

RESOLUTION 16-16

TO ADOPT FINAL REGULATIONS TO AMEND GENERAL POLICIES FOR INSPECTIONS FOR THE HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN

WHEREAS, the District of Columbia Housing Authority (“DCHA”) requires Housing Choice Voucher Program (“HCVP”) participants to undergo annual Housing Quality Standard (“HQS”) inspections; and

WHEREAS, DCHA obtained Moving to Work (“MTW”) authority to reduce the frequency of HQS inspections from annual to biennial inspections for DCHA Moderate Rehabilitation Program assistance, Single Room Occupancy Program assistance, Federal Project-based assistance, or Local Project-based assistance; and

WHEREAS, DCHA obtained Moving to Work (“MTW”) authority to approve reducing the frequency of HQS inspections from annual to biennial inspections for units that receive Federal Tenant-based assistance or Local Tenant-based assistance, when the units have not had a final failed inspection due to a Family or Owner violation in the past two (2) years from the date of DCHA approval; and

WHEREAS, DCHA received and considered comments from the housing advocacy community prior to publishing the regulations in the *District of Columbia Register*; and

WHEREAS, the Proposed Regulations were published in the *District of Columbia Register* on May 20, 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 5300 is amended to read as follows:

5300.1 Once a participant is receiving assistance, the following regularly scheduled events shall occur:

- (a) Biennial recertification, in which income is calculated and total tenant payment is determined;

- (b) Interim recertification when necessary; and
- (c) Housing Quality Standard inspections.

Section 5325 is amended to read as follows:

- 5325.1 Units that do not meet the criteria for biennial Housing Quality Standard inspections as set forth in § 5325.5 shall be subject to annual HQS inspections.
- 5325.2 If the tenant or Owner complains that the unit does not meet Housing Quality Standards, DCHA shall conduct a complaint inspection. DCHA shall only inspect violations subject to the complaint from the Owner or Family, but if other violations are noticed during the inspection, DCHA shall also note those violations and require the Owner or Family to repair the violations.
- 5325.3 The Owner or Family shall be given time to correct the failed violations pursuant to the following guidelines:
- (a) If the violation is listed in the emergency repair items list as set forth in § 5326, the Owner or Family shall be given twenty-four (24) hours to correct the violation after being notified; or
 - (b) For all other cited violations, the Owner or Family shall be given thirty (30) days to correct the violation.
- 5325.4 Minor violations that are listed as “Passed with Comments” on the inspection report shall not be re-inspected on site. Instead the tenant and Owner will be given a self-certification form, whereby they can certify that the violations have been repaired.
- (a) If the Family does not repair the minor violations attributable to the Family, the Family will not be approved for a transfer voucher except in emergency circumstances as set forth in § 8500.1; or
 - (b) If the Owner does not repair the minor violations attributable to the Owner, the Owner will not be approved for an annual rent increase.

5325.5 Criteria for Biennial HQS Inspections:

- (a) Units that receive DCHA Moderate Rehabilitation Program assistance, Single Room Occupancy Program assistance, Federal Project-based assistance, or Local Project-based assistance shall automatically qualify for biennial HQS inspections.
- (b) DCHA may approve units that receive Federal Tenant-based assistance or Local Tenant-based assistance for biennial HQS inspections when the units have not had a final failed inspection due to a Family or Owner violation in the past two (2) years from the date of DCHA approval.
- (c) DCHA will conduct a higher percentage of annual Quality Assurance HQS inspections on any unit qualified for biennial HQS inspections.
- (d) DCHA has the right to reinstitute annual HQS inspections for units that were previously approved for biennial HQS inspections if there is a pattern of HQS non-compliance for either the Family or Owner.
- (e) Approval of a unit for biennial HQS inspection does not waive the right of DCHA to inspect the unit at any time, or the rights of the Owner or Family to have DCHA conduct a complaint or compliance inspection.

ADOPTED by the Board of Commissioners and signed in authentication of its passage, the 13th day of July 2016.

ATTEST:

APPROVAL:

Adrienne Todman
Executive Director/ Secretary

Terri Thompson
Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Kenneth S. Slaughter
General Counsel

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 the adoption of the following amendments to Chapter 53 (Recertifications, Housing Quality Standard Inspections, and Family Moves) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to allow for biennial housing quality standard inspections.

The proposed rulemaking was published in the *D.C. Register* on May 20, 2016, at 63 DCR 7690. This rulemaking was adopted as final at the Board of Commissioners regular meeting on July 13, 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 5300, INCOME CONSIDERATIONS AND DETERMINATION OF TOTAL TENANT PAYMENT, is amended to read as follows:

5300 INCOME CONSIDERATIONS AND DETERMINATION OF TOTAL TENANT PAYMENT

5300.1 Once a participant is receiving assistance, the following regularly scheduled events shall occur:

- (a) Biennial recertification, in which income is calculated and total tenant payment is determined;
- (b) Interim recertification when necessary; and
- (c) Housing Quality Standard inspections.

Section 5325, GENERAL POLICIES FOR ANNUAL INSPECTIONS, is amended to read as follows:

5325 GENERAL POLICIES FOR ANNUAL INSPECTIONS

5325.1 Units that do not meet the criteria for biennial Housing Quality Standard inspections as set forth in § 5325.5 shall be subject to annual HQS inspections.

5325.2 If the tenant or Owner complains that the unit does not meet Housing Quality Standards, DCHA shall conduct a complaint inspection. DCHA shall only inspect violations subject to the complaint from the Owner or Family, but if other violations are noticed during the inspection, DCHA shall also note those violations and require the Owner or Family to repair the violations.

- 5325.3 The Owner or Family shall be given time to correct the failed violations pursuant to the following guidelines:
- (a) If the violation is listed in the emergency repair items list as set forth in § 5326, the Owner or Family shall be given twenty-four (24) hours to correct the violation after being notified; or
 - (b) For all other cited violations, the Owner or Family shall be given thirty (30) days to correct the violation.
- 5325.4 Minor violations that are listed as “Passed with Comments” on the inspection report shall not be re-inspected on site. Instead the tenant and Owner will be given a self-certification form, whereby they can certify that the violations have been repaired.
- (a) If the Family does not repair the minor violations attributable to the Family, the Family will not be approved for a transfer voucher except in emergency circumstances as set forth in § 8500.1; or
 - (b) If the Owner does not repair the minor violations attributable to the Owner, the Owner will not be approved for an annual rent increase.
- 5325.5 Criteria for Biennial HQS Inspections:
- (a) Units that receive DCHA Moderate Rehabilitation Program assistance, Single Room Occupancy Program assistance, Federal Project-based assistance, or Local Project-based assistance shall automatically qualify for biennial HQS inspections.
 - (b) DCHA may approve units that receive Federal Tenant-based assistance or Local Tenant-based assistance for biennial HQS inspections when the units have not had a final failed inspection due to a Family or Owner violation in the past two (2) years from the date of DCHA approval.
 - (c) DCHA will conduct a higher percentage of annual Quality Assurance HQS inspections on any unit qualified for biennial HQS inspections.
 - (d) DCHA has the right to reinstitute annual HQS inspections for units that were previously approved for biennial HQS inspections if there is a pattern of HQS non-compliance for either the Family or Owner.
 - (e) Approval of a unit for biennial HQS inspection does not waive the right of DCHA to inspect the unit at any time, or the rights of the Owner or Family to have DCHA conduct a complaint or compliance inspection.