

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 83 (Rent and Housing Assistance Payments) 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 create an exception for when DCHA may grant rent increases to owner.

The proposed rulemaking was published in the *D.C. Register* on March 25, 2016, at 63 DCR 4461. 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 83, RENT AND HOUSING ASSISTANCE PAYMENTS, of Title 14 DCMR, HOUSING, is amended as follows:

Section 8304, RENT INCREASES TO OWNER, is amended to read as follows:

8304 RENT INCREASES TO OWNER

- 8304.1 Written Request Required. Owners may request a rent increase no later than 90 days prior to any Family reexamination month. The request must be in writing.
- 8304.2 Amount of Rent Adjustment Rent. The amount of the rent adjustment to the Owner may be adjusted either up or down. Subject to compliance with § 8304.1 above, the adjusted rent to an Owner who has submitted a written request shall be the LESSER of:
- (a) The current rent multiplied by the applicable annual adjustment factor published by HUD in effect 60 days before the HAP anniversary date; or
 - (b) The reasonable rent as most recently determined (or redetermined) by DCHA; or
 - (c) The amount requested by the Owner.
- 8304.3 Prerequisites to a Rent Increase. The annual lease rent may not be increased unless:
- (a) The Owner has requested a specific increase amount at least 90 days before the Family's reexamination month; and
 - (b) The request is made in writing on DCHA provided forms for each unit for which an increase is being requested; and
 - (c) In the preceding year, the Owner has complied with all requirements of the HAP contract, including compliance with the Housing Quality Standards.
- 8304.4 Timing of any Increases to Rent. Housing Assistance Payment increases, if approved by

DCHA, shall be effective as of the first day of the first month commencing on or after the Participant's reexamination month.

8304.5

Exception. Notwithstanding §8304.1 and §8304.3 (a) and (b), subject to the availability of funding, at DCHA's discretion, DCHA may approve rent increases to Owners, to be effective within thirty (30) days of approval, without a prior written request from the Owner when contract rents are lower than the DCHA approved maximum rent in a submarket. However, DCHA shall only approve a rent increase to an Owner, without a prior written request from the Owner within 90 days of the Family's reexamination month, when:

- (a) The Family has occupied the unit for at least 12 months;
- (b) The Owner does not have any current landlord-caused HQS inspection violations related to the unit;
- (c) The Owner did not have any HQS landlord-caused final fails related to the unit in the past 12 months; and
- (d) The rent increase does not cause the Family to pay more than their current tenant portion of rent.

RESOLUTION 16-12

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TO ADOPT FINAL REGULATIONS THAT ALLOW THE DISTRICT OF COLUMBIA HOUSING AUTHORITY TO USE ITS DISCRETION TO GRANT RENT INCREASES TO OWNERS UNDER CERTAIN CIRCUMSTANCES

WHEREAS, the District of Columbia Housing Authority (“DCHA”) provides that Housing Choice Voucher Program owners may only request increases under certain preset conditions; and

WHEREAS, DCHA obtained Moving to Work (“MTW”) authority to create an exception for when DCHA may grant rent increases to owners; and

WHEREAS, DCHA aims to have the discretion to grant rent increases to Owners without a written request; and

WHEREAS, the proposed regulations to create an exception for when DCHA may approve rent increases to Owners 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 83 of Title 14 of the District of Columbia Municipal Regulations as demonstrated herein below:

Section 8304 is amended to read as follows:

- 8304.1 Written Request Required. Owners may request a rent increase no later than 90 days prior to any Family reexamination month. The request must be in writing.
- 8304.2 Amount of Rent Adjustment Rent. The amount of the rent adjustment to the Owner may be adjusted either up or down. Subject to compliance with § 8304.1 above, the adjusted rent to an Owner who has submitted a written request shall be the LESSER of:

**Resolution 16-12
To Adopt Final Regulations That Allow The District Of Columbia
Housing Authority To Use Its Discretion To Grant Rent Increases
To Owners Under Certain Circumstances**

- (a) The current rent multiplied by the applicable annual adjustment factor published by HUD in effect 60 days before the HAP anniversary date; or
- (b) The reasonable rent as most recently determined (or redetermined) by DCHA; or
- (c) The amount requested by the Owner.

8304.3 Prerequisites to a Rent Increase. The annual lease rent may not be increased unless:

- (a) The Owner has requested a specific increase amount at least 90 days before the Family's reexamination month; and
- (b) The request is made in writing on DCHA provided forms for each unit for which an increase is being requested; and
- (c) In the preceding year, the Owner has complied with all requirements of the HAP contract, including compliance with the Housing Quality Standards.

8304.4 Timing of any Increases to Rent. Housing Assistance Payment increases, if approved by DCHA, shall be effective as of the first day of the first month commencing on or after the Participant's reexamination month.

8304.5 Exception. Notwithstanding §8304.1 and §8304.3 (a) and (b), subject to the availability of funding, at DCHA's discretion, DCHA may approve rent increases to Owners, to be effective within thirty (30) days of approval, without a prior written request from the Owner when contract rents are lower than the DCHA approved maximum rent in a submarket. However, DCHA shall only approve a rent increase to an Owner, without a prior written request from the Owner within 90 days of the Family's reexamination month, when:

- (a) The Family has occupied the unit for at least 12 months;
- (b) The Owner does not have any current landlord-caused HQS inspection violations related to the unit;
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**Resolution 16-12
To Adopt Final Regulations That Allow The District Of Columbia
Housing Authority To Use Its Discretion To Grant Rent Increases
To Owners Under Certain Circumstances**

- (d) The rent increase does not cause the Family to pay more than their current tenant portion of rent.


ADOPTED by the Board of Commissioners and signed in authentication of its passage, the 11th 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