

**Comments on Miami-Dade Public Housing and Community Development
Proposed Section 8 Administrative Plan**

Submitted by the University of Miami School of Law Human Rights Clinic

- 1.7(A)(3)
 - HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* is not listed as a vital document that is available in both Spanish and Creole, in addition to English. These translations are available from the HUD website directly, and the Proposed Section 8 Administrative Plan should accurately reflect their availability.
- 2.14(A)
 - Definitions for “sexual assault” and “sexual battery” are not included in Attachment A. Definitions¹ are included in the Proposed ACOP Definitions Appendix, but for consistency and comprehensiveness, Proposed Attachment A – Definitions should include these defined terms as well.
 - In addition to the Violence Against Women Act, Miami-Dade County passed a resolution in 2012 declaring that “Protection against domestic violence is a fundamental human right.”² Furthermore, the resolution states “This resolution shall serve as a charge to all local government agencies to incorporate these principles into their policies and practices.” Thus, we recommend the following revision for the first sentence of 2.14(A):
 - “Under the Violence Against Women Act (VAWA), **and Miami-Dade County Resolution No. R-644-12**, PHCD is required to implement internal policies to include provisions for protection of victims of domestic violence, dating violence, sexual assault, sexual battery and stalking (domestic violence).”

¹ Appendix 1 of ACOP includes the following definitions: **Sexual Assault** - “The threat of oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, without consent;” **Sexual Battery** – “The actual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, without consent.”

² Miami-Dade County, Resolution No. R-644-12 (July 17, 2012), *available at* <http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2012/121380.pdf>.

- The bolded terms should be added to the Section 8 Administrative Plan.
- 2.14(B)(1)
 - Pursuant to the Violence Against Women Act (VAWA), “An applicant cannot be denied admission or assistance solely because the person has been a victim of domestic violence, **dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.**”³
 - The bolded terms should be added to the Section 8 Administrative Plan.
- 2.14(B)(5)
 - VAWA 2013 added an important new protection for tenants who wish to remain in housing after lease bifurcation. The law states:
 - If the evicted “individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.”⁴
 - Thus, the Section 8 Administrative Plan should reflect this important update codified in VAWA 2013.
- 2.14(C)
 - The wording in this paragraph is somewhat unclear and should be amended to use the exact language provided in Proposed ACOP Plan § XIV(C):
 - “When confronted with cases of domestic violence, PHCD must provide the alleged victim with HUD form 50066, *Certification of Domestic Violence, Dating Violence, or Stalking* and request that it be returned to PHCD. Additional documentation to accompany the victim’s statement or in lieu of the victim’s statement may include but is not limited to[].”
- 2.14(C)(8)
 - It is unclear what “A record of an administrative agency” is, and thus, we recommend that this language be clarified.

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- XIV(B)(5)

³ Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4, 127 Stat. 54, § 601 (2013) [hereinafter “VAWA 2013”], available at <http://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf>.

⁴ VAWA 2013, § 601 (to be codified at 42 U.S.C. § 14043e-11(b)(3)(B)(ii)).

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- Thus, the ACOP Plan should reflect this important update codified in VAWA 2013.

For questions or additional information please contact:

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⁵ VAWA 2013, § 601 (to be codified at 42 U.S.C. § 14043e-11(b)(3)(B)(ii)).