

OSCEOLA COUNTY  
HOME PROGRAM  
TENANT-BASED RENTAL ASSISTANCE (TBRA) PROGRAM  
POLICIES AND PROCEDURES

1. OPENING DISCLOSURE STATEMENT

A. Any matters not specifically addressed in these Policies and Procedures are automatically governed by the Section 8 Administrative Plan. For any issues or situations not explicitly covered herein, please refer to the Section 8 Administrative Plan for guidance and applicable regulations.

2. INTRODUCTION

B. The OSCEOLA COUNTY HOME TBRA Program is a Fair Housing and Equal Opportunity Program. OSCEOLA COUNTY does not discriminate based on race, color, national origin, sex, religion, age, or disability in employment or services.

C. Purpose and Use: The program guidelines have been developed to facilitate the efficient and effective operation of the TBRA Program. The TBRA program will be administered by the OSCEOLA COUNTY Housing and Community Services Department. Funding for this TBRA is provided under Title II of the National Affordable Housing Act (1990) through the HOME Investment Partnership Program (HOME) under regulations and policies established by the OSCEOLA COUNTY in conjunction with the United States Department of Housing and Urban Development (HUD). OSCEOLA COUNTY may set-aside a portion of its annual HOME allocation to provide Tenant Based Rental Assistance (TBRA) during the five-year Consolidated Plan period. TBRA is a rental subsidy used to help individual households afford housing costs. Clients choose their housing and the subsidy stays with the client (not the unit) if they move. This assistance is provided to families who are under 60% AMI and are connected with case management services that promote self-sufficiency. Families must be determined to be income eligible at time of admission.

D. Primary Objective: The primary objective of the TBRA program is to assist eligible applicants to secure safe, decent, and sanitary housing in the private rental market in OSCEOLA COUNTY. This program allows individuals/families to choose a neighborhood in which they prefer to live and helps to upgrade and maintain the quality of neighborhoods. Tenant must be able to choose a unit in which to live. Rental costs must not be above fair market rent and meet the Rent Reasonableness Test.

E. Secondary Objective: The secondary objective of the TBRA program is to empower individuals to achieve the goal of self-sufficiency and being part of a traditional neighborhood and community. Self-sufficiency is defined as the ability of an individual or family to be self-supporting through income derived from employment, benefits such as SSI and SSDI, or a combination of income and benefits while maintaining safe and decent community-based housing.

F. Payment Standards

- i. Apartments rented cannot exceed the maximum fair market rent as established annually by HUD.

G. High HOME Rent Limits: the maximum rent that can be charged for units assisted under various housing programs, including the HOME Tenant-Based Rent Program. These limits are based on the Fair Market Rents (FMR) set by HUD for the Orlando-Kissimmee-Sanford Metropolitan Statistical Area. HUD updates these figures annually to reflect market conditions.

- i. Income Levels: The limits vary based on the number of bedrooms in a unit and the income level of the household. Typically, there are different rent limits for different income brackets (e.g., very low-income, low-income).
- ii. Ensuring Affordability: By using the High HOME Rent Limits as the program max, the goal is to ensure that housing remains affordable for eligible low-income families, promoting stability and reducing homelessness in the area.

H. Maximum Rental Assistance: Difference between rent and 30% of Adjusted Gross Income (certificate method).

I. Minimum Tenant Payment: 30% of gross monthly income.

J. TBRA funds cannot be used for the following:

- a. Commitments to specific owners for specific projects;
- b. Assistance to resident owners of cooperative housing that qualifies as home ownership housing;
- c. Displacement or relocation assistance to tenants as a result of activities other than the HOME program;
- d. Hotel, motel, Airbnb or similar temporary arrangements;
- e. Overnight or temporary shelter; or
- f. In conjunction with another rental assistance program.

K. To qualify for the Tenant-Based Rental Assistance (TBRA) program, applicants will be assigned an in-house case manager who will provide social services management throughout their participation. The goal is to support participants in achieving self-sufficiency by the end of the program.

- L. For the elderly population, this means the case manager will assist with accessing and coordinating services tailored to their needs. This support may include helping with applications for public benefits and entitlement programs such as Social Security, Medicare, and other relevant resources. The case manager will also help connect participants with community services, such as senior centers, transportation assistance, and healthcare services, to ensure that their needs are met and their quality of life is maintained.
- M. The case manager will work closely with each elderly participant to develop a personalized plan that addresses their specific needs and goals, ensuring that they can achieve greater financial stability and independence. This comprehensive approach aims to enable elderly participants to secure stable housing and maintain self-sufficiency even after their involvement in the TBRA program concludes.
- N. While economic independence and self-sufficiency is the stated goal and objective of the program, OSCEOLA COUNTY understands that alterations to the agreement may be required during the agreement's term and that a "diligent effort" may be made without achieving the goal of economic independence. Whenever possible the participants and all other adult members of the household will be encouraged to tap into mainstream resources such as social service agencies, educational facilities, day care providers, Temporary Assistance to Needy Families (TANF), and public transportation as ways to increase household income and resources.
- O. Progress will be monitored by OSCEOLA COUNTY not less than once a year concurrent with re-certification of the participant but as staffing and program resources allow may choose to monitor the agreement more frequently. All records must be retained for five years after final rental assistance is provided.
- P. Ineligible program expenses established by Osceola County include but are not limited to mortgage payments, rental arrears, homebuyer assistance, costs associated with property purchase, utilities, rental deposit, utility deposit, moving/relocation expenses, etc.

### 3. DEFINITIONS

- A. **AMI:** Annual Median Income is a group of charts that are prepared annually for all the Counties and metropolitan areas in the US. The charts document income levels for various federal programs. The charts are broken down into very low income, low income, 30% of median income, 60% of median income, and median income.
- B. **Case Manager:** A case manager coordinates various services on behalf of an individual or family that needs assistance. In this document the term case manager can also refer to a Case Expeditor, Transition Coordinator, and Service Coordinator.

- C. **CFR:** The Code of Federal Regulations (CFR) is the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States.
- D. **Contract Rent:** The total rent including the tenant portion and the amount of the rental assistance. Contract rent includes the utility allowance for the unit.
- E. **OSCEOLA COUNTY:** OSCEOLA COUNTY HOME Consortium is comprised of Unincorporated OSCEOLA COUNTY, St. Cloud and the City of Kissimmee.
- F. **Elderly Participant:** Any person that is 62 years of age or older.
- G. **Elderly Household:** An elderly household is one in which the head of household or the spouse is at least 62 years old.
- H. **Family Obligations:** Formal document executed between OSCEOLA COUNTY and all adults living in the household. This contract spells out all the obligations that OSCEOLA COUNTY and the participant's household will be responsible for to maintain the HOME TBRA.
- I. **FMR:** Fair Market Rent is a payment standard that is set for each county in the nation that establishes a fair market rent for all rental units by bedroom size and unit type. The rent standard is calculated for the base rent and the average cost of utilities for modest rental housing units.
- J. **HAP:** Housing Assistance Payment is a contract between a tenant that is on a rental assistance program and the landlord that is providing a rental unit. The HAP contract spells out the terms of the agreement for the landlord to receive monthly subsidy.
- K. **HCV:** The Housing Choice Voucher Program is a federally funded rental assistance program that provides "tenant-based" rental assistance, so a tenant can move from one unit of at least minimum housing quality to another. The tenant pays 30% of their adjusted gross household income toward the rent and the voucher pays the balance of the rent up to HUD's Fair Market Rent established for the area.
- L. **HOME:** The HOME Investment Partnerships Program (HOME) is a type of United States Federal assistance provided by the U.S. Department of Housing and Urban Development (HUD) to States in order to provide decent and affordable housing, particularly housing for low- and very low-income Americans. It is the largest Federal block grant to States and local governments designed exclusively to create affordable housing for low-income families, providing over US\$2 billion each year. The program is commonly referred to as the Home Investment or Home Partnership Program, and is often operating in conjunction with other housing and other urban development programs, such as the CDBG program.

M. **Homelessness:** An individual or family who:

- i. **Category 1: Literally Homeless:** Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
  - a. Has a primary nighttime residence that is a public or private place not meant for human habitation; or
  - b. Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or
  - c. Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
- ii. **Category 2: Imminent Risk of Homelessness:** An individual or family who will imminently lose their primary nighttime residence, provided that:
  - a. Residence will be lost within 14 days of the date of application for homeless assistance;
  - b. No subsequent residence has been identified; and
  - c. The individual or family lacks the resources or support networks needed to obtain other permanent housing.
- iii. **Category 3: Homeless Under Other Federal Statutes:** Unaccompanied youth under 25 years of age, or families with Category 3 children and youth, who do not otherwise qualify as homeless under this definition, but who:
  - a. Are defined as homeless under the other listed federal statutes;
  - b. Have not had a lease, ownership interest in permanent housing during the 60 days prior to the homeless assistance application;
  - c. Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and
  - d. Can be expected to continue in such status for an extended period of time due to special needs or barriers
- iv. **Category 4: Fleeing/Attempting to Flee Domestic Violence**
  - a. Is fleeing, or is attempting to flee, domestic violence;

- b. Has no other residence; and
- c. Lacks the resources or support networks to obtain other permanent housing

**N. AT-RISK OF HOMELESSNESS:** An individual or family who:

- i. Has an annual income below 30 percent of Median Family Income (MFI) for the area, as determined by HUD;
- ii. Does not have sufficient resources or support networks, (e.g., family, friends, faith-based or other social networks), immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the “homeless” definition in this section;  
*and*
- iii. Meets one of the following conditions:
  - a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;
  - b. Is living in the home of another because of economic hardship;
  - c. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;
  - d. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;
  - e. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;
  - f. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or

- g. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan.

O. **HQS:** Housing Quality Standards inspection was developed by HUD to set a national minimum housing standard for many of the housing programs funded by the agency.

P. **Payment Standard:** The official listing of maximum unit rents by bedroom size and type of building. (See D for complete definition).

Q. **Subsidy:** financial aid provided by the government or an organization to help cover part of the cost of rent. It reduces the amount the tenant needs to pay out of pocket.

R. **TANF:** Temporary Assistance for Needy Families (TANF) is one of the United States of America's federal assistance programs. It began on July 1, 1997, and succeeded the Aid to Families with Dependent Children (AFDC) program, providing cash assistance to indigent American families with dependent children through the United States Department of Health and Human Services. This cash benefit is often referred to simply as "welfare."

S. **TBRA:** Tenant-Based Rental Assistance is a form of rent subsidy that allows a tenant to select the rental units that they wish to live in.

#### 4. FAIR HOUSING

A. The following information will be included in marketing and agreements with the landlords/owners.

- i. **Non-Discrimination:** The OSCEOLA COUNTY, or landlord shall not, in the provision of services or in any other manner, discriminate against any person on the grounds of age, race, color, creed, religion, sex, handicap, national origin, or familial status.

#### 5. TENANT SELECTION

A. All applicants must be screened and selected through a fair, written and public process.

- i. Pre-applicants will be made available online with weighted preferences.
  - a. Homeless Status: 15 points
  - b. Income Level – 60 AMI: 25 points
  - c. Elderly Person/Family: 35 points

d. Osceola Residency Requirement: 25 points

- ii. A lottery will be conducted to randomly identify a group of pre-applicants to proceed with the full application. Osceola County will conduct a lottery within 7 business days of the application closing date. Within 10 business days of lottery closing, Osceola County will contact the first 50 pre-applicants to come in the office to validate their preferences.
- iii. Application Denials will be sent within 30 days of application review via email. OSCEOLA COUNTY reserves the right to keep record of the application for a minimum of 1 year.

B. Applications

- i. Pre-applicants selected at random via lottery will be required to submit verifications to prove the preferences selected at the time of pre-application submission. Failure to submit supporting documentation will result in an automatic denial of acceptance. Individuals can re-apply a the next available TBRA application opening.
- ii. Duplicate pre-application submission will result in an automatic denial. Applicant would need to re-apply the next time the funds/application opening is announced.
- iii. A written application must be used to determine eligibility. Applications will include income information, household information, program rules & policies, complaint & grievance procedures, rent standards, rent calculation form, income limits and adjustments.

C. Residency Eligibility

- i. Tenants must be residents of OSCEOLA COUNTY for a minimum of six months. Documentation may include driver's license, utility bills, copies of benefit or banks statements.

D. Eligibility

- i. Tenant income and program eligibility shall be verified prior to admission and recertified every 12 months.
- ii. Clients must meet the 30% AMI at a minimum but cannot exceed 60% AMI at the time of application to qualify for assistance.

E. Case Management Participation:



- i. Selected tenants must participate in case management and have a reasonable likelihood of successfully achieving housing stability either on their own or through acquisition of some other form of permanent housing subsidy.

F. Waiting list:

- i. A waiting list is permitted. If using this option, it must be described how people are selected from the list to participate.
- ii. If a tenant or tenant family is on the wait list for more than six months, income eligibility will be re-verified prior to receiving the TBRA rental assistance to determine that they still meet the income eligibility for the program.

G. Notification:

- i. Prospective tenants will be notified in writing of the status of the application whether via email or mail correspondence.

H. Briefing:

- i. Purpose of Tenant Briefing: The Tenant Briefing is designed to provide eligible participants with comprehensive information about the Tenant-Based Rental Assistance (TBRA) program. The briefing ensures that participants understand their rights, responsibilities, and the resources available to them, ultimately promoting informed decision-making and successful housing outcomes.
- ii. Eligibility for Briefing: All applicants who have been determined eligible for the TBRA program are required to attend a Tenant Briefing prior to receiving assistance.
- iii. Content of the Briefing: The Tenant Briefing will cover the following key topics:
  - a. Program Overview: Description of the TBRA program, including eligibility criteria, available assistance, and program objectives.
  - b. Application Process: Step-by-step guidance on the application process, including required documentation and timelines.

- c. **Rental Assistance Calculation:** Explanation of how rental assistance amounts are determined based on household income and size.
- d. **Interim Recertifications:** Procedures for reporting changes in income (both decreases and increases) and the impact on rental assistance.
- e. **Tenant Rights and Responsibilities:** Overview of tenant rights under the program and relevant local laws, as well as responsibilities regarding lease agreements and reporting requirements.
- f. **Resources and Support Services:** Information on local resources such as financial counseling, job training, and housing support services.
- g. **Format and Delivery Timing:** Tenant Briefings will be conducted monthly or as needed, based on the number of new applicants.
- h. **Location:** Briefings will take place in a designated, accessible location or may be conducted virtually to accommodate participants.
- i. **Duration:** Each briefing session will last approximately 1 to 1.5 hours, allowing ample time for presentations and participant questions.
- j. **Attendance and Documentation Record-Keeping:** Attendance will be documented for each session. Participants are required to sign in, and records will be maintained for compliance purposes.
- k. **Follow-Up:** Participants will receive a handout summarizing key points discussed during the briefing. Contact information for program staff will be included for any further inquiries.
- l. **Feedback Mechanism Participant Feedback:** Attendees will have the opportunity to provide feedback on the briefing session through a survey. This feedback will be used to improve future briefings and ensure that the needs of participants are being met.

#### I. Rental Assistance Coupon:

- i. Upon admission into the TBRA program, prospective tenants are issued a Rental Assistance Coupon which authorizes the household to begin the search for appropriate housing. At the time the coupon is issued, a meeting is scheduled to explain the responsibilities of each party and the impact of the housing choice upon the payment.
- ii. Prospective tenants will be granted 60 days of initial searching time on the coupon with a possibility of extension(s) in 30-day intervals not to exceed 120 days.
- iii. The coupon should include:
  - a. Agency name
  - b. Household name
  - c. Unit size
  - d. Date issued
  - e. Location restrictions
  - f. Expiration date
  - g. Estimated rent calculation based on tenant income
  - h. Tenant requirements
  - i. Agency processes and responsibilities
  - j. Security Deposit Policy
  - k. Owner/landlord requirements
  - l. Length of assistance
  - m. Equal housing opportunity statement

## 6. INCOME ELIGIBILITY AND SUBSIDY AMOUNTS

- A. OSCEOLA COUNTY staff will determine subsidy amounts after income qualifying applicants. The following will need to be computed at a minimum:
  - i. Income Determination
  - ii. Calculating Adjusted Income

iii. Total Tenant Payment Calculation

B. Income Determination Process:

- i. The Annual Income as Defined in 24 CFR Part 5, will be used to determine TBRA income eligibility. This is also referred to as Part 5 Annual Income; and was based on the Section 8 model. The income definition is defined as the gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period.
- ii. Program participants will provide proof of income (such as wages or governmental benefits TANF, SSI, SSDI) at enrollment and each time household income changes. A copy of the proof of income or self-declaration of no income is stored in the program participant file.

C. Calculating Adjusted Income:

- i. After gross income is determined, calculation for the "adjusted income" as defined in 24 CFR 5.611 is used to determine total tenant payment (TTP), which is a measure of a household's ability to pay housing costs.

D. Total Tenant Payment Calculation:

- i. The TTP is the final calculation used to determine the TBRA subsidy and tenant's share of rent under a HOME-funded TBRA program. Resident rents are calculated by using annual incomes and applying standard allowances for dependents, childcare, disabilities and medical expenses and based upon established HUD guidelines, Notice CPD-96-03. If all utilities are included in the rent, the tenant's entire share of housing costs goes directly to the landlord. If utilities are paid separately, utility reimbursements must be made to the household whenever the household's share of housing costs is insufficient to cover expected utility costs.

E. Maximum Income

- i. Family income must not be above 60% adjusted median income (AMI) on admission and recertification. Income limits are established by household size and revised annually by the Department of Housing and Urban Development.
- ii. HOME TBRA is limited to households who are income eligible. 100% of HOME TBRA funds will be used to assist families who are at or below 60% of the area median income at the time of move in. The area median income is adjusted for household size as defined by the federal Housing Choice Voucher (HCV) income guidelines.

- iii. If at annual recertification the household income is above 60% but below 80% of area median income, the household may continue to receive assistance. If the household's income exceeds 80% of area median income at annual recertification, the household will no longer be eligible for HOME TBRA assistance.
- iv. If a tenant or tenant family is on the wait list for more than six months, income eligibility will be re-verified prior to receiving the TBRA rental assistance to determine that they still meet the income eligibility for the program.

## 7. PORTABILITY:

- A. OSCEOLA COUNTY HOME TBRA Program will not have an option for portability. All OSCEOLA COUNTY TBRA Program recipients will be required to lease up within Osceola County.

## 8. UNIT SELECTION/APPROVAL

- A. Upon admission into the TBRA program, prospective tenants are issued a Coupon (described above) along with a Request for Unit approval. This document must be completed and submitted to trigger the Housing Quality Inspection (HQS).
- B. Unit Inspections: Prior to completing the lease or making any payments, a unit must be inspected to ensure it meets HQS (HUD-52580). The copy of the Request for Unit Approval can be emailed to OSCEOLA COUNTY staff.
- C. Units must meet HQS before tenancy and at least annually. Complete records of certification, inspections, and follow-up actions must be kept in the client's files. Housing safety standards. Units that are built before 1978 must pass the lead-based paint inspection.
- D. Occupancy Standards: HUD has established occupancy standards that comply with the HQS requirements and how the number of bedrooms needed by the household will impact the unit size and subsidy. The following basic standards can be modified to take into consideration specific household composition and circumstances (i.e., pending child custody cases, chronic illnesses, family member who is absent most of the time, etc.). Occupancy standards are used to provide consistent criteria for determining the unit size for which the household is eligible and thus, the amount of assistance to be provided. Fair Housing rules permit a household to select smaller units that do not create seriously overcrowded conditions.
  - i. No more than two persons are required to occupy a bedroom;

- ii. Persons of different generations (i.e., grandparents, parents, and children), persons of the opposite sex (other than spouses/couples) and unrelated adults are not required to share a bedroom;
- iii. Children of the same sex (regardless of age) and couples co-habiting (whether or not legally married) must share the same bedroom for purpose of assigning the bedroom size on housing coupon;
- iv. A live-in care attendant who is not a member of the family is not required to share a bedroom with another household member.
- v. Individual medical problems (i.e., chronic illness) sometimes require either separate bedrooms for household members who would otherwise be required to share a bedroom or an extra bedroom to store medical equipment;
- vi. In most instances, a bedroom is not provided for a family member who will be absent most of the time, such as a member who is away in the military.

E. Ownership: Units maybe privately or publicly owned.

F. Rent Reasonableness: Rent for each unit must be determined to be reasonable when compared to unassisted units. This can be calculated by using the Rent Reasonableness Form. Tenants must complete this form prior to proposing any lease.

G. Rent Increases: Any rent increased must be approved by the OSCEOLA COUNTY. Individuals will be asked to provide documentation from the landlord about rent adjustments. Adjustment of the subsidy may be recalculated providing rent amounts continue to maintain the Fair Market Rent standards for the area.

H. Landlord-Tenant Law: Tenants should receive a user-friendly copy of the Landlord-Tenant Law and be informed on how to use this law when problems arise. Copies of signed receipt of the landlord-Tenant Law should be included in the individual's file. The law can also be found on the Florida Department of Agriculture and Consumer Service's website at <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Consumer-Resources/Consumer-Protection/Publications/Landlord-Tenant-Law-in-Florida>

I. Lead Based Paint: Tenants will be notified of about the potential presence and hazard of lead. All individuals receiving tenant-based rental subsidies will receive a copy of the Environmental Protection Agency brochure titled "Protect Your Family from Lead in Your Home A signed receipt of the copy should be maintained in the individual's file. The lessor shall disclose to the lessee the presence of any known lead-based paint and/or lead-based paint hazards in any housing built before 1978 that is being leased. The lessor shall also disclose any additional information available such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint

and/or lead-based paint hazards, and the condition of the painted surfaces. The lessor shall disclose to each lessee the existence of any available records or reports pertaining to lead-based paint and/or lead-based paint hazards. This requirement includes records or reports regarding common areas. This requirement also includes records or reports regarding other residential dwellings in multifamily housing built before 1978, provided that such information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the housing built before 1978 as a whole. If any of the disclosure activities identified in this section occurs after the lessee has provided an offer to lease the housing, the lessor shall complete the required disclosure activities prior to accepting the lessee's offer and allow lessee an opportunity to review the information and possibly amend the offer.

## 9. PROGRAM ADMINISTRATION

- A. Staff Roles and Responsibilities: To ensure effective management of the rental assistance program, staff roles and responsibilities are clearly defined as follows:
- i. Community Grants Program Manager: Oversees the overall administration of the program, ensuring adherence to policies, managing resources, and coordinating between various departments. Responsible for strategic planning and reporting to stakeholders.
  - ii. Community Grants Program Specialist I/II: Handle individual applications, verify eligibility, assist tenants with documentation, and maintain communication with landlords. Caseworkers ensure that each case is processed efficiently and in accordance with program guidelines.
  - iii. Case Managers: Promotes tenant self-sufficiency by conducting thorough needs assessments and creating individualized service plans that address their specific goals. They connect tenants with community resources and services, such as job training and educational opportunities, while providing ongoing support and advocacy to help them navigate complex systems and overcome barriers. Additionally, the Case Manager facilitates skill-building workshops and monitors progress to ensure that tenants make meaningful strides toward independence. By tracking progress and gathering feedback, they continually refine their approach to better support tenants in achieving long-term stability and self-reliance.

## 10. LEASE ADDENDUM

- A. Terms: At least one year unless the tenant and agency agree otherwise.
- B. The TBRA program will provide monthly rental assistance up to 24 months. OSCEOLA COUNTY will issue rental assistance in two 12-month contracts. The short-term nature of the TBRA program is a HOME requirement.

C. Un-allowable terms in lease: The lease between the owner and the tenant may not contain the following:

- i. Agreement by the tenant to be sued, to admit guilt, or to a judgment in favor of the owner in a lawsuit brought in connection with the lease;
- ii. Agreement by the tenant that the owner may take, hold, or sell personal property of household members without notice to the tenant and a court decision on the rights of the parties. However, the owner may dispose of personal property left by a tenant in accordance with state law;
- iii. Agreement by the tenant not to hold the owner or the owner's agents legally responsible for any action or failure to act, whether intentional or negligent;
- iv. Agreement of the tenant that the owner may institute a lawsuit without notice to the tenant;
- v. Agreement by the tenant that the owner may evict the tenant or household members without instituting a civil court proceeding in which the tenant has the opportunity to present a defense, or before a court decision on the rights of the parties;
- vi. Agreement by the tenant to waive any right to a trial by jury;
- vii. Agreement by the tenant to waive the tenant's right to appeal, or to otherwise challenge in court, a court decision in connection with the lease; and
- viii. Agreement by the tenant to pay attorney's fees or other legal costs even if the tenant wins in a court proceeding by the owner against the tenant. The tenant, however, may be obligated to pay costs if the tenant loses.

## 11. AGREEMENT WITH PROPERTY OWNER/LANDLORD

A. OSCEOLA COUNTY will have an agreement with the property owner/landlord providing information regarding terms, amounts, security deposit fair housing and termination.

## 12. LEASE TERMINATION

A. For Tenants:

- i. Notice Period: Tenants usually must provide written notice to their landlord and the housing authority. The notice period typically ranges from 30 to 60 days, but it can vary depending on the lease agreement and local regulations.



- ii. Compliance with Lease Terms: Tenants must follow the lease agreement's terms for ending the lease, which may include notifying the landlord in writing and providing a reason for the termination if required.
- iii. Rent Payments: Tenants must ensure that all rent payments are up to date. Outstanding rent or damages may need to be settled before the lease can be officially terminated.
- iv. Return of Keys: Tenants must return all keys and any other property belonging to the landlord.
- v. Inspection: An inspection of the unit may be required to assess any damages and determine the condition of the property.

B. For Landlords:

- i. Notice to Tenant: Landlords must provide a written notice to the tenant if they are terminating the lease. The notice period generally aligns with the lease agreement and local laws, often 30 to 60 days.
- ii. Reason for Termination: Landlords must provide a valid reason for lease termination, such as non-payment of rent, lease violations, or property damage. In some cases, a lease can be terminated without cause, but this must comply with local regulations and the terms of the lease agreement.
- iii. Notification to OSCEOLA COUNTY: Landlords MUST notify OSCEOLA COUNTY about the lease termination.
- iv. Final Inspection: Landlords should conduct a final inspection of the unit to assess any damages beyond normal wear and tear. This can impact the return of the tenant's security deposit.

13. PROGRAM TERMINATION

- A. OSCEOLA COUNTY will have an agreement with the property owner/landlord providing information regarding terms, amounts, security deposit fair housing and termination.

14. CASE MANAGEMENT

- A. Agreements for case management services must be in a separate agreement signed by the agency and the participant.

## 15. UTILITIES

- A. Utility Deposits: The HOME Tenant-Based Rental Assistance (TBRA) program does not cover utility deposits. The program is primarily designed to assist with monthly rent payments, and its funds are usually allocated to reducing the tenant's rent burden rather than covering additional costs such as utility deposits. If you need help with utility deposits, you might want to explore other local resources or assistance programs that specifically address those expenses.
  
- B. Utility Costs: *Utilities costs are included in the fair market rental calculation.* The utility allowance schedule utilized by the OSCEOLA COUNTY Section 8 Housing Choice Voucher program will be used.

## 16. BENEFICIARY DATA / RECORDS

- A. TBRA tenants, rents and occupancy data will be tracked. Reports will be maintained that include:
  - i. Individual's name
  - ii. Individual's date of birth
  - iii. Receiving case management
  - iv. Financial eligibility
  - v. Rent below FMR
  - vi. HQS Inspection completion date
  - vii. Lead based paint inspection
  - viii. Lease in file
  - ix. Amount of subsidy
  - x. Rental start date

## 17. REQUIRED DOCUMENTATION

- A. All forms must have signatures. Adequate documentation of the eligibility of persons served using the HUD TBRA will be maintained. Records will be retained for five years after final rental assistance is provided for the following documents:
  - i. Application

- ii. Coupon (rent calculation)
- iii. Income verification and subsidy calculations
- iv. Notice of eligibility or ineligibility to prospective applicants
- v. Rent Reasonableness
- vi. HQS Inspection Checklist
- vii. Tenant, Rents and Low-Income Occupancy Data
- viii. Lead Based Paint Inspection Report – (Units built before 1978)
- ix. Lease and addendums
- x. Agreement with owner/landlord
- xi. Case management records
- xii. Notice of end of rental assistance to both tenant and landlord/property owner

18. PROHIBITION AGAINST DUPLICATE RENTAL ASSISTANCE

- A. Participating households cannot receive TBRA if they are receiving rental assistance under another Federal, state or local rental assistance program IF the HOME subsidy would result in duplicative subsidies.
- B. In accordance with the Section 8 Housing Choice Voucher program rule at 24 CFR 982.352 (c) (6), Housing Choice Voucher recipients and certificate holders cannot receive TBRA under the HOME Program because the two programs would provide duplicative subsidies.
- C. HOME TBRA recipients who are offered a Housing Choice Voucher or certificate must relinquish HOME TBRA assistance, if they wish to accept the Housing Choice Voucher assistance. A certification form must be signed by the applicant stating that they are not receiving Section 8 Housing Choice Vouchers.

19. INELIGIBLE USES OF TBRA ASSISTANCE

- A. Make commitments to specific owners for specific units/projects. Tenants must be free to use the assistance in any eligible unit;
- B. Assist resident owners of cooperative housing that qualifies as home ownership housing. TBRA may, however, be used by a tenant who is renting from a cooperative unit owner;
- C. Pay cost overruns, such as late fees.

- D. Prevent displacement of, or provide relocation assistance to, tenants as a result of activities other than the HOME Program.
- E. Provide TBRA to homeless persons for overnight or temporary shelter.
- F. The HOME TBRA subsidy must be sufficient to enable the homeless person to rent a transitional or permanent housing unit that meets Housing Quality Standards (HQS).

## 20. LENGTH OF STAY

- A. The HOME TBRA program is designed to act a bridge subsidy until the tenant can secure permanent rental assistance from another source. The TBRA program will provide monthly rental assistance up to 24 months. OSCEOLA COUNTY will issue the rental assistance in two 12 month contracts.
- B. When a participant's name is called from the wait list of another subsidy source, the participant must notify the OSCEOLA COUNTY TBRA Program Manager within 7 days of the receipt of the notification. All participants are required to complete the paperwork and take the necessary steps to activate the new rental assistance. Failure to notify OSCEOLA COUNTY that your name has been called for rental assistance or a unit is a project-based rental unit is grounds for termination for the HOME TBRA program.
- C. In the event that a participant's name has not been called for rental assistance during the 24 month term of the TBRA program, OSCEOLA COUNTY will consider extending the TBRA assistance on a case-by-case basis. The participant and their case manager will be required to make a written request to the TBRA Program Manager outlining the circumstances for the participant's failure to secure permanent rental assistance and requesting an extension on the rental assistance. OSCEOLA COUNTY can only grant such requests based on the availability of funding at the time the request is made. A participant's TBRA assistance may not be renewed if they choose not to participate in their self-sufficiency case management plan.

## 21. CASE MANAGEMENT SERVICES AGREEMENT

- A. TBRA assistance will be limited to those participants who are willing to sign the case management agreement. This agreement is not tied to any mandatory self-sufficiency program or any mandatory support service plan.
- B. Because the TBRA rental assistance is only provided for 24 months goal is to target the assistance to participants who have the ability to increase their income and be able to afford a rental unit without rental assistance or be able to secure a rental unit with permanent rental assistance at the time the TBRA assistance ends.

## 22. SECURITY DEPOSITS

- A. HOME TBRA funds will not be used for security deposits for eligible participants. Security deposits cannot exceed the amount of two months' rent. The security deposit should be reasonable for the area and should be reasonable and equal to what a non-subsidized tenant would pay for the same unit. The security deposit will be paid by tenant directly to the landlord.
- B. When the participant moves the security deposit will be refunded to the participant according to the terms of their lease. The security deposit is a grant to the participant and does not have to be repaid.
- C. If the tenant plans on moving while on the program, they will be responsible for the security deposit at the new rental unit. The HOME TBRA program will issue only one security deposit per participant. Tenants can use any refunded security deposit to fund the security deposit at a new rental unit. OSCEOLA COUNTY may pay a second security deposit on a case-by-case basis if a tenant needs to leave their current living situation due to domestic violence or any other situation that put the tenant in danger of if the landlord is not making repairs to the property which causes the unit to be out of compliance with HQS standards.

### 23. RE-CERTIFICATIONS

- A. The household income, family size, and composition must be recertified at least annually. Interim re-certifications will be considered on an individual basis when there is a change in household income or household composition. Household members are required to report all changes in household composition to OSCEOLA COUNTY within 30 days of the change. A decrease in household composition may result in a change in household bedroom size at the time of coupon re-issuance.
- B. Household members are required to report all changes in household income to OSCEOLA COUNTY within 30 days of the change. All changes must be submitted in writing and supported by verifications.
  - i. Decreases outside of the annual recertification period:
    - 1. Request for Interim Change Form is due by the 15<sup>th</sup> of the prior to effective date of change. Anything submitted after the 15<sup>th</sup> of the month will be effective one month after.
    - 2. Documented decrease in income of 10% or more triggers an interim recertification.
  - ii. Adjustments due to income increases will be scheduled for the next annual recertification unless there are substantial changes that warrant an interim review.

### 24. OCCUPANCY STANDARDS

- A. Osceola PHA Bedroom Policy: The HOME TBRA program will assign two heartbeats per living space in determining the unit size for an assisted family. Age and sex of family members will be considered on a case-by-case basis as approved by the OSCEOLA COUNTY Housing and Community Services Department Manager

B. A room is considered a bedroom if it meets the following criteria:

- i. The room must be large enough to accommodate at least one person with sufficient space for sleeping and other activities. While there isn't a strict minimum size specified, it generally should be at least 70 square feet for a single occupant and 50 additional square feet for each additional person.
- ii. Privacy: The room must have a door that can be closed for privacy. It should be separate from other rooms and not intended for use as a passageway or entryway.
- iii. Ventilation and Lighting: The room must have proper ventilation and lighting. This often means it should have a window that provides natural light and ventilation, or appropriate artificial lighting and air circulation.
- iv. Egress: The room should have a clear and safe means of egress (exit) in case of an emergency, such as a window or door that can be opened.
- v. Separation: Bedrooms should not be used for other purposes like living rooms or kitchens. They should be designated specifically for sleeping.
- vi. Condition: The room must be in good repair, and clean

C. Live-in aides will be allocated a separate bedroom

D. Space and Security: The dwelling unit must have at least one bedroom or living/sleeping room for every two persons. To be considered as a bedroom and meet all other bedroom requirements it must have a built-in closet or a portable closet. Other than very young children, children of opposite sex (after the age of six) are not required to occupy the same bedroom or living/sleeping room.