

RESOLUTION 19-12

To Adopt Final Regulations to Amend the HCVP Limited Local Preferences for Public Housing Tenants in Units with Emergency Conditions

Summary

The purpose of this memorandum is to adopt final regulations governing the District of Columbia Housing Authority's ("DCHA") limited local preferences. These regulations permit DCHA to issue a voucher to a public housing family if DCHA determines a mandatory transfer is required based on the emergency conditions in the unit, or other threats to life, safety, or health in the existing unit. DCHA would only rely on these regulations if no other appropriate unit in DCHA's public housing or Rental Assistance Demonstration program ("RAD") is available.

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WHEREAS, the District of Columbia Housing Authority (“DCHA”) administers the Housing Choice Voucher Program (“HCVP”) in the District of Columbia; and

WHEREAS, DCHA recognizes the urgent and critical need to provide housing assistance to residents of public housing where DCHA has determined the following: 1) the tenant must be transferred based on emergency conditions in the current unit, or other threat to life, health or safety in the current unit, and 2) there is no other suitable unit available in DCHA’s public housing or DCHA controlled Rental Assistance Demonstration (RAD) portfolio for purposes of transferring the tenant; and

WHEREAS, DCHA seeks to amend the regulations set forth in Section 6125 of Title 14 of the District of Columbia Municipal Regulations in order to establish a limited local preference to issue a tenant based voucher to the head of household of such family and provide appropriate housing for the family; and

WHEREAS, DCHA also seeks to amend existing limited local preferences for various programs to reflect the number of vouchers currently being used and based upon attrition, to return any unused voucher to the HCVP inventory for issuance in accordance with the program regulations; and

WHEREAS, the Board of Commissioners previously authorized the allocation of up to 272 federal tenant-based vouchers which may be issued under the new limited local preference under 14 DCMR Section 6125.14 on September 7, 2018; and

WHEREAS, the Board of Commissioners adopted the regulations as emergency regulations, and DCHA also published the regulations in the District of Columbia Register as proposed in order to solicit public comments;

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby authorizes the Executive Director to adopt the amendments to section 25 of chapter 61 of title 14 of the District of Columbia Municipal Regulations as final 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 May, 2019.

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Limited Local Preferences for Public Housing
Tenants in Units with Emergency Conditions**

ATTEST:

APPROVAL:

Tyrone Garrett
Executive Director

Neil Albert
Chairman

APPROVED FOR FORM AND LEGAL SUFFICIENCY:

Kenneth S. Slaughter
General Counsel

DRAFT

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 Section 25 (Preferences for Placement Eligibility for Housing Choice Voucher Applicants) of Chapter 61 (Public Housing: Admission and Recertification) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed amendments is to allow DCHA to offer, in limited instances, housing choice vouchers to public housing residents when DCHA determines they cannot remain in their current homes due to emergency conditions in the unit or another threat to life, safety, or health. Making these vouchers available will allow DCHA to re-house these families in suitable housing as quickly as possible, when DCHA determines no other appropriate public housing units are available.

These rules were previously published as proposed rulemaking on September 21, 2018 at 65 DCR 9835. No comments were received. No changes have been made to the regulations from the previous publication. These regulations will become effective upon publication of this notice in the *D.C. Register*.

Section 6125 PREFERENCES FOR PLACEMENT ELIGIBILITY FOR HOUSING CHOICE VOUCHER PROGRAM APPLICANTS, Chapter 61, ADMISSION AND RECERTIFICATION, of Title 14 DCMR, HOUSING, is amended as follows:

Section 6125.10 is amended to read as follows:

6125.10 Permanent Supportive Housing – HCVP Applicants are included under this preference if an applicant is referred to DCHA by an agency of the District of Columbia government as an individual or family in need of permanent supportive housing for chronically homeless individuals and families with histories of homelessness. Up to 362 vouchers are authorized for this purpose; provided however, to the extent any voucher issued under this provision is attired, the number of vouchers authorized for this purpose shall be reduced and such voucher shall be returned to the DCHA HCVP inventory.

Section 6125.11 is amended to read as follows:

6125.1 Long Term Care Housing Limited Local Preference – HCVP Applicants are included under this preference if an applicant is referred to DCHA by an agency of the District of Columbia government as a person in need of housing with added wrap-around health care and in-home and community based services. The applicants are either people with disabilities or the elderly who desire to maintain their independent living. Up to 65 vouchers are authorized for this purpose; provided however, to the extent any voucher

issued under this provision is attired, the number of vouchers authorized for this purpose shall be reduced and such voucher shall be returned to the DCHA HCVP inventory.

Section 6125.12 is amended to read as follows:

6125.12 Shelter System Relief- Limited Local Preference – Applicants are included under this preference if an applicant is referred to DCHA by District of Columbia Department of Human Services ("DHS") or some other District agency as designated by the Office of the Mayor as a homeless individual or family temporarily housed in a shelter and such applicant meets the DHS eligibility requirements in addition to the DCHA HCVP program requirements. Up to 113 vouchers are authorized for this purpose; provided however, to the extent any voucher issued under this provision is attired, the number of vouchers authorized for this purpose shall be reduced and such voucher shall be returned to the DCHA HCVP inventory.

Section 6125 is amended to add a new Section 6125.13 which shall read as follows:

6125.13 Limited Local Preference for Condemnation Vouchers. Applicants are included under this preference if the Family is an occupant in a designated property the District of Columbia government has identified to DCHA as targeted for condemnation due to an inability to meet District of Columbia housing codes. The aggregate number of outstanding vouchers authorized for use is set by the Board of Commissioners from time to time; provided however, to the extent any voucher issued under this provision is attired, the number of vouchers authorized for this purpose shall be reduced and such voucher shall be returned to the DCHA HCVP inventory.

Section 6125 is amended to add a new subsection 6125.14 as follows:

6125.14 Limited Local Preference for DCHA Mandatory Transfers Based on Emergency Conditions or other Threat to Life, Health or Safety. Applicants are included under this preference if the applicant is a current public housing head of household living in a public housing unit where DCHA has determined such resident needs to be relocated pursuant to a mandatory transfer based on emergency conditions in the current unit, or other threat to life, safety or health of the current unit in accordance with 14 DCMR 6401.1(a), and no other suitable public housing unit or DCHA-controlled Rental Assistance Demonstration unit is available as determined by DCHA.