

RESOLUTION 15-22

TO ADOPT AS FINAL REGULATIONS THE SITE BASED WAITING LIST FOR THE DISTRICT OF COLUMBIA HOUSING AUTHORITY PUBLIC HOUSING PROGRAM

WHEREAS, the District of Columbia Housing Authority (DCHA) maintains a waiting list(s) of all families seeking housing assistance from one of the housing programs owned, operated or administered by DCHA; and

WHEREAS, DCHA looks to establish a site-based waiting list for its Public Housing Program to empower applicants with a choice of where they want to live and reduce site rejections;

WHEREAS, the proposed regulations to establish a site-based waiting list for the Public Housing program were presented to the housing advocacy community prior to publishing in the D.C. Register; and

WHEREAS, DCHA received and adopted comments from the housing advocacy community prior to publishing the regulations in the D.C. Register; and

WHEREAS, the Proposed Regulations were published in the *D.C. Register* on May 15, 2015; and

WHEREAS, during the 30-day public comment period, DCHA received additional comments and met with interested stakeholders and adopted additional comments; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby adopts amendments to Chapter 61 of Title 14 of the District of Columbia Municipal Regulations.

ADOPTED, by the Board of Commissioners of the District of Columbia Housing Authority and signed in authentication of its passage, the 8th day of July 2015.

ATTEST:



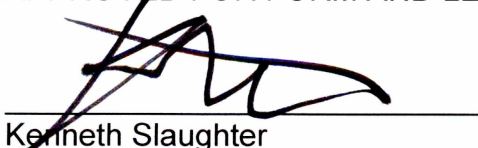
Adrienne Todman
Executive Director/Secretary

APPROVAL:



Terri Thompson
Chairman

APPROVED FOR FORM AND LEGAL SUFFICIENCY:



Kenneth Slaughter
General Counsel

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF PROPOSED RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA) hereby gives notice, pursuant to D.C. Official Code § 6-203 (2008 Repl.), hereby gives notice of the adoption of the amended Chapter 61 of Title 14 of the District of Columbia Municipal Regulations.

The purpose of the proposed amendments is to create a site based waiting list and improve the overall management and administration of DCHA's waiting list(s).

A proposed rulemaking was published in the *D.C. Register* on May 15, 2015, at 62 DCR 6076. This rulemaking was adopted as final at the Board of Commissioners regular meeting on July 8, 2015. The final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 61 “Public Housing: Admission and Recertification,” of title 14, “Housing,” of the DCMR is proposed as follows:

Section 6100 is amended to read as follows:

6100 INTRODUCTION TO THE APPLICATION PROCESS

6100.1 The District of Columbia Housing Authority (DCHA) owns and operates public housing for low to moderate income families in the District of Columbia and administers the Housing Choice Voucher and Moderate Rehabilitation Programs.

6100.2 In order to provide subsidized housing, DCHA shall maintain a waiting list(s) of all families seeking housing assistance from one of the housing programs owned, operated or administered by DCHA. The waiting list(s) shall open for new Applicants pursuant to Section 6104 when DCHA has exhausted existing Applicants on its current waiting list(s) for a specific property bedroom size and/or unit type.

6100.3 When DCHA opens its waiting lists(s) pursuant to Section 6104, DCHA shall notify the public of its method for taking applications. DCHA may take applications in person, via US mail, by telephone, on-line or through other methods as determined by DCHA.

6100.4 DCHA shall maintain its waiting list(s) in accordance with the provisions of this Chapter.

Chapter 61 “Public Housing: Admission and Recertification,” of title 14, “Housing,” of the DCMR is amended as follows:

Section 6101 is amended to read as follows:

6101 APPLICATION FOR ASSISTANCE

6101.1 DCHA maintains the following waiting lists:

- (a) Public Housing;
 - 1. First Available Waiting List; and
 - 2. Site Based Waiting List;
- (b) Housing Choice Voucher Program; and
- (c) Moderate Rehabilitation Program.

6101.2 Each Applicant seeking public housing assistance owned, operated or administered by DCHA, or rental assistance through the Housing Choice Voucher and Moderate Rehabilitation Programs must submit a completed application with DCHA.

6101.3 Applications must be returned to DCHA via the methods as determined by DCHA at the time of the opening of the waiting list(s) pursuant to Section 6104.

6101.4 An Applicant may apply for one, some or all of the programs that DCHA owns and operates or administers.

6101.5 If an Applicant applies for public housing, the Applicant shall select to be on either the First Available Waiting List or the Site Based Waiting list.

6101.6 If an Applicant for public housing chooses to be on the First Available Waiting List then his or her application shall be considered for a vacancy at any public housing property.

6101.7 If an Applicant for public housing chooses to be on the Site Based Waiting List, Applicants shall select up to three (3) individual public housing developments where they wish to reside.

6101.8 As part of the Housing Choice Voucher and Moderate Rehabilitation Programs application process, Applicants shall be given the opportunity to select the Housing Choice Voucher Program and/or the Moderate Rehabilitation Program for housing assistance.

- 6101.9 A review of all applications shall be conducted by DCHA based on the data contained in the application. This review is limited to determining the completeness of the application.
- 6101.10 Only completed applications will be accepted by DCHA for processing.
- 6101.11 If DCHA determines that an application is incomplete, DCHA shall return the incomplete application to the Applicant to the address listed on the application and advise the Applicant that the application is incomplete and what missing information is required to complete the application.
- 6101.12 Once the completed application is submitted to DCHA, the Applicant shall receive a confirmation of receipt either electronically, in person or via first class mail.
- 6101.13 DCHA shall record the date and time that the completed application was received.
- 6101.14 Applicants shall be placed on the DCHA waiting list(s) based on date and time of their completed application and any program preferences selected on the application pursuant to Sections 6102, 6103, 6105, and 6111 of this Chapter.
- 6101.15 A person with a disability may request a reasonable accommodation at any time during the application process pursuant to Chapter 74 of Title 14.

Chapter 61 “Public Housing: Admission and Recertification” of title 14, “Housing,” of the DCMR is proposed as follows:

Section 6102 is amended to read as follows:

- 6102 APPLICATION PROCESS AND REVIEW
- 6102.1 Upon receipt of a completed application, DCHA shall place the Applicant on the selected waiting list(s) based on the date and time that the application was received, the type and unit size required based on occupancy guidelines and applicable Special Programs and/or allocations, and any preference(s) established by DCHA.
- 6102.2 Each Applicant shall be assigned a unique Client Identification Number (CIN) for identification purposes.
- 6102.3 Placement on DCHA’s waiting list(s) does not guarantee the family admission to public housing, the Housing Choice Voucher, or the Moderate Rehabilitation Program.

- 6102.4 Periodically, as vacancies occur or are anticipated at DCHA owned and operated public housing developments or as Housing Choice Vouchers become available or units become available in the Moderate Rehabilitation Program, Applicants near the top of the applicable waiting list(s) shall be interviewed in order to obtain and verify any and all information necessary to make an eligibility determination in accordance with Sections 6106, 6107, 6108, and 6109.
- 6102.5 Public housing and Moderate Rehabilitation Applicants who have been deemed eligible shall be placed in the selection pool.
- 6102.6 DCHA shall review the application for any current debt owed to any public housing authority or Housing Choice Voucher programs via the HUD Enterprise Income Verification system "EIV" or any other income or debt verification source.
- 6102.7 If a current debt is found, DCHA shall notify the Applicant of the debt amount, to whom it is owed and the consequences of an unresolved debt at the time of the eligibility determination.
- 6102.8 If the current debt is unresolved at the time of the eligibility determination the Applicant may be deemed ineligible.
- 6102.9 The Applicant shall be allowed to submit mitigating circumstances to demonstrate an Applicant's suitability to receive housing assistance.
- 6102.10 Applicants in the public housing selection pool shall be offered housing units that meet their occupancy and accessibility needs as the appropriately sized units become available, pursuant to Sections 6112 and 6113.
- 6102.11 Eligible Applicants for the Housing Choice Voucher Program are offered a voucher as vouchers become available pursuant to Chapter 76.
- 6102.12 Eligible Applicants for the Moderate Rehabilitation Program shall be placed in a selection pool and offered a unit as units become available pursuant to Chapter 76.
- 6102.13 The determination of eligibility and the process for the ultimate determination of ineligibility, including the informal conference and the option to request a review by an independent third party reviewer, are found in Section 6107 of this Chapter.

Chapter 61 “Public Housing: Admission and Recertification,” of title 14, “Housing,” of the DCMR is proposed as follows:

Section 6103 is amended to read as follows:

6103 MAINTENANCE OF THE WAITING LIST(S)

6103.1 The waiting list(s) shall be maintained to ensure that Applicants are referred to appropriate developments, unit types (for example for public housing, Mixed Population, General Population or accessible) and sizes or housing programs.

6103.2 Applicants are responsible for updating their application when there are changes in the family composition, income, address, telephone number, and acceptance of housing assistance. Failure to update the application timely may result in a delay in housing, being deemed eligible for housing or the Applicant being changed to inactive status from the waiting list(s).

6103.3 DCHA shall update its waiting list(s) periodically and to meet the needs of those requiring housing assistance as needed. When this occurs, DCHA will send update forms to the affected Applicants.

(a) The request for an update to a housing application shall provide a deadline by which the Applicant must respond and shall state that failure to respond shall result in the Applicant’s being withdrawn from the waiting list(s) or changed to inactive status.

(b) Applicants must complete an update form electronically, by telephone or mail, or by any other means established by DCHA within the time frame specified in the request for update package. Once the update is received the appropriate changes shall be made to the Applicant’s file and the Applicant shall maintain their application date and time.

6103.4 Applicants who do not return the completed update form within the specified time frame shall have their waiting list status changed to inactive:

(a) An Applicant whose status is inactive will not be actively considered for DCHA housing assistance.

(b) If an inactive Applicant submits a completed update form at any time after the expiration of the specified update time frame, then the Applicant shall be restored to an active status on the waiting list based on the Applicant’s original application date and time provided that the Applicant was deemed inactive after October 1, 2003.

- 6103.5 Changes in an Applicant's circumstances while on any of DCHA's waiting list(s) may affect the family's qualification for a particular development, bedroom size or entitlement to a preference. When an Applicant reports a change that affects their placement on the waiting list(s), the waiting list(s) shall be updated accordingly.
- 6103.6 When selecting Applicants from the waiting list(s) for public housing, DCHA shall use the Applicant's family composition and any reasonable accommodations requests to determine the appropriate bedroom size and unit characteristics.
- 6103.7 Applicants on the Waiting List who have requested a fully accessible unit, a unit with accessible features of any other reasonable accommodation through the reasonable accommodation process must meet all requirements of the accommodation prior to being deemed eligible. All reasonable accommodations shall be verified and approved by the Office of the ADA/504 Coordinator prior to a unit offer.
- 6103.8 Applicant families with members with disabilities who have verified and approved reasonable accommodations for fully accessible units or units with accessible features shall receive priority for those units that are designated as fully accessible units or designed with specific accessibility features.
- 6103.9 The only other system for assigning priority to eligible public housing Applicants is date and time of application, unless otherwise specified in this Chapter including Sections 6111, 6112 and 6113 of this Chapter.
- 6103.10 Applicant's housed in public housing, Housing Choice Voucher or Moderate Rehabilitation programs do not qualify for the "homeless" preference category and shall have the preference removed.
- 6103.11 SELECTION FOR PUBLIC HOUSING
- (a) Applicants seeking housing assistance in the public housing program shall choose either the Public Housing First Available Unit Waiting list or the Site Based Waiting list.
 - (b) Applicants shall not be placed on the First Available Unit waiting list and the Site Based Waiting List at the same time. Applicants who select both shall be listed only on the Site Based Waiting lists that the Applicant selected.
 - (c) Applicants who do not select developments on the Site Based waiting list or the First Available Waiting Unit Waiting List shall be placed automatically on the First Available Unit Waiting list.

- (d) Applicants shall only be listed at developments that have bedroom size and unit characteristics for which the family is authorized to occupy based on family composition and any reasonable accommodation requests.
- (e) Applicants may select up to three (3) developments on the Site Based Waiting list. An Applicant who has selected multiple developments on the Site Based Waiting List, and has the earliest application date and time, shall be offered the first available unit of their site(s) selection.
- (f) An Applicant who has selected the Site Based Waiting List may not change his/her development selection after the application is received unless there is a change in their family circumstances that would require a change in bedroom size or unit characteristics. However, if the site selected can accommodate the required change DCHA shall not approve a change in the site selection. The Applicant shall maintain his/her original application date and time for the newly selected site.
- (g) An Applicant on the Site Based Waiting List may elect to voluntarily remove their selection from the Site Based Waiting List to the First Available Waiting List and maintain their original application date and time.
- (h) Any Applicant on the First Available Waiting List may not change their selection from the First Available Waiting List to the Site-Based Waiting List.

Chapter 61 “Public Housing: Admission and Recertification,” of title 14, “Housing,” of the DCMR is amended as follows:

Section 6111 is amended to read as follows:

- 6111.1 When an Applicant has been deemed eligible and a unit has become available for offer, DCHA shall review the Applicant's file to determine whether the information is current and correct. Information shall be considered current if it was verified by DCHA within no more than one hundred eighty (180) days prior to tenant assignment.
- 6111.2 If updated information is required, the Applicant shall be required to submit information in accordance with Section 6106 of this Chapter before a unit is offered.
- 6111.3 Eligible Applicants shall be offered an appropriate unit, when available, consistent with the priorities and requirements of this Title.

- 6111.4 Unit offers shall be made to Applicants with the earlier application date and time regardless of whether the Applicant selected the First Available Waiting List or a Site Based Waiting List for the particular site selected.
- 6111.5 Suitable vacancies arising at a given time at any location shall be offered to the selected Applicant first in sequence at the time of vacancy; provided, that referrals may be made out of sequence in the following situations:
- (a) For Applicants with a preference or in the emergency category, assignments shall be made to units in sequence based upon the date and time of application, as indicated in Section 6105;
 - (b) For low income families, pursuant to Section 6105;
 - (c) For disabled families, pursuant to Section 6112; and
 - (d) For comprehensive modernization properties and new developments, pursuant to Section 6113.
- 6111.6 Each Applicant shall be assigned an appropriate unit in sequence based upon the date and time of application, suitable type or size or unit, preference, consistent with the objectives of Title VI of the Civil Rights Act of 1964, and applicable HUD regulations and requirements.
- 6111.7 SELECTION FROM THE FIRST AVAILABLE WAITING LIST
- (a) Eligible applicants with the earliest application date and time selecting a First Available Unit shall be offered the next available unit that matches the family bedroom size and required needs regardless of the development pursuant to this Section.
 - (b) When an Applicant is offered a unit from the First Available Unit waiting list, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
 - (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection. If the Applicant refuses the second unit offer, the Applicant shall be removed from the public housing waiting list(s) but shall remain on the Housing Choice Voucher Program and Moderate Rehabilitation Program waiting lists.
 - (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next Applicant on the public housing waiting list(s) in accordance with this Section.

- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all public housing waiting lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.8 SELECTION FROM THE SITE BASED WAITING LIST

- (a) Applicants on the Site Based Waiting List unit shall with the earliest date and time if deemed eligible shall be offered the next available unit that matches the family bedroom size and unit characteristics pursuant to this Section.
- (b) When an Applicant is offered a unit from the Site Based Waiting List, DCHA shall send the Applicant an offer letter and identify the development where the unit is available. The Applicant must contact the property and view the unit within ten (10) calendar days of the offer letter.
- (c) If the Applicant fails to show up at the appointment or refuses the unit offer, the Applicant shall be offered one (1) additional unit for selection at any of their selected sites when their name reaches the top of the waiting list(s). If the Applicant refuses the second unit offer, the Applicant shall be removed from all DCHA public housing waiting list(s).
- (d) If an Applicant fails to show up at an appointment or refuses a unit offer, DCHA shall offer the unit to the next eligible Applicant on the public housing waiting list(s) in accordance with this Section.
- (e) If the Applicant accepts an offered unit, the Applicant shall be removed from all public housing waiting lists but shall remain on the Housing Choice Voucher and Moderate Rehabilitation Waiting Lists.

6111.9 If the Applicant is willing to accept the unit offered but is unable to move at the time of the offer, and presents clear evidence to DCHA's satisfaction of his or her inability to move, refusal of the offer shall not count as one of the number of allowable refusals permitted the Applicant before removing the Applicant from the public housing waiting list(s).

6111.10 If the Applicant presents evidence to the satisfaction of DCHA that acceptance of a given offer of a suitable vacancy may result in undue hardship not related to considerations of race, sex, color, or national origin, such as inaccessibility to employment, children's day care, refusal of such an offer shall not be counted as one of the number of allowable refusals permitted an applicant before removing the Applicant from the public housing waiting list(s).

6111.11 If a non-disabled family refuses to accept a vacancy in an accessible unit, the refusal shall not be counted as one of the allowable refusals.

- 6111.12 The following requirements shall be applicable to any offered vacancies:
- (a) The unit offer shall be in writing and shall include the following:
 - 1. identification of the property;
 - 2. address and phone number of the property management office;
 - 3. the bedroom size and unit characteristics; and
 - 4. the time to contact the property and to view the unit.
 - (b) The Applicant must contact the property in accordance with this Section; and
 - (c) After the Applicant has viewed the offered unit, the Applicant shall accept or reject the unit at that time.
- 6111.13 Applicants with preferences who reject two units for reasons other than those allowed in this Section shall be removed from the public housing waiting list(s). If they are on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).
- 6111.14 Applicants with preferences who reject two units for reasons other than those allowed in Section shall lose their preference provided in Section 6105.2 and shall be withdrawn from the waiting list. If the Applicant is on the Housing Choice Voucher Program or the Moderate Rehabilitation waiting lists, the Applicant shall be permitted to remain on the list(s).
- 6111.15 **SELECTION FROM THE HOUSING CHOICE VOUCHER PROGRAM WAITING LIST**
- (a) Applicants seeking a Housing Choice Voucher shall be placed on the Housing Choice Voucher Program waiting list according to the date and time of the application and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this Title.
 - (b) When selecting Applicants from the waiting list for a Housing Choice Voucher, Applicants who have been deemed eligible shall be issued a voucher pursuant to Chapter 76 of this Title.

6103.16 **SELECTION FROM THE MODERATE REHABILITATION PROGRAM
WAITING LIST**

- (a) Applicants seeking admission to the Moderate Rehabilitation Program shall be placed on the Moderate Rehabilitation Program waiting list according to the date and time of the application, and any application preferences selected by the Applicant on the application pursuant to Chapter 76 of this Title.
- (b) When selecting Applicants from the waiting list for the Moderate Rehabilitation Program, Applicants who have been deemed eligible shall be referred to the next available unit based on the family composition, pursuant Chapter 76 of this Title.

Section 6099 is amended to include the following definitions:

6099 **DEFINITIONS**

First Available Unit - An Applicant with an application date earlier than an Applicant on a Site Based Waiting List at a development with an available unit shall be selected from the waiting list for a unit at that property. For example, an eligible Applicant with an application date of March 1, 2008 who has selected the "First Available Unit Option" shall be selected from the waiting list before any eligible Applicant on the Site Based Waiting List with an application date and time after March 1, 2008. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

Site-Based Waiting Lists - An Applicant who has applied to be placed on the Site Based Waiting List at multiple developments will be selected from those respective lists by date and time of application. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features)

Complete Applications – An complete application shall be considered complete if it includes the Applicant's name, date of birth, social security number, address, preference, income, and waiting list(s) selection.

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