

**CITY OF MIAMI
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**HOUSING CHOICE
VOUCHER PROGRAM
ADMINISTRATIVE PLAN**

Approved by City Commission on July 8, 2004

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 Housing and 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 Housing Agency (HA) 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 HA)

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 HA and incorporate those policy topics required by HUD regulation. The HA's policies and procedures articulated herein are subject to change in accordance with applicable HUD requirements. Any provision of federal law or regulation, or changes 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 HA's procedures for program administration, but is intended to provide applicants, participants and owners with a basic understanding of the HA'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 HA's owners information packet available upon request;
- The HA's information packet for participants that is available upon request;
- The HA's Operating Procedures Manual for its Section 8 Programs.

The HA'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 that they meet or exceed Section 8 Housing Quality Standards;
- Approving leases;
- Making Housing Assistance Payments to owners;
- Perform annual and periodic re-examinations of income, family composition and re-determination of rent.

1.3 Equal Opportunity Statement

The HA 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 HA 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.

1.4 Outreach to Families and Contact with Owners

The HA 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 HA meets with community organizations, owner and renter associations, block groups, neighborhood planning and development committees, housing advocates, governmental departments, advocacy agencies, and church groups. The HA will use its management experience and capabilities to disseminate useful relevant information to the widest audience.

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

2.0 ELIGIBILITY FOR ADMISSION

2.1 Eligibility Criteria

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

1. An applicant's income can not 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.
2. 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)).
3. 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 one.
4. 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.
5. An applicant head of household and spouse must sign the Applicant Certification form to certify that the information given to the HA on household composition, income, net family assets and allowances and deductions is accurate and complete.
6. An applicant has not committed fraud or misrepresentation in connection with any Federally assisted housing program.
7. An applicant does not owe rent or other amounts to the HA or any public housing in connection with Section 8 or public housing assistance under the U. S. Housing Act of 1937.
8. An applicant has reimbursed the HA or any public housing authority for any amounts paid to an Owner.
9. An applicant must not be evicted from public housing or any Section 8 program for drug-related criminal activity within the last three years.
10. No member of the family may be subject to a life-time registration requirement under Florida's sex offender's program.
11. The head of household or oldest family member is at least 18 years old or emancipated.
12. All applicants will be required to certify prior to admission that they do not have a pattern of illegal use of 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 HA'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 that 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.

3.0 MANAGING THE WAITING LIST

3. 1 Opening and Closing the Waiting List

The decision to open or close the waiting list will be based on whether the existing waiting 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 announce that applications for the Housing Choice Voucher program will again be accepted. The public notice will state where, when, and how to apply. The notice will be published in a local newspaper of general circulation, and also through available minority media. The public notice will state 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 the primary local newspapers (English, Spanish, Creole-speaking) and newspapers with primarily minority readership. Notice also will be made available through outreach efforts such as distribution of flyers through community organizations, libraries and churches. Notice and the pre-application form will be posted on the HA's website.

3. 2 Taking Applications

All applicants will be required to complete a pre-application form, which will contain information necessary for the HA to determine whether the applicant is eligible.

The method that the HA will use to take pre-applications will include advertising that applications will be accepted by mail. Applicants will be required to complete a standardized pre-application form and return by mail, instead of applying in person. The standardize pre-application form will be printed in all public newspaper notices, as well as, distributed by flyers through libraries, community groups, neighborhood groups and social service agencies, including those least likely to apply. This application acceptance process will accommodate an applicant who has difficulty traveling to the HA 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.

The HA will use the pre-application as the basis for follow-up phone calls, correspondence or direct appointments to obtain additional information and to ascertain the accuracy of all entries on the application form.

Pre-applications accepted through the mail will not be established based on the date and time of application but instead by computer lottery random selection. If the HA anticipates receiving far more applicants than it can assist in a reasonable period of

time, the HA reserves the discretion to establish lottery rules in advance of the open application period which limit the number of applicants to be placed on the waitlist. All pre-applications that meet the minimum qualifications will be ranked randomly by a computer lottery. The rules that govern who qualifies to participate in the computer lottery selection are as follows:

1. Only pre-applications that are eligible for admission will be considered.
2. Only one pre-application will be allowed per family.
3. Only pre-applications that are received during the advertised commencement date and deadline date will be considered. (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).
4. All pre-applications must be sent by mail to the mailing address designated by the HA.
5. The computer-generated lottery will randomly rank all of the qualified mail-in pre-applications or, if a limit is 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 waitlist, 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). 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 waiting list for audit control purposes. The numerical position assigned by the computer will be added to the applicant's pre-application.

3. 3 Completion of Application

For purposes of applying, the term "family" is defined as a single person or a group of persons and includes but is not limited to: Household with or without children; an elderly person(s) (at least 62 years old or older); a disabled person(s); the remaining member of an assisted tenant family who remains in the unit when other members of the family have left; a displaced person(s) and a single person who is not an elderly or displaced person; or a person with disabilities; or remaining members of a tenant family.

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.

The application process will involve two phases. The first phase is the initial application for housing assistance or the pre-application. The pre-application requires the family to provide basic information including name, address, phone number, family composition, income category, and information establishing any preferences to which they may be entitled. This first phase results in the family's placement on the waiting list.

Upon receipt of the families initial application, the HA will make a preliminary determination of eligibility. If the HA 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.

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

The HA will provide written notification confirming initial acceptance of pre-application. The notice will also inform applicants that it is their responsibility to notify the HA 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.

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 HA 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.

Applicant data is maintained on the initial pre-application form. Waiting list reports will maintain data in two different manners first; in chronological order by lottery selection and level of priority and second; alphabetically by applicant's last name, and numerically by head of household's social security number.

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

3. 4 Families Nearing the Top of the Waiting List

When a waitlisted family approaches the top of the waitlist (i.e. whose waitlist number is ten or higher), 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.

Once the preference has been verified the pre-application process will be completed. All the remaining eligibility-related documents must be submitted at this time. All required signatures must be obtained.

3. 5 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 HA will allow the family to reschedule appointments for good cause. Generally, no more than one re-scheduled appointment without good cause and no more than two appointment opportunities with good cause. When a good cause exists, the HA 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

3.6 Purging the Waiting List

Periodically the HA conducts mailings to purge inactive applicants from the waiting list. The purging of the waiting list enables the HA 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 HA 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.

3.7 Removal of Applicants from the Waiting List

Prior to removing an applicant's name from the waiting list, we will examine the applicant's file to ensure that we have exhausted all reasonable means to contact them before we remove the applicant from the waiting list. The HA will not remove an applicant's name from the waiting list unless:

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.

3.8 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. The applicant does not 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 the HA or another HA.
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 HA 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 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 HA'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 that 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.

3.9 Notification of Negative Actions

Any applicant whose name is being removed from the waiting list will be notified by the HA, in writing, that they have ten (10) business days from the date of the written correspondence, to present mitigating circumstances or request an informal review. 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 HA 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 HA will provide a reasonable accommodation. If the applicant indicates that they did not respond due to a disability, the HA will verify that there is in fact a disability and that a reasonable accommodation they are requesting is necessary based on the disability.

3.10 Informal Hearing

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

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. give a brief statement of the reasons for the decision, and

3. 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. 11 Conduct of Hearing

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

1. The HA 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. 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.

4. 0 SELECTING FAMILIES FROM THE WAITING LIST

4. 1 Maintenance of the Waiting List and Selection of the Families

The HA 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 HA will use the assistance for those families living in these units. The HA will maintain records showing that the family was issued a HUD-targeted Voucher.

There is one waiting list for all applicants regardless of the bedroom size the applicant may need. This waitlist is also serves as the waitlist for the HA's Section 8 Moderate Rehabilitation (project-based) Program. These project-based units are restricted to occupancy by elderly and disabled households. 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 Preferences

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 a 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.

4.3 Ranking of Preferences

Ranking preferences are identified below by the numeric value next to the preference category (example: a "1" in the space that represents the first priority, a "2" in the box representing the second priority, and so on.) If equal weight is given to one or more of these choices the same number will be next to both.

Preferences:

- 1 Elderly family as defined above.
- 1 Disabled family as defined above.
- 2 No Preference – All other qualified applicants with no preference.

4.4 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.

4.5 Selection from the Waiting List

Families will be selected from the waiting list based on the numerical position assigned by the lottery and above the 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 HA 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 HA 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 HA 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 papers needed in order 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 HA at the time of the enrollment interview. Ineligible applicants may request an informal review.

Applicants may obtain their numerical position on the waiting list by requesting it in writing or in person. The request must include the applicant's name, current address and social security number. All requests will be responded to in writing promptly. This waiting list information will not be provided to applicants via the telephone or in person for security concerns. 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. Update of applicant's address must be done in writing or in person.

Section 8 Moderate Rehabilitation Project owners must select from applicants of the City of Miami waiting list (unless the waiting list is exhausted or 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 HA 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 waitlist. Such applicants will receive a referral letter to present to the project owner to confirm that they are qualified City of Miami applicants. The HA 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 HA's Section 8 waitlist. Program rules, however, prohibit a Mod Rehab participant to move during the first year of their lease. Should the participant's name reach the top of the waiting list during this time frame, the HA will allow them to retain their place on the waiting list if their application number is passed when pulling from the waiting list. Applicants who elect to accept an available Mod Rehab unit are eligible to remain on the waiting list upon acceptance of the Mod Rehab units, however, they must remain in the unit for at least one year.

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

5. 0 SUBSIDY STANDARDS AND BRIEFING

5. 1 Bedroom Size Determinations (Subsidy Standards)

The HA 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.

| <u>Number of Bedrooms</u> | <u>Number of Persons</u> | |
|---------------------------|--------------------------|----------------|
| | <u>Minimum</u> | <u>Maximum</u> |
| 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. Live-in aides will get a separate bedroom, however, the HA 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.
7. 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.
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. 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 HA will grant exceptions to the subsidy standards when a family request 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 HA and is selected 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.

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:

1. Mobility Program Notice explaining where a family may lease a unit.
2. The HUD-required "Lease Addendum".
3. The "Request for Tenancy Approval" form.
4. The subsidy standards applicable to the applicant's household composition and income.
5. The HUD lead-based paint (LBP) form.
6. Protect Your Family From Lead In Your Home Booklet
7. Copy of Form Letter for Property Owners "Disclosure of Information on Lead-Based Paint Hazards.
8. Move-In Move-Out Checklist
9. Owner Certification of Rent Reasonableness
10. A listing of available housing units. (Including handicap accessible units if applicable.)
11. Housing discrimination complaint form HUD-903 (2/ 89) and HUD 928.1 (3-89) form.
12. A guide booklet to the Section 8 Tenant Based Assistance Housing Voucher program which includes information pertaining to the following:
 - a) Obligations of being a participant in the Voucher Program and as a tenant in the State of Florida.
 - b) Term of the voucher and policy regarding extensions or suspensions.
 - c) How the housing assistance payment is calculated.
 - d) The Utility Allowance Schedule and information on the Fair Market and Payment Standard.
 - e) What the family should consider in deciding whether to lease a unit, including guidance on the program's HQS requirements.
 - f) Information on how to select unit similar to the HUD brochure on how to select a unit.
 - g) The policy of providing information about the family to prospective owners.
 - h) Grounds for termination.
 - i) Informal hearing procedures.

5.4 Information to be Provided Prospective Owners

Selection of a family for participation in the voucher program is not a representation by the HA of the family's suitability for tenancy. Determining suitability for tenancy is the 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 HA will give prospective owners:

1. The family's current and prior addresses.
2. The name and address, if known by the HA, 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 HA will offer to assist them in filling out HUD form 903 (Housing Discrimination Complaint form). This form is included in their briefing packet or available upon request. If the family request, the HA 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 in which to pursue a discrimination complaint including an appropriate referral to the Miami-Dade Equal Opportunity Board, the Florida Commission on Human Relations, the Housing Opportunities Project for Excellence, Inc. (H.O.P.E.) and Legal Services of Greater Miami.

The HA may approve a request for extension or suspension on 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 HA.

If the Housing Voucher expires or is about to expire, a family may submit a written request for an extension. The HA may grant one or more extensions, provided the HA 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 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 difficulty rental market difficulties;
4. If the family requires greater than a 3-bedroom unit, 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 HA 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 HA's review of overall rental market conditions.

The cumulative term of the voucher, however, may not be more than 180 days.

In the event that the voucher expires with or without an extension, the family must reapply when the HA re-opens the waitlist pre-application period. Families unable to lease up during the term of the lease 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 HA that after the voucher was issued circumstances occurred that halted its housing search as follows:

1. A family member becomes 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 preventing 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 can not exceed 120 days.

5.7 Assistance Provided to Families that Include Persons with Disabilities

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

A booklet providing an owners' guide to the Housing Choice Voucher Program is to be 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 to encourage participation.

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

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

The HA will collect and distribute known available housing units to Voucher-holders including subscribing to local newspapers to identify housing rentals. When available the HA will refer clients to agencies that will help support finding units outside areas of poverty or minority concentration.

5. 9 Disapproval of Owner

The HA will disapprove owners as required under regulations governing the Housing Choice Voucher Program (24 CFR Part 982). In addition, the HA 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 HA, 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

6.1 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 calculations of Total Tenant Payments is ensured through the following methods; computer software is programmed to make correct calculations of entered data. The HA has Housing Specialist(s) who review calculations of all executed HAP contracts, as well as a random sampling of case files is audited 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:

6.2 Missed Recertification Appointment

If the family fails to respond to the recertification letter and fails to attend the recertification appointment, a second letter will be sent by certified mailed. The second letter will advise the family of their failure to appear, the opportunity to attend a re-scheduled appointment and that termination of their assistance will result if the family fails to appear at the second appointment. The family may request appointment re-scheduling for good cause.

6.3 Interim Reexaminations of Income and Household Composition

All interim changes of family income or household composition must be reported to the HA within thirty days of the occurrence. The HA 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.

6. 4 Minimum Rent

The HA 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 make certification of such effect and will need to report income status quarterly.

7. 0 INSPECTION POLICIES

7. 1 Housing Quality Standards and Inspections

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

Before approving a lease, the HA 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 HA will advise both the owner and tenant of the work required to be done. Such work must be completed within thirty (30). 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 HA 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 property 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; properties that has zero bedrooms dwelling; 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".

8. 0 RENT AND HOUSING ASSISTANCE PAYMENTS

8. 1 Payment Standards

The HA 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 HA 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 HA will review the number of voucher holders whose vouchers expire without having a leased unit. The HA 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 HA 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 HA 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 HA will review the availability of greater housing choices for voucher holders.

The HA will also review on a cases 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 HA 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 HA will collect Utility Allowance schedules from the Miami-Dade Housing Agency (the HA for Miami-Dade County) and other housing authorities within the county to review ongoing rates currently in use. The HA will request estimates and actual data from utility companies and program participants to compare to such other Utility Allowance schedules. After reviewing the aforementioned data decisions will be made to determine if utility allowance schedule needs to be adjusted. If the HA determines that an adjustment should be made, the HA shall make the necessary adjustments taking into account the size of dwelling units 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 HA's compiled rental survey data for appropriateness. The location, quality, size, unit type, 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 HA may provide the owner with a reasonable rental amount based on the compiled rental survey data. If the owner disputes the HA'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 HA 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 HA 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 and the "Owner's 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 HA'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 HA'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.

As detailed above, the HA 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, then 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 Requests to Move

Families must submit a written request to move and obtain the HA's approval. 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 may only be approved under the following circumstances:

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

8.6 Family Break-Up

In the event that a family break-up occurs in an assisted household, the HA will review the following factors to determine, in its discretion, which members of the family 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 family.

8.7 Absence from Unit

The family may be absent from the unit for brief periods. For longer absences the following HA 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 HA and the owner in writing and obtain the HA's approval. The HA will require the family to document the reason for the extended absence.

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

1. Comply with the notice requirements above;
2. Provide documentation acceptable to the HA 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 HA 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 HA'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 HA reserves the right to consider special circumstances (such as absence due to hospitalization, medical

emergency, etc.) as a basis to determine whether the HA may want to allow a resumption of assistance to the family. The family must supply any information requested by the HA 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 HA

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

8. 8 Payment of Monies Owed by the Owner or Family to the HA

The HA 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 of legal action where appropriate.

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

9. 0 SPECIAL HOUSING

The HA 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.

10. 0 TERMINATION OF ASSISTANCE TO THE FAMILY

10.1 Termination Policy and Procedure

The following will constitute grounds for removal of a tenant from the Housing Choice Voucher programs or to deny assistance for an applicant:

1. Failure to make payments for monies owed the HA or another HA.
2. Violation of any of the family obligations under 24 CFR 982.551 or set forth herein.
3. A participant or family member engaged in drug-related criminal activity or violent criminal activity.
4. A participant has committed fraud (bribery or any other corrupt or criminal act) at the time of application or during assisted tenancy.
5. A participant has failed to comply with the requirements under the family's contract of participation in the Family Self-Sufficiency program if participating.
6. If any family members of the family has been evicted from public housing.
7. If the family has engaged in or threatened abusive or violent behavior toward HA personnel.
8. 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.

All applicants will be required to certify prior to admission that they do not have a pattern of illegal use of 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 HA'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 that 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.

10. 2 Procedure for Removing a Section 8 Tenant from the Program

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.

11. 0 COMPLAINTS AND APPEALS

11. 1 Informal Hearing for Participants

The HA 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 HA 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 HA'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 HA's approval.

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

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. give a brief statement of the reasons for the decision, and
3. 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 HA shall conduct a hearing in accordance with the following procedures:

1. The HA 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 HA hearing any HA documents that are directly relevant to the hearing. The family can make copies at its own expense. If the HA fails to make requested documents available, it cannot then rely on the document(s) at the hearing. Similarly, HA must be given the opportunity 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 HA'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 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.

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 Initial or Re-Certification Appointment

1. Waitlisted Applicant

Upon availability of a voucher, the applicant at the top of the waitlist will be scheduled for an eligibility screening appointment to take place fifteen calendar days of 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 staying in place 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 waitlist 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
- 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.
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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 continuing eligibility verification for participants remaining in place, 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 a "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. 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.

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, that 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 (c) **Certification of Occupancy Readiness (Form __)** 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 HOS 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 "Annual Reexamination."

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 who 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