
Total NDZ	981	400	3,392	166	-	4,939
Citywide Total	5,725	835	16,085	422	227	23,294
Percent of the City's Assisted Units in NDZs	17%	48%	21%	39%	0%	21%

Source: Shimberg Center for Affordable Housing; Florida Housing Data Clearinghouse

The age of the assisted housing inventory was analyzed due to the assumption that the year a housing structure was constructed may affect the current condition of the units. Most of the assisted housing inventory has been fairly recently constructed during the past three decades, with a slight majority (34 percent) built during the past eight years (See Table X-3). It can be assumed that the twelve developments built during the 1960s and 1970s may be in need of repair or rehabilitation; these units only make up 7 percent of the City's inventory.

Table X-3: Age of the Assisted Housing Inventory by the Number of Developments, City of Miami

Years	Number of Developments	Percent
1960-1969	1	1%
1970-1979	11	6%
1980-1989	56	28%
1990-1999	57	29%
2000-2008	68	34%
Age not Available	6	3%
Total	199	100%

Source: Shimberg Center for Affordable Housing; Florida Housing Data Clearinghouse

INVENTORY EXPECTED TO BE LOST: 2009-2013

During the City's current Consolidated Plan period (2009-2013), thirty eight assisted housing developments with 1,395 units are expected to be lost – this makes up six percent of the total number of assisted housing units. Of the 1,395 units that will be lost during the next five years, the majority (57 percent) will be elderly units; these units make up 14 percent of the total number of units assisting the elderly. Though small in absolute numbers, the 100 units for disabled persons expected to be lost make up 44 percent of the current inventory serving this population.

Table X: Lost Units by Population Served due to Governing Program Expiration (2009-2013)

Population Served	Total Assisted Units Projected to be Lost (2009-20014)	Existing Assisted Units	Percent of Existing Units that Will be Lost
Elderly	795	5,725	14%
Elderly Family	150	835	18%
Family	350	16,085	2%
Persons with Disabilities	100	227	44%
Homeless	0	422	0
Total	1,395	23,294	6%

Source: Shimberg Center for Affordable Housing; Florida Housing Data Clearinghouse

Below is a description of the types of programs that will be expiring during the next five years: All thirty eight developments were described as "Rental Assistance/ HUD"; four developments were funded with additional dollars.

- **Rental Assistance/ HUD (All 38 Developments):**
HUD provides project-based rental subsidies for units in multifamily developments under programs such as the Section 8 Loan Management Set-Aside, Section 8 New Construction and Substantial Rehabilitation programs. Rental assistance is typically restricted to households with incomes at or below 50 percent of the area median income. It provides a subsidy so that income-qualified households do not spend more than 30 percent of their monthly gross income on rent and utilities. Many rental assistance contracts now have a one year term and are typically renewed annually, subject to Congressional appropriation.
- **Section 236 (2 Developments):**
The Section 236 program provided mortgages at a one percent interest rate to private for-profit and non-profit developers during the late 1960s to early 1970s. The mortgage term was 40 years with the option for many for-profit developers to prepay after 20 years. Income limits are set at 80 percent of area median income, although the majority of units serve households at or below 50 percent of area median income. Many properties built under this program also receive HUD project-based rental assistance.
- **Section 202 Capital Advance (1 Development):**
The Section 202 Supportive Housing for the Elderly program started in 1991 and provides a 40-year interest-free capital advance to private, not-for-profit sponsors to finance development, rehabilitation or acquisition of supportive housing for very low-income elderly persons (at least 62 years of age) at or below 50 percent of the area median income. The program also has a project-based rental assistance component that limits the rent payments of residents to 30 percent of income.

▪ **Local Bonds (1 Development):**

Local housing finance authorities may issue tax-exempt Multifamily Mortgage Revenue Bonds. These tax-exempt bonds provide financing at lower-than-market rates for affordable multifamily housing developments. Income restrictions are imposed, but not rent restrictions.

PROJECTED NEED FOR HOUSING ASSISTANCE

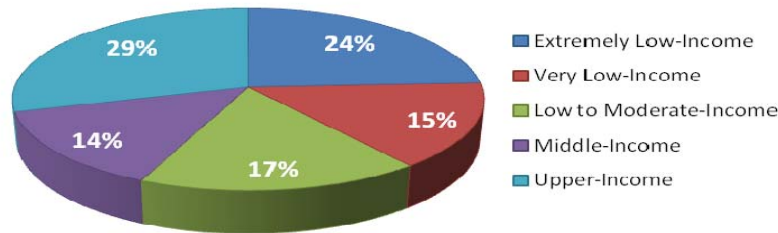
Methodology

The University of Florida’s Shimberg Center for Affordable Housing calculated projections for housing, which are discussed in this section, and projections for special housing needs of the elderly, which will be later discussed in the “Special Needs Housing Assessment” chapter of this plan. The projections are based on the Census 2000 data relating to existing housing supply as a baseline to project the housing demand and supply through 2015.

Household Income Projections

Projections show that by the year 2015, 24 percent of all households will be of extremely low-income, 15 percent will be of very low-income and 17 percent of all households will have low to moderate incomes (See Chart VI-A). Together, the extremely-low to low to moderate income level households will make up 56 percent of the City of Miami’s future households that will be eligible for housing assistance based solely on their household income. It should be noted that State and programs such as the NSP also assist middle-income households –as such, an additional 14 percent of the population would meet income requirements for some sort of housing assistance; a dramatic 70 percent of the City’s households are expected to be eligible for these programs by 2015.

Chart VI-A: Projected Household Income Levels, City of Miami: 2015



Source: Shimberg Center for Affordable Housing, Florida Housing Data Clearinghouse

Table VI-3 below describes the projected tenure of the City's households by income levels. A significant majority (63 percent) of the City's households are projected to be renters in 2015. The data also indicates that there is a strong correlation between income and tenure in the City of Miami—the lower the income the greater the likelihood of a household renting their dwelling. According to these figures, the City of Miami's eligible households for housing assistance will most likely be renters and make up approximately 70 percent of the City's renting households.

Table VI-3: Projected Number of Households by Income and Tenure, City of Miami: 2015

Income Level	Owners	Renters	Total	Percent of Total
Total Assisted Housing Eligible Households	21,886	71,832	93,718	56%
Extremely Low-Income: < = 30% MFI	6,431	33,447	39,878	24%
Low-Income: 30.01% to 50% MFI	6,164	18,963	25,127	15%
Moderate-Income: 50.01% to 80% MFI	9,291	19,422	28,713	17%
Middle-Income: 80.01% to 120% AMI	9,916	13,623	23,539	14%
Upper-Income: 120.01+% AMI:	28,838	18,714	47,552	29%
Citywide Total	60,640	104,169	164,809	100%
Percent	37%	63%	100%	n/a

Source: Shimberg Center for Affordable Housing, Florida Housing Data Clearinghouse

Cost-Burdened Household Projections

Cost-burdened households are defined as those spending more than 30 percent of their household incomes on housing costs, including utilities. For the purpose of this report, cost burdened households will be broken down into the following two categories:

- **Cost-burdened households:** are defined as those spending 30.01 percent to 50 percent of their household incomes on housing costs, including utilities.
- **Severely Cost-burdened households:** are defined as those spending more than 50 percent of their household incomes on housing costs, including utilities.

Within the City of Miami, it is predicted that 75,341 households will be cost-burdened and severely cost-burdened by 2015; this represents 46 percent of the City's total household population. The majority (37 percent) of the cost-burdened/severely cost-burdened households are extremely low-income. Furthermore, households eligible for assisted housing programs would make up 83 percent of the cost-burdened/severely cost-burdened households.

Table VI-4: Projected Number of Cost-Burdened Households by Income, City of Miami, 2015

Income Level	Cost-Burdened	Severely Cost-Burdened	Total	Percent of Total
Extremely Low-Income: < = 30% AMI	4,375	23,619	27,994	37%
Low-Income: 30.01% to 50% AMI	10,175	9,597	19,772	26%
Moderate-Income: 50.01% to 80% AMI	10,984	3,916	14,900	20%
Middle-Income: 80.01% to 120% AMI	5,754	1,724	7,478	10%
Upper Income: 120.01+% AMI	4,265	932	5,197	7%
Total	35,553	39,788	75,341	100%
Percent	47%	53%	100%	n/a

Source: Shimberg Center for Affordable Housing, Florida Housing Data Clearinghouse

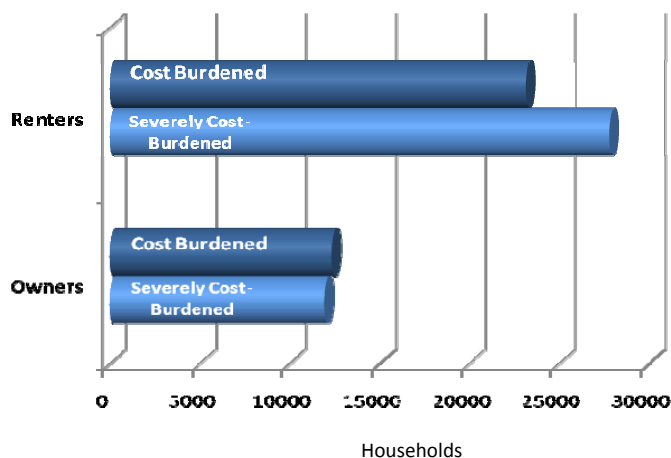
Table VI-5 and chart VI-B depict the projected tenure of the City's residents by cost burdened households. Similar to the low-income trends, a greater number of renters are predicted to be cost burdened/severely cost-burdened than owners. With respect to the absolute numbers, there are nearly twice as many cost-burdened and severely cost-burdened renters (50,984) than owners (24,357). Based on the data presented in table VI-4 above, the majority (83 percent) of the households will be eligible for assisted housing programs and most are likely cost-burdened/severely cost-burdened renters.

Table VI-5: Projected Number of Cost-Burdened Households by Tenure: City of Miami, 2015

Percent of Income Spent on Housing	Owners	Renters	Total	Percent
Not Cost Burdened: <=30%	36,283	53,185	89,468	54%
Cost Burdened: 30.01% or More	24,357	50,984	75,341	46%
30.01 to 50%: Cost Burdened	12,372	23,181	35,553	22%
50.01%+: Severely Cost-Burdened	11,985	27,803	39,788	24%
Total	60,640	104,169	164,809	100%
Percent	37%	63%	100%	n/a

Source: Shimberg Center for Affordable Housing, Florida Housing Data Clearinghouse

Chart VI-B: Projected Number of Cost-Burdened Households by Tenure: City of Miami, 2015



Source: Shimberg Center for Affordable Housing, Florida Housing Data Clearinghouse

Assisted Housing Needs Summarized by Income Level

Based on the findings in this chapter, the following section highlights the data provided by income level for households in need of assistance:

Extremely Low-Income households:

- This income category is defined as a household having an income at or below 30 percent of the area median.
- The 2015 projections for the City of Miami show that 24 percent of all households will be in the extremely low-income category.
- Extremely low-income households will represent 42.5 percent of the households in need of housing assistance.
- Of the 39,878 extremely low-income households, 83.9 percent will be renters and only 16.1 percent will be owners.

- Of the 75,341 cost-burdened households in the City, 37 percent will be extremely low-income households. The majority (84.4 percent) of these households will be severely cost-burdened - spending more than 50 percent of their household incomes on housing costs, including utilities.

Very Low-income households:

- This income category is defined as a household having an income between 31 and 50 percent of the area median.
- The 2015 projections for the City of Miami show that 15 percent of all households will be in the very low-income category.
- Very low-income households will represent 26.8 percent of the households in need of housing assistance.
- Of the 25,127 very low-income households, 75.5 percent will be renters and 24.5 percent will be owners.
- Of the 75,341 cost-burdened households in the City, 26 percent will be very low-income households. This income category will be virtually evenly split between cost-burdened and severely cost-burdened households.

Low to Moderate-income households:

- This income category is defined as a household having an income between 51 and 80 percent of area median.
- The 2015 projections for the City of Miami show that 17 percent of all households will be in the low to moderate-income category.
- Low to moderate-income households will represent 30.6 percent of households in need of housing assistance.
- Of the 28,713 low to moderate-income households, 67.6 percent will be renters and 32.4 percent will be owners.
- Of the 75,341 cost-burdened households in the City, 20 percent will be low to moderate-income households. The majority (73.7 percent) of these households will be cost-burdened -spending 30 to 50 percent of their household incomes on housing costs, including utilities.

Other Housing Considerations

Substandard Housing

Substandard housing is defined as housing that does not meet local code standards for occupancy. Occupied housing units exhibiting one or more of the following characteristics are considered inadequate: no heating fuel, lacking a complete kitchen and/or plumbing facilities. According to the 2007 American Community Survey, 568 units were lacking complete kitchen facilities (0.4 percent) and 264 units were lacking complete plumbing facilities (0.2 percent). With regards to fuel, only Census 2000 data is available: there were 9,233 units where no fuel was used (6.9 percent).

Overcrowding

Overcrowded households are defined as those living in housing units with more than one person per room. According to the 2007 American Community Survey, there were 8,451 overcrowded households in the City of Miami, that is, 6.2 percent of all occupied housing units had bedrooms with more than one occupant per room.

9.1	<p>Strategy for Addressing Housing Needs. Provide a brief description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.</p> <p><i>The Department of Community Development intends to continue addressing the needs of the local community utilizing the following strategies:</i></p> <ul style="list-style-type: none"> • <i>Maximize the number of affordable units available by establishing payment standards;</i> • <i>Employ various means of communication to market the program to owners / landlords;</i> • <i>Educate elected officials and property owners / landlords as to the value of the program and entice each to become more involved;</i> • <i>Within means available, provide counseling to the extremely low-income applicants who have a difficult time finding affordable housing, even with their voucher;</i> • <i>In an attempt to address the needs of certain segments of the local population, the City has adopted a preference for elderly households or households unable to work because of disability;</i> • <i>The City intends to maintain a leasing rate of between 98% and 100% for its HCV Program in order maximize funding eligibility and thus serve as many families as possible.</i>
10.0	<p>Additional Information. Describe the following, as well as any additional information HUD has requested.</p> <p>(a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA’s progress in meeting the mission and goals described in the 5- Year Plan.</p> <p>(b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA’s definition of “significant amendment” and “substantial deviation/modification”</p> <p><i>The City has maintained its leasing rate for the HCV Program at over 98% in FY09 and has maintained a score of “High Performer” under HUD’s Section 8 Management Assessment Program (SEMAP) certification.</i></p> <p><i>In order to improve management functions, the City has implemented the following:</i></p> <ul style="list-style-type: none"> ▪ <i>Implementation of Lindsey Software to maintain client records and to generate landlord payments in a more effective manner;</i> ▪ <i>Created a Section 8 resource page in the Department of Community Development website to provide with more information to clients and landlords interested in participating in the program.</i> ▪ <i>Introduced a new web search tool to assist participants to look for rental properties that accept Section 8 subsidies.</i> ▪ <i>Staff is utilizing the Enterprise Income Verification (EIV) system to aide them in the proper calculation of household income and to ensure, to some degree, that fraudulent activity is not present.</i>
11.0	<p>Required Submission for HUD Field Office Review. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. Note: Faxed copies of these documents will not be accepted by the Field Office.</p> <p>(a) Form HUD-50077, <i>PHA Certifications of Compliance with the PHA Plans and Related Regulations</i> (which includes all certifications relating to Civil Rights)</p> <p>(b) Form HUD-50070, <i>Certification for a Drug-Free Workplace</i> (PHAs receiving CFP grants only)</p> <p>(c) Form HUD-50071, <i>Certification of Payments to Influence Federal Transactions</i> (PHAs receiving CFP grants only)</p> <p>(d) Form SF-LLL, <i>Disclosure of Lobbying Activities</i> (PHAs receiving CFP grants only)</p> <p>(e) Form SF-LLL-A, <i>Disclosure of Lobbying Activities Continuation Sheet</i> (PHAs receiving CFP grants only)</p> <p>(f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations.</p> <p>(g) Challenged Elements</p> <p>(h) Form HUD-50075.1, <i>Capital Fund Program Annual Statement/Performance and Evaluation Report</i> (PHAs receiving CFP grants only)</p> <p>(i) Form HUD-50075.2, <i>Capital Fund Program Five-Year Action Plan</i> (PHAs receiving CFP grants only)</p>

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information

Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory

Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type

Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia

Check box if submitting a Joint PHA Plan and complete the table.

5.0 Five-Year Plan

Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan.

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

- (a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.
- (b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.
3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.
4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.
5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.
6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1)** development name and number; **2)** designation type; **3)** application status; **4)** date the designation was approved, submitted, or planned for submission, and; **5)** the number of units affected.
7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**
8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.
10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.
11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.
12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.
13. **Violence Against Women Act (VAWA).** A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

- (a) **Hope VI or Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>
- (b) **Demolition and/or Disposition.** With respect to public housing projects owned by the PHA and subject to ACCs under the Act: (1) A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and (2) A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm
Note: This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed.
- (c) **Conversion of Public Housing.** With respect to public housing owned by a PHA: 1) A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or

that the public housing agency plans to voluntarily convert; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>

- (d) **Homeownership.** A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.
- (e) **Project-based Vouchers.** If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

- (a) To submit the initial budget for a new grant or CFFP;
- (b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and
- (c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;
2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and
3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at:

<http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm>

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

- (a) **Progress in Meeting Mission and Goals.** PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan. **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**
- (b) **Significant Amendment and Substantial Deviation/Modification.** PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

- (c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

- (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*
- (b) Form HUD-50070, *Certification for a Drug-Free Workplace (PHAs receiving CFP grants only)*
- (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions (PHAs receiving CFP grants only)*
- (d) Form SF-LLL, *Disclosure of Lobbying Activities (PHAs receiving CFP grants only)*
- (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet (PHAs receiving CFP grants only)*
- (f) Resident Advisory Board (RAB) comments.
- (g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.
- (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.1.
- (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan (Must be attached electronically for PHAs receiving CFP grants only)*. See instructions in 8.2.

**City of Miami
Department of Community Development**



**Housing Choice Voucher (HCV)
Program**

Administrative Plan

Effective July 15, 2010

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HOUSING CHOICE VOUCHER ADMINISTRATIVE PLAN

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HOUSING CHOICE VOUCHER PROGRAM

1.0 APPLICABILITY AND SCOPE

1.1 Mission Statement

The primary objective of the City of Miami Section 8 Tenant Based Assistance, Housing Choice Voucher program is to assist eligible low-income families to obtain decent, safe and sanitary housing. The mission of the City of Miami Department of Community Development, through its Section 8 program, is to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

1.2 General

The Department of Community Development is the designated Public Housing Agency (“PHA”) for the City of Miami. The City of Miami recognizes the housing needs of its low and moderate income residents. The Section 8 Tenant Based Assistance, Housing Choice Voucher program is a responsive mechanism for providing immediate housing assistance for low and very-low income households. The rental subsidy enables tenants to afford standard units while providing rental income sufficient to meet the operating expenses of the landlords.

Hereinafter, the administrative plan will refer to the City of Miami Department of Community Development as the PHA.

The policies and procedures contained herein are applicable to implementation of housing assistance payments on behalf of eligible families by leasing existing housing pursuant to the provisions of Section 8 of the U. S. Housing Act of 1937 for the Housing Choice and Replacement Voucher programs. The basic guidelines for this plan are governed by requirements of 24 CFR Part 982 and other applicable regulations and requirements of the U.S. Department of Housing and Urban Development (“HUD”). HUD allows public housing authorities broad discretion to adopt local policies for operation of the tenant-based program. This plan reflects the exercise of these policy choices by the PHA and incorporates those policy topics required by HUD regulation. The PHA’s policies and procedures articulated herein are subject to change in accordance with applicable HUD requirements. Any provision of federal law or regulation, or change in such law or regulation, which is inconsistent with or contrary to the provisions of this Plan shall supersede the provisions of this Plan. Where not inconsistent, the provisions of federal law or regulation shall apply in conjunction with the provisions of this Plan.

This plan is not a comprehensive statement of HUD’s program regulations or the PHA’s procedures for program administration, but is intended to provide applicants, participants and owners with a basic understanding of the PHA’s Section 8 Program. For more information, applicants,

participants and owners are directed to

- HUD’s regulations found in the Code of Federal Regulations under Title 24 and HUD Document 7420.10G, the Housing Choice Voucher Program Guidebook;

The PHA’s primary responsibilities are:

- Informing eligible families of the availability of Section 8 assistance;
- Encouraging owners to make their units available for lease by Section 8 participants;
- Determining the maximum amount of housing assistance payments that can be used for family-paid utilities; and posting the utility allowances annually;
- Receiving applications from families and determining their eligibility for assistance;
- Inspecting Section 8 units to determine if they meet or exceed Section 8 Housing Quality Standards;
- Approving leases;
- Making Housing Assistance Payments to owners;
- Performing annual and periodic re-examinations of income, family composition and re-determination of rent.

1.3 Purpose of the Administrative Plan

To establish the City of Miami policies for carrying out the Housing Choice Voucher program in a manner consistent with HUD requirements as well as local goals and objectives contained in the City’s Public Housing Agency (“PHA”) plan.

1.4 Programs Covered by the Administrative Plan

Section 8 Housing Choice Voucher Program (“HCV”)

The Housing Choice Voucher program is a tenant-based rental assistance program in which the participants choose the unit, within the local government’s jurisdiction, where they will live in.

Section 8 Moderate Rehabilitation Program (“Mod-Rehab”)

The Mod-Rehab program is governed by federal statute, regulations at 24 CFR 882 and the Housing Assistance Payments contract for the program. This program provides project-based rental assistance for low-income families. The US Congress repealed the program in 1991 and no new projects have been authorized since then.

1.5 Equal Opportunity Statement and Reasonable Accommodation Policy [24 CFR 100.202]

Equal Opportunity

The PHA will comply with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act and all related rules, regulations, and requirements.

The PHA will not on account of race, color, creed, national origin, sex, handicap, or familial status deny to any family the opportunity to apply for admission nor deny an eligible applicant the opportunity to lease or rent a dwelling unit; if suitable to its needs. In the selection of families, there will be no discrimination against families otherwise eligible for admission because their income is derived in whole or in part from public assistance.

Reasonable Accommodation Policy

City policies are designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the HCV program. It is applicable to all situations described in this administrative plan.

Definition of Disability (24 CFR 5.403)

A person with a disability is defined as an individual who:

1. Has a disability as defined in Section 223 of the Social Security Act;
2. Has a developmental disability as defined in Section 102 of the Development Disabilities Assistance and Bill of Rights Act; or
3. Is determined to have a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration; and
 - a. A physical or mental impairment that substantially limits one or more of the major life activities of an individual; and
 - b. A record of such impairment; or
 - c. Being regarded as having such an impairment

1.6 Outreach to Families and Contact with Owners

The city utilizes a variety of means to publicize and disseminate information regarding the Section 8 Tenant Based Assistance, Housing Choice Voucher program for income-eligible households. Aside from the conventional print and broadcast media, the city meets with community organizations, neighborhood planning and development groups, housing advocates, governmental departments, advocacy agencies, and church affiliates. The PHA uses its management experience and capabilities to disseminate useful relevant information to the widest audience.

The PHA also recognizes that special outreach may be necessary to assist families suffering a language barrier, disabled or handicapped persons, and the very low income, or very large families.

1.7 Amendments to the Administrative Plan

The City of Miami is responsible for complying with all changes in HUD's regulations pertaining to the HCV program. If such changes create a conflict with this plan, HUD regulations will have precedence, and the City of Miami will proceed to amend its PHA plan accordingly. On an on-going basis, the City of Miami may make minor, non-substantive modifications to the Administrative Plan in order to clarify existing policies and procedures and/or to edit minor descriptive errors. These changes shall be classified as non-substantial, and therefore, shall not require the approval of City Commission.

Any substantial changes (i.e. policy change) must be approved by City Commission.

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2.0 ELIGIBILITY FOR ADMISSION

2.1 Eligibility Criteria

To be eligible for admission to the Housing Choice Voucher program, all applicants must meet the following criteria:

1. Be a “family,” as described in section 2.1.A of this chapter.
2. An applicant's income cannot exceed the applicable Section 8 very-low income limits or an applicant must be income eligible according to the HUD Housing Choice Voucher program standards.
3. An applicant must meet the citizenship/ eligible immigrant status criteria. To be eligible, each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U. S. C. 1436a(a)).
4. An applicant must provide social security number documentation for all family members 6 years of age or older or certify that they do not have a social security number.
5. An applicant must have each member of the family who is 18 years of age or older, and each family head of household and spouse regardless of age, sign one or more of the following consent forms: HUD-9886 Authorization for the Release of Information/ Privacy Act Notice, INS consent forms.
6. An applicant head of household and spouse must sign the Applicant Certification form to certify that the information given to the PHA on household composition, income, net family assets and allowances and deductions is accurate and complete.
7. An applicant has not committed fraud or misrepresentation in connection with any Federally assisted housing program.
8. An applicant does not owe rent or other amounts to the PHA or any public housing, in connection with Section 8, or public housing assistance under the U.S. Housing Act of 1937.
9. An applicant has reimbursed the PHA or any public housing authority for any amounts paid to an Owner.
10. An applicant must not have been evicted from public housing or any Section 8 program for drug-related criminal activity within the last three years.
11. No member of the family is subject to a life-time registration requirement under Florida’s sex offender’s program.
12. The head of household or oldest family member is at least 18 years old or emancipated.
13. All applicants will be required to certify prior to admission that they do not have a pattern of illegal use of a controlled substance or pattern of abuse of alcohol that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. Applicants may elect not to sign the Non-Alcohol and Drug Abuser Certification provided they demonstrate to the PHA's satisfaction that they are no longer engaging in illegal use of a controlled substance or abuse of alcohol through one of the following means:

- a) Applicant has successfully completed a supervised drug or alcohol rehabilitation program.
- b) Applicant has otherwise been rehabilitated successfully.
- c) Applicant is participating in a supervised drug or alcohol rehabilitation program.

2.1.A Definition of “Family” – Family Composition [24 CFR 982.201(c)]

The family composition must be written down in the client’s application/certification or recertification.

Family

The definition of “family” includes:

- 1. A single person;
- 2. A household consisting of one or more adults with or without children;
- 3. Two or more persons who share residency and whose income and resources are jointly available to meet the family’s needs;
- 4. Two or more elderly or disabled persons living together; or
- 5. One or more elderly, near-elderly or disabled persons living with one or more live-in aides.

Head of Household

A “head of household” is the adult member of the household who:

- 1. Has the legal capacity to enter into a lease under state and local law;
- 2. Will be issued the Housing Choice Voucher;
- 3. Will sign the lease; and
- 4. Will be responsible for meeting the family obligations under the lease and Housing Choice Voucher agreement.

Emancipated Minors

An emancipated minor may be a head of household.

Spouse of Head of Household

“Spouse” means the husband or wife of the head of household. It includes the partner in a common law marriage and same sex partners who reside in the same household. The term “spouse” does not include boyfriends, girlfriends, significant others, or co-heads of households.

Co-Head of Household

A “co-head of household” is an individual in the household who signs the lease and voucher agreement and who is equally responsible, with the head of household, for lease and Housing Choice Voucher agreement obligations. A family may have a spouse or a co-head, but not both. A co-head cannot be a dependent.

Elderly Family

A family in which the head of household, co-head of household or spouse is age 62 or older.

Disabled Family

A family in which the head of household, co-head of household, or spouse meets the definition of disabled set forth in Chapter 1.

Live-in Aide

A person who resides with the family and who meets the requirements for a live-in aide described in earlier in this manual.

Multiple Families in the Same Household

Two families living together (such as a mother and father, and a married child with his or her spouse and/or children) may be treated as a single family unit.

Joint Custody of Children

Children who are subject to a joint custody agreement will be considered to be members of that parent's household with whom they primarily reside (51 percent of the time).

Families who claim primary custody in a joint custody or temporary guardianship arrangement will be required to certify, and provide supporting documentation to establish, that the child or children reside primarily with the applicant or resident. At a minimum, the child's school records must show the child's primary address to be the same as the applicant or resident.

When both parents are on the waiting list and both claim the child as a family member, the primary custodial parent whose address is listed in the school records as the primary address for the child will be allowed to claim the school-age child as a dependent for the purposes of claiming the dependent deduction and determining subsidy.

2.1.B Income Limits for Families Exercising Portability

Families who port-in to the City's Housing Choice Voucher Program must be within the applicable income limit for the City of Miami's program.

2.1.C Mandatory Social Security Numbers [24 CFR 982.201(c)]

Families are required to provide, prior to admission, verification of Social Security Numbers for all family members who have been assigned a Social Security Number (SSN). This requirement also applies to persons joining the family after the family has been admitted to the program, except for the addition of individuals under the age of six who do not have an assigned SSN, but must provide verification of a newly assigned SSN within 90 days of being added to the household.

Failure to provide verification of SSN is grounds for denial or termination of assistance.

Persons who have not been assigned a SSN must certify that they have never been assigned a SSN and can only be admitted to the program if they do not contend to have eligible immigration status and are part of a "mixed family."

Persons who provide SSN, but cannot provide verification, can retain their place on our waiting list for a period of 90 days, but cannot be admitted to the program until verification is provided. As of January 31, 2010, existing program participants who are 62 years of age or older, and had not previously disclosed a valid SSN are exempt from disclosure, even if the individual moves to a new assisted unit.

2.1.D Criminal History and Other Criteria for Admission

HUD-Mandated Denials: Criminal History

The City of Miami is required by HUD regulations [24 CFR 982.553(a)] to deny the applications that involve:

1. Eviction in the last 3 months from federally assisted housing for illegal drug activity. The City shall deny admission to this City of Miami subsidized housing program to applicants who have been evicted from public or other federally assisted housing due to drug-related activity within the last 3 years [24 CFR 682.553(a)]
 - a. Definition of drug-related criminal activity: Refers to the 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.
 - b. Evidence of rehabilitation or permanent absence of criminal from household:
The City may, however, admit the household if it determines that,
 - i. The evicted household member who engaged in drug-related criminal activity has successfully completed a drug rehabilitation program which must be approved by the city, at it deems appropriate; or
 - ii. The circumstance leading to the eviction no longer exists (for example, the criminal household member has died or is imprisoned).
 - Evidence of rehabilitation. The City's standards for evidence of rehabilitation under this section may take into consideration documented evidence of rehabilitation for drug-related offenses if the applicant can provide one of the following:
 - Evidence of completion of a recognized drug treatment program;
 - Commitment of appropriate services by a recognized service provider;
 - No re-offense in the two year period preceding the issuance interview.
2. Current use of illegal drugs: The City shall deny admission to households if it determines that a household member is currently engaged in illegal drug use.
3. Methamphetamine production in federally assisted housing: The City shall permanently prohibit admission to any applicant if any household member has been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.
4. Sex-offenders: The City shall deny admission to a household if any household member is subject to a lifetime registration requirement under a state sex offender registration program.
5. Pattern of abuse of a controlled substance or alcohol: The City shall deny admission to a household if it has cause to believe that a household member's abuse or pattern of illegal use of a controlled substance or abuse of alcohol may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.
 - a. A Waiver of this may be granted if the family can demonstrate to the city's satisfaction that the family member is no longer engaging in illegal use of a controlled substance or abuse of alcohol; and
 - Has successfully completed a supervised alcohol rehabilitation program;
 - Has other wise been rehabilitated successfully; or

- Is participating in a supervised alcohol rehabilitation program.

HUD-Required Denials: Failure to Submit Consent Forms

The City of Miami shall not admit a family into the program if any member of the family fails to sign and submit consent forms for obtaining information required by the city including Form HUD-9886. This denial is required pursuant to 24 CFR 982.552(b).

City of Miami Policy on Denying Admission Based on Family History [24 CFR 982.552(c)]

Participant History Requirements

In addition to denial of admission for the reasons outlined above, the city may deny admission to a family if any family member:

1. Has been previously assisted under the program and was terminated for violating any family obligation in the last 5 years;
2. Has been evicted from federally assisted housing for any reason in the last 5 years;
3. Has ever committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program, or unlawfully manipulated the application process in any way in the last five (5) years;
4. Currently owes rent or other amounts to the City of Miami or any other public housing authority (PHA) that receives federal housing subsidies;
5. Has not reimbursed any PHA in full 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;
6. Breaches an agreement with the City of Miami to pay amounts owed to the city, or amounts paid to an owner by the city;
7. Has ever engaged in or threatened abusive or violent behavior toward City of Miami or other housing authority personnel, in the last five (5) years, as follows:
 - a. “Abusive or violent behavior” includes verbal as well as physical abuse or violence. Use of expletives that are generally considered profane, racial epithets, or other language, written or oral, that is customarily used to insult or intimidate, may be cause for denial; or
 - b. “Threatening” refers to oral or written threats, or physical gestures, that communicate intent to abuse or commit violence.

Criminal History Requirements [24 CFR 982.552(e)]

The City may perform criminal background checks on all applicants to the Housing Choice Voucher program. There will be a 12 month period of ineligibility for the HCV program for any applicant or family member that has been convicted and incarcerated for a Class A felony. In addition the city may deny an applicant or family member that who has committed a series of crimes of any kind that indicate habitual criminal behavior.

The 12 month period of ineligibility will begin upon the applicant's release from incarceration. A list of Class A felonies is below. This list is not inclusive and comparable crimes may be considered for denial of assistance.

- Arson
- Assault
- Burglary
- Explosives
- Extortion
- Homicide
- Incendiary devices, possession, manufacturing or disposal of incendiary device
- Kidnapping
- Leading organized crime
- Machine gun use in felony
- Malicious explosion of substance
- Malicious placement of an explosive
- Manslaughter
- Possession of explosive device
- Robbery
- Setting a spring gun
- Trafficking
- Treason

While a criminal record will not automatically exclude an applicant from consideration, it is an important criteria used in determining a person's eligibility. In determining an applicant's eligibility, the City of Miami will consider an applicant's arrest record, but, place greater emphasis on actual convictions.

Time Intervals Do Not Include Time in Jail

The intervals noted above are the time periods that must have passed after the convicted household member was released from incarceration.

Violence Against Women Act

Criminal activity directly related to domestic violence, dating violence, or stalking engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights IF the tenant or an immediate member of the tenant's family is the victim of that domestic violence, dating violence or stalking.

Screening for Families Exercising Portability

The City of Miami shall use the HUD-required denials, City of Miami participant history requirements, and criminal history requirements described above to screen families seeking to port-in to the city's Housing Choice Voucher program.

Consideration of Circumstances [24 CFR 982.552(c)(2)]

In determining whether to deny or terminate assistance because of a family member's action or failure to act, the city may consider all relevant circumstances such as the seriousness of the act or failure, the extent of participation or culpability of 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 to act.

Notice of Standards to Applicants and Participants

The City of Miami shall give every waitlist applicant and participant, at time of appointment, a written description of:

1. Family obligations under the program;

2. The grounds on which the city may deny or terminate assistance because of family action or failure to act; and
3. The City's informal review procedures for denial of admission to the program.

Notice to Landlords: Not Responsible for Tenant Screening [24 CFR 982.307]

The city shall screen applicants for satisfaction of the program admission criteria only. The city does not screen for applicant or family behavior not related to participant history requirements.

The City of Miami does not screen for suitability for tenancy. Screening for suitability is the property owner's responsibility. The City has no responsibility for the family's behavior or conduct as tenants, and has no liability to property owners or others for the acts of Housing Choice Voucher Program's tenants.

Information Provided to Owners

The owner is responsible for the screening and selection of any family that will occupy the owner's unit before approving a tenancy.

Changes in Eligibility Prior to Effective Date of Contract

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

Notification of Denial

Families who are determined to be ineligible will be notified in writing of the reason for denial.

Prohibited Admissions Criteria [982.202(b)]

Eligibility for admission to the program may not be based on:

1. Where a family lives prior to admission to the program;
2. Where the family will live with assistance under the program;
3. Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;
4. Whether a family includes children.

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3.0 MANAGING THE WAITING LIST

3.1 Overview

1. A **participant with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship.

- Children temporarily absent from the home due to placement in foster care are considered participant members.
- A first unborn child and children in the process of being adopted are considered participant members for purposes of determining bedroom size, but are not considered participant members for determining income limit.
- In cases where a parent has joint custody where the child/children reside with the parent at least 50% of the time, the LA must consider such child/children in determining the voucher (unit) size for the participant. The 50% custody arrangement must be verified and documented. If both parents are participants in the Housing Choice Voucher Program (DHCR Local program or another PHA), only one of the parents is allowed to claim the child/children as a dependent.

2. An **elderly family**, which is:

- a family whose head, spouse, or sole member is a person who is at least 62 years of age;
- two or more persons who are at least 62 years of age living together; or
- one or more persons who are at least 62 years of age living with one or more live-in aides.

3. A **disabled family**, which is:

- a participant whose head, spouse, or sole member is a person with disabilities;
- two or more persons with disabilities living together; or
- one or more persons with disabilities living with one or more live-in aides.

4. A **displaced family** is a family in which each member or sole member has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

5. A **remaining member of a tenant family** may qualify as a family.

6. A **single person**, who is not an elderly or displaced person, a person with disabilities or the remaining member of a tenant family, may qualify as a family.

Family Guests

Participants in the Housing Choice Voucher program are permitted to have a guest or guests in the household for no more than 30 days in any given calendar year.

If the guest resides in the unit for more than a total of 30 days in a calendar year, the guest(s) will be considered unauthorized household member(s). Clients are responsible for advising, in writing, city staff of any guest(s) staying in the property. If the guest(s) stays over 30 days or if the client

fails to advise the city, the client will be subject to disciplinary action or program termination at the discretion of the City.

At the discretion of the City of Miami, a separate waiting list for the Section 8 Moderate Rehabilitation Program *may* be established and maintained.

The application process will involve two phases: **The first phase** is the initial application for housing assistance, or pre-application, and results in the family's placement on the waiting list

The second phase is the final determination of eligibility and verification of information presented. This takes place when the family nears the top of the waiting list. The PHA will ensure that verification of all preferences, eligibility, and suitability selection factors are confirmed so as to determine the family's final eligibility for admission into the Housing Choice Voucher program.

3.2 First Phase

Opening and Closing the Waiting List

The decision to open or close the waiting list will be based on whether the existing list contains an adequate pool of applicants for the use of available program funding.

Opening of the waiting list will be announced via public notice. The public notice will state that applications for the Housing Choice Voucher program will again be accepted. It will also describe where, when, and how to apply as well as any limitations to who may apply. Closing the waiting list will be advertised through a public notice in a similar manner.

The notice will include the Fair Housing logo and slogan and otherwise be in compliance with Fair Housing requirements.

Public Notice will be provided through purchase of legal notice advertising in newspapers. The Notice will be posted on the PHA's website and also will be made available through outreach efforts such as distribution of flyers in public establishments.

Taking Pre-Applications

All applicants will be required to complete a pre-application form, which will contain information necessary for the PHA to make an initial assessment of the family's eligibility and to determine the family's placement on the waiting list. The PHA will use the pre-application as the basis for follow-up phone calls, correspondence or direct appointments.

The family will be required to provide documentation to establish eligibility and the level of assistance when the family is selected from the waiting list. (This process described in the Second Phase.)

The standardized pre-application form will be posted on the PHA's web-site and distributed at different locations (i.e. libraries, neighborhood enhancement teams-NET, etc). This pre-application acceptance process will accommodate an applicant who has difficulty traveling to the PHA office, either because of a disability, hospitalization, childcare constraints or employment schedule.

Reasonable accommodations will be afforded to those elderly or disabled applicants that need support to make application through this method.

Completed pre-applications shall be returned to the PHA by mail, instead of applying in person. The postmark date on the envelope that contains the mailed pre-application will be the final determining factor on whether a pre-application has been received within the qualified time-period.

Upon receipt of the pre-applications, the PHA will make a preliminary determination of eligibility. If the PHA determines the family to be ineligible, a letter will be sent to the applicant. The notice will state the reason(s) and offer the family the opportunity for an informal review of this determination within a set number of days.

If the PHA anticipates receiving far more applicants than it can assist in a reasonable period of time, the PHA reserves the discretion to establish rules in advance of the open application period which limit the number of applicants to be placed on the waiting list.

The waiting list will not be established based on the date and time of application but instead by a computer lottery random selection. The rules that govern who qualifies to participate in the computer lottery selection are as follows:

1. Only complete applications will be considered.
2. Only pre-applications that are eligible for admission will be considered.
3. Only one pre-application will be allowed per family/household.
4. Only pre-applications received by mail, at the mailing address designated by the PHA, will be considered.
5. The computer-generated lottery will randomly rank all of the qualified mail-in pre-applications or, if a limit was established in advance, randomly select and rank a designated number of qualified mail-in pre-applications. (In the event that a limited number of randomly selected applicants are to be placed on the waiting list, pre-applications which are not selected will be discarded).

The computer generated random lottery selection will be conducted in the following manner:

After the deadline for submitting pre-applications has expired, a control report will be generated listing all of the pre-applicants alphabetically by name and numerically by social security number (“pre-lottery report”). The list will be sorted randomly through the use of a computer program. Multiple witnesses will observe the computer generated lottery selection, including person(s) that are outside the direct management of the waiting list.

After the lottery selection is conducted, a report will be generated that will list all of the pre-applicants alphabetically by name and numerically by social security number (“post-lottery report”). The pre-lottery report and the post-lottery report will be maintained for the active duration of the waiting list for audit control purposes. The numerical position assigned by the computer will be added to the applicant's pre-application.

The PHA will provide written notification confirming initial acceptance of the pre-application to those included in the waiting list. The notice will also inform applicants that it is their responsibility to notify the PHA immediately of any changes affecting (1) their eligibility status or (2) the PHA's ability to locate the applicant. The applicant's failure to comply with these requirements is grounds for removal from the waiting list.

An applicant may at any time report changes in their applicant status including changes in family composition, income, or preference factors. The PHA will annotate the applicant's file and will update their place on the waiting list.

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

- Applicant name;
- Family unit size;
- Date and time of application;
- Qualification for any local preference;
- Racial or ethnic designation of the head of household.

Completion of Applications

For purposes of applying, be a “family,” as described in section 2.1.A of chapter 2.0.

For purposes of applying the term “continuously assisted” is defined as:

An applicant who is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program, including a break in assistance due to temporary residence in a domestic violence or homeless emergency shelter.

3.3 Second Phase – Eligibility Screening

As vouchers become available, when a waiting listed family approaches the top of the waiting list, the family will be invited to an eligibility screening appointment and the final verification process will be completed. It is at this point in time that the family's preference will be verified. All the remaining eligibility-related documents must be submitted at this time. All required signatures must be obtained.

The PHA reserves the right to screen applicants for criminal or drug-related activity during the intake process if information or allegations are brought to the PHA's attention. Ultimately, the rental unit's owner is responsible for screening the applicants' suitability for tenancy.

3.4 Missed Appointments

All applicants who fail to keep a scheduled appointment in accordance with the paragraph below will be sent a notice of denial.

The PHA will allow the family to reschedule appointments for good cause. In general, no more than one re-scheduled appointment will be permitted without good cause. When a good cause exists, the PHA will work closely with the family to find a more suitable time. Applicants will be offered the right to an informal review before being removed from the waiting list.

3.5 Purging the Waiting List

Periodically the PHA conducts mailings to purge inactive applicants from the waiting list. The purging of the waiting list enables the PHA to update the information regarding address, family composition, income category and preferences. Applicants will be removed from the waiting list when they have not maintained a current mailing address with the PHA or when correspondence to them is unanswered or returned by the post office marked "undeliverable". An exception will be granted when an applicant has demonstrated that they have a disability that prevented them from responding to our correspondence.

3.6 Removal of Applicants from the Waiting List

Prior to removing an applicant's name from the waiting list, the PHA will examine the applicant's file to ensure that all reasonable means to contact the applicant have been exhausted. The PHA will not remove an applicant's name from the waiting list unless one of the following occur:

1. The applicant requests that the name be removed;
2. The applicant fails to respond to a written request for information or a request to declare their continued interest in the program or the applicant misses scheduled appointments;
3. The applicant does not meet either the eligibility or screening criteria for the program;
4. The applicant has been offered a housing voucher.

3.7 Grounds for Denial

The following will constitute grounds for denying assistance to applicants on the waiting list:

1. Failure to supply information or documentation required by the application process.
2. Failure to respond to a written request for information or a request to declare continued interest in the program.
3. Failure to complete any aspect of the application process.
4. Failure to meet all of the eligibility for admission criteria.
5. Violation of any of the family obligations under 24 CFR 982.551.
6. A participant or family member engaged in drug-related criminal activity or violent criminal activity or other criminal activity that is a threat to the health, safety or property of others.
7. A participant has committed fraud (bribery or any other corrupt or criminal act) at the time of application or during assisted tenancy.
8. Failure to make payments for monies owed to the City or another PHA.
9. If any family members of the family has been evicted from public housing within the last three years.
10. If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.
11. If it is determined that a family member has a lifetime registration under a State sex offender registration program.
12. An applicant or participant that abuses alcohol or drugs in a way that may interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

13. All applicants that fail to certify, prior to admission, that they do not have a pattern of illegal use of a controlled substance or pattern of abuse of alcohol that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

Applicants may elect not to sign the Non-Alcohol and Drug Abuser Certification provided they demonstrate to the PHA's satisfaction that they are no longer engaging in illegal use of a controlled substance or abuse of alcohol through one of the following means:

1. Applicant has successfully completed a supervised drug or alcohol rehabilitation program.
2. Applicant has otherwise been rehabilitated successfully.
3. Applicant is participating in a supervised drug or alcohol rehabilitation program.

3.8 Notification of Negative Actions

Any applicant whose name is being removed from the waiting list will be notified by the City of Miami, in writing, that they have ten (10) business days from the date of the written correspondence, to present mitigating circumstances or request an informal hearing. The letter will also indicate that their name will be removed from the waiting list if they fail to respond within the specified timeframe. The city's system of removing applicants' names from the waiting list will not violate the rights of persons with disabilities. If an applicant's failure to respond to a request for information or updates was caused by the applicant's disability, the city will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the city will verify that there is in fact a disability and that the reasonable accommodation they are requesting is necessary based on the disability.

3.9 Informal Hearing

The City of Miami will provide an applicant an opportunity for an informal review of a decision denying an applicant:

1. Listing on the waiting list, and/ or
2. Participation in the program.

The City of Miami shall give the applicant written notification of its decision denying assistance. The notice:

1. May be given personally to the applicant or member of the family, but shall be sent by first class certified mail to the last known address on file;
2. Shall give a brief statement of the reasons for the decision; and
3. Shall inform the applicant that within ten (10) business days of the date of the notice, the applicant may request, in writing, that an informal hearing be held to present oral or written objections and review the decision.

3.10 Conduct of Hearing

If an applicant or participant requests an informal hearing within the time frame set forth above, the PHA shall conduct a hearing in accordance with the following procedures:

1. The PHA shall appoint a hearing officer to conduct the hearing who must be an employee or an outside person other than the person who made or approved the decision under review or a subordinate of such person.
2. The hearing officer shall issue a written decision stating briefly the factual and other basis for the decision, a copy of which shall be furnished promptly to the applicant.

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4.0 SELECTING FAMILIES FROM THE WAITING LIST

4.1 Maintenance of the Waiting List and Selection of the Families

The PHA may admit an applicant for participation in the program either as special admission or as a waiting list admission. If HUD awards funding that is targeted for families with specific characteristics or families living in specific units, the PHA will use the assistance for those families living in these units. The PHA will maintain records showing that the family was issued a HUD-targeted Voucher.

There is one waiting list for all HCV applicants regardless of the bedroom size the HCV applicant may need. Each applicant shall be assigned an appropriate place on the waiting list in sequence based upon lottery assigned number (lower digit numbers have priority over higher digit numbers), as well as the following identified preference factors.

4.2 Identification of Local Preferences

Federal regulations permit a housing authority to establish a system of preferences for the selection of families admitted to the program. The system must be based on local housing needs and priorities determined solely by the PHA. The City of Miami reserves the right to change these preferences to respond to changes in local housing needs or emergency housing situations. The city will only provide preference selection to those households that meet the preference eligibility criteria at time of selection from the waitlist.

The following categories represent preferences on the waiting list:

Elderly family -A family whose head or spouse (or sole member) is 62 years or older and a family that includes an elderly person(s).

Disabled family –A family whose member(s) include a person(s) who is under a disability as defined in Section 223 of the Social Security Act (42 U. S. C. 423) or has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U. S. C. 6001(7)); or

A family whose member(s) include a person(s) having a physical or mental impairment that (a) is expected to be of a long-continued and indefinite duration, (b) substantially impedes his or her ability to live independently, and (c) is of such nature that such ability could be improved by more suitable housing.

Equal weight will be given to one or more of these preferences i.e. a household/applicant who is both elderly AND disabled will be given the same preference as a household who is only elderly OR disabled.

The City of Miami’s current preferences are summarized below:

Section 8 Housing Choice Voucher Program:

- Elderly and Disabled households

Section 8 Moderate Rehabilitation Program:

- Elderly and Disabled households

4.3 Verification Requirements of Preferences Categories

In order to be eligible to apply and to qualify for the preference categories, sufficient documentation must be provided by the applicant prior to admission. Applicants may provide additional documentation while on the waiting list that may improve their ranking.

Elderly family member(s) – documentation must be provided of birth date or senior citizen/ elderly status. A birth certificate, third-party verification or sworn affidavit will constitute sufficient documentation.

Disabled family member(s) – documentation must be provided that an applicant family member(s) is disabled. A social security disability award letter or a medical letter that supports that the applicants meet the definition will constitute sufficient documentation.

4.4 Selection from the Waiting List

Families will be selected from the waiting list based on the numerical position assigned by the lottery and the above stated preferences. If it is necessary to meet the statutory requirements that 75% of newly admitted families in any fiscal year be families who are extremely low-income, the PHA retains the right to skip higher income families on the waiting list to reach extremely low-income families. This measure will only be taken if it appears the goal will not otherwise be met. To ensure that this goal is met, the PHA will monitor incomes of newly admitted families and the income of the families on the waiting list. If there are not enough extremely low-income families on the waiting list, the PHA will conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

When it is determined that there are openings in the voucher program, a letter is sent to the next eligible applicant from the waiting list regardless of the bedroom size that the applicant needs. The letter explains the information needed to document eligibility, i. e., pay stubs, social security award letters, savings account books, daycare receipts, etc. The family is assigned to a Housing Specialist who certifies the family's eligibility, conducts an orientation and issues the Housing Choice Voucher.

An applicant's income status may change while on the waiting list. Occasionally, a family who has been contacted for the purposes of enrollment may no longer meet the income eligibility requirements. When this happens, the reasons are fully explained by the PHA at the time of the enrollment interview. Ineligible applicants may request an informal hearing.

Once on the waiting list, it is the applicant's responsibility to maintain their current address. Failure to do so may result in removal from the waiting list. Updating of the applicant's address must be done in writing or in person.

At the sole discretion of the City, a separate waiting list for the Section 8 Moderate Rehabilitation Program may be established and maintained. Section 8 Moderate Rehabilitation Project owners must select from applicants on the City of Miami waiting list (unless the waiting list is exhausted or the property owner can demonstrate that waiting list applicants are not sufficiently meeting the property

owners' selection criteria). Upon notice of a vacancy or prospective vacancy, the PHA shall refer applicants whose housing unit size need and preference status matches the available project-based unit in the order in which they appear on the waiting list. The PHA is responsible for screening applicants for program eligibility and the project owner is responsible for screening applicants for suitability of tenancy.

Project-based tenants are permitted to apply to the PHA's Section 8 HCV waiting list. Program rules; however, prohibit a Mod Rehab participant to move during the first year of their lease; therefore, if the participant's name reaches the top of the HCV waiting list during this time frame, the PHA will allow them to retain their place on the waiting list if their application number is passed when pulling from the waiting list.

Families may also be absorbed directly into the program through portability if properly referred and authorized.

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5.0 SUBSIDY STANDARDS AND BRIEFING

5.1 Bedroom Size Determinations (Subsidy Standards)

The PHA will issue a voucher for a particular bedroom size – the bedroom size is the factor in determining the family's level of assistance. The following guidelines will determine each family's level of assistance. To avoid overcrowding and prevent waste of space and program funds, units shall be leased in accordance with the subsidy standards set below.

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	5	8
5	8	10

The family's unit size shall be determined using the following criteria:

1. The bedroom size assigned shall provide for the smallest number of bedrooms needed to house a family without overcrowding.
2. The bedroom size assigned shall not require more than two persons to occupy the same bedroom.
3. The bedroom size assigned shall not require persons of the opposite sex other than an adult couple to occupy the same bedroom with the exception of infants and very young children.
4. A family that consists of a pregnant woman only, and (no other persons), will be treated as a two-person family.
5. Foster adults and children will not be required to share a bedroom with family members.
6. The family has the option to select a smaller-sized unit provided there is at least one bedroom of appropriate size for each two persons in the household. (For example, a two-bedroom voucher holder with a mother with an infant may select a one-bedroom unit.) For the Voucher Program, the payment standard that is used for the family will be the lower of the subsidy standard that the family qualifies for or the payment standard for the unit rented by the family.
7. Live-in aides will get a separate bedroom; however, the PHA must certify the live-in aide. A live-in-aide is defined by 24 CFR 813.102 as a person who resides with an elderly, disabled, or handicapped person who:
 - a) is determined to be essential to the care and well-being of the person(s);
 - b) is not obligated to support the person(s); and
 - c) would not be living in the unit except to provide necessary supportive services, which are being provided through an “arms length transaction” (i.e. under a service contract), supported with documentation.
8. Provided there is adequate documentation, a child who is temporarily away from the house because of placement in foster care will be considered a member of the family for purposes of determining the family unit size.

9. Regardless of the number of bedrooms stated on the voucher issued to the family, the PHA will allow the family to rent an otherwise acceptable unit even if it is larger than the family needs. The payment standard, however, is always the lower of the payment for the unit size listed on the voucher or the payment standard for the size of the unit rented by the family.
10. The bedroom size assigned may be increased to a larger size than the family would ordinarily need if there is a documented medical reason that adequately supports the need for a larger size unit. The PHA will grant exceptions to the subsidy standards when a family requests a larger size than the guidelines allow based on a documented medical reason.

5.2 Briefing of Families and Issuance of Housing Choice Voucher

If a person is determined to be eligible by the PHA and is selected from the waitlist for participation, the applicant will be notified of an orientation meeting.

When a family initially receives its Housing Choice Voucher, a full explanation of the following shall be provided to assist the family in finding a suitable unit and to apprise the family of its responsibilities and the responsibilities of the owner. See Attachment A for a listing of family obligations and related PHA policies.

Full opportunity shall be provided to the families to ask questions and receive answers.

5.3 Orientation Packet

The Housing Choice Voucher Holder's packet shall include the following:

- The term of the voucher, and the PHA's policies on any extensions or suspensions of the term. If the PHA allows extensions, the packet must explain how the family can request an extension.
- A description of the method used to calculate the housing assistance payment for a family, including how the PHA determines the payment standard for a family, how the PHA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule.
- An explanation of how the PHA determines the maximum allowable rent for an assisted unit.
- Where the family may lease a unit. For a family that qualifies to lease a unit outside the PHA jurisdiction under portability procedures, the information must include an explanation of how portability works.
- The HUD-required tenancy addendum, which must be included in the lease.
- The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy.
- A statement of the PHA policy on providing information about families to prospective owners.
- The PHA subsidy standards including when and how exceptions are made.
- The HUD brochure on how to select a unit.
- The HUD pamphlet on lead-based paint entitled *Protect Your Family from Lead in Your Home*.

- Information on federal, state and local equal opportunity laws and a copy of the housing discrimination complaint form.
- A list of landlords or other parties willing to lease to assisted families or help families find units, especially outside areas of poverty or minority concentration.
- Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to the PHA.
- The family obligations under the program, including any obligations of a welfare-to-work family.
- The grounds on which the PHA may terminate assistance for a participant family because of family action or failure to act.
- PHA informal hearing procedures including when the PHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing.
- An explanation of how portability works, including a list of portability contact persons for neighboring PHAs including names, addresses, and telephone numbers.

5.4 Information to be provided to Prospective Landlords

Selection of a family for participation in the voucher program is not a representation by the PHA of the family's suitability for tenancy. Determining suitability for tenancy is the landlord's (owner's) responsibility. Owners are permitted and encouraged to screen families on the basis of their tenancy history. An owner may consider the following factors:

1. Payment of rent and utilities;
2. Care of their unit and premises;
3. Respect for the rights of other residents to the peaceful enjoyment of their housing;
4. Drug-related criminal activity or other criminal activity that threatens the health, safety, or property of others (criminal convictions are a matter of public record); and
5. Compliance with other essential conditions of tenancy.

To assist the owner in obtaining this information, the PHA will give prospective landlords, upon request:

1. The family's current and prior addresses.
2. The name and address, if known by the PHA, of the prospective tenant's current and prior landlord.

5.5 Assistance to Applicants and Participants Claiming Illegal Discrimination

If families believe that they have been discriminated against on the basis of race, color, national origin, sex, disability, or familial status, the PHA will offer to assist them in filling out HUD form 903 (The Housing Discrimination Complaint form). This form is included in the briefing packet or available upon request. If the family request, the PHA will also forward the completed Housing Discrimination Complaint form to the Department of Housing and Urban Development's Field Office in Miami. The family will be informed of other available options to pursue a discrimination

complaint including an appropriate referral to the Miami-Dade Equal Opportunity Board, the Florida Commission on Human Relations, Housing Opportunities Project for Excellence, Inc. (H.O.P.E.) and Legal Services of Greater Miami.

The PHA may approve a request for extension or suspension of the term of the family's Housing Voucher if deemed necessary due to the complaint.

5.6 Term of the Housing Voucher

The Housing Choice Voucher shall expire at the end of sixty (60) days unless within that time the family locates a housing unit approved by the PHA.

If the Housing Voucher expires or is about to expire, a family may submit a written request for an extension. The PHA may grant one or more extensions, provided the PHA determines that the family's failure to find a suitable unit is not due to the fault or lack of diligence of the family, based on the following grounds:

1. As a reasonable accommodation on the basis of disability;
2. As a reasonable accommodation due to hospitalization of a family member or a family member's illness over an extended period of time that has affected the family's ability to find a unit within the initial 60-day term;
3. If the family has made consistent efforts to locate a unit, but has faced rental market difficulties;
4. If the family requires a unit larger than 3 bedrooms; or
5. If the family has turned in a Request for Tenancy Approval prior to the expiration of the 60-day term but the unit has not passed Housing Quality Standard inspection.

The PHA may require that any extension that is granted on the term of the Housing Voucher be supported by progress reports made by the family during the initial term of the voucher and the PHA's review of overall rental market conditions.

The cumulative term of the voucher, however, may not be more than 120 days.

In the event that the voucher expires with or without an extension, the family must reapply when the PHA re-opens the waiting list pre-application period. Families unable to lease up during the term of the voucher shall not be deemed ineligible for program assistance solely on the basis of their inability to lease up during the period of time provided.

All vouchers are automatically suspended upon submission of a Request for Tenancy Approval. A family may make a written request that the expiration period of their Housing Voucher be suspended for other reasons, provided that the family can submit documentation, acceptable to the PHA that after the voucher was issued circumstances occurred that halted its housing search as follows:

1. A family member became temporarily confined to a hospital, nursing home, etc.;
2. A documented medical reason that justifies the inability of the applicant to make use of the Housing Voucher during that time period;
3. The applicant is admitted to a drug rehab or other rehab program;
4. Circumstances beyond the control of the family that are inhibiting the family's search.

Requests will be reviewed on a case by case basis. A voucher will not be issued to a single individual who cannot conduct a housing search in the first place, e.g., in the hospital or drug rehab. Where such circumstances prevent a single person from accepting a housing voucher, it may be “frozen” for up to one year, but not if the person is in prison. The suspension request cannot exceed 120 days.

The sixty-day period in which to locate suitable housing also applies in the event that the client chooses to re-locate at the expiration of a lease term. The client shall locate a new housing unit that passes HQS within sixty days of submitting a request to move to the Section 8 Housing Specialist.

5.7 Assistance Provided to Families that Include Persons with Disabilities

The PHA will provide additional assistance on behalf families that include persons with disabilities by attempting to collect a listing of available housing units that are handicap accessible units and providing this information to the family. Additional time may be granted as outlined in the "term of the voucher" section and a higher payment standard may be granted (if possible) as a reasonable accommodation due to a disability.

5.8 Expanding Housing Opportunities

The PHA will encourage participation by owners of units outside areas of poverty or minority concentration. Outreach will be conducted on an ongoing basis by the PHA.

The booklet called “City of Miami, Section 8 Landlord Outreach Guide”, providing an owners’ guide to the Housing Choice Voucher Program is available at the PHA’s website and distributed to all interested parties to answer questions and encourage owner participation in the program. In addition, landlord workshops are to be conducted on a regular basis.

Voucher holders will be counseled regarding the benefits of choosing housing opportunities outside areas of poverty and minority concentration. The PHA will make available information about job opportunities, schools, services and maps and related information when briefing voucher holders.

The PHA briefing packet includes an explanation of how mobility and portability work and explains how the PHA will assist in identifying a portability contact person in other jurisdictions.

The PHA will collect known available housing units offered by different landlords and will make this information available for the Voucher-holders. When available, the PHA will refer clients to agencies that will help support finding units outside areas of poverty or minority concentration.

5.9 Disapproval of Owner

The PHA will disapprove owners as required under regulations governing the Housing Choice Voucher Program (24 CFR Part 982). In addition, the PHA reserves the right to deny approval to lease a unit from an owner for any of the following reasons:

1. The owner has violated obligations under a housing assistance payment contract under Section 8 of the 1937 Act.
2. The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing programs.
3. The owner has engaged in drug-trafficking or drug-related criminal activity or violent criminal activity.
4. The owner has a history or practice of noncompliance with the HQS for units leased under the tenant-based programs or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing programs.
5. The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity by the tenant, any member of the household, a guest or another person under the control of any member of the household that: (i) Threatens the right to peaceful enjoyment of the premises by other residents; (ii) Threatens the health or safety of other residents, the employees of the PHA, the employees of the owner or other persons engaged in management of the housing; (iii) Threatens the right to peaceful enjoyment of their residences, of persons residing in the immediate vicinity of the premises; or (iv) Is drug-related criminal activity or violent criminal activity.
6. The owner has a history or practice of renting units that fail to meet State or local housing codes.
7. The owner has not paid State or local real estate taxes, fines or assessments.

5.10 Security Deposit

The owner may collect a security deposit from the tenant in an amount not in excess of amounts charged in the private market practice and not in excess of amounts charged by the owner to unassisted tenants.

When the tenant moves out of the dwelling unit, and subject to Florida law governing the rights and obligations of landlords and tenants, the owner may use the security deposit, including interest on the deposit, as reimbursement for any unpaid rent payable by the tenant for damages to the unit or for other amounts the tenant owes under the lease.

Following the notice requirements imposed upon landlords under state law, 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, if any, used to reimburse the owner, the owner must promptly refund the full amount of the unused balance to the tenant.

If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.

6.0 RECERTIFICATION

Recertification means: making a determination that the client continues to meet the eligibility criteria for the HCV program. Re-calculation of the client's share of the rent also takes place during recertification. This process focuses on income eligibility as changes in income or household composition.

Coordination of recertification and lease term: Federal regulations also require that assisted housing units be inspected on an annual basis to ensure compliance with the program's housing standards. As a result of the annual inspection process, the client may have to locate and move into a new unit if their current landlord is unable or unwilling to make the necessary repairs to the unit¹. On the other hand, a client may wish to move to a new unit, making re-inspection of their current unit a unnecessary use of resources. Therefore, re-verification of housing income and annual housing inspection are coordinated to take place at the same time once a year to minimize disruption to the client and to the program. Accordingly, lease terms also should be timed with this recertification. This also permits recalculation of the client's share of rent in light of rent increases or moves during the same period that a household's income is re-verified.

6.1 Client Notification of Recertification Appointment

a) Timing of Client Notification of Recertification Appointment:

The City of Miami commences the annual recertification of income and family composition process ninety (90) days before the client's re-certification deadline. The PHA shall notify the client of the pending recertification at least 90 – 120 days in advance of the scheduled annual recertification date. At that time, the provider shall give the client a recertification appointment, which shall take place fifteen days from the date of the notice. If the client has a conflict with the scheduled appointment time, he/she may notify the provider and reschedule it. The Recertification Notice shall explain that clients under the HCV program must be recertified at least annually and failure to comply may result in termination of assistance.

b) Client Notification of Annual Inspection:

Housing inspections and paperwork required of third parties (landlords) can take time. To ensure that clients are re-certified as required under federal regulations, the Housing Inspection Unit must commence the inspection process 120 days from the re-certification deadline.

i. Intent to move during recertification period:

In the event that the client intends to look for another unit, the client is required to submit a written request to move ("Request to Move") at least 15 days of the annual inspection notice and such request must be approved by the PHA. Families are prohibited from moving during the initial twelve months of their lease for the assisted unit. Thereafter, families are limited to one move during any twelve month period. A request to move shall only be approved under the following circumstances:

¹ Moderate Rehab scenarios may be treated differently

- The lease has been terminated because the PHA has terminated the HAP contract for the owner's breach or by mutual agreement of the owner and tenant;
- The family has received a notice to vacate the premises or the owner has secured court authority to evict the family; or
- The family has given the owner notice of lease termination if such right is afforded under the lease (the family must send notice to the PHA at the same time); or

The City of Miami may deny permission to move if:

- The family has violated a family obligation;
- The family owes the city money; or
- The family owes the landlord money.

Exceptions to Move Policy: The PHA may grant an exception to these restrictions in an emergency situation or if the family meets a special circumstances and at the sole discretion to the PHA. The PHA may also grant an exception if the family becomes overcrowded, as defined by HUD's HQS standards, or if the apartment has two consecutive HQS failures attributed to the responsibility of the landlord.

The Housing Specialist shall review the housing search and move-in procedures with the client during the Re-Certification appointment.

The authorized Request to Move shall be mailed to the client, with copy for the file, noting that the client's sixty-day housing search period commences on the date of the Request's approval of the Request to Move. The approved Request shall also incorporate a reminder of the client's obligations under the program rules and the terms of the lease to: (i) not abandon the unit while the lease is in effect; (ii) continue to make monthly rent payments as required under the lease addendum; and (iii) provide the landlord with notice of the client's intent to vacate the unit upon expiration of the lease at least thirty days in advance or earlier as may be required under the lease.

c)Date of Recertification:

The client's recertification completion date shall be the first day of the month in which recertification was completed by the Housing Specialist. The next recertification must take place within twelve months of that date.

6.2 Missed Recertification Appointment

If no response from the client is received within fifteen (15) days of the initial written notice of pending recertification and appointment and fails to attend the recertification appointment, the PHA shall be required to conduct a diligent search for the client. The steps to take are as follows:

- i. On the day of the missed appointment, the Housing Specialist shall send the client a certified letter noting the client's failure to attend the appointment or reschedule the appointment; setting a new appointment fifteen (15) days from the date of the letter and providing notice that assistance will be subject to termination if the client fails to meet with the Housing Specialist.

- ii. Within the next fifteen (15) days, the following documented attempts at contact are to be made until contact is accomplished or methods of attempted contact below are exhausted:
 - a) Two phone contact attempts;
 - b) The Housing Specialist shall conduct a home visit.
- iii. If the client does not contact the provider within fifteen (15) days of the second written notice of pending recertification, termination of the HCV (or Mod Rehab) shall be initiated. Any request for assistance made after a case is closed shall be considered a new application.
- iv. All communications shall be documented in the client's file.

6.3 Reasonable Accommodation during Certification and Recertification

a) Face-to-face Appointments

The client who is mobile and able to travel shall be requested to meet at the PHA in order to conduct the recertification appointment.

b) Homebound Clients

The client who is homebound shall be scheduled for an in-home recertification appointment.

Definition of a Homebound Client: The client is defined as homebound if there is a physical and/or mental incapacity which prevents the client from reporting to the PHA for an appointment to apply for or maintain assistance. Homebound status may be temporary or permanent. Lack of personal transportation is not cause for in-home recertification. Homebound status shall be confirmed by a medical provider, home care, or homemaking agency, which shall be documented in the Housing Specialist's case notes. If the client contacts the PHA provider to reschedule the appointment due to an illness, temporary or permanent, medical confirmation is not needed.

6.4 Verification of Income and Determination of Total Tenant Payment

Verification of income will be obtained by either third-party verification or using documentation provided directly by clients.

Accuracy of the calculations of Total Tenant Payments is ensured through the following methods; computer software is programmed to make correct calculations of entered data. The PHA has Housing Specialist(s) who review calculations of all executed HAP contracts, as well as auditing a random sampling of case files to ascertain, among other things, that the Total Tenant Payment is calculated accurately.

Verification of income and determination of Total Tenant Payment will follow program regulations as identified in 24 CFR Part 982 and other applicable HUD regulations with the exception of the policies and procedures identified below.

6.5 Interim Reexaminations of Income and Household Composition

All interim changes in family income or household composition must be reported to the PHA within thirty days of the occurrence. The PHA must conduct an interim reexamination when the family reports reduction of income or zero income. Any change resulting from an interim reexamination will become effective the month following the reexamination. If changes of income occur frequently, the housing agency reserves the right to review household income changes in terms of a yearly average so as to excuse program participants from excessive reporting.

Households must obtain the PHA's approval for allowing any additional family member to the household composition before the new member occupies the unit. The PHA maintains the right to terminate assistance to the family for failure to report change in family composition.

6.6 Minimum Rent

The PHA elects not to impose a minimum rent based on the fact that the majority of clients (if not all) claiming zero income meet the financial hardship exception categories identified below.

QHWRA established certain exemptions to the minimum rent requirements for hardship circumstances. Section 3(a)(3)(B) of the USHA generally states that financial hardship includes the following situations: (1) the family has lost eligibility determinations for a Federal, State, or local assistance program; (2) the family would be evicted as a result of the imposition of the minimum rent requirement; (3) the income of the family has decreased because of changed circumstances, including loss of employment; (4) a death in the family has occurred; and (5) other circumstances determined by the PHA or HUD.

Families or individuals claiming zero income must provide certification of such fact and will need to report income status quarterly.

6.7 Termination of Assistance upon 180 Days of Zero HAP Payment

A family is eligible for HCV rental assistance as long as the tenant portion of the rent does not exceed the Contract Rent. If, upon annual or interim recertification, the tenant rent now exceeds or equals the total rent for the unit, the family can stay in the HCV Program for 180 calendar days at zero assistance. (The PHA is no longer making any payment to the landlord). At the end of the 180 days, the family's rental assistance is terminated, as is the HAP contract with the landlord. If during the 180-day period, the family's income decreases, a new recertification would be completed and assistance may again be paid.

A family can leave the Rental Assistance Program at any time, but the PHA must be notified **in writing** so that no further payments are made to the landlord. Once a family leaves the program, they must reapply in order to participate again.

7.0 INSPECTION POLICIES

7.1 Housing Quality Standards and Inspections

The PHA will use the guidelines delineated in 24 CFR 982.401 as the appropriate Housing Quality Standards.

Before approving a lease, the PHA shall inspect the unit for compliance with the Housing Quality Standards. The inspection will be made as quickly as possible, but no later than five (5) days after the owner's request.

If there are violations that must be corrected in order for the unit to be decent, safe and sanitary, the PHA will advise both the owner and tenant of the work required to be done. Such work must be completed within thirty (30) days. The unit will be re-inspected to ascertain that necessary work has been performed and that the unit meets the Housing Quality Standards before a contract is executed. The PHA reserves the right to limit the number of opportunities for such re-inspection, particularly of units desired, but not currently occupied, by a voucher holder.

The Director, or designee, maintains a report to monitor Housing Quality Standards violations and the noncompliance sanctions.

7.2 Deteriorated Paint Surfaces

All painted surfaces of all buildings used or intended to be used, in whole or part for human habitation shall be kept free of deteriorated paint surfaces. Deteriorated paint surfaces is defined as any interior or exterior paint or other coating that is peeling, chipping, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate.

All deteriorated paint must be stabilized or abated, even if the property is exempt under 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 part 35, subparts A, B, M, and R of Code of Federal Regulations (CFR).

Property with deteriorated paint that is specifically exempt from part 35, subparts A, B, M, and R of the Code of Federal Regulations (*i. e. property where all occupants are age 6 or older; property that is built after January 1, 1978; property that has zero bedrooms; property where all lead-based paint has been removed or the property has been found to be free of lead-based paint by a certified lead-based paint inspector*), will not require a clearance examination but will still need to be stabilized or abated according to "safe work practices".

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8.0 RENT AND HOUSING ASSISTANCE PAYMENTS

8.1 Payment Standards

The PHA will set up an applicable payment standard schedule between 90% and 110% of the published FMR for each bedroom size in accordance with HUD regulations. The PHA may establish an adjustment standard schedule on an annual basis (prior to FMR increases) in order to assure continued affordability for participating families.

The following factors will be considered in the assessment of the adequacy of the payment standard:

1. *Success rates of program participants:* The PHA will review the number of voucher holders whose vouchers expire without having a leased unit. The PHA will review the average time required for voucher holders to find units.
2. *Availability of suitable vacant units with rent below the payment standards (Rent survey data):* The PHA will review its rent reasonableness data, vacancy rate data, and other relevant information to determine whether there is an ample supply of vacant units with rents below the payment standard amounts in each bedroom category.
3. *Rent burdens of program participants:* The PHA will review the percentage of income voucher families use to pay rent to determine the extent to which rent burdens exceed 30 percent of income.
4. *Availability of greater housing choices:* The PHA will review the availability of greater housing choices for voucher holders.

The PHA will also review, on a case by case basis, applying a higher payment standard within the basic range as a reasonable accommodation for a family with a family member with disabilities.

8.2 Review and Adjustment of Allowances for Utilities

The PHA shall, at least annually, determine whether there has been a substantial change in utility rates or other charges of general applicability and whether an adjustment is required in the allowance for utilities and other services by reason of such change or because of errors in the original determination. The procedure for this determination shall be as follows:

The PHA will collect Utility Allowance schedules from the Miami-Dade Housing Agency (the PHA for Miami-Dade County) or other housing authorities within the county to review ongoing rates currently in use. The PHA will request estimates and actual data from utility companies and program participants to compare with other utility allowance schedules. After reviewing the aforementioned data, decisions will be made to determine if the utility allowance schedule needs to be adjusted. If the PHA determines that an adjustment should be made, the PHA shall make the necessary modifications taking into account the size of the dwelling unit and other pertinent factors.

8.3 Rent Reasonableness

Rent Reasonableness will be determined using the following method: Rent is reviewed at initial lease-up, as well as upon an owner's request for a rent increase, to determine whether it is reasonable in relation to rents currently being charged for other comparable unassisted units in the private market.

Initial rents and rent increase requests will be reviewed for reasonableness by referring to the PHA's compiled rental survey data for appropriateness. The location, quality, size, unit type and age of the contract unit will be considered when making this determination. The amenities, housing services, maintenance and utilities to be provided by the owner under the lease will also be considered. If the rent is deemed unreasonable, the PHA may provide the owner with a reasonable rental amount based on the compiled rental survey data. If the owner disputes the PHA's determination the owner may be afforded the opportunity to provide additional rental survey data that supports the rent that is being requested. The owner's submission of rental survey information does not ensure approval of the requested rent. The PHA will determine the rent based on the best rental survey data that is available.

The rental survey data used to make comparisons may be obtained through the services of a state certified real estate appraiser or through collected rental data information.

Each approved rent will contain a "Certification of Rent Reasonableness" form in the file that will certify and document that the rent has been approved. The "Certification of Rent Reasonableness" form will identify a specific comparable rent for a similar type unit considering the location, quality, size, unit type, and age of the contract unit.

In addition, initial lease-up rent request will require the owner to sign the "Owner's Certification of Rent Reasonableness" form to require owners to support the rent they are charging. The "Owner's Certification of Rent Reasonableness" form will require the owner to acknowledge that acceptance of housing assistance payments certifies that the rent is not more than rent charged by the owner for comparable unassisted units in the premises. The PHA reserves the right to request and obtain information on the rents being charged by the owner for other units in the premises or elsewhere. Each case-file will contain this certification at initial lease-up.

Each file is subject to file review for completeness before payment is authorized. Payment will not be authorized unless the "Certification of Rent Reasonableness" form is contained in the file.

If the compiled rental survey data does not have a comparable unit by location, quality, size, or unit type, then the next best comparable unit from the compiled rental survey data may be used to support the approved rent.

8.4 Annual Review of Family Circumstances, Rents, Utilities and Housing Quality Standards

The PHA's Director, or designee, assigns annual re-examinations three (3) months prior to each lease anniversary date, based on a computer generated monthly report intended for such purposes. The PHA's Housing Specialist(s) thereby have sufficient opportunity to notify, in writing, both the

owner and the tenant. Should either party have issues to resolve there is then adequate time to explore the issues, and to work toward their resolution prior to the expiration of the lease.

Changes in tenant income are processed upon verification throughout the lease term. All tenants who report zero income are asked to certify their income status at least every three months.

A family is eligible for HCV rental assistance as long as the tenant portion of the rent does not exceed the Contract Rent. If, upon annual or interim recertification, the tenant rent now exceeds or equals the total rent for the unit, the family can stay in the HCV Program for 180 calendar days at zero assistance. (The PHA is no longer making any payment to the landlord). At the end of the 180 days, the family's rental assistance is terminated, as is the HAP contract with the landlord. If during the 180-day period, the family's income decreases, a new recertification would be completed and assistance may again be paid.

A family can leave the Rental Assistance Program at any time, but the PHA must be notified **in writing** so that no further payments are made to the landlord. Once a family leaves the program, they must reapply in order to participate again.

As detailed above, the PHA will assign new cases, as well as annual recertifications, to Housing Specialist(s). The Housing Specialist determines tenants continued eligibility and payment amounts.

Reinspection of the assisted unit is initiated four (4) months in advance of each lease anniversary date and may be requested at any time by the tenant or owner.

At annual reinspections or during the lease term, should the housing fail an inspection, the following will occur:

1. The owner is notified in writing as to the deficiencies. The owner is given thirty (30) days in which to make the necessary repairs. If the deficiencies are serious the family is issued a new Voucher and advised to relocate.
2. Housing Specialists may initiate abatement of all or part of the housing assistance payment if the owner fails to correct HQS deficiencies in the time period allowed in accordance with HUD regulations governing abatement practices.

The Director, or designee, maintains a record of all requested repairs and a report to monitor HQS violations and the noncompliance sanctions. The completion dates are monitored monthly to ensure that reinspection deadlines are met or, if not, the appropriate administrative sanctions are taken. Before monthly housing assistance payments are made, all repairs that are requested are reviewed to ensure that the Housing Specialist(s) follow through on administrative sanctions.

8.5 Family Break-Up

In the event that a family break-up occurs in an assisted household, the PHA will review the following factors to determine, at its discretion, which members of the family will continue to receive assistance in the program:

1. What is in the best interest of minor children or ill, elderly or disabled family members.

2. Whether family members are forced to leave the unit as a result of actual or threatened physical violence against family members by a spouse or other member of the household.
3. Which family member has recognized custody of minor children in the family.

8.6 Absence from Unit

The family may be absent from the unit for brief periods. For longer absences the following PHA policy shall apply:

Absence is defined as no family member residing in the unit. Family members may not be absent from the unit for a period of more than thirty (30) consecutive calendar days. If the family will be absent from the unit for more than thirty (30) days, the family shall promptly notify both the PHA and the owner in writing and obtain the PHA's approval. The PHA will require the family to document the reason for the extended absence.

To obtain the PHA's approval, the family must:

1. Comply with the notice requirements above;
2. Provide documentation acceptable to the PHA regarding the length of the absence and the reason for the absence;
3. Affirm their intent to return to the unit at the end of the leave period;
4. Agree to be responsible for receiving and responding to all notices sent by the PHA to the unit during the period of absence;
5. Pay rent to the owner and pay for utilities while the family is absent;
6. Make arrangements for PHA's inspection of the unit as necessary.

If the above procedure is not followed, the unit will be considered abandoned and termination of Housing Assistance Payments will commence. The term of the HAP Contract and the assisted lease also will terminate. The PHA reserves the right to consider special circumstances (such as absence due to hospitalization, medical emergency, etc.) as a basis to determine whether the PHA may want to allow a resumption of assistance to the family. The family must supply any information requested by the PHA to verify the special circumstances.

In no event shall the absence be for a period greater than ninety (90) days. Absences are permitted for:

1. Hospitalization;
2. Commitment to short-term drug or alcohol treatment;
3. Verifiable family illness or other family emergency;
4. Other reasons to be determined by the PHA.

Imprisonment is not a valid reason for an absence and if imprisonment resulted from drug related or criminal activity, the participant may be terminated under the termination policy.

The PHA conducts a random mailing to a sample of all program participants to verify continued occupancy.

8.7 Payment of Monies Owed by the Owner or Family to the PHA

The PHA staff must report all cases of suspected overpayments of program funds to the Director, or designee. In every case, efforts will be undertaken to recover actual overpayments. The money may be recovered by withholding future HAP or utility payments, or by written mutual agreement to a repayment schedule approved by the Program Management. A monthly Accounts Receivable Report, which tracks all such activity, is generated by the finance coordinator for the program and available for review by the Program Management staff.

If reasonable efforts do not result in repayment, the Program Management will re-evaluate each account for referral for legal action where appropriate.

Accounts receivable procedures for Payments made to a landlord for damages, unpaid rent or vacancy reimbursement or overpayments made on behalf of a tenant.

1. *Cancelled or inactive tenants* -for tenants who owe money and whose rental assistance benefits have been terminated either voluntarily or involuntarily the following will occur: The amount that the tenant owes will be maintained in the tenant's permanent file for future reference. Clients cannot reapply without paying money owed in full or entering into a repayment schedule if offered to them. If other Housing Authorities request status information, balance owed will be reported.
2. *Active tenants* -for tenants on the program who owe money as a result of payments being made on their behalf for damages, unpaid rent or vacancy reimbursement or overpayments the following will occur: Clients will enter into a repayment agreement for the amount of the monies owed. The terms and conditions of the payment schedule will be based on a reasonable standard. Tenant's name, allocation code, and the amount owed is entered onto the "Active Tenants with Damages Report". This report is updated monthly to identify delinquent accounts for subsequent mailing notices. Tenant's name and the total amount owed is entered into the Accounts Receivable computer program.

Failure to cure a breach of the repayment agreement will result in the termination of program assistance.

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9.0 SPECIAL HOUSING

The PHA shall allow for special housing types as set forth in 24 CFR Part 982 and shall follow the regulations set forth under s. 982.601 through s. 982.64.

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10.0 TERMINATION OF ASSISTANCE TO THE FAMILY

HUD regulations specify the reasons for which a PHA can terminate a family's assistance, and the ways in which such terminations must take place. They also dictate the circumstances under which an owner may terminate the tenancy of an assisted family. This chapter presents the policies that govern voluntary and involuntary terminations of assistance, and termination of tenancy by the owner. It is presented in three parts:

Part I: Grounds for Termination of Assistance. This part discusses various reasons a family's assistance may be terminated, including voluntary termination by the family, termination because the family no longer qualifies to receive subsidy, and termination by the PHA based on the family's behavior.

Part II: Approach to Termination of Assistance. This part describes the policies that govern how an involuntary termination takes place. It specifies the alternatives that the PHA may consider in lieu of termination, the criteria the PHA must use when deciding what action to take, and the steps the PHA must take when terminating a family's assistance.

Part III: Termination of Tenancy by the Owner. This part presents the policies that govern the owner's right to terminate an assisted tenancy.

10.1 Grounds for Termination of Assistance

10.1.A Overview

HUD requires the PHA to terminate assistance for certain offenses and when the family no longer requires assistance. HUD permits the PHA to terminate assistance for certain other actions family members take or fail to take. In addition, a family may decide to stop receiving HCV assistance at any time by notifying the PHA. The PHA requires families participating in the HCV/ Moderate Rehabilitation programs to adhere to the Statement of Family's Obligations as stipulated in Attachment A of this Administrative Plan.

10.1.B Family No Longer Requires Assistance [24 CFR 982.455]

As a family's income increases, the amount of PHA subsidy goes down. If the amount of HCV assistance provided by the PHA drops to zero and remains at zero for 180 consecutive calendar days, the family's assistance terminates automatically.

PHA Policy

If a participating family receiving zero assistance experiences a change in circumstances that would cause the HAP payment to rise above zero, the family must notify the PHA of the changed circumstances and request an interim reexamination before the expiration of the 180-day period.

10.1.C Family Chooses to Terminate Assistance

The family may request that the PHA terminate the family's assistance at any time.

PHA Policy

The request to terminate assistance should be made in writing and signed by the head of household, spouse, or co-head. Before terminating the family's assistance, the PHA will follow the notice requirements in Section 10.2.F

10.1.D Mandatory Termination of Assistance

HUD requires the PHA to terminate assistance in the following circumstances:

➤ *Eviction*

[24 CFR 982.552(b)(2), Pub.L. 109-162]

The PHA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease. Incidents of actual or threatened violence, dating violence, or stalking may not be construed as serious or repeated violations of the lease by the victim or threatened victim of such violence or stalking.

PHA Policy

A family will be considered evicted if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. However, the PHA will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures described in Section 10.2.C and other factors as described in Sections 10.2.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

Serious and repeated lease violations include, but are not limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used is whether the reason for the eviction was through no fault of the tenant or guests.

➤ *Failure to Provide Consent*

[24 CFR 982.552(b)(3)]

The PHA must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for reexamination.

➤ *Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]*

The PHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but the United States Citizenship and Immigration Services ("USCIS") primary and

secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the PHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

For (3) above, such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

➤ ***Failure to Provide Social Security Documentation [24 CFR 5.218(c)]***

The PHA must terminate assistance if a participant family fails to provide the documentation or certification required for any family member who obtains a social security number, joins the family, or reaches 6 years of age.

➤ ***Methamphetamine Manufacturing or Production [24 CFR 982.553(b)(1)(ii)]***

The PHA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

➤ ***Failure of Students to Meet Ongoing Eligibility Requirements [24 CFR 982.552(b)(5) and FR 4/10/06]***

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have dependent children, and is not residing with his/her parents in an HCV assisted household, the PHA must terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit.

If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated, but must be issued a voucher to move with continued assistance in accordance with program regulations and PHA policies, or must be given the opportunity to lease the place if the terminated ineligible student members elect to move out of the assisted unit.

10.1.E Mandatory Policies and Other Authorized Terminations

➤ ***Mandatory Policies [24 CFR 982.553(b) and 982.551(l)]***

HUD requires the PHA to establish policies that permit the PHA to terminate assistance if the PHA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Any 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 residents;
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity;

- Any household member has violated the family's obligation not to engage in violent criminal activity.

➤ ***Use of Illegal Drugs and Alcohol Abuse***

PHA Policy

The PHA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

The PHA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous six months.

The PHA will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 10.2.C and other factors described in Section 10.2.D. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

➤ ***Drug-Related and Violent Criminal Activity***
[24 CFR 5.100]

Drug means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-related criminal activity is defined by HUD as the 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.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

PHA Policy

The PHA will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the HCV program.

The PHA will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 10.2.C and other factors described in Section 10.2.D. Upon consideration of such

alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

➤ ***Other Authorized Reasons for Termination of Assistance***
[24 CFR 982.552(c), Pub.L. 109-162]

HUD permits the PHA to terminate assistance under a number of other circumstances. It is left to the discretion of the PHA whether such circumstances in general warrant consideration for the termination of assistance. The Violence Against Women Reauthorization Act of 2005 explicitly prohibits PHAs from considering incidents or actual threatened domestic violence, dating violence, or stalking as reasons for terminating the assistance of a victim of such violence.

PHA Policy

The PHA will not terminate a family's assistance because of the family's failure to meet its obligations under the Family Self-Sufficiency program.

The PHA **will** terminate a family's assistance if:

- The family has failed to comply with any family obligations under the program. See Attachment A for a listing of family obligations and related PHA policies.
- Any family member has been evicted from federally-assisted housing in the last five years.
- Any PHA has ever terminated assistance under the program for any member of the family.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family currently owes rent or other amounts to any PHA in connection with the HCV, Certificate, Moderate Rehabilitation or public housing programs.
- The family has not reimbursed any PHA for amounts the PHA 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 has breached the terms of a repayment agreement entered into with the PHA.
- A family member has engaged in or threatened violent or abusive behavior toward PHA personnel:
 - Abusive or violent behavior towards PHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
 - Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.
- In making its decision to terminate assistance, the PHA will consider alternatives as described in Section 10.2.C. and other factors described in Section 10.2.D, and Section 10.2.E. Upon consideration of such alternatives and factors, the PHA may, on a case-by-case basis, choose not to terminate assistance.

➤ ***Family Absence from the Unit***
[24 CFR 982.312]

The family may be absent from the unit for brief periods. The PHA must establish a policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit. Please refer to 8.6 for PHA policy

PHA Policy

Absence is defined as no family member residing in the unit. Family members may not be absent from the unit for a period of more than thirty (30) consecutive calendar days. If the family will be absent from the unit for more than thirty (30) days, the family shall promptly notify both the PHA and the owner in writing and obtain the PHA's approval. The PHA will require the family to document the reason for the extended absence. If the family is absent from the unit for more than 30 consecutive calendar days, the family's assistance will be terminated. Notice of termination will be sent in accordance with Section 10.2. E.

➤ ***Insufficient Funding***
[24 CFR 982.454]

The PHA may terminate HAP contracts if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

PHA Policy

The PHA will determine whether there is sufficient funding to pay for currently assisted families according to HCV policies in place. If the PHA determines there is a shortage of funding, prior to terminating any HAP contracts, the PHA will determine if any other actions can be taken to reduce program costs. If, after implementing all reasonable cost cutting measures, there is not enough funding available to provide continued assistance for current participants, the PHA will terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, the PHA will inform the local HUD field office. The PHA will terminate the minimum number needed in order to reduce HAP costs to a level within the PHA's annual budget authority.

10.2 Approach to Termination of Assistance

10.2.A Overview

The PHA is required by regulation to terminate a family's assistance if certain program rules are violated. For other types of offenses, the regulations give the PHA the discretion to either terminate the family's assistance or to take another action. This part discusses the various actions the PHA may choose to take when it has discretion, and outlines the criteria the PHA will use to make its decision about whether or not to terminate assistance. It also specifies the requirements for the notice that must be provided before terminating assistance.

10.2.B Method Of Termination [24 CFR 982.552(a)(3)]

The way in which the PHA terminates assistance depends upon individual circumstances. HUD permits the PHA to terminate assistance by:

- Terminating housing assistance payments under a current HAP contract,
- Refusing to approve a request for tenancy or to enter into a new HAP contract, or
- Refusing to process a request for or to provide assistance under portability procedures.

10.2.C Alternatives To Termination Of Assistance

➤ *Change in Household Composition*

As a condition of continued assistance, the PHA may require that any household member who participated in, or was responsible for, an offense no longer resides in the unit [24 CFR 982.552(c)(2)(ii)].

PHA Policy

As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon PHA request.

➤ *Repayment of Family Debts*

PHA Policy

If a family owes amounts to the PHA, as a condition of continued assistance, the PHA will require the family to repay the full amount or to enter into a repayment agreement, within 30 days of receiving notice from the PHA of the amount owed.

10.2.D Criteria for Deciding To Terminate Assistance

➤ *Evidence*

For criminal activity, HUD permits the PHA to terminate assistance if a preponderance of the evidence indicates that a household member has engaged in the activity, regardless of whether the household member has been arrested or convicted [24 CFR 982.553(c)].

PHA Policy

The PHA will use preponderance of the evidence as the standard for making all termination decisions.

Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

➤ *Consideration of Circumstances* [24 CFR 982.552(c)(2)(i)]

The PHA is permitted, but not required, to consider all relevant circumstances when determining whether a family's assistance should be terminated.

PHA Policy

The PHA will consider the following factors when making its decision to terminate assistance:

- The seriousness of the case, especially with respect to how it would affect other residents.
- The effects that termination of assistance may have on other members of the family who were not involved in the action or failure.
- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or (as discussed further in section 12-II.E) a victim of domestic violence, dating violence, or stalking.
- The length of time since the violation occurred, the family's recent history and the likelihood of favorable conduct in the future.
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.
- The PHA will require the participant 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.
- In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family.

➤ ***Reasonable Accommodation [24 CFR 982.552(c)(2)(iv)]***

If the family includes a person with disabilities, the PHA's decision to terminate the family's assistance is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

PHA Policy

If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, the PHA will determine whether the behavior is related to the disability. If so, upon the family's request, the PHA will determine whether alternative measures are appropriate as a reasonable accommodation. The PHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance.

10.2.E Terminating the Assistance of Domestic Violence, Dating Violence, Or Stalking Victims and Perpetrators [Pub.L. 109-162, Pub.L. 109-271]

The Violence Against Women Reauthorization Act of 2005 ("VAWA") provides that "criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be a cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking."

VAWA also gives PHAs the authority to “terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.”

VAWA does not limit the authority of the PHA to terminate the assistance of any participant if the PHA “can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.”

➤ ***Victim Documentation***

PHA Policy

When a participant family is facing assistance termination because of the actions of a participant, household member, guest, or other person under the participant’s control and a participant or immediate family member of the participant’s family claims that she or he is the victim of such actions, and that the actions are related to domestic violence, dating violence, or stalking, the PHA will require the individual to submit documentation affirming that claim.

The documentation must include two elements:

- A signed statement by the victim that provides the name of the perpetrator and certifies that the incidents in question are bona fide incidents of actual or threatened domestic violence, dating violence, or stalking, and
- One of the following:
 - ✓ A police or court record documenting the actual or threatened abuse, or
 - ✓ A statement signed by an employee, agent, or volunteer of a victim service provider; an attorney; a medical professional; or another knowledgeable professional from whom the victim has sought assistance in addressing the actual or threatened abuse. The professional must attest under penalty of perjury that the incidents in question are bona fide incidents of abuse, and the victim must sign or attest to the statement.

The required certification and supporting documentation must be submitted to the PHA within 14 business days after the PHA issues their written request. The 14-day deadline may be extended at the PHA’s discretion. If the individual does not provide the required certification and supporting documentation within 14 business days, or the approved extension period, the PHA may proceed with assistance termination.

If the PHA can demonstrate an actual and imminent threat to other participants, or those employed at, or providing service to, the property if the participant’s tenancy is not terminated, the PHA will bypass the standard process and proceed with the immediate termination of the family’s assistance.

➤ ***Terminating the Assistance of a Domestic Violence Perpetrator***

Although VAWA provides assistance termination protection for victims of domestic violence, it does not provide protection for perpetrators. VAWA gives the PHA the explicit authority to “terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others...without

terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant.” This authority supersedes any local, state, or other federal law to the contrary. However, if the PHA chooses to exercise this authority, it must follow any procedures prescribed by HUD or by applicable local, state, or federal law regarding termination of assistance [Pub.L. 109-271].

PHA Policy

When the actions of a participant or other family member result in a PHA decision to terminate the family’s assistance and another family member claims that the actions involve criminal acts of physical violence against family members or others, the PHA will request that the victim submit the above required certification and supporting documentation in accordance with the stated time frame. If the certification and supporting documentation are submitted within the required time frame, or any approved extension period, the PHA will terminate the perpetrator’s assistance. If the victim does not provide the certification and supporting documentation, as required, the PHA will proceed with termination of the family’s assistance.

If the PHA can demonstrate an actual and imminent threat to other tenants or those employed at, or providing service to, the property if the participant’s tenancy is not terminated, the PHA will bypass the standard process and proceed with the immediate termination of the family’s assistance.

➤ ***PHA Confidentiality Requirements***

All information provided to the PHA regarding domestic violence, dating violence, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence and may neither be entered into any shared data base nor provided to any related entity, except to the extent that the disclosure (a) is requested or consented to by the individual in writing, (b) is required for use in an eviction proceeding, or (c) is otherwise required by applicable law.

10.2.F Termination Notice [HCV GB, p. 15-7]

If a family’s assistance is to be terminated, whether voluntarily or involuntarily, the PHA must give the family and the owner written notice that specifies:

- The reasons for which assistance has been terminated;
- The effective date of the termination; and
- The family’s right to an informal hearing as described in Chapter 11.

If a criminal record is the basis of the termination, a copy of the record must accompany the notice. A copy of the criminal record also must be provided to the subject of the record [24 CFR 982.553(d)].

PHA Policy

1. The tenant and landlord will be mailed a notice of intent to terminate Section 8 benefits. The notice shall state the grounds for removal. It shall advise the tenant that they have ten (10) business days in which to respond and contest the action by requesting a hearing.
2. The tenant may have an advocate or attorney present at the hearing.

3.If the tenant does not respond, they may be automatically removed from the program effective one month following the date of the notice. Notice of termination will be sent to the tenant and landlord simultaneously.

When termination is initiated by the PHA, the notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination. However, if a family vacates the unit without informing the PHA, 30 days notice will not be given. In these cases, the notice to terminate will be sent at the time the PHA learns the family has vacated the unit.

When a family requests to be terminated from the program they must do so in writing to the PHA (see section 10. 1. C.). The PHA will then send a confirmation notice to the family and the owner within 10 business days of the family’s request, but no later than the termination effective date (as requested by the family).

➤ ***Notice of Termination Based on Citizenship Status***
[24 CFR 5.514 (c) and (d)]

The PHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member’s citizenship or eligible immigration status; (2) evidence of citizenship and eligible immigration status is submitted timely, but USCIS primary and secondary verification does not verify eligible immigration status of a family; or (3) the PHA determines that a family member has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. For (3) above, such termination must be for a period of at least 24 months.

The notice of termination must advise the family of the reasons their assistance is being terminated, that they may be eligible for proration of assistance, the criteria and procedures for obtaining relief under the provisions for preservation of families, that they have the right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal, and that they have the right to request an informal hearing with the PHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal. Informal hearing procedures are contained in Chapter 11.

PHA Policy

The notice to terminate will be sent to the family and the owner at least 30 calendar days prior to the effective date of the termination.

10.2.G How Termination of Assistance Affects the HAP Contract and Lease

When the family’s assistance is terminated, the lease and HAP contract terminate automatically [Form HUD-52641]. The owner may offer the family a separate unassisted lease [HCV GB,p.15-8].

10.3 Termination of Tenancy by the Owner

10.3.A Overview

Termination of an assisted tenancy is a matter between the owner and the family; *the PHA is not directly involved*. However, the owner is under some constraints when terminating an assisted

tenancy and the reasons for which a tenancy is terminated dictate whether assistance also will be terminated.

10.3.B Grounds for Owner Termination of Tenancy [24 CFR 982.310 and Form HUD-52641-A, Tenancy Addendum, Pub.L. 109-162]

During the term of the lease, the owner is not permitted to terminate the tenancy except for serious or repeated violations of the lease, certain violations of state or local law, or other good cause.

➤ ***Serious or Repeated Lease Violations***

The owner is permitted to terminate the family's tenancy for serious or repeated violations of the terms and conditions of the lease, including failure to pay rent or other amounts due under the lease, except when the violations are related to incidents of actual or threatened domestic violence, dating violence, or stalking against that participant. This includes failure to pay rent or other amounts due under the lease. However, the PHA's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

➤ ***Violation of Federal, State, or Local Law***

The owner is permitted to terminate the tenancy if a family member violates federal, state, or local law that imposes obligations in connection with the occupancy or use of the premises.

➤ ***Criminal Activity or Alcohol Abuse***

The owner may terminate tenancy during the term of the lease if any *covered person*, meaning any member of the household, a guest or another person under the tenant's control commits any of the following types of criminal activity (for applicable definitions see 24 CFR 5.100):

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by, other residents (including property management staff residing on the premises);
- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises;
- Any violent criminal activity on or near the premises; or
- Any drug-related criminal activity on or near the premises.
- The owner may terminate tenancy during the term of the lease if any member of the household is:
- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or
- Violating a condition of probation or parole imposed under federal or state law.

The owner may terminate tenancy for criminal activity by a household member in accordance with this section if the owner determines that the household member has committed the criminal activity, regardless of whether the household member has been arrested or convicted for such activity.

The owner may terminate tenancy during the term of the lease if any member of the household has engaged in abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

➤ ***Evidence of Criminal Activity***

The owner may terminate tenancy and evict by judicial action a family for criminal activity by a covered person if the owner determines they have engaged in the criminal activity, regardless of arrest or conviction and without satisfying the standard of proof used for a criminal conviction, except in certain incidents where the criminal activity directly relates to domestic violence, dating violence, or stalking and the tenant or an immediate member of the tenant's family is the victim or threatened victim of the domestic violence, dating violence, or stalking. (See Section 10.2.E).

➤ ***Other Good Cause***

During the initial lease term, the owner may not terminate the tenancy for "other good cause" unless the owner is terminating the tenancy because of something the family did or failed to do. During the initial lease term or during any extension term, other good cause includes the disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises.

After the initial lease term, "other good cause" for termination of tenancy by the owner includes:

- Failure by the family to accept the offer of a new lease or revision;
- The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
- A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rent).

After the initial lease term, the owner may give the family notice at any time, in accordance with the terms of the lease.

10.3.C Eviction [24 CFR 982.310(e) and (f) and Form HUD-52641-A, Tenancy Addendum]

The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action. The notice of grounds may be included in, or may be combined with, any owner eviction notice to the tenant.

Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under state or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. The owner must give the PHA a copy of any eviction notice at the same time the owner notifies the family. The family is also required to give the PHA a copy of any eviction notice.

PHA Policy

If the eviction action is finalized in court, the owner must provide the PHA with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than 5 business days following the court-ordered eviction.

10.3.D Deciding Whether to Terminate Tenancy [24 CFR 982.310(h), Pub.L. 109-162]

An owner who has grounds to terminate a tenancy is not required to do so, and may consider all of the circumstances relevant to a particular case before making a decision. These might include:

- The nature of the offending action;
- The seriousness of the offending action;
- The effect on the community of the termination, or of the owner's failure to terminate the tenancy;
- The extent of participation by the leaseholder in the offending action;
- The effect of termination of tenancy on household members not involved in the offending activity;
- The demand for assisted housing by families who will adhere to lease responsibilities;
- The extent to which the leaseholder has shown personal responsibility and taken all reasonable steps to prevent or mitigate the offending action;
- The effect of the owner's action on the integrity of the program.

The owner may require a family to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in, or been culpable for, action or failure to act that warrants termination.

In determining whether to terminate tenancy for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the owner may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the owner may require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR 5.105.

An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, or stalking is limited by the Violence Against Women Reauthorization Act of 2005 (VAWA). (See Section 10.2.E.)

10.3.E Effect of Tenancy Termination on the Family's Assistance

If a termination is not due to a serious or repeated violation of the lease, and if the PHA has no other grounds for termination of assistance, the PHA may issue a new voucher so that the family can move with continued assistance.

11.0 COMPLAINTS AND APPEALS

11.1 Informal Hearing for Participants

The PHA will provide an opportunity for an informal hearing to a participant to consider whether decisions made against participants are in accordance with HUD regulations and the PHA rules in the following situations:

1. A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;
2. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA's Utility Allowance schedule. This hearing requirement does not apply to the utility allowance schedule, itself;
3. A determination that a participant is residing in an overcrowded or under utilized unit;
4. In the case of a participant who wants to move to another dwelling unit a determination of the number of bedrooms to be entered on a voucher when a participant family desires to move to another unit;
5. A determination to terminate assistance to a participant family because of the family's action or failure to act (see §982.552), as well as failure to fulfill the family's obligations under the program regulations or hereunder; or
6. A determination to terminate assistance due to an absence beyond the permissible period set forth herein without the PHA's approval.

In the case of a decision to deny or terminate assistance, the PHA shall give the applicant written notification of its decision denying or terminating assistance. The notice:

1. May be given personally to the applicant or member of the family, but must be sent by first class certified mail to the last known address on file;
2. Shall give a brief statement of the reasons for the decision; and
3. Shall inform the applicant that within ten (10) business days of the date of the notice, the applicant may request, in writing, that an informal hearing be held to present written or oral objections and review the decision.

11.2 Conduct of Hearings

If an applicant or participant requests an informal hearing within the time frame set forth above, the PHA shall conduct a hearing in accordance with the following procedures:

1. The PHA shall appoint a hearing officer to conduct the hearing who must be an employee or outside person other than the person who made or approved the decision under review or a subordinate of such person.
2. Discovery – The family can examine, before the PHA hearing, any PHA documents that are directly relevant to the hearing. The family can make copies at its own expense. If the PHA fails to make requested documents available, it cannot then rely on the document(s) at the

hearing. Similarly, the PHA must be given the opportunity to review at its offices, prior to the hearing, any family documents directly relevant to the hearing and may make copies at its own expense. Failure to produce such document(s) upon the PHA's request precludes the family from relying upon such document(s) at the hearing.

3. The family may be represented by a lawyer or other representative.
4. The hearing officer shall issue a written decision stating briefly the factual and other basis for the decision, a copy of which shall be furnished promptly to the applicant.

12.0 ENTERPRISE INCOME VERIFICATION (EIV)

The PHA will use the EIV system to identify potential discrepancies in income reporting by participants during the annual and interim reexamination processes. In order to identify any discrepancies, the PHA will use EIV wage/benefit data in conjunction with third party income verification documents received during the annual and interim recertification processes. If there are discrepancies in the amount of income, or if the income is outdated, the PHA will use the most accurate and reliable source of income verification.

The data contained and provided by the EIV system will be protected by the PHA and should only be used for official program purposes. Data will not be disclosed to anyone in any manner that would violate the privacy of the individuals represented.

The PHA must adhere to EIV security awareness measures to ensure that only authorized system users may access the EIV system in order to maintain overall privacy and security compliance. The PHA must use the EIV system to verify household income on such sources as social security, social security disability, SSI, wages and unemployment compensation for each family member. The PHA must use the EIV system to compare the income source and amount recorded in the participant-supplied income data and form, HUD 50058 which is maintained in the Public Housing Information Center (PIC) database.

12.1 EIV Reports

When the EIV income data differs from the participant-provided income data by at least \$200.00 per month; this constitutes a “substantial difference.”

In cases where the EIV income data is **NOT** substantially different than participant-reported income, the PHA will:

- Use participant documents or third party income verification to calculate anticipate annual income if the EIV income is less than current participant-provide documentation; or
- Use EIV income data unless the participant provides documentation of a change in circumstances when the EIV data is more than the current participant-provided documentation. If acceptable participant documentation is provided to justify a change in circumstances, the participant’s documents will be used to calculate income.

In cases where EIV income is substantially different than the participant-reported income, the PHA must:

- Request written third-party verification from the income source in accordance with 24 CFR 5.236(3) (i).
- Review historical income data for patterns of employment, paid benefits, and/or receipt of other income when the LA cannot readily anticipate income such as in the cases of seasonal employment, unstable working hours and suspected fraud.
- Analyze all data and attempt to resolve the income discrepancy.
- Use the most current verified income data (and historical income date if appropriate) to calculate anticipated annual income.

12.2 EIV Security Measures

Handling of Discrepancy Reports

The PHA must handle EIV discrepancy reports in the following manner:

- If a participant disagrees with the discrepancy report issued by the EIV system, a meeting will be scheduled by the PHA with the client to resolve the dispute. All details of the discrepancy report must be documented and the client will have 15 business days from the date of the meeting to obtain third-party verification of the discrepancy and submit supporting documentation to the PHA. All participant-provided information and submitted documentation should be dated not more than 60 days prior to the initial resolution meeting. Once the information is received from the client, the PHA will review and make a final decision within ten business days from the date that the information was received from the client.
- If a situation arises where facts indicate that a client has not reported or has underreported income, a repayment agreement will be executed between the client and the PHA. A revision to the current and future participant's share must also be made. If a participant refuses to enter into a repayment agreement and/or refuses to pay the newly calculated rent, termination of assistance will occur using the established policies and procedures in accordance with the PHA's Administrative Plan.

12.3 EIV Records Retention

During the term of the assisted tenancy and for at least three years thereafter, the PHA must retain the documents in the participant's files.

12.4 Disposal of Applicant and Client EIV Records

All EIV documents shall be destroyed at the end of the three-year retention period. Documents shall be destroyed in a manner that would not compromise the confidentiality of the applicants and/or clients. The preferred method for destroying documents is shredding.

12.5 Storage of EIV Documents

All EIV documents shall be destroyed at the end of the three-year retention period. Documents shall be destroyed in a manner that would not compromise the confidentiality of the applicants and/or clients. The preferred method for destroying documents is shredding.

13.0 ADMINISTRATIVE FEE RESERVE

The Director of the City of Miami Department of Community Development is authorized to approve the use of funds in the Section 8 administrative fee reserve and can expend up to \$25,000 of Section 8 administrative fee reserve during any one fiscal year without direct City Commission approval.

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ATTACHMENT A

STATEMENT OF FAMILY OBLIGATIONS

Clients have general responsibilities, which accrue from their right to fair treatment under federal assistance programs, and specific responsibilities associated with the Section 8 HCV and Moderate Rehabilitation Programs. A client's failure to comply with any of these program's responsibilities can lead to termination from the program. Clients receiving Section 8 assistance shall comply with all Program policies and procedures as set forth in this administrative manual, as well as any subsequent Program directives issued by the City.

The following are the participant family's obligations under the HCV/ Mod-Rehabilitation program. Violation of one or more of these obligations by the client or any member of the client's family (household) is grounds for denial or termination of assistance.

The family must;

1. Provision of Information

- a) Disclose and document all household members and their income, including consent to third parties' disclosure of financial information to the Section 8 Program for all household members 18 years or older. Supply any information the PHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- b) Disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- c) Provide information, documentation and completed Section 8 program forms within fifteen (15) business days from the date that such information or material is requested.
- d) Provide accurate, comprehensive, and timely information. Any information supplied by the family must be true and complete.
- e) Notify the Section 8 program of any changes in income or financial eligibility and household composition within fifteen (15) business days of the event and, if possible, in writing. Such changes are:
 - i. A family member moves out of the assisted unit;
 - ii. The client proposes to move a family member into the unit;
 - iii. An adult member of the household who was reported as unemployed on the most recent certification or recertification obtains employment; or
 - iv. The family's income cumulatively increases by \$200 or more per month.
- f) If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when PHA consent may be given or denied.
- g) The program recognizes that friends and family may occasionally visit. A family member or other guest whose stay in an assisted unit exceeds thirty (30) days will be

considered a member of a household, either a family member or roommate, and will trigger recertification. The client must report this change in the household. Failure to report a change in household will be deemed an act of fraud and a serious violation, resulting in immediate termination.

- h) Notice is required when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to the PHA prior to the start of the extended absence.
- i) Maintain a current mailing address and phone number with the Section 8 program at all times.
- j) Maintain current contact information for two persons selected by the client for notification in case of emergency or for receipt of program notices and communications in the event that the program experiences difficulty in locating the client.

2. *Client's Responsibilities to Find and Secure Housing*

- a. Must refer to section 5.6 Term of Housing Voucher in the Section 8 administrative policy manual for client's responsibilities regarding securing a place to live within 60 days. Failure to do so may be grounds for program termination.
- b. Move into a City-approved housing unit within seven (7) calendar days of the City's Move-In Authorization. Failure to do so will result in immediate issuance of a program termination notice.
- c. Program rules prohibit approval of a housing unit if the owner of the unit is the client, the client's parent, child, grandparent, grandchild, sister, or brother, or any member of the client's household. Clients are obligated to disclose any familial relationship between themselves, or any member of their household, and the owner of the housing unit. Exception: the PHA may determine that approving rental of the unit, notwithstanding the familial relationship, would provide reasonable accommodation for a family member who is a person with disabilities [Form HUD-52646, Voucher].
- d. Provide written acknowledgment that; (a) no rent payments will be made by the City of Miami towards a unit unless and until the City of Miami approves the unit and authorizes the commencement of assistance in writing; (b) if the client gives money to a landlord to hold an apartment, pending a successful HQS inspection and issuance of Move-In Authorization by the City of Miami, the client may lose that money if the unit fails inspection or is not approved by the City of Miami; and (c) the Program will not be responsible for any rent (or deposits) incurred or accrued as a result of occupancy prior to the date of the Move-in Authorization Notice.
- e. Only after the unit passes inspection and the unit size and rent amount are approved by the City of Miami, provide the Housing Specialist with a copy of the written lease and lease addendum previously approved by the Housing Specialist and signed by both the client and the landlord.
- f. Clients may not move to a new unit while subject to a current lease. Further, clients shall request in writing permission to move to a new unit ninety (90) days in advance of a desired move date. Move-in authorization will not be granted until the new unit passes inspection and all the required documents are on file with the client's Housing

Specialist. Moving into a new apartment without program authorization, unless the client is able to provide sufficient justification for the unauthorized move to the satisfaction of the City of Miami, will result in a violation and the immediate issuance of a termination notice and the client will be fully responsible for any and all rents or deposits incurred or owed towards the rental of the new unit.

- g. Maintain continuous residence in the assisted rental unit through the lease term. Abandonment of an assisted unit, defined as a failure to reside on the assisted premises for a period exceeding thirty (30) consecutive days without any approval from the Section 8 program, except in cases where the client is hospitalized or placed into residential substance abuse or mental health treatment, will result in a violation and the immediate issuance of a termination notice.
- h. Clients' rental units must be re-inspected at least once a year. In order to complete the inspection, the client or any adult aged 18 or older must be present at the time of the inspection. If the client cannot keep the inspection appointment, the client is responsible for re-scheduling the inspection in advance. If the client fails to provide access to the unit at the scheduled time, this will be deemed a program violation for failure to keep a program appointment. If the client fails to keep a second inspection appointment, program assistance will be terminated.
- i. The family must notify the PHA and the owner before moving out of the unit or terminating the lease.
- j. Clients' eligibility to participate in the Program must be re-certified annually. Clients must attend re-certification appointments and provide information and documents requested by their Housing Specialists.
- k. The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

3. *Client as Tenant:*

- a. Respect the rights, property, and privacy and/or confidentiality of others and their right to peaceful enjoyment of their rental premises. This means avoiding behavior (the client's or that of a household member or guest) that would disturb neighbors' peaceful enjoyment of their own home (i.e. yelling, loud music or noise, harassment, violence, drug use, other illegal activity, damage to, or theft of, others' property, blocking or cluttering common areas
- b. the required client portion of the rent and utilities, as set forth in the Lease, Lease Addendum and Move-In Authorization Notice, directly to the landlord and utility companies by the due date set forth in the client's lease and utility bill(s); assume responsibility for paying the client portion of the rent and utilities directly to the landlord and utility companies in the event that a third party who had agreed to pay the client's portion, stops making such payment on the client's behalf. Secure written receipts for all rents payments made to the landlord.
- c. Pay any late fees which result from late payments of the client's portion of the rent and utilities.

- d. If sharing housing with a roommate and the roommate moves out, you must assume responsibility for it and pay the former roommate's portion of the monthly rent until another roommate moves in with the approval of the landlord.
- e. Maintain the housing unit in good condition as set forth in the lease and housing quality standards (except for normal wear and tear which remains the responsibility of the landlord) and assume financial responsibility for the repair of any damage to the premises, other than normal wear and tear, caused by the client or member or guest of his or her household.
- f. If the client is responsible for basic utility service(s) (defined as water, electricity and gas services) under the terms of the Lease, the client must maintain the basic utility service(s) for which they are responsible. Failure to maintain basic utility services will result in non-compliance with housing quality standards and program rules set forth herein.
- g. Promptly notify the client's Housing Specialist of any problems with the landlord, including failure to repair physical condition(s) in the unit which may be in violation of HQS.
- h. Promptly provide the PHA with copies of any eviction threats or notices.
- i. Promptly notify the Housing Specialist of any problems related to inability to make rent payment obligations or any other financial issues.
- j. Give the landlord at least thirty day (30) notice in writing of the client's intentions to move at the expiration of the lease term, unless the lease requires more advance notice.
- k. Comply with all other terms of the lease.
- l. The family must use the assisted unit for residence by the family. The unit must be the family's only residence.
- m. The family must not sublease the unit, assign the lease, or transfer the unit.
- n. The family must not receive HCV assistance while receiving another housing subsidy for the same unit or for a different unit, under any duplicative housing assistance program.
- o. The family must not engage in any profit-making activities in the unit, unless such activities are legal and incidental to primary use of the unit for residence by members of the family.
- p. The family must not engage in drug-related criminal activity, violent criminal activity, other criminal activity, or alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

PHA Policy

The PHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict.

Lease violations include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used is whether the reason for the eviction or violation was through no fault of the tenant or his/her guests.

ATTACHMENT B

Operating Procedures for HCV Eligibility Certifications and Re-Certifications & Housing Search and Lease-up for Voucher Holders

I. Eligibility Certifications and Re-Certifications

A. Scheduling the Initial or the Re-Certification Appointment

1. Waitlisted Applicant

Upon availability of a voucher, the applicant at the top of the waiting list will be scheduled for an eligibility screening appointment to take place fifteen calendar days from the date of the notice.

2. Current Program Participant

Ninety (90) days in advance of the participant's prior certification anniversary date, the participant must be scheduled for a re-certification appointment.

Inspection of their housing unit will have commenced 120 days in advance of the certification anniversary date in accordance with Attachment B below and Tab 5 of the Section 8 Programs Manual.

3. Required Documents and Information

- a. The notice must describe required information and documentation required of the household at the time of the appointment and the consequences for failure to attend or re-schedule the appointment.
- b. Copies of **HUD Form 9886 (Authorization for the Release of Information/Privacy Act Notice)** must be sent along with the notice with the instruction to have each household member sign one and bring the signed forms to the eligibility screening appointment.
- c. Re-Certifying participants remaining in their current unit must also bring a new lease, incorporating HUD's **Tenancy Addendum on Form 52641-A**, executed only by the landlord, to the appointment.

4. Failure to Appear

In the event that the applicant/participant fails to appear at the scheduled appointment, a certified letter is to be sent to the applicant/participant on the day of the missed appointment, noting: (a) the applicant's failure to attend or reschedule the appointment; (b) setting a new appointment for 15 days from the date of the letter; (c) and providing notice that failure to attend the re-scheduled appointment will result in the applicant being deemed ineligible for assistance

and removal from the waiting list or, in the case, of a participant, termination for failure to comply with program rules.

In addition, the Housing Specialist shall make the following effort to contact the applicant/participant: (a) at least two phone contact attempts to reach the applicant/participant at the number(s) provided by the applicant/participant and (b) a phone call to “Emergency Contacts” on record until applicant contact is accomplished or above methods of contact are exhausted, whichever occurs first.

B. Verifications and Participant Certifications

1. Eligibility Criteria

The Housing Specialist must determine if the applicant or participant meets the eligibility criteria set forth in Section 2 of the Section 8 HCV Administrative Plan herein. The primary criteria are:

- Household income does not exceed HUD income limits (for new admissions).
- The applicant meets the documentation requirements of citizenship or eligible immigration status.
- Persons evicted from public housing or any Section 8 Program for drug-related activities are ineligible for assistance for at least three years from the date of the eviction.

2. Income and Citizenship/Immigration Status Verification

Housing Specialists must perform income and citizenship/immigration status verification in accordance with **Tab 4** of the Section 8 Programs Manual. Housing Specialists must utilize the HUD EIV system to verify income.

3. Re-Certified Participants Staying in Place

a. Lindsey and PIC Submission:

Upon completion of recertification and HQS compliance determination, the head of household must sign the lease. The Housing Specialist must generate a Family Report on Form HUD-50058 via the Lindsey system and transmit it to the HUD PIC System. This action should be reported as an “Annual Reexamination.”

The Housing Specialist must forward (a) the TTP Print-out; (b) the letter to owner and tenant advising them of the HAP Payment and tenant portion; and (c) completed W-9 form to the Department’s Finance Unit

Housing Specialists should follow HUD’s guidance in completing HUD Form 50058:

- **Form HUD-50058 Instruction Booklet** at:

www.hudclips.org/sub_nonhud/cgi/pdfforms/50058i.pdf

- **PIC Form-50058 User Manual at:**
<http://www.hud.gov/offices/pih/systems/pic/userguides.cfm#50058>)

b. Notification to Owner, Participant and Finance Unit

Upon the completion of the certification process, the housing specialist will forward the following documents:

- To the owner: original lease, including Tenancy Addendum, executed by owner and tenant;
- To both owner and participant: Letter advising owner and participant of housing assistance payments and tenant's portion.

c. Family Participation Terminates After 180 Days of Zero HAP Payments

A family is eligible for HCV rental assistance as long as the tenant portion of the rent does not exceed the Contract Rent. If, upon annual or interim recertification, the tenant rent now exceeds or equals the total rent for the unit, the family can stay in the HCV Program for 180 calendar days at zero assistance. (The PHA is no longer making any payment to the landlord). At the end of the 180 days, the family's rental assistance is terminated, as is the HAP contract with the landlord. If during the 180-day period, the family's income decreases, a new recertification would be completed and assistance may again be paid.

4. Re-Certified Participants moving to a new unit

a. Voucher Issuance

1. If the waitlisted applicant is deemed eligible, a **Housing Choice Voucher on HUD Form 52646** shall be issued to the household.
2. If a current participant requests the opportunity to move to a new unit at the time of recertification, a **Housing Choice Voucher on Form 52646** shall be issued to the participant's household.
3. The Housing Specialist must review the family's obligations as contained in the **Voucher on HUD Form 52646** as well as the voucher orientation package (as described in section 5.3 of the Section 8 HCV Administrative Plan herein) with the head of household.
4. If the client has not found a suitable unit by the re-certification date, the Housing Specialist must complete the income re-certification procedure and generate a Family Report on Form HUD-50058 via the Lindsey system and transmit it to the HUD PIC System. This action should be reported as an **"Annual Reexam/Searching."**

Housing Specialists should follow HUD's guidance in completing HUD Form 50058:

- **Form HUD-50058 Instruction Booklet** at:
www.hudclips.org/sub_nonhud/cgi/pdfforms/50058i.pdf
- **PIC Form-50058 User Manual** at:
<http://www.hud.gov/offices/pih/systems/pic/userguides.cfm#50058>

II. Housing Search and Lease-up for Voucher Holders

A. Search Period

Program participants must identify a housing unit and submit it for approval within sixty days of the date that the Housing Choice Voucher was issued to them. The Department may extend the sixty day period to locate suitable housing by two (2) additional thirty day periods due to extenuating circumstances.

B. Request for Tenancy Approval

1. Minimum Requirements for Unit Approval

- The unit must meet the HCV occupancy standards;
- The unit must pass an HQS inspection; and
- If the gross rent exceeds the Department's payment standard, the family's share for the unit may not exceed the family's maximum initial rent burden, which is 40% of the household's monthly adjusted income.

2. Owner Approval

In addition to approval of the unit, the property owner is subject to certain disapproval criteria set forth in section 5.9 of the Section 8 HCV Administrative Plan.

3. HQS Inspection in General

- a.** To initiate inspection, the Program participant must submit: (a) a Request for Tenancy Approval (**HUD Form 52517**); (b) an unexecuted lease, incorporating a Tenancy Addendum on HUD Form 52641-A and to the Program's Housing Specialist.
- b.** Within one (1) business day of the request, the Housing Specialist is responsible for verifying that the selected unit meets the voucher's approved unit size and that the gross rent is equal to or less than the payment standard or would not result in a cost to the household that exceeds the household's maximum rent burden.

- c. If the unit on paper is acceptable, the Housing Specialist is to order an HQS inspection within one (1) business day of receiving the Request for Tenancy Approval and other required documents. The Department will reject the request for inspection in absence of any of the documents listed above.
- d. The first inspection will take place within seventy-two (72) hours of coordination with the Program participant and landlord for the date and approximate time of the inspection. Coordination efforts shall commence upon request for inspection. Under HUD rules, a determination whether a unit meets HQS standards must take place within fifteen (15) calendar days after submittal of the Request for Tenancy Approval. The 15-day clock is suspended during any period that the unit is not available for inspection.
- e. Prior to conducting the inspection, Housing Inspectors must verify the property description provided against public property records to ensure that the rental unit is not an illegal structure and that the owner does not owe real estate taxes on the rental property. Property search criteria are set forth below.
- f. Housing Inspectors shall follow the inspection procedures and apply the Housing Quality Standards set forth in **Tab 5** of the Manual to determine if the unit is acceptable under HQS.

C. Approval of Unit – HAP & Lease Execution

- 1. Upon a passing HQS inspection, the owner must sign a HAP Contract prepared by the Housing Specialist.
- 2. The voucher holder then will be required to sign the lease, incorporating the Tenancy Addendum.

D. Family Report on Form HUD–50058 Via PIC System

1. PIC Submission

- a. Upon execution of the lease by the voucher holder and the owner’s execution of a HAP Agreement, the Housing Specialist must generate a Family Report on Form HUD-50058 and submit it to the HUD PIC system via the Lindsey system. If the family is entering the HCV Program for the first time, this must be reported as a **“New Admission”**. If this is a household moving from one HCV-assisted unit to a new one, this action should be reported as a **“Unit Transfer”**.

Housing Specialists should follow HUD’s guidance in completing HUD Form 50058:

- **Form HUD-50058 Instruction Booklet** at:
www.hudclips.org/sub_nonhud/cgi/pdfforms/50058i.pdf

- **PIC Form-50058 User Manual** at:
<http://www.hud.gov/offices/pih/systems/pic/userguides.cfm#50058>)

2. Notification to Owner and Participant

Upon submission of the Form 50058 to HUD, the Housing Specialist must mail:

- To the owner: the original lease, including Tenancy Addendum, executed by owner and tenant;
- To both owner and participant: Letter advising owner and participant of housing assistance payments and tenant's portion.

Copies are to be retained on file.

3. Notice to Finance Unit

The Housing Specialist must forward (a) the TTP Print-out; (b) the letter to owner and tenant advising them of the HAP Payment and tenant portion; and (c) completed W-9 form to the Department's Finance Unit.

If a current participant is moving to a new unit, the Housing Specialist is responsible for entering a hold payment for the current unit in Lindsey with a note describing the date the participant is vacating their current unit.