RESOLUTION 04- 35

TO ADOPT REGULATIONS GOVERNING

OCCUPANCY OF REDEVELOPED AND

SPECIAL NEEDS PUBLIC HOUSING PROPERTIES

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WHEREAS, pursuant to the Moving To Work Agreement between DCHA and the US Department of Housing and Urban Development, dated July 25, 2003, DCHA may adopt local rules that may supercede the statutory provisions of the Housing Act of 1937 as well as rules arising out of the provisions of the Act; and

WHEREAS, on August 13, 2004, the District of Columbia Housing Authority (DCHA) published in the District of Columbia Register a proposed regulation to govern the admissions and occupancy of Redeveloped and Special Needs Properties; and

WHEREAS, because of the unique nature of the funding, ownership, and management of Redeveloped Properties and Special Needs Properties, admissions and occupancy policies need to be tailored to the particular property, the financing requirements of the property, the type of occupancy, and, in the case of Special Needs Properties, the need to coordinate with requirements of supportive services programs; and

WHEREAS, the regulation provides the framework and authorization for property-based policies and ongoing DCHA oversight or approvals governing occupancy and re-occupancy selection criteria, application processing, waiting lists, lease provisions, income determinations, and grievance procedures; and

WHEREAS, the provisions of this regulation will apply to Redeveloped Properties and Special Needs Properties that are designated as such by resolution of the Board of Commissioners from time to time and at any time hereafter;

NOW THEREFORE BE IT RESOLVED, that the District of Columbia Housing Authority hereby adopts Section 6113 to Chapter 61 of Title 14 of the District of Columbia Municipal Regulations as attached hereto.

ADOPTED by the Board of Commissioners and signed in open session in authentication of its passage this 15th day of September 2004.

ATTEST:

Michael Kelly
Executive Director/Secretary

APPROVAL:

Russell Simmons
Chairman

APPROVED FOR FORM AND LEGAL SUFFICIENCY:

Margaret McFarland
General Counsel [090904]

Attachment to Resolution 04 - 35

6113 TENANT ADMISSIONS AND OCCUPANCY: REDEVELOPED AND SPECIAL NEEDS PROPERTIES

6113.1 Definitions: Redeveloped Properties are mixed-finance, mixed-income communities owned by private entities which communities are created through HOPE VI or other public funding combined with extensive private funding and which have some or all their units assisted with public housing operating funds. Special Needs Properties are DCHA-owned or privately-owned units assisted with public housing operating funds and managed by service providers for residents with special needs for supportive services.

6113.2 Overview. Redeveloped Properties and Special Needs Properties because of the unique nature of their substantial private funding and private ownership and/or management have admissions and occupancy rules that are tailored to the particular property, type of occupancy and need to coordinate with other supportive services programs in many cases. This Regulation sets forth the regulatory framework for the property-based rules and ongoing DCHA oversight or approvals governing occupancy and re-occupancy selection criteria, application processing, waiting lists, lease provisions, income determinations, and grievance procedures.

DCHA pursuant to that certain MTW Agreement entered into by and between the US Department of Housing and Urban Development dated July 25, 2003, provides that DCHA may, notwithstanding otherwise applicable federal statutes or regulations issued pursuant to the Housing Act of 1937, adopt local rules for the governance of its Low Rent (public housing) and Housing Choice Voucher Programs. Thus, notwithstanding any other local or federal rule that might otherwise be applicable, the provisions of this Section 6113 apply to Redeveloped Properties and Special Needs Properties so designated by the Board of Commissioners. All other provisions of local rules and applicable federal rules regarding occupancy and admissions to public housing shall apply.

6113.3 Selection Criteria. Occupancy and re-occupancy selection criteria, including priorities and preferences, for applicants at Redeveloped and Special Needs Properties are those prepared uniquely for that property as developed by representatives of DCHA, the community, the private developer, owner, or manager, and representatives of current residents, prospective residents or former residents as the case may be.

(a) While the occupancy and re-occupancy selection criteria vary by property, selection and screening criteria for all properties will include the mandatory federal standards with respect to certain types of criminal activity as specified in federal statute.

(b) The occupancy and re-occupancy selection criteria are available at the management office serving the property, , as well as from DCHA's Client Placement Division.

6113.4 Application Process. Each property will develop its own process for taking applications, subject to review and approval by DCHA.

(a) Application forms for returning residents and applicants are developed by the owner for the redeveloped property and are subject to review and approval by DCHA.

(b) Completed applications for returning residents, transferring residents or applicants as the case may be are accepted at the property and are reviewed and approved in accordance with the criteria approved in accordance with Subsection 6113.2.

(c) The occupancy and re-occupancy application and selection process will be monitored by DCHA's Client Placement Division

6113.5 Waiting Lists.

(a)Where the number of returning residents, transferring residents or new applicants exceeds the number of available units, applicants seeking to be housed at the property will be placed on a waiting list.

(i) Waiting lists will be maintained by the manager of the property based on date and time of application and in accordance with the selection criteria developed for the property and approved by DCHA in accordance with Subsection 6113.2 hereof; or

(ii) At certain properties, a basic eligibility determination for public housing will be made by DCHA's Client Placement Division and eligible tenants will be referred to the property where the property's selection criteria will be applied.

(b) A list of all properties, along with the status of each site based waiting list as either open or closed, will be available from the DCHA's Client Placement Division. When a property makes a determination to open its waiting list, notice will be provided to the DCHA resident advisory board and published in the District of Columbia Register.

6113.6 Lease Terms. Leases for redeveloped properties are developed by the owner in cooperation with DCHA and representatives of the former residents and are subject to approval by DCHA for compliance with applicable DCHA and federal statutes Provisions relating to rent, rent collection, security deposits and excess utility charges may vary from the DCHA standard lease.

6113.7 Income Determinations. Certification and recertification of income will be performed by the manager of the property and monitored periodically by DCHA for compliance with applicable DCHA and federal regulations. At certain Special Needs Properties designated by DCHA, income for certification and recertification purposes will be disregarded for up to two years of occupancy.