

# THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

## NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of its intent to adopt the following proposed amendments to Chapter 53 (Recertifications, Housing Quality Standard Inspections, and Family Moves) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of the amendments is to no longer require Housing Choice Voucher Program participants to report increases in household income between scheduled interims and recertification.

The proposed rulemaking was published in the *D.C. Register* on March 25, 2016, at 63 DCR 4458. This rulemaking was adopted as final at the Board of Commissioners regular meeting on May 11, 2016. The final rules will become effective upon publication of this notice in the *D.C. Register*.

### **Chapter 53, RECERTIFICATIONS, HOUSING QUALITY STANDARD INSPECTIONS, AND FAMILY MOVES, of Title 14 DCMR, HOUSING, is amended as follows:**

#### **Section 5310, CHANGES IN FAMILY SHARE AND HOUSING ASSISTANCE, is amended to read as follows:**

#### **5310 CHANGES IN FAMILY SHARE AND HOUSING ASSISTANCE PAYMENTS**

5310.1 Changes in the Family's TTP and the HAP payment shall be processed in accordance with the following:

- (a) The Family shall report within thirty (30) days any decreases in household income, any removal of a Family member, or other circumstances that may result in a change in the Family TTP;
- (b) If the Family reported in a timely manner:
  - (1) If the reported change results in an increase of the Family's share of rent, the effective date of increase shall be the first of the month following a thirty (30) days' notice of increase to the Family and Owner or
  - (2) If the reported change results in a decrease of the Family's share of rent, the effective date of the decrease shall be the first of the month after the change has been reported; or
- (c) If the Family failed to report the change in a timely manner:
  - (1) If the change results in an increase of the Family's share of rent, the effective date shall be the first of the month following the change in Family income or composition; or

- (2) If the change results in a decrease in the Family's share of rent, then DCHA shall not apply the change retroactively and the effective date of the change shall be the first of the month following the Family's report of the change.

5310.2 DCHA shall notify the owner and the Family of any changes in the Family share and HAP by mailing a notice that includes the new amount and effective date of the change in payment.

**Section 5315, CHANGES IN INCOME, is amended to read as follows:**

**5315 CHANGES IN INCOME**

- 5315.1 Families shall not be required to report any increase in household income between scheduled interims or recertification. Any increase in income shall only be included in the determination of annual household income at the next scheduled recertification.
- 5315.2 With the exception of zero-income households, if the Family adds a Family member with a source of income, DCHA shall only include the income, as applicable, in the determination of annual household income at the next scheduled recertification.
- 5315.3 Any decreases in income shall be processed in accordance with § 5310.
- 5315.4 Pursuant to 24 C.F.R. § 5.615, if a Family reports a decrease in income from the loss of welfare benefits due to fraud or noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, that decrease in income shall not cause a change in the Family's share of the rent.

## RESOLUTION 16-11

### TO ADOPT FINAL REGULATIONS TO ELIMINATE THE REQUIREMENT OF HOUSING CHOICE VOUCHER PROGRAM PARTICIPANTS TO REPORT INCREASES IN THEIR HOUSEHOLD INCOME BETWEEN SCHEDULED INTERIMS AND RECERTIFICATION

WHEREAS, the District of Columbia Housing Authority ("DCHA") requires Housing Choice Voucher Program ("HCVP") participants to notify DCHA when there has been an increase in their household income; and

WHEREAS, DCHA obtained Moving to Work ("MTW") authority to eliminate the requirement of HCVP participants to notify DCHA when there has been an increase in their household income prior to their scheduled interims and recertification; and

WHEREAS, DCHA looks to no longer require HCVP participants to report increases in household income between scheduled interims and recertification; and

WHEREAS, the proposed regulations that eliminate the requirement that HCVP participants to report increases in household income between scheduled interims and recertification were presented to the housing advocacy community prior to publishing in the *D.C. Register*; and

WHEREAS, DCHA received and considered 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 March 25, 2016; and

WHEREAS, during the thirty (30) day public comment period, DCHA received no additional comments; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the District of Columbia Housing Authority hereby adopts the amendments to Chapter 53 of Title 14 of the District of Columbia Municipal Regulations as demonstrated herein below:

#### **Section 5310 is amended to read as follows:**

5310.1 Changes in the Family's TTP and the HAP payment shall be processed in accordance with the following:

- (a) The Family shall report within thirty (30) days any decreases in household income, any removal of a Family member, or other

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circumstances that may result in a change in the Family TTP;

- (b) If the Family reported in a timely manner:
  - (1) If the reported change results in an increase of the Family's share of rent, the effective date of increase shall be the first of the month following a thirty (30) days' notice of increase to the Family and Owner or
  - (2) If the reported change results in a decrease of the Family's share of rent, the effective date of the decrease shall be the first of the month after the change has been reported; or
- (c) If the Family failed to report the change in a timely manner:
  - (1) If the change results in an increase of the Family's share of rent, the effective date shall be the first of the month following the change in Family income or composition; or
  - (2) If the change results in a decrease in the Family's share of rent, then DCHA shall not apply the change retroactively and the effective date of the change shall be the first of the month following the Family's report of the change.

5310.2 DCHA shall notify the owner and the Family of any changes in the Family share and HAP by mailing a notice that includes the new amount and effective date of the change in payment.

**Section 5315 is amended to read as follows:**

5315.1 Families shall not be required to report any increase in household income between scheduled interims or recertification. Any increase in income shall only be included in the determination of annual household income at the next scheduled recertification.

5315.2 With the exception of zero-income households, if the Family adds a Family member with a source of income, DCHA shall only include the income, as applicable, in the determination of annual household income at the next scheduled recertification.

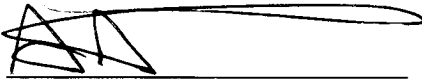
5315.3 Any decreases in income shall be processed in accordance with § 5310.

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5315.4 Pursuant to 24 C.F.R. § 5.615, if a Family reports a decrease in income from the loss of welfare benefits due to fraud or noncompliance with a welfare agency requirement to participate in an economic self-sufficiency program, that decrease in income shall not cause a change in the Family's share of the rent.

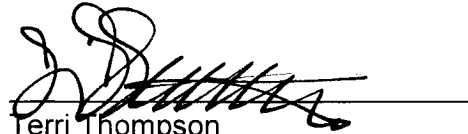
ADOPTED by the Board of Commissioners and signed in authentication of its passage, the 11<sup>th</sup> day of May 2016.

ATTEST:



Adrienne Todman  
Executive Director/ Secretary

APPROVAL:



Terri Thompson  
Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Kenneth S. Slaughter  
General Counsel

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