THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

ADMINISTRATIVE PLAN

CHAPTER 49

PURPOSE AND SCOPE OF HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN

4900 STATEMENT OF POLICIES AND OBJECTIVES

4900.1 The Housing Choice Voucher Program (HCV Program) was established by the Housing and Community Development Act of 1974, 42 U.S.C. §1437 (1976), and amended by the Housing and Community Development Act of 1981 (Pub. L. 97-35), the Housing and Urban-Rural Recovery Act of 1983 (Pub .L. 98-181), the Technical Amendments Act of 1984 (Pub. L. 98-479), and the Housing and Community Development Act of 1987 (42 U.S.C. §3543).

4900.2 Administration of the HCV Program and the functions and responsibilities of the District of Columbia Housing Authority (DCHA) shall be in compliance with the personnel policy of DCHA, the Equal Opportunity Plan, and the Department of Housing and Urban Development's (HUD) Housing Choice Voucher regulations and guidance.

4900.3 Administration of the HCV Program shall be consistent with all federal, state, and local laws, including but not limited to:

(a) Fair Housing Act (42 U.S.C. §§3601, *et seq*.);

(b) Federal and D.C. Fair Housing regulations;

(c) D.C. Human Rights Act (D.C. Official Code §§2-1401.01, *et seq*.);

(d) American with Disabilities Act (ADA) (42 U.S.C §§12101, *et seq*.);

(e) Violence Against Women Act (VAWA) (42 U.S.C. §13981); and

(f) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §§701, *et seq*.).

4901 STATEMENT OF LOCAL OBJECTIVES

4901.1 Consistent with the purpose and policy of the United States Housing Act of 1937, as amended, the mission of DCHA is to provide rental assistance for decent, safe, and affordable housing to eligible families in accordance with the provisions set forth in Section 24 of the Code of Federal Regulations, other applicable sections of the Code of Federal Regulations, and applicable HUD notices and guidance.

4901.2 In addition, through the creative use of federal grants and local resources, DCHA seeks to respond to special local housing concerns such as homelessness and the de-institutionalization of mental health care consumers.

4901.3 This Administrative Plan (Plan), comprising Chapters 49 through 59 and Chapters 76, 83, 85, 89, 91, 94, and 100 through 102 of this title of the DCMR, outlines how DCHA shall implement the requirements found in the applicable federal laws, regulations, and notices, as well as the requirements of the District of Columbia Code regarding the HCV Program. Accordingly, there may be times when DCHA is obligated to implement changes in federal law and regulations that have not yet been incorporated into the regulations that comprise the Plan.

4902 PROGRAM DESCRIPTION

4902.1 The HCV Program is designed to achieve four major objectives:

(a) To provide improved living conditions for very low-income families while maintaining their rent payments at an affordable level;

(b) To promote freedom of housing choice and spatial deconcentration of lower income and minority families;

(c) To provide decent, safe, and sanitary housing for eligible participants; and

(d) To provide incentives to private property owners to rent to lower income families by offering timely assistance payments and protection against unpaid rent, damages, and vacancy loss.

4902.2 DCHA has been designated a Moving to Work (MTW) demonstration site by HUD. DCHA's MTW Agreement provides that DCHA shall have the flexibility to design and test various approaches for providing and administering housing assistance that reduce cost and achieve greater cost effectiveness in federal expenditures; give incentives to households with children whose heads of household are either working, seeking work, or are participating in job training, educational, or other programs that assist in obtaining employment and becoming economically self-sufficient; and increase housing choices for low income households.

4902.3 DCHA's Plan includes policies which have been developed and implemented under the MTW program. In accordance with the MTW Agreement, DCHA requests approval from HUD to establish MTW policies and waive certain provisions of the United States Housing Act of 1937 and its implementing regulations through the MTW Annual Plan.

4902.4 The policies adopted by DCHA, under the MTW Agreement, will remain in force through the term of the MTW Agreement and will supersede existing and applicable HUD requirements unless and until amended.

4902.5 DCHA's MTW flexibilities are discussed in its MTW Annual Plan and MTW

Annual Report, approved/accepted versions of which can be found at https://www.dchousing.org/wordpress/about-us/moving-to-work-mtw/. DCHA's MTW Annual Plan is open for public comment each spring and when amended, as announced on DCHA's website, the *Washington Post*, and other local periodicals.

4902.6 DCHA is responsible for complying with all subsequent changes in HUD regulations pertaining to the HCV-administered programs. If such changes conflict with this Plan, HUD regulations shall control.

4902.7 DCHA is legally permitted to enter into contracts within the jurisdictional boundaries known as the District of Columbia.

4903 APPLICABILITY OF THE ADMINISTRATIVE PLAN

4903.1 This Plan, comprising Chapters 49 through 59 and Chapters 76, 83, 85, 89, 91, 94, and 100 through 102 of this title of the District of Columbia Municipal Regulations (DCMR):

(a) Outlines how DCHA shall implement the requirements found in the applicable federal laws, regulations, and notices, as well as the requirements of the District of Columbia Code related to the HCV Program; and

(b) Establishes policies for items which are not covered under other chapters of the DCMR or Federal regulations for the following programs directly funded by HUD and administered by DCHA's HCV Program office:

(1) Tenant-Based Vouchers;

(2) Project-Based Vouchers;

(3) Enhanced Vouchers;

(4) Special Purpose Vouchers, including but not limited to, the Family Unification Program (FUP), Veterans Affairs Supportive Housing (VASH), Mainstream, Non-Elderly Disabled Vouchers, and Emergency Housing Vouchers (EHV);

(5) Homeownership Vouchers;

(6) Portable Vouchers;

(7) Set-asides for Special Needs Populations as determined by the Board of Commissioners; and

(8) Moderate Rehabilitation Program.

4903.2 There are certain issues that may not be addressed in the Plan related to HCV Program applicants and participants where DCHA turns to guidance provided by the HUD HCV Guidebook, Federal regulations, HUD Memos and Notices, and guidelines or other applicable law.

4903.3 [RESERVED]

4903.4 The DCHA Board of Commissioners shall approve any changes to the Plan.

4903.5 The Plan incorporates by reference portions of Title 14 of the DCMR, as follows:

(a) Chapter 61 – Fair Housing and Equal Opportunity;

(b) Chapter 74 – Reasonable Accommodation Policies and Procedures;

(c) Chapter 92 – Housing Choice Voucher/Home Ownership Assistance Program (HCV/HOAP); and

(d) Chapter 93 – Partnership Program for Affordable Housing.

4903.6 To the extent that other chapters of Title 14 of the DCMR regulate areas relating to the HCV Program, the Plan shall control unless otherwise indicated by the Plan.

4903.7 If other chapters of Title 14 of the DCMR regulate areas that apply to HCV Program where the Plan is silent, those regulations shall control.

4903.8 Pursuant to D.C. Official Code §6-227(c), this Plan applies to locally funded programs except to the extent that:

(a) Such program has unique rules and procedures for its administration; and

(b) The Plan is inconsistent with any of the unique rules and procedures or applicable local or federal regulations.

4904 **[RESERVED]**

4905 MODERATE REHABILITATION

4905.1 The following provisions of the Plan shall not apply to the Moderate Rehabilitation program, as defined at 24 C.F.R. §882:

(a) 14 DCMR Chapter 52 – Applications, Wait List, and Tenant Selection;

(b) 14 DCMR §5103 – Spouse, Cohead, Other Adult, and Dependent;

(c) 14 DCMR §5107 – Absent Family Members;

(d) 14 DCMR §7600 - Termination of HCV Assistance-Eviction; and

(e) 14 DCMR §8500 – Participant Household Moves

4905.2 The following annual and special rent adjustments policies shall apply:

(a) DCHA shall adjust the Contract Rent upon receipt of a revised Contract Rent schedule from the owner, provided that each unit is in decent, safe, and sanitary condition and that the owner is otherwise in compliance with the terms of the Lease and HUD Tenancy Addendum;

(b) The Annual Adjustment Factors (AAF) which HUD publishes shall be utilized in calculating the family's rent. On or after each annual anniversary date of the Contract, the Contract Rent may be adjusted in accordance with HUD procedures, effective for the month following the submittal by the owner of a revised schedule of Contract Rents. The changes in rent as a result of the adjustment cannot exceed the amount established by multiplying the AAF by the base rents;

(c) Approved rent adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units;

(d) The participant's Security Deposit shall be the lesser of the Total Tenant Payment (TTP) or fifty dollars ($50), which is the maximum permissible security deposit;

(e) DCHA shall pay vacancy claims for up to sixty (60) days at eighty percent (80%) of the Housing Assistance Payment (HAP) of the previous tenant; and

(f) DCHA does not pay any claims for damages.

4906 [RESERVED]

4907 [RESERVED]

4908 DECONCENTRATION OF POVERTY

4908.1 DCHA encourages owners of decent, safe, and sanitary housing units to lease to HCV families by encouraging program participation by owners of units located outside areas of poverty or minority concentration.

4908.2 DCHA encourages program participation by owners of units in low poverty areas by initiating personal contact with owners and managers by conducting formal and informal discussions and meetings to encourage participation of owners of units located outside areas of poverty or minority concentration.

4908.3 DCHA shall periodically evaluate the geographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted.

The purpose of these activities is to provide more choices and better housing opportunities to families. DCHA shall hold briefings for those owners who were identified as owners of units within these targeted areas.

4909 OWNER OUTREACH

Owners do not require an invitation to participate in the HCV Program and may not refuse to lease to an individual based on their intent to pay their rent wholly or in part with a HCV in accordance with D.C. Code §2-1402.21.

4910 [RESERVED]

4911 PRIVACY RIGHTS

4911.1 In conjunction with the HUD Form 50058, applicant and participant families shall be required to sign the Federal Privacy Act Statement, which states under what conditions HUD will release family and owner information.

4911.2 DCHA shall only release information to third parties under one or more of the following circumstances:

(a) With the signed and written consent of the Head of Household;

(b) To HUD or other housing agencies on amounts owed to DCHA for claims paid and not reimbursed by a participant or landlord regardless of whether there is a repayment agreement; or

(c) As permitted or required by law.

CHAPTER 50

FAIR HOUSING AND EQUAL OPPORTUNITY NON-DISCRIMINATION

5000 INTRODUCTION

5000.1 Federal laws require PHAs to treat all applicants and participants equally, providing the same opportunity to access services, regardless of family characteristics and background. Federal law prohibits discrimination in housing based on race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. DCHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

(a) Title VI of the Civil Rights Act of 1964;

(b) Title VIII of the Civil Rights Act of 1968 (as amended by the Housing and

Community Development Act of 1974 and the Fair Housing Amendments Act of 1988);

(c) Executive Orders 11063 and 13988;

(d) Section 504 of the Rehabilitation Act of 1973;

(e) The Age Discrimination Act of 1975;

(f) Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern);

(g) The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012, and further clarified in Notice PIH 2014-20;

(h) Violence Against Women Reauthorization Act of 2022 (VAWA); and

(i) District of Columbia Human Rights Act of 1977 and Regulation Revisions (Section 4-705 Filing of Complaints).

5000.2 When more than one civil rights law applies to a situation, the laws will be read and applied together.

5000.3 Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted will also apply.

5000.4 [RESERVED]

5000.5 Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as DCHA policies, can prohibit discrimination based on other factors.

5000.6 [RESERVED]

5000.7 [RESERVED]

5000.8 [RESERVED]

5000.9 DCHA will not discriminate based on the following protected classes defined in the District of Columbia Human Rights Act below:

(a) Age: Eighteen (18) years of age or older.

(b) Color: skin pigmentation, including variations in skin pigmentation.

(c) Credit Information: any written, oral, or other communication of

information bearing on an employee's creditworthiness, credit standing, credit capacity, credit score, or credit history.

(d) Disability: a physical or mental impairment substantially limiting one or more major life activities; physical can include auditory, speech, visual, and/or neurological impairments and mental can include cognitive and learning impairments.

(e) Family Responsibilities: supporting an individual in a legal dependent or blood relationship, which includes, but is not limited to children, grandchildren, and parents.

(f) Familial status involves a family with a child or children under the age of eighteen (18) living with parents or legal custodians or with designees (pursuant to written permission) of a parent or legal custodian, pregnant women, or securing custody of children under the age of eighteen (18).

(g) Gender Identity or Expression: a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual's assigned sex at birth.

(h) Genetic Information: an individual's DNA or genetic predisposition, a family member's genetic predisposition; information resulting from

requests for genetic testing, or history which may indicate the likelihood or increase risk of an individual's predisposition to develop a disease, illness, syndrome, or condition.

(i) Homeless Status: an individual, family, or youth who lacks, lost, or will imminently lose a fixed, regular, and adequate nighttime residence, which can include the result of escaping an unsafe environment.

(j) Marital Status: married, in a domestic partnership, single, divorced, separated or widowed, and the usual conditions associated therewith, including pregnancy or parenthood.

(k) Matriculation: being enrolled in a college, university, or some type of secondary school or program, including vocational programs.

(l) National Origin: the state, country, or nation state where an individual or their ancestors are from.

(m) Personal Appearance: outward appearance, irrespective of sex and gender identity or expression, including hair style and color, facial hair, tattoos, body size or shape, and body piercings, subject to business requirements and standards.

(n) Place of Residence or Business: the geographical location of home or work.

(o) Political Affiliation: the state of belonging to or endorsing any political party.

(p) Race: classification or association based on an individual's ancestry, ethnicity or physical traits.

(q) Religion: a personal set or institutionalized system of attitudes, beliefs, and practices relating to a supernatural force or being, or its equivalent in secular faiths, including the presence or absence of commitment or devotion to any faith.

(r) Sealed Eviction Record: an eviction record that has been sealed by the Superior Court of the District of Columbia for specific reasons or upon motion by the tenant demonstrating that sealing is warranted.

(s) Sex: the state of being biologically male, female, or intersex including medical conditions and reproductive health decisions associated therewith.

(t) Sexual Orientation: an individual's romantic and/or sexual attraction for another person(s); includes relationship types such as aromantic, ethical non-monogamy, open relationships, polyamory, etc.

(u) Source of Income: the origination of an individual's personal and professional finances, including from housing choice vouchers, emergency assistance payments, SSI Income, alimony, and disability benefit programs.

(v) Status as a Victim or Family Member of a Victim of Domestic Violence, a Sexual Offense, or Stalking (DVSOS): when an individual is a victim or family member of a victim of domestic violence, sexual offense, or stalking.

(w) Status as a Victim of an Intrafamily Offense: an individual, their family, or a household member who is a victim of domestic violence, sexual assault, stalking, or cruelty to the victim's animal.

5000.10 DCHA will not use any of these factors to:

(a) Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the housing choice voucher program.

(b) Provide housing that is different from that provided to other HCV participants.

(c) Subject anyone to segregation or disparate treatment.

(d) Subject anyone to sexual harassment.

(e) Restrict anyone's access to any benefit enjoyed by others in connection with

the housing program.

(f) Treat a person differently in determining eligibility or other requirements for admission.

(g) Steer an applicant or participant toward or away from a particular area based any of these factors.

(h) Deny anyone access to the same level of services.

(i) Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program.

(j) Discriminate in the provision of residential real estate transactions.

(k) Discriminate against someone because they are related to or associated with a member of a protected class.

(l) Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class.

5000.11 DCHA will take steps to ensure that families and owners are fully aware of all applicable civil rights laws. As part of the briefing process, DCHA must provide information to housing choice voucher (HCV) applicant families about civil rights requirements and the opportunity to rent in a broad range of neighborhoods. The Housing Assistance Payments (HAP) contract informs owners of the requirement not to discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability in connection with the contract.

5000.12 DCHA may advise the family to file a fair housing complaint if the family feels they have been discriminated against under the Fair Housing Act, District of Columbia Human Rights Act, or other applicable anti-discrimination law. Anyone who believes they have been discriminated against may file a fair housing complaint with the Department of Housing and Urban Development (for claims under applicable Federal laws) or the District of Columbia Office of Human Rights (for claims under the District of Columbia Human Rights Act).

5000.13 [RESERVED]

5000.14 Applicants or participants who believe that they have been subject to unlawful discrimination may notify DCHA either orally or in writing.

5000.15 [RESERVED]

5000.16 DCHA will attempt to remedy discrimination complaints made against DCHA and will conduct an investigation into all allegations of discrimination.

5000.17 Within ten (10) business days following the conclusion of DCHA's investigation, DCHA will provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

5000.18 DCHA will keep a record of all complaints, investigations, notices, and corrective actions.

5001 POLICIES RELATED TO PERSONS WITH DISABILITIES

5001.1 One type of disability discrimination prohibited by the Fair Housing Act is the refusal to make reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a person with a disability the equal opportunity to use a program or dwelling under the program.

5001.2 DCHA must ensure that persons with disabilities have full access to DCHA's programs and services. This responsibility begins with the first contact by an interested family and continues through every aspect of the program.

5001.3 DCHA will ask all applicants and participants if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by DCHA, by including the following language:

"If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the housing authority."

5001.4 A specific name and phone number of designated staff will be provided to process requests for accommodation.

5001.5 DCHA will display posters and other housing information and signage in locations throughout DCHA's office in such a manner as to be easily readable from a wheelchair.

5001.6 A reasonable accommodation is an adjustment made to a rule, policy, practice, or service that allows a person with a disability to have equal access to the HCV Program. For example, reasonable accommodations may include making home visits, extending the voucher term, or approving an exception payment standard for a participant to lease an accessible dwelling unit.

5001.7 Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial and administrative burden" for DCHA, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

5001.8 When needed, DCHA will modify normal procedures to accommodate the needs of

a person with disabilities. Examples include:

(a) Permitting applications and reexaminations to be completed by mail.

(b) Conducting home visits.

(c) Using higher payment standards (either within the acceptable range or with HUD approval of a payment standard outside DCHA range) if DCHA determines this is necessary to enable a person with disabilities to obtain a suitable housing unit.

(d) Providing time extensions for locating a unit when necessary because of lack of availability of accessible units or special challenges of the family in seeking a unit.

(e) Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with DCHA staff.

(f) Providing "large print" versions of all required resident documentation.

5001.9 If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that DCHA treat the information as a request for a reasonable accommodation, even if no formal request is made.

5001.10 The family must explain what type of accommodation is needed to provide the person with the disability full access to DCHA's programs and services.

5001.11 If the need for the accommodation is not readily apparent or known to DCHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual's disability.

5001.12 DCHA will encourage the family to make its request in writing using a reasonable accommodation request form and submit to the ADA/504 Office for review. The request for accommodation can be made at any time, whether during intake, admissions, or continued occupancy. However, DCHA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

5001.13 The regulatory civil rights definition for persons with disabilities is provided in §5100. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is also provided in §5100 and is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

5001.14 Before providing an accommodation, DCHA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to DCHA's programs and services. Such persons include the head of household as well as any household members.

5001.15 If a person's disability is obvious or otherwise known to DCHA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required.

5001.16 If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to DCHA, DCHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

5001.17 When verifying a disability, DCHA will follow the verification policies provided in §5500. All information related to a person's disability will be treated in accordance with the confidentiality policies provided in §5001.17(d). In addition to the general requirements that govern all verification efforts, the following requirements apply when verifying a disability:

(a) Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability.

(b) DCHA must request only information that is necessary to evaluate the disability-related need for the accommodation. DCHA will not inquire about the nature or extent of any disability.

(c) Medical records will not be retained in the participant file.

(d) In the event that DCHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, DCHA will not retain it in the participant file. In place of the information, DCHA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information.

5001.18 DCHA must approve a request for an accommodation if the following three (3) conditions are met:

(a) The request was made by or on behalf of a person with a disability;

(b) There is a disability-related need for the accommodation and a nexus was found between the request and the disability; and

(c) The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on DCHA, or fundamentally alter the nature of DCHA's HCV operations (including the obligation to comply with HUD requirements and regulations).

5001.19 Requests for accommodations must be assessed on a case-by-case basis, considering factors such as the overall size of DCHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

5001.20 Before making a determination whether to approve the request, DCHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that DCHA may verify the need for the requested accommodation if that need is not apparent or otherwise credibly documented by the individual.

5001.21 After a request for an accommodation is presented, DCHA will respond in writing within ten (10) business days.

5001.22 If DCHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal DCHA's decision through an informal review (if applicable) or informal hearing.

5001.23 If DCHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of DCHA's operations), DCHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the HCV Program and without imposing an undue financial and administrative burden.

5001.24 If DCHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, DCHA will notify the family in writing of its determination within ten (10) business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal DCHA's decision through an informal hearing (if applicable) or the grievance process.

5001.25 DCHA shall ensure that persons with disabilities related to hearing and vision have reasonable access to DCHA's programs and services in accordance with applicable law.

5001.26 At the initial point of contact with each applicant, DCHA shall inform all applicants of alternative forms of communication that can be used other than plain language

paperwork.

5001.27 To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display/teletype) communication will be available.

5001.28 To meet the needs of persons with vision impairments, large-print and audio versions of key program documents will be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with DCHA staff, one-on-one assistance will be provided upon request.

5001.29 Additional examples of alternative forms of communication are sign language interpretation (provided by DCHA upon request); having material explained orally by staff; or having a third party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings at no cost to the person with the disability.

5001.30 DCHA will comply with a variety of regulations pertaining to physical accessibility, including the following:

(a) Notice PIH 2010-26;

(b) Section 504 of the Rehabilitation Act of 1973;

(c) The Americans with Disabilities Act Amendments Act of 2008;

(d) The Architectural Barriers Act of 1968; and

(e) The Fair Housing Amendments Act of 1988.

5001.31 The design, construction, or alteration of DCHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the HCV Program.

5001.32 When issuing a voucher to a family that includes an individual with disabilities, DCHA will include a current list of available accessible units known to DCHA and will assist the family in locating an available accessible unit, if necessary.

5001.33 In general, owners must permit the family to make reasonable modifications to the unit. However, the owner is not required to pay for the modification and may require that the unit be restored to its original state at the family's expense when the family moves. If the modifications do not affect the owner's or subsequent tenant's use or enjoyment of the premises, the owner cannot require the assisted tenant to restore the modifications to their prior state.

5001.34 A DCHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation.

5001.35 When applicants with disabilities are denied assistance, the notice of denial must inform them of DCHA's informal review process and their right to request an informal review. In addition, the notice must inform applicants with disabilities of their right to request reasonable accommodations to participate in the informal review process.

5001.36 When a participant family's assistance is terminated, the notice of termination must inform them of DCHA's informal hearing process and their right to request a hearing and reasonable accommodation.

5001.37 When reviewing reasonable accommodation requests, DCHA must consider whether any mitigating circumstances can be verified to explain and overcome the problem that led to DCHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, DCHA must make the accommodation.

5002 IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

5002.1 Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing important benefits or services, understanding, and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the HCV Program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. DCHA will take affirmative steps to communicate with people who need services or information in a language other than English. These persons will be referred to as Persons with LEP.

5002.2 Persons with LEP is defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English. For the purposes of this Plan, Persons with LEP are HCV applicants and participants, and parents and family members of applicants and participants.

5002.3 In order to determine the level of access needed by Persons with LEP, DCHA will balance the following four (4) factors:

(a) The number or proportion of Persons with LEP eligible to be served or likely to be encountered by the HCV Program;

(b) The frequency with which Persons with LEP come into contact with the program;

(c) The nature and importance of the program, activity, or service provided by

the program to people's lives; and

(d) The resources available to DCHA and costs related to the access.

5002.4 DCHA will offer competent interpretation services free of charge, upon request to the Person with LEP.

5002.5 DCHA will utilize a language line for telephone interpreter services.

5002.6 When exercising the option to conduct remote briefings, informal reviews, or hearings, however, DCHA will coordinate with a remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.

5002.7 Where Persons with LEP desire, they will be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by DCHA. DCHA, at its discretion, may choose to use the language services even when Persons with LEP desire to use an interpreter of their choosing. The interpreter may be a family member or friend. If the interpreter chosen by the family is a minor, DCHA will not rely on the minor to serve as the interpreter.

5002.8 DCHA will analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits.

5002.9 Where feasible and possible, according to its language assistance plan (LAP), DCHA will train and hire bilingual staff to be available to act as interpreters and translators, will pool resources with other public housing agencies (PHAs), and will standardize documents.

5002.10 Translation is the replacement of a written text from one language into an equivalent written text in another language.

5002.11 In order to comply with written-translation obligations, DCHA will take the following steps:

(a) DCHA will provide written translations of vital documents for each eligible LEP language group that constitutes five percent (5%) or one thousand (1,000) persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than fifty (50) persons in a language group that reaches the five percent (5%) trigger, DCHA does not translate vital written materials, but provides written notice in the primary language of the LEP language

group of the right to receive competent oral interpretation of those written materials, free of cost.

5002.12 After completing the four (4) factor analysis and deciding what language assistance services are appropriate, DCHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

5002.13 If DCHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by Persons with LEP to DCHA's HCV Program and services.

5002.14 If it is determined that DCHA serves very few Persons with LEP, and DCHA has very limited resources, DCHA will not develop a written LAP plan, but will consider alternative ways to articulate in a reasonable manner a plan for providing meaningful access. Entities having significant contact with Persons with LEP, such as schools, grassroots and faith-based organizations, community groups, and groups working with new immigrants will be contacted for input into the process.

5002.15 If DCHA determines it is appropriate to develop a written LAP plan, the following five (5) steps will be taken:

(a) Identifying LEP individuals who need language assistance;

(b) Identifying language assistance measures;

(c) Training staff;

(d) Providing notice to Persons with LEP; and

(e) Monitoring and updating the LAP Plan.

5003 PROTECTIONS FOR APPLICANTS AND PARTICIPANTS UNDER THE VIOLENCE AGAINST WOMEN ACT

5003.1 In certain circumstances, as further explained below, applicants or participants may be afforded additional protections from HCV Program requirements and policies under the Violence Against Women Act (VAWA). DCHA shall comply with the terms of VAWA in administration of the HCV Program. VAWA protections are for victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. DCHA shall not discriminate against VAWA victims based on any protected categories pursuant to 24 CFR §5.105(a) including race, color, national origin, religion, sex, familial status, disability, or age.

5003.2 The term domestic violence includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

(a) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

(b) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(c) shares a child in common with the victim; or

(d) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

5003.3 The term economic abuse, in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

(a) restrict a person's access to money, assets, credit, or financial information;

(b) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or

(c) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing to neglecting to act in the best interests of a person to whom one has a fiduciary duty.

5003.4 The term technological abuse means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

5003.5 Applicants seeking admission to the HCV Program or to a Project-Based Voucher unit shall not be denied admission based on, or as a direct result of, the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for admission, assistance, participation, or occupancy.

5003.6 A family or a family member may not be terminated from the HCV Program or a Project-Based Voucher unit based on, or as a direct result of, the fact that the family member participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

5003.7 If a member of the family is removed from the family because they are the perpetrator in criminal acts of domestic violence, dating violence, sexual assault, or stalking and the victim is part of the assisted family, the perpetrator may not be considered a remaining family member or an eligible family member.

5003.8 In making its decision as to who retains assistance, DCHA shall consider all credible evidence, including, but not limited to, documentation submitted to DCHA pursuant to §5003.15.

5003.9 (a) Pursuant to federal regulations, the denial of continued HCV Program assistance to a family member who engages in criminal acts related to domestic violence, dating violence, sexual assault, or stalking against members of the assisted family shall be considered a form of termination of the individual family member. DCHA shall follow the procedures described in Chapters 58 and 89 of this title of the DCMR when terminating assistance to such an individual unless the individual is absent or expected to be absent pursuant to paragraph (b) of this subsection.

(b) If the family member who engages in criminal acts related to domestic violence, dating violence, sexual assault, or stalking against another family member is absent, or expected to be absent due to court order or incarceration, from the assisted unit for more than one hundred and twenty (120) consecutive days, DCHA shall remove that family member and the individual shall no longer be considered part of the family composition.

(c) An absent family member removed from the family composition pursuant to paragraph (b) of this subsection shall also be denied continued HCV Program assistance. DCHA shall follow the same procedures as described in Chapters 58 and 89 of this title of the DCMR when terminating the participation of the removed absent family member.

5003.10 Pursuant to federal regulations, criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a participant's household or any guest or other person under the participant's control, shall not be cause for termination of tenancy, occupancy rights of, or assistance to the victim, if the participant or immediate family member of the participant is the

victim.

5003.11 Notwithstanding §5003.10, DCHA may terminate assistance to a participant for violating a program obligation not premised on an act of domestic violence, dating violence, sexual assault, or stalking, provided that DCHA does not subject such a participant to a more demanding standard than other participants in making the determination to terminate assistance to the participant.

5003.12 A victim of domestic violence, sexual violence, dating violence, or stalking who is absent for more than one hundred twenty (120) days may still be considered a family member based on documentation that the victim is expected to return to the family in a reasonable time if the victim provides to DCHA documentation that meets the requirements of §5003.15.

5003.13 If a family or family member has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual, the participant may port to another PHA jurisdiction in violation of the lease as explained in Chapter 55 of this title of the DCMR so long as the family has complied with all other obligations of the HCV Program.

5003.14 If a family or family member who has been the victim of domestic violence, dating violence, stalking, or sexual assault moves in violation of the lease, DCHA shall not terminate assistance or deny a family's request to move under portability if the move was related to the act of domestic violence, dating violence, stalking, or sexual assault. The portability regulations outlined in Chapter 55 of this title shall apply.

5003.15 A family may document an incident or incidents of domestic violence, dating violence, sexual assault, or stalking as follows:

(a) The HUD-approved certification form; Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, and Alternate Documentation.

(b) A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (*i.e.*, police reports, protective orders, and restraining orders); or

(c) Documentation that includes the following:

(1) Signed by the victim;

(2) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or mental health or medical provider (collectively, "professional") from whom the victim has sought assistance in the situation; and

(3) Attested, under penalty of perjury, that the professional believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

(d) DCHA will notify the household member seeking relief under VAWA of the member's status under §5003.1 within fourteen (14) business days of receiving documentation as explained in paragraphs (a) through (c) of this subsection. Notice will be provided by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided.

5003.16 Any information submitted to DCHA under this section, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in strict confidence by DCHA.

(a) DCHA shall not allow any individual administering assistance on behalf of the HCV Program or any persons within their employ (e.g., contractors) or any employee of DCHA to have access to confidential information unless explicitly authorized by DCHA for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

(b) DCHA shall not enter confidential information submitted to DCHA pursuant to this section into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is:

(1) Requested or consented to in writing by the individual in a time-limited release;

(2) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or

(3) Otherwise required by applicable law.

5003.17 (a) If DCHA receives conflicting documentation submitted pursuant to §5003.15 from two (2) or more members of a household, each petitioning for VAWA protections under this section and each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations.

(b) DCHA will determine which household members shall continue to be assisted in accordance with §§ 5003.24 and 5317.6. DCHA shall provide written notice to the household member(s) who will not retain assistance with the opportunity for an informal hearing in accordance with § 8908.

5003.18 If a family or family member who has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual, requests an emergency transfer voucher pursuant to §§ 5333 or 5501 of this title, the family or family member participant must submit the request in writing. A family or family member participant may submit a DCHA or HUD-approved emergency transfer voucher form, or provide a written statement that includes either:

(a) A statement expressing and certifying, under penalty of perjury, that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HCV Program; or

(b) A statement certifying, under penalty of perjury, that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the ninety (90)-calendar-day period preceding the participant's request for an emergency transfer voucher.

5003.19 If a family or family member participant requests an emergency transfer voucher under the protections of VAWA, DCHA will request in writing that the family or family member participant provide at least one (1) form of documentation specified in § 5003.15.

5003.20 (a) Participants must provide the documentation required under § 5003.19 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives documentation containing information that conflicts with existing information already available to DCHA, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. Third-party documentation must be provided within thirty (30) calendar days of the date of the request for the third-party documentation.

(b) If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, § 5003.18 shall apply.

(c) DCHA will administratively withdraw a family or family members' request pursuant to § 5300.1 if documentation is not provided as explained in paragraph (a) of this subsection.

(d) DCHA will notify the household member seeking relief under VAWA of the member' status under §5300.1 within fourteen (14) business days of receiving documentation as explained in paragraphs (a) through (c) of this subsection. Notice will be provided by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided.

5003.21 For families residing in Project-Based Voucher (PBV) units, the following provisions shall apply:

(a) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written emergency transfer request in the manner specified by § 5300.18 and provides documentation in the manner specified by § 5003.19 and § 5003.20, DCHA may transfer the family to another Project-Based subsidized unit or another unit in the Public Housing program subject to availability and at DCHA's discretion. Upon written request, the family may receive priority to receive the next available opportunity for continued tenant-based rental assistance.

(b) Notwithstanding § 5333.2, a family or family member participant is not required to give advanced written notice, with a copy to DCHA, of intent to vacate the PBV unit if the family moved to protect the health or safety of the victim.

5003.22 For families residing in the Moderate Rehabilitation Program, as defined in § 4905.1, and Single Room Occupancy (SRO) housing facilities, as defined in § 1901.3, the following provisions shall apply:

(a) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written emergency transfer request in the manner specified by § 5300.18 and provides documentation in the manner specified by § 5300.19 and § 5300.20, DCHA may transfer the family to another Moderate Rehabilitation Program unit (for a family residing in a Moderate Rehabilitation Program unit) or SRO unit (for a family residing in a SRO unit) subject to availability. If at the time of the transfer request there is no available Moderate Rehabilitation unit or SRO unit, DCHA may transfer the family to a Project-Based subsidized unit subject to availability and at DCHA's discretion. If there is no available Project-Based subsidized unit, then upon written request and at DCHA's discretion, the family may receive the opportunity for tenant-based rental assistance.

(b) Notwithstanding § 5333.2, a family or family member participant is not required to give advanced written notice, with a copy to DCHA, of intent to vacate the Moderate Rehabilitation Program unit or SRO unit if the family moved to protect the health or safety of the victim.

5003.23 DCHA will provide to applicants deemed ineligible for the HCV Program and participants in the HCV Program the "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD-approved certification form in accordance with HUD rules and regulations.

5003.24 Conflicting Allegations Panel.

(a) If DCHA receives conflicting documents submitted pursuant to § 5003.15 from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA shall convene a conflicting allegations panel within five (5) business days to recommend which Family member should remain in the voucher program by requiring third-party documentation to resolve the conflict in accordance with the Violence Against Women Act (VAWA) and its implementing regulations, as explained in §§ 5003.15 and 5003.17, and other applicable laws using the following guidelines:

(1) Prior to making any recommendation on who retains assistance, the conflicting allegations panel shall attempt to notify both adult family members involved in the alleged incident by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided, that only one (1) part of the family shall continue to receive assistance;

(2) The notice shall inform both adults of how DCHA will determine who retains assistance, and what relevant information each adult can provide to assist DCHA in making its recommendation;

(3) After making its recommendation using the factors as enumerated in § 5317.6, the documentation provided pursuant to §§ 5003.15 and 5003.17, and any additional relevant information provided (including, but not limited to, police report(s), protective orders, restraining orders, photographs, video footage, any past history of abuse, or evidence of who is the primary aggressor), DCHA shall notify both adults in writing within five (5) business days of its decision and the basis for the decision; and

(4) The adult family member who DCHA determines shall not continue to receive assistance shall be entitled to an informal hearing pursuant to Chapter 89 of this title of the DCMR.

(b) The Conflicting Allegations Panel will consist of three members, two (2) HCV Program staff members, designated by the HCV Program Director, and a victims' service provider employee or agent.

CHAPTER 51

ELIGIBILITY CONSIDERATIONS AND INITIAL FAMILY COMPOSITION

5100 INTRODUCTION

5100.1 The District of Columbia Housing Authority (DCHA) shall ensure that every

individual and family admitted to the Housing Choice Voucher Program (HCV Program) meet all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by DCHA to confirm eligibility and determine the level of the family's assistance.

5100.2 To be eligible for the HCV Program, the applicant family must:

(a) Qualify as a family as defined by the U.S. Department of Housing and Urban Development (HUD) and DCHA;

(b) Have income at or below HUD-specified income limits;

(c) At least one household member must be a US citizen or a noncitizen who has eligible immigration status;

(d) Provide social security number information for household members as required;

(e) Consent to DCHA's collection and use of family information as provided for in PHA-provided consent forms; and

(f) Not currently be receiving a duplicative subsidy.

5100.3 DCHA shall determine that the current or past behavior of household members does not include activities that are prohibited by HUD or DCHA.

5100.4 Each family must identify the individuals to be included in the family at the time of application and must notify DCHA if the family's composition changes.

5100.5 The following definitions shall apply under this §5100:

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than thirty percent (30%), fifty percent (50%), or eighty percent (80%) of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Co-head means an adult individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

Committed relationship means a familial relationship between two (2) individuals characterized by mutual caring and the sharing of a mutual residence.

Dependent is a member of the family (which excludes foster children and foster adults) other than the family head or spouse who is under eighteen (18) years of age, or is a person with a disability, or is a full-time student.

Dependent Child means in the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of "dependent" in 24 CFR §5.603, which states that the dependent must be a member of the assisted family, other than the head of household or spouse, who is under eighteen (18) years of age, or is a person with a disability, or is a full-time student. Foster children and foster adults are not considered dependents.

Developmental Disability is defined in the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C.§15002(8)), which defines developmental disability in functional terms as follows:

(a) General. The term developmental disability means a severe, chronic disability of an individual that:

(1) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) is manifested before the individual attains age twenty-two (22);

(3) is likely to continue indefinitely; and

(4) results in substantial functional limitations in three (3) or more of the following areas of major life activity:

(i) Self-care,

(ii) Receptive and expressive language,

(iii) Learning,

(iv) Mobility,

(v) Self-direction,

(vi) Capacity for independent living,

(vii) Economic self-sufficiency; and

(viii) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned

and coordinated.

(b) An individual from birth to age nine (9), inclusive, who has a substantial developmental delay or specific congenital or acquired condition, may be considered to have a developmental disability without meeting three (3) or more of the criteria described in (d) above if the individual, without services and supports, has a high probability of meeting those criteria later in life: self-care, receptive and expressive language, learning, mobility, self-direction.

Disabled family means one in which the head, spouse, or co-head is a person with disabilities.

Elderly family means one in which the head, spouse, co-head, or sole member is an elderly person.

Elderly person means a person who is at least sixty-two (62) years of age.

Extremely low-income family means a family whose annual income does not exceed the federal poverty level or thirty percent (30%) of the median income for the area, whichever number is higher.

Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:

(a) A single person, who may be:

(1) An elderly person, displaced person, disabled person, near-elderly person, or any other single person;

(2) An otherwise eligible youth who has attained at least eighteen (18) years of age and not more than twenty-four (24) years of age and who has left foster care, or will leave foster care within ninety (90) days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act (42 U.S.C. §675(5)(H)), and is homeless or is at risk of becoming homeless at age sixteen (16) or older; or

(b) A group of persons residing together, and such group includes, but is not limited to:

(1) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family);

(2) An elderly family;

(3) A near-elderly family;

(4) A disabled family;

(5) A displaced family; and

(6) The remaining member of a tenant family.

Family member means:

(a) A domestic partner; or

(b) A dependent child of a domestic partner, which shall include, for the purposes of this section, an unmarried person under twenty-two (22) years of age, an unmarried person under twenty-five (25) years of age who is a full-time student, or an unmarried person regardless of age who is incapable of self-support because of a mental or physical disability that existed before age twenty-two (22). A dependent child of a domestic partner shall include a natural child, adopted child, stepchild, foster child, or child in the legal custody of a domestic partner.

Foster adults is a member of the household who is eighteen (18) years of age or older and meets the definition of a foster adult under District law. In general, a foster adult is a person who is eighteen (18) years of age or older, is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

Foster child is a member of the household who meets the definition of a foster child under District law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

Full-time student (FTS) means a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to be full-time is defined by the educational institution.

Gender Identity means actual or perceived gender characteristics. DCHA also adheres to definitions presented in the District of Columbia Human Rights Act.

Guest means a person temporarily staying in the unit with the consent of a member of the household who has expressed or implied authority to so consent.

Head of household means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

Household includes additional people who, with DCHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

Independent student means a student that meets one or more of the following criteria:

(a) The individual is at least twenty-four (24) years old by December 31 of the award year for which aid is sought;

(b) The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was thirteen (13) years of age or older;

(c) The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence;

(d) The individual is a veteran of the U.S. Armed Forces or is currently serving on active duty in the Armed Forces for other than training purposes;

(e) The individual is a graduate or professional student;

(f) The individual is married;

(g) The individual has one or more legal dependents other than a spouse (for example, dependent children or an elderly dependent parent); or

(h) The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:

(1) A local educational agency homeless liaison;

(2) The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director;

(3) A financial aid administrator; or

(4) The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Individual with Handicaps – The definition of a person with a disability used to qualify a family for a reasonable accommodation is as follows:

Any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(a) Physical or mental impairment includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

(b) “Major life activities” means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) “Is regarded as having an impairment” means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in paragraph (1) of this section but is treated by a recipient as having such an impairment.

Institution of higher education has the meaning given in the Higher Education Act of 1965 in 20 U.S.C. §§ 1001 and 1002.

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

(a) is determined to be essential to the care and well-being of the persons;

(b) is not obligated for the support of the persons; and

(c) would not be living in the unit except to provide the necessary supportive services.

Low-income family means family whose annual income does not exceed eighty percent (80%) of the median income for the area, adjusted for family size. DCHA shall consider a family to be continuously assisted if the family was leasing a unit under any United States Housing Act of 1937 program at the time they were selected from DCHA's waiting list.

Marriage partner means the partner in a "common law" marriage as defined in District law.

Near-elderly person means a person who is fifty to sixty-one (50-61) years of age.

Other adult means a family member, other than the head, spouse, or co-head, who is eighteen (18) years of age or older. Foster adults and live-in aides are not considered other adults.

Parents For purposes of student eligibility restrictions, parents includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc.).

Person with Disabilities means a person who:

(a) Has a disability, as defined in 42 U.S.C. 423;

(b) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

(1) Is expected to be of long-continued and indefinite duration;

(2) Substantially impedes his or her ability to live independently, and

(3) is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

(c) Has a developmental disability as defined in 42 U.S.C. 6001.

(d) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;

(e) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and

(f) Means "individual with handicaps", as defined in § 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

Sexual orientation means homosexuality, heterosexuality, or bisexuality. DCHA also adheres to definitions presented in the District of Columbia Human Rights Act.

Spouse means the marriage partner of the head of household. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners.

Very low-income family means a family whose annual income does not exceed fifty percent (50%) of the median income for the area, adjusted for family size.

Veteran means a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Vulnerable Youth means an individual who meets the U.S. Department of Education's definition of independent student in paragraphs (b), (c), or (h), as adopted in Section II of FR Notice 9/21/16:

(a) The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or ward of the court at any time when the individual was thirteen (13) years of age or older;

(b) The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence; or

(c) The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting by:

(1) A local educational agency homeless liaison;

(2) The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director, or

(3) A financial aid administrator.

5101 FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY

5101.1 Except under the following conditions, DCHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

(a) If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, DCHA must ensure that the victim retains assistance.

(b) In accordance with Notice PIH 2024-18, for HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers, when the veteran is the perpetrator of domestic violence, dating violence, sexual assault, or stalking, the victim must continue to be assisted. Upon termination of the perpetrator's HUD–VASH voucher, the victim should be given a regular HCV if one is available, and the perpetrator's HUD–VASH voucher should be used to serve another eligible family. If a regular HCV is not available, the victim will continue to use the HUD–VASH voucher, which must be issued to another eligible family upon the voucher's turnover.

(c) If a court determines the disposition of property between members of the assisted family, DCHA is bound by the court's determination of which family members continue to receive assistance.

5101.2 When a family on the waiting list breaks up into two (2) otherwise eligible families, only one of the new families may retain the original application date. Other former family members may make a new application with a new application date if the waiting list is open.

5101.3 If a family breaks up into two otherwise eligible families while receiving assistance, only one of the new families will continue to be assisted.

5101.4 If a court determines the disposition of property between members of an applicant or resident family, DCHA shall abide by the court's determination.

5101.5 In the absence of a judicial decision or an agreement among the original family members, DCHA shall determine which family will retain their placement on the waiting list or continue to receive assistance. In making its determination, DCHA shall take into consideration the following factors:

(a) the interest of any minor children, including custody arrangements;

(b) the interest of any ill, elderly, or disabled family members;

(c) the interest of any family member who is the victim of domestic violence, dating violence, sexual assault, or stalking, including a family member who was forced to leave an assisted unit as a result of such actual or threatened abuse; and

(d) any possible risks to family members as a result of criminal activity.

5101.6 The HUD definition of family includes the remaining member of a tenant family, which is a member of an assisted family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

5101.7 [RESERVED]

5102 HEAD OF HOUSEHOLD

5102.1 The family may designate any qualified family member as the Head of Household.

5102.2 The Head of Household must have the legal capacity to enter into a lease under state and local law. DCHA may designate a minor who is emancipated under District law as Head of Household.

5103 SPOUSE, COHEAD, OTHER ADULT, AND DEPENDENT

5103.1 A family may have a spouse or co-head, but not both.

5103.2 DCHA may designate a minor who is emancipated under District law as a Spouse.

5103.3 DCHA may designate a minor who is emancipated under state law as a co-head.

5103.4 DCHA shall not consider foster adults and live-in aides as Other Adults.

5103.5 DCHA shall consider dependents that are subject to a joint custody arrangement a member of the family, if they live with the applicant or participant family fifty percent (50%) or more of the time.

5103.6 When more than one applicant or participant family is claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, DCHA shall make the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

5104 PERSONS WITH DISABILITIES AND DISABLED FAMILY

5104.1 Under the HCV program, special rules apply to persons with disabilities and to any family whose head, spouse, or cohead is a person with disabilities.

5104.2 DCHA shall make all aspects of the HCV program accessible to persons with disabilities and consider reasonable accommodations requested based upon a person's disability.

5104.3 [RESERVED]

5105 GUESTS

5105.1 A guest can remain in the assisted unit no longer than thirty (30) consecutive days or a total of ninety (90) cumulative calendar days during any twelve (12) month period, unless otherwise noted in the landlord lease.

5105.2 Children who are subject to a joint custody arrangement or for whom a family has written visitation privileges, that are not included as a family member because they live outside of the assisted household more than fifty percent (50%) of the time, are not subject to the time limitations of guests as described above.

5105.3 Subject to the landlord lease, a family may submit a written request for an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure is expected to last forty (40) consecutive days). DCHA shall not make an exception unless the family can identify and provide documentation of the residence to which the guest will return.

5105.4 DCHA shall consider guests who represent the unit address as their residence address or address of record for receipt of benefits or any other purposes as unauthorized occupants.

5105.5 DCHA shall consider guests who remain in the unit beyond the allowable time limit as unauthorized occupants, and their presence constitutes a violation of the family obligations.

5106 FOSTER CHILDREN AND FOSTER ADULTS

5106.1 DCHA shall consider foster children and foster adults who are living with an applicant or who have been approved by DCHA to live with a participant family as household members but not as family members.

5106.2 The income of foster children and foster adults is not counted in family annual income.

5106.3 Foster children and foster adults do not qualify for a dependent deduction.

5106.4 A foster child or foster adult may be allowed to reside in the unit if their presence would not result in a violation of HQS space standards according to 24 CFR §982.401.

5107 ABSENT FAMILY MEMBERS

5107.1 Individuals may be absent from the family, either temporarily or permanently, for a variety of reasons including educational activities, placement in foster care, employment, illness, incarceration, and court order.

5107.2 Generally an individual who is or is expected to be absent from the assisted unit for one hundred twenty (120) consecutive days or less is considered temporarily absent and continues to be considered a family member.

5107.3 Generally an individual who is or is expected to be absent from the assisted unit for more than one hundred twenty (120) consecutive days is considered permanently absent and no longer a family member except as follows:

(a) When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless DCHA is made aware that the student has established a separate household (including when another PHA contacts DCHA to inform them that an assisted family is requesting to add the student to their household or the PHA is reviewing the eligibility of a family for assistance in their jurisdiction and the family includes the student) or the family reports that the student left the household, consistent with 5901.4.

(b) Children temporarily absent from the home as a result of placement in foster care are considered members of the family. If a child has been placed in foster care, DCHA shall verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member.

(c) An employed head, spouse, or co-head absent from the unit more than one hundred twenty (120) consecutive days due to employment will continue to be considered a family member.

(d) If the family reports to DCHA that a family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a family member and the income of that person is not counted. DCHA shall request verification of the family member's permanent absence from a responsible medical professional. If the responsible medical professional cannot provide a determination, the person will be considered temporarily absent. If the family certifies that the family member is confined on a permanent basis, they may present, and DCHA shall consider, any additional documentation or evidence.

5107.4 A family must request DCHA approval for the return of any adult family members that DCHA previously determined to be permanently absent. Such an individual is subject to the eligibility and screening requirements as set forth elsewhere in this chapter.

5108 LIVE-IN AIDE

5108.1 DCHA shall approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR §8, to make the program accessible to and usable by the family member with disabilities.

5108.2 The income of a live-in aide is not counted in the calculation of annual income for the family.

5108.3 Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide.

5108.4 Because live-in aides are not "family" members, a relative who serves as a live-in aide would not be considered a remaining member of a tenant family.

5108.5 A family's request for a live-in aide must be made in writing.

5108.6 DCHA shall require written verification from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker, that the live-in aide is essential for the care and well-being of the elderly, near-elderly, or disabled family member.

5108.7 If the need for live-in aide is permanent, the family must confirm that the live-in aide continues to be needed at biennial/triennial reexamination. To the extent that the need for the live-in aide is temporary, DCHA has the right to request verification during reexamination.

5108.8 The family and live-in aide must submit a certification stating that the live-in aide is:

(a) Determined to be essential to the care of a person with disabilities;

(b) Not obligated for the financial support of the person with disabilities; and

(c) Would not be living in the unit except to provide the necessary supportive services.

5108.9 Live-in aides are subject to the same screening requirements as any other adult included in or added to a household, with the exception that they are not subject to income eligibility.

5108.10 DCHA shall notify the family of its decision in writing within twenty (20) business days of receiving a request for a live-in aide, including all required documentation related to the request.

5109 INCOME ELIGIBILITY AND TARGETING

5109.1 HUD establishes income limits for all areas of the country and publishes them annually in the Federal Register. They are based upon estimates of median family income with adjustments for family size. The income limits are used to determine eligibility for the program and for income targeting purposes as discussed in this section.

5109.2 Income limits are used for eligibility only at admission. Income eligibility is determined by comparing the annual income of an applicant to the applicable income limit for their family size.

5109.3 In order to be income eligible, an applicant family must be one of the following:

(a) A very low-income family;

(b) A low-income family that has been "continuously assisted" under the 1937 Housing Act. A family is continuously assisted if the family is already receiving assistance under any 1937 Housing Act program at the time the family is selected from DCHA's waiting list and admitted to the HCV program;

(c) A low-income family that qualifies for voucher assistance as a non-purchasing household living in HOPE 1 (public housing homeownership), HOPE 2 (multifamily housing homeownership) developments, or other HUD-assisted multifamily homeownership programs covered by 24 CFR §248.173;

(d) A low-income or moderate-income family that is displaced as a result of the prepayment of a mortgage or voluntary termination of a mortgage insurance contract on eligible low-income housing as defined in 24 CFR §248.101; or

(e) DCHA has not established any additional categories of eligible low-income families.

5109.4 At least seventy-five percent (75%) of the families admitted to DCHA's program during DCHA fiscal year must be extremely low-income families. HUD may approve exceptions to this requirement if DCHA demonstrates that it has made all required efforts but has been unable to attract an adequate number of qualified extremely low-income families.

5109.5 Families continuously assisted under the 1937 Housing Act and families living in eligible low-income housing that are displaced because of prepayment of a mortgage or voluntary termination of a mortgage insurance contract are not counted for income targeting purposes.

5110 CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS

5110.1 Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

5110.2 All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. DCHA will provide this notice in accordance with DCHA's Language Access Plan.

5110.3 HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must be signed personally by the head, spouse, co-head, and any other family member eighteen (18) or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status. No declaration is required for live-in aides, foster children, or foster adults.

5110.4 In general, citizens and nationals are required to submit only a signed declaration as verification of their status. However, HUD regulations permit DCHA to request additional documentation of their status, such as a passport.

5110.5 Family members who declare citizenship or national status will not be required to provide additional documentation unless DCHA receives information indicating that an individual's declaration may not be accurate.

5110.6 In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with DCHA efforts to verify their immigration status. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.

5110.7 Lawful residents of the Marshall Islands, the Federated States of Micronesia, and Palau, together known as the Freely Associated States, or FAS, are eligible for housing assistance under §141 of the Compacts of Free Association between the U.S. Government and the Governments of the FAS (Public Law 106-504).

5110.8 Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family member listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status. DCHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

5110.9 Providing housing assistance to noncitizen students is prohibited per 24 CFR §5.522. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

5110.10 A family is eligible for assistance as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered 'mixed families". Such families will be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination.

5110.11 No individual or family may be assisted prior to the affirmative establishment by DCHA that the individual or at least one family member is eligible. Verification of eligibility for this purpose occurs when the individual or family members have submitted documentation to DCHA in accordance with program requirements.

5110.12 DCHA shall not provide assistance to a family before the verification of at least one family member.

5110.13 DCHA will not provide assistance to a family if it does not include at least one (1) family member who is determined eligible to receive assistance. When DCHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family will be sent a written notice within ten (10) business days of the determination. The notice will explain the reasons for the denial of assistance, that the family may be eligible for proration of assistance and will advise the family of its right to request an appeal to USCIS, or to request an informal hearing with DCHA.

5110.14 The informal hearing with DCHA may be requested in lieu of the USCIS appeal, or at the conclusion of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the informal hearing process.

5110.15 For new occupants joining the assisted family, DCHA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

5110.16 If an individual qualifies for a time extension for the submission of required documents, DCHA must grant such an extension for no more than thirty (30) days.

5110.17 Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

5110.18 DCHA shall verify the citizenship status of applicants at the time other eligibility

factors are determined.

5111 SOCIAL SECURITY NUMBERS

5111.1 The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN. If a child under age six (6) has been added to an applicant family within six (6) months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within ninety (90) days of the effective date of the initial HAP contract. These requirements do not apply to noncitizens who do not contend eligible immigration status.

5111.2 In addition, each participant who has not previously disclosed a SSN, has previously disclosed a SSN that HUD or the SSN determined was invalid, or has been issued a new SSN must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or annual reexamination or recertification. Participants age sixty-two (62) or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from this requirement and remain exempt even if they move to a new assisted unit.

5111.3 DCHA must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR §5.216.

5112 FAMILY CONSENT TO RELEASE OF INFORMATION

5112.1 HUD requires each adult family member, and the head of household, spouse, or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, the form HUD-52675 Debts Owed to Public Housing Agencies and Terminations, and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

5112.2 DCHA must deny admission to the program if any member of the applicant family fails to sign and submit the consent forms for obtaining information in accordance with 24 CFR §5, Subparts B and F.

5113 STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION

5113.1 Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR §5.612 established new restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

5113.2 If a student enrolled at an institution of higher education is under the age of twenty-four (24), is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the

student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive HCV assistance. If, however, a student in these circumstances is determined independent from their parents in accordance with DCHA policy, the income of the student's parents will not be considered in determining the student's eligibility.

5113.3 The new law does not apply to students who reside with parents who are applying to receive HCV assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

5113.4 DCHA shall consider a student "independent" from their parents and the parents' income will not be considered when determining the student's eligibility if the following four criteria are all met:

(a) The individual is of legal contract age under state law;

(b) The individual has established a household separate from their parents for at least one year prior to application for occupancy or the individual meets the U.S. Department of Education's definition of independent student;

(c) The individual was not claimed as a dependent by their parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms; and

(d) The individual provides a certification of the amount of financial assistance that will be provided by their parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

5113.5 If DCHA determines that an individual meets the definition of a vulnerable youth such a determination is all that is necessary to determine that the person is an independent student for the purposes of using only the student's income for determining eligibility for assistance.

5113.6 DCHA shall verify that a student meets the above criteria in this §5113.

5113.7 If a student is applying for assistance on their own, apart from their parents, DCHA shall determine whether the student is subject to the eligibility restrictions contained in 24 CFR §5.612. If the student is subject to those restrictions, DCHA shall ensure that:

(a) the student is individually eligible for the program;

(b) either the student is independent from their parents or the student's parents are income eligible for the program; and

(c) the "family" with which the student is applying is collectively eligible for the program.

5113.8 For any student who is subject to the 24 CFR §5.612 restrictions, DCHA shall follow its usual policies in determining whether the student individually and the student's "family" collectively are eligible for the program and determine whether the student is independent from their parents in accordance with the definition of independent student, and follow the policies below, if applicable, in determining whether the student's parents are income eligible for the program.

5113.9 If DCHA determines that the student, the student's parents (if applicable), or the student's "family" is not eligible, DCHA shall send a notice of denial in accordance with the policies in §7600, and the applicant family will have the right to request an informal review in accordance with the policies in §9100.

5113.10 For any student who is subject to the 24 CFR §5.612 restrictions and who does not satisfy the definition of independent student in this section, DCHA shall determine the income eligibility of the student's parents as follows:

(a) If the student's parents are married and living together, DCHA shall obtain a joint income declaration and certification of joint income from the parents.

(b) If the student's parent is widowed or single, DCHA shall obtain an income declaration and certification of income from that parent.

(c) If the student's parents are divorced or separated, DCHA shall obtain an income declaration and certification of income from each parent.

(d) If the student has been living with one of their parents and has not had contact with or does not know where to contact their other parent, DCHA shall require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. DCHA shall then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

(e) In determining the income eligibility of the student's parents, DCHA shall use the income limits for the jurisdiction in which the parents live.

5114 EIV SYSTEM SEARCHES

5114.1 Prior to admission to the program, DCHA must search for all household members using the EIV Existing Tenant Search module. DCHA must review the reports for any SSN matches involving another public housing authority or a multifamily entity and follow up on any issues identified.

5114.2 DCHA must provide the family with a copy of the Existing Tenant Search results if requested.

5114.3 At no time may any family member receive duplicative assistance.

5114.4 If the tenant is a new admission to DCHA, and a match is identified at a multifamily property, DCHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

5114.5 If during admission a new tenant is identified at a multifamily property, DCHA will contact the owner or PHA identified in the report to confirm that the status included on the HUD Form 50058 or 50059 shows an end of participation. DCHA will only approve assistance contingent upon the move-out from the currently occupied assisted unit.

5114.6 All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations. Prior to admission to the program, DCHA must search for each adult family member in the Debts Owed to public housing agencies (PHAs) and Terminations module.

5114.7 If a current or former tenant disputes the information in the module, the tenant should contact DCHA directly in writing to dispute the information and provide any documentation that supports the dispute.

5114.8 If DCHA determines that the disputed information is incorrect, DCHA shall update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three (3) years from the end of participation date in the program.

5114.9 DCHA shall require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household.

5114.10 DCHA shall search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, DCHA shall determine if this information warrants a denial.

5114.11 For each new admission, DCHA is required to review the EIV Income and IVT Reports to confirm and validate family reported income within one hundred twenty (120) days of the IMS/PIC submission date of the new admission. DCHA must print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within sixty (60) days of the EIV Income or IVT report dates. DCHA will also run these reports at reexamination.

5115 DENIAL OF ASSISTANCE

5115.1 A family that does not meet the eligibility criteria must be denied assistance.

5115.2 [RESERVED]

5115.3 Denial of assistance includes any of the following:

(a) Not placing the family's name on the waiting list;

(b) Denying or withdrawing a voucher;

(c) Not approving a request for tenancy or refusing to enter into a HAP contract; and

(d) Refusing to process a request for or to provide assistance under portability procedures.

5115.4 DCHA may not deny assistance based on any of the following criteria:

(a) Any of the protected classes defined in § 5000.9;

(b) Where a family lives prior to admission to the program;

(c) Where the family will live with assistance under the program. Although eligibility is not affected by where the family will live, there may be restrictions on the family's ability to move outside DCHA's jurisdiction under portability;

(d) Whether members of the family are unwed parents, recipients of public assistance, or children born out of wedlock;

(e) Whether the family includes children;

(f) Whether a family decides to participate in a family self-sufficiency program; or

(g) Whether or not a qualified applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking if the applicant is otherwise qualified for assistance.

5115.5 DCHA shall deny assistance in the following cases:

(a) Any member of the household has been evicted from federally assisted housing in the last seven (7) years for drug-related criminal activity; however, DCHA shall admit an otherwise-eligible family who was evicted from federally assisted housing within the past seven years for drug-related criminal activity if DCHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by DCHA, or the person who committed the crime is no longer living in the household;

(b) DCHA determines that any household member is currently engaged in the use of illegal drugs, or has used any illegal drugs during the previous three months;

(c) DCHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. In determining reasonable cause, DCHA shall consider all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A record or records of arrest will not be used as the sole basis of determining reasonable cause. DCHA shall also consider evidence from treatment providers or community-based organizations providing services to household members;

(d) Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing;

(e) Any household member is subject to a lifetime registration requirement under a state sex offender registration program; or

(f) DCHA will deny assistance if any household member is currently engaged in, or has engaged in within the past seven (7) years, drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug. If any household member is currently engaged in, or has engaged in within the past seven (7) years any of the following criminal activities, the family will be denied assistance:

(1) Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage;

(2) Criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the within a three-block radius of the premises; or

(3) Criminal activity that may threaten the health or safety of property owners, management staff, and persons performing contract administration functions or other responsibilities on behalf of DCHA (including DCHA employee or DCHA contractor, subcontractor, or agent); or

(4) Criminal activity identified in DC Code § 42–3541.02.

5115.6 Evidence of such criminal activity includes, but is not limited to:

(a) Any conviction for drug-related or violent criminal activity within the past seven (7) years; or

(b) Records of arrests and/or prosecutions for drug-related or violent criminal activity within the past seven (7) years, although a record or records of arrest will not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity.

5115.7 In making its decision to deny assistance, DCHA shall consider the factors discussed in section. Upon consideration of such factors, DCHA may, on a case-by-case basis, decide not to deny assistance.

5115.8 DCHA shall deny assistance to an applicant family if:

(a) The family does not provide information that DCHA or HUD determines is necessary in the administration of the program;

(b) The family does not provide complete and true information to DCHA;

(c) Any family member has been evicted from federally assisted housing in the last three (3) years;

(d) Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

(e) The family owes rent or other amounts to any DCHA in connection with HCV or other public housing assistance under the 1937 Housing Act, unless the family repays the full amount of the debt prior to being selected from the waiting list;

(f) If the family has not reimbursed any DCHA for amounts DCHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease, unless the family repays the full amount of the debt prior to being selected from the waiting list;

(g) The family has breached the terms of a repayment agreement entered into with DCHA, unless the family repays the full amount of the debt covered in the repayment agreement prior to being selected from the waiting list; or

(h) A family member has engaged in or threatened violent or abusive behavior toward DCHA personnel. *"*Abusive or violent behavior towards DCHA personnel*"* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. *"*Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

5115.9 When denying admission due to family debts as shown in HUD's EIV system, DCHA shall provide the family with a copy of the EIV Debt Owed to DCHA and Termination report.

5115.10 If the family wishes to dispute the information in the report, the family must contact DCHA that entered the information in EIV in writing, explaining why EIV information is disputed. The family must also provide a copy of the letter and all applicable verification to DCHA to support the family's claim. DCHA shall consider the information provided by the family prior to issuing a notice of denial.

5116 SCREENING

5116.1 DCHA shall require every applicant family to submit a consent form signed by each adult household member.

5116.2 DCHA shall perform a criminal background check through local and national law enforcement for every adult household member.

5116.3 DCHA shall use the Dru Sjodin National Sex Offender database to screen applicants for admission.

5116.4 DCHA shall ask whether the applicant, or any member of the applicant's household, is subject to a lifetime registered sex offender registration requirement in any state.

5116.5 If DCHA denies assistance based on a criminal record or on lifetime sex offender registration information, DCHA shall notify the household of the reason and provide the subject of the record and the applicant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to a denial of admission.

5116.6 DCHA shall not conduct additional screening to determine an applicant family's suitability for tenancy.

5116.7 The owner is responsible for screening and selection of the family to occupy the owner's unit in accordance with local law.

5116.8 DCHA must inform the owner that screening and selection for tenancy is the responsibility of the owner.

5116.9 [RESERVED]

5116.10 [RESERVED]

5116.11 DCHA shall not disclose to the owner any confidential information provided to DCHA by the family in response to DCHA request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation.

5116.12 DCHA shall inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the initial HQS inspection or before. DCHA shall not provide any additional information to the owner, such as tenancy history or criminal history, etc.

5117 CRITERIA FOR DECIDING TO DENY ASSISTANCE

5117.1 DCHA shall use the concept of the preponderance of the evidence as the standard for making all admission decisions.

5117.2 "Preponderance of the evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

5117.3 DCHA shall consider the following facts and circumstances prior to making its decision:

(a) The seriousness of the case, especially with respect to how it would affect other residents' safety or property;

(b) The effects that denial of assistance may have on other members of the family who were not involved in the action or failure to act;

(c) The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking; or

(d) The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future.

5117.4 While DCHA shall not use a record or records of arrest as the sole basis for denial, an arrest may trigger a review to determine whether the applicant actually engaged in disqualifying criminal activity.

5117.5 As part of its review, DCHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. DCHA may also consider:

(a) Any statements made by witnesses or the applicant not included in the police report;

(b) Whether criminal charges were filed;

(c) Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal;

(d) Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity; or

(e) Any mitigating documentation, including documentation provided as part of a reasonable accommodation request, submitted by the applicant.

5117.6 DCHA shall consider evidence of criminal conduct if it indicates a demonstrable risk to safety or property.

5117.7 DCHA shall require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

5117.8 Should DCHA's screening process reveal that an applicant's household includes an individual subject to state lifetime registered sex offender registration, DCHA shall offer the family the opportunity to remove the ineligible family member from the household.

5117.9 If the family is unwilling to remove that individual from the household, DCHA shall deny admission to the family.

5117.10 For other criminal activity, DCHA may permit the family to exclude the culpable family members as a condition of eligibility. For all other factors described in 5115 that would cause the family to be denied as a result of an individual family member's ineligibility, DCHA may permit the family to exclude that family member as a condition of eligibility.

5117.11 As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member will not be permitted to visit, stay as a guest, or reside in the assisted unit.

5117.12 After admission to the program, the family must present evidence of the former family member's current address upon DCHA request.

5117.13 If the family includes a person with disabilities, DCHA's decision concerning denial of admission is subject to consideration of reasonable accommodation in accordance with 24 CFR Part 8.

5117.14 If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of assistance, DCHA shall determine whether the behavior is related to the stated disability. If so, upon the family's request, DCHA shall determine whether admitting the family as a reasonable accommodation is appropriate. DCHA shall only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of assistance.

5118 NOTICE OF ELIGIBILITY OR DENIAL

5118.1 If the family is eligible for assistance, DCHA shall notify the family in writing and schedule a tenant briefing.

5118.2 If DCHA determines that a family is not eligible for the program for any reason, DCHA shall notify the family promptly. DCHA shall notify the family of a decision to deny assistance in writing within ten (10) business days of the determination.

5118.3 The notice must describe:

(a) the reasons for which assistance has been denied;

(b) the family's right to an informal review; and

(c) the process for obtaining the informal review.

5118.4 If DCHA uses a criminal record or sex offender registration information obtained under 24 CFR §5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before DCHA can move to deny the application. In addition, a copy of the record must be provided to the subject of the record. DCHA shall give the family an opportunity to dispute the accuracy and relevance of that record, in the informal review process in accordance with program requirements.

5118.5 [RESERVED]

5118.6 DCHA shall give the family ten (10) business days to dispute the accuracy and relevance of the information. If the family does not contact DCHA to dispute the information within that ten (10) day period, DCHA shall proceed with issuing the notice of denial of admission.

5118.7 DCHA shall give a family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter the opportunity to do so as part of the informal review process.

5118.8 Notice requirements for denial of assistance to noncitizens are contained in §7600.

5118.9 DCHA's notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault or stalking are contained in §5119.

5119 PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

5119.1 The Violence against Women Act of 2022 (VAWA) and the HUD regulation at 24 CFR § 5.2005(b) prohibits DCHA from denying an applicant admission to the HCV program on the basis or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, if the applicant otherwise qualifies for assistance or admission. Definitions of key terms used in VAWA are provided in the glossary section of this plan.

5119.2 [RESERVED]

5119.3 [RESERVED]

5119.4 DCHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under DCHA's policies.

5119.5 While DCHA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform DCHA that their status as a victim is directly related to the grounds for the denial.

5119.6 DCHA shall request that the applicant provide enough information to DCHA to allow DCHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

5119.7 DCHA shall include in its notice of denial the VAWA information described in § 4900 as well as including a copy of the form HUD-5382.

5119.8 DCHA shall request in writing that an applicant wishing to claim protection under VAWA notify DCHA within fourteen (14) business days.

5119.9 If an applicant claims the protection against denial of assistance that VAWA provides to victims of domestic violence, dating violence, sexual assault or stalking, DCHA shall request in writing that the applicant provide documentation supporting the claim in accordance with §§ 5003.15 and 5003.20.

5119.10 If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

(a) A signed statement:

(1) Requesting that the perpetrator be removed from the application; and

(2) Certifying that the perpetrator will not be permitted to visit or to stay as a guest in the assisted unit. However, if signing this statement would be contrary to court custody orders, the applicant may request, and DCHA will reasonably consider, an alternative.; or

(b) Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to their belief that the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

5120 ADDITION OF NON-CUSTODIAL CHILDREN TO THE HOUSEHOLD

5120.1 The Head of Household shall inform DCHA in writing within ten (10) days of any minor child occupying the property who does not qualify as a guest under §5105 and of whom any member of the household intends to primarily assume the duties and obligations for which a parent is legally responsible or at least one hundred twenty (120) days.

5120.2 The Family must inform DCHA of the Head of Household's intentions to maintain the duties and obligations for which a parent is legally responsible of the minor child and provide documentation of the current status of the parent at the time the child occupies the property.

5120.3 DCHA shall add any child to the household composition if the following documentation, whether temporary or permanent, is provided by the Family:

(a) Custodial Power of Attorney.

(b) Court Ordered Guardianship.

(c) Court Ordered Custody.

(d) Court Ordered Conservatorship.

(e) Copy of Complaint or Motion for custody which includes a declaration under penalty of perjury and date-stamped to show filing with the Court that is provided to DCHA as proof that the Head of Household or Family member with the consent of the Head of Household is in the process of securing legal custody of the minor.

The Head of Household must update DCHA and the owner/property management of any change regarding the status of any of these orders or documents.

5120.4 If the Head of Household cannot provide DCHA with any of the forms of documentation described in § 5120.3 as of the date of the notice required by § 5120.1, the child may reside in the assisted unit for a period of one hundred twenty (120) consecutive days with the opportunity for two (2) additional sixty (60) day extensions thereafter, provided that:

(a) The extension request to DCHA is made in writing at least 10 business days prior to the expiration of the one hundred twenty (120) day period or the extension thereof; and

(b) The Head of Household must update DCHA and the owner/property management of any change regarding the documentation provided in accordance with §5120.2.

5120.5 Any minor child added to the household composition to live in the unit pursuant to § 5120.3 shall be included in the Family's voucher size calculation. The Head of Household must update DCHA and the owner/property management of any change regarding the status of the household composition after issuance of the voucher.

5120.6 Failure by the Head of Household to provide updates as required per §5120.3 and § 5120.5 will result in DCHA determining the minor child is an unauthorized occupant and may subject all of the household to consequences of program violation for unauthorized occupants.

CHAPTER 52

APPLICATIONS, WAITING LIST, AND TENANT SELECTION

5200 THE APPLICATION PROCESS

5200.1 This §5200 describes DCHA policies for making applications available, accepting applications, and the placement of applicants on the waiting list. Section 5200 also describes DCHA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

5200.2 Any family that wishes to receive HCV assistance must apply for admission to the program. DCHA will include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of DCHA's application.

5200.3 DCHA will use a two-step application process.

5200.4 Under the two-step application process, DCHA initially will require families to provide only the information needed to place the family on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

5200.5 [RESERVED]

5200.6 Completed applications must be submitted online. Applications must be complete in order to be accepted by DCHA for processing.

5200.7 DCHA will take steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard DCHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). DCHA must provide reasonable accommodation to the needs of individuals with disabilities. The application process must be fully accessible, or DCHA must provide an alternate approach that provides full access to the application process.

5200.8 DCHA is required to take reasonable steps to ensure equal access to their programs and activities by persons with limited English proficiency.

5200.9 DCHA will review each complete application received.

5200.10 No applicant has a right or entitlement to be listed on the waiting list, or to any position on the waiting list.

5200.11 If DCHA anticipates receiving more applications than it can assist in a reasonable period of time, DCHA will limit to the number of applications that will be placed on the waiting list. When the application deadline has passed, DCHA will randomly select a limited number of applications from a pool of all applications submitted. Those selected will be ordered on the waiting list using a random selection method. If an application was not selected for the waiting list, DCHA will inform the family in writing that their application was not selected.

5200.12 DCHA will inform the applicant by email and/or through the portal if their application was selected and added to the waiting list.

5200.13 Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

5200.14 DCHA will select and place applicants on the waiting list using a random selection method.

5201 MANAGING THE WAITING LIST

5201.1 [RESERVED]

5201.2 [RESERVED]

5201.3 [RESERVED]

5201.4 The waiting list will contain the following information for each applicant listed:

(a) Applicant name;

(b) Family unit size;

(c) Date and time of application;

(d) Applicant's waiting list position:

(e) Qualification for any local preference; and

(f) Racial or ethnic designation of the head of household.

DCHA will maintain a single waiting list for the HCV program.

5201.5 DCHA will provide families that apply for assistance from the HCV program the opportunity to be placed on the waiting list for any public housing, project-based voucher or moderate rehabilitation program DCHA operates if (1) the other programs' waiting lists are open, and (2) the family is qualified for the other programs.

5201.6 [RESERVED]

5201.7 A family's decision to apply for, receive, or refuse other housing assistance will not affect the family's placement on the HCV waiting list, or any preferences for which the family may qualify.

5201.8 DCHA will not merge the HCV waiting list with the waiting list for any other program DCHA operates.

5201.9 DCHA will close the waiting list if it has an adequate pool of families to use its available HCV assistance. Alternatively, DCHA may elect to continue to accept applications only from certain categories of families that meet preferences or funding criteria.

5201.10 Where DCHA has particular preference or funding criteria that require a specific category of family, DCHA may elect to continue to accept applications from these applicants while closing the waiting list to others.

5201.11 Other than implementing the EHV preference set forth in Section 5202.8 for transitioning families who have been assisted by EHV vouchers, to the extent that the waiting list has been closed, it will not be reopened until DCHA publishes a notice in local newspapers of general circulation, minority media, and other suitable media outlets. The notice will comply with HUD fair housing requirements and will specify who may apply, and how and when applications can be submitted. The public notice will also indicate if DCHA will limit the number of applications it will

accept during the waiting list opening and the method by which applications are placed on the waiting list. The preference for EHV families will include opening the waiting list only for the purpose of allowing the EHV families to be placed on the waiting list.

5201.12 DCHA will announce the reopening of the waiting list at least ten (10) business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information will be contained in the notice.

5201.13 DCHA will give public notice by publishing the relevant information in suitable media outlets to be determined at the time of opening.

5201.14 DCHA will conduct outreach as necessary to ensure that DCHA has enough applicants on the waiting list to use the HCV resources it has been allotted.

5201.15 DCHA may conduct special outreach to ensure that an adequate number of such families apply for assistance, if needed to meet the requirement to a specified percentage of extremely low-income families to the program.

5201.16 DCHA outreach efforts will comply with fair housing requirements. This includes:

(a) Analyzing the housing market area and the populations currently being served to identify underserved populations;

(b) Ensuring that outreach efforts are targeted to media outlets that reach eligible populations that are underrepresented in the program; and

(c) Avoiding outreach efforts that prefer or exclude people who are members of a protected class.

5201.17 DCHA outreach efforts will be designed to inform qualified families about the availability of assistance under the program. These efforts may include, as needed, any of the following activities:

(a) Submitting press releases to local newspapers, including minority newspapers;

(b) Developing informational materials and flyers to distribute to other agencies;

(c) Providing guidance on the application process to other public and private agencies that serve the low income population; or

(d) Developing partnerships with other organizations that serve similar populations, including agencies that provide services for persons with disabilities.

5201.18 DCHA will monitor the characteristics of the population being served and the characteristics of the population in DCHA's jurisdiction. Targeted outreach efforts will be undertaken if a comparison suggests that certain populations are being underserved.

5201.19 While the family is on the waiting list, the family must promptly inform DCHA of changes in contact information, including current residence, mailing address, and phone number. The changes must be submitted via the online portal or through DCHA's designated wait list update email address.

5201.20 [RESERVED]

5201.21 The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a DCHA request for information or updates, and DCHA determines that the family did not respond because of the family member's disability, DCHA will reinstate the applicant family to their former position on the waiting list.

5201.22 The waiting list will be updated as needed to ensure that all applicants and applicant information is current and timely.

5201.23 To update the waiting list, DCHA will send an update request via first class mail and email (if available) to each family on the waiting list to determine whether the family continues to be interested in the program. This update request will be sent to the last address that DCHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

5201.24 The family's response must be in writing. Where applicable, responses returned by mail should be postmarked or received by DCHA not later than fifteen (15) business days from the date of DCHA letter.

5201.25 If the family fails to respond within fifteen (15) business days, the family will be removed from the waiting list without further notice. When a family is removed from the waiting list for failing to respond, no informal review or hearing will be offered.

5201.26 If the notice is returned by the post office with no forwarding address and the family does not respond via email, the applicant will be removed from the waiting list without further notice.

5201.27 If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated unless the family has responded by email or through the portal. In this case, the family will have fifteen (15) business days to respond from the date the letter was re-sent.

5201.28 If a family is removed from the waiting list for failure to respond, DCHA may reinstate the family if it is determined that the lack of response was due to DCHA

error, or to circumstances beyond the family's control.

5201.29 [RESERVED]

5201.30 [RESERVED]

5202 SELECTION FOR HCV ASSISTANCE

5202.1 As vouchers become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

5202.2 [RESERVED]

5202.3 DCHA will maintain a clear record of all information required to verify that the family is selected from the waiting list according to DCHA's selection policies.

5202.4 HUD may award funding for specifically named families living in specified types of units (e.g., a family that is displaced by demolition of public housing; a non-purchasing family residing in a HOPE 1 or 2 projects). In these cases, DCHA may admit such families whether or not they are on the waiting list, and, if they are on the waiting list, without considering the family's position on the waiting list. These families are considered non-waiting list selections. DCHA will maintain records showing that such families were admitted with special program funding.

5202.5 HUD may award DCHA funding for a specified category of families on the waiting list. DCHA will use this funding only to assist the families within the specified category. In order to assist families within a targeted funding category, DCHA may skip families that do not qualify within the targeted funding category.

5202.6 DCHA will follow the applications, waiting list and selection policies described in Chapter 101 for the following types of targeted funding:

(a) VASH;

(b) Family Unification Program (FUP);

(c) Non-Elderly Disabled (NED);

(d) Foster Youth Initiative (FYI);

(e) Mainstream Voucher; and

(f) Emergency Housing Voucher (EHV).

Regular HCV funding may be used to assist any eligible family on the waiting list.

5202.7 DCHA will establish a limited local preference on the HCV waiting list for families who are presently receiving housing or related services through the District of Columbia Continuum of Care (COC), as verified in the District of Columbia's Homeless Management Information System (HMIS).

(a) The preference will only apply to current applicants on the existing HCV waiting list; the preference will not apply once the current HCV waiting list has been exhausted.

(b) Up to 25% of applicants drawn each year from the existing HCV waiting list will be applicants who are receiving housing or related services through the COC. Applicants cannot self-certify or otherwise verify their qualification for this preference; DCHA will only verify that an HCV applicant qualifies for this preference through DC's HMIS system.

5202.8 DCHA will provide a waiting list preference for the HCV program for families who are currently assisted through DCHA's EHV program and who are at risk of termination due to the lack of continued program funding:

(a) DCHA will also provide a preference for any EHV family that experiences a loss or gap in assistance as a result of the lack of continued program funding; however, this preference will not apply to EHV families terminated for any reason other than termination due to insufficient funds, described in §7610.

(b) EHV families who are admitted to the HCV Program under this preference will be considered continuously assisted and will not be re-screened for admission to the HCV Program. However, DCHA will not transition a family from the EHV program to the HCV Program until it verifies documentation of SSN and eligible noncitizen status, if the family was admitted to the EHV program subject to the alternative requirement that individuals must provide this required documentation within one hundred eighty (180) days of admission.

5202.9 Unless there is an express waiting list preference set forth in this Administrative Plan, DCHA will select families from the waiting list based on a random selection method.

5202.10 HUD requires that extremely low-income (ELI) families make up at least seventy-five percent (75%) of the families admitted to the HCV program during DCHA's fiscal year. ELI families are those with annual incomes at or below the federal poverty level or thirty percent (30%) of the area median income, whichever number is higher. To ensure this requirement is met, a DCHA may skip non-ELI families on the waiting list to select an ELI family.

5202.11 Low-income families admitted to the program that are "continuously assisted" under the 1937 Housing Act, as well as low-income or moderate-income families

admitted to the program that are displaced because of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing, are not counted for income targeting purposes.

5202.12 DCHA will monitor progress in meeting the income targeting requirement throughout the fiscal year. Extremely low-income families will be selected ahead of other eligible families on an as-needed basis to ensure the income targeting requirement is met.

5202.13 [RESERVED]

5202.14 Families will be selected from the waiting list based on their waiting list position. DCHA will assign an applicant's waiting list position using a random selection process.

5202.15 [RESERVED]

5202.16 DCHA will notify the family by first class mail and/or email when they are selected from the waiting list. The notice will inform the family that they will be required to complete forms and provide documents to DCHA in order to determine their eligibility; and include information on what verification documents DCHA may accept for eligibility determination. The notice will also inform the family that they may request an in-person eligibility interview with DCHA.

5202.17 If a notification letter is returned to DCHA with no forwarding address and the email rejects as an invalid address, the family will be removed from the waiting list. A notice of denial will be sent to the family's address of record.

5202.18 [RESERVED]

5202.19 Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if DCHA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period determined by DCHA.

5202.20 Reasonable accommodation will be made for persons with disabilities who are unable to complete forms and provide documents to DCHA in order to determine their eligibility due to their disability.

5202.21 Families selected from the waiting list are required to provide information and verification documents needed to determine eligibility.

5202.22 [RESERVED]

5202.23 The head of household, spouse, or co-head must provide acceptable documentation of legal identity.

5202.24 Pending disclosure and documentation of social security numbers, DCHA will allow the family to retain its place on the waiting list for thirty (30) days. If not all household members have disclosed their SSNs at the next time DCHA is issuing vouchers, DCHA will issue a voucher to the next eligible applicant family on the waiting list.

5202.25 The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, and must complete required forms, provide required signatures, and submit required documentation. If any materials are missing, DCHA will provide the family with a written list of items that must be submitted.

5202.26 Any required documents or information must be provided within ten (10) business days of the notification. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension for an additional ten (10) business days. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial.

5202.27 An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

5202.28 If an in-person eligibility interview is conducted, the interview will be conducted in English. For LEP applicants, DCHA will provide translation services in accordance with DCHA's LAP plan.

5202.29 If the family is unable to attend a requested in-person eligibility interview, the family should contact DCHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, DCHA will send another notification letter with a new interview appointment time. Applicants who fail to attend two (2) scheduled interviews without DCHA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued.

5202.30 DCHA will verify all information provided by the family. Based on verified information, DCHA will make a final determination of eligibility and must confirm that the family qualified for any special admission, targeted funding admission, or selection preference that affected the order in which the family was selected from the waiting list.

5202.31 At final determination of eligibility, as applicants are pulled from the waiting lists and forwarded for lease-up, DCHA extended the length of time to one hundred eighty (180) days that the verified application data is deemed valid per its MTW Status.

5202.32 If DCHA determines that the family is ineligible, DCHA will send written notification of the ineligibility determination within ten (10) business days of the determination. The notice will specify the reasons for ineligibility and will inform

the family of its right to request an informal review.

5202.33 If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its original position on the waiting list. DCHA will notify the family in writing that it has been returned to the waiting list and will specify the reasons for it.

5202.34 If DCHA determines that the family is eligible to receive assistance, DCHA will invite the family to attend a briefing.

5202.35 (a) DCHA will offer a limited special admissions preference only to applicants referred by the Family Rehousing Stabilization Program (FRSP) of the District of Columbia's Department of Human Services (DHS) in accordance with a Memorandum of Understanding (MOU) to be established between DHS and DCHA. All referrals must be made directly by DHS to DCHA and DCHA will not accept applications through any other methods. FRSP participants are not applicants under this limited special preference unless such FRSP participant is referred by DHS to DCHA.

(b) The preference in §5202.35(a) is only available for applicants referred directly by DHS and whose participation in the FRSP is ending between May 1, 2024, and July 31, 2024, due to time limits for assistance or program expiration.

(c) DHS shall assist FRSP participants with applications for the housing choice voucher program and shall refer qualified applicants to DCHA in accordance with §5202.35(a) and (b) above.

(d) The preference in §5202.35 (a) will terminate upon the earliest to occur of the following:

(1) DCHA reaches its voucher capacity, as determined by DCHA; or

(2) One thousand and three hundred (1,300) tenant-based vouchers are issued to applicants who qualify for this preference; or

(3) DCHA processes all applicants referred by DHS; or

(4) June 30, 2025.

(e) DCHA will accept applications under the limited local preference in § 5202.35(a) continuously until reaching the established limit identified in § 5202.35 (d), regardless of whether the waiting list is closed to other applicants.

CHAPTER 53

VOUCHER BRIEFINGS AND VOUCHER ISSUANCE

5300 BRIEFINGS AND FAMILY OBLIGATIONS

5300.1 The voucher briefing provides a broad description of owner and family responsibilities, explains DCHA's procedures, and includes instructions on how to lease a unit. This part describes how oral briefings will be conducted, specifies what written information will be provided to families, and lists the family's obligations under the program.

5300.2 Prior to issuance of a voucher, DCHA will give the family an oral briefing and provide the family with a briefing packet containing written information about the program. Families may be briefed in individual face-to-face meetings, through group briefing sessions, or via remote briefing sessions.

5300.3 Families will be notified of their eligibility for assistance at the time they are invited to a briefing. The notice will be sent by mail and electronically if an email has been provided by the family.

5300.4 The notice will advise the family of the type of briefing, who is required to attend the briefing, and the date and time of the briefing.

5300.5 If a notification to a family is returned as undeliverable via email and/or from the post office, the family will be removed from the waiting list in accordance with §5200. If a family fails to attend a briefing, they will be sent notification of their denial of admission with a right to request an informal hearing.

5300.6 At the briefing, DCHA will ensure effective communication in accordance with Section 504 of the Rehabilitation Act of 1973 requirements and ensure that the briefing site is accessible to individuals with disabilities.

5300.7 Generally, briefings are conducted remotely. However, at DCHA's discretion or at the family's written request, DCHA may provide an in person briefing.

5300.8 Generally, the head of the household is required to attend or participate in the briefing. If the head of household is unable to attend, they may submit a request to DCHA in writing to have another adult family member to attend the briefing on their behalf.

5300.9 Families that attend group briefings and still need individual assistance will be referred to an appropriate DCHA staff person.

5300.10 Briefings will be conducted in English. LEP applicants may request that, DCHA provide interpretation services in accordance with DCHA's LAP plan.

5300.11 Applicants who fail to attend or participate in a scheduled briefing will be scheduled for another briefing automatically. DCHA will notify the family of the date and time of the second scheduled briefing. Applicants who fail to attend two scheduled briefings, without prior DCHA approval, will be denied assistance.

5300.12 Remote briefings may be conducted over the phone, via video conferencing, or through other virtual platforms.

5300.13 If DCHA schedules a remote briefing, the applicant may request an in-person briefing upon request of the applicant.

5300.14 In addition, DCHA will conduct a briefing remotely upon request of the applicant.

5300.15 [RESERVED]

5300.16 [RESERVED]

5300.17 Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances.

5300.18 LEP requirements also apply to remote briefings, including the use of interpretation services and document translation.

5300.19 [RESERVED]

5300.20 At least ten (10) business days prior to scheduling the remote briefing, DCHA will provide written notification to families participating in the briefing to advise of technological requirements and to request the family notify DCHA of any known barriers. DCHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person briefing or have a one-on-one briefing over the phone, as appropriate.

5300.21 DCHA will conduct remote briefings via a video conferencing platform and telephone conferencing call-in, simultaneously, providing the family with both login information and conferencing call-in information. The family may then choose which platform to utilize.

5300.22 DCHA will provide the briefing packet electronically if the briefing is conducted remotely. DCHA will provide a paper copy of the briefing packet upon family request, and may reschedule the briefing to allow adequate time for the family to receive the physical briefing packet.

5300.23 DCHA will ensure that all electronic information stored or transmitted as part of the briefing meets the requirements for accessibility for persons with disabilities and persons with LEP, and is secure, including ensuring personally identifiable information (PII) is protected.

5300.24 DCHA will ensure that families who participate in remote briefings have the opportunity to ask questions as part of the briefing.

5300.25 If families lose connectivity during any remote briefing or otherwise feel they were unable to access information presented during the briefing, the family may request a one-on-one briefing over the phone or in person with DCHA.

5300.26 Each briefing must provide information on the following subjects:

(a) How the Housing Choice Voucher Program (HCV Program) works;

(b) Family and owner responsibilities;

(c) Where the family can lease a unit, including renting a unit inside or outside the DCHA's jurisdiction;

(d) An explanation of how portability works. DCHA may not discourage the family from choosing to live anywhere in DCHA jurisdiction or outside DCHA jurisdiction under portability, unless otherwise expressly authorized by statute, regulation, PIH Notice, or court order;

(e) DCHA must inform the family of how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process which may affect the family's assistance;

(f) The advantages of areas that do not have a high concentration of low-income families; and

(g) For families receiving welfare-to-work vouchers, a description of any local obligations of a welfare-to-work family and an explanation that failure to meet the obligations is grounds for denial of admission or termination of assistance.

5300.27 [RESERVED]

5300.28 Documents and information provided in the briefing packet must include the following:

(a) The term of the voucher, voucher suspensions, and DCHA's policies on any extensions of the term. If DCHA allows extensions, the packet must explain how the family can request an extension;

(b) A description of the method used to calculate the housing assistance payment for a family, including how DCHA determines the payment standard for a family, how DCHA determines total tenant payment for a family, and information on the payment standard and utility allowance schedule;

(c) An explanation of how DCHA determines the maximum allowable rent for an assisted unit;

(d) Where the family may lease a unit and an explanation of how portability works, including information on how portability may affect the family's assistance through screening, subsidy standards, payment standards, and any other elements of the portability process that may affect the family's assistance;

(e) The HUD-required tenancy addendum, which must be included in the lease;

(f) The form the family must use to request approval of tenancy, and a description of the procedure for requesting approval for a tenancy;

(g) A statement of DCHA policy on providing information about families to prospective owners;

(h) DCHA subsidy standards including when and how exceptions are made;

(i) Materials (e.g., brochures) on how to select a unit and any additional information on selecting a unit that HUD provides (e.g., HUD brochure entitled, "A Good Place to Live");

(j) Information on federal and local equal opportunity laws and a copy of the housing discrimination complaint form, including information on how to complete the form and file a fair housing complaint;

(k) A list of landlords known to DCHA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to the DCHA that may assist the family in locating a unit. DCHAs must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration;

(l) Notice that if the family includes a person with disabilities, the family may request a list of available accessible units known to DCHA;

(m) Information on how to request a reasonable accommodation;

(n) The family obligations under the program, including any obligations of a welfare-to-work family, and any obligations of other special programs if the family is participating in one of those programs;

(o) The grounds on which DCHA may terminate assistance for a participant family because of family action or failure to act;

(p) DCHA informal hearing procedures including when DCHA is required to offer a participant family the opportunity for an informal hearing, and how to request the hearing;

(q) An explanation of the advantages of moving to an area that does not have a high concentration of low-income families; and

(r) The HUD pamphlet on lead-based paint entitled, "Protect Your Family from Lead in Your Home."

5300.29 DCHA is in a metropolitan area, so the following additional information must be included in the briefing packet:

(a) Maps showing areas with housing opportunities outside areas of poverty or minority concentration, both within its jurisdiction and its neighboring jurisdiction;

(b) Information about the characteristics of these areas including job opportunities, schools, transportation, and other services; and

(c) An explanation of how portability works, including a list of portability contact persons for neighboring PHAs with names, addresses, and telephone numbers.

5300.30 [RESERVED]

5300.31 DCHA will provide the following additional materials in the briefing packet:

(a) Information on how to fill out and file a housing discrimination complaint form;

(b) The form HUD-5380 domestic violence certification form and the form HUD 5382 notice of occupancy rights, which contains information on VAWA protections for victims of domestic violence, dating violence, sexual assault, and stalking;

(c) "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse;

(d) "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by HUD as an attachment to Notice PIH 2017-12;

(e) Housing Enjoyable Living Program (HELP) briefing information; and

(f) Housing Search Log.

5300.32 Obligations of the family are described in the housing choice voucher (HCV) regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. DCHA will inform families of these obligations during the oral briefing, and the same information will be included in the briefing packet. When the family's unit is approved and the HAP

contract is executed, the family must meet those obligations in order to continue participating in the program.

5300.33 Unless otherwise noted below, when family obligations require the family to respond to a request or notify DCHA of a change, notifying DCHA of the request or change within ten (10) business days is considered prompt notice.

5300.34 When a family is required to provide notice to DCHA, the notice must be in writing. This includes electronic notification to DCHA.

5300.35 The family obligations of the voucher are listed as follows:

(a) The family must supply any information that DCHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status;

(b) The family must supply any information requested by DCHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition;

(c) The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information;

(d) Any information supplied by the family must be true and complete; and

(e) The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.

5300.36 Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.

5300.37 The family must allow DCHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 56 of this Administrative Plan.

5300.38 The family must not commit any serious or repeated violation of the lease.

5300.39 DCHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge.

5300.40 Serious and repeated lease violations will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity

related to, domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated lease violations by the victim.

5300.41 The family must notify DCHA and the owner before moving out of the unit or terminating the lease.

5300.42 The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to DCHA at the same time the owner is notified.

5300.43 The family must promptly give DCHA a copy of any owner eviction notice.

5300.44 The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

5300.45 The composition of the assisted family residing in the unit must be approved by DCHA. The family must promptly notify DCHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request DCHA approval to add any other family member as an occupant of the unit.

5300.46 The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. DCHA will determine eligibility of the new member in accordance with the policies in Chapter 51.

5300.47 The family must promptly notify DCHA in writing if any family member no longer lives in the unit.

5300.48 If DCHA has given approval, a foster child or a live-in aide may reside in the unit. DCHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when DCHA consent may be given or denied. For policies related to the request and approval of foster children, foster adults, and live-in aides.

5300.49 The family must not sublease the unit, assign the lease, or transfer the unit.

5300.50 Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.

5300.51 The family must supply any information requested by DCHA to verify that the family is living in the unit or information related to family absence from the unit.

5300.52 The family must promptly notify DCHA when the family is absent from the unit.

5300.53 Absent from the unit for an extended period. An extended period is defined as any period greater than thirty (30) calendar days. Written notice must be provided to DCHA at the start of the extended absence.

5300.54 The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease.

5300.55 The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).

5300.56 Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program.

5300.57 Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

5300.58 Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises.

5300.59 An assisted family or member of the family must not receive HCV Program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state, or local housing assistance program.

5300.60 A family must not receive HCV Program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless DCHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

5301 SUBSIDY STANDARDS AND VOUCHER ISSUANCE

5301.1 This chapter presents the policies that will be used to determine the family unit size (also known as the voucher size) a particular family should receive, and the policies that govern making exceptions to those standards. This chapter also includes policies related to the issuance of the voucher, to the voucher term, and to any extensions of the voucher term.

5301.2 For each family, DCHA determines the appropriate number of bedrooms under DCHA subsidy standards and enters the family unit size on the voucher that is issued to the family. The family unit size does not dictate the size of unit the family must actually lease, nor does it determine who within a household will share a bedroom/sleeping room.

5301.3 The following requirements apply when DCHA determines family unit size:

(a) The subsidy standards must provide for the smallest number of bedrooms needed to house a family without overcrowding;

(b) The subsidy standards must be consistent with space requirements under the housing quality standards;

(c) The subsidy standards must be applied consistently for all families of like size and composition;

(d) A child who is temporarily away from the home because of placement in foster care is considered a member of the family in determining the family unit size;

(e) A family that consists of a pregnant woman (with no other persons) must be treated as a two-person family;

(f) Any live-in aide (approved by DCHA to reside in the unit to care for a family member who is disabled or is at least fifty (50) years of age must be counted in determining the family unit size; and

(g) Unless a live-in-aide resides with a family, the family unit size for any family consisting of a single person must be either a zero- or one-bedroom unit, as determined under DCHA subsidy standards.

5301.4 DCHA will assign one bedroom for each two persons within the household, except in the following circumstances:

(a) Single person families will be allocated one bedroom;

(b) A single head of household will receive their own bedroom;

(c) Other adult family members shall not be allocated a bedroom with a minor other than a single parent and their child under age five (5);

(d) Persons of opposite gender (other than spouses, and children under age five (5) will be allocated separate bedrooms;

(e) Two minors of the same gender shall be allocated one bedroom. However, no individual thirteen (13) or older will share a bedroom with a member with a five (5) year or more age difference, other than a single parent (who is not the head of household) and their child under age five (5); and

(f) Live-in aides will be allocated a separate bedroom. No additional bedrooms will be allocated for family members of a live-in aide.

5301.5 DCHA will reference the following chart in determining the appropriate voucher size for a family:

Voucher Size Persons in Household
(Minimum – Maximum)

1 Bedroom	1-2
2 Bedrooms	2-4
3 Bedrooms	3-6
4 Bedrooms	4-8
5 Bedrooms	6-10

5301.6 In determining family unit size for a particular family, DCHA may grant an exception to its established subsidy standards if DCHA determines that the exception is justified by the age, sex, health, handicap, or relationship of family members or other personal circumstances. Reasons may include, but are not limited to:

(a) A need for an additional bedroom for medical equipment; or

(b) A need for a separate bedroom for reasons related to a family member's disability, medical or health condition.

5301.7 A single person who is not elderly, disabled or a remaining family member will be assigned a zero or one-bedroom voucher.

5301.8 [RESERVED]

5301.9 The family must request any exception to the subsidy standards in writing. The request must explain the need or justification for a larger family unit size, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source (e.g., doctor or health professional), unless the disability and the disability–related request for accommodation is readily apparent or otherwise known. The family's continued need for an additional bedroom due to special medical equipment must be re-verified at biennial/triennial reexamination.

5301.10 DCHA will notify the family of its determination within ten (10) business days of receiving the family's request. If a participant family's request is denied, the notice will inform the family of their right to request an informal hearing.

5301.11 When a family is selected from the waiting list (or as a special admission as described in Chapter 51), or when a participant family wants to move to another unit, DCHA issues a Housing Choice Voucher, form HUD-52646. This chapter deals only with voucher issuance for applicants. For voucher issuance associated with moves of program participants, please refer to Chapter 52.

5301.12 The voucher is the family's authorization to search for housing. It specifies the unit size for which the family qualifies, and includes both the date of voucher issuance and date of expiration. It contains a brief description of how the program works and explains the family obligations under the program. The voucher is evidence that DCHA has determined the family to be eligible for the program, and that DCHA expects to have money available to subsidize the family if the family finds an

approvable unit. However, DCHA does not have any liability to any party by the issuance of the voucher, and the voucher does not give the family any right to participate in DCHA's housing choice voucher program.

5301.13 A voucher can be issued to an applicant family only after DCHA has determined that the family is eligible for the program based on verification of information received within the one hundred eighty (180) days prior to issuance and after the family has attended a briefing, per DCHA's approved MTW policy.

5301.14 Vouchers will be issued to eligible applicants immediately following the mandatory briefing.

5301.15 [RESERVED]

5301.16 Prior to issuing any vouchers, DCHA will determine whether it has sufficient funding. The determination that DCHA does not have sufficient funding to issue a voucher is not subject to an informal review or hearing.

5301.17 If DCHA determines that there is insufficient funding after a voucher has been issued, DCHA may rescind the voucher and place the affected family back on the waiting list in its original order.

5301.18 The voucher term will be one hundred eighty (180) calendar days.

5301.19 The family must submit a Request for Tenancy Approval and proposed lease within the one hundred eighty (180) day period unless DCHA grants an extension.

5301.20 DCHA will approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose.

5301.21 The family must be notified in writing of DCHA's decision to approve or deny an extension. DCHA's decision to deny a request for an extension of the voucher term is not subject to informal review.

5301.22 DCHA may consider extensions of the term. The written request must be accompanied by either a Housing Search Log or email proof of denied rental application(s).

5301.23 DCHA may consider extensions after the term of the voucher only in the following circumstances:

(a) It is necessary as a reasonable accommodation for a person with disabilities.

(b) It is necessary due to reasons beyond the family's control, as determined by DCHA. Following is a list of extenuating circumstances that the DCHA may consider in making its decision. The presence of these circumstances does not guarantee that an extension will be granted:

(1) Serious illness or death in the family.

(2) Obstacles due to employment.

(3) Whether the family has already submitted requests for tenancy approval that were not approved by the DCHA; and

(4) Whether family size or other special circumstances make it difficult to find a suitable unit.

5301.24 All requests for extensions to the voucher term must be made in writing and submitted to DCHA prior to the expiration date of the voucher (or extended term of the voucher).

5301.25 DCHA will decide whether to approve or deny an extension request within ten (10) business days of the date the request and supporting documentation (including independent DCHA verification) is received, and will provide the family written notice of its decision.

5301.26 DCHA will suspend the initial or any extended term of the voucher from the date the family submits to DCHA the Request for Tenancy Approval (RFTA) until the date the DCHA notifies the family in writing whether the request has been approved or denied.

5301.27 Once a family's housing choice voucher term (including any extensions) expires, the family is no longer eligible to search for housing under the program. If the family still wishes to receive assistance, DCHA may require that the family reapply, or may place the family on the waiting list with a new application date but without requiring reapplication. Such a family does not become ineligible for the program on the grounds that it was unable to locate a unit before the voucher expired.

5301.28 If an applicant family's voucher term or extension expires before DCHA has approved a tenancy, DCHA will require the family to reapply for assistance.

5301.29 Within ten (10) business days after the expiration of the voucher term or any extension, DCHA will notify the family in writing that the voucher term has expired and that the family must reapply when the waiting list is open in order to be placed on the waiting list.

CHAPTER 54

INCOME AND SUBSIDY DETERMINATIONS

5400 ANNUAL INCOME

5400.1 A family's annual income is used to determine eligibility for the HCV program and to calculate the family share of the rent and DCHA's housing assistance payment

(HAP). Annual income includes, with respect to the family:

(a) All amounts not specifically excluded under 24 CFR §5.609(b), received from all sources by each member of the family who is eighteen (18) years of age or older, the head of household, or spouse of the head of household, in addition to unearned income received by or on behalf of each dependent who is under eighteen (18) years of age. (Unearned income is defined as any annual income that is not earned income.); and,

(b) Which are not specifically excluded in 24 CFR §5.609(b); or

(c) All actual anticipated income from assets and the imputed returns on net family assets when the net family assets exceed fifty thousand dollars ($50,000).

5400.2 DCHA will include income in accordance with the regulations at 24 CFR § 5.609(a) which set forth requirements for including income. Additionally, DCHA will follow the regulations at 24 CFR §§ 5.100 and 5.603 which define and describe terms related to annual income [i.e. earned income, unearned income, and net family assets].

5400.3 Income received by all family members must be counted unless specifically excluded by the regulations at 24 CFR § 5.609(b) or DCHA's approved MTW policy. The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how family composition affects income determinations.

Summary of Income Included and Excluded by Person	
Live-in aides	Income from all sources is excluded [24 CFR § 5.609(b)(8)].
Foster child or foster adult	Income from all sources is excluded [24 CFR § 5.609(b)(8)]
Head, spouse, or co-head Other adult family members	All sources of income not specifically excluded by the regulations at 24 CFR § 5.609(b) or DCHA's approved MTW policy.
Children under 18 years of age	Earned income is excluded [24 CFR § 5.609(b)(3)]. All other sources of income, except those specifically excluded by the regulations at 24 CFR § 5.609(b) or DCHA's approved MTW policy, are included. All applicable regulations apply to full-time students approved pursuant to § 5120.
Full-time students 18 years of age or older (not head, spouse, or co-head)	Upon HUD approval, earned income is fully excluded. All other sources of income, except those specifically excluded by the regulations at 24 CFR § 5.609(b) or DCHA's approved MTW policy, are included. All applicable regulations apply to full-time students approved pursuant to § 5120.

5400.4 The income of family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit.

5400.5 DCHA will include income from a family member who is temporarily absent, as defined in § 5107. DCHA will exclude income from a family member who is permanently absent, as defined in §5107. Exceptions to this general policy are discussed below.

5400.6 When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member and their income is included in household income unless information becomes available to DCHA indicating that the student has established a separate household or the family declares that the student has established a separate household.

5400.7 [RESERVED]

5400.8 If a child has been placed in foster care, DCHA will verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member and any child support, disability or welfare assistance received on behalf of the child will be included in household income.

5400.9 An employed head, spouse, or co-head absent from the unit more than one hundred twenty (120) consecutive days due to employment will continue to be considered a family member and their income will be included in household income.

5400.10 [RESERVED]

5400.11 [RESERVED]

5400.12 When an individual who has been counted as a family member is determined permanently absent, the person will be removed from the household and their income will not be included in household income.

5400.13 [RESERVED]

5400.14 [RESERVED]

5400.15 [RESERVED]

5400.16 DCHA generally will use current circumstances to determine anticipated income for the coming twelve (12) month period. However, DCHA will not use current circumstances to anticipate income when:

(a) An imminent change in circumstances is expected;

(b) It is not feasible to anticipate a level of income over a twelve (12) month period (e.g., seasonal or cyclic income); or

(c) DCHA believes that past income is the best available indicator of expected future income.

5400.17 The earned income of each family member eighteen (18) years and older, or who is the head of household or spouse/co-head, will be included in annual income. Earned income is defined as income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments, or cash or in-kind benefits.

5400.18 [RESERVED]

5400.19 [RESERVED]

5400.20 When EIV is obtained and the family does not dispute the EIV employer data, DCHA will use current tenant-provided documents to project annual income. The family must submit current and consecutive paystubs dated within the last one hundred twenty (120) days.

5400.21 DCHA will obtain written and/or oral third-party verification in accordance with the verification requirements in the following cases:

(a) If EIV or other UIV data is not available;

(b) If the family disputes the accuracy of the EIV employer data; or

(c) If DCHA determines additional information is needed.

5400.22 In such cases, DCHA will review and analyze current data to anticipate annual income. In all cases, the family file will be documented with a clear record of the reason for the decision, and a clear audit trail will be left as to how DCHA annualized projected income.

5400.23 When DCHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), DCHA will review and analyze historical data for patterns of employment, paid benefits, and receipt of other income and use the results of this analysis to establish annual income.

5400.24 Any time current circumstances are not used to project annual income, a clear rationale for the decision will be documented in the file. In all such cases the family may present information and documentation to DCHA to show why the historic pattern does not represent the family's anticipated income.

5400.25 If DCHA verifies an upcoming increase or decrease in income, annual income will be calculated by applying each income amount to the appropriate part of the twelve

(12) month period.

Example: An employer reports that a full-time employee who has been receiving $8/hour will begin to receive $8.25/hour in the eighth week after the effective date of the reexamination. In such a case DCHA would calculate annual income as follows: ($8/hour × 40 hours × 7 weeks) + ($8.25 × 40 hours × 45 weeks).

5400.26 [RESERVED]

5400.27 DCHA will accept tenant-provided third-party documents in order to anticipate annual income if they are dated within one hundred twenty (120) days of the date received by DCHA.

5400.28 DCHA will include in annual income the gross amount of earned income, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation.

5400.29 Income earned as an independent contractor is included in annual income. An independent contractor is defined as an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code federal income tax requirements and whose earnings are consequently subject to the self-employment tax. Income earned as a day laborer or seasonal worker is included in annual income. A day laborer is defined as an individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future. A seasonal worker is defined as an individual who is: (a) hired into a short- term position (e.g., for which the customary employment period for the position is 6 months or fewer); and (b) the employment begins about the same time each year (such as summer or winter). Examples of seasonal workers include individuals whose employment is limited to holidays or seasons [i.e. ballpark vendor, lifeguard].

5400.30 For persons who regularly receive bonuses or commissions, DCHA will verify, and then average amounts received for the one-year preceding admission or reexamination. The family may provide, and DCHA will consider, a credible justification for not using this history to anticipate future bonuses or commissions. If a new employee has not yet received any bonuses or commissions, DCHA will count only the amount estimated by the employer. The file will be documented appropriately.

5400.31 All regular pay, special pay, and allowances of a member of the Armed Forces are counted except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

5400.32 [RESERVED]

5400.33 Nonrecurring income is not included in annual income. Nonrecurring income is defined as income that will not be repeated beyond the coming year and has a

discrete end date. The following sources of income are considered nonrecurring income and are not included in annual income: earned income from temporary (less than one hundred eighty (180) days) U.S. Census Bureau Employment, Economic Stimulus or Recovery Payments, state and federal tax refunds, gifts (i.e., gifts for holidays, birthdays or significant life events] and in-kind donations. [i.e., food or toiletries). Other examples of nonrecurring income include income received as part of guaranteed income program and payments made to or on behalf of the family to assist with utilities or prevent eviction. Income earned as a day-laborer, independent contractor or seasonal worker is not considered nonrecurring income; DCHA will include income earned in these roles.

5400.34 Earned income earned by children (including foster children) under the age of eighteen (18) years is not included in annual income. Unearned income received by children is included in annual income, unless it is specifically excluded under 24 CFR § 5.609(b).

5400.35 Upon HUD approval, DCHA will exclude all earned income of full-time students eighteen (18) years old or older (except for the head, spouse, or co-head). A full time student is defined as family member who is attending school or vocational training on a fully -time basis (as defined by the institution they are attending).

5400.36 Income of a live-in aide, foster child, or foster adult is not included in annual income.

5400.37 [RESERVED]

5400.38 Amounts received under a resident service stipend are not included in annual income. A resident service stipend is a modest amount (not to exceed two hundred dollars ($200) per individual per month) received by a resident for performing a service for DCHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of DCHA's governing board. No resident may receive more than one such stipend during the same period of time.

5400.39 DCHA will not include in annual income incremental earnings and benefits resulting to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training program unless those amounts are excluded under 24 CFR §5.609(b)(9)(i).

5400.40 [RESERVED]

5400.41 DCHA defines "incremental earnings and benefits" as the difference between:

(a) the total amount of welfare assistance and earnings of a family member prior to enrollment in a training program; and

(b) the total amount of welfare assistance and earnings of the family member after enrollment in the program.

5400.42 In calculating the incremental difference, DCHA will use as the pre-enrollment income the total annualized amount of the family member's welfare assistance and earnings reported on the family's most recently completed HUD-50058.

5400.43 End of participation in a training program must be reported in accordance with DCHA's interim reporting requirements.

5400.44 [RESERVED]

5400.45 To qualify as a training program, the program must meet the definition of "training program" provided above for state and local employment training programs.

5400.46 Earned income tax credit (EITC) refund payments received on or after January 1, 1991, are excluded from annual income. Although many families receive the EITC annually when they file taxes, an EITC can also be received throughout the year. The prorated share of the annual EITC is included in the employee's payroll check.

5400.47 [RESERVED]

5400.48 [RESERVED]

5400.49 [RESERVED]

5400.50 [RESERVED]

5400.51 [RESERVED]

5400.52 [RESERVED]

5400.53 [RESERVED]

5400.54 [RESERVED]

5400.55 [RESERVED]

5400.56 Annual income includes "the net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue

Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family."

5400.57 Net income from the operation of a business or profession is included in annual income. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations; and any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

5400.58 To determine business expenses that may be deducted from gross income, DCHA will use current applicable Internal Revenue Service (IRS) rules for determining allowable business expenses, unless a topic is addressed by HUD regulations or guidance as described below.

5400.59 DCHA will not deduct from gross income expenses for business expansion.

5400.60 "Business expansion" is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations. For example, purchase of a street sweeper by a construction business for the purpose of adding street cleaning to the services offered by the business would be considered a business expansion. Similarly, the purchase of a property by a hair care business to open at a second location would be considered a business expansion.

5400.61 DCHA will not deduct from gross income the amortization of capital indebtedness.

5400.62 "Capital indebtedness*"* is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means DCHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

5400.63 If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset other family income.

5400.64 DCHA will include in annual income the withdrawal of cash or assets from the operation of a business or profession unless the withdrawal reimburses a family member for cash or assets invested in the business by the family.

5400.65 Acceptable investments in a business include cash loans and contributions of assets or equipment. For example, if a member of an assisted family provided an up-front loan of two thousand dollars ($2,000) to help a business get started, DCHA will not count as income any withdrawals from the business up to the amount of this loan until the loan has been repaid. Investments do not include the value of labor

contributed to the business without compensation.

5400.66 If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

5400.67 [RESERVED]]

5400.68 DCHA generally will use current circumstances to determine both the value of an asset and the anticipated income from the asset. As is true for all sources of income, HUD authorizes DCHA to use other than current circumstances to anticipate income when:

(a) an imminent change in circumstances is expected;

(b) it is not feasible to anticipate a level of income over twelve (12) months; or

(c) DCHA believes that past income is the best indicator of anticipated income. For example, if a family member owns real property that typically receives rental income but the property is currently vacant, DCHA can take into consideration past rental income along with the prospects of obtaining a new tenant.

5400.69 [RESERVED]

5400.70 Anytime current circumstances are not used to determine asset income, a clear rationale for the decision will be documented in the file. In such cases the family may present information and documentation to DCHA to show why the asset income determination does not represent the family's anticipated asset income.

5400.71 The cash value of an asset is its market value less all reasonable amounts that would be incurred when converting the asset to cash.

5400.72 Reasonable costs that would be incurred when disposing of an asset include, but are not limited to, penalties for premature withdrawal, broker and legal fees, and settlement costs incurred in real estate transactions.

5400.73 Payments that are received in a single lump sum, such as inheritances, capital gains, lottery winnings, insurance settlements, and proceeds from the sale of property, are generally considered assets, not income. However, such lump-sum receipts are counted as assets only if they are retained by a family in a form recognizable as an asset (e.g., deposited in a savings or checking account).

5400.74 Upon approval, DCHA will implement an MTW policy where DCHA will exclude all income from assets when the cash value of the family's total assets is fifty thousand dollars ($50,000) or less. DCHA may determine the cash value assets of a

family based on a self-certification by the family that their total family assets do not exceed fifty thousand dollars ($50,000).

5400.75 When the cash value of the family's total assets is greater than fifty thousand dollars ($50,000), DCHA will multiply the total cash value of the family's assets by the HUD-established passbook savings rate to calculate and include imputed asset income. Any asset which is excluded will not be counted toward the total cash value of the family's assets.

5400.76 DCHA will calculate imputed asset income by multiplying the net cash value of all family assets by the HUD published passbook rate.

5400.77 [RESERVED]

5400.78 [RESERVED]

5400.79 [RESERVED]

5400.80 Any withdrawal of cash or assets from an investment will be included in income except to the extent that the withdrawal reimburses amounts invested by the family.

For example, when a family member retires, the amount received by the family from a retirement investment plan is not counted as income until the family has received payments equal to the amount the family member deposited into the retirement investment plan.

5400.81 [RESERVED]

5400.82 If an asset is owned by more than one person and any family member has unrestricted access to the asset, DCHA will count the full value of the asset. A family member has unrestricted access to an asset when they can legally dispose of the asset without the consent of any of the other owners.

5400.83 If an asset is owned by more than one person, including a family member, but the family member does not have unrestricted access to the asset, DCHA will prorate the asset according to the percentage of ownership. If no percentage is specified or provided for by state or local law, DCHA will prorate the asset evenly among all owners.

5400.84 HUD regulations require DCHA to count as a current asset any business or family asset that was disposed of for less than fair market value during the two years prior to the effective date of the examination/reexamination, except as noted below.

5400.85 [RESERVED]

5400.86 DCHA will not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two years exceeds the gross amount received for the assets by more than one

thousand dollars ($1,000).

5400.87 When the two-year period expires, the income assigned to the disposed asset(s) also expires. If the two-year period ends between annual recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

5400.88 Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

5400.89 DCHA will not consider assets disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms.

5400.90 All assets disposed of as part of a formal separation or divorce settlement established through arbitration, mediation, or court order will be considered assets for which important consideration not measurable in monetary terms has been received.

5400.91 Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale.

5400.92 Families must sign a declaration form at initial certification and each annual recertification identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. DCHA may verify the value of the assets disposed of if other information available to DCHA does not appear to agree with the information reported by the family.

5400.93 For regular checking accounts and savings accounts, “cash value” has the same meaning as “market value.” If a checking account does not bear interest, the anticipated income from the account is zero.

5400.94 In determining the value of checking account and savings accounts, DCHA will use the current balance.

5400.95 In determining the anticipated income from an interest-bearing checking or savings account, DCHA will multiply the value of the account by the current rate of interest paid on the account.

5400.96 Interest or dividends earned by investment accounts are counted as actual income from assets even when the earnings are reinvested. The cash value of such an asset is determined by deducting from the market value any broker fees, penalties for early withdrawal, or other costs of converting the asset to cash.

5400.97 In determining the market value of an investment account, DCHA will use the value of the account on the most recent investment report.

5400.98 How anticipated income from an investment account will be calculated depends on whether the rate of return is known.

5400.99 For assets that are held in an investment account with a known rate of return (e.g., savings certificates), asset income will be calculated based on that known rate (market value multiplied by rate of earnings).

5400.100 When the anticipated rate of return is not known (e.g., stocks), DCHA will calculate asset income based on the earnings for the most recent reporting period.

5400.101 Equity (cash value) in a property or other capital asset is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and reasonable costs (such as broker fees) that would be incurred in selling the asset.

5400.102 In determining the equity, DCHA will determine market value by examining recent sales of at least three properties in the surrounding or similar neighborhood that possess comparable factors that affect market value.

5400.103 DCHA will first use the payoff amount for the loan (mortgage) as the unpaid balance to calculate equity. If the payoff amount is not available, DCHA will use the basic loan balance information to deduct from the market value in the equity calculation.

5400.104 Equity in real property and other capital investments is considered in the calculation of asset income except for the following types of assets:

(a) Equity accounts in HUD homeownership programs;

(b) The value of a home currently being purchased with assistance under the HCV program Homeownership Option for the first ten (10) years after the purchase date of the home;

(c) Equity in owner-occupied cooperatives and manufactured homes in which the family lives;

(d) Equity in real property when a family member's main occupation is real estate. This real estate is considered a business asset, and income related to this asset will be calculated as described in this §5400;

(e) Interests in Indian Trust lands; and

(f) Real property and capital assets that are part of an active business or farming operation.

5400.105 DCHA must also deduct from the equity the reasonable costs for converting the asset to cash. Using the formula for calculating equity specified above, the net cash value of real property is the market value minus the balance of the loan (mortgage) minus

the expenses to convert to cash.

5400.106 For the purposes of calculating expenses to convert to cash for real property, DCHA will use ten percent (10%) of the market value of the home.

5400.107 A family may have real property as an asset in two ways:

(a) owning the property itself; and

(b) holding a mortgage or deed of trust on the property.

5400.108 I n the case of a property owned by a family member, the anticipated asset income generally will be in the form of rent or other payment for the use of the property. If the property generates no income, actual anticipated income from the asset will be zero.

5400.109 In the case of a mortgage or deed of trust held by a family member, the outstanding balance (unpaid principal) is the cash value of the asset. The interest portion only of payments made to the family in accordance with the terms of the mortgage or deed of trust is counted as anticipated asset income.

5400.110 In the case of capital investments owned jointly with others not living in a family's unit, a prorated share of the property's cash value will be counted as an asset unless DCHA determines that the family receives no income from the property and is unable to sell or otherwise convert the asset to cash.

5400.111 A "trust" is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

5400.112 If any member of a family has the right to withdraw the funds in a trust, the value of the trust is considered an asset. Any income earned because of investment of trust funds is counted as actual asset income, whether the income is paid to the family or deposited in the trust.

5400.113 In cases where a trust is not revocable by, or under the control of, any member of a family, the value of the trust fund is not considered an asset. However, any income distributed to the family from such a trust is counted as a periodic payment or a lump-sum receipt, as appropriate.

5400.114 In order to correctly include or exclude as an asset any amount held in a company retirement or pension account by an employed person, DCHA must know whether the money is accessible before retirement.

5400.115 While a family member is employed, only the amount the family member can withdraw without retiring or terminating employment is counted as an asset.

5400.116 After a family member retires or terminates employment, any amount distributed to the family member is counted as a periodic payment or a lump-sum receipt, as appropriate, except to the extent that it represents funds invested in the account by the family member. The balance in the account is counted as an asset only if it remains accessible to the family member.

5400.117 IRA, Keogh, and similar retirement savings accounts are counted as assets even though early withdrawal would result in a penalty.

5400.118 Personal property held as an investment, such as gems, jewelry, coin collections, antique cars, etc., is considered an asset.

5400.119 In determining the value of personal property held as an investment, DCHA will use the family's estimate of the value. DCHA may obtain an appraisal to confirm the value of the asset if there is reason to believe that the family's estimated value is off by two hundred dollars ($200) or more. The family must cooperate with the appraiser, but cannot be charged any costs related to the appraisal.

5400.120 Generally, personal property held as an investment generates no income until it is disposed of. If regular income is generated (e.g., income from renting the personal property), the amount that is expected to be earned in the coming year is counted as actual income from the asset.

5400.121 Necessary items of personal property are not considered assets.

5400.122 Necessary personal property consists of only those items not held as an investment, and may include clothing, furniture, household furnishings, jewelry, and vehicles, including those specially equipped for persons with disabilities.

5400.123 The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets. The cash value is the surrender value. If such a policy earns dividends or interest that the family could elect to receive, the anticipated amount of dividends or interest is counted as income from the asset whether or not the family actually receives it.

5400.124 Periodic payments are forms of income received on a regular basis. The following are periodic payments that are included in annual income:

(a) Periodic payments from sources such as social security, unemployment and welfare assistance, annuities, insurance policies, retirement funds, and pensions; however, periodic payments from retirement accounts, annuities, and similar forms of investments are counted only after they exceed the amount contributed by the family; and

(b) Disability or death benefits and lottery receipts paid periodically, rather than in a single lump sum.

5400.125 Most lump-sums received because of delays in processing periodic payments, such as unemployment or welfare assistance, are counted as income. However, lump-sum receipts for the delayed start of periodic Social Security or Supplemental Security Income (SSI) payments are not counted as income. Additionally, any deferred disability benefits that are received in a lump-sum or in prospective monthly amounts from the Department of Veterans Affairs are to be excluded from annual income.

5400.126 When a delayed-start payment is received and reported during the period in which DCHA is processing an annual reexamination, DCHA will adjust the family share and PHA subsidy retroactively for the period the payment was intended to cover. The family may pay in full any amount due or request to enter into a repayment agreement with DCHA.

5400.127 DCHA must make a special calculation of annual income when the Social Security Administration (SSA) overpays an individual, resulting in a withholding or deduction from their benefit amount until the overpayment is paid in full. The amount and duration of the withholding will vary depending on the amount of the overpayment and the percent of the benefit rate withheld. Regardless of the amount withheld or the length of the withholding period, DCHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount.

(a) Effective the day after SSA has announced the cost of living adjustment (COLA), DCHA is required to factor in the COLA when determining Social Security and SSI annual income for all annual reexaminations and interim reexaminations of family income that have not yet been completed and will be effective January 1st or later of the upcoming year.

(b) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the assisted family, who are unable to live alone). Kinship guardianship assistance payments (Kin-GAP) and other similar guardianship payments are treated the same as foster care payments and are likewise excluded from annual income.

5400.128 DCHA will exclude payments for the care of foster children and foster adults only if the care is provided through an official arrangement with a local welfare agency and the amounts are paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

5400.129 Payments in lieu of earnings, such as unemployment and disability compensation, and severance pay, are counted as income if they are received at regular intervals (such as weekly, monthly, or yearly) for a period greater than one (1) year that can be extended. Worker's compensation payments are not included in income.

5400.130 Welfare assistance is counted in annual income. Welfare assistance includes Temporary Assistance for Needy Families (TANF) and any payments to

individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments.

5400.131 DCHA must make a special calculation of annual income when the welfare agency imposes certain sanctions on certain families. The requirements are summarized below. This rule applies only if a family was receiving HCV assistance at the time the sanction was imposed.

5400.132 [RESERVED]

5400.133 When a welfare agency imposes a sanction that reduces a family's welfare income because the family commits fraud or fails to comply with the agency's economic self-sufficiency program or work activities requirement, DCHA must include in annual income "imputed" welfare income. DCHA must request that the welfare agency provide the reason for the reduction of benefits and the amount of the reduction of benefits. The imputed welfare income is the amount that the benefits were reduced because of the sanction.

5400.134 This requirement does not apply to reductions in welfare benefits:

(a) At the expiration of the lifetime or other time limit on the payment of welfare benefits;

(b) If a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements; or

(c) Because a family member has not complied with other welfare agency requirements.

5400.135 The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero.

5400.136 Annual income includes periodic and determinable allowances, such as alimony and child support payments.

5400.137 [RESERVED]

5400.138 DCHA shall count amounts for alimony and child support unless DCHA verifies that the payments have not been made in the last six (6) months.

5400.139 If the amounts received for child support or alimony are not received on a regular basis, DCHA shall anticipate income by performing an average of the last twelve (12) complete months. The average shall include months in which no payments were received and months in which lump sum amounts were received to catch up

for prior missed payments.

5400.140 [RESERVED]

5400.141 [RESERVED]

5400.142 DCHA must count as income regular monetary contributions from persons not residing with an assisted family. Nonrecurring income is not counted.

5400.143 [RESERVED]

5400.144 [RESERVED]

5400.145 [RESERVED]

5400.146 [RESERVED]

5400.147 In accordance with the regulations at 24 CFR § 5.609(b)(9), if the student is the head of household, co-head, or spouse and is under the age of twenty-three (23) or without dependent children, then both the assistance received under 479B of the HEA and other student financial assistance received by the student will be counted as income to the extent that it exceeds the total of tuition and any other required fees and charges.

5400.148 [RESERVED]

5400.149 [RESERVED]

5400.150 The following are excluded from annual income:

(a) Payments received for the care of foster children or foster adults or state or tribal kinship or guardianship care payments;

(b) Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation;

(c) Amounts received by the family that are specifically for, or in reimbursement of, the cost of health and medical expenses for any family member in an elderly or disabled household;

(d) Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled;

(e) Amounts received by participants in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred

and which are made solely to allow participation in a specific program;

(f) Amounts received by a person with a disability that are disregarded for a limited time for purposes of SSI eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(g) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(h) Adoption assistance payments in excess of the amount of the deduction;

(i) Refunds or rebates on property taxes paid on the dwelling unit;

(j) Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and

(k) Amounts specifically excluded by any other federal statute. HUD publishes an updated list of these exclusions periodically. It includes:

(1) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. §2017(b)). This exclusion also applies to assets;

(2) Payments, including for supportive services and reimbursement of out-of-pocket expenses, for volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. §5044(f)(1), 42 U.S.C. § 5058), are excluded from income except that the exclusion shall not apply in the case of such payments when the Chief Executive Officer of the Corporation for National and Community Service appointed under 42 U.S.C. §12651c determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. §201 *et seq.*) or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater (42 U.S.C. §5044(f)(1)). This exclusion also applies to assets;

(3) Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. §1626(c)). This exclusion also applies to assets;

(4) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. §5506). This exclusion also applies to assets;

(5) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. §8624(f)(1)). This exclusion also applies to assets;

(6) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, section 6). This exclusion also applies to assets;

(7) The first two thousand dollars ($2,000) of per capita shares received from judgment funds awarded by the National Indian Gaming Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, and the first two thousand dollars ($2,000) per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands. This exclusion does not include proceeds of gaming operations regulated by the Commission (25 U.S.C. §§ 1407-1408). This exclusion also applies to assets;

(8) Amounts of student financial assistance funded under title IV of the Higher Education Act of 1965 (20 U.S.C. § 1070), including awards under Federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. § 1087uu). For Section 8 programs only (42 U.S.C. §1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. §1001 *et seq.*), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. § 1002)), shall not be considered income to that individual if the individual is over the age of twenty-three (23) with dependent children (Pub. L. 109-115, section 327) (as amended)

(9) Payments received from programs funded under Title V of the Older Americans Act of 1965 (42 U.S.C. §3056g);

(10) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101-201) or any other fund established pursuant to the settlement in *In Re Agent Orange Product Liability Litigation,* M.D.L. No. 381 (E.D.N.Y.). This exclusion also applies to assets;

(11) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420 section 9(c)). This exclusion also applies to assets;

(12) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs

incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. §9858q);

(13) Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 236 of the National Housing Act (26 U.S.C. §32(l)). This exclusion also applies to assets;

(14) The amount of any refund (or advance payment with respect to a refundable credit) issued under the Internal Revenue Code is excluded from income and assets for a period of 12 months from receipt (26 U.S.C. §6409);

(15) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (Pub. L. 95-433 section 2). This exclusion also applies to assets;

(16) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. §12637(d));

(17) Any allowance paid to children of Vietnam veterans born with spina bifida (38 U.S.C. § 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. §1811-16), and children of certain Korean and Thailand service veterans born with spina bifida (38 U.S.C. §1821-22) is excluded from income and assets (38 U.S.C. § 1833(c)).

(18) Any amount of crime victim compensation that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) under the Victims of Crime Act of 1984 received through a crime victim assistance program, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime (34 U.S.C. §20102(c)). This exclusion also applies to assets;

(19) Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 reauthorized as the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. §3241(a)(2));

(20) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. §1760(e)) and the Child Nutrition Act of 1966 (42

U.S.C. §1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC). This exclusion also applies to assets;

(21) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (Pub.L. 101-503 Section 8(b)). This exclusion also applies to assets;

(22) Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. § 1437a(b)(4));

(23) Any amounts (i) not actually received by the family, (ii) that would be eligible for exclusion under 42 U.S.C. § 1382b(a)(7), and (iii) received for service-connected disability under 38 U.S.C. chapter 11 or dependency and indemnity compensation under 38 U.S.C. Chapter 13 (25 U.S.C. §4103(9)(C)) as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269 section 2) to the definition of income applicable to programs under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C. §4101 *et seq.*);

(24) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al.* v. *Ken Salazar et al.,* 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one (1) year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291 section 101(f)(2)). This exclusion also applies to assets;

(25) Any amounts in an "individual development account" are excluded from assets and any assistance, benefit, or amounts earned by or provided to the individual development account are excluded from income, as provided by the Assets for Independence Act, as amended (42 U.S.C. § 604(h)(4));

(26) Per capita payments made from the proceeds of Indian Tribal Trust Settlements listed in IRS Notice 2013-1 and 2013-55 must be excluded from annual income unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds. Such amounts received in excess of the Tribal Trust Settlement are included in the gross income of the members of the Tribe receiving the per capita payments as described in IRS Notice 2013-1. The first two thousand dollars ($2,000) of per capita payments are also excluded from assets unless the per capita payments exceed the amount of the original Tribal

Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds (25 U.S.C. § 117b(a), 25 U.S.C. §1407);

(27) Federal assistance for a major disaster or emergency received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. § 5155(d)). This exclusion also applies to assets;

(28) Any amount in an Achieving Better Life Experience (ABLE) account, distributions from and certain contributions to an ABLE account established under the ABLE Act of 2014 (Pub. L. 113-295), as described in Notice PIH 2019-09/H 2019-06 or subsequent or superseding notice is excluded from income and assets; and

(29) Assistance received by a household under the Emergency Rental Assistance Program pursuant to the Consolidated Appropriations Act, 2021 (Pub. L. 116-260, Section 501(j)), and the American Rescue Plan Act of 2021 (Pub. L. 117-2, Section 3201). This exclusion also applies to assets.

5401 ADJUSTED INCOME

5401.1 DCHA shall deduct from annual income any of the following mandatory deductions for which a family qualifies with the resulting amount is being the family's adjusted income:

(a) Four hundred eighty dollars ($480) for each dependent;

(b) Four hundred dollars ($400) for any elderly family or disabled family;

(c) The sum of the following, to the extent the sum exceeds three percent (3%) of annual income:

(1) Unreimbursed medical expenses of any elderly family or disabled family;

(2) Unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are eighteen (18) years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and

(d) Any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

5401.2 Generally, DCHA will use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., childcare during school and non-school periods and cyclical medical expenses), DCHA will estimate costs based on historic data and known future costs.

5401.3 If a family has an accumulated debt for medical or disability assistance expenses, DCHA will include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted will not be allowed even if the amounts were not paid as expected in a preceding period. DCHA may require the family to provide documentation of payments made in the preceding year.

5401.4 "Dependent" is defined as a member of the family (which excludes foster children and foster adults) other than the family head or spouse who is under 18 years of age, or is a person with a disability, or is a full-time student.

5401.5 An "elderly family" is a family whose head, spouse, co-head, or sole member is sixty-two (62) years of age or older, and a "disabled family" is a family whose head, spouse, co-head, or sole member is a person with disabilities.

5401.6 Unreimbursed health and medical expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent (3%) of annual income.

5401.7 The medical expense deduction is permitted only for families in which the head, spouse, or co-head is at least sixty-two (62) or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted.

5401.8 Health and medical care expenses are any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed.

5401.9 [RESERVED]

5401.10 When expenses anticipated by a family could be defined as either health, medical or disability assistance expenses, DCHA will consider them medical expenses unless the expenses are incurred exclusively to enable a person with disabilities to work.

5401.11 Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member may be deducted if they:

(a) Are necessary to enable a family member eighteen (18) years or older to work;

(b) Are not paid to a family member or reimbursed by an outside source;

(c) In combination with any medical expenses, exceed three percent (3%) of annual income; and

(d) Do not exceed the earned income received by the family member who is enabled to work.

5401.12 A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work.

5401.13 The disability expense deduction is capped by the amount of "earned income received by family members who are eighteen (18) years of age or older and who are able to work" because of the expense. The earned income used for this purpose is the amount verified before any earned income disallowances or income exclusions are applied.

5401.14 The family must identify the family members enabled to work as a result of the disability assistance expenses. In evaluating the family's request, DCHA will consider factors such as how the work schedule of the relevant family members relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

5401.15 When DCHA determines that the disability assistance expenses enable more than one family member to work, the expenses will be capped by the sum of the family members' incomes.

5401.16 "Auxiliary apparatus" are items such as wheelchairs, ramps, adaptations to vehicles, or special equipment to enable a blind person to read or type, but only if these items are directly related to permitting the disabled person or other family member to work."

5401.17 Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost-of-service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

5401.18 The family determines the type of attendant care that is appropriate for the person with disabilities.

5401.19 Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities.

5401.20 Attendant care expenses will be included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible.

5401.21 If the care attendant also provides other services to the family, DCHA will prorate the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not a person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation will be based upon the number of hours spent in each activity and/or the number of persons under care.

5401.22 No disability assistance expenses may be deducted for payments to a member of an assisted family. However, expenses paid to a relative who is not a member of the assisted family may be deducted if they are not reimbursed by an outside source.

5401.23 The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work. The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

5401.24 DCHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality. To establish typical costs, DCHA will collect information from organizations that provide services and support to persons with disabilities. A family may present, and DCHA will consider, the family's justification for costs that exceed typical costs in the area.

5401.25 This policy applies only to families in which the head or spouse is sixty-two (62) or older or is a person with disabilities.

5401.26 When expenses anticipated by a family could be defined as either medical or disability assistance expenses, DCHA will consider them medical expenses unless the expenses are incurred exclusively to enable a person with disabilities to work.

5401.27 "Childcare expenses" are amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further his or her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

5401.28 Childcare expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household. However, childcare expenses for foster children that are living in the assisted family's household are included when determining the family's childcare expenses.

5401.29 The family must identify the family member(s) enabled to pursue an eligible activity. The term "eligible activity" in this section means any of the activities that may make the family eligible for a childcare deduction (seeking work, pursuing an education, or being gainfully employed).

5401.30 In evaluating the family's request, DCHA will consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

5401.31 If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination. The deduction may be reduced or denied if the family member's job search efforts are not commensurate with the childcare expense being allowed by DCHA.

5401.32 If the childcare expense being claimed is to enable a family member to further their education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the childcare claimed.

5401.33 If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

5401.34 When a family member looks for work or furthers their education, there is no cap on the amount that may be deducted for childcare – although the care must still be necessary and reasonable. However, when childcare enables a family member to work, the deduction is capped by "the amount of employment income that is included in annual income.

5401.35 The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

5401.36 When the person who is enabled to work is a full-time student whose earned income is excluded, childcare costs related to enabling a family member to work may not exceed the portion of the person's earned income that is included in annual income.

5401.37 DCHA must not limit the deduction to the least expensive type of childcare. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working.

5401.38 When the childcare expense being claimed is to enable a family member to work, only one family member's income will be considered for a given period of time. When more than one family member works during a given period, DCHA generally will limit allowable childcare expenses to the earned income of the lowest-paid member. The family may provide information that supports a request to designate another family member as the person enabled to work.

5401.39 The type of care to be provided is determined by the assisted family. DCHA may not refuse to give a family the childcare expense deduction because there is an adult family member in the household that may be available to provide childcare.

5401.40 For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

5401.41 The costs of general housekeeping and personal services are not eligible. Likewise, childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible.

5401.42 If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, DCHA will prorate the costs and allow only that portion of the expenses that is attributable to childcare for eligible activities. For example, if the care provider also cares for a child with disabilities who is thirteen (13) or older, the cost of care will be prorated. Unless otherwise specified by the childcare provider, the calculation will be based upon the number of hours spent in each activity or the number of persons under care.

5401.43 Childcare expenses will be considered necessary if:

(a) a family adequately explains how the care enables a family member to work, actively seek employment, or further their education; and

(b) the family certifies, and the childcare provider verifies, that the expenses are not paid or reimbursed by any other source.

5401.44 Childcare expenses will be considered for the time required for the eligible activity plus reasonable transportation time. For childcare that enables a family member to go to school, the time allowed may include not more than one study hour for each hour spent in class.

5401.45 To establish the reasonableness of childcare costs, DCHA will use the schedule of childcare costs from a qualified local entity that either subsidizes child care costs or licenses child care providers. Families may present, and DCHA will consider, justification for costs that exceed typical costs in the area.

5402 CALCULATING FAMILY SHARE AND PHA SUBSIDY

5402.1 Total tenant payment (TTP) is the highest of the following amounts, rounded to the nearest dollar:

(a) Thirty percent (30%) of the family's monthly adjusted income (adjusted income is defined in §5401);

(b) Ten percent (10%) percent of the family's monthly gross income (annual income divided by twelve (12)); or

(c) A minimum rent of zero dollars ($0).

5402.2 [RESERVED]

5402.3 The amount that a family pays for rent and utilities (the family share) will never be less than the family's TTP but may be greater than the TTP depending on the rent charged for the unit the family selects.

5402.4 Welfare rent does not apply in this locality.

5402.5 The minimum rent for this locality is zero dollars ($0).

5402.6 If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds DCHA's applicable payment standard: (a) the family will pay more than the TTP, and (b) at initial occupancy DCHA may not approve the tenancy if it would require the family share to exceed forty percent (40%) percent of the family's monthly adjusted income. The income used for this determination must have been verified no earlier than one hundred eighty (180) days before the family's voucher was issued.

5402.7 DCHA will pay a monthly housing assistance payment (HAP) for a family that is equal to the lower of (a) the applicable payment standard for the family minus the family's TTP, or (b) the gross reasonable rent for the family's unit minus the TTP.

5402.8 When DCHA subsidy for a family exceeds the rent to owner, the family is due a utility reimbursement.

5402.9 DCHA will make utility reimbursements to the family.

5402.10 [RESERVED]

5402.11 DCHA will issue all utility reimbursements monthly.

5402.12 [RESERVED]

5402.13 [RESERVED]

5402.14 [RESERVED]

5402.15 [RESERVED]

5402.16 [RESERVED]

5402.17 [RESERVED]

5402.18 [RESERVED]

5402.19 [RESERVED]

5402.20 [RESERVED]

5402.21 [RESERVED]

5402.22 [RESERVED]

5402.23 DCHA's schedule of payment standards is used to calculate housing assistance payments for HCV families. This section covers the application of DCHA's payment standards.

5402.24 "Payment standard" is defined as "the maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family)".

5402.25 DCHA sets its payment standards in line with existing market rents according to its approved MTW policy in order to maximize housing choice for voucher holders. DCHA will set payment standards up to one hundred eighty-seven percent (187%) of Fair Market Rent (FMR) for all bedroom sizes.

5402.26 [RESERVED]

5402.27 DCHA is required to pay a monthly housing assistance payment (HAP) for a family that is the lower of (a) the payment standard for the family minus the family's TTP, or (b) the gross reasonable rent for the family's unit minus the TTP.

5402.28 If during the term of the HAP contract for a family's unit, the owner lowers the rent, DCHA will recalculate the HAP using the lower of the initial payment standard or the gross rent for the unit.

5402.29 When DCHA revises its payment standards during the term of the HAP contract for a family's unit, it will apply the new payment standards in accordance with HUD regulations.

5402.30 If DCHA changes its payment standard schedule, resulting in a lower payment standard amount, during the term of a HAP contract, DCHA will not reduce the payment standard used to calculate subsidy for families under HAP contract if the HAP contract remains in effect.

5402.31 [RESERVED]

5402.32 [RESERVED]

5402.33 [RESERVED]

5402.34 [RESERVED]

5402.35 If the payment standard is increased during the term of the HAP contract, the increased payment standard will be used to calculate the monthly housing assistance payment for the family beginning the earliest of:

(a) The next scheduled regular or interim reexamination;

(b) The next scheduled contract rent increase that would result in an increase in the family share; or

(c) One (1) year following the effective date of the increase in the payment standard.

5402.36 [RESERVED]

5402.37 Irrespective of any increase or decrease in the payment standard, if the family unit size increases or decreases during the HAP contract term, the new family unit size must be used to determine the payment standard for the family beginning at the family's first regular reexamination following the change in family unit size.

5402.38 If a family requires a higher payment standard as a reasonable accommodation for a family member who is a person with disabilities they may request an exception to the payment standard policy defined in § 5402.25.

5402.39 A DCHA-established utility allowance schedule is used in determining family share and DCHA subsidy. A family's utility allowance is determined by the size of dwelling unit leased by a family or the voucher unit size for which the family qualifies using DCHA's subsidy standards, whichever is the lowest of the two (2).

5402.40 [RESERVED]

5402.41 On request from a family that includes a person with disabilities, DCHA must approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible and usable by the family member with a disability.

5402.42 Further, DCHA may grant requests for individual relief from charges in excess of the utility allowance on reasonable grounds, such as special factors not within control of the resident, as DCHA deems appropriate. The family must request the higher allowance and provide DCHA with an explanation of the need for individual relief and an explanation about the amount of additional allowance required.

5402.43 [RESERVED]

5402.44 [RESERVED]

5402.45 DCHA will consider the following criteria as valid reasons for granting individual relief:

(a) The family's consumption was mistakenly portrayed as excessive due to defects in the meter or errors in the meter reading.

(b) The excessive consumption is caused by a characteristic of the unit or owner-supplied equipment that is beyond the family's control, such as a particularly inefficient refrigerator or inadequate insulation. The allowance should be adjusted to reflect the higher consumption needs associated with the unit until the situation is remedied. The resident should be granted individual relief until the allowance is adjusted.

(c) The excessive consumption is due to special needs of the family that are beyond their control, such as the need for specialized equipment in the case of a family member who is ill, elderly, or who has a disability.

5402.46 In determining the amount of reasonable accommodation or individual relief, DCHA will allow a reasonable measure of additional usage as necessary. To arrive at the amount of additional utility cost of specific equipment, the family may provide information from the manufacturer of the equipment, or the family or PHA may conduct an internet search for an estimate of usage or additional monthly cost.

5402.47 Information on reasonable accommodation and individual relief for charges more than the utility allowance will be provided to all families at admission as part of the information on payment standards and utility allowances in the briefing packet.

5402.48 At its discretion, DCHA may reevaluate the need for the increased utility allowance at any regular reexamination.

5402.49 If the excessive consumption is caused by a characteristic of the unit or PHA-supplied equipment that is beyond the family's control, such as a particularly

inefficient refrigerator or inadequate insulation, the individual relief to the resident will cease when the situation is remedied.

5402.50 At reexamination, DCHA must use the current utility allowance schedule.

5402.51 Revised utility allowances will be applied to a family's rent and subsidy calculations at the first annual reexamination that is effective after the allowance is adopted.

5402.52 HUD regulations prohibit assistance to ineligible family members. A "mixed family" is one that includes at least one U.S. citizen or eligible immigrant and any number of ineligible family members. DCHA must prorate the assistance provided to a mixed family. DCHA will first determine assistance as if all family members were eligible and then prorate the assistance based upon the percentage of family members that are eligible. For example, if DCHA subsidy for a family is calculated at five hundred dollars ($500) and two (2) of four (4) family members are ineligible, DCHA subsidy would be reduced to two hundred fifty dollars ($250).

CHAPTER 55

VERIFICATION

5500 GENERAL VERIFICATION REQUIREMENTS

5500.1 The family must supply any information that the District of Columbia Housing Authority (DCHA) or the United States Department of Housing and Urban Development (HUD) determines is necessary to the administration of the program and must consent to DCHA verification of that information.

5500.2 It is required that all adult applicants and participants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and DCHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

5500.3 If any family member who is required to sign a consent form fails to do so, DCHA will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with DCHA procedures.

5500.4 HUD mandates the use of HUD's Enterprise Income Verification (EIV) system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires DCHA to use the most reliable form of verification that is available and to document the reasons when DCHA uses a lesser form of verification.

5500.5 In order of priority, the forms of verification that DCHA will use are:

(a) Up-front Income Verification (UIV) using HUD's EIV system;

(b) Up-front Income Verification (UIV) using a non-HUD system;

(c) Written Third-Party Verification (may be provided by applicant or participant);

(d) Written Third-party Verification Form;

(e) Oral Third-party Verification; and

(f) Self-Certification.

5500.6 Each of the verification methods is discussed in subsequent sections below.

5500.7 Any documents used for verification must be dated within one hundred twenty (120) days of DCHA's receipt of the document. The documents must not be damaged, altered or in any way illegible.

5500.8 Any family self-certifications must be made in a format acceptable to DCHA and must be signed by the family member whose information or status is being verified.

5500.9 DCHA must document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that DCHA has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

5500.10 DCHA will document, in the family file, the following:

(a) Reported family annual income and verification of family income;

(b) Value of assets and verification of assets;

(c) Expenses related to deductions from annual income and verification of all expenses related to deductions from annual income;

(d) Rent Calculation worksheets;

(e) Notices to participants and landlords on rent calculations; and

(f) Other factors influencing adjusted income.

5500.11 When DCHA is unable to obtain third-party verification, DCHA will document in the family file the reason that third-party verification was not available.

5500.12 UIV refers to DCHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to DCHA.

5500.13 There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until DCHA has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of DCHA.

5500.14 [RESERVED]

5500.15 DCHA must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR §5.236 and administrative guidance issued by HUD. The EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

5500.16 The data shown on income and income validation tool (IVT) reports is updated quarterly. Data may be between three (3) and six (6) months old at the time reports are generated.

5500.17 DCHA will obtain income and IVT reports for applicants and participants upon biennial/triennial reexaminations and on a regular basis, in a manner consistent with HUD requirements and guidance in PIH Notice 2018-18 (or applicable successor notice).

5500.18 Income and IVT reports will be compared to family-provided information as part of the biennial/triennial reexamination process. Income reports may be used in the calculation of annual income. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income reports and family-provided information will be resolved as described in this §5500.

5500.19 Income and IVT reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and

as necessary to verify earned income, and to verify and calculate unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.

5500.20 Income and IVT reports will be retained in applicant and participant files with the applicable eligibility documents for applicants and annual or interim reexamination documents for participants.

5500.21 When DCHA determines through EIV reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken.

5500.22 [RESERVED]

5500.23 [RESERVED]

5500.24 [RESERVED]

5500.25 DCHA will identify participants whose identity verification has failed by reviewing EIV's Identity Verification Report monthly.

5500.26 [RESERVED]

5500.27 [RESERVED]

5500.28 DCHA will inform all applicants and participants of its use of the following UIV resources during the admission and reexamination process:

(a) HUD's EIV system;

(b) Work Number, when utilized; and

(c) Other resources as available.

5500.29 HUD's current verification hierarchy defines two types of written third-party verification. The preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to DCHA by the family. If written third-party verification is not available, DCHA must attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party.

5500.30 Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

5500.31 Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support

payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

5500.32 DCHA is required to obtain, at minimum, two (2) current and consecutive pay stubs for determining annual income from wages.

5500.33 DCHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

5500.34 Third-party documents provided by the family must be dated within sixty (60) days of DCHA request date.

5500.35 If DCHA determines that third-party documents provided by the family are not acceptable, DCHA will explain the reason to the family and request additional documentation.

5500.36 As verification of earned income, DCHA will require the family to provide up two (2) current, consecutive pay stubs for bi-weekly, monthly or semi-monthly pay and four (4) current, consecutive pay stubs for weekly pay. At DCHA's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), DCHA may request additional paystubs or a payroll record.

5500.37 When upfront verification is not available and the family is unable to provide written third-party documents, DCHA must request a written third-party verification form.

5500.38 [RESERVED]

5500.39 DCHA will send third-party verification forms directly to the third party.

5500.40 Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by DCHA.

5500.41 For oral third-party verification, DCHA will contact sources identified by the family or third-party source.

5500.42 Oral third-party verification is mandatory if neither form of written third-party verification is available.

5500.43 Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time - e.g., ten (10) business days.

5500.44 [RESERVED]

5500.45 In collecting third-party oral verification, DCHA staff will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

5500.46 When any source responds verbally to the initial written request for verification DCHA will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.

5500.47 Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family's total tenant payment.

5500.48 If the family cannot provide original documents, DCHA will pay the service charge required to obtain third-party verification, unless it is not cost effective in which case a self-certification will be acceptable as the only means of verification. The cost of verification will not be passed on to the family.

5500.49 The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost.

5500.50 Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

5500.51 [RESERVED]

5500.52 DCHA will accept self-certification from a family as verification of assets disposed of for less than fair market value.

5500.53 [RESERVED]

5500.54 When a family's total assets have a market value of fifty thousand dollars ($50,000) or less, DCHA will use self-certification to verify the market value of the asset. When a family's total assets have a market value exceeding fifty thousand dollars ($50,000), DCHA will use its established verification methods to verify the market value of the asset.

5500.55 All family members eighteen (18) years of age and older must sign the family's declaration of assets.

5500.56 DCHA will use third-party documentation for assets if the total value of all assets is fifty thousand dollars ($50,000) or more, or if DCHA receives information indicating the family's certification of total asset value being less than fifty thousand dollars ($50,000) is incorrect.

5500.57 When HUD requires third-party verification, self-certification or "tenant declaration," is used as a last resort when DCHA is unable to obtain third-party

verification.

5500.58 Self-certification, however, is an acceptable form of verification when:

(a) A source of income is fully excluded;

(b) Net family assets total fifty thousand dollars ($50,000) or less and DCHA has adopted a policy to accept self-certification at annual recertification, when applicable; and

(c) DCHA has adopted a policy to implement streamlined annual recertifications for fixed sources of income.

5500.59 When DCHA was required to obtain third-party verification but instead relies on a tenant declaration for verification of income, assets, or expenses, the family's file must be documented to explain why third-party verification was not available.

5500.60 [RESERVED]

5500.61 DCHA may require a family to certify that a family member does not receive a particular type of income or benefit.

5500.62 The self-certification must be made in a format acceptable to DCHA and must be signed by the family member whose information or status is being verified.

5501 VERIFYING FAMILY INFORMATION

5501.1 DCHA will require families to furnish one of the following forms of verification of legal identity for each household member.

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers Church issued baptismal certificate Current, valid driver's license or Department of Motor Vehicles identification card U.S. military discharge (DD 214) Current U.S. passport Current government employer identification card with picture	Certificate of birth Adoption papers Custody agreement Health and Human Services ID Certified school records

5501.2 If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required.

5501.3 [RESERVED]

5501.4 Legal identity will be verified for all applicants at the time of eligibility determination and in cases where DCHA has reason to doubt the identity of a person representing themselves to be a participant.

5501.5 The family must provide documentation of a valid social security number (SSN) for each member of the household, except for individuals who do not contend eligible immigration status. Exemptions also include existing program participants who were at least sixty-two (62) years of age as of January 31, 2010, and had not previously disclosed an SSN.

5501.6 Note that an individual who previously declared to have eligible immigration status may not change their declaration for the purpose of avoiding compliance with the Social Security Number (SSN) disclosure and documentation requirements or penalties associated with noncompliance with these requirements. Nor may the head of household opt to remove a household member from the family composition for this purpose.

5501.7 DCHA must accept the following documentation as acceptable evidence of the social security number:

(a) An original SSN card issued by the Social Security Administration (SSA);

(b) An original SSA-issued document, which contains the name and SSN of the individual; or

(c) An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

5501.8 DCHA may only reject documentation of an SSN provided by an applicant or participant if the document is not an original document or if the original document has been altered, mutilated, is illegible, or appears to be forged.

5501.9 DCHA will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to DCHA within thirty (30) days.

5501.10 In the case of Moderate Rehabilitation Single Room Occupancy (SRO) individuals, the required documentation must be provided within ninety (90) calendar days from the date of admission into the program. DCHA must grant one additional ninety (90) day extension if it determines that the applicant's failure to comply was due to circumstances that were beyond the applicant's control and could not have been reasonably foreseen.

5501.11 DCHA will grant one additional ninety (90) day extension if needed for reasons beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency. If the individual fails to comply with SSN disclosure and documentation requirements

upon expiration of the provided time period, DCHA will terminate assistance for a participant and make a determination of ineligibility for applicants.

5501.12 If an applicant family includes a child under six (6) years of age who joined the household within the six (6) months prior to the date of voucher issuance, an otherwise eligible family may be admitted to the program and the family must provide documentation of the child's SSN within ninety (90) days of the effective date of the initial Housing Assistance Payment (HAP) contract. A ninety (90) day extension will be granted if DCHA determines that the applicant family's failure to comply was due to unforeseen circumstances and was outside of the applicant family's control.

5501.13 DCHA will grant one additional ninety (90) day extension if needed for reasons beyond the applicant's control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

5501.14 When a participant requests to add a new household member who is at least six (6) years of age, or who is under the age of six (6) and has an SSN, the participant must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. DCHA may not add the new household member until such documentation is provided.

5501.15 When a participant requests to add a new household member who is under the age of six (6) and has not been assigned an SSN, the participant must provide the SSN assigned to each new child and the required documentation within ninety (90) calendar days of the child being added to the household. A ninety (90) day extension will be granted if DCHA determines that the participant's failure to comply was due to unforeseen circumstances and was outside of the participant's control. During the period DCHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

5501.16 DCHA will grant one additional ninety (90) day extension if needed for reasons beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

5501.17 Social security numbers must be verified only once during continuously assisted occupancy.

5501.18 DCHA will verify each disclosed SSN by:

(a) Obtaining documentation from applicants and participants that is acceptable as evidence of social security numbers; and

(b) Making a copy of the documentation submitted, returning it to the individual, and retaining a copy in the file folder.

5501.19 Once the individual's verification status is classified as "verified," DCHA may, at its discretion, remove and destroy copies of documentation accepted as evidence of social security numbers. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

5501.20 [RESERVED]

5501.21 A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

5501.22 If an official record of birth or evidence of social security retirement benefits cannot be provided, DCHA will require the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

5501.23 Age must be verified only once during continuously assisted occupancy.

5501.24 Applicants and program participants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

5501.25 Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

5501.26 [RESERVED]

5501.27 A marriage certificate generally is required to verify that a couple is married.

5501.28 In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (e.g., by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

5501.29 [RESERVED]

5501.30 A certified copy of a divorce decree, signed by a court officer, is required to document that a couple is divorced.

5501.31 A copy of a court-ordered maintenance or other court record is required to document a separation.

5501.32 If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (e.g., documentation of another address at which

the person resides such as a lease or utility bill).

5501.33 For foster children and foster adults, third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

5501.34 DCHA requires families to provide information about the student status of all students who are eighteen (18) years of age or older. This information will be verified only if:

(a) The family reports full-time student status for an adult other than the head, spouse, or co-head;

(b) The family reports childcare expenses to enable a family member to further their education; or

(c) The family includes a student enrolled in an "institution of higher education."

5501.35 5501.36 and 5501.38 apply only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are seeking or receiving HCV assistance.

5501.36 DCHA will determine whether the student is exempt from the restrictions in 24 CFR §5.612 by verifying any one of the following exemption criteria:

(a) The student is enrolled at an educational institution that does not meet the definition of *institution of higher education* in the Higher Education Act of 1965;

(b) The student is at least twenty-four (24) years old;

(c) The student is a veteran;

(d) The student is married;

(e) The student has at least one dependent child; or

(f) The student is a person with disabilities and was receiving assistance prior to November 30, 2005.

5501.37 [RESERVED]

5501.38 DCHA will verify a student's independence from their parents to determine that the student's parents' income is not relevant for determining the student's eligibility by doing all of the following:

(a) Either reviewing and verifying previous address information to determine whether the student has established a household separate from their parents for at least one year, or reviewing and verifying documentation relevant to determining whether the student meets the U.S. Department of Education's definition of "independent student";

(b) Reviewing the student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of independent student; and

(c) Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is zero dollars ($0), except in cases in which DCHA determines that the student is a "vulnerable youth."

5501.39 DCHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. DCHA is not permitted to inquire about the nature or extent of a person's disability. DCHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If DCHA receives a verification document that provides such information, DCHA will not place this information in the tenant file. Under no circumstances will DCHA request a participant's medical record(s).

5501.40 [RESERVED]

5501.41 Verification of the receipt of disability benefits from the SSA is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions.

5501.42 For family members claiming disability who receive disability benefits from the SSA, DCHA will attempt to obtain information about disability benefits through the HUD EIV system. If documentation from HUD's EIV system is not available, DCHA will request a current (dated within the last sixty (60) days) SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), DCHA will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from www.ssa.gov. Once the applicant or participant receives the benefit verification letter they will be required to provide it to DCHA.

5501.43 [RESERVED]]

5501.44 For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.

5501.45 [RESERVED]

5501.46 The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously assisted occupancy.

5501.47 HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member eighteen (18) or older and by a guardian for minors.

5501.48 [RESERVED]

5501.49 Other than the required declaration form, family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless DCHA receives information indicating that an individual's declaration may not be accurate.

5501.50 All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

5501.51 [RESERVED]

5501.52 For family members age sixty-two (62) or older who claim to be eligible immigrants, proof of age is required. Other than the declaration form, no further verification of eligible immigration status is required.

5501.53 For family members under the age of sixty-two (62) who claim to be eligible immigrants, DCHA must verify immigration status with the United States Citizenship and Immigration Services (USCIS).

5501.54 DCHA will follow all USCIS protocols for verification of eligible immigration status.

5501.55 DCHA must verify any preferences claimed by an applicant that determined placement on the waiting list.

5501.56 [RESERVED]

5502 VERIFYING INCOME AND ASSETS

5502.1 Any assets and income reported by the family must be verified. This § 5502 provides DCHA policies that supplement the general verification procedures specified in § 5500.

5502.2 Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of tips received for the prior year and tips anticipated to be received in the

coming year.

5502.3 As verification of earned income, DCHA will require the family to provide two (2) current, consecutive pay stubs for bi-weekly, monthly or semi-monthly pay and four (4) current, consecutive pay stubs for weekly pay. At DCHA's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), DCHA may request additional paystubs or a payroll record. DCHA will obtain and review EIV reports to validate earned income sources.

5502.4 Business owners and self-employed persons will be required to provide:

(a) If conducted, the audited financial statement for the previous fiscal year. If an audit was not conducted, a profit and loss statement must be submitted and the business owner or self-employed person must certify to its accuracy.

(b) DCHA reserves the right to request all schedules completed for filing federal and local taxes in the preceding year.

(c) If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of straight-line depreciation.

(d) DCHA will provide a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person will be required to submit the information requested and to certify to its accuracy at all future reexaminations. At any reexamination DCHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

(e) If a family member has been self-employed less than three (3) months, DCHA will accept the family member's certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months DCHA will require the family to provide documentation of income and expenses for this period and use that information to project income.

5502.5 [RESERVED]

5502.6 [RESERVED]

5502.7 For applicants, since EIV does not contain Social Security (SS) or SSI benefit information, DCHA must ask applicants to provide a copy of their current SS or SSI benefit letter (dated within the last sixty (60) calendar days) for each family member that receives SS or SSI benefits. If the family is unable to provide the document or documents, DCHA should help the applicant request a benefit verification letter from SSA's website at www.ssa.gov or ask the family to request

one by calling SSA at 1-800-772-1213. DCHA must obtain the original benefit letter from the applicant, make a photocopy of the document for the file, and return the original to the family.

5502.8 For participants, DCHA must obtain information through the HUD EIV system and confirm with the participants that the current listed benefit amount is correct.

5502.9 If the participant agrees with the amount reported in EIV, DCHA must use the EIV-reported gross benefit amount to calculate annual income from Social Security. PHAs are required to use the EIV-reported SS and SSI benefit amounts when calculating income unless the tenant disputes the EIV-reported amount. For example, an SSA benefit letter may list the monthly benefit amount as four hundred fifty dollars and eighty cents ($450.80) and EIV displays the amount as four hundred fifty dollars ($450.00) DCHA must use the EIV-reported amount unless the participant disputes the amount.

5502.10 If the participant disputes the EIV-reported benefit amount, or if benefit information is not available in EIV, DCHA must request a current SSA benefit verification letter (dated within the last sixty (60) calendar days) from each family member that receives SS or SSI benefits. If the family is unable to provide the document or documents, DCHA should help the participant request a benefit verification letter from SSA's website at www.ssa.gov or ask the family to request one by calling SSA at 1-800-772-1213. DCHA must obtain the original benefit letter from the participant, make a photocopy of the document for the file, and return the original to the family.

5502.11 Photocopies of social security checks or bank statements are not acceptable forms of verification for SS and SSI benefits.

5502.12 [RESERVED]

5502.13 If the family reports that it receives child support or alimony payments, whether regular or irregular, DCHA will follow the verification hierarchy to obtain documentation of the frequency and amount of payments received by the family. As needed, DCHA may require verification that such payments are no longer received, such as a bank statement or third-party verification from the Child Support Services Division or other agency monitoring child support payment.

5502.14 If the family declares that it receives irregular or no alimony or child support payments, the family will self-certify non-receipt of payments, and DCHA will require verification that the family has not received payments, such as a bank statement.

5502.15 Families are not required to undertake independent enforcement action.

5502.16 Assets Disposed of for Less than Fair Market Value.

(a) The family must certify whether any assets have been disposed of for less

than fair market value in the preceding two years. DCHA needs to verify only those certifications that warrant documentation.

(b) DCHA will only verify the value of assets disposed exceeding fifty thousand dollars ($50,000) only if DCHA does not already have a reasonable estimation of its value or the amount reported by the family in the certification appears obviously in error.

5502.17 When DCHA verifies assets depends on the market value of the family's total assets. When a family's total assets have a market value of fifty thousand dollars ($50,000) or less, DCHA will use self-certification to verify the market value of the asset. However, DCHA reserves the right to require third-party verification of assets if it has reason to believe the family has unreported or under-reported income and/or assets. When a family's total assets have a market value exceeding fifty thousand dollars ($50,000), DCHA will use its established verification methods to verify the market value of the asset.

Example 1: An elderly participant reported a $60,000 certificate of deposit at the last biennial/triennial reexamination and DCHA verified this amount. Now the person reports that she has given this $60,000 to her son. DCHA has a reasonable estimate of the value of the asset; therefore, reverification of the value of the asset is not necessary.

Example 2: A family member has disposed of its 1/4 share of real property located in a desirable area and has valued her share at approximately $5,000. Based upon market conditions, this declaration does not seem realistic. Therefore, DCHA will verify the value of this asset.

5502.18 To verify net income from a rental property, DCHA will apply the verification policy for self-employment income.

5502.19 [RESERVED]

5502.20 [RESERVED]

5502.21 DCHA will accept written third-party (3rd) documents supplied by the family as evidence of the status of retirement accounts.

5502.22 The type of original document that will be accepted depends upon the family member's retirement status.

5502.23 Before retirement, DCHA will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than six (6) months from the effective date of the examination.

5502.24 Upon retirement, DCHA will accept an original document from the entity holding the account that reflects any distributions of the account balance, any lump sums taken and any regular payments.

5502.25 After retirement, DCHA will accept an original document from the entity holding the account dated no earlier than twelve (12) months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.

5502.26 [RESERVED]

5502.27 [RESERVED]

5502.28 DCHA will not require verification of fully excluded income, defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds).

5502.29 [RESERVED]

5502.30 For partially excluded income, DCHA will follow the verification hierarchy and all applicable regulations, and report the income on the 50058 form. Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income.

5502.31 DCHA will accept the family's self-certification as verification of fully excluded income. DCHA may request additional documentation if necessary to document the income source.

5502.32 DCHA will verify the source and amount of partially excluded income.

5502.33 DCHA will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, and earnings are not being received by families claiming to have zero annual income.

5502.34 Any financial assistance, in excess of amounts received for tuition, fees, and other required charges that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education must be considered income unless the student is over the age of twenty-three (23) with dependent children or is residing with parents who are seeking or receiving HCV assistance.

5502.35 For students over the age of twenty-three (23) with dependent children or students residing with parents who are seeking or receiving HCV assistance, the full amount of student financial assistance is excluded from annual income. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education. Excluded amounts are verified only if, without verification, DCHA would not be able to determine whether or to what extent the income is to be excluded.

5502.36 For a student subject to having a portion of their student financial assistance included in annual income in accordance with 24 CFR §5.609(b)(9), DCHA will request written third-party verification of both the source and the amount. Family-provided documents from the educational institution attended by the student will be requested, as well as documents generated by any other person or entity providing such assistance, as reported by the student.

5502.37 In addition, DCHA will request written verification of the student's tuition, fees, and other required charges.

5502.38 If DCHA is unable to obtain third-party written verification of the requested information, DCHA will pursue other forms of verification.

5502.39 If a student enrolled at an institution of higher education is under the age of twenty-four (24), is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the income of the student's parents must be considered when determining income eligibility, unless the student is determined independent from their parents or a vulnerable youth in accordance with DCHA policy.

5502.40 This provision does not apply to students residing with parents who are seeking or receiving HCV assistance. It is limited to students who are seeking or receiving assistance on their own, separately from their parents.

5502.41 If DCHA is required to determine the income eligibility of a student's parents, DCHA will request an income declaration and certification of income from the appropriate parent(s). DCHA will send the request directly to the parents, who will be required to certify to their income under penalty of perjury. The parents will be required to submit the information directly to DCHA. The required information must be submitted (postmarked) within ten (10) business days of the date of DCHA's request or within any extended timeframe approved by DCHA.

5502.42 DCHA reserves the right to request and review supporting documentation at any time if it questions the declaration or certification. Supporting documentation may include, but is not limited to, IRS tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters, and other official and authentic documents from a federal, state, or local agency.

5503 VERIFYING MANDATORY DEDUCTIONS

5503.1 The dependent and elderly/disabled family deductions require only that DCHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

5503.2 DCHA must verify that:

(a) Any person under the age of eighteen (18) for whom the dependent

deduction is claimed is not the head, spouse, or co-head of the family and is not a foster child; and

(b) Any person age eighteen (18) or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full time student.

5503.3 DCHA must verify that the head, spouse, or co-head is sixty-two (62) years of age or older or a person with disabilities.

5503.4 The amount of the deduction will be verified following the standard verification.

5503.5 Medical expenses will be verified through:

(a) Written third-party documents provided by the family, such as Pharmacy printouts or receipts.

(b) DCHA will make the best effort to determine what expenses from the past are likely to continue to occur in the future. DCHA will also accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming twelve (12) months.

5503.6 Written third-party verification forms if the family is unable to provide acceptable documentation.

5503.7 If third-party or document review is not possible, written family certification as to costs anticipated to be incurred during the upcoming twelve (12) months.

5503.8 In addition, DCHA must verify that:

(a) The household is eligible for the deduction;

(b) The costs to be deducted are qualified medical expenses;

(c) The expenses are not paid for or reimbursed by any other source; and

(d) Costs incurred in past years are counted only once.

5503.9 The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least sixty-two (62), or a person with disabilities. DCHA must verify that the family meets the definition of an elderly or disabled.

5503.10 To be eligible for the medical expenses deduction, the costs must qualify as medical expenses.

5503.11 To be eligible for the medical expenses deduction, the costs must not be reimbursed by another source.

5503.12 The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

5503.13 When anticipated costs are related to on-going payment of medical bills incurred in past years, DCHA will verify:

(a) The anticipated repayment schedule;

(b) The amounts paid in the past, and

(c) Whether the amounts to be repaid have been deducted from the family's annual income in past years.

5503.14 The amount of the deduction will be verified following the standard verification.

5503.15 Expenses for attendant care will be verified through:

(a) Written third-party documents provided by the family, such as receipts or cancelled checks;

(b) Third-party verification form signed by the provider, if family-provided documents are not available; and

(c) If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming twelve (12) months.

5503.16 Expenses for auxiliary apparatus will be verified through:

(a) Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming twelve (12) months;

(b) Third-party verification form signed by the provider if family-provided documents are not available; and

(c) If third-party verification is not possible, written family certification of estimated apparatus costs for the upcoming twelve (12) months.

5503.17 In addition, DCHA must verify that:

(a) The family member for whom the expense is incurred is a person with disabilities (as described above);

(b) The expense permits a family member, or members, to work; and

(c) The expense is not reimbursed from another source.

5503.18 To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. DCHA will verify that the expense is incurred for a person with disabilities.

5503.19 [RESERVED]

5503.20 DCHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

5503.21 DCHA will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work. This documentation may be provided by the family.

5503.22 If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.

5503.23 To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

5503.24 The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

5503.25 The amount of the childcare expenses deduction will be verified following the standard verification procedures. In addition, DCHA must verify that:

(a) The child is eligible for care (twelve (12) years old or younger);

(b) The costs claimed are not reimbursed;

(c) The costs enable a family member to work, actively seek work, or further their education;

(d) The costs are for an allowable type of childcare; and

(e) The costs are reasonable.

5503.26 To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of thirteen (13). DCHA will verify that the child being cared for (including foster children) is under the age of thirteen (13).

5503.27 To be eligible for the childcare deduction, the costs must not be reimbursed by another source.

5503.28 The family (and the care provider) will be required to certify that the childcare expenses are not paid or reimbursed to the family from any source.

5503.29 DCHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are pursuing those activities.

5503.30 DCHA will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

5503.31 Whenever possible DCHA will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases DCHA will request family-provided verification from the agency of the member's job seeking efforts to date and require the family to submit to DCHA any reports provided to the other agency.

5503.32 In the event third-party verification is not available, DCHA will provide the family with a form on which the family member must record job search efforts. DCHA will review this information at each subsequent reexamination for which this deduction is claimed.

5503.33 DCHA will request third-party documentation to verify that the person permitted to further their education by the childcare is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

5503.34 DCHA will seek third-party (3rd) verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two (2) or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

5503.35 The type of care to be provided is determined by the family but must fall within certain guidelines.

5503.36 DCHA will verify that the type of childcare selected by the family is allowable.

5503.37 DCHA will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

5503.38 DCHA will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

5503.39 Only reasonable childcare costs can be deducted.

5503.40 The actual costs the family incurs will be compared with DCHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

5503.41 If the family presents a justification for costs that exceed typical costs in the area, DCHA will request additional documentation, as required, to support a determination that the higher cost is appropriate.

CHAPTER 56

HOUSING QUALITY STANDARDS AND RENT REASONABLENESS DETERMINATIONS

5600 PHYSICAL STANDARDS

5600.1 The District of Columbia Housing Authority (DCHA) will inspect each unit to determine if the unit meets Housing Quality Standards (HQS) or successor standards established by the United States Department of Housing and Urban development (HUD). DCHA will transition from HQS to successor standards on or before the HUD required deadline. The performance and acceptability standards for Housing Choice Voucher (HCV)-assisted housing cover the following areas:

(a) Sanitary facilities;

(b) Food preparation and refuse disposal;

(c) Space and Security;

(d) Thermal Environment;

(e) Illumination and electricity;

(f) Structure and materials;

(g) Interior Air Quality;

(h) Water Supply;

(i) Lead-based paint;

(j) Access;

(k) Site and neighborhood;

(l) Sanitary condition; and

(m) Smoke Detectors.

5600.2 DCHA will enforce minimum HQS but also recognizes that certain judgments about the acceptability of the unit are left to the family. For example, DCHA must ensure that the unit contains the required sanitary facilities, but the family decides whether the cosmetic appearance of the facilities is acceptable.

5600.3 Under the Fair Housing Act of 1988 an owner must not refuse the request of a family that contains a person with a disability to make necessary and reasonable modifications to the unit. Such modifications are at the family's expense. The owner may require restoration of the unit to its original condition if the modification would interfere with the owner or next occupant's full enjoyment of the premises. The owner may not increase a customarily required security deposit. However, the landlord may negotiate a restoration agreement that requires the family to restore the unit and, if necessary to ensure the likelihood of restoration, may require the tenant to pay a reasonable amount into an interest bearing escrow account over a reasonable period of time. The interest in any such account accrues to the benefit of the tenant. The owner may also require reasonable assurances that the quality of the work will be acceptable and that any required building permits will be obtained.

5600.4 Modifications to units to provide access for a person with a disability must meet all applicable HQS requirements and conform to the design, construction, or alteration of facilities contained in the UFAS and the ADA Accessibility Guidelines (ADAAG).

5600.5 Any owner that intends to negotiate a restoration agreement or require an escrow account must submit the agreement(s) to DCHA for review.

5600.6 [RESERVED]

5600.7 [RESERVED]]

5600.8 The heating system must be capable of maintaining an interior temperature of sixty-eight (68) degrees Fahrenheit between October 15 and May 15.

5600.9 DCHA has adopted the following specific requirements that elaborate on HUD standards:

(a) In areas where plaster or drywall is sagging, severely cracked, or otherwise damaged, it must be repaired or replaced;

(b) Window sashes must be in good condition, solid and intact, and properly fitted to the window frame. Damaged or deteriorated sashes must be replaced;

(c) Windows must be weather-stripped as needed to ensure a weather-tight seal;

(d) Window screens must be in good condition (applies only if screens are present);

(e) All exterior doors must be weather-tight to avoid any air or water infiltration, be lockable, have no holes, have all trim intact, and have a threshold;

(f) All interior doors must have no holes, have all trim intact, and be openable without the use of a key;

(g) All wood floors must be sanded to a smooth surface and sealed. Any loose or warped boards must be resecured and made level. If they cannot be leveled, they must be replaced;

(h) All floors must be in a finished state. Raw wood or unsealed concrete is not permitted;

(i) All floors should have some type of base shoe, trim, or sealing for a "finished look." Vinyl base shoe is permitted;

(j) All sinks and commode water lines must have shut off valves, unless faucets are wall mounted;

(k) All sinks must have functioning stoppers;

(l) All worn or cracked toilet seats and tank lids must be replaced and toilet tank lid must fit properly; and

(m) If window security bars or security screens are present on emergency exit windows, they must be equipped with a quick release system. The owner is responsible for ensuring that the family is instructed on the use of the quick release system.

5600.10 HUD requires DCHA to define life-threatening conditions and to notify the owner or the family (whichever is responsible) of the corrections required. The responsible party must correct life-threatening conditions within twenty-four (24) hours of DCHA notification.

5600.11 The following are considered life-threatening conditions:

(a) Any condition that jeopardizes the security of the unit;

(b) Major plumbing leaks or flooding, waterlogged ceiling, or floor in imminent danger of falling;

(c) Natural or LP gas or fuel oil leaks. (i.e., a fuel storage vessel, fluid line, valve, or connection that supplies fuel to a HVAC unit is leaking or a strong odor is detected with potential for explosion or fire or that results in a health risk if inhaled);

(d) Any electrical problem or condition that could result in shock or fire. The following are examples of an electrical problem or condition:

(1) A light fixture is readily accessible, is not securely mounted to the ceiling or wall, and electrical connections or wires are exposed;

(2) A light fixture is hanging by its wires;

(3) A light fixture has a missing or broken bulb, and the open socket is readily accessible to the tenant during the day-to-day use of the unit;

(4) A receptacle (outlet) or switch is missing or broken and electrical connections or wires are exposed;

(5) An open circuit breaker position is not appropriately blanked off in a panel board, main panel board, or other electrical box that contains circuit breakers or fuses;

(6) A cover is missing from any electrical device box, panel box, switch gear box, control panel, etc., and there are exposed electrical connections;

(7) Any nicks, abrasions, or fraying of the insulation that exposes conducting wire;

(8) Exposed bare wires or electrical connections;

(9) Any condition that results in openings in electrical panels or electrical control device enclosures;

(10) Water leaking or ponding near any electrical device; or

(11) Any condition that poses a serious risk of electrocution or fire and poses an immediate life-threatening condition;

(e) Absence of a working heating system when outside temperature is below fifty (50) degrees Fahrenheit;

(f) Utilities not in service, including no running hot water;

(g) Conditions that present the imminent possibility of injury;

(h) Obstacles that prevent safe entrance or exit from the unit, i.e.,

(1) Any components that affect the function of the fire escape are missing or damaged;

(2) Stored items or other barriers restrict or prevent the use of the fire escape in the event of an emergency; or

(3) The building's emergency exit is blocked or impeded, thus limiting the ability of occupants to exit in a fire or other emergency;

(i) Absence of a functioning toilet in the unit;

(j) Inoperable or missing smoke detectors;

(k) Missing or inoperable carbon monoxide detector;

(l) Missing, damaged, discharged, overcharged, or expired fire extinguisher (where required); or

(m) Gas/oil-fired water heater or heating, ventilation, or cooling system with missing, damaged, improper, or misaligned chimney venting, i.e.,

(1) The chimney or venting system on a fuel-fired water heater is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting or gases;

(2) A gas dryer vent is missing, damaged, or is visually determined to be inoperable, or the dryer exhaust is not vented to the outside;

(3) A fuel-fired space heater is not properly vented or lacks available combustion air;

(4) A non-vented space heater is present;

(5) Safety devices on a fuel-fired space heater are missing or damaged;

(6) The chimney or venting system on a fuel-fired heating, ventilation, or cooling system is misaligned, negatively pitched, or damaged, which may cause improper or dangerous venting of gas; or

(7) Deteriorating paint as defined at 24 CFR §35.110 in a unit built before 1978 that is to be occupied by a family with a child under six (6) years of age 5600.12 If an owner fails to correct life-threatening conditions as required by DCHA, DCHA will enforce the HQS in accordance with HUD requirements.

5600.13 If a family fails to correct a family-caused life-threatening condition as required by DCHA, DCHA will enforce the family obligations.

5600.14 The owner will be required to repair an inoperable smoke detector unless DCHA determines that the family has intentionally disconnected it (by removing batteries or other means). In this case, the family will be required to repair the smoke detector within twenty-four (24) hours.

5600.15 The family is responsible for correcting the following HQS deficiencies:

(a) Tenant-paid utilities not in service.

(b) Failure to provide or maintain appliances owned by the family.

(c) Damage to the unit or premises caused by a household member or guest beyond normal wear and tear that results in a breach of the HQS. "Normal wear and tear" is defined as items which could not be charged against the tenant's security deposit under state law or court practice.

5600.16 The owner is responsible for all HQS violations not listed as a family responsibility above, even if the violation is caused by the family's living habits (i.e., vermin infestation). However, if the family's actions constitute a serious or repeated lease violation the owner may take legal action to evict the family.

5600.17 If DCHA is notified by a public health department or other medical health care provider, or verifies information from a source other than a public health department or medical health care provider, that a child of less than six (6) years of age, living in an HCV-assisted unit has been identified as having an elevated blood lead level, DCHA must complete an environmental investigation of the dwelling unit within fifteen (15) calendar days after being notified by a public health department or other medical health care provider. The environmental investigation must be completed in accordance with program requirements, and the result of the environmental investigation must be immediately provided to the owner of the dwelling unit. In cases where the public health department has already completed an evaluation of the unit, this information must be provided to the owner.

5600.18 Within thirty (30) days after receiving the environmental investigation report from DCHA, or the evaluation from the public health department, the owner is required to complete the reduction of identified lead-based paint hazards in accordance with the lead-based paint regulations. If the owner does not complete the “hazard reduction” as required, the dwelling unit is in violation of HQS and DCHA will take action.

5600.19 [RESERVED]

5600.20 A dwelling unit must:

(a) Provide adequate space and security for the family; and

(b) Have at least one (1) bedroom or living/sleeping room for each two (2) persons.

5600.21 A unit that does not meet these HQS space standards is defined as "overcrowded."

5600.22 A living room may be used as sleeping (bedroom) space, but no more than two (2) persons may occupy the space. A bedroom or living/sleeping room must have at least:

(a) One (1) window; and

(b) Two (2) electrical outlets in proper operating condition (permanent overhead or wall-mounted light fixtures may count as one of the required electrical outlets).

5600.23 If DCHA determines that a unit is overcrowded because of an increase in family size or a change in family composition, DCHA must issue the family a new voucher, and the family and DCHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, DCHA must terminate the HAP contract in accordance with its terms. DCHA will give notice to the family and owner of the termination; and the HAP contract will terminate at the end of the calendar month after the month when notice was given.

5601 THE INSPECTION PROCESS

5601.1 DCHA conducts the following types of inspections as needed. Each type of inspection is discussed in the paragraphs that follow.

(a) Initial Inspections. DCHA conducts initial inspections in response to a request from the family to approve a unit for participation in the HCV program. The unit must pass HQS inspection on or before the effective date of the HAP contract.

(b) Biennial Inspections. HUD requires DCHA to inspect each unit under lease biennially to confirm that the unit still meets HQS. The inspection may be conducted in conjunction with the family's regular reexamination but also may be conducted separately.

(c) Special Inspections. A special inspection may be requested by the owner, the family, or a third party as a result of problems identified with a unit between annual inspections.

(d) Quality Control Inspections. DCHA requires that a sample of units be inspected by a supervisor or other qualified individual to evaluate the work

of the inspector(s) and to ensure that inspections are performed in compliance with the HQS.

5601.2 [RESERVED]

5601.3 Under the authority granted to DCHA under its Moving-to-Work (MTW) status, DCHA may conduct its own inspections of DCHA-owned and affiliate-owned units.

5601.4 DCHA will not charge the family for unit inspections or reinspections. In the case of inspections of DCHA-owned units, DCHA may compensate the independent agency from ongoing administrative fee for inspections performed. DCHA and the independent agency may not charge the family any fee or charge for the inspection.

5601.5 DCHA will not charge the owner for the inspection of the unit prior to the initial term of the lease or for a first inspection during assisted occupancy of the unit. However, DCHA may charge a reasonable fee to owners for reinspections in two situations: when the owner notifies DCHA that a repair has been made but the deficiency has not been corrected, and when the time for repairs has elapsed and the deficiency has not been corrected. Fees may not be imposed for tenant-caused damages, for cases in which the inspector could not gain access to the unit, or for new deficiencies discovered during a reinspection.

5601.6 The owner may not pass the cost of a reinspection fee to the family. Reinspection fees must be added to DCHA's administrative fee reserves and may only be used for activities related to the provision of tenant-based assistance.

5601.7 In accordance with an approved MTW activity, DCHA will charge the owner a one hundred dollars ($100) fee only if the owner requests a second reinspection of a unit under contract, and requests this third inspection at least ten (10) business days prior to any scheduled effective date of HAP contract termination.

5601.8 [RESERVED]

5601.9 [RESERVED]

5601.10 [RESERVED]

5601.11 [RESERVED]

5601.12 [RESERVED]

5601.13 [RESERVED]

5601.14 [RESERVED]

5601.15 [RESERVED]

5601.16 [RESERVED]

5601.17 [RESERVED]

5601.18 The family must allow DCHA to inspect the unit at reasonable times with reasonable notice.

5601.19 Both the family and the owner will be given reasonable notice of all inspections. Except in the case of a life-threatening emergency, reasonable notice is considered to be not less than forty-eighty (48) hours. Inspections may be scheduled between 8:00 a.m. and 7:00 p.m. Generally, inspections will be conducted on business days only. In the case of a life-threatening emergency, DCHA will give as much notice as possible, given the nature of the emergency. DCHA will generally provide written notice of inspection; however, if life-threatening deficiencies have been reported, DCHA may not provide written notice in order to expedite the inspection.

5601.20 [RESERVED]

5601.21 When a family occupies the unit at the time of inspection, an authorized adult must be present for the inspection. The presence of the owner or the owner's representative is encouraged but is not required.

5601.22 At initial inspection of a vacant unit, DCHA will inspect the unit in the presence of the owner or owner's representative. The presence of a family representative is permitted but is not required.

5601.23 DCHA will not approve the assisted tenancy, or execute a HAP contract, until DCHA has inspected the unit and determined that it meets HQS and determined that the unit is eligible.

5601.24 The unit must pass the HQS inspection on or before the effective date of the HAP contract.

5601.25 DCHA will not rely on alternative inspections and will conduct an HQS inspection for each unit prior to executing an HAP contract with the owner.

5601.26 [RESERVED]

5601.27 To the extent practicable, DCHA will complete the initial inspection, determine whether the unit satisfies HQS, and notify the owner and the family of the determination within fifteen (15) days of submission of the complete Request for Tenancy Approval (RFTA) and all required owner documents, as outlined in Chapter 75.

5601.28 If any HQS violations are identified, the owner will be notified of the deficiencies and be given a fourteen (14) days time frame to correct them. A reinspection will be scheduled to take place on the deadline.

5601.29 If requested by the owner, the time frame for correcting the deficiencies may be extended by DCHA for good cause.

5601.30 If the owner notifies DCHA prior to the deadline that the deficiencies have been corrected, DCHA will reinspect the unit as soon as practically possibly after that notification.

5601.31 If the unit fails HQS at the time of the reinspection, DCHA will notify the owner and the family that the unit has been rejected and that the family must search for another unit. DCHA may agree to conduct a second reinspection, for good cause, at the request of the family and owner. DCHA will not conduct a third reinspection for the same unit.

5601.32 Following a failed reinspection, the family may submit a new RFTA for the same unit after the owner has made repairs, if they are unable to locate another suitable unit. However, the unit must pass the initial inspection.

5601.33 Generally, at initial lease-up the owner is responsible for demonstrating that all utilities are in working order including those utilities that the family will be responsible for paying.

5601.34 Utilities must be in service at the time of the HQS inspection and prior to the effective date of the HAP contract.

5601.35 All appliances provided by the owner must be in place at the time of the HQS inspection.

5601.36 Each unit under HAP contract must be inspected biennially within twenty-four (24) months of the last full HQS inspection. DCHA reserves the right to require annual inspections of any unit or owner at any time.

5601.37 DCHA will not rely on alternative inspection standards.

5601.38 If an adult cannot be present on the scheduled date, the family should request that DCHA reschedule the inspection. DCHA and family will agree on a new inspection date that generally should take place within five business days of the originally scheduled date. DCHA may schedule an inspection more than five business days after the original date for good cause.

5601.39 If the family misses the first scheduled appointment without requesting a new inspection date, DCHA will automatically schedule a second inspection. If the family misses two scheduled inspections without DCHA approval, DCHA will consider the family to have violated its obligation to make the unit available for inspection.

5601.40 If a participant or government official reports a life-threatening condition which the owner would be required to repair within twenty-four (24) hours, DCHA must

inspect the unit within twenty-four (24) hours of notification. If the reported condition is not life-threatening, DCHA must inspect the unit within fifteen (15) days of notification.

5601.41 During a special inspection, DCHA generally will inspect only those deficiencies that were reported. However, the inspector will record any additional HQS deficiencies that are observed and will require the responsible party to make the necessary repairs.

5601.42 If the biennial inspection has been scheduled or is due within ninety (90) days of the date the special inspection is scheduled DCHA may elect to conduct a full biennial inspection.

5601.43 HUD requires a public housing authority (PHA) supervisor or other qualified person to conduct quality control inspections of a sample of units to ensure that each inspector is conducting accurate and complete inspections and that there is consistency in the application of the HQS.

5601.44 The unit sample must include only units that have been inspected within the preceding three months. The selected sample should be drawn to represent a cross section of neighborhoods, inspection type, and the work of a cross section of inspectors.

5601.45 The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS failures, DCHA will determine:

(a) Whether or not the failure is a life-threatening condition; and

(b) Whether the family or owner is responsible.

5601.46 When life-threatening conditions are identified, DCHA will immediately notify both parties by telephone or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within twenty-four (24) hours of DCHA's notice.

5601.47 When failures that are not life-threatening are identified, DCHA will send the owner and the family a written notification of the inspection results within five (5) business days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected. Generally, not more than thirty (30) days will be allowed for the correction.

5601.48 The notice of inspection results will inform the owner that if life-threatening conditions are not corrected within twenty-four (24) hours, and non-life threatening conditions are not corrected within the specified time frame (or any DCHA-approved extension), the owner's HAP will be abated.

5601.49 Likewise, in the case of family caused deficiencies, the notice will inform the family that if corrections are not made within the specified time frame (or any

DCHA-approved extension, if applicable) the family's assistance will be terminated in accordance with DCHA policy.

5601.50 For conditions that are life-threatening, DCHA cannot grant an extension to the twenty-four (24) hour corrective action period. For conditions that are not life-threatening, DCHA may grant an exception to the required time frames for correcting the violation, if DCHA determines that an extension is appropriate.

5601.51 Extensions will be granted in cases where DCHA has determined that the owner/tenant has made a good faith effort to correct the deficiencies and is unable to for reasons beyond the owner's control. Reasons may include, but are not limited to:

(a) A repair cannot be completed because required parts or services are not available;

(b) A repair cannot be completed because of weather conditions; or

(c) A reasonable accommodation is needed because the family includes a person with disabilities.

5601.52 The length of the extension will be determined on a case by case basis, but will not exceed sixty (60) days, except in the case of delays caused by weather conditions. In the case of weather conditions, extensions may be continued until the weather has improved sufficiently to make repairs possible. The necessary repairs must be made within fifteen (15) calendar days, once the weather conditions have subsided.

5601.53 DCHA will conduct a reinspection within fifteen (15) days of the notification from the owner that the HQS violation has been corrected. It is the owner's responsibility to contact the Inspector to request reinspection of an abated property.

5601.54 The family and owner will be given reasonable notice of the reinspection appointment. If the deficiencies have not been corrected by the time of the reinspection, DCHA will send a notice of abatement to the owner, or in the case of family caused violations, a notice of termination to the family, in accordance with DCHA policies. If DCHA is unable to gain entry to the unit in order to conduct the scheduled reinspection, DCHA will consider the family to have violated its obligation to make the unit available for inspection.

5601.55 If the owner fails to maintain the dwelling unit in accordance with HQS, DCHA must take prompt and vigorous action to enforce the owner obligations.

5601.56 If an owner fails to correct HQS deficiencies by the time specified by DCHA, HUD requires DCHA to abate housing assistance payments no later than the first of the month following the specified correction period (including any approved extension). No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS failures that are the family's responsibility.

5601.57 DCHA will make all HAP abatements effective the first of the month following the expiration of DCHA specified correction period (including any extension).

5601.58 Immediately after the failed reinspection, DCHA will issue the family a voucher to lease a new unit. If the family is unable to lease a new unit within the voucher term and any approved extensions, DCHA will provide the family a selection preference for an appropriate-sized public housing unit that first becomes available for occupancy.

5601.59 To the extent practicable, DCHA will inspect abated units within five (5) business days of the owner's notification that the work has been completed. Payment will resume effective on the day the unit passes inspection.

5601.60 In the case where the owner agreed to pay a one hundred dollar ($100) reinspection fee (payment will not resume until the owner has paid the one hundred dollar ($100) fee to DCHA).

5601.61 No retroactive payments will be made to the owner for the period of time the rent was abated. Owner rents are not abated as a result of HQS deficiencies that are the family's responsibility. During any abatement period the family continues to be responsible for its share of the rent. The owner must not seek payment from the family for abated amounts and may not use the abatement as cause for eviction.

5601.62 DCHA must decide how long any abatement period will continue before the HAP contract will be terminated. DCHA should not terminate the contract until the family finds another unit, provided the family does so in a reasonable time and must give the owner reasonable notice of the termination. DCHA will issue a voucher to permit the family to move to another unit.

5601.63 DCHA will initiate termination of the HAP contract for units with an abatement period of ninety (90) days. However, if the owner completes corrections and notifies DCHA before the termination date of the HAP contract, DCHA may rescind the termination notice if:

(a) the family still resides in the unit and wishes to remain in the unit; and

(b) the unit passes inspection.

5601.64 Reasonable notice of HAP contract termination by DCHA is thirty (30) days.

5601.65 Families are responsible for correcting any HQS violations. If the family fails to correct a violation within the period allowed by DCHA (and any extensions), DCHA will terminate the family's assistance, according to its policies.

5601.66 If the owner carries out a repair for which the family is responsible under the lease, the owner may bill the family for the cost of the repair.

5602 RENT REASONABLENESS

5602.1 Except in the case of certain low-income housing tax credits (LIHTCs) or HUD's HOME Investment Partnerships (HOME) Program assisted units, no HAP contract can be approved until DCHA has determined that the rent for the unit is reasonable. The purpose of the rent reasonableness test is to ensure that a fair rent is paid for each unit rented under the HCV Program.

5602.2 [RESERVED]

5602.3 Upon HUD approval of DCHA's proposed MTW policy, DCHA may determine rent reasonableness for DCHA-owned units and waive the independent entity requirements related to rent reasonableness. Prior to the approval of this MTW policy, in cases where an HCV family is receiving assistance in a DCHA-owned unit, DCHA will obtain the services of an independent entity to determine rent reasonableness in accordance with program requirements, and to assist the family in negotiating the contract rent when the family requests assistance. A DCHA-owned unit is defined as a unit that is owned by DCHA that administers the assistance under the consolidated Annual Contribution Contract (ACC) (including a unit owned by an entity substantially controlled by DCHA). The independent agency must communicate the results of the rent reasonableness determination to the family and DCHA. The independent agency must be approved by HUD and may be the unit of general local government for DCHA jurisdiction (unless DCHA is itself the unit of general local government or an agency of such government).

5602.4 DCHA will make a rent reasonableness determination at initial occupancy and upon request by the owner for a rent adjustment.

5602.5 The owner and family first negotiate the rent for a unit. DCHA will assist the family with the negotiations upon request. At initial occupancy, DCHA will determine whether the proposed rent is reasonable before a HAP contract is signed. The owner must not change the rent during the initial lease term. Subsequent requests for rent adjustments must be consistent with the lease between the owner and the family. Rent increases will not be approved unless any failed items identified by the most recent HQS inspection have been corrected.

5602.6 After the initial occupancy period, the owner may request a rent adjustment in accordance with the owner's lease. Owners must submit requests in writing to DCHA at least ninety (90) days before the lease anniversary but not more than one hundred twenty (120) days before the lease anniversary. Owners may only submit rent increase requests once in a twelve (12) month period. For rent increase requests after initial lease-up, DCHA may request owners to provide information about the rents charged for other units on the premises, if the premises include more than four (4) units. In evaluating the proposed rents in comparison to other units on the premises DCHA will consider unit size and length of tenancy in the other units.

5602.7 DCHA will determine whether the requested increase is reasonable in a timely manner. The owner and family will be notified of the determination in writing.

5602.8 All rent adjustments will be effective the first of the month following sixty (60) days after DCHA's receipt of the owner's request or on the date specified by the owner, whichever is later.

5602.9 DCHA will also make a determination of rent reasonableness (even if the owner has not requested a change) if there is a ten percent (10%) decrease in the fair market rent that goes into effect at least sixty (60) days before the contract anniversary date or if directed by HUD. DCHA may also decide that a new determination of rent reasonableness is needed at any time.

5602.10 In addition to the instances described above, DCHA will decide rent reasonableness at any time after the initial occupancy period if:

(a) DCHA determines that the initial rent reasonableness determination was in error; or

(b) DCHA determines that the information provided by the owner about the unit or other units on the same premises was incorrect.

5602.11 For units receiving LIHTCs or units assisted under HUD's HOME Program, a rent comparison with unassisted units is not required if the voucher rent does not exceed the rent for other LIHTC or HOME assisted units in the project that are not occupied by families with tenant-based assistance.

5602.12 For LIHTCs, if the rent requested by the owner does exceed the LIHTC rents for non-voucher families, DCHA must perform a rent comparability study in accordance with program regulations. In such cases, the rent shall not exceed the lesser of:

(a) the reasonable rent as determined from the rent comparability study; or

(b) the payment standard established by DCHA for the unit size involved.

5602.13 DCHA considers the factors listed below when determining rent comparability. DCHA may use these factors to make upward or downward adjustments to the rents of comparison units when the units are not identical to the HCV-assisted unit.

(a) Location and age;

(b) Unit size including the number of rooms and square footage of rooms;

(c) The type of unit including construction type (e.g., single family, duplex, garden, low-rise, high-rise);

(d) The quality of the units including the quality of the original construction,

maintenance and improvements made; and

(e) Amenities, services, and utilities included in the rent.

5602.14 Comparable units must represent unrestricted market rents. Therefore, units that receive some form of federal, state, or local assistance that imposes rent restrictions will not be considered comparable units. These include units assisted by HUD through any of the following programs: HCV project-based assistance, Section 236 and Section 221(d)(3) Below Market Interest Rate (BMIR) projects, HOME or Community Development Block Grant (CDBG) program-assisted units in which the rents are subsidized; units subsidized through federal, state, or local tax credits; units subsidized by the Department of Agriculture rural housing programs, and units that are rent-controlled by local ordinance.

5602.15 [RESERVED]

5602.16 DCHA requires the owner to provide information on the RFTA (HUD-52517), on the form itself, about the rent charged for other unassisted comparable units on the premises if the premises include more than four (4) units.

5602.17 By accepting DCHA payment each month, the owner certifies that the rent is not more than the rent charged for comparable unassisted units on the premises. If asked to do so, the owner must give DCHA information regarding rents charged for other units on the premises or elsewhere.

5602.18 DCHA will utilize commercially available rent reasonableness systems that generate and maintain an appropriately sized, up-to-date database of market-based comparable units in the subject market area; provides the analytical tools to analyze rent requests; and provides outcomes and supportable documentation which meet HUD rent reasonableness requirements.

5602.19 DCHA may adjust the system generated comparable rent when and if unit conditions are not fully represented in the system generated comps (i.e., if a unit is significantly upgraded or in a superior neighborhood). Additionally, upon owner request and provision of relevant documentation (i.e., additional comparable unit rents or unit feature updates), DCHA may review the reasonable rent determination and update the reasonable rent.

5602.20 The rent for a unit proposed for HCV assistance will be compared to the rent charged for comparable unassisted units, and, where appropriate, to information provided by owners on the RFTA for rents charged for other unassisted comparable units on the premises (if the premises include more than four (4) units.

5602.21 Because units may be similar, but not exactly like, the unit proposed for HCV assistance, DCHA may make upward and downward dollar adjustments for differences between the proposed HCV unit and the comparables to determine the reasonable rent for the HCV unit.

5602.22 The adjustment must reflect the local market. Not all differences in units require adjustments (e.g., the presence or absence of a garbage disposal may not affect the rent in some market areas).

5602.23 Adjustments may vary by unit type (e.g., a second bathroom may be more valuable in a three (3) bedroom unit than in a two (2) bedroom).

5602.24 The adjustment must reflect the rental value of the difference - not its construction costs (e.g., it might cost twenty thousand dollars ($20,000) to put on a new roof, but the new roof might not make any difference in what a tenant would be willing to pay because rental units are presumed to have functioning roofs).

5602.25 When a comparable project offers rent concessions (e.g., first month rent-free, or reduced rent) reported monthly rents will be adjusted accordingly. For example, if a comparable project reports rents of five hundred dollars ($500) per month but new tenants receive the first month's rent free, the actual rent for the unit would be calculated as follows: $500 x 11 months = 5500/12 months = actual monthly rent of $488.

5602.26 DCHA will notify the owner of the rent DCHA can approve based upon its analysis of rents for comparable units. The owner may submit information about other comparable units in the market area. DCHA will confirm the accuracy of the information provided and consider this additional information when making rent determinations. The owner must submit any additional information within five business days of DCHA's request for information or the owner's request to submit information.

CHAPTER 57

GENERAL LEASING POLICIES

5700 GENERAL LEASING POLICIES

5700.1 The District of Columbia Housing Authority (DCHA) has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy.

5700.2 DCHA will not screen applicants for family behavior or suitability for tenancy.

5700.3 The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before DCHA approval of the tenancy, DCHA will inform the owner that screening and selection for tenancy is the responsibility of the owner. DCHA will also inform the owner or manager or their rights and obligations under the Violence against Women Act of 2022 (VAWA).

5700.4 [RESERVED]

5700.5 DCHA will not provide additional screening information to the owner other than information required as stated above.

5700.6 [RESERVED]

5700.7 DCHA will not disclose to the owner any confidential information provided by the family in response to a DCHA request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation.

5700.8 [RESERVED]

5700.9 The owner and the family must submit two documents to DCHA:

(a) Completed Request for Tenancy Approval (RFTA) – Form HUD-52517; and

(b) Copy of the proposed lease, including the HUD-prescribed Tenancy Addendum – Form HUD-52641-A.

5700.10 [RESERVED]

5700.11 Owners must certify to the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent.

5700.12 Owners must certify that they are not the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless DCHA has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household.

5700.13 For units constructed prior to 1978, owners must either:

(a) Certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or

(b) Attach a lead-based paint disclosure statement.

5700.14 Both the RFTA and the proposed lease must be submitted no later than the expiration date stated on the voucher.

(a) The RFTA must be signed by both the family and the owner;

(b) The owner may submit the RFTA on behalf of the family;

(c) Completed RFTA (including the proposed dwelling lease) must be submitted electronically through DCHA's portal;

(d) The family may not submit, and DCHA will not process, more than one (1) RFTA at a time;

(e) When the family submits the RFTA, DCHA will review the RFTA for completeness;

(f) If the RFTA is incomplete (including lack of signature by family, owner, or both), or if the dwelling lease is not submitted with the RFTA, DCHA will notify the family and the owner of the deficiencies;

(g) Any missing or incomplete documents must be (re)submitted electronically through DCHA's portal;

(h) When the family submits the RFTA and proposed lease, DCHA will also review the terms of the RFTA for consistency with the terms of the proposed lease;

(i) If the terms of the RFTA are not consistent with the terms of the proposed lease, DCHA will notify the family and the owner of the discrepancies;

(j) Any corrected documents must be resubmitted electronically through DCHA's portal; and

(k) Because of the time sensitive nature of the tenancy approval process, DCHA will communicate with the owner and family electronically on the status of the RFTA.

5700.15 [RESERVED]

5700.16 [RESERVED]

5700.17 [RESERVED]

5700.18 [RESERVED]

5700.19 Otherwise eligible units that are owned or substantially controlled by DCHA may also be leased in the voucher program. In order for a DCHA-owned unit to be leased under the voucher program, the unit must not be ineligible housing as defined in §5700.18 and DCHA will inform the family, both orally and in writing, that the family has the right to select any eligible unit available for lease and that the family is free to select a DCHA-owned unit without any pressure or steering by DCHA.

5700.20 DCHA does have eligible DCHA-owned units available for leasing under the voucher program.

5700.21 [RESERVED]

5700.22 [RESERVED]

5700.23 A family may not receive the benefit of Housing Choice Voucher (HCV) tenant-based assistance while receiving the benefit of any of the following forms of other housing subsidy, for the same unit or for a different unit:

(a) Public or Indian housing assistance;

(b) Other Housing Choice Voucher (HCV) assistance (including other tenant-based assistance);

(c) Assistance under former Section 23 of the United States Housing Act of 1937 (before amendment by the Housing and Community Development Act of 1974);

(d) Section 101 rent supplements;

(e) Section 236 rental assistance payments;

(f) Tenant-based assistance under the HUD HOME Investment Partnership Program (HOME);

(g) Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);

(h) Any local or State rent subsidy;

(i) Section 202 supportive housing for the elderly;

(j) Section 811 supportive housing for persons with disabilities;

(k) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or

(l) Any other duplicative federal, State, or local housing subsidy, as determined by HUD. Local housing subsidy subject to this restriction includes any long-term rental assistance program. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a social security payment received by the family, or a rent reduction because of a tax credit.

5700.24 In order to be eligible, the dwelling unit must be in decent, safe, and sanitary condition. This determination is made using HUD’s Housing Quality Standards (HQS) or applicable successor standard.

5700.25 In order to be eligible, the dwelling unit must be appropriate for the number of persons in the household. A family must be allowed to lease an otherwise acceptable dwelling unit with fewer bedrooms than the number of bedrooms stated on the voucher issued to the family, provided the unit meets the applicable HQS

space requirements. The family must be allowed to lease an otherwise acceptable dwelling unit with more bedrooms than the number of bedrooms stated on the voucher issued to the family.

5700.26 In order to be eligible, the dwelling unit must have a reasonable rent. The rent must be reasonable in relation to comparable unassisted units in the area and must not be more than rents charged by the owner for comparable, unassisted units on the premises.

5700.27 Where a family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the family, the family share cannot exceed forty percent (40%) of the family's adjusted monthly income. The term "family share" refers to the amount the family pays toward rent and utilities. The gross rent for the unit minus the total housing assistance payment (HAP) for the unit equals the family share.

5700.28 The family and the owner must execute a written dwelling lease agreement for the assisted unit. This written lease is a contract between the tenant family and the owner; DCHA is not a party to this contract.

5700.29 The tenant must have legal capacity to enter a lease under District law. "Legal capacity" means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

5700.30 If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease. The HAP contract prescribed by HUD contains the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease for the assisted tenants is in such standard form.

5700.31 All provisions in the HUD-required Tenancy Addendum must be added word-for-word to the owner's standard lease form. The Tenancy Addendum includes the HUD requirements for the tenancy. Because it is a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the owner. If there is a conflict between the owner's lease and the Tenancy Addendum, the terms of the Tenancy Addendum shall prevail over any other provisions of the lease.

5700.32 DCHA does not provide a model or standard dwelling lease for owners to use in the HCV program.

5700.33 The assisted dwelling lease must comply with program requirements at 24 CFR §982.308 and must contain all of the required information as listed below:

(a) The names of the owner and the tenant;

(b) The unit rented (address, apartment number, and any other information

needed to identify the contract unit);

(c) The term of the lease (initial term and any provisions for renewal);

(d) The amount of the monthly rent to owner; and

(e) A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family.

5700.34 [RESERVED]

5700.35 [RESERVED

5700.36 DCHA will not approve an initial lease term of less than one (1) year.

5700.37 During the initial term of the lease, the owner may not raise the rent to owner.

5700.38 Any provisions for renewal of the dwelling lease will be stated in the dwelling lease.

5700.39 Subject to funding availability, DCHA may provide security deposit assistance for the family. The security deposit assistance will not exceed the actual security deposit required by the owner or the maximum security deposit allowed under District law. DCHA will pay the security deposit directly to the owner. In order to reduce barriers to leasing, DCHA may also provide assistance to the family for application fees, subject to funding availability. Additionally, DCHA may make incentive or retention payments to owners, subject to funding availability, including for mitigation for damages when the security deposit is insufficient to cover damages owed under the lease.

5700.40 The owner may collect a security deposit from the tenant.

5700.41 DCHA will restrict the security deposit amount to no more than one (1) month's contract rent.

5700.42 Owners may not demand or accept any rent payment from the family in excess of the rent to the owner as approved by DCHA minus DCHA's housing assistance payments to the owner.

5700.43 The owner may not charge the tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises.

(a) DCHA permits owners and families to execute separate, non-lease agreements for services, appliances (other than range and refrigerator) and other items that are not included in the lease.

(b) Any items, appliances, or other services that are customarily provided to

unassisted families as part of the dwelling lease with those families, or are permanently installed in the dwelling unit must be included in the dwelling lease for the assisted family. These items, appliances or services cannot be placed under a separate non-lease agreement between the owner and family. Side payments for additional rent, or for items, appliances or services customarily provided to unassisted families as part of the dwelling lease for those families, are prohibited.

(c) Any items, appliances, or other services that are not customarily provided to unassisted families as part of the dwelling lease with those families, are not permanently installed in the dwelling unit and where the family has the sole option of not utilizing the item, appliance or service, may be included in a separate non-lease agreement between the owner and the family.

(d) The family is not liable and cannot be held responsible under the terms of the assisted dwelling lease for any charges pursuant to a separate non-lease agreement between the owner and the family. Non-payment of any charges pursuant to a separate non-lease agreement between the owner and the family cannot be a cause for eviction or termination of tenancy under the terms of the assisted dwelling lease.

(e) Separate non-lease agreements that involve additional items, appliances or other services may be considered amenities offered by the owner and may be taken into consideration when determining the reasonableness of the rent for the property.

5700.44 [RESERVED]

5700.45 If the dwelling lease is incomplete or incorrect as defined in this section, DCHA will notify the owner of the deficiencies. Any missing or incomplete documents must be resubmitted electronically through DCHA's portal. Corrected documents must be submitted electronically via the online portal. DCHA will not accept missing and corrected information over the phone.

5700.46 [RESERVED]

5700.47 DCHA will not review the owner's lease for compliance with district law.

5700.48 [RESERVED]

5700.49 [RESERVED]

5700.50 [RESERVED]

5700.51 DCHA will determine if the assisted tenancy will be approved within ten (10) business days of receiving all required information, as defined in this section.

(a) If the terms of the RFTA/proposed lease are changed for any reason, including but not limited to negotiation with DCHA, DCHA will obtain corrected copies of the RFTA and proposed lease, signed by the family and the owner.

(b) Corrections to the RFTA/proposed lease will only be accepted through DCHA's electronic portal. DCHA will not accept corrections over the phone.

(c) If DCHA determines that the tenancy cannot be approved for any reason, the owner and the family will be notified in writing and given the opportunity to address any reasons for disapproval. DCHA will instruct the owner and family of the steps that are necessary to obtain approval of the tenancy.

(1) Where the tenancy is not approvable because the unit is not approvable, the family must continue to search for eligible housing within the timeframe of the issued voucher.

(2) If the tenancy is not approvable due to rent affordability or rent reasonableness, DCHA will attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy will be approved. If the owner is not willing to negotiate an approvable rent, the family must continue to search for eligible housing within the timeframe of the issued voucher.

5700.52 The HAP contract is a written agreement between DCHA and the owner of the dwelling unit. Under the HAP contract, DCHA agrees to make housing assistance payments to the owner on behalf of the family, and the owner agrees to comply with all program requirements as stated in the HAP contract.

5700.53 [RESERVED]

5700.54 If DCHA has given approval for the family of the assisted tenancy, the owner and DCHA must execute the HAP contract.

5700.55 The term of the HAP contract must be the same as the term of the lease.

5700.56 DCHA is permitted to execute a HAP contract even if the funding currently available does not extend for the full term of the HAP contract.

5700.57 DCHA will make its best effort to ensure that the HAP contract is executed before the beginning of the lease term. Regardless, the HAP contract must be executed no later than sixty (60) calendar days from the beginning of the lease term.

5700.58 DCHA will not pay any housing assistance payment to the owner until the HAP contract has been executed. If the HAP contract is executed during the period of

sixty (60) calendar days from the beginning of the lease term, DCHA will pay housing assistance payments after execution of the HAP contract (in accordance with the terms of the HAP contract), to cover the portion of the lease term before execution of the HAP contract (a maximum of sixty (60) days).

5700.59 Any HAP contract executed after the sixty (60) day period is void, and DCHA may not pay any housing assistance payment to the owner.

5700.60 Owners who have not previously participated in the HCV Program must attend a virtual meeting with DCHA in which the terms of the Tenancy Addendum and the HAP contract will be explained. DCHA may waive this requirement on a case-by-case basis, if it determines that the owner is sufficiently familiar with the requirements and responsibilities under the HCV Program.

5700.61 The owner and the assisted family will execute the dwelling lease and the owner must provide a copy to DCHA.

5700.62 The owner and DCHA will execute the HAP contract. DCHA will not execute the HAP contract until the owner has submitted IRS form W-9. DCHA will ensure that the owner receives a copy of the executed HAP contract.

5700.63 As required under VAWA 2022, once the initial HAP contract and lease have been executed and the family has been admitted to the program, DCHA will notify families of their rights under VAWA by providing all families with a copy of the domestic violence certification form (HUD-5382) as well as the VAWA notice of occupancy rights (form HUD-5380).

5700.64 [RESERVED]

5700.65 If the tenant and the owner agree to any changes in the lease, such changes must be in writing, and the owner must immediately give DCHA a copy of such changes. The lease, including any changes, must remain in accordance with the requirements of §5700.

5700.66 Generally, DCHA approval of tenancy and execution of a new HAP contract are not required for changes in the lease. However, under certain circumstances, the execution of a new lease and HAP contract are required. These circumstances include:

(a) Changes in lease requirements governing tenant or owner responsibilities for utilities or appliances;

(b) Changes in lease provisions governing the term of the lease; or

(c) The family moves to a new unit, even if the unit is in the same building or complex.

5700.67 Where the owner is changing the amount of the rent to the owner, the owner must notify DCHA at least sixty (60) days before any such changes go into effect. DCHA will agree to such an increase only if the amount of the rent to owner is considered reasonable according to the rent reasonableness standards discussed in Chapter 56. If the requested rent is not found to be reasonable, the owner must either reduce the requested rent increase, or terminate the tenancy in accordance with the terms of the lease.

5700.68 No rent increase is permitted during the initial term of the lease.

5700.69 DCHA will determine whether the requested increase is reasonable within fourteen (14) business days of receiving the request from the owner. The owner will be notified of the determination in writing. All rents adjustments will be effective the first of the month following sixty (60) days after DCHA's receipt of the owner's request or on the date specified by the owner, whichever is later.

CHAPTER 58

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

5800 MOVING WITH CONTINUED ASSISTANCE

5800.1 The District of Columbia Housing Authority (DCHA) will permit an assisted family to move to a new unit with continued assistance under the circumstances which are listed below:

(a) The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease. If the family terminates the lease on notice to the owner, the family must give DCHA a copy of the notice at the same time;

(b) The lease for the family's unit has been terminated by mutual agreement of the owner and the family. If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give DCHA a copy of the termination agreement;

(c) The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family. The family must give DCHA a copy of any owner eviction notice; or

(d) The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking as defined under the Violence Against Women Act (VAWA) and the move is needed to protect the health or safety of the family or family member. This condition applies even when the family has moved out of its unit in violation of the lease, with

or without prior notification to DCHA, if the family or family member who is the victim reasonably believed that they were imminently threatened by harm from further violence if they remained in the unit.

5800.2 If a family requests an emergency transfer under VAWA based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, DCHA will request that the resident request the emergency transfer using Form HUD-5383: Emergency Transfer Request for Certain Victims of Domestic Violence, Sexual Assault, or Stalking, and DCHA will request other documentation as well.

(a) DCHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases, DCHA will document the waiver;

(b) DCHA may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator;

(c) Before granting an emergency transfer, DCHA will ensure the victim is eligible to receive continued assistance based on the citizenship or immigration status of the victim;

(d) DCHA has adopted an emergency transfer plan;

(e) DCHA has terminated the housing assistance payments (HAP) contract for the family's unit for the owner's breach; or

(f) DCHA determines that the family's current unit does not meet the Housing Quality Standards (HQS) space standards because of an increase in family size or a change in family composition. In such cases, DCHA must issue the family a new voucher, and the family and DCHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, DCHA must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which DCHA gives notice to the owner.

5800.3 A family's right to move is generally contingent upon the family's compliance with program requirements.

5800.4 DCHA will deny a family permission to move on grounds that DCHA does not have sufficient funding for continued assistance if:

(a) The move is initiated by the family, not the owner or DCHA;

(b) DCHA can demonstrate that the move will, in fact, result in higher subsidy costs;

(c) DCHA can demonstrate that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs; and

(d) For portability moves, the receiving public housing authority (PHA) is not absorbing the voucher.

5800.5 If DCHA does not have sufficient funding for continued assistance, but the family must move from their unit (e.g., the unit failed HQS), the family may move to a higher cost unit if the move is within DCHA's jurisdiction. DCHA, however, will not allow the family to move under portability in this situation if the family wishes to move to a higher cost area.

5800.6 For both moves within DCHA's jurisdiction and outside under portability, DCHA will not deny a move due to insufficient funding if DCHA previously approved the move and subsequently experienced a funding shortfall if the family cannot remain in their current unit. DCHA will rescind the voucher in this situation if the family will be allowed to remain in their current unit.

5800.7 DCHA will create a list of families whose moves have been denied due to insufficient funding. DCHA will keep the family's request open indefinitely, and when funds become available, the families on this list will take precedence over families on the waiting list. DCHA will use the same procedures for notifying families with open requests to move when funds become available as it uses for notifying families on the waiting list.

5800.8 DCHA will inform the family of its policy regarding moves denied due to insufficient funding in a letter to the family at the time the move is denied.

5800.9 With the exception of approved VAWA transfers defined in §5800.1(d), DCHA may deny a family permission to move if it has grounds for denying or terminating the family's assistance. If DCHA has grounds for denying or terminating a family's assistance, DCHA will act on those grounds in accordance with the regulations and policies set forth herein. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances

5800.10 DCHA will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within DCHA's jurisdiction or outside it under portability.

5800.11 DCHA will also deny a family permission to make more than one elective move during any twelve (12) month period. For elective moves during the twelve (12) month period, DCHA will only allow a new lease to begin on the first of the month. This policy applies to all assisted families residing in DCHA's jurisdiction.

5800.12 DCHA will consider exceptions to these policies for the following reasons:

(a) To protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs);

(b) To accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area); or

(c) To address an emergency over which a family has no control.

5800.13 DCHA will allow exceptions to these policies in §5800 for purposes of reasonable accommodation of a family member who is a person with disabilities.

5800.14 If a family wishes to move to a new unit, the family must notify DCHA and the owner consistent with the provisions of their lease. The family must notify DCHA in writing before moving out of the old unit or terminating the lease on notice to the owner. If the family wishes to move to a unit outside DCHA's jurisdiction under portability, the notice to DCHA must specify the area where the family wishes to move. The notices must be in writing.

5800.15 Upon receipt of a family's notification that it wishes to move, DCHA will determine whether the move is approvable. DCHA will notify the family in writing of its determination within fourteen (14) business days following receipt of the family's notification.

5800.16 For families approved to move to a new unit within DCHA's jurisdiction, DCHA will not perform a new biennial/triennial reexamination unless the biennial/triennial reexamination is due with the effective date of the move.

5800.17 For families moving into, or families approved to move out of, DCHA's jurisdiction under portability, DCHA will follow the policies set forth in this §5800.

5800.18 Families approved to move to a new unit within DCHA's jurisdiction are required to attend or participate in a transfer briefing, which DCHA may provide in-person or online. Once DCHA has confirmed the family's attendance or participation, DCHA will issue the family a transfer voucher.

5800.19 DCHA will follow the policies on voucher term, extension, and expiration. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees and DCHA approves. Otherwise, the family will lose its assistance.

5800.20 For families moving into or families approved to move out of DCHA's jurisdiction under portability, DCHA will follow the policies set forth in this §5800.

5800.21 When a family moves out of an assisted unit, DCHA may not make any housing assistance payment to the owner for any month after the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

5800.22 If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

5800.23 If the family moves between buildings owned by the same owner, the move will be processed like any other move except there will be no overlapping assistance.

5800.24 A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. DCHA must issue a voucher to move unless it has grounds to deny assistance under the program regulations. However, if DCHA determines no subsidy would be paid at the new unit, DCHA may refuse to enter a HAP contract on behalf of the family.

5800.25 If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, DCHA will not enter into a HAP contract on behalf of the family for the new unit.

5801 PORTABILITY

5801.1 Within the limitations of the regulations and this plan, a participant family or an applicant family that has been issued a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a PHA administering a tenant-based voucher program. The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another PHA is known as portability. The PHA that issues the voucher is called the initial PHA**.** The PHA that has jurisdiction in the area to which the family wants to move is called the receiving PHA.

5801.2 When a family ports out, DCHA is the initial PHA.

5801.3 When a family ports in, DCHA is the receiving PHA. DCHA will act as both the initial and receiving PHA because families may move into or out of the District of Columbia under portability. Each role involves different responsibilities. DCHA will follow the rules and policies in this §5800 when it is acting as the initial PHA for a family and when it is acting as the receiving PHA for a family.

5801.4 [RESERVED]

5801.5 [RESERVED]

5801.6 The policies included in this section through § 5801.45 describe DCHA's policy on port-outs. DCHA is the initial PHA when a family ports out. A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program. If there is more than one PHA in the area, the DCHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform DCHA which receiving PHA it has selected. If the family prefers not to select the receiving PHA, DCHA will select the receiving PHA on behalf of the family.

5801.7 Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside DCHA's jurisdiction under portability.

5801.8 [RESERVED]

5801.9 In determining whether to deny an applicant family permission to move under portability because DCHA lacks sufficient funding or has grounds for denying assistance to the family, DCHA will follow the policies established this §5800. If DCHA does deny the move due to insufficient funding, DCHA will notify HUD in writing within ten (10) business days of DCHA's determination to deny the move.

5801.10 [RESERVED]

5801.11 If neither the head of household nor the spouse/co-head of an applicant family had a domicile (legal residence) in the District of Columbia at the time that the family's initial application for assistance was submitted, the family must lease a unit within the DCHA's jurisdiction for at least twelve (12) months before requesting portability.

5801.12 DCHA will consider exceptions to this policy for purposes of reasonable accommodation or reasons related to domestic violence, dating violence, sexual assault, or stalking.

5801.13 [RESERVED]

5801.14 DCHA will determine whether a participant family may move out of DCHA's jurisdiction with continued assistance in accordance with the regulations and policies set forth in this §5800. DCHA will notify the family of its determination in accordance with the approval policy set forth in this §5800.

5801.15 [RESERVED]

5801.16 DCHA will determine whether an applicant family is income eligible in the area to which the family wishes to move. If the applicant family is not income eligible in that area, DCHA must inform the family that it may not move there and receive voucher assistance.

5801.17 The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability.

5801.18 No new reexamination of family income and composition is required for an applicant family.

5801.19 For a participant family approved to move out of DCHA's jurisdiction under portability, DCHA generally will conduct a reexamination of family income and composition. DCHA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

5801.20 [RESERVED]

5801.21 No formal briefing will be required for a participant family wishing to move outside DCHA's jurisdiction under portability. However, DCHA will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program.

5801.22 DCHA will provide the name, address, and phone of the contact for the PHA in the jurisdiction to which they wish to move. If there is more than one PHA with jurisdiction over the area to which the family wishes to move, DCHA will:

(a) Advise the family that the family selects the receiving PHA and notifies DCHA of which receiving PHA was selected;

(b) Provide the family with contact information for all of the receiving PHAs that serve the area except as noted below;

(c) Not provide any additional information about receiving PHAs in the area;

(d) Inform the family that if the family prefers not to select the receiving PHA, DCHA will select the receiving PHA on behalf of the family. In this case, DCHA will not provide the family with information for all receiving PHAs in the area.

5801.23 DCHA will advise the family that they will be under the receiving PHA's policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

5801.24 An applicant family has no right to portability until after the family has been issued a voucher.

5801.25 For participating families approved to move under portability, DCHA will issue a new voucher within ten (10) business days of DCHA's written approval to move. The initial term of the voucher will be sixty (60) days.

5801.26 DCHA will approve no extensions to a voucher issued to an applicant or participant family porting out of DCHA's jurisdiction except under the following circumstances:

(a) The initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA;

(b) The family decides to return to DCHA's jurisdiction and search for a unit there; or

(c) The family decides to search for a unit in a third PHA's jurisdiction.

In such cases, the policies on voucher extensions described in Chapter 53, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term, shall apply.

5801.27 To receive or continue receiving assistance under DCHA's voucher program, a family that moves to another PHA's jurisdiction under portability must be under HAP contract in the receiving PHA's jurisdiction within ninety (90) days following the expiration date of DCHA's voucher term (including any extensions).

5801.28 Prior to approving a family's request to move under portability, DCHA will contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the family's voucher. Based on the receiving PHA's response, DCHA will determine whether it will approve or deny the move.

5801.29 DCHA will use email, when possible, to contact the receiving PHA regarding whether the receiving PHA will administer or absorb the family's voucher.

5801.30 [RESERVED]

5801.31 Because the portability process is time sensitive, DCHA will notify the receiving PHA by phone, fax, or email to expect the family. DCHA will also ask the receiving PHA to provide any information the family may need upon arrival, including the name, fax, email address, and telephone number of the staff person responsible for business with incoming portable families and procedures related to appointments for voucher issuance. DCHA will pass this information along to the family. DCHA will also ask for the name, address, telephone number, fax and email of the person responsible for processing the billing information.

5801.32 DCHA is required to send the receiving PHA the following documents:

(a) Form HUD-52665, Family Portability Information, with Part I filled out;

(b) A copy of the family's voucher;

(c) A copy of the family's most recent form HUD-50058, Family Report, or, if necessary in the case of an applicant family, family and income information in a format similar to that of form HUD-50058; and

(d) Copies of the income verifications backing up the form HUD-50058, including a copy of the family's current EIV data.

In addition to these documents, DCHA will provide the following information, if available, to the receiving PHA:

(1) Social Security numbers (SSNs);

(2) Documentation of SSNs for all nonexempt household members whose SSNs have not been verified through the EIV system;

(3) Documentation of legal identity;

(4) Documentation of citizenship or eligible immigration status;

(5) As applicable, documentation of participation in the earned income disallowance (EID) benefit (only until December 31, 2025, when EID ends per HUD requirement);

(6) As applicable, documentation of participation in a family self-sufficiency (FSS) program;

(7) As applicable and upon implementation of The Housing Opportunity Through Modernization Act of 2016 (HOTMA), information related to the family's health and medical care and disability assistance expense phased-in hardship exemption, including what stage the family is in and how many months remain in that phase-in stage.

5801.33 DCHA will notify the family in writing regarding any information provided to the receiving PHA.

5801.34 [RESERVED]

5801.35 [RESERVED]

5801.36 [RESERVED]

5801.37 DCHA's decision as to whether to accept late billing will be based on internal factors, including the DCHA's leasing or funding status. If DCHA has not received an initial billing notice from the receiving PHA within the billing deadline and does not intend to honor the late billing, it will contact the receiving PHA to inform them that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family. In this case, DCHA will send the receiving PHA a written confirmation of its decision by email or fax.

5801.38 Among other considerations as to whether to accept late billing will be if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving PHA.

5801.39 [RESERVED]

5801.40 [RESERVED]

5801.41 [RESERVED]

5801.42 DCHA will utilize direct deposit to ensure that the payment is received by the deadline unless the receiving PHA notifies DCHA that direct deposit is not acceptable to them.

5801.43 [RESERVED]

5801.44 [RESERVED]

5801.45 At any time, either DCHA or the receiving PHA may decide to deny or terminate assistance with the family according to the policies described in Chapter 51 and Chapter 76.

5801.46 The policies included in this section through §5801.92 describe DCHA's policies on port-ins. When a family ports into DCHA, DCHA is the receiving PHA. If a family has a right to lease a unit in DCHA's jurisdiction under portability, DCHA must provide assistance for the family.

5801.47 Administration of the port-in voucher will be in accordance with DCHA's policies. This requirement also applies to policies of Moving to Work agencies. DCHA's procedures and preferences for selection among eligible applicants do not apply to the family, and DCHA's waiting list is not used. The family's unit, or voucher, size is determined in accordance with the subsidy standards of DCHA, and DCHA's policies on extensions of the voucher term apply.

5801.48 [RESERVED]

5801.49 DCHA will use email or facsimile, when possible, to notify the initial PHA whether it will administer or absorb the family's voucher.

5801.50 Under the authority granted to DCHA under its Moving to Work status, DCHA does not administer the FSS Program for port-in families on an ongoing basis. The porting participant may enroll in DCHA's FSS program (thus ending participation in the initial PHA's FSS program) or be party to an agreement that they will continue in the initial PHA's FSS program. If the family opts for the latter, DCHA will also notify the initial PHA that the initial PHA should address the status of the FSS family's escrow account.

5801.51 When a family moves into DCHA's jurisdiction under portability, the family is responsible for promptly contacting DCHA and complying with DCHA's policies on eligibility (Chapter 51) and voucher issuance (Chapter 53). The family's failure to comply may result in denial or termination of DCHA's voucher.

5801.52 If the voucher issued to the family by the initial PHA has expired, DCHA will contact the initial PHA to determine if it will extend the voucher. An informal hearing is not required when a voucher has expired without the family leasing a unit.

5801.53 If for any reason DCHA refuses to process or provide assistance to a family under the portability procedures, DCHA will notify the family of their right to request an informal review or hearing.

5801.54 [RESERVED]

5801.55 DCHA requires the family to attend or participate in a briefing. DCHA will provide the family with a briefing packet and inform the family about DCHA's payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process.

5801.56 [RESERVED]

5801.57 For any family moving into its jurisdiction under portability, DCHA will conduct a new reexamination of family income and composition. The effective date of the HAP contract/lease is the family's new recertification anniversary date.

5801.58 [RESERVED]

5801.59 [RESERVED]

5801.60 When a family ports into its jurisdiction, DCHA will issue the family a voucher based on the paperwork provided by the initial PHA unless the family's paperwork from the initial PHA is incomplete, the family's voucher from the initial PHA has expired or the family does not comply with DCHA's procedures.

5801.61 [RESERVED]

5801.62 DCHA's voucher will expire thirty (30) calendars days from the expiration date of the initial PHA's voucher. If the initial PHA extends the term of the voucher, DCHA's voucher will expire thirty (30) calendar days from the new expiration date of the initial PHA's voucher.

5801.63 [RESERVED]

5801.64 DCHA generally will not extend the term of the voucher that it issues to an incoming portable family unless DCHA plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in Chapter 53.

5801.65 DCHA will consider an exception to this policy as reasonable accommodation to a person with disabilities.

5801.66 DCHA will follow the policies described in Chapter 53 regarding voucher suspension.

5801.67 [RESERVED]

5801.68 [RESERVED]

5801.69 [RESERVED]

5801.70 [RESERVED]

5801.71 [RESERVED]

5801.72 Unless DCHA negotiates a different amount of reimbursement with the initial PHA, DCHA will bill the initial PHA the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.

5801.73 If a portable family's search for a unit is successful and DCHA intends to administer the family's voucher, DCHA must submit its initial billing notice (Part II of form HUD-52665) in time that the notice will be received no later than ninety (90) days following the expiration date of the family's voucher issued by the initial PHA. This deadline may be extended for thirty (30) additional days if the delay is due to suspension of the voucher's term. A copy of the family's form HUD-50058, Family Report, completed by DCHA must be attached to the initial billing notice. DCHA may send these documents by mail, fax, or email.

5801.74 DCHA will send its initial billing notice by email to meet the billing deadline.

5801.75 [RESERVED]

5801.76 [RESERVED]

5801.77 When the family has an annual or interim reexamination, DCHA will send a copy of the updated HUD-50058 by regular mail no later than ten (10) business days after the effective date of the reexamination.

5801.78 [RESERVED]

5801.79 The timing of the notice of the change in the billing amount should correspond with the notification to the owner and the family to provide the initial PHA with advance notice of the change. Under no circumstances should the notification be later than ten (10) business days following the effective date of the change in the billing amount. If DCHA fails to send Form HUD-52665 within ten (10) days of effective date of billing changes, the initial PHA is not responsible for any increase prior to notification. If the change resulted in a decrease in the monthly billing amount, the initial PHA will offset future monthly payments until the difference is reconciled.

5801.80 If the initial PHA fails to make a monthly payment for a portable family by the fifth business day of the month, DCHA will promptly notify the initial PHA in writing of the deficiency. The notice will identify the family, the amount of the billing payment, the date the billing payment was due, and the date the billing payment was received (if it arrived late). DCHA must send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over DCHA. If the initial PHA fails to correct the problem by the second month following the notification, DCHA may request by memorandum to the director of the OPH with jurisdiction over DCHA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between DCHAs on the matter must be attached. DCHA must send a copy of the memorandum to the initial PHA. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial PHA is still responsible for any outstanding payments due to DCHA.

5801.81 [RESERVED]

5801.82 [RESERVED]

5801.83 [RESERVED]

5801.84 [RESERVED]

5801.85 [RESERVED]

5801.86 If DCHA elects to deny or terminate assistance for a portable family, DCHA will notify the initial PHA within ten (10) business days after the informal review or hearing if the denial or termination is upheld. DCHA will furnish the initial PHA with a copy of the review or hearing decision.

5801.87 [RESERVED]

5801.88 [RESERVED]

5801.89 [RESERVED]

5801.90 If DCHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, DCHA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

5801.91 If DCHA decides to absorb a family after that, it will provide the initial PHA with thirty (30) days' advance notice, but no later than ten (10) business days following the effective date of the termination of the billing arrangement.

CHAPTER 59

REEXAMINATIONS – HOUSING CHOICE VOUCHERS AND PROJECT-BASED VOUCHERS

5900 REGULAR REEXAMINATIONS

5900.1 [RESERVED]

5900.2 [RESERVED]

5900.3 As part of the reexamination process, families are required to provide updated information to the District of Columbia Housing Authority (DCHA) regarding the family's income, assets, deductions, expenses, and composition. A family's failure to comply with DCHA's reexamination process is grounds for terminating assistance.

5900.4 Under its approved Moving to Work (MTW) policy, DCHA conducts triennial reexaminations for elderly and disabled families with fixed incomes.

5900.5 For households that do not qualify for triennial reexaminations, DCHA conducts biennial reexaminations under its approved MTW policy.

5900.6 DCHA initiates the reexamination process one hundred fifty (150) days before the scheduled effective date. Generally, DCHA will schedule effective dates to coincide with the family's anniversary date, which is twenty-four (24) or thirty-six (36) months from the family's last annual examination or the family's initial examination, as applicable. However, DCHA may schedule reexaminations for a date other than the family's anniversary date for administrative purposes.

5900.7 Families will be notified electronically or by mail regarding the biennial/triennial reexamination requirements. The notice shall:

(a) Inform families of all the information that is required to be submitted to DCHA as a condition for continuing participation in the program including

but not limited to a DCHA reexamination form, and supporting documents and forms relating to the family's income, assets, deduction, expenses, and family composition; and

(b) Require such information by a specified date.

5900.8 If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a notice of termination.

5900.9 If adding a new family member to the unit causes overcrowding according to Housing Quality Standards (HQS) or successor standards, DCHA will issue the family a new voucher, and the family and DCHA must find an appropriately-sized unit according to the policies stated in Chapter 53. DCHA will terminate the housing assistance payments (HAP) contract in accordance with the regulations at 24 CFR §982.403(b), once the family finds an appropriately-sized unit.

5900.10 In general, an increase in the family share of the rent that results from a biennial/triennial reexamination will take effect on the family's anniversary date, and the family will be notified at least thirty (30) days in advance.

(a) If less than thirty (30) days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the thirty (30) day notice period.

(b) If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no thirty (30) day notice is required.

(c) If DCHA chooses to schedule a reexamination for completion before the family's anniversary date for administrative purposes, the effective date will be determined by DCHA, but will always allow for the thirty (30) day notice period.

(d) If the family causes a delay in processing the biennial/triennial reexamination, increases in the family share of the rent will be applied retroactively to the scheduled effective date of the reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement.

5900.11 In general, a decrease in the family share of the rent that results from a biennial/triennial reexamination will take effect on the family's anniversary date.

(a) If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.

(b) If DCHA chooses to schedule a reexamination for completion before the

family's anniversary date for administrative purposes, the effective date will be determined by DCHA.

(c) If the family causes a delay in processing the reexamination, *decreases* in the family share of the rent will be effective the first day of the month following the completion of the reexamination processing; the decrease in the family share will not be applied retroactively.

5900.12 Delays in reexamination processing are caused by the family if the family fails to provide the information requested by DCHA by the date specified, and this delay prevents DCHA from completing the reexamination as scheduled.

5901 INTERIM REEXAMINATIONS

5901.1 DCHA will conduct an interim reexamination to account for any changes in household or family composition that occur between biennial/triennial reexaminations.

5901.2 All families must notify DCHA, in writing, of changes to household or family composition that occur between biennial/triennial reexaminations.

5901.3 In the case of an interim reexamination related to changes in family and household composition, requests to add a family member, other than through birth, adoption, court-ordered custody awards, or changes in household composition pursuant to 14 DCMR §5120, must be submitted in writing and approved by DCHA prior to the person moving into the unit. DCHA will endeavor to make its determination within fourteen (14) business days of receiving all information required to verify the individual's eligibility. When a new family or household member is added, DCHA will determine if any new income or deductions are associated with the proposed new household member.

(a) DCHA will determine the eligibility of the new member. Based on that information, the DCHA will make appropriate adjustments to the household's total tenant payment and HAP payment.

(b) DCHA will not add a new adult to the family if doing so will result in an increase in family unit size (voucher size). This restriction does not apply to minor children, including the minor children of a newly added adult

family member or children permitted by §5120. Exceptions will be made on a case-by-case basis for purposes of reasonable accommodation.

(c) DCHA will not approve the addition of a foster child or foster adult if it will cause a violation of HQS space standards.

(d) If DCHA determines an individual meets DCHA eligibility criteria and documentation requirements, DCHA shall provide written approval to the family. If the approval of a live-in aide or addition of a minor child will

cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued a voucher and will be required to move.

(e) If DCHA determines that an individual does not meet DCHA's eligibility criteria or documentation requirements, DCHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

(f) Families must also obtain the owner's approval to add a new family or household member other than in cases of birth, adoption, the award of the custody of a child by a court, or child permitted to reside in the unit pursuant to §5120.3.

5901.4 Families must promptly notify DCHA if any family member no longer lives in their unit. Because household members are considered when determining the family unit (voucher) size families are also required to notify DCHA when any live-in aide, foster child, or foster adult ceases to reside in the unit. If a household member ceases to reside in the unit, the family must inform DCHA within ten (10) business days. This requirement also applies to:

(a) A family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent; and

(b) A minor child permitted to live in the unit pursuant to §5120.4.

5901.5 The approval of a caretaker is at the owner and DCHA's discretion and subject to the owner and DCHA's eligibility screening criteria. If neither a parent nor a designated guardian remains in a household receiving HCV assistance, DCHA will take the following actions:

(a) If a responsible agency has determined that another adult is to be brought into the assisted unit to care for a child for an indefinite period, the designated caretaker will not be considered a family member until a determination of custody or legal guardianship is made and their income will not be included in household income;

(b) If a caretaker has assumed responsibility for a child without the involvement of a responsible agency or formal assignment of custody or legal guardianship, the caretaker will be treated as a visitor for ninety (90) days. After the ninety (90) day period has elapsed, DCHA will initiate eligibility screening for the caretaker after the ninety (90) day period has elapsed. Once DCHA has verified eligibility, the caretaker will be considered a family member and their income will be counted. The caretaker will be considered a family member unless information is provided that would confirm that the caretaker's role is temporary. In such cases, DCHA will extend the caretaker's status as an eligible visitor;

(c) At any time that custody or guardianship legally has been awarded to a caretaker, the housing choice voucher will be transferred to the caretaker; and

(d) During any period that a caretaker is considered a visitor, the income of the caretaker is not counted in annual income and the caretaker does not qualify the family for any deductions from income.

5901.6 DCHA will initiate interim reexaminations at any time to correct errors in the initial examination or a previous reexamination, investigate a tenant fraud complaint, address a multiple subsidy report, and for other reasons deemed appropriate by DCHA.

5901.7 DCHA conducts interim reexaminations in each of the following instances:

(a) If at the time of the biennial/triennial reexamination, it is not feasible to anticipate a level of income for the next twelve (12) months (e.g., seasonal or cyclic income), DCHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income;

(b) If at the time of the biennial/triennial reexamination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, DCHA will conduct an interim reexamination; and

(c) If at the time of the biennial/triennial reexamination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, DCHA will conduct an interim reexamination.

5901.8 Zero Income families are required to report all increases in income between biennial/triennial reexaminations.

(a) Other than zero income families, families are not required to report increases in income between biennial/triennial reexaminations.

(b) DCHA only conducts interim reexaminations for zero income families reporting an increase in income.

(c) Families are not required to report any other changes in income or expenses.

5901.9 Families are permitted, but are not required, to report decreases in income. Under its approved MTW policy, families are not required to report increases in income between biennial/triennial reexaminations. DCHA must process the request if the family reports a change that will result in a reduced family share.

(a) If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to

participate in an economic self-sufficiency program, the family's share of the rent will not be reduced.

(b) If a family reports a change that it was not required to report and that would result in an increase in the family share of the rent, DCHA will note the information in the tenant file, but will not conduct an interim reexamination.

(c) If a family reports a change that it was not required to report and that would result in a decrease in the family share of the rent, DCHA will conduct an interim reexamination.

(d) Families may report changes in income or expenses at any time.

5901.10 The family must notify DCHA of changes in writing. If the family provides oral notice, DCHA will also require the family to submit the changes in writing. The family will not be required to attend an interview for an interim reexamination. Based on the type of change reported, DCHA will determine the documentation the family will be required to submit. The family must submit any required information or documents within ten (10) business days of receiving a request from DCHA. This time frame may be extended for good cause with DCHA approval. DCHA will accept required documentation by mail, by email, in person, or through DCHA's portal.

5901.11 DCHA has determined that the effective dates for changes required due to an interim reexamination are as follows:

(a) If the family share of the rent is to increase:

(1) The increase generally will be effective on the first of the month following thirty (30) days' notice to the family.

(2) If a family fails to report a change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement.

(b) If the family share of the rent is to decrease, then the decrease will be effective on the first day of the month following the month in which the change was reported, and all required documentation was submitted. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

5902 RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

5902.1 After gathering and verifying the required information for a biennial/triennial or interim reexamination, DCHA will recalculate the family share of the rent and the

subsidy amount, and notify the family and owner of the changes. This §5902 lays out policies that affect these calculations during a reexamination.

5902.2 [RESERVED]

5902.3 DCHA will use the correct payment standard for the family when calculating the family share of the rent and HAP, taking into consideration the family unit size, the size of the unit, and the area in which the unit is located.

5902.4 When DCHA changes its payment standards or the household composition or size changes, new payment standards are applied at the following times:

(a) If the DCHA's payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:

(1) If the payment standard amount has increased, the increased payment standard will be applied at the first regular or interim reexamination following the effective date of the increase in the payment standard.

(2) If the payment standard amount has decreased, during the term of a HAP contract, DCHA will not reduce the payment standard if the HAP contract remains in effect.

(b) If the family moves to a new unit, or a new HAP contract is executed due to changes in the lease (even if the family remains in place) the current payment standard applicable to the family will be used when the new HAP contract is processed.

5902.5 If there is a change in the family unit size that would apply to a family during the HAP contract term, either due to a change in family composition, or a change in DCHA's subsidy standards, the new family unit size must be used to determine the payment standard amount for the family at the family's first biennial/triennial reexamination following the change in family unit size.

5902.6 The family share of the rent and HAP calculations must reflect any changes in the family's utility arrangement with the owner, or DCHA's utility allowance schedule.

5902.7 When there are changes in the utility arrangement with the owner, DCHA must use the utility allowances in effect at the time the new lease and HAP contract are executed.

5902.8 At reexamination, revised utility allowances will be applied to a family's rent and subsidy calculations at the first biennial/triennial reexamination after the allowance is adopted.

5902.9 DCHA must notify the owner and family of any changes in the amount of the HAP payment. The notice must include the following information:

(a) The amount and effective date of the new HAP payment;

(b) The amount and effective date of the new family share of the rent; and

(c) The amount and effective date of the new tenant rent to the owner.

5902.10 The family must be given an opportunity for an informal hearing regarding DCHA's determination of their annual or adjusted income, and the use of such income to compute the housing assistance payment.

(a) The notice to the family will include the annual and adjusted income amounts that were used to calculate the family share of the rent and the housing assistance payment.

(b) The notice will state the family has the right to request an explanation of how the assistance was calculated and if the family disagrees, they have the right to an informal hearing. The notice will include the procedures for requesting an informal hearing.

5902.11 During a biennial/triennial or interim reexamination, DCHA may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, DCHA may discover errors made by the DCHA. When errors resulting in the overpayment or underpayment of subsidy are discovered, corrections will be made.

CHAPTER 76

TERMINATION OF ASSISTANCE AND TENANCY

7600 TERMINATION OF HCV ASSISTANCE – EVICTION

7600.1 In accordance with the regulations at 24 CFR §982.552(b)(2), the District of Columbia Housing Authority (DCHA) will terminate assistance whenever a family is evicted from a unit assisted under the housing choice voucher program (HCV Program) for a serious or repeated violation of the lease.

7600.2 For purposes of this §7600, "serious and repeated lease violations" will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests.

7600.3 A family will be considered evicted if the family moves after a legal eviction order has been issued, regardless of whether physical enforcement of the order was

necessary.

7600.4 If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory.

7600.5 In such case of eviction as described in 7600.3 and 7600.4, DCHA will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any alternative measures.

7600.6 In making its decision, DCHA will consider the factors described in § 7614 explaining a preponderance of the evidence and § 7615 explaining protections under Violence Against Woman Act (VAWA) of 2022. Upon consideration of such factors (e.g., evidence shows an eviction was unlawful), DCHA may, on a case-by-case basis, choose not to terminate assistance.

7600.7 Other reasons DCHA will terminate assistance:

(a) If the amount of assistance provided by DCHA is reduced to zero ("zero HAP"), the family's assistance terminates automatically one hundred eighty(180) days after the last HAP payment.

(b) If a zero HAP family experiences a change in circumstances that would cause the HAP payment to increase above zero, the family must report the change to DCHA and request an interim recertification before the expiration of the one hundred eighty (180) day period.

7600.8 The head of household may request that DCHA terminate housing assistance payments on behalf of the family at any time.

7600.9 The request to terminate assistance must be made in writing and signed by the head of household and spouse or cohead, if applicable.

7600.10 Before terminating the family's assistance, DCHA will follow the notice requirements set forth in this chapter.

7600.11 DCHA will terminate assistance if any household member does not sign and submit any consent form.

7600.12 A participant family is required to supply information, documentation, and certification as needed for DCHA to fulfill its responsibilities. DCHA schedules appointments and sets deadlines in order to obtain required information. The obligations also require that the family allow DCHA to inspect the unit. Appointments are made for this purpose.

7600.13 An applicant or participant family who fails to keep an appointment, or to supply information required by a deadline without notifying DCHA, may be terminated for failing to fulfill program obligations.

7600.14 Appointments may be scheduled and time requirements will be imposed for the following events and circumstances:

(a) Verification Procedures;

(b) Housing Quality Standards and Inspections;

(c) Recertifications; and

(d) Appeals.

7600.15 Acceptable reasons for missing appointments or failing to provide information by deadlines include, but are not limited the reasons outlined below. DCHA will require third party verification to confirm the events below:

(a) Medical emergency; or,

(b) Family emergency.

7600.16 When a family notified DCHA on a timely basis of the need to reschedule an appointment, the appointment is not considered a missed appointment or deadline.

7600.17 After issuance of the termination notice, if the family offers to correct the breach within the time allowed to request a hearing, the notice will be rescinded if the family offers to cure and the family does not have a history of non-compliance. Termination is subject to a request for reasonable accommodations.

7601 TERMINATION OF HCV ASSISTANCE – FAILURE TO PROVIDE REQUIRED INFORMATION TO DETERMINE CITIZENSHIP

7601.1 DCHA will terminate assistance if a participant family:

(a) Fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status;

(b) Submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or

(c) Knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. In this case, such termination must be for a period of at least twenty-four (24) months. This does not apply to ineligible noncitizens already in the household where the family's

assistance has been prorated.

7602 TERMINATION OF HCV ASSISTANCE - FOR FAILURE TO DISCLOSE AND DOCUMENT SOCIAL SECURITY NUMBERS

7602.1 DCHA will terminate assistance if a family does not disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

7602.2 DCHA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of ninety (90) calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

7603 TERMINATION OF HCV ASSISTANCE – METHAMPHETAMINE CONVICTION

7603.1 DCHA will terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.

7604 TERMINATION OF HCV ASSISTANCE – REGISTERED SEX OFFENDERS

7604.1 If DCHA discovers that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, DCHA will immediately terminate assistance for the household member.

7604.2 In this situation, DCHA will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, DCHA will terminate assistance for the household.

7605 TERMINATION OF HCV ASSISTANCE – CERTAIN FULL TIME STUDENTS

7605.1 If a student enrolled at an institution of higher education is under the age of twenty-four (24), is not a veteran, is not married, does not have dependent children, is not residing with their parents in an HCV assisted household, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, DCHA must the terminate the student's assistance if, at the time of reexamination, either the student's income or the income of the student's parents (if applicable) exceeds the applicable income limit.

7605.2 If a participant household consists of both eligible and ineligible students, the eligible students shall not be terminated but must be issued a voucher to move with

continued assistance in accordance with program regulations and DCHA policies, or must be given the opportunity to lease in place if the terminated ineligible student members elect to move out of the assisted unit.

7606 TERMINATION OF HCV ASSISTANCE – DEATH

7606.1 DCHA will immediately terminate program assistance for deceased single member households.

7607 TERMINATION OF HCV ASSISTANCE – CERTAIN DRUG & ALCOHOL USE

7607.1 DCHA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

7607.2 DCHA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents. "Currently engaged in" is defined as any use of illegal drugs during the previous three months.

7608 TERMINATION DUE TO DRUG-RELATED AND VIOLENT CRIMINAL ACTIVITY

7608.1 DCHA will terminate a family's assistance if any household member has violated the household's obligation to not engage in any drug-related or violent criminal activity while participating in the HCV Program.

7608.2 DCHA will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

7608.3 A record or records of arrest will not be used as the sole basis for the termination or proof that the participant engaged in disqualifying criminal activity.

7608.4 In making its decision to terminate assistance, DCHA will consider alternatives and other factors described in § 7611 and § 7612. Upon consideration of such alternatives and factors, DCHA may, on a case-by-case basis, choose not to terminate assistance.

7608.5 For purposes of this § 7608, the following definitions apply:

(a) "Drug" means a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. §802).

(b) "Drug-related criminal activity" is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug

with intent to manufacture, sell, distribute, or use the drug.

(c) "Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

7609 TERMINATION OF HCV ASSISTANCE – OTHER GROUNDS

7609.1 DCHA will terminate HCV assistance in the following instances:

(a) The family has failed to comply with any family obligations under the program.

(b) Any family member has been evicted from federally assisted housing in the last five (5) years.

(c) Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

(d) The family currently owes rent or other amounts to DCHA or any PHA in connection with HCV or public housing assistance under the Housing Act of 1937.

(e) The family has not reimbursed DCHA or any public housing authority (PHA) for amounts DCHA or any PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

(f) The family has breached the terms of a repayment agreement entered into with DCHA.

(g) A family member has engaged in or threatened violent or abusive behavior toward DCHA personnel. "Abusive or violent behavior towards DCHA personnel" includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior. "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

(h) If the family is absent from the unit for more than one hundred eighty (180) consecutive calendar days. In this case "absence" means no member of the family is residing in the unit.

(i) In making its decision to terminate assistance, DCHA may consider alternatives as described in §7611 and other factors described in §7612. Upon consideration of such alternatives and factors, DCHA may, on a case-by-case basis, choose not to terminate assistance.

7609.2 The following is a listing of a participant family's obligations under the HCV program that may be used as grounds for termination by DCHA and which the family is entitled to an informal hearing:

(a) The family must supply any information that the DCHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status;

(b) The family must supply any information requested by the DCHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition;

(c) The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information;

(d) Any information supplied by the family must be true and complete;

(e) The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest. Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit;

(f) The family must allow DCHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 56 of this plan;

(g) The family must not commit any serious or repeated violation of the lease;

(1) DCHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction or an owner's notice to evict, police reports, and affidavits from the owner, neighbors, or other credible parties with direct knowledge; and

(2) "Serious and repeated lease violations" will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault or stalking will not be construed as serious or repeated lease violations by the victim;

(h) The family must notify DCHA and the owner before moving out of the unit or terminating the lease. The family must comply with lease requirements regarding written notice to the owner. The family must provide written

notice to DCHA at the same time the owner is notified;

(i) The family must promptly give DCHA a copy of any owner eviction notice;

(j) The family must use the assisted unit for residence by the family. The unit must be the family's only residence;

(k) The composition of the assisted family residing in the unit must be approved by DCHA. The family must promptly notify DCHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request DCHA approval to add any other family member as an occupant of the unit. The request to add a family member must be submitted in writing and approved prior to the person moving into the unit;

(l) The family must promptly notify DCHA in writing if any family member no longer lives in the unit;

(m) If DCHA has given approval, a foster child or a live-in aide may reside in the unit. DCHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when DCHA consent may be given or denied;

(n) The family must not sublease the unit, assign the lease, or transfer the unit. Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member;

(o) The family must supply any information requested by DCHA to verify that the family is living in the unit or information related to family absence from the unit;

(p) The family must promptly notify DCHA when the family is absent from the unit. Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than thirty (30) calendar days. Written notice must be provided to DCHA at the start of the extended absence;

(q) The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease;

(r) The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space);

(s) Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program;

(t) Family members must not engage in drug-related criminal activity or violent

criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises;

(u) Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises;

(v) An assisted family or member of the family must not receive HCV Program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state or local housing assistance program; and

(w) A family must not receive HCV Program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless DCHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

7610 TERMINATION OF HCV ASSISTANCE – INSUFFICIENT FUNDS

7610.1 DCHA may terminate HAP contracts it determines, in accordance with HUD requirements, that funding under the consolidated Annual Contributions Contract (ACC) is insufficient to support continued assistance for families in the program.

7610.2 DCHA shall determine whether there is sufficient funding to pay for currently assisted families. If DCHA determines there is a shortage of funding, prior to terminating any HAP contracts, DCHA will determine if any other actions can be taken to reduce program costs. Actions DCHA takes to avoid funding shortfalls may include but are not limited to: ceasing voucher issuance, stopping absorption of port-in families, reviewing and correcting (where applicable) the voucher size and utility allowance of current participants in the event that the family composition or DCHA's subsidy standards changed after admission, limiting or capping rent increases to owners, limiting discretionary participant transfers, rescinding vouchers issued to applicants, revising payment standard schedules, and establishing a minimum rent.

7610.3 In the event that DCHA decides to stop issuing vouchers as a result of a funding shortfall, and DCHA is not assisting the required number of special purpose vouchers (NED families, HUD-Veterans Affairs Supportive Housing (VASH) families, family unification program (FUP) families, and Mainstream, when DCHA resumes issuing vouchers, DCHA will issue vouchers first to the special purpose voucher families on its waiting list until it has reached the required number of special purpose vouchers, when applicable.

7610.4 [RESERVED]

7610.5 Prior to terminating any HAP contracts, DCHA will inform the local HUD field office. DCHA will terminate the minimum number needed in order to reduce HAP costs to a level within the DCHA's annual budget authority.

7610.6 If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, DCHA will terminate HAP contracts as a last resort. HAP contracts for families comprising the required number of special purpose vouchers, including nonelderly disabled (NED), HUD-Veteran's Affairs Supportive Housing (HUD-VASH) and family unification program (FUP), will be the last to be terminated.

7610.7 When determining which HAP contracts will be terminated, DCHA will consider the following:

(a) Mitigating hardship for vulnerable families, including elderly and disabled families and families with minor children.

(b) Fulfilling contractual commitments in the Project-based Voucher (PBV) program. If DCHA must terminate PBV HAP contracts in the event of a funding shortfall, DCHA will terminate HAP contracts for properties/units not yet occupied first.

(c) Minimizing the impact on families currently participating in the FSS program who are entitled to escrow upon graduation.

7611 APPROACH TO TERMINATION OF ASSISTANCE

7611.1 In accordance with 24 CFR §982.552(a)(3), termination of assistance for a participant may include any or all of the following:

(a) Terminating housing assistance payments under a current HAP contract;

(b) Refusing to enter into a new HAP contract or approve a lease; or

(c) Refusing to process a request for or to provide assistance under portability procedures.

7611.2 As a condition of continued assistance, DCHA may require that any household member who participated in or was responsible for an offense no longer resides in the unit. As a condition of continued assistance, the head of household must certify that the culpable family member has vacated the unit and will not be permitted to visit or to stay as a guest in the assisted unit. The family must present evidence of the former family member's current address upon DCHA's request.

7611.3 If a family owes amounts to the DCHA, as a condition of continued assistance, DCHA shall require the family to repay the full amount or to enter into a repayment agreement, within thirty (30) days of receiving notice from DCHA of the amount

owed.

7611.4 [RESERVED]

7612 TERMINATION NOTICE

7612.1 Whenever a family's assistance will be terminated, DCHA will send a written notice of termination to the family and to the owner. DCHA will also send Form HUD-5380: Notice of Occupancy Rights under VAWA and Form HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking to the family with the termination notice.

7612.2 The notice in § 7612.1 will state the date the termination will become effective. This date generally will be at least thirty (30) calendar days following the date of the termination notice, but exceptions can be made when prompted by HUD, DCHA policies, or the circumstances surrounding the termination require a change.

7612.3 If the family whose assistance is being terminated because of the family's action or failure to act, the notice of termination that DCHA sends to the family must meet the additional VAWA notice requirements listed in this chapter. The notice will allow the family thirty-five (35) days to request an informal hearing.

7613 [RESERVED]

7614 CONSIDERATIONS OF CIRCUMSTANCES

7614.1 DCHA may, at its discretion, consider all relevant circumstances when determining whether a family's assistance should be terminated including:

(a) The seriousness of the case, especially with respect to how it would affect other residents' safety or property;

(b) The effects that termination of assistance may have on other members of the family who were not involved in the action or failure to act;

(c) The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities or a victim of domestic violence, dating violence, sexual assault or stalking;

(d) The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future; and

(e) An arrest for serious criminal activity that threatens residents' safety or property. As part of its DCHA may obtain the police report associated with an arrest and consider the reported circumstances of the arrest. DCHA may

also consider:

(1) Any statements made by witnesses or the participant not included in the police report;

(2) Whether criminal charges were filed;

(3) Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal;

DCHA will terminate assistance if a "preponderance of the evidence" indicates that a household member has engaged in criminal activity, regardless of whether the household member has been arrested or convicted;

(4) Any other evidence relevant to determining whether or not the participant engaged in disqualifying activity;

(5) Evidence of criminal conduct will be considered if it indicates a demonstrable risk to safety and/or property;

(6) In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully. DCHA will require the participant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully; and

(7) In the case of program abuse, the dollar amount of the overpaid assistance and whether or not a false certification was signed by the family.

7614.2 If a family indicates that the behavior of a family member with a disability is the reason for a proposed termination of assistance, DCHA shall determine whether the behavior is related to the disability. If so, upon the family's request, DCHA will determine whether alternative measures are appropriate as a reasonable accommodation. DCHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance.

7614.3 If so, upon the family's request, DCHA will determine whether alternative measures are appropriate as reasonable accommodation. DCHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed termination of assistance.

7614.4 DCHA will use the concept of preponderance of the evidence as the standard for making all termination decisions. "Preponderance of the evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

7615 VAWA-RELATED CONSIDERATIONS FOR TERMINATION OF ASSISTANCE

7615.1 This section describes the protections against termination that the VAWA, reauthorized in 2022, provides for victims of domestic violence, dating violence, sexual assault, stalking and human trafficking. These terms are defined in Chapter 50. VAWA provides four specific protections against termination of HCV assistance for victims of domestic violence, dating violence, sexual assault or stalking.

(a) First, VAWA provides that DCHA may not terminate assistance to a family that moves out of an assisted unit in violation of the lease, with or without prior notification to DCHA, if the move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed they were imminently threatened by harm from further violence if they remained in the unit;

(b) Second, it provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking may not be construed either as a serious or repeated lease violation by the victim or as good cause to terminate the assistance of the victim;

(c) Third, it provides that criminal activity directly related to domestic violence, dating violence, sexual assault or stalking may not be construed as cause for terminating the assistance of a tenant if a member of the tenant's household, a guest, or another person under the tenant's control is the one engaging in the criminal activity and the tenant or affiliated individual or other individual is the actual or threatened victim of the domestic violence, dating violence, or stalking; and

(d) Fourth, it gives DCHA the authority to terminate assistance to any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others without terminating assistance to, or otherwise penalizing, the victim of the violence.

7615.2 VAWA does not limit the authority of DCHA to terminate the assistance of a victim of abuse for reasons unrelated to domestic violence, dating violence, sexual assault or stalking so long as DCHA does not subject the victim to a more demanding standard than it applies to other program participants.

7615.3 VAWA does not limit the authority of DCHA to terminate the assistance of a victim of domestic violence, dating violence, sexual assault or stalking if DCHA can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the assisted property if the victim is not terminated from assistance.

7615.4 HUD regulations define "actual and imminent threat" to mean words, gestures, actions, or other indicators of a physical threat that (a) is real, (b) would occur within an immediate time frame, and (c) could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

(a) The duration of the risk;

(b) The nature and severity of the potential harm;

(c) The likelihood that the potential harm will occur; and

(d) The length of time before the potential harm would occur.

7615.5 In order to demonstrate an actual and imminent threat, DCHA must have objective evidence of words, gestures, actions, or other indicators.

7615.6 When a victim poses an actual and imminent threat, however, HUD regulations authorize DCHA to terminate the victim's assistance "only when there are no other actions that could be taken to reduce or eliminate the threat."

7615.7 In determining whether a program participant who is a victim of domestic violence, dating violence, sexual assault or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, DCHA will consider the following, and any other relevant, factors:

(a) Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault or stalking;

(b) Whether the threat is a physical danger beyond a speculative threat;

(c) Whether the threat is likely to happen within an immediate time frame; and

(d) Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location or seeking a legal remedy to prevent the perpetrator from acting on the threat.

7615.8 If the participant wishes to contest DCHA's determination that they are an actual and imminent threat to other tenants or employees, the participant may do so as part of the informal hearing.

7615.9 When an individual facing termination of assistance for reasons related to domestic violence, dating violence, sexual assault or stalking claims protection under VAWA, DCHA will request that the individual provide documentation supporting the claim in accordance.

7615.10 DCHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases DCHA will document the waiver.

7615.11 VAWA does not provide such protection for perpetrators of domestic violence. VAWA gives DCHA the explicit authority to "terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others" without terminating assistance to "or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant."

7615.12 DCHA will terminate assistance to a family member if DCHA determines that the family member has committed criminal acts of physical violence against other family members or others. This action will not affect the assistance of the remaining, non-culpable family members.

7615.13 In making its decision, DCHA will consider all credible evidence, including, but not limited to, a signed certification (form HUD-5382) or other documentation of abuse submitted to DCHA by the victim in accordance with this §7615. Upon such consideration, DCHA may, on a case-by-case basis, choose not to terminate the assistance of the culpable family member.

7615.14 If DCHA does terminate the assistance of the culpable family member, it will do so in accordance with applicable law, HUD regulations, and the policies in this § 7615.

7615.15 Whenever a family's assistance will be terminated, DCHA shall:

(a) Issue a written notice of termination to the family and to the owner that states the date the termination will take effect, which generally shall be 30 days from the issuance of the notice, but DCHA may make exceptions when HUD rules or the circumstances require;

(b) Send a form HUD-5382 and form HUD-5380 to the family with the termination notice; and

(c) Advise the owner of their right to offer the family a separate, unassisted lease.

7615.16 If a family whose assistance is being terminated is entitled to an informal hearing, the notice of termination will include VAWA information and a form HUD-5382 and form HUD-5380. DCHA will request in writing that a family member wishing to claim protection under VAWA notify the DCHA within fourteen (14) business

days.

7615.17 Other notice requirements apply in two (2) situations:

(a) If a criminal record is the basis of a family's termination, the DCHA must provide a copy of the record to the subject of the record and the tenant so that they have an opportunity to dispute the accuracy and relevance of the record; and

(b) If immigration status is the basis of a family's termination the special notice requirements in §7612 must be followed.

7616 TERMINATION OF TENANCY BY THE OWNER

7616.1 Termination of an assisted tenancy is a matter between the owner and the family; DCHA is not directly involved. However, the owner is under some constraints when terminating an assisted tenancy. Termination of tenancy for certain reasons will also result in termination of assistance as discussed in this section.

7616.2 [RESERVED]

7616.3 DCHA's failure to make a HAP payment to the owner is not a violation of the lease between the family and the owner.

7616.4 [RESERVED]

7616.5 The owner must give the tenant a written notice that specifies the grounds for termination of tenancy during the term of the lease. The tenancy does not terminate before the owner has given this notice, and the notice must be given at or before commencement of the eviction action. If the eviction action is finalized in court, the owner must provide DCHA with documentation related to the eviction, including notice of the eviction date, as soon as possible, but no later than 5 business days following the court-ordered eviction.

7616.6 [RESERVED]

7616.7 [RESERVED]

7616.8 [RESERVED]

7616.9 The owner's termination of tenancy actions must be consistent with the fair housing and equal opportunity provisions in 24 CFR § 5.105.

7616.10 An owner's decision to terminate tenancy for incidents related to domestic violence, dating violence, sexual assault or stalking is limited by the VAWA Act of 2022 and the conforming regulations in 24 CFR Part 5, Subpart L.

7616.11 If a termination is not due to a serious or repeated violation of the lease, and if DCHA has no other grounds for termination of assistance, DCHA may issue a new voucher so that the family can move with continued assistance.

7616.12 [RESERVED]

CHAPTER 83

OWNERS

8300 OWNERS IN THE HCV PROGRAM

8300.1 [RESERVED]

8300.2 [RESERVED]

8300.3 The District of Columbia Housing Authority (DCHA) will conduct outreach to owners to ensure that owners are familiar with the program and its advantages. Outreach strategies will include:

(a) Distributing printed material about the program to property owners and managers;

(b) Contacting property owners and managers by phone or in-person;

(c) Holding ongoing virtual owner information sessions;

(d) Participating in community-based organizations comprised of private property and apartment owners and managers;

(e) Developing working relationships with owners, apartment associations, industry investor groups, and real estate brokers associations; and

(f) To the extent practical, partnering with and attending events hosted by other area agencies to deliver information about the housing choice voucher HCV program (HCV Program).

8300.4 DCHA will evaluate its strategies for owner recruitment and will adapt its approach as appropriate to meet the needs of program participants.

8300.5 DCHA will also engage in the following activities:

(a) Conduct activities that affect an owner's ability to lease a unit as rapidly as reasonably possible, to minimize vacancy losses for owners;

(b) Provide owners with information that explains the program, including HUD and DCHA policies and procedures, in easy-to-understand language online;

(c) Support new owners' success in the HCV Program by:

(1) Providing the owner with a designated DCHA contact person;

(2) Coordinating inspection and leasing activities between the DCHA, the owner, and the family;

(3) Initiating contact with the owner to explain the inspection process and provide other information about HUD Housing Quality Standards (HQS);

(4) Conducting mandatory monthly landlord briefings in-person and virtual. Landlords are required to attend the briefing prior to enrolling in the HCV Program or within 30 days of submitting an Request for Tenancy Approval (RFTA) to be enrolled.

(5) Creating other written information about how the program operates including answers to frequently asked questions; and

(6) Contacting owners to disseminate information.

(d) Additional services may be undertaken on an as-needed basis, and as resources permit.

8300.6 Owners that wish to indicate their willingness to lease a unit to an eligible HCV family or to help the HCV family find a unit must notify DCHA. DCHA will maintain a listing of such owners and provide this listing to the HCV family as part of the informational briefing packet.

8300.7 Under the HCV Program, DCHA's responsibilities do not include screening participants for suitability for tenancy. Selection of tenants is the responsibility of the owner.

8300.8 If the owner is willing, the family or owner must jointly complete and submit the following with DCHA:

(a) A completed RFTA Form HUD 52517 with information from the owner and the family. This constitutes the family's request for assistance in the specified unit and documents the owner's willingness to lease to the family and to follow the program's requirements. It is the first step in the process of obtaining DCHA approval for the family to receive HCV assistance for the unit; and

(b) A copy of the owner's proposed dwelling lease, including the HUD-required Tenancy Addendum (Form HUD-52641-A). See Chapter 57 for more detail on request for tenancy approval policies and process.

8300.9 [RESERVED]

8300.10 At initial lease-up of a unit, if the gross rent exceeds the applicable payment standard, DCHA must ensure that the family share does not exceed forty percent (40%) of the family's monthly adjusted income.

8300.11 The dwelling lease must comply with all program requirements. Owners must use the HUD-required Tenancy Addendum word-for-word as a part of the owner's lease.

8300.12 Once DCHA has determined that the unit meets program requirements, DCHA and the owner must execute a housing assistance payment (HAP) contract (Form HUD-52641). See Chapter 57 for a discussion of the HUD requirements for execution of the HAP contract.

8300.13 The basic owner responsibilities in the HCV Program are fully described in HUD rules and regulations, as well as the HAP contract. Such responsibilities include:

(a) Complying with all of the owner's obligations under the HAP contract and the lease;

(b) Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit;

(c) Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance;

(d) Complying with equal opportunity and fair housing requirements;

(e) Preparing and furnishing to DCHA information required under the HAP contract;

(f) Collecting the security deposit, the tenant rent, and any charges for unit damage by the family;

(g) Enforcing tenant obligations under the dwelling lease;

(h) Paying for utilities and services that are not the responsibility of the family as specified in the lease;

(i) Allowing reasonable modifications to a dwelling unit occupied or to be occupied by a disabled person; and

(j) Complying with the Violence against Women Reauthorization Act of 2022 (VAWA) when screening prospective HCV tenants or terminating the tenancy of an HCV family.

8300.14 DCHA will not approve assistance of a unit if the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24. HUD may direct DCHA not to approve a tenancy request if a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements, or if such an action is pending.

8300.15 DCHA will not approve a tenancy if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. The owner is required to certify that no such relationship exists. This restriction applies at the time that the family receives assistance under the HCV program for occupancy of a particular unit. HAP contracts in effect on behalf of owners and families that are related may continue, but any new leases or contracts for these families may not be approved.

8300.16 DCHA has the discretion to make an exception as a reasonable accommodation for a family member with a disability.

8300.17 DCHA must not approve a tenancy in which any of the following classes of persons has any interest, direct or indirect, during tenure or for one year thereafter:

(a) Any present or former member or officer of DCHA (except a participant commissioner);

(b) Any employee of DCHA, or any contractor, subcontractor, or agent of the DCHA, who formulates policy or who influences decisions with respect to the programs;

(c) Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs; or

(d) Any member of the Congress of the United States.

8300.18 (a) Such "covered individual" may not have any direct or indirect interest in the HAP contract or in any benefits or payments under the contract (including the interest of an immediate family member of such covered individual) while such person is a covered individual or for one year thereafter.

(b) Immediate family member" means the spouse, parent (including a stepparent), child (including a stepchild), grandparent, grandchild, sister, or brother (including a stepsister or stepbrother) of any covered individual.

8300.19 In cases where good cause exists, DCHA has the discretion to request a waiver from HUD regarding the conflict-of-interest requirements, except for members of Congress, to permit a requested tenancy to proceed.

8300.20 In considering whether to request a conflict of interest waiver from HUD, DCHA will consider certain factors such as consistency of the waiver with state and local

laws, the existence of alternative housing available to families, the individual circumstances of a particular family, the specific duties of individuals whose positions present a possible conflict of interest, the nature of any financial investment in the property and plans for disclosure/divestiture, and the possible appearance of impropriety.

8300.21 [RESERVED]

8300.22 [RESERVED]

8300.23 DCHA may disapprove a request for tenancy for various actions and inactions of the owner.

8300.24 If DCHA disapproves a request for tenancy because an owner is not qualified, it may not terminate the HAP contract for any assisted families that are already living in the owner's properties unless the owner has violated the HAP contract for those units.

8300.25 DCHA shall refuse to approve a request for tenancy if it becomes aware of any of the following:

(a) The owner has violated obligations under a HAP contract under Section 8 of the Housing Act of 1937 (42 U.S.C. §1437f);

(b) The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

(c) The owner has engaged in any drug-related criminal activity or any violent criminal activity;

(d) The owner has a history or practice of non-compliance with the HQS for units leased under the tenant-based programs, or with applicable housing standards for units leased with project-based HCV assistance or leased under any other federal housing program;

(e) The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under HCV or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:

(1) Threatens the right to peaceful enjoyment of the premises by other residents;

(2) Threatens the health or safety of other residents, of employees of DCHA, or of owner employees or other persons engaged in management of the housing;

(3) Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or

(4) Is drug-related criminal activity or violent criminal activity; or

(f) The owner has a history or practice of renting units that fail to meet state or local housing codes.

8300.26 DCHA will consider any mitigating factors. Such factors may include, but are not limited to, the seriousness of the violation in relation to program requirements, the impact on the ability of families to lease units under the program, health and safety of participating families, among others. Upon consideration of such circumstances, DCHA has the discretion to, on a case-by-case basis, choose to approve an owner.

8300.27 The owner must not discriminate against any person because of race, color, religion, sex, national origin, age, familial status, or disability, in connection with any actions or responsibilities under the HCV program and the HAP contract with DCHA.

8300.28 The owner must cooperate with DCHA and with HUD in conducting any equal opportunity compliance reviews and complaint investigations in connection with the HCV program and the HAP contract with DCHA.

8300.29 DCHA will only enter into a contractual relationship with the legal owner of a qualified unit. No tenancy will be approved without acceptable documentation of legal ownership (i.e., deed, deed of trust, proof of taxes for most recent year).

8301 HAP CONTRACTS

8301.1 The HAP contract is the written agreement between DCHA and the owner of the dwelling unit occupied by a HCV assisted family.

8301.2 The HAP contract is used for all HCV tenant-based program tenancies except for assistance under the HCV homeownership program, assistance to families that own a manufactured home and use their assistance to lease the space for the manufactured home, and the Project Based Voucher program.

8301.3 When DCHA has determined that the unit meets program requirements and the tenancy is approvable, DCHA and owner must execute the HAP contract.

8301.4 The HAP contract format is required by HUD, specifically HAP contract, Form HUD-52641.

8301.5 In general, the HAP contract cannot be modified. However, DCHA may add language to Part A of the HAP contract which prohibits the owner from collecting a security deposit more than private market practices or in excess of amounts charged to unassisted tenants.

8301.6 Subject to the provisions of the HAP contract, DCHA will make monthly HAP payments to the owner on behalf of the family at the beginning of each month. If a lease term begins after the first of the month, the HAP payment for the first month is prorated for a partial month.

8301.7 [RESERVED]

8301.8 DCHA will notify the owner and the family in writing of any changes in the HAP payment.

8301.9 HAP payments can be made only during the lease term, and only while the family is residing in the unit.

8301.10 The monthly HAP payment by DCHA is credited toward the monthly rent to owner under the family's lease. The total of the rent paid by the tenant and the HAP payment is equal to the rent to owner as specified in the lease.

8301.11 The family is not responsible for payment of the HAP payment, and DCHA is not responsible for payment of the family share of rent.

8301.12 The family's share of the rent cannot be more than the difference between the rent to owner and the HAP payment.

8301.13 The owner may not:

(a) Demand or accept any rent payment from the tenant in excess of this maximum, or

(b) Charge the tenant extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

8301.14 If the owner receives any excess HAP from DCHA, the excess amount must be returned immediately.

8301.15 If DCHA determines that the owner is not entitled to all or a portion of the HAP, DCHA may deduct the amount of overpayment from any amounts due to the owner, including amounts due under any other HCV contract.

8301.16 Unless the owner complies with all provisions of the HAP contract, the owner is not entitled to receive housing assistance payments under the HAP contract.

8301.17 By accepting the monthly HAP payment from DCHA, the owner certifies that it is:

(a) Complying with the terms of the HAP contract;

(b) Leasing the contract unit to the tenant family and, to the best of the owner's

knowledge, the family resides in the unit as the family's only residence;

(c) Charging the same rent for the contract unit as the rents charged by the owner for comparable unassisted units on the premises; and

(d) Not receiving (other than rent to owner) any additional payments or other consideration for rent of the contract unit during the HAP term.

8301.18 DCHA is responsible for making HAP payments promptly when due to the owner, in accordance with the terms of the HAP contract. After the first two calendar months of the HAP contract term, the HAP contract provides for late penalties if DCHA fails to make the HAP payment on time.

8301.19 Penalties for late HAP payments may only be imposed if:

(a) The penalties are in accordance with generally accepted local rental market practices and law governing penalties for late payment by tenants;

(b) It is the owner's normal business practice to charge late payment penalties for both assisted and unassisted families; and

(c) The owner charges the assisted family for late payment of the family's share of the rent.

8301.20 DCHA will not pay a late payment penalty if HUD determines that the payment is late for reasons beyond DCHA's control. In addition, late payment penalties are not required if DCHA intentionally delays or denies payment as a remedy to an owner breach of the HAP contract.

8301.21 DCHA must continue making housing assistance payments to the owner in accordance with the HAP contract as long as the tenant continues to occupy the unit and the HAP contract is not violated.

8301.22 HAP payments terminate when the HAP contract terminates or when the tenancy is terminated in accordance with the terms of the lease.

8301.23 If the owner has initiated eviction proceedings against the family and the family continues to reside in the unit, DCHA will continue to make housing assistance payments to the owner until the owner has obtained a court judgment or other process allowing the owner to evict the tenant. In addition, the owner has the following obligations:

(a) The owner must inform DCHA in writing when the owner has initiated eviction proceedings against the family and the family continues to reside in the unit;

(b) The owner must inform DCHA when the owner has obtained a court

judgment or other process allowing the owner to evict the tenant and provide DCHA with a copy of such judgment or determination within ten (10) days of receipt; and

(c) After the owner has obtained a court judgment or other process allowing the owner to evict the tenant, DCHA will continue to make HAP payments to the owner until the family actually moves from the unit or until the family is physically evicted from the unit, whichever is earlier. The owner must inform DCHA of the date when the family actually moves from the unit or the family is physically evicted from the unit.

8301.24 Any of the following actions by the owner constitutes a breach of the HAP contract:

(a) If the owner violates any obligations under the HAP contract including failure to maintain the unit in accordance with HQS;

(b) If the owner has violated any obligation under any other HAP contract under the HCV program;

(c) If the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;

(d) For projects with mortgages insured by HUD or loans made by HUD, if the owner has failed to comply with the regulation for the applicable program; or if the owner has committed fraud, bribery, or any other corrupt or criminal act in connection with the mortgage or loan;

(e) If the owner has engaged in drug-related criminal activity; and

(f) If the owner has committed any violent criminal activity.

8301.25 If DCHA determines that a breach of the HAP contract has occurred, it may exercise any of its rights and remedies under the HAP contract.

8301.26 DCHA rights and remedies against the owner under the HAP contract include recovery of any HAP overpayment, suspension of housing assistance payments, abatement or reduction of the housing assistance payment, termination of the payment, or termination of the HAP contract. DCHA may also obtain additional relief by judicial order or action.

8301.27 DCHA must notify the owner of its determination and provide in writing the reasons for the determination within thirty (30) days of making the determination.

8301.28 Before DCHA invokes a remedy against an owner, DCHA evaluates all information and documents available to determine if the contract has been breached and, if relevant, shall conduct an audit of the owner records pertaining to the unit or units.

8301.29 If it is determined that the owner has breached the contract, DCHA shall consider all of the relevant factors including the seriousness of the breach, the effect on the family, the owner's record of compliance, and the number and seriousness of any prior HAP contract violations.

8301.30 The notice may require the owner to take corrective action by an established deadline. DCHA must provide the owner with written notice of any reduction in housing assistance payments or the termination of the HAP contract.

8301.31 The term of the HAP contract runs concurrently with the term of the dwelling lease, beginning on the first day of the initial term of the lease and terminating on the last day of the term of the lease, including any lease term extensions.

8301.32 The HAP contract and the housing assistance payments made under the HAP contract terminate if:

(a) The owner or the family terminates the lease;

(b) The lease expires;

(c) DCHA terminates the HAP contract;

(d) DCHA terminates assistance for the family;

(e) The family moves from the assisted unit. In this situation, the owner is entitled to keep the housing assistance payment for the month when the family moves out of the unit;

(f) 180 calendar days have elapsed since DCHA made the last housing assistance payment to the owner;

(g) The family is absent from the unit for longer than the maximum period of 180 days permitted by DCHA;

(h) The Annual Contributions Contract (ACC) between DCHA and HUD expires; and

(i) DCHA elects to terminate the HAP contract.

8301.33 DCHA may terminate the HAP contract in each of the following situations:

(a) Available program funding is not sufficient to support continued assistance for families in the program;

(b) The unit does not meet HQS size requirements due to change in family composition;

(c) The unit does not meet HQS;

(d) The family breaks up; or

(e) The owner breaches the HAP contract.

8301.34 If DCHA terminates the HAP contract, DCHA will give the owner and the family written notice. The notice will specify the reasons for the termination and the effective date of the termination. Once a HAP contract is terminated, no further HAP payments are authorized under the HAP.

8301.35 DCHA policy provides that in the case of HAP contract terminations:

(a) Generally, the HAP contract terminates at the end of the calendar month that follows the calendar month in which DCHA gives written notice to the owner;

(b) DCHA cannot make any HAP payment for any month after the month the family vacates the unit; and

(c) The owner is not entitled to any housing assistance payment after this period and must return to the DCHA any housing assistance payment received after this period.

8301.36 If the family moves from the assisted unit into a new unit, even if the new unit is in the same building or complex as the assisted unit, the HAP contract for the assisted unit terminates. A new HAP contract would be required.

8301.37 When the family moves from an assisted unit into a new unit, the term of the HAP contract for the new unit may begin in the same month in which the family moves out of its old unit. This is not considered a duplicative subsidy.

8301.38 The HAP contract cannot be assigned to a new owner without the prior written consent of DCHA.

8301.39 An owner under a HAP contract must notify DCHA in writing prior to a change in the legal ownership of the unit. The owner must supply all information as requested by DCHA.

8301.40 Prior to approval of assignment to a new owner, the new owner must agree to be bound by and comply with the HAP contract. The agreement between the new owner and the former owner must be in writing and in a form that DCHA finds acceptable.

8301.41 The new owner must provide DCHA with a copy of the executed agreement. In addition, the following apply:

(a) Assignment of the HAP contract will be approved only if the new owner is qualified to become an owner under the HCV program;

(b) DCHA must receive a signed, written request from the existing owner stating the name and address of the new HAP payee and the effective date of the assignment to change the HAP payee under an outstanding HAP contract; and

(c) Within ten (10) business days of receiving the owner's request, DCHA will inform the current owner in writing whether the assignment may take place.

8301.42 The new owner must provide a written certification to DCHA that includes:

(a) A copy of the escrow statement or other document showing the transfer of title and recorded deed;

(b) A copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, or the social security number of the new owner;

(c) The effective date of the HAP contract assignment;

(d) A written agreement to comply with the terms of the HAP contract; and

(e) A certification that the new owner is not prohibited from participating in the HCV Program due to a conflict of interest or other HCV Program requirements.

8301.43 If the new owner does not agree to an assignment of the HAP contract, or fails to provide the necessary documents, DCHA will terminate the HAP contract with the old owner.

8301.44 If the new owner wants to offer the family a new lease, and the family elects to stay with continued assistance, DCHA will process the leasing.

8301.45 Families receiving HCV assistance are entitled to certain protections set forth under the Protecting Tenants at Foreclosure Act (PTFA).

8301.46 During the term of the lease, the new owner of the property does not have good cause to terminate the tenant's lease, unless the new owner will occupy the unit as their primary residence and has provided the tenant with at least a ninety (90) day notice.

8301.47 In the case where the new owner will occupy the unit as their primary residence, the lease may be terminated effective on the date of sale, although the tenant is still entitled to a ninety (90) day notice to vacate.

8301.48 The new owner assumes interest in the lease between the prior owner and the tenant and to the HAP contract. Any district or local law that provides longer time periods or other additional protections for tenants also applies. In addition, DCHA applies the following policies:

(a) If a property is in foreclosure, DCHA will make all reasonable efforts to determine the status of the foreclosure and ownership of the property and will continue to make payments to the original owner until ownership legally transfers in accordance with the HAP contract;

(b) DCHA will attempt to obtain a written acknowledgement of the assignment of the HAP contract from the successor in interest. This will include a request for owner information, including a tax identification number and payment instructions from the new owner. Even if the new owner does not acknowledge the assignment of the HAP contract in writing, the assignment is still effective by operation of law;

(c) DCHA will inform the tenant that they must continue to pay rent in accordance with the lease, and if the new owner refuses to accept payment or cannot be identified, the tenant should pay rent into escrow. Failure to pay rent may constitute an independent ground for eviction; and

(d) DCHA will also refer the tenant, as needed, to the local legal aid office in order to ensure adequate protection of the tenant's rights and enforcement of the successor in interest's performance under the HAP contract.

CHAPTER 85

PROGRAM INTEGRITY

8500 PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

8500.1 The District of Columbia Housing Authority (DCHA) will use the Enterprise Income Verification (EIV) system to prevent errors and detect program abuse. DCHA will use the EIV system at biennial/triennial reexamination in accordance with HUD administrative guidance. DCHA will:

(a) Provide applicants and participants with form HUD-52675, "Debts Owed to PHAs and Terminations;" and

(b) Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file.

8500.2 To ensure that DCHA's HCV program is administered according to the highest ethical and legal standards, DCHA will employ a variety of techniques such as:

(a) Discussing program compliance and integrity issues during the voucher briefing sessions described in Chapter 53 of this Title.

(b) Providing each applicant and participant with a copy of "Is Fraud Worth It?" (form HUD-1141-OIG), which explains the types of actions a family

must avoid and the penalties for program abuse.

(c) Giving each applicant and participant a copy of "What You Should Know about EIV," a guide to the EIV system published by HUD, require the head of each household to acknowledge receipt of the guide by signing a copy, and retaining the signed guide in the family file.

(d) Placing a warning statement about the penalties for fraud (as described in 18 U.S.C. §§1001 and 1010) on key DCHA forms and form letters that request information from a family or owner.

(e) Requiring DCHA staff to review and explain the contents of all HUD- and DCHA-required forms to the applicant or participant prior to requesting family member signatures.

(f) Explaining any changes in HUD regulations or DCHA policy that affect program participants at biennial/triennial reexamination.

(g) Obliging first-time owners (or their agents) participating in the HCV program to attend a briefing session on HAP contract requirements.

(h) Issue periodic information and updates about the HCV program to owners, with an emphasis on actions and situations to avoid.

(i) Supplying each DCHA employee with the necessary training on program rules and the organization's standards of conduct and ethics.

8500.3 For purposes of this chapter the term *error* refers to an unintentional error or omission. *Program abuse or fraud* refers to a single act or pattern of actions that constitutes a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

8500.4 [RESERVED]

8500.5 DCHA will perform monthly quality control reviews of a random sample of tenant files to ensure they conform with guidance and policies listed in this Administrative Plan (Plan) and approved Moving to Work (MTW) activities using a quality control platform monitored by the HCVP Quality Assurance Division staff. DCHA will also conduct supervisory quality control Housing Quality Standards (HQS) inspections.

8500.6 In addition to these quality control requirements, DCHA will employ a variety of methods to detect errors and program abuse such as:

(a) Routinely use HUD and other non-HUD sources of up-front income verification. This may include the work number and any other private or public databases available to DCHA.

(b) At each biennial/triennial reexamination, compares current information provided by the family to information provided at the last reexamination to identify inconsistencies and incomplete information.

(c) Assess family-reported income and expenditures to detect possible unreported income.

8500.7 [RESERVED]]

8500.8 DCHA will use the results reported in any independent audit or HUD monitoring reports to identify potential program abuses as well as to assess the effectiveness of DCHA's error detection and abuse prevention efforts.

8500.9 DCHA encourages staff, program participants, and the public to report possible program abuse.

8500.10 DCHA will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for DCHA to investigate, the allegation must contain at least one independently verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

8500.11 DCHA will investigate when inconsistent or contradictory information is detected through file reviews, unit inspections, and the verification process.

8500.12 DCHA may investigate possible instances of error or abuse using all available DCHA and public records. If necessary, DCHA will require HCV families to sign consent forms for the release of additional information.

8500.13 DCHA's evaluations shall be based on a preponderance of the evidence collected during its investigation.

(a) *Preponderance of the evidence,* for purposes of this Chapter, is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that as a whole shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

(b) For each investigation, DCHA will determine:

(1) Whether an error or program abuse has occurred;

(2) Whether any amount of money is owed DCHA; and

(3) What corrective measures or penalties will be assessed.

8500.14 All errors and instances of program abuse will be corrected prospectively.

8500.15 In the case of family-caused errors or program abuse, DCHA will take into consideration:

(a) The seriousness of the offense and the extent of participation or culpability of individual family members;

(b) Any special circumstances surrounding the case;

(c) Any mitigating circumstances related to the disability of a family member; and

(d) The effects of a particular remedy on family members who were not involved in the offense.

8500.16 In the case of owner-caused errors or program abuse, DCHA will take into consideration:

(a) The seriousness of the offense;

(b) The length of time since the violation has occurred; and

(c) The effects of a particular remedy on family members who were not involved in the offense.

8500.17 DCHA will inform the relevant party in writing of its findings and remedies within ten (10) business days of the conclusion of the investigation. The notice will include:

(a) A description of the error or program abuse,

(b) The basis on which DCHA determined the error or program abuses,

(c) The remedies to be employed, and

(d) The family's right to appeal the results through the informal review or hearing process, if applicable (see Chapter 91).

8501 CORRECTIVE MEASURES AND PENALTIES

8501.1 A subsidy under or overpayment includes:

(a) An incorrect housing assistance payment to the owner,

(b) An incorrect family share established for the family, and

(c) An incorrect utility reimbursement to a family.

8501.2 Whether the incorrect subsidy determination is an overpayment or underpayment of subsidy, DCHA will promptly correct the housing assistance payments (HAP), family share, and any utility reimbursement prospectively.

(a) Increases in the family share will be implemented on the first of the month following a written thirty (30) day notice.

(b) Any decreases in family share will become effective the first of the month following the discovery of the error.

8501.3 [RESERVED]

8501.4 An incorrect subsidy determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, or expenses, but also would include instances in which the family knowingly allows DCHA to use incorrect information provided by a third party.

8501.5 In the case of family-caused errors or program abuse, the family will be required to repay any excess subsidy received. DCHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 91. DCHA will track funds owed from HCV participants and maintain records to show amounts owed to DCHA from participants, any amounts recovered, and its collection methods and outcomes. If the family fails to repay the excess subsidy, DCHA will terminate the family's assistance in accordance with the policies in Chapter 76.

8501.6 DCHA will not reimburse the family for any underpayment of assistance when the underpayment clearly is caused by the family.

8501.7 An applicant or participant in the HCV Program must not knowingly:

(a) Make a false statement to DCHA; or

(b) Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.

8501.8 Any of the following will be considered evidence of family program abuse:

(a) Payment to the owner in excess of amounts authorized by DCHA for rent, security deposit, and additional services;

(b) Offering bribes or illegal gratuities to any member of the DCHA Board of Commissioners, employees, contractors, or other DCHA representatives;

(c) Offering payments or other incentives to the owner or a third party as an inducement for the third party to make false or misleading statements to DCHA on the family's behalf;

(d) Use of a false name or the use of falsified, forged, or altered documents;

(e) Intentional misreporting of family information or circumstances (e.g., income, family composition);

(f) Omission facts that were obviously known by a family member (e.g., not reporting employment income);

(g) Admission of program abuse by an adult family member; or

(h) DCHA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this chapter.

8501.9 In the case of program abuse caused by a family DCHA may, at its discretion, impose any of the following remedies.

(a) DCHA may require the family to repay excess subsidy amounts paid by DCHA, as described earlier in this section.

(b) DCHA may require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit. See policies in Chapter 53 (for applicants) and Chapter 76 (for participants).

(c) DCHA may deny or terminate the family's assistance following the policies set forth in Chapter 53 and Chapter 76 respectively.

(d) DCHA may refer the family for state or federal criminal prosecution as described in this Chapter.

8501.10 [RESERVED]

8501.11 An incorrect subsidy determination caused by an owner generally would be the result of an incorrect owner statement about the characteristics of the assisted unit (e.g., the number of bedrooms, which utilities are paid by the family) or incorrect owner statement of rents charged for other unassisted units in the same property. It also includes accepting duplicate housing assistance payments for the same unit in the same month, or after a family no longer resides in the unit.

8501.12 In all cases of overpayment of subsidy caused by the owner, the owner must repay to DCHA any excess subsidy received. DCHA may recover overpaid amounts by withholding housing assistance payments due for subsequent months from any unit currently under HAP contract with DCHA, or if the debt is large, DCHA may allow the owner to pay in installments over a period of time.

8501.13 In cases where the owner has received excess subsidy, DCHA will require the owner to repay the amount owed in accordance with the policies in Chapter 91 of this Title. DCHA will track funds owed from owners and maintain records to show

amounts owed to DCHA from owners, any amounts recovered, and its collection methods and outcomes.

8501.14 An owner participating in the HCV Program must not:

(a) Make any false statement to DCHA; or

(b) Commit fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program including.

8501.15 Any of the following will be considered evidence of owner program abuse (not an exhaustive list):

(a) Charging the family rent above or below the amount specified by DCHA;

(b) Charging a security deposit other than that specified in the family's lease;

(c) Charging the family for services that are provided to unassisted tenants at no extra charge;

(d) Knowingly accepting housing assistance payments for any month(s) after the family has vacated the unit;

(e) Knowingly accepting incorrect or excess housing assistance payments;

(f) Offering bribes or illegal gratuities to the DCHA Board of Commissioners, employees, contractors, or other DCHA representatives;

(g) Offering payments or other incentives to an HCV family as an inducement for the family to make false or misleading statements to the PHA;

(h) Residing in the unit with an assisted family;

(i) Committing sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 50; or

(j) Retaliating against any applicant or participant reporting/alleging sexual or other harassment, either quid pro quo or hostile environment, based on the protected classes defined in Chapter 50.

8501.16 When DCHA determines that the owner has committed program abuse, DCHA may take any of the following actions:

(a) Require the owner to repay excess housing assistance payments, as discussed earlier in this section and in accordance with the policies in Chapter 91.

(b) Terminate the HAP contract.

(c) Bar the owner from future participation in any DCHA programs.

(d) Refer the case to state or federal officials for criminal prosecution as described in this Chapter 85.

8501.17 [RESERVED]

8501.18 DCHA-caused incorrect subsidy determinations include:

(a) failing to correctly apply housing choice voucher (HCV) rules regarding family composition, income, assets, and expenses;

(b) assigning the incorrect voucher size to a family; and

(c) errors in calculation.

8501.19 Neither a family nor an owner is required to repay an overpayment of subsidy if the error or program abuse is caused by DCHA staff.

8501.20 DCHA will reimburse a family for any underpayment of subsidy, regardless of whether the underpayment was the result of staff-caused error or staff or owner program abuse, or a de minimis error.

8501.21 Any of the following will be considered evidence of program abuse by DCHA staff:

(a) Failing to comply with any HCV Program requirements for personal gain;

(b) Failing to comply with any HCV Program requirements as a result of a conflict of interest relationship with any applicant, participant, or owner;

(c) Seeking or accepting anything of material value from applicants, participating families, vendors, owners, contractors, or other persons who provide services or materials to the DCHA;

(d) Disclosing confidential or proprietary information to outside parties;

(e) Gaining profit as a result of insider knowledge of DCHA activities, policies, or practices;

(f) Misappropriating or misusing HCV funds;

(g) Destroying, concealing, removing, or inappropriately using any records related to the HCV Program; or

(h) Committing any other corrupt or criminal act in connection with any federal housing program

8501.22 When DCHA determines that program abuse by an owner, family, or DCHA staff member has occurred and the amount of overpaid subsidy meets or exceeds the threshold for prosecution under local or state law, DCHA will refer the matter to the appropriate entity for prosecution. When the amount of overpaid assistance meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General (OIG). Other criminal violations related to the HCV program will be referred to the appropriate local, state, or federal entity.

8501.23 DCHA may retain a portion of program fraud losses that DCHA recovers from a family or owner through litigation, court order, or a repayment agreement (See, 24 CFR § 982.163).

8501.24 DCHA must be the principal party initiating or sustaining the action to recover amounts due from tenants that are due as a result of fraud and abuse. DCHA may retain the greater of:

(a) Fifty percent (50%) of the amount it actually collects from a judgment, litigation (including settlement of a lawsuit) or an administrative repayment agreement; or

(b) Reasonable and necessary costs that DCHA incurs related to the collection including costs of investigation, legal fees, and agency collection fees.

8501.25 The family must be afforded the opportunity for an informal hearing in accordance with requirements in 24 CFR § 982.555.

8501.26 If HUD incurs costs on behalf of DCHA related to the collection, these costs must be deducted from the amount retained by DCHA.

CHAPTER 89

SPECIAL HOUSING TYPES

8900 SINGLE ROOM OCCUPANCY

8900.1 A single room occupancy (SRO) unit provides living and sleeping space for the exclusive use of the occupant but requires the occupant to share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. HCV regulations do not limit the number of units in an SRO facility, but the size of a facility may be limited by local ordinances.

8900.2 When providing housing assistance voucher (HCV) assistance in an SRO unit, a separate lease and housing assistance payments (HAP) contract are executed for each assisted person. The standard form of the HAP contract is used (form HUD-52641) with the special housing type specified in Part A of the HAP contract, as follows: “This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Single room occupancy (SRO)

housing."

8900.3 The payment standard for SRO housing is seventy-five percent (75%) of the zero-bedroom payment standard amount of DCHA's payment standard schedule.

8900.4 The utility allowance for an assisted person residing in SRO housing is seventy-five percent (75%) of the zero-bedroom utility allowance.

8900.5 The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the Total Tenant Payment (TTP) or the gross rent for the unit minus the TTP.

8900.6 HQS requirements described in Chapter 56 apply to SRO housing except that sanitary facilities and space and security characteristics must meet the following standards:

(a) Access: Access doors to the SRO unit must have working locks for privacy. The occupant must be able to access the unit without going through any other unit. Each unit must have immediate access to two or more approved means of exit from the building, appropriately marked and leading to safe and open space at ground level. The SRO unit must also have any other means of exit required by State or local law.

(b) Fire Safety: All SRO facilities must have a sprinkler system that protects major spaces. "Major spaces" are defined as hallways, large common areas, and any other areas specified in local fire, building, or safety codes. SROs must also have hard-wired smoke detectors, and any other fire and safety equipment required by state or local law.

(c) Sanitary facilities and space and security standards must meet local code requirements for SRO housing. In the absence of local code standards, the requirements discussed below apply.

(d) Sanitary Facilities: At least one flush toilet that can be used in privacy, a lavatory basin, and a bathtub or shower in proper operating condition must be provided for each six persons (or fewer) residing in the SRO facility. If the SRO units are leased only to males, flush urinals may be substituted for up to one half of the required number of toilets. Every lavatory basin and bathtub or shower must be supplied at all times with an adequate quantity of hot and cold running water. Sanitary facilities must be reasonably accessible from a common hall or passageway to all persons sharing them and may not be located more than one floor above or below the SRO unit. They may not be located below grade unless the SRO units are located on that level.

(e) Space and Security: no more than one person may reside in an SRO unit. An SRO unit must contain at least one hundred ten (110) square feet of floor space, and at least four square feet of closet space with an unobstructed height of at least five feet, for use by the occupant. If the closet space is less

than four square feet, the habitable floor space in the SRO unit must be increased by the amount of the deficiency. Exterior doors and windows accessible from outside the SRO unit must be lockable.

8900.7 Because no children live in SRO housing, the housing quality standards applicable to lead-based paint do not apply.

8901 CONGREGATE HOUSING

8901.1 Congregate housing is intended for use by elderly persons or persons with disabilities. A congregate housing facility contains a shared central kitchen and dining area and a private living area for the individual household that includes at least a living room, bedroom, and bathroom. Food service for residents must be provided.

8901.2 If approved by DCHA, a family member or live-in aide may reside with the elderly person or person with disabilities. DCHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

8901.3 When providing HCV assistance in congregate housing, a separate lease and HAP contract are executed for each assisted family. The standard form of the HAP contract is used (form HUD-52641) with the special housing type specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Congregate housing."

8901.4 The payment standard for an individual unit in a congregate housing facility is based on the number of rooms in the private living area for the assisted family. If there is only one room in the unit (not including the bathroom or the kitchen, if a kitchen is provided), DCHA must use the payment standard for a zero-bedroom unit. If the unit has two (2) or more rooms (other than the bathroom and the kitchen), DCHA must use the one-bedroom payment standard. If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

8901.5 The HAP for an assisted occupant in a congregate housing facility is the lower of the applicable payment standard minus the TTP or the gross rent for the unit minus the TTP.

8901.6 The gross rent for the unit for the purpose of calculating HCV assistance is the shelter portion (including utilities) of the resident's monthly housing expense only. The residents' costs for food service should not be included in the rent for a congregate housing unit.

8901.7 HQS requirements as described in Chapter 8 apply to congregate housing except for the requirements stated below. Congregate housing must have a refrigerator of appropriate size in the private living area of each resident, a central kitchen, and dining facilities located within the premises and accessible to the residents, and

food service for the residents, that is not provided by the residents themselves. The central kitchen and dining facilities must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner; must be used to provide a food service that is provided for the residents (and that is not provided by the residents); and must be for the primary use of residents of the congregate units and be sufficient in size to accommodate the residents.

8901.8 The congregate housing must contain adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

8901.9 The housing quality standards applicable to lead-based paint do not apply unless a child under the age of six is expected to reside in the unit.

8902 GROUP HOME

8902.1 A group home is a approved (licensed, certified, or otherwise approved in writing by the District) facility intended for occupancy by elderly persons and/or persons with disabilities. Except for live-in aides, all persons living in a group home, whether assisted or not, must be elderly persons or persons with disabilities. Persons living in a group home must not require continuous medical or nursing care.

8902.2 A group home consists of bedrooms for residents, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents. No more than twelve (12) persons may reside in a group home including assisted and unassisted residents and any live-in aides.

8902.3 If approved by DCHA, a live-in aide may live in the group home with a person with disabilities. DCHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

8902.4 When providing HCV assistance in a group home, a separate lease and HAP contract is executed for each assisted family. The standard form of the HAP contract is used (form HUD-52641) with the special housing type specified in Part A of the HAP contract, as follows: “This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Group home.”

8902.5 Unless there is a live-in aide, the family unit size (voucher size) for an assisted occupant of a group home must be zero - or one - bedroom. If there is a live-in aide, the aide must be counted in determining the household’s unit size.

8902.6 The payment standard used to calculate the HAP is the lower of the payment standard for the family unit size or the pro-rata share of the payment standard for the group home size. The pro-rata share is calculated by dividing the number of

persons in the assisted household by the number of persons (assisted and unassisted) living in the group home. The number of persons in the assisted household equals one assisted person plus any DCHA-approved live-in aide.

8902.7 The HAP for an assisted occupant in a group home is the lower of the payment standard minus the TTP or the gross rent minus the TTP.

8902.8 The utility allowance for an assisted occupant in a group home is the pro-rata share of the family unit size to the utility allowance for the group home.

8902.9 The rents paid for participants residing in group homes are subject to generally applicable standards for rent reasonableness. The rent for an assisted person must not exceed the pro-rata portion of the reasonable rent for the group home. In determining reasonable rent, DCHA must consider whether sanitary facilities and facilities for food preparation and service are common facilities or private facilities.

8902.10 The entire unit must comply with Housing Quality Standards (HQS) requirements described in Chapter 56, except for the requirements stated below:

(a) Sanitary Facilities: A group home must have at least one bathroom in the facility, with a flush toilet that can be used in privacy, a fixed basin with hot and cold running water, and a shower or bathtub with hot and cold running water. A group home may contain private or common bathrooms. However, no more than four residents can be required to share a bathroom.

(b) Food Preparation and Service: Group home units must contain a kitchen and dining area with adequate space to store, prepare, and serve food. The facilities for food preparation and service may be private or may be shared by the residents. The kitchen must contain a range, an oven, a refrigerator, and a sink with hot and cold running water. The sink must drain into an approvable public or private disposal system. There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary.

(c) Space and Security: Group homes must contain at least one bedroom of appropriate size for every two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents. Doors and windows accessible from outside the unit must be lockable.

(d) Structure and Material: To avoid any threat to the health and safety of the residents, group homes must be structurally sound. Ceilings, walls, and floors must not have any serious defects such as severe bulging or leaning, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other significant damage. The roof structure must be firm, and the roof must be weathertight. The exterior or wall structure and exterior wall surface may not have any serious defects such as serious leaning, buckling, sagging, cracks or large holes, loose siding, or

other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., must not present a danger of tripping or falling. Elevators must be in good condition. Group homes must be accessible to and usable by residents with disabilities.

(e) Site and Neighborhood: Group homes must be located in a residential setting. The site and neighborhood should be reasonably free from disturbing noises and reverberations, and other hazards to the health, safety, and general welfare of the residents, and should not be subject to serious adverse conditions, such as:

(1) Dangerous walks or steps;

(2) Instability;

(3) Flooding, poor drainage;

(4) Septic tank back-ups, sewage hazards;

(5) Mud slides;

(6) Abnormal air pollution;

(7) Smoke or dust;

(8) Excessive noise;

(9) Vibrations or vehicular traffic;

(10) Excessive accumulations of trash;

(11) Vermin or rodent infestation; and

(12) Fire hazards.

8902.11 The housing quality standards applicable to lead-based paint do not apply unless a child under the age of six is expected to reside in the unit.

8903 SHARED HOUSING

8903.1 [RESERVED]

8903.2 Shared housing is a single housing unit occupied by an assisted family and another resident or residents. The unit may be a house or an apartment. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family.

8903.3 An assisted family may share a unit with other persons assisted under the HCV program or with other unassisted persons.

8903.4 Shared housing may be offered in several ways, including for-profit co-living (such as a boarding house, single bedroom with common living room/kitchen/dining room) run by a private company.

8903.5 The owner of a shared housing unit may reside in the unit, but housing assistance may not be paid on behalf of the owner. The resident owner may not be related by blood or marriage to the assisted family.

8903.6 If approved by DCHA, a live-in aide may reside with the family to care for a person with disabilities. DCHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

8903.7 [RESERVED]

8903.8 When providing HCV assistance in shared housing, a separate lease and HAP contract are executed for each assisted family. The standard form of the HAP contract is used (form HUD-52641) with the special housing type specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Shared housing."

8903.9 The payment standard for a family in shared housing is the lower of the payment standard for the family unit size (voucher size) or the pro-rata share of the payment standard for the shared housing unit size.

8903.10 The pro-rata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private, non-shared space by the total number of bedrooms in the unit.

Example:

Family holds a two-bedroom voucher.
Shared housing unit size: bedrooms available to assisted family: 2
Total bedrooms in the unit: 3
2 Bedrooms for assisted family ÷ 3 Bedrooms in the unit = .667 pro-rata share
2 BR payment standard: $1200
3 BR payment standard: $1695 x .667 (pro-rata share) = $1131
$1131 is lower than the $1200 payment standard for the 2 BR family unit size.
$1131 is the payment standard used to calculate the HAP.

8903.11 The HAP for a family in shared housing is the lower of the payment standard minus the Total Tenant Payment (TTP) or the gross rent minus the TTP.

8903.12 The utility allowance for an assisted family living in shared housing is the pro-rata share of the utility allowance for the shared housing unit.

Example:

A family holds a 2-bedroom voucher.
The family decides to occupy 3 out of 4 bedrooms available in the unit. The utility allowance for a 4-bedroom unit equals $200.
The utility allowance for a 2-bedroom unit equals $100.

The pro-rata share of the utility allowance is $150 (3/4 of $200).
The PHA will use the 2-bedroom utility allowance of $100.

8903.13 The rents paid for families living in shared housing are subject to generally applicable standards for rent reasonableness. The rent paid to the owner for the assisted family must not exceed the pro-rata portion of the reasonable rent for the shared unit. In determining reasonable rent, the DCHA may consider whether sanitary and food preparation areas are private or shared.

8903.14 DCHA may not give approval to reside in shared housing unless the entire unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards.

8903.15 HQS requirements described in Chapter 56 apply to shared housing except for the requirements stated below.

(a) Facilities Available for the Family: Facilities available to the assisted family, whether shared or private, must include a living room, a bathroom, and food preparation and refuse disposal facilities.

(b) Space and Security: The entire unit must provide adequate space and security for all assisted and unassisted residents. The private space for each assisted family must contain at least one bedroom for each two persons in the family. The number of bedrooms in the private space of an assisted family must not be less than the family unit size (voucher size). A zero-bedroom or one-bedroom unit may not be used for shared housing.

8904 COOPERATIVE HOUSING

8904.1 This part applies to rental assistance for a cooperative member residing in cooperative housing. It does not apply to assistance for a cooperative member who has purchased membership under the HCV homeownership option, or to rental assistance for a family that leases a cooperative housing unit from a cooperative member.

8904.2 A cooperative is a form of ownership (nonprofit corporation or association) in which the residents purchase memberships in the ownership entity. Rather than being charged “rent” a cooperative member is charged a “carrying charge.” The

monthly carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. It does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

8904.3 The occupancy agreement or lease and other appropriate documents must provide that the monthly carrying charge is subject to HCV limitations on rent to owner, and the rent must be reasonable as compared to comparable unassisted units.

8904.4 When providing HCV assistance in cooperative housing, the standard form of the HAP contract is used with the special housing type specified in Part A of the HAP contract, as follows: "This HAP contract is used for the following special housing type under HUD regulations for the Section 8 voucher program: Cooperative housing."

8904.5 The payment standard and utility allowance are determined according to regular HCV program requirements.

8904.6 The HAP for a cooperative housing unit is the lower of the payment standard minus the TTP or the gross rent (monthly carrying charge for the unit, plus any utility allowance) minus the TTP. The monthly carrying charge includes the member's share of the cooperative debt service, operating expenses, and necessary payments to cooperative reserve funds. The carrying charge does not include down payments or other payments to purchase the cooperative unit or to amortize a loan made to the family for this purpose.

8904.7 All standard HQS requirements apply to cooperative housing units. There are no additional HQS requirements. DCHA remedies described in 24 CFR §982.404 do not apply. Rather, if the unit and premises are not maintained in accordance with HQS, DCHA may exercise all available remedies regardless of whether the family or cooperative is responsible for the breach of HQS.

8904.8 No housing assistance payment can be made unless unit meets HQS and the defect is corrected within the period as specified by DCHA and DCHA verifies correction (see Chapter 8).

8904.9 In addition to regular breaches of HQS, breaches of HQS by the family include failure to perform any maintenance for which the family is responsible in accordance with the terms of the cooperative occupancy agreement.

8905 MANUFACTURED HOMES

8905.1 A manufactured home is a manufactured structure, transportable in one or more parts, that is built on a permanent chassis, and designed for use as a principal place of residence. HCV-assisted families may occupy manufactured homes in three different ways.

(a) A family can choose to rent a manufactured home already installed on a space and DCHA must permit it. In this instance program rules are the same as when a family rents any other residential housing, except that there are special HQS requirements as provided in § 8905.13 below;

(b) A family can purchase a manufactured home under the HCV Homeownership program; or

(c) HUD rules permit an otherwise eligible family that owns a manufactured home to rent a space for the manufactured home and receive HCV

assistance with the rent for the space as well as certain other housing expenses. Public housing authorities (PHAs) may, but are not required to, provide assistance for such families.

8905.2 In determining the annual income of families leasing manufactured home spaces, the value of the family's equity in the manufactured home in which the family resides is not counted as a family asset.

8905.3 There is a designated HAP Contract (form HUD-52642) and designated Tenancy Addendum (form HUD 52642-A) for this special housing type.

8905.4 The DCHA payment standard for manufactured homes is determined in accordance with 24 CFR §982.505 and is the payment standard used for the PHA's HCV program. It is based on the applicable fair market rent (FMR) for the area in which the manufactured home space is located.

8905.5 The payment standard for the family is the lower of the family unit size (voucher size) or the payment standard for the number of bedrooms in the manufactured home.

8905.6 DCHA establishes utility allowances for manufactured home space rental. For the first twelve (12) months of the initial lease term only, the allowance must include an amount for a utility hook-up charge if the family actually incurred a hook-up charge because of a move. This allowance will not be given to a family that leases in place. Utility allowances for manufactured home space must not include the costs of digging a well or installing a septic system.

8905.7 If the amount of the monthly assistance payment for a family exceeds the monthly rent for the manufactured home space (including the owner's monthly management and maintenance charges), DCHA may pay the remainder to the family, lender, or utility company.

8905.8 The rent for the manufactured home space (including other eligible housing expenses) is the total of:

(a) The rent charged for the manufactured home space;

(b) Owner maintenance and management charges for the space;

(c) The monthly payments made by the family to amortize the cost of purchasing the manufactured home, including any required insurance and property taxes; and

(d) The applicable allowance for tenant-paid unities.

8905.9 The monthly payment made by the family to amortize the cost of purchasing the manufactured home is the debt service established at the time of application to a lender for financing the purchase of the manufactured home if monthly payments are still being made. Any increase in debt service due to refinancing after purchase of the home may not be included in the amortization cost. Debt service for set-up charges incurred by a family may be included in the monthly amortization payments made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize the charges.

8905.10 The HAP for a manufactured home space under the housing choice voucher program is the lower of the payment standard minus the TTP or the manufactured home space rent (including other eligible housing expenses) minus the TTP.

8905.11 Initially, and at least annually thereafter, DCHA must determine that the rent for the manufactured home space is reasonable based on rents for comparable manufactured home spaces. DCHA must consider the location and size of the space, and any services and maintenance to be provided by the owner. By accepting the monthly housing assistance payment, the owner of the manufactured home space certifies that the rent does not exceed rents charged by the owner for comparable unassisted spaces in the same manufactured home park or elsewhere.

8905.12 If requested by the DCHA, the owner must give the DCHA information on rents charged by the owner for other manufactured home spaces.

8905.13 Under either type of occupancy described above, the manufactured home must meet the following requirements:

(a) All HQS performance requirements and acceptability criteria; and

(b) A manufactured home must be placed on the site in a stable manner and must be free from hazards such as sliding or wind damage. The home must be securely anchored by a tie-down device that distributes and transfers the loads imposed by the unit to appropriate ground anchors to resist overturning and sliding.

8906 HOMEOWNERSHIP

8906.1 The homeownership option is used to assist a family residing in a home purchased and owned by one or more members of the family. A family assisted under this

option may be newly admitted or an existing participant in the HCV Program. DCHA operates its HCV homeownership program in accordance with 14 DCMR Chapter 92. Where this section conflicts with 14 DCMR Chapter 92, 14 DCMR Chapter 92 shall control as the operable regulation and policy of DCHA.

8906.2 DCHA has instituted a minimum homeowner down payment requirement of at least three percent (3%) of the purchase price and requires that at least one percent of the purchase price come from the family's personal resources.

8906.3 DCHA will offer the monthly homeownership assistance payments to qualified families.

8906.4 DCHA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities.

8906.5 The family must meet all the requirements listed below before the commencement of homeownership assistance.

(a) The family must have been admitted to the HCV Program;

(b) The family must qualify as a first-time homeowner, or may be a cooperative member;

(c) The family may not include any person who has held an ownership interest in a residence during the three (3) years prior to commencement of homeownership assistance except as follows:

(1) Equitable interest in a property under the terms of a lease-purchase agreement prior to exercise of the purchase option; or

(2) A single parent or displaced homemaker who, while married, owned a home with their spouse or resided in a home owned by their spouse.

"Displaced homemaker," as defined in 12 U.S.C. §12713 means an individual who – (a) is an adult; (b) has not worked full-time, full-year in the labor force for a number of years but has, during such years, worked primarily without remuneration to care for the home and family; and (c) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment. An individual who is now single, but had previously owned a home with his or her former spouse even within the three-year period;

(d) DCHA has established a higher minimum income requirement of twenty-five thousand dollars ($25,000) in gross annual income per year;

(e) A family that meets the federal minimum income requirement (but not the DCHA's requirement) will be considered to meet the minimum income

requirement if it can demonstrate that it has been pre-qualified or pre-approved for financing that is sufficient to purchase an eligible unit;

(f) For disabled families, the minimum income requirement is equal to the current SSI monthly payment for an individual living alone, multiplied by twelve (12);

(g) For elderly or disabled families, welfare assistance payments for adult family members who will own the home will be included in determining whether the family meets the minimum income requirement. It will not be included for other families;

(h) The family must satisfy the employment requirements by demonstrating that one or more adult members of the family who will own the home at commencement of homeownership assistance is currently employed on a full-time basis (the term 'full-time employment' means not less than an average of thirty (30) hours per week); and has been continuously so employed during the year before commencement of homeownership assistance for the family;

(i) Under the authority granted to DCHA under its MTW status, DCHA requires that at least one borrower shall have been employed for at least two (2) continuous years preceding the beginning of homeownership assistance;

(j) Families will be considered "continuously employed" if the break in employment does not exceed four (4) months;

(k) DCHA will count self-employment in a business when determining whether the family meets the employment requirement;

(l) The employment requirement does not apply to elderly and disabled families. In addition, if a family, other than an elderly or disabled family includes a person with disabilities, DCHA must grant an exemption from the employment requirement if DCHA determines that it is needed as a reasonable accommodation;

(m) The family has not defaulted on a mortgage securing debt to purchase a home under the homeownership option;

(n) Except for cooperative members who have acquired cooperative membership shares prior to commencement of homeownership assistance, no family member has a present ownership interest in a residence at the commencement of homeownership assistance for the purchase of any home;

(o) Except for cooperative members who have acquired cooperative membership shares prior to the commencement of homeownership assistance, the family has entered a contract of sale in accordance with 24 CFR §982.631(c); and

(p) To be eligible to participate in the homeownership option, families must meet the following criteria:

(1) The family has had no family-caused violations of HUD's HQS within the past year;

(2) The family is not within the initial one-year period of a HAP contract;

(3) The family owes no money to DCHA;

(4) The family owes no monies under the lease and has not committed any serious or repeated violations of a DCHA-assisted lease within the past year; and

(5) The family has not committed fraud in connection with the HCV program or any other federal housing program.

8906.6 [RESERVED]

8906.7 [RESERVED]

8906.8 All families must meet eligibility requirements as defined in §5100.

8906.9 In order for a unit to be eligible, the unit must satisfy all of the following requirements:

(a) The unit must meet HUD's "eligible housing" requirements. The unit may not be any of the following:

(1) A public housing or Indian housing unit;

(2) A unit receiving HCV project-based assistance;

(3) A nursing home, board and care home, or facility providing continual psychiatric, medical or nursing services;

(4) A college or other school dormitory; or

(5) On the grounds of penal, reformatory, medical, mental, or similar public or private institutions.

(b) The unit must be a one-unit property or a single dwelling unit in a cooperative or condominium;

(c) The unit must have been inspected by DCHA and by an independent inspector designated by the family;

(d) The unit must meet HQS;

(e) For a unit where the family will not own fee title to the real property (such as a manufactured home), the home must have a permanent foundation and the family must have the right to occupy the site for at least forty (40) years;

(f) Families may enter contracts of sale for units not yet under construction. However, DCHA will not commence homeownership assistance for the family for that unit until:

(1) Either the responsible entity completes the environmental review as required by 24 CFR part 58 and HUD approved the environmental certification and request for release of funds prior to commencement of construction or HUD performed an environmental review under CFR part 50 and notified the PHA in writing of environmental approval of the site prior to construction commencement; and

(2) Construction of the unit has been completed and the unit has passed the required HQS inspection and independent inspection as addressed elsewhere in this chapter;

(g) For DCHA-owned units all of the following conditions must be satisfied:

(1) DCHA informs the family, both orally and in writing, that the family has the right to purchase any eligible unit and a DCHA-owned unit is freely selected by the family without DCHA pressure or steering;

(2) The unit is not ineligible housing; and

(3) DCHA obtains the services of an independent agency to inspect the unit for compliance with HQS, review the independent inspection report, review the contract of sale, determine the reasonableness of the sales price and any DCHA provided financing. All of these actions must be completed in accordance with program requirements; and

(h) DCHA must not approve the unit if DCHA has been informed that the seller is debarred, suspended, or subject to a limited denial of participation

8906.10 It is the family's responsibility to find a home that meets the criteria for voucher homeownership assistance. DCHA may establish the maximum time that will be allowed for a family to locate and purchase a home and may require the family to report on their progress in finding and purchasing a home. If the family is unable to purchase a home within the maximum time established by DCHA, DCHA may issue the family a voucher to lease a unit or place the family's name on the waiting list for a voucher.

8906.11 Once DCHA has determined the family eligible for the homeownership assistance, the family will attend a homeownership briefing. The family must also meet counseling and education requirements. Upon completion of these steps, the family will be issued a Preliminary Certificate of Assistance. DCHA will also provide a Preliminary Certificate of Assistance document to the family's lender of choice.

8906.12 Once the family has been issued the Preliminary Certificate of Assistance, the family has thirty (30) calendar days to obtain mortgage pre-approval. The family must submit the pre-approval letter to DCHA within ten (10) calendar days. Once the family provides written proof of being pre-approved for a loan to DCHA, DCHA will issue them a Home Search Authorization. The mortgage pre-approval letter shall reflect the maximum purchase price, first trust mortgage loan amount, interest rate, and term of loan**.**

8906.13 Once the family receives their Home Search Authorization, the family will be allowed one hundred eighty (180) days to identify a unit and submit a sales contract to DCHA for review, and to close on the home. DCHA may grant up to two (2) extensions of three (3) months each for good cause.

8906.14 During these periods, the family will continue to receive HCV rental assistance in accordance with any active lease and HAP contract until the family vacates the rental unit for its purchased home.

8906.15 All requests for extensions must be submitted in writing to DCHA prior to the expiration of the period for which the extension is being requested. DCHA will approve or disapprove the extension request within ten (10) business days. The family will be notified of the DCHA's decision in writing.

8906.16 If the family does not meet one of the time requirements above, and is not receiving rental assistance under a HAP contract at the time the search and purchase time period expires, the family will be issued a voucher to lease a unit, and required to wait one (1) year before they shall be again allowed to participate in the DCHA's Homeownership program.

8906.17 Before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by DCHA. HUD suggests the following topics for the DCHA-required pre-assistance counseling:

(a) Home maintenance (including care of the grounds);

(b) Budgeting and money management;

(c) Credit counseling;

(d) How to negotiate the purchase price of a home;

(e) How to obtain homeownership financing and loan pre-approvals, including a description of types of financing that may be available, and the pros and cons of different types of financing;

(f) How to find a home, including information about homeownership opportunities, schools, and transportation in the PHA jurisdiction;

(g) Advantages of purchasing a home in an area that does not have a high concentration of low-income families and how to locate homes in such areas;

(h) Information on fair housing, including fair housing lending and local fair housing enforcement agencies; and

(i) Information about the Real Estate Settlement Procedures Act (12 U.S.C.§ 2601 et seq.) (RESPA), state and Federal truth-in-lending laws, and how to identify and avoid loans with oppressive terms and conditions.

8906.18 DCHA may adapt the subjects covered in pre-assistance counseling (as listed) to local circumstances and the needs of individual families.

8906.19 DCHA may also offer additional counseling after commencement of homeownership assistance (ongoing counseling). If DCHA offers a program of ongoing counseling for participants in the homeownership option, DCHA shall have discretion to determine whether the family is required to participate in the ongoing counseling.

8906.20 If DCHA does not use a HUD-approved housing counseling agency to provide the counseling, DCHA shall ensure that its counseling program is consistent with the counseling provided under HUD's Housing Counseling program.

8906.21 Pre-purchase homeownership counseling is provided through the District of Columbia Housing and Community Development Home Purchase Assistance Program (DHCD HPAP). The family must provide DCHA with a copy of the Certificate of Completion provided to them from the DHCD HPAP.

8906.22 Post-purchase homeownership counseling is required by DCHA, provided by DCHA-approved entities. DCHA may require families to attend and complete other post-purchase homeownership counseling as determined necessary by DCHA.

8906.23 DCHA may not commence monthly homeownership assistance payments for a family until DCHA has inspected the unit and has determined that the unit passes HQS:

(a) When the family locates a home they wish to purchase and submits a copy of their purchase offer/contract, DCHA will conduct a HQS inspection within ten (10) business days. Any items found not to meet HQS must be repaired before the unit can be determined eligible for the homeownership

program.

(b) Generally, if a unit fails inspection three (3) times, the family must attempt to locate another unit within the term of the homeownership voucher. DCHA may allow an additional inspection if HQS deficiencies are minor and can be reasonably expected to be addressed within a timely manner.

(c) Whenever possible, DCHA will conduct in-person inspections. If not possible (such as due to federal distancing requirements), DCHA may conduct remote inspections.

8906.24 An independent professional inspector selected by and paid for by the family must also inspect the unit. The independent inspection must cover major building systems and components, including foundation and structure, housing interior and exterior, and the roofing, plumbing, electrical, and heating systems. The independent inspector must be qualified to report on property conditions, including major building systems and components.

8906.25 DCHA may not require the family to use an independent inspector selected by DCHA. However, DCHA may establish standards for qualification of inspectors selected by families under the homeownership option:

(a) The family must hire an independent professional inspector, whose report must be submitted to DCHA for review. This inspector must be a member of the American Society of Home Inspectors (ASHI) or other recognized professional society, or a licensed engineer. The inspector cannot be a DCHA employee or contractor.

(b) The family must provide a copy of the inspection report to DCHA within five (5) working days of receiving the report.

8906.26 DCHA may disapprove a unit for assistance based on information in the independent inspector's report, even if the unit was found to comply with HQS:

(a) DCHA will review the professional report in a timely fashion and, based on the presence of major physical problems, may disapprove the purchase of the home.

(b) If DCHA disapproves the purchase of a home, the family will be notified in writing of the reasons for the disapproval.

(c) While the family is receiving homeownership assistance, DCHA will not conduct HQS inspections.

8906.27 Before commencement of monthly homeownership assistance payments, a member or members of the family must enter a contract of sale with the seller of the unit to be acquired by the family. The family must give DCHA a copy of the contract of sale. The contract of sale must:

(a) Specify the price and other terms of sale by the seller to the purchaser;

(b) Provide that the purchaser will arrange for a pre-purchase inspection of the dwelling unit by an independent inspector selected by the purchaser;

(c) Provide that the purchaser is not obligated to purchase the unit unless the inspection is satisfactory to the purchaser;

(d) Provide that the purchaser is not obligated to pay for any necessary repairs; and

(e) Contain a certification from the seller that the seller has not been debarred, suspended, or subject to a limited denial of participation under CFR part 24.

8906.28 A contract for the sale of a unit not yet under construction must meet all above requirements, and the requirements below. Commencement of construction in violation of the below requirements voids the purchase contract:

(a) The purchaser is not obligated to purchase the unit unless an environmental review has been performed and the site received environmental approval prior to commencement of construction in accordance with 24 CFR §982.628; and

(b) The construction will not commence until the environmental review has been completed and the seller has received written notice from DCHA that environmental approval has been obtained. Environmental approval may be conditioned on the contracting parties' agreement to modification to the unit design or to mitigation actions.

8906.29 In its administrative discretion, DCHA may deny approval of a seller for the same reasons DCHA may disapprove an owner under the regular HCV Program.

8906.30 DCHA may establish requirements for financing purchase of a home under the homeownership option. This may include requirements concerning qualification of lenders, terms of financing, restrictions concerning debt secured by the home, lender qualifications, loan terms, and affordability of the debt. DCHA must establish policies describing these requirements in the Plan.

8906.31 DCHA may not require that families acquire financing from one or more specified lenders, thereby restricting the family's ability to secure favorable financing terms:

(a) As a check against predatory lending, DCHA will review the financing of each purchase transaction, including estimated closing costs. DCHA will review the loans for features, such as balloon payments, adjustable rate mortgages, and unusually high interest rates, all of which are prohibited. DCHA also will not approve "seller financing" or "owner-held" mortgages. Beyond these basic criteria, DCHA will rely on the lenders to determine that

the loan will be affordable to program participants.

(b) The mortgage the family applies for must require a minimum down payment of at least three percent (3%) of the sales price with one percent (1%) of the down payment coming from the purchaser's personal funds. DCHA will not require that the family have any more than the minimum of one percent (1%) of their own money in the transaction. However, in cases where a lender is requiring a larger amount, the family may be held to the underwriting guidelines set by their lending institution.

(c) DCHA will approve a family's request to utilize its Family Self-Sufficiency escrow account after final disbursement for down payment and/or closing costs when purchasing a unit under the HCV homeownership option.

8906.32 Homeownership assistance may only be paid while the family is residing in the home. If the family moves out of the home, DCHA may not continue homeownership assistance after the month when the family moves out. The family or lender is not required to refund to DCHA the homeownership assistance for the month when the family moves out.

8906.33 Before commencement of homeownership assistance, the family must execute a statement of family obligations in the form prescribed by HUD [form HUD-52649]. In the statement, the family agrees to comply with all family obligations under the homeownership option.

8906.34 The family must comply with the following obligations:

(a) The family must comply with the terms of the mortgage securing debt incurred to purchase the home, or any refinancing of such debt;

(b) The family may not convey or transfer ownership of the home, except for purposes of financing, refinancing, or pending settlement of the estate of a deceased family member. Use and occupancy of the home are subject to 24 CFR § 982.551 (h) and (i);

(c) The family must supply information to DCHA or HUD as specified in 24 CFR § 982.551(b). The family must further supply any information required by DCHA or HUD concerning mortgage financing or refinancing, sale or transfer of any interest in the home, or homeownership expenses;

(d) The family shall obtain written approval from DCHA before securing any refinancing on the primary loan, subordinate equity loan or line of credit;

(e) The family must notify DCHA before moving out of the home;

(f) The family must notify DCHA if the family defaults on the mortgage used to purchase the home;

(g) The family must provide DCHA with information on any satisfaction or payment of the mortgage debt;

(h) No family member may have any ownership interest in any other residential property;

(i) The family must comply with the obligations of a participant family described in 24 CFR §982.551, except for the following provisions which do not apply to assistance under the homeownership option: 24 CFR § 982.551(c), (d), (e), (f), (g) and (j);

(j) DCHA will require families to establish and deposit a minimum of fifty dollars ($50) a month into a maintenance reserve account;

(k) The family must attend a DCHA scheduled annual meeting, and provide what documentation is required at that meeting;

(l) DCHA will terminate the family's homeownership assistance if the family's income falls below the minimum annual income requirements for more than twelve (12) consecutive months;

(m) If, during the first ten (10) years of homeownership, the family sells the unit DCHA will recapture a percentage of the homeownership proceeds provided to the family, unless proceeds are invested in purchasing another home under the Homeownership program; and

(n) DCHA shall also recapture a percentage of any proceeds realized upon refinancing that are retained by the household (i.e., during a "cash-out" of the refinanced debt).

8906.35 Sale of the Home**:** In the case of the sale of the home, the recapture amount shall be in the amount equaling the lesser of the following:

(a) The amount of Homeownership assistance provided to the household, adjusted to reflect the automatic reduction provided in "Reduction of Recapture Amount" below; and

(b) The difference between the sales price and the purchase price of the home, minus:

(1) The cost of any documented capital expenditures;

(2) The cost incurred by the household in the sale of the home, such as brokerage fees or repair and fix-up costs;

(3) The amount of the difference between the sales price and purchase price that is being used upon sale, toward the purchase of a new home under the Home Ownership Program; and

(4) Any amounts previously recaptured.

8906.36 Refinancing of the Home: In the case of a refinancing of the home, the recapture shall be the amount equaling the lesser of the following:

(a) The amount of Homeownership assistance provided to the household, adjusted to reflect the automatic reduction provided in "Reduction of Recapture Amount" below; or

(b) The difference between the current mortgage debt and the new mortgage debt minus:

(1) The cost of any documented capital expenditures;

(2) The cost incurred by the household in the refinancing of the home, such as reasonable and customary closing costs; and

(3) Any amounts previously recaptured.

8906.37 The amount of the recapture shall be reduced in increments of ten percent (10%) for each full year of receipt of HCV Homeownership Assistance/subsidies with, no recapture required after the end of the tenth (10th) year of participation.

8906.38 At the time of purchase, the household shall execute a Recapture Agreement and Mortgage document which obligates the household to repay a portion of the Subsidy under certain circumstances and secures DCHA's right to recapture Homeownership Assistance Subsidy.

8906.39 The lien securing the recapture may be subordinated to the mortgage lien of the primary loan and other subordinate liens securing repayment of down-payment assistance.

8906.40 Except in the case of a family that qualifies as an elderly or disabled family, other family members (described below) shall not receive homeownership assistance for more than:

(a) Fifteen (15) years, if the initial mortgage incurred to finance purchase of the home has a term of twenty (20) years or longer; or

(b) Ten (10) years, in all other cases.

8906.41 The maximum term described above applies to any member of the family who:

(a) Has an ownership interest in the unit during the time that homeownership payments are made; or

(b) Is the spouse of any member of the household who has an ownership interest in the unit during the time homeownership payments are made.

8906.42 In the case of an elderly family, the exception only applies if the family qualifies as an elderly family at the start of homeownership assistance. In the case of a disabled family, the exception applies if at any time during receipt of homeownership assistance the family qualifies as a disabled family.

8906.43 If, during the course of homeownership assistance, the family ceases to qualify as a disabled or elderly family, the maximum term becomes applicable from the date homeownership assistance commenced. However, such a family must be provided at least six (6) months of homeownership assistance after the maximum term becomes applicable (provided the family is otherwise eligible to receive homeownership assistance).

8906.44 If the family has received such assistance for different homes, or from different PHAs, the total of such assistance terms is subject to the maximum term described in this part.

8906.45 The monthly homeownership assistance payment is the lower of: the voucher payment standard minus the total tenant payment, or the monthly homeownership expenses minus the total tenant payment.

8906.46 In determining the amount of the homeownership assistance payment, DCHA will use the same payment standard schedule, payment standard amounts, and subsidy standards as those described elsewhere in this plan for the HCV program. The payment standard for a family is the greater of:

(a) The payment standard as determined at the commencement of homeownership assistance for occupancy of the home, or

(b) The payment standard at the most recent regular reexamination of family income and composition since the commencement of homeownership assistance for occupancy of the home.

8906.47 [RESERVED]

8906.48 Homeownership expenses (not including cooperatives) must include amounts allowed by DCHA to cover:

(a) Principal and interest on initial mortgage debt, any refinancing of such debt, and any mortgage insurance premium incurred to finance purchase of the home;

(b) Real estate taxes and public assessments on the home;

(c) Home insurance;

(d) DCHA allowance for maintenance expenses;

(e) DCHA allowance for costs of major repairs and replacements;

(f) DCHA utility allowance for the home;

(g) Principal and interest on mortgage debt incurred to finance costs for major repairs, replacements, or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if DCHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person;

(h) Land lease payments where a family does not own fee title to the real property on which the home is located; and

(i) For a condominium unit, condominium operating charges or maintenance fees assessed by the condominium homeowner association.

8906.49 DCHA does not have the discretion to exclude any of the listed homeownership expenses or to add any additional items.

8906.50 Homeownership expenses for a cooperative member include amounts allowed by DCHA to cover:

(a) The cooperative charge under the cooperative occupancy agreement including payment for real estate taxes and public assessments on the home;

(b) Principal and interest on initial debt incurred to finance purchase of cooperative membership shares and any refinancing of such debt;

(c) Home insurance;

(d) DCHA allowance for maintenance expenses;

(e) DCHA allowance for costs of major repairs and replacements;

(f) DCHA utility allowance for the home;

(g) Principal and interest on debt incurred to finance major repairs, replacements or improvements for the home. If a member of the family is a person with disabilities, such debt may include debt incurred by the family to finance costs needed to make the home accessible for such person, if DCHA determines that allowance of such costs as homeownership expenses is needed as a reasonable accommodation so that the homeownership option is readily accessible to and usable by such person; and

(h) Cooperative operating charges or maintenance fees assessed by the cooperative homeowner association.

8906.51 DCHA will use the following amounts for homeownership expenses:

(a) Monthly homeownership payment. This includes principal and interest on initial mortgage debt, taxes and insurance, public assessments, and any mortgage insurance premium, if applicable;

(b) Utility allowance. DCHA's utility allowance for the unit, based on the current HCV utility allowance schedule;

(c) Monthly maintenance/major repair/replacement allowance. A single monthly maintenance/repair/replacement allowance will be provided at fifty dollars ($50) per month;

(d) Monthly co-op/condominium assessments. If applicable, the monthly amount of co-op or condominium association operation and maintenance assessments;

(e) Monthly principal and interest on debt for improvements. Principal and interest for major home repair, replacements, or improvements, if applicable; and

(f) Land lease payments. Land lease payments where a family does not own fee title to the real property on which the home is located.

8906.52 DCHA may pay the homeownership assistance payments directly to the family, or at DCHA's discretion, to a lender on behalf of the family. If the assistance payment exceeds the amount due to the lender, DCHA shall pay the excess directly to the family:

(a) DCHA's housing assistance payment will be paid directly to the family via direct deposit. It will be the family's responsibility to make the entire payment to the lender. DCHA may make an exception if the family requests the payment to go directly to the lender, and this arrangement is acceptable to the mortgage company. If the assistance payment exceeds the amount due to the lender, DCHA must pay the excess directly to the family.

(b) DCHA will require families to establish and deposit a minimum of fifty dollars ($50) a month into a maintenance reserve account.

8906.53 Under the authority granted to the PHA under its Moving to Work (MTW) status, homeownership families may not exercise portability.

8906.54 [RESERVED]

8906.55 A family receiving homeownership assistance may move with continued tenant-based assistance or with voucher homeownership assistance.

8906.56 DCHA must determine that all initial requirements have been satisfied if a family

that has received homeownership assistance wants to move with continued homeownership assistance. However, the following do not apply:

(a) The requirement that a family must be a first-time homeowner is not applicable; and

(b) The requirement for pre-assistance counseling is not applicable. However, DCHA may require that the family complete additional counseling (before or after moving to a new unit with continued homeownership assistance).

8906.57 Continued tenant-based assistance for a new unit cannot begin so long as any family member holds title to the prior home. However, when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member (or any family member has been the victim of a sexual assault that occurred on the premises during the ninety (90)-calendar-day period preceding the family's request to move), such family or family member may be assisted with continued tenant-based assistance even if they own any title or other interest in the prior home.

8906.58 DCHA may deny permission to move to a new unit with continued voucher assistance:

(a) If DCHA has insufficient funding to provide continued assistance;

(b) In accordance with 24 CFR §982.638, regarding denial or termination of assistance. In this case, DCHA must provide written notification to the local HUD Office within ten (10) business days of determining it is necessary to deny moves based on insufficient funding; or

(c) In accordance with DCHA's policy regarding number of moves within a twelve (12) month period.

8906.59 DCHA must deny the family permission to move to a new unit with continued voucher rental assistance if:

(a) The family defaulted on an FHA-insured mortgage; and

(b) The family fails to demonstrate that the family has conveyed, or will convey, title to the home, as required by HUD, to HUD or HUD's designee; and

(c) The family has moved, or will move, from the home within the period established or approved by HUD.

8906.60 For families participating in the homeownership option, requests to move will be approved and/or denied in accordance with DCHA policies in this § 8600. DCHA

may require additional counseling of any families who move with continued assistance.

8906.61 At any time, DCHA may deny or terminate homeownership assistance in accordance with HCV program requirements in 24 CFR §982.552 (Grounds for denial or termination of assistance) or 24 CFR §982.553 (Crime by family members).

8906.62 DCHA may also deny or terminate assistance for violation of participant obligations described in 24 CFR Parts §982.551 or §982.633 and in accordance with its own policy.

8906.63 Homeownership assistance for a family automatically terminates one hundred eighty (180) calendar days after the last homeownership assistance payment on behalf of the family. However, a PHA may grant relief from this requirement in those cases where automatic termination would result in extreme hardship for the family.

8906.64 In order for DCHA to consider granting relief from the requirement to automatically terminate homeownership assistance one hundred eighty (180) days following DCHA's last housing assistance payment on behalf of the family, the family must submit a written request to DCHA at least thirty (30) days prior to the date of automatic termination. The request must include an explanation of the circumstances that will cause an extreme hardship for the family (e.g., the imminent loss of income or employment) as well as documentation supporting the request. DCHA will determine on a case-by-case basis whether to grant relief from the requirement and for what period of time. In no case will DCHA postpone termination beyond an additional ninety (90) days.

8906.65 DCHA must terminate voucher homeownership assistance for any member of family receiving homeownership assistance that is dispossessed from the home pursuant to a judgment or order of foreclosure on any mortgage (whether FHA insured or non-FHA) securing debt incurred to purchase the home, or any refinancing of such debt.

8906.66 (a) DCHA will terminate a family's homeownership assistance if the family violates any of the homeowner obligations listed in §8900 as well as for any of the reasons listed in Section 2 of form HUD-52649, Statement of Homeowner Obligations Housing Choice Homeownership Voucher Program.

(b) In making its decision to terminate homeownership assistance, the DCHA will consider alternatives and other factors. Upon consideration of such alternatives and factors, DCHA may, on a case-by-case basis, choose not to terminate assistance.

(c) Termination notices will be sent in accordance with the requirements and

policies set forth in §5100.

CHAPTER 91

PROGRAM ADMINISTRATION & INFORMAL HEARINGS

9100 ADMINISTRATIVE FEE RESERVE

9100.1 The District of Columbia Housing Authority (DCHA) maintains administrative fee reserves, or unrestricted net position (UNP) for the program to pay program administrative expenses in excess of administrative fees paid by HUD in a fiscal year. Expenditures from the UNP account will be made in accordance with all applicable federal requirements.

9101 SETTING PROGRAM STANDARDS AND SCHEDULES

9101.1 DCHA will make available copies of the payment standard and utility allowance schedules in DCHA's offices during normal business hours and on DCHA's website. Families, owners, and members of the public may submit written comments on the schedules discussed in this part, at any time, for consideration during the next revision cycle. DCHA will maintain documentation to support its annual review of payment standards and utility allowance schedules. This documentation will be retained for at least three (3) years.

9101.2 [RESERVED]

9101.3 [RESERVED]

9101.4 DCHA will review the appropriateness of the payment standards on an annual basis when the new fair market rents (FMR) is published, and at other times as determined necessary.

9101.5 In addition to ensuring the payment standards are always within the "authorized range" DCHA will consider the following factors when determining whether an adjustment should be made to the payment standard schedule:

(a) DCHA will review the budget to determine the impact projected subsidy adjustments will have on funding available for the program and the number of families served. DCHA will compare the number of families who could be served under revised payment standard amounts with the number assisted under current payment standard amounts.

(b) DCHA will analyze rent burden will be determined by identifying the percentage of families, for each unit size, that are paying more than thirty percent (30%) of their monthly adjusted income as the family share. When forty percent (40%) or more of families, for any given unit size, are paying more than thirty percent (30%) of adjusted monthly income as the family

share, DCHA will consider increasing the payment standard. In evaluating rent burdens, DCHA will not include families renting a larger unit than their family unit size.

(1) DCHA may review the quality of units selected by participant families when making the determination of the percent of income families are paying for housing, to ensure that payment standard increases are only made when needed to reach the mid-range of the market.

(2) DCHA may review a sample of the units to determine how often owners are increasing or decreasing rents and the average percent of increases/decreases by bedroom size.

(3) DCHA may review the availability of units for each unit size, particularly in areas with low concentrations of poor and minority families.

(4) DCHA may consider the percentage of families that are unable to locate suitable housing before the voucher expires and whether families are leaving the jurisdiction to find affordable housing.

9101.6 Effective dates of changes to payment standard amounts will be determined at the time of update. DCHA will always ensure the payment standards will be within the authorized range.

9101.7 [RESERVED]

9101.8 [RESERVED]

9101.9 [RESERVED]

9101.10 Unit-by-unit exceptions to DCHA's payment standards generally are not permitted. However, an exception may be made as a reasonable accommodation for a family that includes a person with disabilities. This type of exception does not affect DCHA's payment standard schedule.

9101.11 [RESERVED]

9101.12 A family that requires a reasonable accommodation may request a higher payment standard at the time the Request for Tenancy Approval (RFTA) is submitted. The family must document the need for the exception. In order to approve an exception, or request an exception from HUD, DCHA must determine that:

(a) There is a shortage of affordable units that would be appropriate for the family;

(b) The family's Total Tenant Payment (TTP) would otherwise exceed forty percent (40%) of adjusted monthly income; and

(c) The rent for the unit is reasonable.

9101.13 [RESERVED]

9101.14 [RESERVED]

9101.15 [RESERVED]

9101.16 A DCHA established utility allowance schedule is used in determining family share and DCHA subsidy. DCHA must maintain a utility allowance schedule for:

(a) all tenant-paid utilities;

(b) the cost of tenant-supplied refrigerators and ranges; and

(c) other tenant-paid housing services such as trash collection.

9101.17 DCHA determines the utility allowance schedule based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, DCHA must use normal patterns of consumption for the community as a whole, and current utility rates.

9101.18 [RESERVED]

9101.19 [RESERVED]

9101.20 The cost of each utility and housing service must be stated separately by unit size and type.

9101.21 [RESERVED]

9101.22 On request from a family that includes a person with disabilities, DCHA will approve a utility allowance which is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible and usable by the family member with a disability.

9101.23 [RESERVED]

9101.24 [RESERVED]

9101.25 DCHA will review its schedule of utility allowances each year, and will revise the schedule if there has been a change of ten percent (10%) or more in any utility rate since the last time the allowance for that utility was revised.

9101.26 DCHA will maintain information supporting its annual review of utility allowance and any revisions made in its utility allowance schedule.

9102 INFORMAL REVIEWS AND HEARINGS

9102.1 [RESERVED]

9102.2 The process for applicant appeals of DCHA decisions is called the "informal review." For participants (or applicants denied admission because of citizenship issues), the appeal process is called an "informal hearing."

9102.3 Informal reviews are provided for program applicants. An applicant is someone who has applied for admission to the program but is not yet a participant in the program. Informal reviews are intended to provide a "minimum hearing requirement," and need not be as elaborate as the informal hearing requirements.

9102.4 DCHA will only offer an informal review to applicants for whom assistance is being denied. Denial of assistance includes the following:

(a) Determining a family ineligible to assistance, denying listing on the DCHA waiting list;

(b) Denying or withdrawing a voucher; refusing to process or provide assistance under portability procedures;

(c) Refusing to enter into a housing assistance payments (HAP) contract or approve a lease for reasons unrelated to Housing Quality Standards (HQS); or

(d) Owner disapproval.

9102.5 DCHA will give an applicant prompt notice of a decision denying assistance. The notice must contain a brief statement of the reasons for DCHA decision, and must also state that the applicant may request an informal review of the decision. The notice must describe how to obtain the informal review.

9102.6 A request for an informal review must be made in writing and delivered to DCHA electronically, in person, or by first class mail, by the close of the business day, no later than fourteen (14) business days from the date of the DCHA's denial of assistance.

9102.7 DCHA will schedule and send written notice of the informal review within fourteen (14) business days of the family's request.

9102.8 DCHA may conduct the informal review remotely or in-person. If the informal review will be conducted remotely, at the time DCHA notifies the family of the informal review, the family will be informed:

(a) Regarding the processes to conduct a remote informal review;

(b) That, if needed, DCHA will provide technical assistance prior to and during

the informal review; and

(c) That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal review, the family may inform DCHA and DCHA will assist the family in either resolving the issues or allow the family to participate in an in-person informal review, as appropriate.

9102.9 The informal review must be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person. The applicant must be provided an opportunity to present written or oral objections to the decision of DCHA.

9102.10 DCHA has the sole discretion to require that informal reviews be conducted remotely. DCHA will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have childcare or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. DCHA will consider other reasonable requests for a remote informal review on a case-by-case basis.

9102.11 As with in-person informal reviews, the platform for conducting remote informal reviews must be accessible to persons with disabilities and the informal review must be conducted in accordance with Section 504 and accessibility requirements.

9102.12 DCHA will make reasonable accommodations in policies, practices, and procedures to ensure persons with disabilities have a full and equal opportunity to participate in and benefit from all aspects of the informal review process.

9102.13 [RESERVED]

9102.14 Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation, will depend on the specific circumstances and requirements.

9102.15 As with in-person reviews, Limited English Proficiency (LEP) requirements also apply to remote informal reviews, including the use of interpretation services and document translation.

9102.16 [RESERVED]

9102.17 As with in-person informal reviews, DCHA will provide all materials presented, whether paper or electronic, to the family prior to the remote informal review. The family must also be provided with an accessible means by which to transmit their own evidence.

9102.18 DCHA will conduct remote informal reviews in accordance with due process requirements and be in compliance with HUD regulations at 24 CFR §982.554 and

guidance specified in Notice PIH 2020-32.

(a) DCHA will conduct remote informal reviews via a video conferencing platform. This may be via the family's own electronic devices, or through the family utilizing a DCHA customer service center, where an electronic means of attending the informal review will be provided. If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal review will be conducted by telephone conferencing call-in. If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal review will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

(b) At least five (5) business days prior to the scheduled remote review, DCHA will provide the family with login information or conferencing call-in information and an electronic or physical copy of all materials being presented via first class mail or email, or make the materials available through a tenant portal. The notice will advise the family of technological requirements for the review and request the family notify DCHA of any known barriers. DCHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person review.

(c) DCHA will require the family to provide any documents directly relevant to the informal review through the mail or electronically so that they will be received by DCHA at least three (3) business days before the scheduled review. DCHA will provide copies of these documents to DCHA representative(s) the same day.

(d) Documents will be shared electronically whenever possible.

(e) DCHA will follow up the email with a phone call or email to the applicant at least one business day prior to the remote informal review to ensure that the applicant received all information and is comfortable accessing the video conferencing or call-in platform.

(f) DCHA will ensure that all electronic information stored or transmitted with respect to the informal review is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

9102.19 DCHA will notify the applicant of DCHA's decision, including a brief statement of the reasons for the decision.

(a) In rendering a decision, DCHA will evaluate the following matters:

(1) Whether or not the grounds for denial were stated factually in the

notice to the family;

(2) The validity of the grounds for denial of assistance. If the grounds for denial are not specified in the regulations/policy, then the decision to deny assistance will be overturned;

(3) The validity of the evidence. DCHA will evaluate whether the facts presented prove the grounds for denial of assistance. If the facts prove that there are grounds for denial, and the denial is required by HUD, DCHA will uphold the decision to deny assistance; and

(4) If the facts prove the grounds for denial, and the denial is discretionary, DCHA will consider the recommendation of the person conducting the informal review in making the decision whether to deny assistance.

(b) DCHA will notify the applicant of DCHA's decision, including a statement explaining the reason(s) for the decision. The notice will be mailed within ten (10) business days of the informal review, to the applicant and their representative, if any, along with proof of mailing.

(c) If the decision to deny is overturned as a result of the informal review, processing for admission will resume.

(d) If the family fails to appear for their informal review, the denial of admission will stand, and the family will be so notified.

9102.20 DCHA will offer an informal hearing for certain DCHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the DCHA's housing choice voucher (HCV) program and is currently assisted in the program. The purpose of the informal hearing is to consider whether DCHA's decisions related to the family's

circumstances are in accordance with the law, HUD regulations, and the policies described in this Administrative Plan.

9102.21 DCHA is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

(a) Refusing to enter into a HAP contract or approve a lease;

(b) Terminating housing assistance payments under an outstanding HAP contract; or

(c) Refusing to process or provide assistance under portability procedures.

9102.22 Circumstances for which DCHA must give a participant family an opportunity for an informal hearing are as follows:

(a) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment;

(b) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the DCHA utility allowance schedule;

(c) A determination of the family unit size under DCHA's subsidy standards;

(d) A determination to terminate assistance for a participant family because of the family's actions or failure to act;

(e) A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under DCHA policy and HUD rules; and

(f) A determination to terminate a family's (FSS) contract, withhold supportive services, or propose forfeiture of the family's escrow account.

9102.23 In accordance with 24 CFR § 982.555(b), DCHA will not provide an informal hearing for the following circumstances:

(a) Discretionary administrative determinations by DCHA;

(b) General policy issues or class grievances;

(c) Establishment of DCHA schedule of utility allowances for families in the program;

(d) DCHA determination not to approve an extension of a voucher term;

(e) DCHA determination not to approve a unit or tenancy;

(f) DCHA determination that a unit selected by the applicant is not in compliance with the HQS;

(g) DCHA determination that the unit is not in accordance with HQS because of family size; or

(h) A determination by DCHA to exercise or not to exercise any right or remedy against an owner under a HAP contract.

9102.24 DCHA will only offer participants the opportunity for an informal hearing when required to by the federal regulations as described in §9102.22, and if DCHA denies a request for a reasonable accommodation.

9102.25 (a) DCHA has the sole discretion to require that informal hearings be conducted remotely.

(b) DCHA will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have childcare or transportation that would enable them to attend the informal hearing, or if the participant believes an in- person hearing would create an undue health risk. DCHA will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

9102.26 [RESERVED]

9102.27 [RESERVED]

9102.28 [RESERVED]

9102.29 Due to the individualized nature of disability, the appropriate auxiliary aid or service necessary, or reasonable accommodation will depend on the specific circumstances and requirements.

9102.30 As with in-person reviews, LEP requirements also apply to remote informal hearings, including the use of interpretation services and document translation.

9102.31 Conducting Informal Hearings Remotely

(a) DCHA must ensure that the lack of technology or inability to use technology for remote informal hearings does not pose a disadvantage to families that may not be apparent to DCHA. DCHA should determine

through a survey or other means if these barriers exist prior to conducting the remote informal hearing and, if the family does not have the proper technology to fully participate, either postpone the informal hearing or provide an alternative means of access.

(b) As with in-person informal hearings, DCHA must provide all materials presented, whether paper or electronic, to the family prior to the remote informal hearing. The family must also be provided with an accessible means by which to transmit their own evidence.

(c) DCHA will conduct remote informal hearings via a video conferencing platform. This may be via the family's own electronic devices, or through the family utilizing a DCHA customer service center, where an electronic means of attending the informal hearing will be provided.

(d) At least five (5) business days prior to scheduling the remote hearing, DCHA will provide the family with login information or conferencing call-in information The notice will advise the family of technological requirements for the hearing and request the family notify DCHA of any

known barriers. DCHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing.

(1) DCHA will follow up with a phone call and/or email to the family at least one business day prior to the remote informal hearing to ensure that the family received all information and is comfortable accessing the video conferencing or call-in platform.

(2) DCHA will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

9102.32 When DCHA makes a decision that is subject to informal hearing procedures, DCHA will inform the family of its right to an informal hearing at the same time that it informs the family of the decision.

(a) For decisions related to the family's annual or adjusted income, the determination of the appropriate utility allowance, and the determination of the family unit size, DCHA will notify the family that they may ask for an explanation of the basis of the determination, and that if they do not agree with the decision, they may request an informal hearing on the decision.

(b) For decisions related to the termination of the family's assistance, or the denial of a family's request for an exception to DCHA's subsidy standards, the notice will contain a brief statement of the reasons for the decision, a statement that if the family does not agree with the decision, the family may request an informal hearing on the decision, and a statement of the deadline for the family to request an informal hearing.

(c) In cases where DCHA makes a decision for which an informal hearing must be offered, the notice to the family will include all of the following:

(1) The proposed action or decision of DCHA;

(2) A brief statement of the reasons for the decision, including the regulatory or policy reference;

(3) The date the proposed action will take place;

(4) A statement of the family's right to an explanation of the basis for the DCHA's decision, where appropriate;

(5) A statement that if the family does not agree with the decision the family may request an informal hearing of the decision;

(6) A deadline for the family to request the informal hearing;

(7) To whom the hearing request should be addressed; and

(8) A copy of DCHA's hearing procedures.

9102.33 [RESERVED]

9102.34 A request for an informal hearing must be made in writing and delivered to DCHA electronically, in person, or by first class mail, by the close of the business day, no later than thirty-five (35) calendar days from the date of DCHA's written notice of DCHA's decision.

(a) DCHA will send written notification to any family whose request for an informal hearing was received by DCHA after the deadline stating no hearing will be granted.

(b) If the family is being terminated from the HCV Program, and the request for informal hearing was received no later than sixty (60) days after written notice of termination of assistance, the family will also be provided notice they may request a good cause hearing to determine whether the family had good cause to miss the deadline. The opportunity for a good cause hearing is not provided if DCHA action is for other than termination of assistance.

(c) If the family requests a good cause hearing, and the hearing officer determines that the family did have good cause to miss the deadline, an informal hearing will be scheduled.

(d) If it is determined that the family did not have good cause, no informal hearing will be scheduled and DCHA's decision to terminate assistance will stand.

(e) DCHA must schedule and send written notice of the informal hearing to the family within fourteen (14) business days of the family's request.

(f) If DCHA hearing will be conducted remotely, at the time the notice is sent to the family, the family will be notified:

(1) Regarding the processes involved in a remote informal hearing;

(2) That DCHA will provide technical assistance prior to and during the informal hearing, if needed; and

(3) That if the family or any individual witness has any technological, resource, or accessibility barriers, the family may inform DCHA and DCHA will assist the family in either resolving the issue or allow

the family to participate in an in-person hearing, as appropriate.

(g) The family may request to reschedule a hearing for good cause for failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause for not appearing at a scheduled informal hearing is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, DCHA may request documentation of the "good cause" prior to rescheduling the hearing.

(h) If the family does not appear within twenty (20) minutes of the scheduled time and is unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact DCHA within twenty-four (24) hours of the scheduled hearing date, excluding weekends and holidays. DCHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as reasonable accommodation for a person with disabilities. If the family cannot show good cause for the failure to appear, or a rescheduling is not needed as a reasonable accommodation, DCHA's decision will stand.

9102.35 DCHA will compile a hearing packet, consisting of all documents DCHA intends to produce at the informal hearing. DCHA will deliver copies of the hearing packet to the family, the family's representatives, if any, and the hearing officer at least three days before the scheduled remote informal hearing. The original hearing packet will be in the possession of DCHA representative and retained by DCHA. Documents will be shared electronically whenever possible.

9102.36 If the informal hearing is to be conducted remotely, DCHA will require the family to provide any documents directly relevant to the informal hearing through the mail or electronically so that they will be received by DCHA at least three (3) business days before the scheduled informal hearing. DCHA will provide copies of these documents to the hearing officer and DCHA representative(s) the same day. Documents will be shared electronically whenever possible.

9102.37 At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

9102.38 Informal hearings will be conducted by a person or persons approved by DCHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision.

9102.39 Hearings may be attended by a hearing officer and the following applicable persons:

(a) A DCHA representative(s) and any witnesses for DCHA;

(b) The participant and any witnesses for the participant;

(c) The participant's counsel or other representative; and

(d) Any other person approved by DCHA as a reasonable accommodation for a person with a disability.

9102.40 The hearing officer is responsible to manage the order of business and to ensure that hearings are conducted in a professional and businesslike manner. Attendees are expected to comply with all hearing procedures established by the hearing officer and guidelines for conduct. Any person demonstrating disruptive, abusive, or otherwise inappropriate behavior will be excused from the hearing at the discretion of the hearing officer.

9102.41 DCHA and the family must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

(a) Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four (4) categories of evidence.

(1) Oral evidence: the testimony of witnesses relevant to the case;

(2) Documentary evidence: a writing which is relevant to the case, for example, a letter written to DCHA. Writings include all forms of recorded communication or representation, including letters, words, pictures, sounds, videotapes or symbols or combinations thereof;

(3) Demonstrative evidence: Evidence relevant to the case created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram; and

(4) Real evidence: A tangible item relating directly to the case.

(b) "Hearsay Evidence" is evidence based not on a witness' personal knowledge. In and of itself, hearsay evidence carries no weight when making a finding of fact. The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence. Even though hearsay evidence is generally admissible in a hearing, the hearing officer will not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party presenting the evidence has met the burden of proof.

(c) The hearing officer has the authority to overrule any objections to evidence.

(d) If either DCHA (or the family, if required in a remote hearing) fail to comply with the document requirements described above, the hearing officer will refuse to admit such evidence.

(e) Other than the failure of a party to comply with document requirements, the hearing officer has the authority to overrule any objections to evidence.

9102.42 The hearing officer may ask the family for additional information or might adjourn the hearing in order to reconvene at a later date, before reaching a decision.

(a) If the family misses an appointment to provide additional information established by the hearing officer, the hearing officer will decide based on what information/documentation has been received.

(b) If the family misses an appointment to reconvene, the action of DCHA will take effect and another hearing will not be granted.

9102.43 The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing.

(a) In rendering a decision, the hearing officer will consider the following matters:

(1) DCHA Notice to the Family: The hearing officer will determine if the reasons for the DCHA's decision are factually stated in the Notice;

(2) Document Review: The hearing officer will determine if DCHA and the family were given the opportunity to examine any relevant documents in accordance with DCHA policy;

(3) DCHA Evidence to Support the DCHA Decision: The evidence consists of the facts presented. Evidence is not conclusion and it is not argument. The hearing officer will evaluate the facts to determine if they support the DCHA's conclusion; and

(4) Validity of Grounds for Termination of Assistance (when applicable): The hearing officer will determine if the termination of assistance is for one of the grounds specified in the HUD regulations and DCHA policies. If the grounds for termination are not specified in the regulations or in compliance with DCHA policies, then the decision of DCHA will be overturned.

(b) The hearing officer will issue a written decision to the family and DCHA no later than fourteen (14) business days after the hearing. The report will contain the following information:

(1) Hearing information:

(i) Name of the participant;

(ii) Date, time and place/type of the hearing;

(iii) Name of the hearing officer;

(iv) Name of the DCHA representative(s); and

(v) Name of family representative (if any).

(2) Background: A brief, impartial statement of the reason for the hearing;

(3) Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that were produced and that are admitted into evidence;

(4) Findings of Fact: The hearing officer will include all findings of fact, based on a preponderance of the evidence. "Preponderance of the evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence;

(5) Conclusions: The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold DCHA's decision; and

(6) Order: The hearing report will include a statement of whether DCHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct DCHA to change the decision in accordance with the hearing officer's determination. In the case of termination of assistance, the hearing officer will instruct DCHA to restore the participant's program status.

9102.44 A copy of the hearing must be furnished promptly to the family. The hearing officer will send a "Notice of Hearing Decision" to DCHA, and DCHA will promptly mail the "Notice of Hearing Decision" to the participant. This notice of proposed decision will be sent by first-class mail and email. A copy of the "Notice of Hearing Decision" will be maintained in DCHA's file.

9102.45 DCHA is not bound by the decision of the hearing officer for matters in which DCHA is not required to provide an opportunity for a hearing, decisions that exceed the authority of the hearing officer, decisions that conflict with or contradict HUD regulations, requirements, or are otherwise contrary to federal, state, or local laws.

If DCHA determines it is not bound by the hearing officer's decision in accordance with HUD regulations, DCHA must promptly notify the family of the determination and the reason for the determination.

9102.46 The Executive Director has the authority to determine that DCHA is not bound by the decision of the hearing officer because DCHA was not required to provide a hearing, the decision exceeded the authority of the hearing officer, the decision conflicted with or contradicted HUD regulations, requirements, or the decision was otherwise contrary to federal or District laws.

9102.47 The proposed decision will become final on the tenth (l0th) day following the postmark of the proposed decision unless one of the parties has submitted a written request to the Executive Director requesting the Executive Director to reconsider the proposed decision before issuing a final decision. That request must include the basis for such review.

9102.48 If the Executive Director does review the decision of the hearing officer, after the review, a "Notice of Final Decision" will be mailed to DCHA and the participant on the same day. The "Notice of Final Decision" will be sent by first-class mail and email. A copy of this notice will be maintained in the DCHA's file.

9102.49 The family has the right to appeal DCHA's final decision to the District of Columbia's Court of Appeals. DCHA shall include within the Hearing Officer's decision (proposed Decision), and the Notice of Final Decision information advising the family of their right to appeal.

9102.50 Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. Applicants who are denied assistance due to immigration status are entitled to an informal hearing, not an informal review.

9102.51 [RESERVED]

9102.52 [RESERVED]

9102.53 The notice of denial or termination of assistance for noncitizens will advise the family:

(a) That financial assistance will be denied or terminated, and provide a brief explanation of the reasons for the proposed denial or termination of assistance;

(b) The family may be eligible for proration of assistance;

(c) In the case of a participant, the criteria and procedures for obtaining relief under the provisions for preservation of families;

(d) That the family has a right to request an appeal to the USCIS of the results

of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal;

(e) That the family has a right to request an informal hearing with DCHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal; and

(f) For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

9102.54 When DCHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, DCHA will notify the family of the results of the USCIS verification. The family will have thirty (30) days from the date of the notification to request an appeal of the USCIS results. The request for appeal must be made by the family in writing directly to the USCIS. The family must provide DCHA with a copy of the written request for appeal and the proof of mailing.

(a) DCHA will notify the family in writing of the results of the USCIS secondary verification within fourteen (14) business days of receiving the results.

(b) The family must provide DCHA with a copy of the written request for appeal and proof of mailing within ten (10) business days of sending the request to the USCIS.

9102.55 The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

9102.56 The USCIS will notify the family, with a copy to DCHA, of its decision. When the USCIS notifies DCHA of the decision, DCHA must notify the family of its right to request an informal hearing.

9102.57 DCHA will send written notice to the family of its right to request an informal hearing within fourteen (14) business days of receiving notice of the USCIS decision regarding the family's immigration status.

9102.58 After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request that DCHA provide a hearing. The request for a hearing must be made either within thirty (30) days of receipt of DCHA notice of denial, or within thirty (30) days of receipt of the USCIS appeal decision. The informal hearing procedures for applicant families are described below.

(a) DCHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and

other than a person who is a subordinate of the person who made or approved the decision;

(b) The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of DCHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing;

(c) The family will be allowed to obtain any documents related to the hearing at no cost. The family must request discovery of DCHA documents no later than 12:00 p.m. on the business day prior to the hearing. Documents will be shared electronically whenever possible;

(d) The family must be provided the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings;

(e) The family must also be provided the opportunity to refute evidence relied upon by DCHA, and to confront and cross-examine all witnesses on whose testimony or information DCHA relies;

(f) The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf;

(g) If needed, the family must request an interpreter for DCHA to provide interpretation services. DCHA will provide competent interpretation services, free of charge;

(h) The family is entitled to have the hearing recorded by audiotape;

(i) If the family desires a transcript, the family must notify DCHA in writing. DCHA will secure the services of a qualified transcriber service. The family is responsible for all costs incurred; and

(j) DCHA must provide the family with a written final decision, based solely on the facts presented at the hearing, within fourteen (14) calendar days of the date of the informal hearing. The decision must state the basis for the decision.

9102.59 After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, the family may request DCHA provide a hearing. The request for a hearing must be made either within thirty (30) days of receipt of DCHA notice of termination, or within thirty (30) days of receipt of the USCIS appeal decision.

9102.60 DCHA must retain for a minimum of five (5) years the following documents that may have been submitted to DCHA by the family, or provided to DCHA as part of the USCIS appeal or the DCHA informal hearing process:

(a) The application for assistance;

(b) The form completed by the family for income reexamination;

(c) Photocopies of any original documents, including original USCIS documents;

(d) The signed verification consent form;

(e) The USCIS verification results;

(f) The request for a USCIS appeal;

(g) The final USCIS determination;

(h) The request for an informal hearing; and

(i) The final informal hearing decision.

9103 OWNER OR FAMILY DEBTS TO DCHA

9103.1 This § 9103 describes DCHA's policies for recovery of monies owed to DCHA by families or owners.

9103.2 When an action or inaction of an owner or participant results in the overpayment of housing assistance, DCHA holds the owner or participant liable to return any overpayments to DCHA.

9103.3 DCHA will enter into repayment agreements in accordance with the policies contained in this part as a means to recover overpayments.

(a) Any amount due to DCHA by an owner must be repaid by the owner within thirty (30) days of DCHA determination of the debt.

(b) If the owner fails to repay the debt within the required time frame and is entitled to future HAP payments, DCHA will reduce the future HAP payments by the amount owed until the debt is paid in full.

(c) If the owner is not entitled to future HAP payments DCHA may, in its sole discretion, offer to enter into a repayment agreement on terms prescribed by DCHA.

(d) If the owner refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, DCHA will ban the owner

from future participation in the program and pursue other modes of collection.

(e) When an owner refuses to repay monies owed to DCHA, DCHA will utilize other available collection alternatives including, but not limited to, the following:

(1) Collection agencies;

(2) Small claims court;

(3) Civil lawsuit; and

(4) State income tax set-off program.

9103.4 Any amount owed to DCHA by an HCV family must be repaid by the family. If the family is unable to repay the debt within thirty (30) days, DCHA will offer to enter into a repayment agreement in accordance with the policies below.

9103.5 The term "repayment agreement" refers to a formal written document signed by a tenant or owner and provided to DCHA in which a tenant or owner acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

9103.6 DCHA will require a down payment of ten percent (10%) of amounts owed at the time of entering into a repayment agreement with the family. DCHA will waive the requirement for a down payment on a case-by-case basis.

9103.7 (a) DCHA has established the following thresholds for repayment of debts:

(1) Amounts between three thousand dollars ($3,000) and the federal or state threshold for criminal prosecution must be repaid within thirty-six (36) months;

(2) Amounts between two thousand dollars ($2,000) and two thousand nine hundred ninety-nine dollars ($2,999) must be repaid within thirty (30) months;

(3) Amounts between one thousand dollars ($1,000) and one thousand nine hundred ninety-nine dollars ($1,999) must be repaid within twenty-four (24) months; and

(4) Amounts under one thousand dollars ($1,000) must be repaid within twelve (12) months.

(b) If a family can provide evidence satisfactory to DCHA that the threshold applicable to the family's debt would impose an undue hardship, DCHA may, in its sole discretion, determine that a lower monthly payment amount

is reasonable. In making its determination, DCHA will consider all relevant information, including the following:

(1) The amount owed by the family to DCHA;

(2) The reason for the debt, including whether the debt was the result of family action/inaction or circumstances beyond the family's control;

(3) The family's current and potential income and expenses;

(4) The family's current family share, as calculated under 24 CFR §982.515; and

(5) The family's history of meeting its financial responsibilities.

9103.8 Any repayment agreement between DCHA and a family must be signed and dated by DCHA and by the head of household and spouse or co-head (if applicable). If another adult member is responsible for the debt owed, DCHA may require that adult to also sign the repayment agreement.

9103.9 All payments are due by the close of business on the fifteenth (15th) day of the month. If the fifteenth (15th) does not fall on a business day, the due date is the close of business on the first business day after the fifteenth (15th).

9103.10 (a) If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by DCHA, DCHA will send the family a delinquency notice giving the family ten (10) business days to make the late payment.

(b) If the payment is not received by the due date of the delinquency notice, it will be considered a breach of the agreement and DCHA will terminate assistance.

(c) If a family receives three (3) delinquency notices for unexcused late payments in a twelve (12) month period, the repayment agreement will be considered in default, and DCHA will terminate assistance.

9103.11 DCHA generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family or if the amount owed by the family exceeds the federal or state threshold for criminal prosecution.

9103.12 All repayment agreements must be in writing, dated, signed by both the family and DCHA, include the total retroactive rent amount owed, any amount of lump sum payment made at time of execution, if applicable, and the monthly repayment amount. At a minimum, the following provisions shall be included in any repayment agreement involving amounts owed by a family because it underreported or failed to report income:

(a) A reference to the items in the family briefing packet that state the family's obligation to provide true and complete information at every reexamination and the grounds on which DCHA may terminate assistance because of a family's action or failure to act;

(b) A statement clarifying that each month the family not only must pay to DCHA the monthly payment amount specified in the agreement but must also pay to the owner the family's monthly share of the rent to owner;

(c) A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases; and

(d) A statement that late or missed payments constitute default of the repayment agreement and may result in termination of assistance.

9104 SECTION EIGHT MANAGEMENT ASSESSMENT PROGRAM (SEMAP)

9104.1 Under the authority granted to DCHA under its Moving to Work status, is not scored under Section Eight Management Assessment Program (SEMAP).

9105 RECORD KEEPING

9105.1 DCHA must maintain complete and accurate accounts and other records for the program in accordance with HUD requirements, in a manner that permits a speedy and effective audit. All such records must be made available to HUD or the Comptroller General of the United States upon request. In addition, DCHA must ensure that all applicant and participant files are maintained in a way that protects an individual's privacy rights.

9105.2 During the term of each assisted lease, and for at least three (3) years thereafter, DCHA must keep:

(a) A copy of the executed lease;

(b) The HAP contract; and

(c) The application from the family.

9105.3 In addition, DCHA must keep the following records for at least three (3) years:

(a) Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;

(b) An application from each ineligible family and notice that the applicant is not eligible;

(c) HUD-required reports;

(d) Unit inspection reports;

(e) Lead-based paint records as required by 24 CFR §35, Subpart B;

(f) Accounts and other records supporting DCHA budget and financial statements for the program;

(g) Records to document the basis for DCHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and

(h) Other records specified by HUD.

9105.4 DCHA must keep the last three (3) years of the Form HUD-50058 and supporting documentation during the term of each assisted lease, and for a period of at least three (3) years from the end of participation (EOP) date.

9105.5 DCHA must maintain Enterprise Income Verification (EIV) system Income Reports in the tenant file for the duration of the tenancy but for a period not to exceed three (3) years from the EOP date.

9105.6 [RESERVED]

9105.7 DCHA must keep confidential records of all emergency transfers requested by victims of domestic violence, dating violence, sexual assault, and stalking under DCHA's Emergency Transfer Plan, as well as the outcomes of such requests, and retain the records for a period of three (3) years.

9105.8 If an informal hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents.

9105.9 (a) All applicant and participant information will be kept in a secure location and access will be limited to authorized DCHA staff.

(b) DCHA staff will not discuss personal family information unless there is a business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

9105.10 The collection, maintenance, use, and dissemination of social security numbers (SSN), employer identification numbers (EIN), any information derived from these numbers, and income information of applicants and participants must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

9105.11 Applicants and participants, including all adults in the household, are required to sign a consent form, HUD-9886, Authorization for Release of Information. This form incorporates the Federal Privacy Act Statement and describes how the information collected using the form may be used, and under what conditions HUD

or DCHA may release the information collected.

9105.12 Prior to utilizing HUD's Enterprise Income Verification (EIV) system, DCHA will adopt and implement EIV security procedures required by HUD.

9105.13 DCHA may only disclose the criminal conviction records which DCHA receives from a law enforcement agency to officers or employees of DCHA, or to authorized representatives of DCHA who have a job-related need to have access to the information.

9105.14 DCHA must establish and implement a system of records management that ensures that any criminal record received by DCHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the DCHA action without institution of a challenge or final disposition of any such litigation.

9105.15 DCHA must establish and implement a system of records management that ensures that any sex offender registration information received by DCHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the DCHA action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed must be retained. This requirement does not apply to information that is public information or is obtained by a PHA other than under 24 CFR § 5.905.

9105.16 DCHA is not permitted to inquire about the nature or extent of a person's disability. DCHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If DCHA receives a verification document that provides such information, DCHA should not place this information in the tenant file. DCHA should destroy the document.

9105.17 [RESERVED]

9105.18 DCHA will maintain the following records required by HUD including:

(a) Amounts recovered on any judgement or repayment agreement;

(b) The nature of the judgement or repayment agreement; and

(c) The amount of the legal fees and expenses incurred in obtaining the judgement or repayment agreement and recovery (if applicable).

9105.19 DCHA will permit HUD to audit all amounts retained under § 9105.

9106 REPORTING AND RECORD KEEPING FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL

9106.1 DCHA has certain responsibilities relative to children with elevated blood lead levels that are receiving HCV assistance. This §9106 deals with the reporting requirements, and data collection and record keeping responsibilities that DCHA is subject to.

9106.2 The owner must report the name and address of a child identified as having an elevated blood lead level to the public health department within five (5) business days of being so notified by any other medical health care professional. The owner must also notify the HUD field office and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five (5) business days. DCHA may collaborate with the owner on the notification process, such as by agreeing with the owner to provide the required notifications on the owner's behalf.

(a) District of Columbia Department of Energy and the Environment (DOEE), which is the local authority in charge of collecting all lead blood level tests in the District of Columbia works with DCHA to inform of EBLLs at addresses in DCHA's programs.

(b) When notified by DOEE, medical professionals, or program participants of an EBLL, DCHA provides the owner written notification and holds the owner responsible for performing the required notifications to the District of Columbia Department of Energy and the Environment, the HUD field office, and the HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH) of the child's address within five (5) business days.

9106.3 At least quarterly, DCHA must attempt to obtain from the public health department(s) with a similar area of jurisdiction, the names and addresses of children less than six (6) years old with an elevated blood lead level.

9106.4 If DCHA obtains names and addresses of elevated blood lead level children from the public health department(s), DCHA must match this information with the names and addresses of families receiving HCV assistance, unless the public health department performs such a procedure. If a match occurs, DCHA must carry out the notification, verification, hazard reduction requirements, and the reporting requirement discussed above.

9106.5 At least quarterly, DCHA must also report an updated list of the addresses of units receiving assistance under the HCV program to the same public health department(s), unless the public health department(s) states that it does not wish to receive such a report.

9107 DETERMINATION OF INSUFFICIENT FUNDING

9107.1 [RESERVED]

9107.2 DCHA will determine whether there is adequate funding to issue vouchers, approve moves to higher cost units and areas, and continue subsidizing all current participants by comparing DCHA's annual budget authority to the annual total HAP needs on a monthly basis. The total HAP needs for the calendar year will be projected by establishing the actual HAP costs year to date. To that figure, DCHA will add anticipated HAP expenditures for the remainder of the calendar year. Projected HAP expenditures will be calculated by multiplying the projected number of units leased per remaining months by the most current month's average HAP. The projected number of units leased per month will take into account the average monthly turnover of participant families. If the total annual HAP needs equal or exceed the annual budget authority and funding reserves, or if DCHA cannot support the cost of the proposed subsidy commitment (voucher issuance or move) based on the funding analysis, DCHA will be considered to have insufficient funding.

9108 VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

9108.1 The Violence against Women Act of 1994, reauthorized in 2022 (VAWA), provides special protections for victims of domestic violence, dating violence, sexual assault and stalking who are applying for or receiving assistance under the housing choice voucher program (HCV Program). 9108.2 In addition to definitions of key terms used in VAWA, this part contains general VAWA requirements and DCHA policies in three (3) areas: notification, documentation, and confidentiality.

9108.2 As used in VAWA:

(a) The term "bifurcate" means, with respect to a public housing or HCV lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

(b) The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship.

(c) The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a

spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

(d) The term "affiliated individual" means, with respect to a person:

(1) A spouse, parent, brother or sister, or child of that individual, or an individual to whom that individual stands in the position or place of a parent; or

(2) Any other individual, tenant, or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking.

(e) The term "sexual assault" means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent.

(f) The term "stalking" means to engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

(g) The term *economic abuse* means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, and manipulation to:

(1) Restrict a person's access to money, assets, credit, or financial information;

(2) Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; and

(3) Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty.

(h) The term *technological abuse* means an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:

(1) Internet enabled devices;

(2) Online spaces and platforms;

(3) Computers;

(4) Mobile devices;

(5) Cameras and imaging programs:

(6) Apps;

(7) Location tracking devices;

(8) Communication technologies; and

(9) Any other emergency technologies

9108.3 To help ensure that all actual and potential beneficiaries of its HCV Program are aware of their rights under VAWA, DCHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it:

(a) A copy of the notice of occupancy rights under VAWA to housing choice voucher program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380);

(b) A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation;

(c) A copy of the DCHA's emergency transfer plan;

(d) A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383;

(e) The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY); and

(f) Contact information for local victim advocacy groups or service providers.

9108.4 DCHA will inform program applicants and participants of their rights under VAWA, including their right to confidentiality and the limits thereof, when they are denied assistance, when they are admitted to the program, and when they are notified of an eviction or termination of housing benefits.

9108.5 (a) DCHA will provide all applicants with information about VAWA at the time they apply for housing assistance and as part of the written briefing packet in preparation for admission (lease-up) to the program. DCHA will also

include information about VAWA in all notices of denial of assistance.

(b) DCHA will provide all participants with information about VAWA at reexamination. DCHA will also include information about VAWA in notices of termination of assistance.

9108.6 (a) Whenever DCHA has reason to suspect that providing information about VAWA to a participant might place a victim of domestic violence at risk, it will attempt to deliver the information by hand directly to the victim by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, DCHA may decide not to send mail regarding VAWA protections to the victim's unit if DCHA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

(b) When discussing VAWA with the victim, DCHA will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

(c) The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

9108.7 DCHA will provide owners and managers with information about their rights and obligations under VAWA upon request. The VAWA information provided to owners will consist of the Owner Notification of Rights and Obligations and a copy of Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation.

9108.8 DCHA presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse may - but is not required to - request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least fourteen (14) business days after receipt of the request to submit the documentation. DCHA may extend this time period at its discretion. The individual may satisfy DCHA's request by providing any one of the following three (3) forms of documentation:

(a) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim;

(b) A federal, state, tribal, territorial, or local police report or court record, or an administrative record; or

(c) Documentation signed by a person who has assisted the victim in addressing

domestic violence, dating violence, sexual assault or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

9108.9 (a) Any request for documentation of domestic violence, dating violence, sexual assault or stalking will be in writing, will specify a deadline of fourteen (14) business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

(b) DCHA may, in its discretion, extend the deadline for ten (10) business days. In determining whether to extend the deadline, DCHA will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by DCHA will be in writing.

(c) Once the victim provides documentation, DCHA will acknowledge receipt of the documentation within ten (10) business days.

9108.10 DCHA must honor any court orders issued to protect the victim or to address the distribution of property.

9108.11 If presented with conflicting certification documents from members of the same household, DCHA will follow the policies described at 5003.24 for convening a conflicting allegations panel and making a recommendation for which family member should remain in the voucher program.

9108.12 DCHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence, i.e., without requiring formal documentation of abuse in accordance with 24 CFR §5.2007(b).

9108.13 If DCHA accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault or stalking, DCHA will document acceptance of the statement or evidence.

9108.14 In order to deny relief for protection under VAWA, DCHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within fourteen (14) business days from the date of receipt, or such longer time as DCHA may allow, DCHA may deny

relief for protection under VAWA.

9108.15 If disclosure is required for use in an eviction proceeding, termination of assistance, or is otherwise required by applicable law, DCHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

CHAPTER 94

PROJECT-BASED VOUCHERS

9400 GENERAL REQUIREMENTS

9400.1 [RESERVED]

9400.2 The District of Columbia Housing Authority (DCHA) will administer its project-based voucher (PBV) program in accordance with its Moving to Work (MTW) Plan.

9400.3 Under the authority granted to DCHA under its MTW status, DCHA is not subject to caps on the amount of its voucher allocation that can be project-based and caps on the number of project-based units in a project.

9400.4 [RESERVED]

9400.5 [RESERVED]

9400.6 [RESERVED]

9400.7 DCHA will not perform an analysis of impact review before project-basing up to one hundred percent (100%) of authorized units once the foregoing is included in a HUD-approved MTW Plan.

9400.8 [RESERVED]

9400.9 [RESERVED]

9400.10 [RESERVED]

9400.11 [RESERVED]

9400.12 Except as otherwise noted in this Chapter 94, or unless specifically prohibited by PBV program regulations, DCHA policies for the tenant-based voucher program contained in this Plan also apply to the PBV program and its participants, including biennial and triennial reexaminations.

9400.13 Any persons displaced as a result of implementation of the PBV program will be provided relocation assistance in accordance with the requirements of the Uniform

Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) and implementing regulations at 49 CFR Part 24.

9400.14 The cost of required relocation assistance may be paid with funds provided by the owner, local public funds, or funds available from other sources. DCHA will not use voucher program funds to cover relocation costs, except that DCHA may use their administrative fee reserve to pay for relocation expenses after all other program administrative expenses are satisfied, and provided that payment of the relocation benefits is consistent with state and local law. Use of the administrative fee for these purposes must also be consistent with other legal and regulatory requirements, including the requirement in 24 CFR §982.155 and other official HUD issuances.

9400.15 The acquisition of real property for a PBV project is subject to the URA and 49 CFR part 24, subpart B. DCHA will ensure the owner complies with these requirements.

9400.16 DCHA will comply with all equal opportunity requirements under federal law and regulations in its implementation of the PBV program. This includes the requirements and authorities cited at 24 CFR §5.105(a). In addition, DCHA will comply with DCHA Plan certification on civil rights and affirmatively furthering fair housing, submitted in accordance with 24 CFR §903.7(o).

9401 PBV OWNER PROPOSALS

9401.1 [RESERVED]

9401.2 DCHA will select PBV proposals by any of the following methods.

(a) DCHA request for PBV Proposals. DCHA may solicit proposals by using a request for proposals (RFP) to select proposals on a competitive basis in response to DCHA request. DCHA may not limit proposals to a single site or impose restrictions that explicitly or practically preclude owner submission of proposals for PBV housing on different sites; or

(b) DCHA may select, without following a competitive process, proposals that were previously selected based on a competition. This may include selection of a proposal for housing assisted under a federal, state, or local government housing assistance program that was subject to a competition

in accordance with the requirements of the applicable program, community development program, or supportive services program that requires competitive selection of proposals (e.g., HOME, and units for which competitively awarded low income housing tax credits (LIHTCs) have been provided), where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date, and the earlier competitive selection proposal did not involve any consideration that the project would receive PBV

assistance. DCHA need not conduct another competition.

(c) DCHA may select for PBV assistance a project that underwent an eligibility event within five years of the project selection date, in which a family (or families) qualifies for enhanced voucher assistance under Section 8(t) of the Act and provides informed consent to relinquish its enhanced voucher for PBV assistance, without following a competitive process.

(d) For public housing projects owned or controlled in part or in whole by DCHA or an affiliate of DCHA, DCHA may attach PBV assistance without following a competitive process. This exception applies when DCHA is engaged in an initiative to improve, develop, or replace a public housing property or site. The public housing units may either currently be in the public housing inventory or may have been removed from the public housing inventory within five years of the date on which DCHA entered the Agreement to Enter into a Housing Assistance Payments Contract (AHAP) or Housing Assistance Payment contract (HAP) .

(e) DCHA may attach PBV assistance without following a competitive process for a project currently under the public housing program or a project that is replacing the public housing project, in which DCHA has no ownership interest, or which DCHA has no control over.

(f) DCHA may attach PBV assistance without a competitive process for a project owned directly or indirectly by DCHA, including but not limited to affordable housing properties acquired by DCHA through the Affordable Housing and Preservation Development Fund, upon HUD approval of DCHA's MTW Plan containing the foregoing initiative.

9401.3 [RESERVED]

9401.4 [RESERVED]

9401.5 [RESERVED]

9401.6 [RESERVED]

9401.7 [RESERVED]

9401.8 [RESERVED]

9401.9 When soliciting PBV proposals competitively, DCHA will advertise its RFP for rehabilitated and newly constructed housing in *The Washington Post Sunday Edition,* other minority media, and posting on the DCHA website.

(a) The advertisement will state the number of vouchers available to be project-based, the type of units that will be considered, the submission deadline, and

will note how to obtain the full RFP with information on the application and selection process. Advertisements will also contain a statement that participation in the PBV program requires compliance with Fair Housing and Equal Opportunity (FHEO) requirements.

(b) In addition, DCHA will post the RFP and proposal submission and rating and ranking procedures on its website.

(c) For the proposal to be considered, the owner must submit the proposal to DCHA by the published deadline date, and the proposal must respond to all requirements as outlined in the RFP. Incomplete proposals will not be reviewed.

(d) In addition to including information specific to the development, the RFP will include information regarding the following requirements:

(1) Site and neighborhood standards;

(2) Davis-Bacon;

(3) Accessibility for persons with disabilities;

(4) Subsidy layering reviews; and

(5) Environmental reviews.

(e) In addition, the RFP will clearly state that the project will be subject to underwriting standards.

(f) DCHA will rate and rank proposals for rehabilitated and newly constructed housing using the following criteria:

(1) For rehabilitated and newly constructed housing, owner experience and capability to build or rehabilitate housing as identified in the RFP, including experience of the owner and development team in successful completion of one or more mixed income, HUD subsidized residential development projects;

(2) The experience and professionalism of the proposed management company in providing high quality management of innovative projects and the quality of the proposed Management and Maintenance Plan;

(3) If applicable, the extent to which services for special populations are provided onsite or in the immediate area for occupants of the property;

(4) The owner's ability and commitment to meet unit accessibility requirements as established by HUD and DCHA;

(5) Project financials (to determine if the project needs all of the vouchers); and

(6) Such other factors as are published in the announcement.

9401.10 [RESERVED]

9401.11 DCHA will accept proposals for PBV assistance on an ongoing basis from owners that were competitively selected under another federal, state, or local housing assistance program, including projects that were competitively awarded nine percent (9%) LIHTC.

(a) Proposals will be reviewed on a first-come first-served basis. DCHA will evaluate each proposal on a quarterly basis, subject to PBV availability.

(b) Proposals will be evaluated on merits using the following factors:

(1) Extent to which the project furthers DCHA goal of deconcentrating poverty and expanding housing and economic opportunities;

(2) Project financials (to determine if the project needs all of the vouchers);

(3) The owner's TSP;

(4) Supportive services offered to the resident populations; and

(5) Such other factors as are published in the announcement.

(c) DCHA may directly contact specific owners that have already been selected for Federal, state, or local housing assistance based on a previously held competition, to inform them of available PBV assistance.

9401.12 [RESERVED]

9401.13 [RESERVED]

9401.14 [RESERVED]

9401.15 [RESERVED]

9401.16 [RESERVED]

9401.17 DCHA must give prompt written notice to the party that submitted a selected proposal and must also give prompt public notice of such selection. Public notice procedures may include publication of public notice in a local newspaper of general circulation and other means designed and operated to provide broad public notice.

(a) If the project does not contain DCHA-owned units, within ten (10) business days of DCHA making the selection, DCHA will notify the selected owner in writing of the owner's selection for the PBV program. DCHA will also notify in writing all owners that submitted proposals that were not selected and advise such owners of the name of the selected owner. If the project contains DCHA-owned units, within ten (10) business days of DCHA making the selection, DCHA will provide written notice of proposal selection to the responsible DCHA official, and that official will certify in writing that DCHA accepts the terms and requirements stated in the notice within 10 business days of receiving DCHA written notice.

(b) In addition, DCHA will publish its notice for selection of PBV proposals in the same newspapers and trade journals DCHA used to solicit the proposals. The announcement will include the name of the owner that was selected for the PBV program. DCHA will also post the notice of owner selection on its web site.

(c) DCHA will not make publicly available sensitive owner information that is privileged or confidential, and clearly identified as such in the proposal, such as financial statements and similar information, about the owner.

(d) When an environmental review is required, if the review has not been conducted prior to the proposal selection date, DCHA's written notice of proposal selection will state that the selection is subject to completion of a favorable environmental review and that the proposal may be rejected based on the results of the environmental review.

(e) For any project to which labor standards apply, DCHA's written notice will state that any construction contracts must incorporate a Davis-Bacon contract clause and the current applicable prevailing wage determination.

9401.18 DCHA may attach PBV assistance for units in existing housing or for newly constructed or rehabilitated housing developed under and in accordance with an agreement to enter into a housing assistance payments contract that was executed prior to the start of construction. A housing unit is considered an existing unit for purposes of the PBV program, if, at the time of notice of DCHA's selection, the units substantially comply with Housing Quality Standards (HQS). Units for which new construction or rehabilitation began after the owner's proposal submission but prior to the execution of the HAP do not subsequently qualify as existing housing. Units that were newly constructed or rehabilitated in violation of program requirements also do not qualify as existing housing.

9401.19 DCHA will decide what housing type, - new construction, rehabilitation, or existing

housing, will be used to develop project-based housing. DCHA's choice of housing type will be reflected in its solicitation for proposals.

9401.20 [RESERVED]

9401.21 DCHA will not attach or pay PBV assistance to units in any of the following types of subsidized housing:

(a) A public housing unit;

(b) A unit subsidized with any other form of housing choice voucher (HCV) assistance;

(c) A unit subsidized with any governmental rent subsidy;

(d) A unit subsidized with any governmental subsidy that covers all or any part of the operating costs of the housing;

(e) A unit subsidized with Section 236 rental assistance payments (except that a public housing authority (PHA) may attach assistance to a unit subsidized with Section 236 interest reduction payments);

(f) A Section 202 project for non-elderly with disabilities;

(g) Section 811 project-based supportive housing for persons with disabilities;

(h) Section 202 supportive housing for the elderly;

(i) A Section 101 rent supplement project;

(j) A unit subsidized with any form of tenant-based rental assistance; or

(k) A unit with any other duplicative federal, state, or local housing subsidy, as determined by HUD or DCHA in accordance with HUD requirements.

9401.22 [RESERVED]

9401.23 New construction and rehabilitation housing that will include forms of governmental assistance other than PBVs will undergo a subsidy layering review (SLR) prior to entering into an AHAP. Subsidy layering requirements do not apply to existing housing, when PBV is the only governmental assistance, or for projects already subject to a PBV HAP contract, even if the project is recapitalized with outside sources of funding.

9401.24 When a new construction or rehabilitation project is selected, DCHA will require information regarding all HUD and/or other federal, state, or local governmental assistance to be disclosed by the project owner using Form HUD-2880.

9401.25 DCHA will request an SLR through its local HUD Field Office or, if eligible, through a participating housing credit agency (HCA). If the SLR request is submitted to an approved HCA, and the proposed PBV assistance meets HUD subsidy layering requirements, the HCA must submit a certification to HUD and notify DCHA. DCHA may proceed to execute an AHAP at that time if the environmental approval is received.

9401.26 The HAP contract must contain the owner's certification that the project has not received and will not receive (before or during the term of the HAP contract) any public assistance for acquisition, development, or operation of the housing other than assistance disclosed in the subsidy layering review in accordance with HUD requirements.

9401.27 [RESERVED]

9401.28 [RESERVED]

9401.29 [RESERVED]

9401.30 [RESERVED]

9401.31 [RESERVED]

9401.32 As of April 18, 2017, the project must make supportive services available to all families receiving PBV assistance in the project, but the family does not actually have to accept and receive supportive services for the exception to apply to the unit, although the family must be eligible to receive the supportive services. It is not necessary that the services be provided at or by the project but must be reasonably available to families receiving PBV assistance at the project and designed to help families in the project achieve self-sufficiency or live in the community as independently as possible. DCHA may not require participation in the supportive service as a condition of living in the excepted unit, although such services may be offered.

9401.33 [RESERVED]

9401.34 [RESERVED]

9401.35 [RESERVED]

9401.36 DCHA may establish local requirements designed to promote PBV assistance in partially assisted projects. A “partially assisted project” is a project in which there are fewer units covered by a HAP contract than residential units.

9401.37 [RESERVED]

9401.38 [RESERVED]

9401.39 [RESERVED]

9401.40 [RESERVED]

9401.41 It is DCHA's goal to select sites for PBV housing that provide for deconcentrating poverty and expanding housing and economic opportunities. In complying with this goal, DCHA will seek to approve sites for PBV housing in census tracts with lower poverty concentrations within its jurisdiction. DCHA may also prioritize sites where DCHA determines that the PBV assistance will complement other local redevelopment activities designed to deconcentrate poverty and expand housing and economic opportunities in census tracts with higher poverty concentrations, such as sites in:

(a) A census tract in which the proposed PBV development will be located in a HUD-designated Enterprise Zone, Economic Community, Choice Neighborhood, or Renewal Community;

(b) A census tract where the concentration of assisted units will be or has decreased as a result of public housing demolition and HOPE VI redevelopment;

(c) A census tract in which the proposed PBV development will be located is undergoing significant revitalization as a result of state, local, or federal dollars invested in the area;

(d) A census tract where new market rate units are being developed where such market rate units will positively impact the poverty rate in the area;

(e) A census tract where there has been an overall decline in the poverty rate within the past five (5) years; or

(f) A census tract where there are meaningful opportunities for educational and economic advancement.

9401.42 In accordance with 24 CFR §983.55(b)(2), DCHA will also consider whether the site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§2000d-2000d(4)) and HUD's implementing regulations at 24 CFR Part 1;

(b) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601-3629) and HUD's implementing regulations at 24 CFR Parts 100 through 199;

(c) Executive Order 11063 (27 FR §11527; 3 CFR, 1959-1963 Comp., p. 652),

and HUD's implementing regulations at 24 CFR Part 107.

9401.43 The site must also be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of the Americans with Disabilities Act (42 U.S.C. §§12131-12134) and implementing regulations (28 CFR Part 35), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and HUD's implementing regulations at 24 CFR Part 8, including meeting the Section 504 site selection requirements described in 24 CFR §8.4(b)(5).

9401.44 In accordance with 24 CFR §983.55(b)(3), DCHA will also consider whether the site and neighborhood are reasonably free from disturbing noises and reverberations and other dangers to the health, safety, and general welfare of the occupants.

9401.45 The site and neighborhood may not be subject to serious adverse environmental conditions, natural or manmade, that could affect the health or safety of the project occupants, such as:

(a) dangerous walks or steps;

(b) contamination;

(c) instability;

(d) flooding;

(e) poor drainage, septic tank back-ups or sewage hazards;

(f) mudslides;

(g) abnormal air pollution, smoke or dust;

(h) excessive noise, vibration or vehicular traffic;

(i) excessive accumulations of trash;

(j) vermin or rodent infestation; or

(k) fire hazards.

9401.46 DCHA may not enter into an AHAP nor enter into a HAP contract for existing or rehabilitated housing until it has determined that the site complies with the HUD required site and neighborhood standards. The site must:

(a) Be adequate in size, exposure, and contour to accommodate the number and type of units proposed;

(b) Have adequate utilities and streets available to service the site;

(c) Promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;

(d) Be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and

(e) Be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not excessive.

9401.47 In order to be selected for PBV assistance, a site for newly constructed housing must meet the following HUD required site and neighborhood standards:

(a) The site must be adequate in size, exposure, and contour to accommodate the number and type of units proposed;

(b) The site must have adequate utilities and streets available to service the site;

(c) The site must not be located in an area of minority concentration unless DCHA determines that sufficient, comparable opportunities exist for housing for minority families in the income range to be served by the proposed project outside areas of minority concentration or that the project is necessary to meet overriding housing needs that cannot be met in that housing market area;

(d) The site must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area;

(e) The site must promote a greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons;

(f) The neighborhood must not be one that is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate;

(g) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services equivalent to those found in neighborhoods consisting largely of unassisted similar units; and

(h) Except for housing designed for elderly persons, the housing must be located so that travel time and cost via public transportation or private automobile from the neighborhood to places of employment is not

excessive.

9401.48 In accordance with the regulations at 24 CFR §983.56(a)(2), DCHA will not require an environmental review to be undertaken before entering a HAP for existing housing which has undergone an earlier environmental review pursuant to receiving any form of federal assistance and was selected in accordance with the site selection standards defined in 24 CFR §983.55 on or after June 6, 2024.

9401.49 When an environmental review is required, the responsible entity that is responsible for the environmental review under 24 CFR part 58 must determine whether or not PBV assistance is categorically excluded from review under the National Environmental Policy Act and whether or not the assistance is subject to review under the laws and authorities listed in 24 CFR §58.5.

9401.50 [RESERVED]

9401.51 DCHA will supply all available, relevant information necessary for the responsible entity to perform any required environmental review for any site. DCHA will require the owner to carry out mitigating measures required by the responsible entity (or HUD, if applicable) as a result of the environmental review.

9402 DWELLING UNITS

9402.1 This part identifies the special housing quality standards that apply to the PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

9402.2 The HQS, or subsequent inspection standard, for the tenant-based program, including those for special housing types, generally apply to the PBV program.

9402.3 [RESERVED]

9402.4 [RESERVED]

9402.5 The housing must comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and implementing regulations at 24 CFR part 8.

9402.6 Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR §100.205, as applicable.

9402.7 [RESERVED]

9402.8 [RESERVED]

9402.9 [RESERVED]

9402.10 Before providing assistance to a new family in a PBV HAP contract unit, DCHA will inspect the unit. DCHA will not provide assistance on behalf of the family until the unit fully complies with HQS or such successor standard as may be implemented by HUD. DCHA will not rely on alternative inspections for initial inspections. The HAP contract for existing housing must be executed within 45 calendar days of the initial inspection.

9402.11 [RESERVED]

9402.12 DCHA will inspect at least once every twenty-four (24) months a random sample consisting of at least twenty percent (20%) of the contract units in each building to determine if the contract units and the premises are maintained in accordance with HQS.

9402.13 If more than twenty percent (20%) percent of the sample of inspected contract units in a building fail the initial inspection, DCHA will re-inspect one hundred percent (100%) percent of the contract units in the building.

9402.14 DCHA will inspect contract units whenever needed to determine that the contract units comply with HQS and that the owner is providing maintenance, utilities, and other services in accordance with the HAP contract. DCHA will take into account complaints and any other information coming to its attention in scheduling inspections.

9402.15 DCHA will conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and will conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

9402.16 In conducting supervisory quality control HQS inspections, DCHA will include a representative sample of both tenant-based and project-based units.

9402.17 [RESERVED]

9402.18 As authorized under its MTW status, DCHA will conduct HQS inspections of DCHA-owned units or DCHA-affiliate project-based units.

9403 REHABILITATED AND NEWLY CONSTRUCTED UNITS

9403.1 [RESERVED]

9403.2 [RESERVED]

9403.3 In order to offer PBV assistance in rehabilitated or newly constructed units, DCHA will enter into an AHAP with the owner of the property. The AHAP will be in the form required by HUD. DCHA may not enter into an AHAP if commencement of construction or rehabilitation has commenced after proposal submission. Construction begins when excavation or site preparation (including clearing of the

land) begins for the housing. Rehabilitation begins with the physical commencement of rehabilitation activity on the housing.

9403.4 In the AHAP, the owner agrees to develop the PBV contract units to comply with HQS, and DCHA agrees that upon timely completion of such development in accordance with the terms of the AHAP, DCHA will enter into a HAP.

9403.5 At a minimum, the AHAP must describe the following features of the housing to be developed and assisted under the PBV program:

(a) Site and the location of the contract units;

(b) Number of contract units by area (size) and number of bedrooms and bathrooms;

(c) Services, maintenance, or equipment to be supplied by the owner without charges in addition to the rent;

(d) Utilities available to the contract units, including a specification of utility services to be paid by the owner and utility services to be paid by the tenant;

(e) An indication of whether or not the design and construction requirements of the Fair Housing Act and Section 504 of the Rehabilitation Act of 1973 apply to units under the AHAP. If applicable, any required work item resulting from these requirements must be included in the description of work to be performed under the AHAP;

(f) Estimated initial rents to owner for the contract units;

(g) Description of the work to be performed under the AHAP. For rehabilitated units, the description must include the rehabilitation work write up and, where determined necessary by DCHA, specifications and plans. For new construction units, the description must include the working drawings and specifications; and

(h) Any additional requirements for quality, architecture, or design over and above HQS.

9403.6 The AHAP will be executed promptly after DCHA's notice of proposal selection to the selected owner. DCHA will not enter into the AHAP if construction or rehabilitation has started after proposal submission. Generally, DCHA will not enter into the AHAP with the owner until the SLR is completed. Likewise, DCHA will not enter into the AHAP until the environmental review is completed (when required) and DCHA has received environmental approval. However, DCHA does not need to conduct a SLR in the case of a HAP contract for existing housing or if the applicable state or local agency has conducted such a review. Similarly, environmental reviews are not required for existing structures unless otherwise

required by law or regulation.

9403.7 DCHA will enter into the AHAP with the owner promptly upon receiving both environmental approvals (when required), notice that subsidy layering requirements have been met, any financial closing requirements have been met, and before construction or rehabilitation work is started.

9403.8 If an AHAP covers the development of nine or more contract units (whether or not completed in stages), the owner and the owner's contractors and subcontractors must pay Davis-Bacon wages to laborers and mechanics employed in the development of housing. The HUD-prescribed form of the AHAP will include the labor standards clauses required by HUD, such as those involving Davis-Bacon wage rates.

9403.9 The owner, contractors, and subcontractors must also comply with the Contract Work Hours and Safety Standards Act, Department of Labor regulations in 29 CFR part 5, and other applicable federal labor relations laws and regulations. DCHA must monitor compliance with labor standards.

9403.10 The AHAP and HAP contract must include a certification by the owner that the owner and other project principals are not on the U.S. General Services Administration list of parties excluded from federal procurement and non-procurement programs.

9403.11 The owner must also disclose any possible conflict of interest that would be a violation of the AHAP, the HAP contract, or HUD regulations.

9403.12 The AHAP must specify the deadlines for completion of the housing, and the owner must develop and complete the housing in accordance with these deadlines. The AHAP must also specify the deadline for submission by the owner of the required evidence of completion.

9403.13 At a minimum, the owner must submit the following evidence of completion to DCHA in the form and manner required by DCHA:

(a) Owner certification that the work has been completed in accordance with HQS and all requirements of the AHAP; and

(b) Owner certification that the owner has complied with labor standards and equal opportunity requirements in development of the housing.

9403.14 At DCHA's discretion, the AHAP may specify additional documentation that must be submitted by the owner as evidence of housing completion.

9403.15 DCHA will determine the need for the owner to submit additional documentation as evidence of housing completion on a case-by-case basis depending on the nature of the PBV project. DCHA will specify any additional documentation requirements in the AHAP.

9403.16 Upon notice from the owner that the housing is completed, DCHA will inspect to determine if the housing has been completed in accordance with the AHAP, including compliance with HQS and any additional requirements imposed under the AHAP. DCHA will also determine if the owner has submitted all required evidence of completion.

(a) If the work has not been completed in accordance with the AHAP, DCHA will not enter the HAP contract.

(b) If DCHA determines the work has been completed in accordance with the AHAP and that the owner has submitted all required evidence of completion, DCHA will submit the HAP contract for execution by the owner and will then execute the HAP contract.

9404 HOUSING ASSISTANCE PAYMENTS CONTRACT (HAP)

9404.1 DCHA will enter into a HAP contract with an owner for units that are receiving PBV assistance.

9404.2 [RESERVED]

9404.3 DCHA may not enter a HAP contract until each contract unit has been inspected and DCHA has determined that the unit complies with HQS or such successor standard that HUD may implement. For existing housing, the HAP contract must be executed promptly after DCHA selects the owner proposal and inspects the housing units. For newly constructed or rehabilitated housing, the HAP contract must be executed after DCHA has inspected the completed units and has determined that the units have been completed in

accordance with the agreement to enter HAP, and the owner furnishes all required evidence of completion.

(a) For existing housing, the HAP contract will be executed within ten (10) business days of DCHA determining that all units pass HQS or successor standard.

(b) For rehabilitated or newly constructed housing, the HAP contract will be executed within ten (10) business days of DCHA determining that the units have been completed in accordance with the agreement to enter into HAP, all units meet HQS or successor standard, and the owner has submitted all required evidence of completion.

9404.4 DCHA will enter a HAP contract with an owner for an initial term of no less than one year and no more than twenty (20) years for each contract unit.

9404.5 The term of all PBV HAP contracts will be negotiated with the owner on a case-by-case basis.

9404.6 At the time of the initial HAP contract term or any time before expiration of the HAP contract, DCHA may extend the term of the contract for an additional term of up to twenty (20) years if DCHA determines an extension is appropriate to continue providing affordable housing for low-income families.

9404.7 A HAP contract extension may not exceed twenty (20) years.

9404.8 DCHA may provide for multiple extensions; however, in no circumstances may such extensions exceed twenty (20) years, cumulatively.

9404.9 [RESERVED]

9404.10 [RESERVED]

9404.11 All extensions must be on the form and subject to the conditions prescribed by HUD at the time of the extension.

9404.12 When determining whether to extend an expiring PBV contract, DCHA will consider several factors including, but not limited to:

(a) The cost of extending the contract and the amount of available budget authority;

(b) The condition of the contract units;

(c) The owner's record of compliance with obligations under the HAP contract and lease(s);

(d) Whether the location of the units continues to support the goals of deconcentrating poverty and expanding housing opportunities; and

(e) Whether the funding could be used more appropriately for tenant-based assistance.

9404.13 [RESERVED]

9404.14 [RESERVED]

9404.15 [RESERVED]

9404.16 If, in accordance with program requirements, the amount of rent to an owner for any contract unit is reduced below the amount of the rent to owner at the beginning of the HAP contract term, the owner may terminate the HAP contract by giving notice to DCHA. In this case, families living in the contract units must be offered tenant- based assistance.

9404.17 Not less than one year before the HAP contract terminates, or if the owner refuses to renew the HAP contract, the owner must notify DCHA and assisted tenants of

the termination. The notice must be provided in the form prescribed by HUD.

9404.18 If the owner does not give timely notice of not less than one year, the owner must permit the tenants in assisted units to remain in their units for the required notice period with no increase in the tenant portion of their rent, and with no eviction as a result of the owner's inability to collect an increased tenant portion of rent.

9404.19 An owner may renew the terminating contract for a period of time sufficient to give tenants one-year advance notice under such terms as HUD may require.

9404.20 Upon termination or expiration of the contract, a family living at the property is entitled to receive a tenant-based voucher.

9404.21 Tenant-based assistance would not begin until the owner's required notice period ends.

9404.22 DCHA must provide the family with a voucher and the family must also be given the option by DCHA and owner to remain in their unit with HCV tenant-based assistance as long as the unit complies with inspection and rent reasonableness requirements. The family must pay their total tenant payment (TTP) and any additional amount if the gross rent exceeds the applicable payment standard.

9404.23 The family has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance.

9404.24 The owner may not terminate the tenancy of a family that exercises its right to remain except for serious or repeated lease violations or other good cause.

9404.25 Families that receive a tenant-based voucher at the expiration or termination of the PBV HAP contract are not new admissions to DCHA HCV tenant-based program and are not subject to income eligibility requirements or any other admission requirements.

9404.26 If the family chooses to remain in their unit with tenant-based assistance, the family may do so regardless of whether the family share would initially exceed forty percent (40%) of the family's adjusted monthly income.

9404.27 [RESERVED]

9404.28 DCHA will abate and terminate PBV HAP contracts for non-compliance with HQS or successor standard in accordance with the policies used in the tenant-based voucher program (as described in Chapter 56).

9404.29 DCHA will waive the owner's responsibility for housing quality standards failures that have been determined to have been caused by the tenant, any member of the household, or any guest or other person under the tenant's control, to the extent the tenant can be held responsible for ensuring that the deficiencies are corrected: the

tenant must take all necessary steps permissible under the lease and state and local law to remedy the deficiency. This may include paying the owner for the cost of the necessary repairs in accordance with the lease.

9404.30 The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies housing quality standards failures, DCHA will determine (1) whether or not the failure is a life-threatening condition, and (2) whether the family or owner is responsible.

9404.31 DCHA will not withhold assistance payments upon notification to the owner of the failures.

9404.32 When life-threatening conditions are identified, DCHA will immediately notify both parties by telephone or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within twenty-four

(24) hours of the notice.

9404.33 When failures that are not life-threatening are identified, DCHA will send the owner and the family a written notification of the inspection results within five (5) business days of the inspection. The written notice will specify who is responsible for correcting the violation, and the time frame within which the failure must be corrected. Generally, not more than thirty (30) days will be allowed for the correction.

9404.34 If the owner is responsible for correcting the deficiency, the notice of inspection results will inform the owner that if life-threatening conditions are not corrected within twenty-four (24) hours, and non-life-threatening conditions are not corrected within the specified time frame (or any approved extension), the owner's HAP will be abated.

9404.35 Likewise, if the family is responsible for correcting the deficiency, the notice will inform the family that if corrections are not made within the specified time frame (or approved extension, if applicable) the family's assistance will be terminated in accordance with the policies described in Chapter 76.

9404.36 DCHA will make all HAP abatements effective the first of the month following the expiration of the DCHA-specified correction period (including any extension).

9404.37 DCHA will abate payments only for those contract units that do not meet housing quality standards.

9404.38 DCHA will inspect abated units within five (5) business days of the owner's notification that the work has been completed. Payment will resume effective on the day the unit passes inspection.

9404.39 DCHA will issue a family a voucher no later than thirty (30) days before terminating the HAP contract, if the HAP contract is being terminated for the

owner's failure to correct HQS deficiencies within the required timeframe.

9404.40 If the family is unable to locate housing with the tenant-based voucher within thirty (30) days of the voucher expiration, DCHA will notify the family that DCHA will offer them the next appropriate-size public housing unit that becomes available.

9404.41 [RESERVED]

9404.42 [RESERVED]

9404.43 DCHA will add units to the contract on a case-by-case basis to ensure the availability of affordable housing as long as the addition of units does not exceed allowable project caps.

9404.44 The HAP contract year is the period of twelve (12) calendar months preceding each annual anniversary of the HAP contract during the HAP contract term. The initial contract year is calculated from the first day of the first calendar month of the HAP contract term.

9404.45 The annual anniversary of the HAP contract is the first day of the first calendar month after the end of the preceding contract year.

9404.46 There is a single annual anniversary and expiration date for all units under a particular HAP contract, even in cases where contract units are placed under the HAP contract in stages (on different dates) or units are added by amendment. The anniversary and expiration dates for all units coincide with the dates for the contract units that were originally placed under contract.

9404.47 When the owner executes the HAP contract s/he always certifies that at such execution and during the term of the HAP contract:

(a) All contract units are in good condition and the owner is maintaining the premises and contract units in accordance with HQS;

(b) The owner is providing all services, maintenance, equipment and utilities as agreed to under the HAP contract and the leases;

(c) Each contract unit for which the owner is receiving HAP, is leased to an eligible family referred by DCHA, and the lease is in accordance with the HAP contract and HUD requirements;

(d) To the best of the owner's knowledge the family resides in the contract unit for which the owner is receiving HAP, and the unit is the family's only residence;

(e) The owner (including a principal or other interested party) is not the spouse, parent, child, grandparent, grandchild, sister, or brother of any member of a family residing in a contract unit;

(f) The amount of the HAP the owner is receiving is correct under the HAP contract;

(g) The rent for contract units does not exceed rents charged by the owner for comparable unassisted units;

(h) Except for HAP and tenant rent, the owner has not received and will not receive any other payment or consideration for rental of the contract unit;

(i) The family does not own or have any interest in the contract unit (does not apply to family's membership in a cooperative); and

(j) Repair work on the project selected as an existing project that is performed after HAP execution within such post-execution period as specified by HUD may constitute development activity, and if determined to be development activity, the repair work undertaken shall be in compliance with Davis-Bacon wage requirements.

9404.48 The owner is required to maintain and operate the contract units and premises in accordance with HQS, including performance of ordinary and extraordinary maintenance.

9404.49 The owner must provide all the services, maintenance, equipment, and utilities specified in the HAP contract with DCHA and in the lease with each assisted family.

9404.50 DCHA will identify the need for any special features on a case-by-case basis depending on the intended occupancy of the PBV project. DCHA will specify any special design standards or additional requirements in the invitation for PBV proposals, the agreement to enter HAP contract, and the HAP contract.

9404.51 DCHA will decide on a case-by-case basis if DCHA will provide vacancy payments to the owner. The HAP contract with the owner will contain any such agreement, including the amount of the vacancy payment and the period for which the owner will qualify for these payments.

9404.52 The amount of the vacancy payment cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payment received by the owner (including amounts available from the tenant's security deposit). The period of vacancy begins on the first calendar month after the move-out month for a period not exceeding two full months following the move-out month.

9405 SELECTION OF PBV PROGRAM PARTICIPANTS

9405.1 Many of the provisions of the tenant-based voucher regulations also apply to the PBV program. This includes requirements related to determining eligibility and

selecting applicants from the waiting list.

9405.2 DCHA may select families for the PBV program from those who are participants in DCHA's tenant-based voucher program and from those who have applied for admission to the voucher program.

9405.3 For voucher participants, eligibility was determined at original admission to the voucher program and does not need to be redetermined at the commencement of PBV assistance. 9405.4 Applicants for PBV assistance must meet the same eligibility requirements as applicants for the tenant-based voucher program.

9405.4 Applicants must qualify as a family as defined by HUD and DCHA, have income at or below HUD-specified income limits, and qualify on the basis of citizenship or the eligible immigration status of family members.

9405.5 An applicant family must provide social security information for family members and consent to DCHA's collection and use of family information regarding income, expenses, and family composition.

9405.6 DCHA may also not approve a tenancy if the owner (including a principal or other interested party) of the unit is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless needed as a reasonable accommodation. An applicant family must also meet HUD requirements related to current or past criminal activity.

9405.7 DCHA will determine an applicant family's eligibility for the PBV program in accordance with the policies in §§5100 and 9400.

9405.8 An eligible family residing in a proposed PBV contract unit on the date the proposal is selected by DCHA is considered an "in-place family."

9405.9 In place families are afforded protection from displacement under the PBV rule.

9405.10 If a unit to be placed under contract (either an existing unit or a unit requiring rehabilitation) is occupied by an eligible family on the date the proposal is selected, the in-place family must be placed on DCHA's waiting list.

9405.11 Once the family's continued eligibility is determined (DCHA may deny assistance to an in-place family for the grounds specified in 24 CFR §§982.552 and 982.553), the family must be given an absolute selection preference and DCHA must refer these families to the project owner for an appropriately sized PBV unit in the project. Admission of eligible in-place families is not subject to income targeting requirements.

9405.12 This regulatory protection from displacement does not apply to families that are not eligible to participate in the program on the proposal selection date.

9405.13 DCHA will establish separate waiting lists for PBV properties. DCHA will offer to

place applicants who are listed on the tenant-based waiting list on the waiting list for PBV assistance.

9405.14 DCHA currently maintains a merged waiting list for tenant-based and project-based vouchers DCHA will establish separate project-based waiting lists.

9405.15 A PBV owner may be approved to manage a site-based waiting list for their property.

9405.16 Owners will be required to select applicants from the site-based waiting list according to the policies on selection from the waiting list (in Chapter 52) and the owner's tenant selection plan.

9405.17 DCHA will disclose information to all applicants about all the PBV properties, including the properties' contact information and other basic information such as the location, number of accessible units, types of excepted units (if any), amenities, and anticipated waiting time.

9405.18 Owners may not manage a waiting list until they have received approval from DCHA. When requesting approval to manage a site-based waiting list for their property, the owner must submit a proposed tenant selection policy to DCHA.

9405.19 DCHA will review the tenant selection policy when determining if the owner may be approved to manage their own site-based waiting list. DCHA will review the owner's policy to ensure that, at a minimum, it includes

(a) Policies and procedures concerning waiting list management and selection of applicants from the project's waiting list;

(b) Procedures for removing applicant names from the waiting list; and

(c) procedures for closing and reopening the waiting list.

These policies must be consistent with Chapter 52: Applicants, Waiting List and Tenant Selection.

9405.20 DCHA will not approve any owner waiting list policies that do not meet minimum requirements as described in the regulations and DCHA policy.

9405.21 Owner policies must be submitted electronically to DCHA.

9405.22 If, upon review, DCHA is unable to approve the policy, DCHA will send the owner written notice via email specifying the reasons the policy is being disapproved. The owner may amend and resubmit the policy to DCHA, subject to extensions for good cause, which the owner must request.

9405.23 The owner must receive final written approval from DCHA prior to maintaining a waiting list. Once an owner's policy is approved, DCHA will email the owner a

copy of the approval and will maintain a copy of the approval in the project records.

9405.24 The owner must submit any changes to the waiting list policy to DCHA in writing prior to implementing the changes. DCHA will review the proposed changes and will provide the owner with a written approval or denial. The owner may not implement any changes to the waiting list policy without prior DCHA approval.

9405.25 DCHA will review owner site based waiting lists and waiting list procedures annually. The owner must maintain an electronic waiting list and provide DCHA with electronic records upon request.

9405.26 DCHA will review the owner's waiting list policy to ensure the following:

(a) No changes were made to the owner's waiting list policy without prior DCHA approval;

(b) Applicants were selected from the waiting list in the proper order;

(c) If applicable, when preferences were applied, they were properly documented;

(d) If the owner opens the waiting list, the owner complied with requirements of 24 CFR §982.206 and §5201;

(e) The owner's waiting list complies with all equal opportunity requirements listed under 24 CFR §5.105(a); and

(f) Families in need of vacant accessible units were identified on the waiting list (as applicable).

9405.27 DCHA will communicate any deficiencies found during the waiting list review to the owner in writing via email within ten (10) business days after DCHA completes its review.

9405.28 The owner must provide DCHA with a written response detailing how deficiencies were remedied within thirty (30) calendar days of DCHA's email notification.

9405.29 By signing the HAP contract, the owner certifies that at all times during the term of the HAP contract, each contract unit for which the owner is receiving housing assistance payments is leased to an eligible family selected from the owner-maintained waiting list. Serious noncompliance identified by DCHA may result in the owner losing the ability to maintain the waiting list.

9405.30 If DCHA determines that the owner has breached the HAP contract, DCHA may exercise any of its rights or remedies under the HAP contract, including but not limited to contract termination.

9405.31 PBV properties may establish a site-specific elderly family preference, to be used on conjunction with any resident rights to return. These include, but are not limited to, units at the following sites: Kenilworth 166 and Asberry (Barry Farm 1B).

9405.32 Notwithstanding anything to the contrary in this Administrative Plan, the definition of "elderly person" to be used at the Kenilworth 166 and Asberry (Barry Farm 1B) sites shall be, under DCHA's approved MTW policy, a person who is at least fifty-five (55) years of age.

9405.33 Applicants who will occupy units with PBV assistance must be selected from DCHA's waiting list or a DCHA-approved owner-managed site-based waiting list.

9405.34 Under the authority granted to DCHA under its MTW status, public housing residents/applicants requiring accessible units may be offered an appropriate PBV unit.

9405.35 At least seventy-five percent (75%) percent of the families admitted to DCHA's tenant-based and project-based voucher programs during DCHA fiscal year from the waiting list must be extremely low-income families. The income targeting requirement applies to the total of admissions to both programs.

9405.36 When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, DCHA must first refer families who require such features to the owner.

9405.37 [RESERVED]

9405.38 DCHA will provide a selection preference when required by the regulation (e.g., eligible in-place families, impaired persons for accessible units).

9405.39 DCHA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

(a) Refuse to list the applicant on the waiting list for tenant-based voucher assistance;

(b) Deny any admission preference for which the applicant qualifies;

(c) Change the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under DCHA's selection policy; and

(d) Remove the applicant from the tenant-based voucher waiting list.

9405.40 If a PBV owner rejects a family for admission to the owner's units, such rejection will not affect the family's position on the tenant-based voucher waiting list.

9405.41 If the family rejects two (2) PBV units without good cause, the family will not receive any additional offers of a project-based unit.

9405.42 Good cause is defined as:

(a) The family determines the unit is not accessible to a household member with a disability or otherwise does not meet the member's disability-related needs.

(b) The unit has HQS deficiencies.

(c) The family is unable to accept the offer due to circumstances beyond the family's control (such as hospitalization, temporary economic hardship, or natural disaster); and

(d) The family determines the unit presents a health or safety risk to a household member who is or has been a victim of domestic violence, sexual assault, or stalking (as described in5003 on Protections under VAWA).

9405.43 When a family accepts an offer for PBV assistance, DCHA will give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, DCHA will provide a briefing packet that explains how DCHA determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

9405.44 If an applicant family's head or spouse is disabled, DCHA will assure effective communication, in accordance with 24 CFR §8.6, in conducting the oral briefing and in providing the written information packet.

9405.45 DCHA must have a mechanism for referring a family that includes a member with a mobility impairment to an appropriate accessible PBV unit.

9405.46 DCHA will take reasonable steps to assure meaningful access by persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 13166.

9405.47 During the term of the HAP contract, the owner must lease contract units to eligible families. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on DCHA's subsidy standards.

9405.48 The owner must promptly notify DCHA of any vacancy or expected vacancy in a contract unit. After receiving such notice, DCHA must make every reasonable effort to promptly refer enough families for the owner to fill such vacancies. DCHA and the owner must make reasonable efforts to minimize the likelihood and length of any vacancy.

9405.49 The owner must notify DCHA in writing electronically within five (5) business days of learning about any vacancy or expected vacancy. DCHA will make every reasonable effort to refer families to the owner within fourteen (14) business days of receiving such notice from the owner.

9405.50 If the owner is approved by DCHA to maintain their own site-based waiting list, the owner will be responsible for notifying the family of their selection from the waiting list.

9405.51 DCHA will make every reasonable effort to notify the owner in writing via email of the DCHA's eligibility determination within thirty (30) calendar days of receiving such notice from the owner.

9405.52 If the family is determined eligible, DCHA will notify the family and refer them back to the owner for a suitability screening.

9405.53 If the owner rejects the family after conducting a suitability screening, the owner must provide a copy of the rejection notice to DCHA. The owner may not offer a unit to a family until DCHA determines that the family is eligible for the program and has given the owner written confirmation.

9405.54 For units where the waiting list is DCHA-maintained, the owner must notify DCHA in writing via email within five (5) business days of learning about any vacancy or expected vacancy.

9405.55 DCHA will refer families determined eligible to the owner for a suitability determination within thirty (30) calendar days of receiving such notice from the owner. If the owner rejects the family after conducting a suitability screening, the owner must provide a copy of the rejection notice to DCHA.

9405.56 The owner may not offer a unit to a family until DCHA determines that the family is eligible for the program and has given the owner written confirmation.

9405.57 If any contract units have been vacant for one hundred twenty (120) or more days since owner notice of the vacancy, DCHA may give notice to the owner amending the HAP contract to reduce the number of contract units by subtracting the number of contract units (according to the bedroom size) that have been vacant for this period.

9405.58 If any contract units have been vacant for one hundred twenty (120) days, DCHA may give notice to the owner that the HAP contract will be amended to reduce the number of contract units that have been vacant for this period. DCHA will provide prompt written notice to the owner. The amendment to the HAP contract will be effective the first (1st) day of the month following the date of DCHA's notice.

9405.59 DCHA is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy.

9405.60 DCHA will not conduct screening to determine a PBV applicant family's suitability for tenancy.

9405.61 DCHA will provide the owner with an applicant family's current and prior address (as shown in PHA records) and the name and address (if known by DCHA) of the family's current landlord and any prior landlords.

9405.62 DCHA will not disclose to the owner any confidential information provided in response to a request for documentation of domestic violence, dating violence, sexual assault, or stalking except at the written request or with the written consent of the individual providing the documentation (24 CFR §5.2007(a)(4)).

9405.63 DCHA will inform owners of their responsibility to screen prospective tenants and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. DCHA will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

9405.64 The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

(a) Payment of rent and utility bills;

(b) Caring for a unit and premises;

(c) Respecting the rights of other residents to the peaceful enjoyment of their housing;

(d) Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and

(e) Compliance with other essential conditions of tenancy.

9406 OCCUPANCY

9406.1 After an applicant has been selected from the waiting list, determined eligible by DCHA, referred to an owner and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

9406.2 The tenant must have legal capacity to enter a lease under state and local law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

9406.3 The tenant and the owner must enter into a written lease agreement that is signed by both parties.

(a) If an owner uses a standard lease form for rental units to unassisted tenants in the locality or premises, the same lease must be used for assisted tenants,

except that the lease must include a HUD-required tenancy addendum. The tenancy addendum must include, word-for-word, all provisions required by HUD.

(b) If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as a PHA model lease.

(c) DCHA will not review the owner's lease for compliance with District or local law.

9406.4 The lease for a PBV unit must specify all the following information:

(a) The names of the owner and the tenant;

(b) The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);

(c) The term of the lease (initial term and any provision for renewal);

(d) The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;

(e) A specification of the services, maintenance, equipment, and utilities that will be provide by the owner; and

(f) The amount of any charges for food, furniture, or supportive services.

9406.5 The tenancy addendum in the lease must state:

(a) The program tenancy requirements;

(b) The composition of the household as approved by DCHA (the names of family members and any DCHA-approved live-in aide); and

(c) All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

9406.6 The initial lease term must be for at least one (1) year. The lease must provide for automatic renewal after the initial term of the lease in either successive definitive terms (e.g., month-to-month or year-to-year) or an automatic indefinite extension of the lease term. For automatic indefinite extension of the lease term, the lease terminates if any of the following occur:

(a) The owner terminates the lease for good cause;

(b) The tenant terminates the lease;

(c) The owner and tenant agree to terminate the lease;

(d) DCHA terminates the HAP contract; or

(e) DCHA terminates assistance for the family.

9406.7 If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give DCHA a copy of all changes.

9406.8 The owner must notify DCHA in advance of any proposed change in the lease regarding the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by DCHA and in accordance with the terms of the lease relating to its amendment. DCHA must redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of the change.

9406.9 With two (2) exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program. In the PBV program, terminating tenancy for "good cause" does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

9406.10 The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by DCHA policy.

9406.11 According to program requirements, the family's assistance must be terminated if they are absent from the unit for more than one hundred eighty (180) consecutive days.

9406.12 DCHA termination of assistance actions due to family absence from the unit are subject to 24 CFR §981.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.

9406.13 Housing assistance payments shall continue until the tenant rent equals the rent to owner.

9406.14 If the amount of assistance provided by DCHA is reduced to zero, the family's assistance automatically terminates one hundred eighty (180) days after the last HAP payment. If a participating family receiving zero assistance experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify DCHA of the change and request an interim reexamination before the expiration of the six-month period.

9406.15 The owner may collect a security deposit from the tenant. DCHA will prohibit security deposits in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants.

9406.16 When the tenant moves out of a contract unit, the owner, subject to District law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid tenant rent, damages to the unit, or other amounts owed by the tenant under the lease.

9406.17 The owner must give the tenant a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the owner, the owner must promptly refund the full amount of the balance to the tenant.

9406.18 If the security deposit does not cover the amount owed by the tenant under the lease, the owner may seek to collect the balance from the tenant. DCHA has no liability or responsibility for payment of any amount owed by the family to the owner.

9406.19 If DCHA determines that a family is occupying a wrong size unit, based on DCHA's subsidy standards, or a unit with accessibility features that the family does not require, and the unit is needed by a family that does require the features, DCHA must promptly notify the family and the owner of this determination, and DCHA must offer the family the opportunity to receive continued housing assistance in another unit.

9406.20 DCHA will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within thirty (30) days of DCHA's determination. DCHA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

(a) PBV assistance in the same building or project;

(b) PBV assistance in another project;

(c) A public housing unit; and

(d) Tenant-based voucher assistance.

9406.21 If DCHA offers the family a tenant-based voucher, DCHA must terminate the housing assistance payments for a wrong-sized or accessible unit at the earlier of the expiration of the term of the family's voucher (including any extension granted by DCHA) or the date upon which the family vacates the unit. If the family does not move out of the wrong-sized unit or accessible unit by the expiration of the term of the family's voucher, DCHA must remove the unit from the HAP contract.

9406.22 If DCHA offers the family another form of assistance that is not a tenant-based voucher, and the family does not accept the offer, does not move out of the PBV unit within a reasonable time as determined by DCHA, or both, DCHA must terminate the housing assistance payments for the unit at the expiration of a reasonable period as determined by DCHA and remove the unit from the HAP contract.

9406.23 When DCHA offers a family another form of assistance that is not a tenant-based voucher, the family will be given sixty (60) days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this sixty (60) day time frame, DCHA will terminate the housing assistance payments at the expiration of this sixty (60) day period. DCHA may make exceptions to this sixty (60) day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

9406.24 The family may terminate the lease at any time after the first year of occupancy.

9406.25 The family must give advance written notice to the owner in accordance with the

lease and provide a copy of such notice to DCHA. Upon HUD approval, DCHA will waive the requirement to offer a family residing in a project-based unit with a tenant-based voucher after twelve (12) months of occupancy. Families will continue to be permitted to move to another PBV unit; however, they will not be permitted to request a tenant-based voucher.

9406.26 Except where special consideration is needed for the project-based voucher program, DCHA will follow VAWA policies as outlined in this Plan, including using the Emergency Transfer Plan as the basis for PBV transfers under VAWA.

9406.27 (a) When the victim of domestic violence, dating violence, sexual assault, or stalking has lived in the unit for less than one (1) year, DCHA will provide several options for continued assistance.

(b) DCHA will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where DCHA has PBV units. DCHA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

(c) If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to either tenant-based rental assistance (HCV) or assistance in DCHA's public housing program. Such a decision will be made by DCHA based on the availability of tenant-based vouchers and/or vacancies in public housing units. Such families must be selected from the waiting list for the applicable program.

(d) If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, DCHA will offer the participant an internal transfer to another PBV unit in the same development or a transfer to a different development where DCHA has PBV units. DCHA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

(e) If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to DCHA's public housing program.

9407 DETERMINING RENT TO OWNER

9407.1 The amount of the initial rent to an owner of units receiving PBV assistance is established at the beginning of the HAP contract term. Although for rehabilitated or newly constructed housing, the AHAP states the estimated amount of the initial rent to owner, the actual amount of the initial rent to owner is established at the beginning of the HAP contract term.

9407.2 During the term of the HAP contract, the rent to owner is redetermined at the owner's request in accordance with program requirements, and at such time that there is a ten percent (10%) or greater decrease in the published FMR.

9407.3 Except for certain tax credit units (discussed below), the rent to owner must not exceed the lowest of the following amounts:

(a) An amount determined by DCHA, not to exceed one hundred ten percent (110%) of the applicable fair market rent (or any HUD approved exception payment standard) for the unit bedroom size minus any utility allowance;

(b) The reasonable rent; or

(c) The rent requested by the owner.

9407.4 For certain tax credit units, the rent limits are determined differently than for other PBV units. Different limits apply to contract units that meet all of the following criteria:

(a) The contract unit receives a low-income housing tax credit under the Internal Revenue Code of 1986;

(b) The contract unit is not located in a qualified census tract;

(c) There are comparable tax credit units of the same bedroom size as the contract unit in the same project, and the comparable tax credit units do not have any form of rental assistance other than the tax credit; and

(d) The tax credit rent exceeds one hundred ten percent (110%) of the fair market rent or any approved exception payment standard;

9407.5 For contract units that meet all these criteria, the rent to owner must not exceed the lowest of:

(a) The tax credit rent minus any utility allowance;

(b) The reasonable rent; or

(c) The rent requested by the owner.

9407.6 [RESERVED]

9407.7 [RESERVED]

9407.8 DCHA must determine reasonable rent in accordance with 24 CFR §983.303. The rent to owner for each contract unit may at no time exceed the reasonable rent, except in cases where DCHA has elected within the HAP contract not to reduce rents below the initial rent to owner and, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent. However, the rent to owner must be reduced in the following cases:

(a) To correct errors in calculations in accordance with HUD requirements;

(b) If additional housing assistance has been combined with PBV assistance after the execution of the initial HAP contract and a rent decrease is required pursuant to 24 CFR §983.55; or

(c) If a decrease in rent to owner is required based on changes in the allocation of the responsibility for utilities between owner and tenant.

9407.9 [RESERVED]

9407.10 DCHA may elect within the HAP contract not to reduce rents below the initial level, with the exception of circumstances listed in 24 CFR §983.302(c)(2) on a case by case basis. If, upon redetermination of the rent to owner, the reasonable rent would result in a rent below the initial rent, DCHA will use the higher initial rent to owner amount.

9407.11 [RESERVED]

9407.12 [RESERVED]

9407.13 [RESERVED]

9407.14 Upon written request by the owner, DCHA will consider using the FMR or utility allowances in effect during the thirty (30) day period before the start date of the HAP, or redetermination of rent. The owner must explain the need to use the previous FMRs or utility allowances and include documentation in support of the request. DCHA will review and make a decision based on the circumstances and merit of each request. In addition to considering a written request from an owner, DCHA may decide to use the FMR or utility allowances in effect during the thirty (30) day period before the start date of the HAP, or redetermination of rent, if DCHA determines it is necessary due to PHA budgetary constraints.

9407.15 [RESERVED]]

9407.16 [RESERVED]

9407.17 DCHA will not apply SAFMRs to DCHA's PBV program.

9407.18 DCHA must redetermine the rent to owner upon the owner's request or when there is a ten percent (10%) or greater decrease in the published FMR.

9407.19 If an owner wishes to request an increase in the rent to owner from DCHA, it must be requested at the annual anniversary of the HAP contract. The request must be in writing and in the form and manner required by DCHA.

9407.20 DCHA may only make rent increases in accordance with the rent limits described previously. There are no provisions in the PBV program for special adjustments (e.g., adjustments that reflect increases in the actual and necessary expenses of owning and maintaining the units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs).

(a) An owner's request for a rent increase must be submitted to DCHA sixty (60) days prior to the anniversary date of the HAP contract and must include the new rent amount the owner is proposing.

(b) DCHA will not approve any increase of rent to owner for any unit within the development unless all inspected units comply with HQS.

9407.21 DCHA may not approve and the owner may not receive any increase of rent to owner until and unless the owner has complied with requirements of the HAP contract, including compliance with HQS. The owner may not receive any retroactive increase of rent for any period of noncompliance.

9407.22 If there is a decrease in the rent to owner, as established in accordance with program requirements such as a change in the FMR or exception payment standard, or reasonable rent amount, the rent to owner must be decreased regardless of whether the owner requested a rent adjustment, except where DCHA has elected within the HAP contract to not reduce rents below the initial rent under the initial HAP contract, provided that the initial rent determination complied with all HUD

requirements.

9407.23 DCHA will provide the owner with at least thirty (30) days written notice of any change in the amount of rent to owner.

9407.24 [RESERVED]

9407.25 [RESERVED]

9407.26 DCHA must redetermine the reasonable rent for a unit receiving PBV assistance whenever any of the following occur:

(a) There is a ten percent (10%) or greater decrease in the published FMR in effect sixty (60) days before the contract anniversary (for the unit sizes specified in the HAP contract) as compared with the FMR that was in effect one year before the contract anniversary date;

(b) DCHA approves a change in the allocation of responsibility for utilities between the owner and the tenant;

(c) The HAP contract is amended to substitute a different contract unit in the same building or project; or

(d) There is any other change that may substantially affect the reasonable rent.

9407.27 The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, DCHA must consider factors that affect market rent. Such factors include:

(a) the location;

(b) quality;

(c) size;

(d) type;

(e) age of the unit;

(f) amenities;

(g) housing services maintenance; and

(h) utilities to be provided by the owner.

9407.28 For each unit, the comparability analysis must use at least three (3) comparable units in the private unassisted market. This may include units in the premises or project that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by DCHA. The comparability analysis may be performed by DCHA staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

9407.29 Upon HUD approval, the amount of the reasonable rent will be determined by DCHA for DCHA-owned units.

9407.30 By accepting each monthly housing assistance payment, the owner certifies that the rent to owner is not more than rent charged by the owner for other comparable unassisted units in the premises. At any time, DCHA may require the owner to submit information on rents charged by the owner for other units in the premises or elsewhere.

9407.31 [RESERVED]

9407.32 To comply with HUD subsidy layering requirements, at the discretion of HUD or its designee, DCHA shall reduce the rent to owner because of other governmental subsidies, including tax credits or tax exemptions, grants, or other subsidized funding:

(a) For units receiving assistance under the HOME program, rents may not exceed rent limits as required by that program.

(b) For units in any of the following types of federally subsidized projects, the rent to owner may not exceed the subsidized rent (basic rent) or tax credit rent as determined in accordance with requirements for the applicable federal program:

(1) An insured or non-insured Section 236 project;

(2) A formerly insured or non-insured Section 236 project that continues to receive Interest Reduction Payment following a decoupling action;

(3) A Section 221(d)(3) below market interest rate (BMIR) project;

(4) A Section 515 project of the Rural Housing Service; and

(5) Any other type of federally subsidized project specified by HUD.

9407.33 Rent to owner may not exceed any limitation required to comply with HUD subsidy layering requirements.

9407.34 In addition to the rent limits set by PBV program regulations, the amount of rent to owner may also be subject to rent control or other limits under local, state, or federal law.

9408 PAYMENTS TO OWNER

9408.1 During the term of the HAP contract, DCHA will make housing assistance payments to the owner in accordance with the terms of the HAP contract.

9408.2 During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment will be paid to the owner on or about the first day of the month for which payment is due, unless the owner and DCHA agree on a later date.

9408.3 Except for discretionary vacancy payments, DCHA may not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

9408.4 The amount of the housing assistance payment by DCHA is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

9408.5 In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

9408.6 If DCHA determines that the owner is responsible for a vacancy and, as a result, is not entitled to the keep the housing assistance payment, DCHA will notify the landlord of the amount of housing assistance payment that the owner must repay. DCHA will require the owner to repay the amount owed to DCHA.

9408.7 At the discretion of DCHA, the HAP contract may provide for vacancy payments to the owner. DCHA may only make vacancy payments if:

(a) The owner gives DCHA prompt, written notice certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner's knowledge);

(b) The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;

(c) The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and

(d) The owner provides any additional information required and requested by DCHA to verify that the owner is entitled to the vacancy payment.

9408.8 The owner must submit a request for vacancy payments in the form and manner required by DCHA and must provide any information or substantiation required by DCHA to determine the amount of any vacancy payment.

(a) If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified DCHA of the vacancy.

(b) In order for a vacancy payment request to be considered, it must be made within ten (10) business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and DCHA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by DCHA within ten (10) business days of DCHA's request, no vacancy payments will be made.

9408.9 [RESERVED]

9408.10 [RESERVED]

9408.11 [RESERVED]

9408.12 [RESERVED]

9408.13 [RESERVED]

9408.14 DCHA will pay the utility reimbursement directly to the family.

CHAPTER 100

PROJECT BASED VOUCHERS (PBV) UNDER THE RENTAL ASSISTANCE DEMONSTRATION (RAD) PROGRAM

10000 GENERAL REQUIREMENTS

10000.1 [RESERVED]

10000.2 [RESERVED]

10000.3 This chapter will focus on public housing conversions to the PBV program under RAD. In order to distinguish between requirements for public housing conversion under RAD and PBV units under the standard PBV program, we will refer to the standard PBV program and the RAD PBV program.

10000.4 [RESERVED]

10000.5 Any non-RAD PBV units located in the covered project are subject to the same

waivers and alternative requirements noted in Notice PIH 2019-23 (issued September 5, 2019) and in this Chapter 100.

10000.6 Otherwise, all regulatory and statutory requirements for the standard PBV program in 24 CFR Part 983 and Section 8(o)(13) of the Housing Act of 1937, as may be modified by DCHA's MTW Agreement and Plan, and all applicable standing and subsequent Office of Public and Indian Housing (PIH) notices and guidance, including related handbooks, apply to RAD PBV. This includes environmental review, Davis-Bacon, and fair housing requirements.

10000.7 [RESERVED]

10000.8 [RESERVED]

10000.9 Except as otherwise noted in this Chapter 100, DCHA policies related to tenant-based assistance also apply to RAD PBV assistance. The provisions of the tenant-based voucher regulations that do not apply to the PBV program are listed at 24 CFR §983.2.

10000.1 Except as otherwise noted in this Chapter 100, or unless specifically prohibited by RAD PBV program regulations, DCHA policies for the PBV program contained in this Plan also apply to the RAD PBV program and its participants. This Chapter 100 is intended to address requirements specific to the RAD PBV program only.

10001 PBV PROJECT SELECTION

10001.1 Unlike in the standard PBV program, projects selected for assistance under RAD PBV are selected in accordance with the provisions in Notice PIH 2019-23 or successor notices. Therefore, 24 CFR §983.51 does not apply because RAD PBV Housing Assistance Payments (HAP) contracts are not subject to the competitive selection requirements.

10001.2 [RESERVED]

10001.3 [RESERVED]

10001.4 [RESERVED]

10001.5 [RESERVED]

10001.6 [RESERVED]

10001.7 [RESERVED]

10001.8 [RESERVED]

10001.9 Under the District of Columbia Housing Authority (DCHA) approved Moving to Work (MTW) policy, DCHA will redetermine rent and determine rent reasonableness for DCHA-owned units. Upon HUD approval, DCHA will also conduct Housing Quality Standards (HQS) inspections for DCHA-owned units.

10001.10 [RESERVED]

10001.11 [RESERVED]

10001.12 [RESERVED]

10001.13 [RESERVED]

10001.14 [RESERVED]

10001.15 [RESERVED]

10001.16 [RESERVED]

10001.17 DCHA will ensure that its RAD PBV conversion, including any associated new construction, is consistent with its certification to affirmatively further fair housing and complies with civil rights laws.

10002 DWELLING UNITS

10002.1 This part identifies the special housing quality standards that apply to the RAD PBV program, housing accessibility for persons with disabilities, and special procedures for conducting housing quality standards inspections.

10002.2 The HQS, or subsequent inspection standard, for the tenant-based program generally apply to the PBV program except when conflicting with this Chapter 100. HQS requirements for shared housing, manufactured home space rental, and the homeownership option do not apply because these housing types are not assisted under the PBV program.

10002.3 [RESERVED]

10002.4 The lead-based paint requirements for the tenant-based voucher program do not apply to the PBV program. Instead, The Lead-based Paint Poisoning Prevention Act (42 U.S.C. §§4821-4846), the Residential Lead-based Paint Hazard Reduction Act of 1992 (42 U.S.C. §§4851-4856), and implementing regulations at 24 CFR part 35, subparts A, B, H, and R, and 40 CFR §745.227, apply to the PBV program.

10002.5 Federal accessibility requirements apply to all conversions, whether they entail new construction, alternations, or existing facilities. The housing must comply with program accessibility requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794) and implementing regulations at 24 CFR part 8. DCHA must

ensure that the percentage of accessible dwelling units complies with the requirements of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), as implemented by HUD's regulations at 24 CFR 8, subpart C.

10002.6 Housing first occupied after March 13, 1991, must comply with design and construction requirements of the Fair Housing Amendments Act of 1988 and implementing regulations at 24 CFR §100.205, as applicable. (24 CFR §983.102)

10002.7 [RESERVED]

10002.8 Before providing assistance to a new family in a contract unit, DCHA will inspect the unit. DCHA will not provide assistance on behalf of the family until the unit fully complies with HQS.

10002.9 At least once every twenty-four (24) months during the term of the HAP contract, DCHA will conduct period inspections, inspecting a random sample consisting of at least twenty (20) percent of the contract units in each building, to determine if the contract units and the premises are maintained in accordance with HQS. Turnover inspections are not counted toward meeting this inspection requirement.

10002.10 If more than twenty (20) percent of the sample of inspected contract units in a building fail the initial inspection, DCHA will re-inspect one hundred percent (100%) of the contract units in the building.

10002.11 If a participant or government official notifies DCHA of a potential HQS deficiency and requests an interim inspection, DCHA will inspect the unit within twenty-four (24) hours for a life-threatening deficiency and fifteen (15) days for a non-life- threatening deficiency. During such inspection, DCHA will generally will inspect only those deficiencies that were reported. However, the inspector will record any additional deficiencies that are observed and will require the responsible party to make the necessary repairs.

10002.12 If the periodic inspection has been scheduled or is due within ninety (90) days of the date the special inspection is scheduled DCHA may elect to conduct a full inspection.

10002.13 The owner and the family will be notified in writing of the results of all inspections. When an inspection identifies HQS deficiencies, DCHA will determine (1) whether or not the failure is a life-threatening condition and (2) whether the family or owner is responsible.

10002.14 DCHA will not withhold assistance payments upon notification to the owner of the deficiencies.

10002.15 When life-threatening conditions are identified, DCHA will immediately notify both parties by telephone or email. The notice will specify who is responsible for correcting the violation. The corrective actions must be taken within twenty-four

(24) hours of DCHA's notice.

10002.16 When failures that are not life-threatening are identified, DCHA will send the owner and the family a written notification of the inspection results within five business days of the inspection. The written notice will specify who is responsible for correcting the violation, and the timeframe within which the failure must be corrected. Generally, not more than thirty (30) days will be allowed for the correction.

10002.17 If the owner is responsible for correcting the deficiency, the notice of inspection results will inform the owner that if life-threatening conditions are not corrected within twenty-four (24) hours, and non-life-threatening conditions are not corrected within the specified time frame (or any DCHA-approved extension), the owner's HAP will be abated.

10002.18 If the family is responsible for correcting the deficiency, the notice will inform the family that if corrections are not made within the specified time frame (or any DCHA-approved extension, if applicable) the family's assistance will be terminated.

10002.19 DCHA will make all HAP abatements effective the first of the month following the expiration of the DCHA-specified correction period (including any extension).

10002.20 DCHA will abate payments only for those contract units that do not meet HQS. DCHA will inspect abated units within five (5) business days of the owner's notification that the work has been completed. Payment will resume effective on the day the unit passes inspection.

10002.21 DCHA will issue a family whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame a voucher no later than thirty (30) days prior to the termination of the HAP contract. The initial term of the voucher will be one hundred twenty (120) calendar days. No briefing is required for these families.

10002.22 In order to receive tenant-based assistance under the Housing Choice Voucher program (HCV Program), the family must submit a Request for Tenancy Approval (RFTA) and proposed lease within the one hundred eighty (180) day voucher term, unless DCHA grants an extension.

10002.23 DCHA does operate a public housing program and will provide a preference for PBV families whose unit is being removed from the HAP contract or whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame, and who were unable to lease a new unit within the term of the voucher.

10002.24 Thirty (30) days prior to the expiration date of the voucher, DCHA will provide written notice to the family stating that DCHA does provide such a preference and

providing an estimation of availability for the appropriately sized public housing unit.

10002.25 DCHA will conduct follow-up inspections needed to determine if the owner (or, if applicable, the family) has corrected an HQS violation, and must conduct inspections to determine the basis for exercise of contractual and other remedies for owner or family violation of HQS.

10002.26 In conducting supervisory quality control HQS inspections, DCHA will include a representative sample of both tenant-based and project-based units.

10002.27 DCHA will inspect all DCHA-owned units in accordance with the approved MTW policy.

10003 HOUSING ASSISTANCE PAYMENTS (HAP) CONTRACT

10003.1 [RESERVED]

10003.2 [RESERVED]

10003.3 [RESERVED]

10003.4 [RESERVED]

10003.5 [RESERVED]

10003.6 [RESERVED]

10003.7 [RESERVED]

10003.8 [RESERVED]

10003.9 DCHA will not make any HAP payment to the owner for a contract unit during any period in which the unit does not comply with HQS.

10003.10 [RESERVED]

10003.11 DCHA will abate and terminate PBV HAP contracts for noncompliance with HQS in accordance with Chapter 56 of this Title. However, DCHA will waive the owner's responsibility for HQS deficiencies that have been determined to have been caused by the tenant, any member of the household, or any guest or other person under the tenant's control, to the extent the tenant can be held responsible for ensuring that the deficiencies are corrected: the tenant must take all necessary steps permissible under the lease and state and local law to remedy the deficiency. This may include paying the owner for the cost of the necessary repairs in accordance with the lease. Damages beyond ordinary wear and tear will be considered to be damages which could be assessed against the security deposit

under District law or in court.

10003.12 [RESERVED]

10003.13 DCHA may float assistance among unoccupied units within the project. Tracking of the number and type of units at the property, as well as identification of comparable units when assistance is floated, will be maintained by each property.

10003.14 [RESERVED]

10003.15 [RESERVED]

10003.16 [RESERVED]

10003.17 [RESERVED]

10003.18 [RESERVED]

10003.19 [RESERVED]

10003.20 [RESERVED]

10003.21 DCHA may provide vacancy payments to the owner. The HAP contract with the owner will contain any amount of the vacancy payment and the period for which the owner will qualify for these payments.

10004 SELECTION OF PBV PROGRAM PARTICIPANTS

10004.1 Many of the provisions of the tenant-based voucher regulations (24 CFR § 982) also apply to the PBV program except when conflicting with this Chapter 100. This includes requirements related to determining eligibility and selecting applicants from the waiting list. Even with these similarities, there are requirements that are unique to the PBV program. This part describes the requirements and policies related to eligibility and admission to the PBV program.

10004.2 Current households cannot be excluded from occupancy at the covered project based on any rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. Post-conversion, the tenure of all residents of the covered project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified by Notice PIH 2019-23 (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family. Existing residents at the time of

conversion may not be rescreened for citizenship status or have their social security numbers reverified.

10004.3 Further, to facilitate the right to return to the assisted property, this provision must apply to current public housing residents of the converting project that will reside in non-RAD PBV units placed in a project that contain RAD PBV units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR §983 for non-RAD PBV. Any non- PBV units located in the same project are also subject to the right to return.

10004.4 For the RAD PBV program, *in-place family* means a family who lived in a pre-conversion property at the time assistance was converted from public housing to PBV under RAD.

10004.5 [RESERVED]

10004.6 DCHA will determine an applicant family's eligibility for the RAD PBV program in accordance with Chapter 51 of this Title.

10004.7 (a) DCHA will establish and manage separate waiting lists for individual projects or buildings that are receiving RAD PBV assistance.

(b) In accordance with 24 CFR 983.251 (c) (2) (iii), DCHA hereby establishes site-based waiting lists for the following RAD PBV projects:

(1) Colorado Apartments

(2) Columbia Road Apartments

(3) Fairlawn Marshall RAD

(4) Matthews Memorial RAD

(5) Kenilworth 166

(6) Asberry

(7) Capper Senior

(8) Henson I RAD

(9) Park Morton Phase I

(10) Edmonson (once converted to RAD)

(11) Barry Farm Rental Flats (once converted to RAD)

(c) A public housing applicant can add his or her name to a RAD PBV site-

based waiting list pursuant to 24 CFR 983.251(v).

(d) A public housing applicant may apply directly at the project, or the applicant may request that DCHA refer the applicant to the owner for placement on the project's RAD PBV site-based waiting list

(e) In order to transition applicants from DCHA's current public housing waiting list, DCHA may take the following steps:

(1) Transfer an existing site-based waiting list to a new RAD PBV site-based waiting list

(2) Inform applicants on DCHA's public housing waiting list how to transfer their application to one or more newly created RAD PBV site-based waiting lists.

(f) DCHA establishes a preference for public housing residents who apply or are referred to a specific RAD site-based waiting list.

(g) In order to facilitate emergency and mandatory transfers under DCHA's Admissions and Continued Occupancy Plan (ACOP) and transfers under DCHA's Emergency Transfer Plan, DCHA may refer families to a RAD PBV site-based waiting list for an inter-program transfer to the RAD site, subject to being determined eligible for the RAD PBV site.

10004.8 For any applicants on the public housing waiting list that are likely to be ineligible for admission to a covered project converting to PBV because the household's TTP is likely to exceed the RAD gross rent, DCHA will consider transferring such household, consistent with program requirements for administration of waiting lists, to DCHA's remaining public housing waiting lists or to another voucher waiting list, in addition to transferring such household to the waiting list for the covered project.

(a) To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait lists to which their application was transferred in accordance with the date and time of their application to the original waiting list.

(b) DCHA will maintain the project-specific waiting list in accordance with all applicable civil rights and fair housing regulations found at 24 CFR §903.7(b)(2)(ii)-(iv). DCHA will provide applicants full information about each development, including an estimate of the wait time, location, occupancy, number and size of accessible units, and amenities like day care, security, transportation, and training programs at each development with a site-based waiting list. The system for selection will be consistent with all applicable civil rights and fair housing laws and regulations and may not conflict with any imposed or pending court order, settlement agreement, or

complaint brought by HUD.

(c) DCHA will give priority to participants moving under a Violence Against Women Act (VAWA) emergency transfer from one PBV development to another in accordance with §§10005.41-42.

10004.9 After conversion to RAD PBV, applicants who will occupy units with RAD PBV assistance must be selected from the site-based waiting list managed by the owner of the RAD PBV property or DCHA.

10004.10 DCHA may establish selection criteria or preferences for occupancy of particular PBV units.

10004.11 Owners must receive approval from DCHA to manage their own site-based waiting list. RAD PBV owners are generally subject to the provisions of §9405 including policies regarding review and approval of their request to manage their own site-based waiting list, review and approval of tenant selection policies, and oversight by DCHA.

10004.12 At least seventy-five percent (75%) of the families admitted to DCHA's tenant-based and project-based voucher programs during DCHA fiscal year from the waiting list must be extremely low-income families. The income targeting requirement applies to the total of admissions to both programs.

10004.13 Families in place at the time of the conversion are exempt from income targeting requirements. New admissions follow standard PBV requirements. Any legacy non-RAD PBV units located in the same project are also subject to these requirements.

10004.14 When selecting families to occupy PBV units that have special accessibility features for persons with disabilities, DCHA will first refer families who require such features to the owner.

10004.15 Other than the elderly only preferences for Kenilworth and Asberry and preferences set forth in 10004.7, DCHA will not offer any preferences for the RAD PBV program. However, DCHA will give priority to participants moving under a VAWA emergency transfer from one PBV development to another in accordance with §10005.

10004.16 DCHA is prohibited from taking any of the following actions against a family who has applied for, received, or refused an offer of PBV assistance:

(a) Refusing to list the applicant on the waiting list for tenant-based voucher assistance;

(b) Denying any admission preference for which the applicant qualifies;

(c) Changing the applicant's place on the waiting list based on preference, date, and time of application, or other factors affecting selection under DCHA's selection policy; or

(d) Removing the applicant from the tenant-based voucher waiting list.

10004.17 If a PBV owner rejects a family for admission to the owner's units, such rejection will not affect the family's position on the tenant-based voucher waiting list.

10004.18 When a family accepts an offer for PBV assistance, DCHA will give the family an oral briefing. The briefing must include information on how the program works and the responsibilities of the family and owner. In addition to the oral briefing, DCHA must provide a briefing packet that explains how DCHA determines the total tenant payment for a family, the family obligations under the program, and applicable fair housing information.

10004.19 [RESERVED]

10004.20 [RESERVED]

10004.21 During the term of the HAP contract, the owner must lease contract units to eligible families. The contract unit leased to the family must be the appropriate size unit for the size of the family, based on DCHA's subsidy standards.

10004.22 [RESERVED]

10004.23 The owner must notify DCHA in writing electronically within five business days of learning about any vacancy or expected vacancy. DCHA will make every reasonable effort to refer families to the owner within fourteen (14) business days of receiving such notice from the owner.

10004.24 DCHA is not responsible or liable to the owner or any other person for the family's behavior or suitability for tenancy. DCHA will not conduct screening to determine a PBV applicant family's suitability for tenancy. DCHA shall only screen for eligibility.

10004.25 DCHA will inform owners of their responsibility to screen prospective tenants, and will provide owners with the required known name and address information, at the time of the turnover HQS inspection or before. DCHA will not provide any additional information to the owner, such as tenancy history, criminal history, etc.

10004.26 The owner is responsible for screening and selection of the family to occupy the owner's unit. When screening families the owner may consider a family's background with respect to the following factors:

(a) Payment of rent and utility bills;

(b) Caring for a unit and premises;

(c) Respecting the rights of other residents to the peaceful enjoyment of their housing;

(d) Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others; and

(e) Compliance with other essential conditions of tenancy.

10005 OCCUPANCY

10005.1 After an applicant has been selected from the waiting list, determined eligible by DCHA, referred to an owner, and determined suitable by the owner, the family will sign the lease and occupancy of the unit will begin.

10005.2 The tenant must have legal capacity to enter into a lease under District of Columbia Law. *Legal capacity* means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

10005.3 The tenant and the owner must enter into a written lease agreement that is signed by both parties. The tenancy addendum must include, word-for-word, all provisions required by HUD.

10005.4 The lease for a PBV unit must specify all of the following information:

(a) The names of the owner and the tenant;

(b) The unit rented (address, apartment number, if any, and any other information needed to identify the leased contract unit);

(c) The term of the lease (initial term and any provision for renewal);

(d) The amount of the tenant rent to owner, which is subject to change during the term of the lease in accordance with HUD requirements;

(e) A specification of the services, maintenance, equipment, and utilities that will be provided by the owner;

(f) The amount of any charges for food, furniture, or supportive services; and

(g) For any family admitted following conversion, the lease must specify what will happen if the family elects to remain in its unit after increasing its income such that it requires zero HAP. Specifically, the lease must make clear how the tenant rent will be calculated, and it must address the transition to a new lease. DCHA must include resident procedural rights for termination notification and grievance procedures in the owner's lease. These requirements are not part of the regular PBV program but are required

under RAD.

10005.5 The tenancy addendum in the lease must state:

(a) The program tenancy requirements; and

(b) The composition of the household as approved by DCHA (the names of family members and any PHA-approved live-in aide).

10005.6 All provisions in the HUD-required tenancy addendum must be included in the lease. The terms of the tenancy addendum prevail over other provisions of the lease.

10005.7 Leases for residents who will remain in place (i.e., who will not be relocated solely because of conversion) must have an effective date that coincides with—and must be signed on or before—the effective date of the RAD PBV HAP contract.

10005.8 The initial lease term will be for at least one year. The lease must provide for automatic renewal after the initial term of the lease in either successive definitive terms (e.g., month-to-month or year-to-year) or an automatic indefinite extension of the lease term. For automatic indefinite extension of the lease term, the lease terminates if any of the following occur:

(a) The owner terminates the lease for good cause;

(b) The tenant terminates the lease;

(c) The owner and tenant agree to terminate the lease;

(d) DCHA terminates the HAP contract; or

(e) DCHA terminates assistance for the family.

10005.9 If the tenant and owner agree to any change in the lease, the change must be in writing, and the owner must immediately give DCHA a copy of all changes.

10005.10 The owner must notify DCHA in advance of any proposed change in the lease regarding the allocation of tenant and owner responsibilities for utilities. Such changes may only be made if approved by DCHA and in accordance with the terms of the lease relating to its amendment. DCHA must redetermine reasonable rent, in accordance with program requirements, based on any change in the allocation of the responsibility for utilities between the owner and the tenant. The redetermined reasonable rent will be used in calculation of the rent to owner from the effective date of change.

10005.11 With two (2) exceptions, the owner of a PBV unit may terminate tenancy for the same reasons an owner may in the tenant-based voucher program (see Chapter 76 and 24 CFR §982.310).

10005.12 In the PBV program, terminating tenancy for "good cause" does not include doing so for a business or economic reason, or a desire to use the unit for personal or family use or other non-residential purpose.

10005.13 Projects converting from public housing to PBV under RAD have additional procedural rights that do not apply to the standard PBV program except as otherwise described in this plan. These procedural rights must be included in the owner's lease as well as DCHA's Plan. In addition to the regulations at 24 CFR

§983.257 related to project owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease, which may not be less than:

(a) A reasonable period of time, but not to exceed thirty (30) days:

(1) If the health or safety of other tenants, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or

(2) In the event of any drug-related or violent criminal activity or any felony conviction;

(b) Not less than thirty (30) days in the case of nonpayment of rent; and

(c) Not less than thirty (30) days in any other case, except that if a state or local law provides for a shorter period of time, such shorter period will apply.

10005.14 These provisions apply to legacy non-RAD PBV units located in the project as well.

10005.15 The lease may specify a maximum period of family absence from the unit that may be shorter than the maximum period permitted by PHA policy.

10005.16 According to program requirements, the family's assistance must be terminated if they are absent from the unit for more than one hundred eighty (180) consecutive days.

10005.17 PHA termination of assistance actions due to family absence from the unit are subject to 24 CFR §982.312, except that the unit is not terminated from the HAP contract if the family is absent for longer than the maximum period permitted.

10005.18 Current residents living in the property prior to conversion are placed on and remain under the HAP contract when total tenant payment (TTP) equals or exceeds gross rent. In this case, until such time as the family's TTP falls below the gross rent, the family will pay the owner the lesser of their TTP minus the utility allowance or any applicable maximum rent under the low income housing tax credit (LIHTC) program. The family will continue to pay this amount until/if circumstances change, and HAP is paid on their behalf. In other words, assistance may subsequently be

reinstated if the tenant becomes eligible for assistance. In such cases, the resident is still considered a program participant. All of the family obligations and protections under RAD and standard PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract. Any non-RAD PBV units located in the same project are also subject to these requirements.

10005.19 Following conversion, 24 CFR §983.251(b)(1) applies, and any new admission referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program.

10005.20 Further, for any new families admitted after the conversion, assistance will be terminated one hundred eighty (180) days after the last housing assistance payment on their behalf. The cessation of housing assistance payments does not affect the family's other rights under its lease, nor does it preclude the resumption of payments as a result of later changes in income, rents, or other relevant circumstances if such changes occur within the one hundred eighty (180) day window. If a family's assistance is terminated as a result of their zero HAP status, DCHA must remove the unit from the HAP contract. If the project is fully assisted, DCHA must reinstate the unit after the family has vacated the property. If the project is partially assisted, DCHA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR §983.207.

10005.21 Per the RAD Use Agreement, the owner may charge the family a rent that does not exceed thirty percent (30%) of eighty percent (80%) of the area median income. If a unit is removed from the RAD PBV HAP contract, then the lease terminates automatically, as stated in the tenancy addendum, as though the RAD PBV HAP contract had been terminated. The tenant must be offered a new lease, which must reflect the new tenant rent. A tenant in this circumstance is no longer a program participant and therefore no longer benefits from any of the rights or protections specific to RAD, or to the PBV program. Should the family subsequently lose employment, the owner may choose to reduce the family's rent, but if the family wishes to be admitted to the HCV/PBV program, then it must be admitted through the waiting list like any other applicant.

(a) DCHA will not request a waiver from HUD to allow families whose TTP initially exceeds gross rent to occupy units.

(b) Under the authority granted to DCHA under its MTW status, if the amount of assistance provided by DCHA is reduced to zero, the family's assistance terminates automatically one hundred eighty (180) days after the last HAP payment.

(c) If a participating family who was admitted after the RAD conversion receive zero assistance and subsequently experiences a change in circumstances that would result in a HAP payment to the owner, the family must notify DCHA of the change and request an interim reexamination

before the expiration of the one (1) year period.

10005.22 DCHA will allow the owner to collect a security deposit amount the owner determines is appropriate and such that it does not exceed limit under District of Columbia law.

10005.23 [RESERVED]

10005.24 Current public housing FSS participants will continue to participate in DCHA's FSS program for the duration of the grant's period of performance, and DCHA will be allowed to use any PH FSS funds granted previously or pursuant to the current fiscal year (FY) PH FSS notice of funding opportunity (NOFO) to serve those FSS participants who live in units converted to RAD and who will as a result be moving to the HCV FSS program. DCHA will convert the PH FSS program participants at the covered project to their HCV FSS program.

10005.25 [RESERVED]

10005.26 [RESERVED]

10005.27 Current Resident Opportunities and Self-Sufficiency–Service Coordinators (ROSS–SC) program grantees will be able to finish out their current ROSS–SC grants once their housing is converted under RAD and DCHA or the new Project Owners may apply for their ROSS-SC grant to be renewed, subject to requirements of the ROSS-SC NOFO. In addition, projects where the project previously received a ROSS-SC grant prior to conversion but was ineligible to renew the grant after conversion are eligible to apply for a ROSS-SC grant, subject to requirements of the ROSS-SC NOFO.

10005.28 [RESERVED]

10005.29 [RESERVED]

10005.30 Residents of covered projects converting assistance to PBVs will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

10005.31 [RESERVED]

10005.32 [RESERVED]

10005.33 DCHA will notify the family and the owner of the family's need to move based on the occupancy of a wrong-size or accessible unit within fourteen (14) business days of DCHA's determination. DCHA will offer the family the following types of continued assistance in the following order, based on the availability of assistance:

(a) PBV assistance in the same building or project;

(b) PBV assistance in another project; or

(c) Tenant-based assistance.

10005.34 [RESERVED]

10005.35 When DCHA offers a family another form of assistance that is not a tenant-based voucher, the family will be given ninety (90) days from the date of the offer to accept the offer and move out of the PBV unit. If the family does not move out within this ninety (90) day time frame, DCHA will terminate the housing assistance payments at the expiration of this ninety (90) day period.

10005.36 Except in the case of an offer by DCHA of PBV assistance or other project-based housing assistance in an appropriate size unit, the family accepts the offer but does not move out, DCHA may make exceptions to the ninety (90) day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member, or to accommodate the family's efforts to locate affordable, safe, and geographically proximate replacement housing. The family must make such a request in writing prior to the end of the ninety (90) day period. DCHA will only grant one (1) extension, which will not exceed an additional ninety (90) days.

10005.37 The family may terminate the lease at any time after the first year of occupancy. The family must give advance written notice to the owner in accordance with the lease and provide a copy of such notice to DCHA.

10005.38 Under RAD PBV, the choice mobility option provides families with the opportunity to move with continued assistance any time after twelve (12) months of occupancy. All residents in converted properties should be aware of their housing mobility rights and of their options in a range of neighborhoods.

(a) To ensure that residents are fully aware of and understand their rights under choice mobility, DCHA will inform families of their rights under the choice mobility option and the benefits to moving to lower poverty areas, and provide a summary of the steps necessary to exercise this option, at the time the family signs the lease for the RAD PBV unit and during their annual recertification.

(b) Information on choice mobility will be made accessible to persons with disabilities, ensuring any information, electronic or otherwise, is accessible for persons with vision, hearing, and other disabilities. This information will also be made available in accordance with LEP requirements, including document translation and user of interpretation services as described in Chapter 50 of this Title.

10005.39 To ensure that residents are fully aware of and understand their rights under choice mobility, DCHA will inform families of their rights under the choice mobility option and the benefits to moving to lower poverty areas and provide a summary of

the steps necessary to exercise this option, at the time the family signs the lease for the RAD PBV unit and during their annual recertification.

10005.40 Information on choice mobility will be made be accessible to persons with disabilities, ensuring any information, electronic or otherwise, is accessible for persons with vision, hearing, and other disabilities. This information will also be made available in accordance with LEP requirements, including document translation and user of interpretation services.

10005.41 Families are eligible to move with continued assistance under choice mobility after twelve (12) months of occupancy. If the family terminates the assisted lease before the end of the first year, the family relinquishes the opportunity for continued tenant-based assistance.

(a) Prior to providing notice to the owner to terminate the lease, the family may submit a written request to DCHA for a choice mobility voucher at any time after completing the twelve (12) month occupancy requirement.

(b) The family will remain eligible to request a choice mobility voucher as long as they continue living at the same covered project. If a family moves from one covered project to another covered project prior to completing their twelve (12) month occupancy requirement, their twelve (12) month clock will reset. The family must wait twelve (12) months from the date of move to the new property before they may request another choice mobility voucher. If a family transfers to a different unit within the same covered project, the twelve (12) month clock does not reset.

(c) DCHA will maintain a combined, agency-wide waiting list for all standard PBV and RAD PBV families wishing to exercise mobility after one (1) year of tenancy. This list will be maintained separately from the tenant-based HCV list. Families on the choice mobility waiting list will be given priority over families on the tenant-based waiting list. The choice mobility waiting list will be organized by date and time of the family's written request to exercise choice mobility. The list will also identify whether families live in standard or RAD PBV units.

(d) DCHA will not subject RAD PBV families applying for choice mobility vouchers to any additional rescreening requirements in order to receive a tenant-based voucher.

(e) Families exercising choice mobility will not be required to vacate their units before a lease has been entered into using their tenant-based voucher. At the time DCHA issues a choice mobility voucher, DCHA will notify the family of their right to remain in their unit if they are unable find a rental unit using the tenant-based voucher.

10005.42 Except where special consideration is needed for the project-based voucher program, DCHA will follow VAWA policies as outlined in Chapter 91 of this

Administrative Plan (Plan), including using the Emergency Transfer Plan as the basis for PBV transfers under VAWA.

10005.43 HUD requires that DCHA include policies that address when a victim has been living in a unit for less than a year or when a victim seeks to move sooner than a tenant-based voucher is available:

(a) When the victim of domestic violence, dating violence, sexual assault, or stalking has lived in the unit for less than one year, DCHA will provide several options for continued assistance.

(b) DCHA will first try to transfer the participant to another PBV unit in the same development or transfer to a different development where DCHA has PBV units. DCHA will expedite the administrative processes in this case to conduct the transfer as quickly as possible. If assistance is transferred to another development, DCHA will give priority to the participant on the other development's waiting list.

(c) If no units are available for an internal transfer to a PBV development or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to either housing choice voucher (HCV) tenant-based rental assistance or assistance in DCHA's public housing program. Such a decision will be made by DCHA based on the availability of tenant-based vouchers and/or vacancies in public housing units. Such families must be selected from the waiting list for the applicable program.

(d) If a victim wishes to move after a year of occupancy in the unit, but no tenant-based vouchers are available, DCHA will offer the participant an internal transfer to another PBV unit in the same development or a transfer to a different development where DCHA has PBV units. DCHA will expedite the administrative processes in this case in an effort to conduct the transfer as quickly as possible.

(e) If no units are available for an internal transfer, or if there is reasonable cause to believe that such a transfer would put the victim in jeopardy, the participant may receive continued assistance through an external transfer to DCHA's public housing program. DCHA has adopted a waiting list preference for victims of domestic violence, dating violence, sexual assault, and stalking as part of the public housing ACOP in order to expedite this process.

10005.44 A family living in a unit converted from public housing to RAD PBV may retain its certification date. Unless a family's biennial/triennial reexamination is due at the same time as the effective date of the RAD PBV HAP contract, DCHA does not need to recertify tenants at the point of conversion. For each family residing in a unit undergoing conversion of assistance under RAD, the administering PHA will have

to submit a form HUD-50058 reflecting the family's admission to the voucher program. The effective date of the new admission will be the same as the effective date of the RAD PBV HAP contract. The form should include the same information previously found on the public housing form 50058, including the next biennial/triennial date.

10005.45 [RESERVED]

10005.46 In addition to the regulations at 24 CFR §983.257 related to owner termination of tenancy and eviction (which MTW agencies may not alter), the termination procedure for RAD conversions to PBV requires that PHAs provide adequate written notice of termination of the lease, which is:

(a) A reasonable period of time, but not to exceed thirty (30) days:

(1) If the health or safety of other tenants, project owner employees, or persons residing in the immediate vicinity of the premises is threatened; or

(2) In the event of any drug-related or violent criminal activity or any felony conviction.

(b) Not less than thirty (30) days in the case of nonpayment of rent; and

(c) Not less than thirty (30) days in any other case, except that if a state or local law provides for a shorter period, such shorter period will apply.

10005.47 In addition to reasons for an informal hearing listed at 24 CFR §982.555(a)(1)(i)–(v) (See Chapter 91 - Informal Hearings for Participants), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to an owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.

(a) For any hearing required under 24 CFR §982.555(a)(1)(i)–(v), the contract administrator will perform the hearing in accordance with Chapter 91 on Informal Reviews and Hearings, as is the current standard in the program.

(b) For any additional hearings required under RAD, DCHA (as owner) will perform the hearing.

10005.48 An informal hearing will not be required for class grievances or for disputes between residents not involving DCHA (as owner) or contract administrator. This hearing requirement does not apply to and is not intended as a forum for initiating or negotiating policy changes between a group or groups of residents and DCHA (as owner) or contract administrator.

10005.49 The owner must give residents notice of their ability to request an informal hearing as outlined in 24 CFR §982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR §982.555(a)(1)(i)–(v). (See Chapter 91)

10005.50 The owner must provide an opportunity for an informal hearing before an eviction.

10006 DETERMINING CONTRACT RENT

10006.1 [RESERVED]

10006.2 [RESERVED]

10006.3 Notwithstanding HUD's calculation of the initial contract rent based on the project's subsidy under the public housing program and any modifications made to the initial contact rent, the initial rents are set at the lower of:

(a) An amount determined by DCHA, not to exceed one hundred ten percent (110%) of the fair market rents (FMR) or DCHA's exception payment standard approved by HUD, or the alternate rent cap in a PHA's MTW agreement minus any utility allowance;

(b) The reasonable rent; or

(c) The rent requested by the owner.

10006.4 The owner will request a contract rent adjustment from DCHA who administers the contract within one hundred twenty (120) days, but no less than sixty (60) days, prior to the HAP contract anniversary date by submitting a completed Operating Cost Adjustment Factors (OCAF) rent adjustment worksheet (Form HUD-9624).

10006.5 Upon HUD approval, DCHA will waive the requirement for an independent entity to determine reasonable rent charged for comparable unassisted units and will make the determination in accordance with 24 CFR §983.303.

10006.6 If rents would be unreasonable following application of the requested OCAF, then the rent will only be increased up to the reasonable rent. The independent entity will notify DCHA who administers the contract in writing of the results of its review of the rent adjustment request. DCHA who administers the contract will retain a copy of the worksheet and any other records necessary to demonstrate how the OCAF was used to make rent adjustments for audit purposes.

10006.7 The approved rent adjustment will go into effect via written notice from DCHA that administers the project to the owner. This notice will constitute an amendment to the rents specified on Exhibit A of the RAD PBV HAP contract. The new rents to the owner will take effect on the date of the contract anniversary.

10006.8 Rents must not be reduced below the initial rent except to correct errors, for additional subsidy to the property, or to realign utility responsibilities.

10006.9 When contract rent amounts are set initially, the amount does not include a utility allowance. In general, the utility allowances that are used on the initial HAP contract at closing are the public housing utility allowances that are in effect prior to conversion. The HAP must be updated prior to conversion to reflect current public housing utility allowances. At its discretion, a PHA may use the FMRs and utility allowances in effect during the thirty (30) day period immediately before the beginning date of the HAP contract.

10006.10 After conversion, DCHA will maintain the utility allowance schedule. DCHA may either maintain a utility allowance schedule for tenant-paid utilities in accordance with standard PBV and HCV utility allowance regulations at 24 CFR §983.301(f)(2)(ii) and 24 CFR §982.517, respectively.

10006.11 Each family transitions to the new utility allowance at their first recertification following conversion. DCHA will determine on a case-by-case basis whether to use the HCV utility allowance schedule for a RAD PBV development or whether a site-specific utility allowance will be used.

10006.12 At the time the initial rent is established and all times during the term of the HAP contract, the rent to owner for a contract unit may not exceed the reasonable rent for the unit as determined by DCHA, except rents must not be reduced below the initial rent except to correct errors, for additional subsidy to the property, or to realign utility responsibilities.

10006.13 The reasonable rent of a unit receiving PBV assistance must be determined by comparison to rent for other comparable unassisted units. When making this determination, DCHA must consider factors that affect market rent. Such factors include the location, quality, size, type and age of the unit, as well as the amenities, housing services maintenance, and utilities to be provided by the owner.

10006.14 For each unit, the comparability analysis must use at least three comparable units in the private unassisted market. This may include units in the premises or project

that is receiving project-based assistance. The analysis must show how the reasonable rent was determined, including major differences between the contract units and comparable unassisted units, and must be retained by DCHA. The comparability analysis may be performed by PHA staff or by another qualified person or entity. Those who conduct these analyses or are involved in determining the housing assistance payment based on the analyses may not have any direct or indirect interest in the property.

10006.15 DCHA will determine the reasonable rent for DCHA-owned units.

10007 PAYMENTS TO OWNER

10007.1 During the term of the HAP contract, DCHA will make housing assistance payments to the owner in accordance with the terms of the HAP contract. During the term of the HAP contract, payments must be made for each month that a contract unit complies with HQS and is leased to and occupied by an eligible family. The housing assistance payment must be paid to the owner on or about the first day of the month for which payment is due, unless the owner and DCHA agree on a later date.

10007.2 Except for discretionary vacancy payments, DCHA will not make any housing assistance payment to the owner for any month after the month when the family moves out of the unit (even if household goods or property are left in the unit).

10007.3 The amount of the housing assistance payment by DCHA is the rent to owner minus the tenant rent (total tenant payment minus the utility allowance).

10007.4 In order to receive housing assistance payments, the owner must comply with all provisions of the HAP contract. Unless the owner complies with all provisions of the HAP contract, the owner does not have a right to receive housing assistance payments.

10007.5 If an assisted family moves out of the unit, the owner may keep the housing assistance payment for the calendar month when the family moves out. However, the owner may not keep the payment if DCHA determines that the vacancy is the owner's fault.

10007.6 If DCHA determines that the owner is responsible for a vacancy and as a result is not entitled to the keep the housing assistance payment, DCHA will notify the landlord of the amount of housing assistance payment that the owner must repay. DCHA will require the owner to repay the amount owed in accordance with Chapter 91.

10007.7 At the discretion of DCHA, the HAP contract may provide for vacancy payments to the owner. DCHA may only make vacancy payments if:

(a) The owner gives DCHA prompt, written notice certifying that the family has vacated the unit and identifies the date when the family moved out (to the best of the owner's knowledge);

(b) The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;

(c) The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and

(d) The owner provides any additional information required and requested by DCHA to verify that the owner is entitled to the vacancy payment.

10007.8 The owner must submit a request for vacancy payments in the form and manner required by DCHA and must provide any information or substantiation required by DCHA to determine the amount of any vacancy payment.

10007.9 If an owner's HAP contract calls for vacancy payments to be made, and the owner wishes to receive vacancy payments, the owner must have properly notified DCHA of the vacancy in accordance with the policy in §§10004.20-23 regarding filling vacancies. In order for a vacancy payment request to be considered, it must be made within 10 business days of the end of the period for which the owner is requesting the vacancy payment. The request must include the required owner certifications and DCHA may require the owner to provide documentation to support the request. If the owner does not provide the information requested by DCHA within ten (10) business days of DCHA's request, no vacancy payments will be made.

10007.10 The tenant rent is the portion of the rent to owner paid by the family. The amount of tenant rent is determined by DCHA in accordance with HUD requirements. Any changes in the amount of tenant rent will be effective on the date stated in DCHA notice to the family and owner.

10007.11 The family is responsible for paying the tenant rent (total tenant payment minus the utility allowance). The amount of the tenant rent determined by DCHA is the maximum amount the owner may charge the family for rental of a contract unit. The tenant rent covers all housing services, maintenance, equipment, and utilities to be provided by the owner. The owner may not demand or accept any rent payment from the tenant in excess of the tenant rent as determined by DCHA. The owner must immediately return any excess payment to the tenant.

10007.12 For the initial certification, DCHA will use the family's public housing tenant rent (reflected on line 10f of the family's most recent Form 50058) at the date of conversion to calculate HAP and tenant rent for the PBV program. DCHA will use this amount until the effective date of the earlier of the family's first regular or interim recertification following the conversion. At that point, DCHA will use the family's TTP based on the recertification and the applicable utility allowance (HCV or RAD PBV site-based, as applicable) to determine PBV HAP and tenant rent. Any non-RAD PBV units located in the same project are subject to the same requirements.

10007.13 The family is not responsible for the portion of rent to owner that is covered by the housing assistance payment and the owner may not terminate the tenancy of an assisted family for nonpayment by DCHA.

10007.14 Likewise, DCHA is responsible only for making the housing assistance payment to the owner in accordance with the HAP contract. DCHA is not responsible for paying tenant rent, or any other claim by the owner, including damage to the unit. DCHA may not use housing assistance payments or other program funds (including administrative fee reserves) to pay any part of the tenant rent or other claim by the owner.

10007.15 If the amount of the utility allowance exceeds the total tenant payment, DCHA must pay the amount of such excess to the tenant as a reimbursement for tenant-paid utilities, and the tenant rent to the owner must be zero.

10007.16 DCHA will make utility reimbursements directly to the family.

10007.17 [R E S E R V E D]

10007.18 DCHA will communicate this policy in writing to affected residents. Any legacy non-RAD PBV units located in the same covered project are subject to the terms of the phase-in provisions.

10007.19 DCHA will use the family's public housing tenant rent (reflected on line 10f of the family's most recent Form 50058) at the date of conversion to calculate the family's tenant rent in PBV.

(a) DCHA will implement a five (5)-year phase-in for in-place families whose TTP increases by more than the greater of ten percent (10%) or twenty-five dollars ($25) purely as a result of the conversion as follows:

(1) Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion: twenty percent (20%) of difference between the most recently paid TTP or flat rent and the standard TTP;

(2) Year 2: Year 2 any recertification (interim or annual) prior to Year 3 AR: twenty-five percent (25%) of the difference between the most recently paid TTP and the calculated PBV TTP;

(3) Year 3: Year 3 any recertification (interim or annual) prior to Year 4 AR: thirty-three percent (33%) percent of the difference between the most recently paid TTP and the calculated PBV TTP;

(4) Year 4: Year 4 any recertification (interim or annual) prior to Year 5 AR: fifty percent (50%) of the difference between the most recently paid TTP and the calculated PBV TTP; and

(5) Year 5 Annual recertification and all subsequent recertifications: Full calculated TTP.

(b) Once the standard TTP is equal to or less than the previous TTP, the phase-in ends, and tenants will pay full TTP from that point forward.

(c) If the family's income falls during the phase-in period such that the currently calculated PBV TTP falls below the amount that would otherwise be the phased-in rent, the family pays the currently calculated PBV TTP and the phase-in ends.

(d) DCHA will communicate the phase-in policy in writing to the family at the time DCHA first determines that the family qualifies for a rent phase-in.

(e) Any legacy non-RAD PBV units located in the same project are also subject to rent phase-in requirements.

10007.20 With the exception of PBV assistance in assisted living developments, the owner may not require the tenant to pay charges for meals or supportive services. Non-payment of such charges is not grounds for termination of tenancy.

10007.21 In assisted living developments receiving PBV assistance, the owner may charge for meals or supportive services. These charges may not be included in the rent to owner, nor may the value of meals and supportive services be included in the calculation of the reasonable rent. However, non-payment of such charges is grounds for termination of the lease by the owner in an assisted living development.

10007.22 The owner may not charge extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.

CHAPTER 101

SPECIAL PURPOSE VOUCHERS

10100 FAMILY UNIFICATION PROGRAM (FUP)

10100.1 [RESERVED]

10100.2 Families eligible for FUP are families for whom the lack of adequate housing is a primary factor in:

(a) The imminent placement of the family's child or children in out-of-home care; or

(b) The delay in the discharge of the child or children to the family from out-of-home care.

10100.3 There is no time limitation on FUP family vouchers, and the family retains their voucher as long as they are housing choice voucher (HCV) eligible. There is no requirement for the provision of supportive services for FUP family vouchers.

10100.4 Youth eligible for FUP are those who:

(a) Are at least eighteen (18) years old and not more than twenty-four (24) years of age;

(b) Have left foster care or will leave foster care within one hundred eighty (180) days, in accordance with a transition plan described in Section

475(5)(H) of the Social Security Act at age sixteen (16) and older; and

(c) Are homeless or at risk of becoming homeless.

10100.5 FUP youth vouchers are limited by statute to a period between thirty-six (36) and sixty (60) months of housing assistance. Supportive services must also be provided to FUP eligible youth by the District of Columbia Child and Family Services Agency (CFSA)or by another agency or organization under contract with the CFSA for the period defined in the notice or Notice of Funding Availability/Opportunity (NOFA/O) for which funding was made available.

10100.6 [RESERVED]

10100.7 [RESERVED]

10100.8 [RESERVED]

10100.9 The District of Columbia Housing Authority (DCHA) has not designated any specific number or percentage of FUP vouchers for youths or families. DCHA will serve all referrals that meet program eligibility requirements, up to DCHA's FUP voucher allocation.

10100.10 [RESERVED]

10100.11 [RESERVED]

10100.12 DCHA has entered into a Memorandum of Understanding (MOU) with the District of Columbia Child and Family Services Agency (CFSA). Under the MOU, CFSA is responsible for determining whether the family or youth meets the FUP program eligibility requirements listed in §10100.2 and §10100.4 and refers those families and youth to DCHA.

10100.13 The initial search term for a FUP voucher will be at least one hundred twenty (120) days for both applicants and participants moving with continued assistance. DCHA will generally approve all requests for extension of a FUP voucher, whether the request is made in writing or orally. The first voucher extension will be for at least ninety (90) days. Before the voucher expires, DCHA will contact the voucher-holder to remind them of when their voucher expires and provide information on the process to request an extension and on housing search assistance.

10100.14 CFSA will provide supportive services for all FUP youth for a period of thirty-six (36) months.

10100.15 [RESERVED]

10100.16 A FUP-eligible youth will not be required to participate in these services as condition of receipt of the FUP voucher.

10100.17 FUP family assistance is reserved for eligible families that the CFSA has certified are a family for whom a lack of adequate housing is a primary factor in:

(a) The imminent placement of the family's child or children in out-of-home care, or

(b) The delay in the discharge of the child or children to the family from out-of-home care.

10100.18 *Lack of adequate housing* means the family meets any one of the following conditions:

(a) Living in substandard housing, which refers to a unit that meets any one of the following conditions:

(1) Does not have operable indoor plumbing;

(2) Does not have a usable flush toilet inside the unit for the exclusive use of a family or youth;

(3) Does not have a usable bathtub or shower inside the unit for the exclusive use of a family or youth;

(4) Does not have electricity, or has inadequate or unsafe electrical service;

(5) Does not have a safe or adequate source of heat;

(6) Should, but does not, have a kitchen;

(7) Has been declared unfit for habitation by an agency or unit of government, or in its present condition otherwise endangers the health, safety, or well-being of the family or youth; or

(8) Has one or more critical defects, or a combination of intermediate defects in sufficient number or to the extent that it requires considerable repair or rebuilding. The defects may result from original construction, from continued neglect or lack of repair, or from serious damage to the structure;

(b) Being homeless as defined in 24 CFR §578.3;

(c) Living in a unit where the presence of a household member with certain characteristics (i.e., conviction for certain criminal activities) would result in the imminent placement of the family's child or children in out-of-home care, or the delay in the discharge of the child or children to the family from out-of-home care;

(d) Living in housing not accessible to the family's disabled child or children due to the nature of the disability; or

(e) Living in an overcrowded unit, which is defined as living in a unit where one of the following conditions has been met:

(1) The family is separated from its child or children and the parents are living in an otherwise standard housing unit, but, after the family is reunited, the parents' housing unit would be overcrowded for the entire family and would be considered substandard; or

(2) The family is living with its child or children in a unit that is overcrowded for the entire family and this overcrowded condition may result, in addition to other factors, in the imminent placement of its child or children in out-of-home care.

(3) For purposes of this definition, the determination as to whether the unit is overcrowded is made in accordance with DCHA subsidy standards in Chapter 53 of this Title.

10100.19 [RESERVED]

10100.20 [RESERVED]

10100.21 A FUP eligible youth is a youth CFSA has certified:

(a) Is at least eighteen (18) years old and not more than twenty-four (24) years of age (has not yet reached their twenty-fifth (25th) birthday; The FUP youth must be no more than twenty-four (24) years old at the time the PCWA certifies them as eligible and at the time of HAP contract execution;

(b) Has left foster care or will leave foster care within one hundred eighty (180) days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act; Foster care placement can include, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes in accordance with 24 CFR §5.576;

(c) Is homeless or at risk of becoming homeless at age sixteen (16) or older; *At risk of being homeless* is fully defined at 24 CFR §576.2.

(1) This includes a person that is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution).

(2) Therefore, youth being discharged from an institution may be eligible for a FUP voucher;

(d) Has an annual income at or below thirty percent (30%) of area median income; and

(e) Does not have sufficient resources or support networks (e.g., family, friends, faith-based or other social networks) immediately available to prevent them from moving to a supervised publicly or privately operated shelter designed to provide temporary living arrangements.

10100.22 Although there is no time limit on FUP family vouchers, FUP youth vouchers are limited by statute. Unless the FUP youth meets an exception outlined below, after thirty-six (36) months of assistance, the FUP youth voucher must be terminated. However, any period of time for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the thirty-six (36) month limitation.

10100.23 If the FUP youth does meet the requirements outlined in §§10100.24 and 10100.25, the statutory limit on FUP assistance is a total of sixty (60) months of FUP voucher assistance.

10100.24 FUP youth who first leased or lease a unit after December 27, 2020, may be eligible for an extension of assistance up to twenty-four (24) months beyond the thirty-six (36) month time limit (for a total of sixty (60) months of assistance).

10100.25 While FUP youth cannot be required to participate in the FSS program as a condition of receipt of assistance, an eligible youth who participates in the FSS program and is in compliance with the applicable terms and conditions of the program is entitled to receive assistance for up to an additional twenty-four (24) months. A FUP youth must accept an FSS slot if it is offered to them prior to the thirty-six (36) month mark in order to receive an extension of assistance (unless the youth meets one of the statutory exceptions described below).

10100.26 A FUP youth will be entitled to receive an extension of assistance for up to twenty-four (24) months beyond the thirty-six (36) month time limit without participating in DCHA's FSS program if they certify that they meet one of the exceptions below:

(a) The FUP youth is a parent or other household member responsible for the care of a dependent child under the age of six or for the care of an incapacitated person.

(1) As defined under the Code of the District of Columbia §21-2401.2, DCHA defines *incapacitated person* as an adult for whom a guardian has been appointed.

(2) DCHA will apply this exception in a manner that provides extensions of FUP youth assistance to the broadest population possible consistent with the statutory requirements.

(3) The FUP youth will be required to self-certify that they meet this exception on a public housing authority (PHA)-provided form. This certification is the only documentation that the FUP youth must submit.

(4) The child or incapacitated person is not required to reside in the household in order for the youth to certify they meet this exception. For example, a child in a joint custody arrangement under the age of six (6) who resides in the household only part-time may qualify the youth for this exception; or

(b) The FUP youth is a person who is regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program.

(1) DCHA will define *regular and active participation* in a manner that provides extensions of FUP youth assistance to the broadest population possible consistent with the statutory requirements.

(2) The FUP youth will be required to self-certify that they meet this exception on a PHA-provided form. This certification is the only documentation that the FUP youth must submit; or

(c) The FUP youth is a person who is incapable of complying with the requirement to participate in a FSS program as described above or engage in education, workforce development, or employment activities as described below, as applicable, due to a documented medical condition.

(1) DCHA will apply this requirement in a manner that provides extensions of FUP youth assistance to the broadest population possible consistent with statutory requirements.

(2) The FUP youth will be required to self-certify that they meet this exception on a PHA-provided form. This certification is the only documentation that the FUP youth must submit.

10100.27 A FUP youth that meets one of the above exceptions must still be offered an opportunity to enroll in DCHA's FSS program (if it is available to them) and receive any supportive services available to FUP youth. A FUP youth may choose to participate in an FSS program or engage in education, workforce development, or employment activities, even if they meet one of the above statutory exceptions.

10100.28 If DCHA is unable to offer a FUP youth an FSS slot during their first thirty-six (36) months of receiving FUP youth assistance, the youth is considered to have been "unable to enroll" in the program and may have their voucher extended by meeting the education, workforce development, or employment criteria described below:

(a) The youth was engaged in obtaining a recognized postsecondary credential

or a secondary school diploma or its recognized equivalent.

(1) DCHA will use the definitions of *recognized postsecondary credential* and *secondary school diploma or its recognized equivalent* under the Workforce Innovation and Opportunity Act (WIOA). WIOA defines a *recognized postsecondary credential* as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate or baccalaureate degree (29 U.S.C. §3102). Examples of a recognized postsecondary credential include, but are not limited to, an associate degree, bachelor's degree, occupational licensure, or occupational certification (see U.S. Department of Labor, Training and Employment Guidance Letter No. 10–16, Change 1).

(2) For the purpose of WIOA, the U.S. Department of Labor defines a *secondary school diploma or its recognized equivalent* as a secondary school diploma (or alternate diploma) that is recognized by a state and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirement for a high school education. Examples of a secondary school diploma or its recognized equivalent include, but are not limited to, obtaining certification of attaining passing scores on a state-recognized high school equivalency test, earning a secondary school diploma or state-recognized equivalent, or obtaining certification of passing a state-recognized competency-based assessment;

(b) The youth was enrolled in an *institution of higher education*, as such term is defined in Section 101(a) of the Higher Education Act of 1965 (20 U.S.C. §1001(a)) or an institution that meets the definition of a *proprietary institution of higher education* or a *postsecondary vocational institution* under Sections 102(b)(1) and (c)(1) of the Higher Education Act of 1965 (§§20 U.S.C. 1002(b)(1) and (c)(1)), respectively).

(1) Youth must be enrolled in educational activities on at least a half-time basis, as defined by the institution that they attend.

(2) DCHA may make exceptions to the requirement in §10100.28(b)(1) if the youth is unable to enroll in a sufficient number of classes due to a lack of course offerings by the educational institution where the youth is enrolled;

(c) The youth was participating in a career pathway, as such term is defined in Section 3 of the WOIA. The term *career pathway* means a combination of

rigorous and high-quality education, training, and other services that:

(1) Aligns with the skill needs of industries in the economy of the state or regional economy involved;

(2) Prepares an individual to be successful in any of a full range of secondary or postsecondary education options, including apprenticeships registered under the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. §50 et seq.) (referred to individually in this Act as an *apprenticeship*, except in Section 3226 of this title);

(3) Includes counseling to support an individual in achieving the individual's education and career goals;

(4) Includes, as appropriate, education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;

(5) Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;

(6) Enables an individual to attain a secondary school diploma or its recognized equivalent, and at least one recognized postsecondary credential; and

(7) Helps an individual enter or advance within a specific occupation or occupational cluster; or

(d) The youth was employed.

(1) DCHA will consider the youth to be employed if they work a minimum of twenty (20) hours per week.

(2) DCHA may make exception to the requirement in §10100.28(d)(1) if the youth's hours are reduced due to circumstances beyond their control or the youth must temporarily reduce their work hours due to a verified family emergency.

10100.29 If the FUP youth has not been provided an opportunity to enroll in the FSS program during the first twenty-four (24) months of FUP assistance, DCHA will remind the youth at their second regular reexamination of the education, workforce development, and employment requirements described above.

10100.30 If an FSS slot becomes available between the thirty-six (36) month and forty-eight (48) month mark:

(a) DCHA will offer the slot to a FUP youth who had their voucher extended based on meeting the education, workforce development, or employment requirement listed above, or one of the statutory exceptions listed above (even if the youth previously declined an FSS slot because they met one of the statutory exceptions);

(b) DCHA will work with the youth to determine whether enrollment in FSS is feasible and in their best interest given any education, workforce development, or employment activities that the youth is engaged in and any statutory exceptions that apply to the youth, as well as the remaining time on their voucher; and

(c) If the FUP youth accepts the FSS slot, DCHA will work with the youth to establish Contract of Participation goals and an Individual Training and Services Plan (ITSP) that can be accomplished within the time period left on the voucher.

10100.31 If the FUP youth is offered an FSS slot prior to the thirty-six (36) month mark, the youth:

(a) Will be required to enroll in the FSS program in order to receive an extension of assistance at the end of the thirty-six (36) month time period (unless they meet one of the statutory exceptions described above).

(b) Will not be considered to have been "unable to enroll" in the FSS program as described above, and as a result, will not be eligible to receive an extension of assistance based on meeting the education, workforce development, or employment requirements described above.

10100.32 If an FSS enrollment slot becomes available between the forty-eight (48) and sixty (60) month marks, DCHA will not offer the FSS slot to a FUP youth, since the youth will have already received their second and final extension.

10100.33 At the thirty-six (36) month and forty-eight (48) month reexamination, DCHA will extend FUP youth assistance if the youth is participating in and in compliance with the FSS program as long as the youth is still eligible for the HCV program.

10100.34 In any case, the FUP youth cannot receive more than a total of sixty (60) months of FUP youth voucher assistance, even if the FSS Contract of Participation time period extends beyond the voucher sixty (60) month mark.

10100.35 [RESERVED]

10100.36 In order to provide an extension of assistance, DCHA will verify compliance with the above requirements in this Chapter at the end of the thirty-six (36) month time period and the forty-eight (48) month time periods.

(a) DCHA will verify compliance with the education, workforce development, or employment requirement, or one of the statutory exceptions, at the end of the thirty-six (36) month and forty-eight (48) month time periods prior to the FUP youth's scheduled annual reexamination. DCHA will not verify compliance at the end of the sixty (60) month time period.

(b) DCHA will provide each FUP youth on DCHA's program with a written notification informing them that they may receive an extension of their FUP assistance if they meet conditions outlined in this chapter and providing them with instructions on how they may demonstrate compliance at least sixty (60) days prior to their scheduled annual reexam date. When necessary, DCHA will provide this notification in a format accessible to FUP youth with disabilities and in a translated format for FUP youth with limited English proficiency in accordance with Chapter 50 of this Title.

(c) DCHA will use the following verification methods to verify a FUP youth's eligibility for voucher extensions:

(1) To verify compliance with the FSS requirement, DCHA will examine its records to confirm, or obtain confirmation from DCHA's FSS program staff, that the FUP youth participant is in compliance with FSS program requirements and has not been terminated from the FSS program;

(2) To meet the education, workforce development, or employment requirement, DCHA will verify that the FUP youth was engaged in at least one education, workforce development, or employment activity for at least nine months of the twelve (12) month period immediately preceding the end of thirty-six (36) month or forty-eight (48) month time period, as applicable;

(3) Due to the timing of when DCHA verifies compliance and conducts the annual reexamination, the FUP youth may have not yet met the nine-month requirement but may be able to demonstrate that they will meet the nine-month requirement as of the end of the thirty-six (36) month or forty-eight (48) month time period. In such cases, the FUP/Foster Youth to Independence (FYI) youth will still be considered to have met the requirements; and

(4) In order for the FUP youth to meet one of the statutory exceptions described above, the youth must submit a certification to DCHA that they meet one of these exceptions. This certification is the only documentation that the FUP youth must submit in order to demonstrate that they meet one of the statutory exceptions.

10100.37 A FUP youth who received an extension of voucher assistance at the end of the thirty-six (36) month time period based on meeting one of the conditions

described in this chapter does not have to meet the same conditions when they reach the end of the forty-eight (48) month time period. The FUP youth may demonstrate that they meet a different condition in order to receive an extension of their assistance.

10100.38 If DCHA determines that the youth meets one of the statutory conditions, DCHA would then conduct an annual reexamination. If the annual reexamination determines that the youth is still eligible for the HCV program, DCHA must provide the FUP youth the extension of voucher assistance.

10100.39 Failure of the FUP youth to meet one of the above conditions will only impact their ability to receive subsequent extensions of assistance. It will not serve as a basis for terminating the FUP assistance prior to the annual reexam.

10100.40 If the FUP youth does not meet any of the conditions described in in this chapter, the youth is subject to the statutory time limit of thirty-six (36) months or the time limit of any extension that the youth has already received, and the FUP youth voucher must be terminated once the youth reaches this time limit. The calculation of the time limit begins from the date the first HAP contract is signed (for tenant-based vouchers) or from the date the youth entered into the initial lease agreement (for project-based vouchers). The number of months is calculated based on the number of months that HAP subsidy is being paid on behalf of the youth, not the number of months that the youth is in the FUP youth program. Prior to termination, DCHA must offer the FUP youth the opportunity to request an informal hearing, in accordance with Chapter 91.

10100.41 The following waiting list and application referral policies apply to FUP:

(a) As part of the MOU, DCHA and CFSA have identified staff positions to serve as lead FUP liaisons. These positions will be responsible for transmission and acceptance of FUP referrals. CFSA must commit sufficient staff and resources to ensure eligible families and youths are identified and determined eligible in a timely manner.

(b) When FUP vouchers are available, DCHA liaison responsible for acceptance of referrals will contact the CFSA FUP liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than ten (10) business days from the date the CFSA receives this notification, the CFSA liaison will provide DCHA with a list of eligible referrals including the name, address, and contact phone number for each adult individual who is being referred; a completed release form for each adult family member; and a written certification for each referral indicating the youth or family is FUP-eligible.

(c) DCHA will maintain a copy of the referral or certification from the CFSA in the participant's file along with other eligibility paperwork.

10100.42 [RESERVED]

10100.43 A family that is already participating in the regular HCV program cannot be transferred to a FUP voucher.

10100.44 [RESERVED]

10100.45 [RESERVED]

10100.46 Within ten (10) business days of receiving the referral from CFSA, DCHA will review the HCV waiting list and will send CFSA a list confirming whether or not referrals are on the waiting list.

(a) Referrals who are already on the list will retain their position and the list will be notated to indicate the family or youth is FUP eligible.

(b) For those referrals not already on the waiting list, DCHA will work with CFSA to ensure they receive and successfully complete a pre-application or application, as applicable. Once the pre-application or application has been completed, DCHA will place the referral on the HCV waiting list with the date and time of the original referral and an indication that the referral is FUP-eligible.

10100.47 DCHA will select FUP eligible families or youths based on DCHA's regular HCV waiting list selection policies in Chapter 52 of this Title, including any preferences that may apply.

10100.48 [RESERVED]

10100.49 DCHA will determine whether the family or youth meets HCV program eligibility requirements:

(a) Subject to privacy laws, CFSA will provide any available information regarding the applicant's criminal history to DCHA.

(b) DCHA will consider the information in making its eligibility determination in accordance with DCHA's policies on eligibility in accordance with Chapter 51 of this Title.

10100.50 [RESERVED]

10100.51 Any applicant that does not meet the eligibility criteria for the HCV program listed in Chapter 51 or any eligibility criteria listed in this section will be notified by DCHA in writing following policies in Chapter 51, including stating the reasons the applicant was found ineligible and providing an opportunity for an informal review.

10100.52 [RESERVED]

10100.53 During the family briefing, DCHA will inform the FUP youth of:

(a) The extension of assistance provisions and requirements;

(b) The availability of the FSS program and offer them an FSS slot, if available, or offer to place them on the FSS waiting list (provided DCHA has an FSS program); and

(c) Supportive services available to them, the existence of any other programs or services, and their eligibility for such programs and services. However, participation in supportive services cannot be required as a condition of receiving FUP youth assistance.

(1) Eligible applicants will be notified by DCHA in writing following policies in Chapter 51 of this Title. FUP families will attend a standard HCV briefing in accordance with Chapter 53 of this Title. FUP youth will be briefed individually. DCHA will provide all aspects of the written and oral briefing as outlined in Part I of Chapter 53 but will also provide an explanation of the required items listed above, as well as discussing supportive services offered by CFSA.

(2) For both FUP youth and FUP families, vouchers will be issued in accordance with Chapter 53 of this Title, except that DCHA will consider one additional thirty (30) day extension beyond the first automatic extension for any reason, not just those listed in the policy in 14 DCMR §5300.

(d) Once the family or youth locate a unit, DCHA conducts all other processes relating to voucher issuance and administration per HCV program regulations and DCHA's policies (including, but not limited to: HQS inspection, determination of rent reasonableness, etc.).

10100.54 With the exception of terminations of assistance for FUP youth after the statutorily required time period, DCHA will terminate FUP assistance in accordance with Chapter 76. Termination of a FUP voucher must be consistent with regulations for termination in 24 CFR Part 982, Subpart L and be in compliance with Chapter 76.

10100.55 If the person who qualifies for the FUP voucher passes away, the family retains the FUP voucher. In the case of a FUP youth voucher, assistance will terminate after the statutorily required time period, even if the FUP eligible youth is no longer included in the household.

10100.56 If the person who qualifies for the FUP voucher moves, the remaining family members may keep the FUP voucher based on DCHA policy on remain members of the household after family breakup (see Chapter 51).

10100.57 If parents lose their parental rights or are separated from their children after voucher lease-up (or their children reach adulthood), the family is still eligible to keep their

FUP assistance.

(a) Depending on the availability of housing choice vouchers and FUP vouchers, DCHA may transfer the assistance of a FUP family voucher holder to regular HCV assistance if there are no longer children in the household and there is no prospect of any minor child being returned to the household.

(b) If DCHA intends to transfer the assistance of the FUP family voucher holder to regular HCV assistance but has no regular HCV vouchers available at the time this determination is made, including if no vouchers are available due to lack of funding, DCHA will issue the family the next available regular HCV voucher after those being issued to families residing in PBV units claiming Choice Mobility.

10100.58 DCHA will not terminate a FUP youth's assistance for noncompliance with CFSA case management, nor may DCHA terminate assistance for a FUP youth for not accepting services from CFSA.

10100.59 DCHA will not provide a selection preference on DCHA's HCV waiting list for FUP youth who are terminated due to the time limit on assistance.

10100.60 Upon the expiration of the statutorily required time period, a FUP youth voucher holder who has children and who lacks adequate housing may qualify for a FUP family voucher provided they are referred by the PCWA as an eligible family and meet the eligibility requirements for DCHA's HCV program.

10100.61 DCHA will follow the policies described in Chapter 58 with regard to the portability for a FUP family or youth.

10100.62 A FUP family or youth does not have to port to a jurisdiction that administers FUP.

10101 FOSTER YOUTH TO INDEPENDENCE INITIATIVE

10101.1 [RESERVED]

10101.2 [RESERVED]

10101.3 DCHA will implement a Foster Youth to Independence (FYI) program in partnership with the Child and Family Services Agency (CFSA).

10101.4 CFSA is responsible for:

(a) Identifying FYI-eligible youth;

(b) Developing a system of prioritization based on the level of need of the youth and the appropriateness of intervention;

(c) Providing a written certification to DCHA that the youth is eligible; and

(d) Providing or securing supportive services for thirty-six (36) months.

10101.5 In addition to the CFSA, DCHA will implement the FYI program in partnership with District of Columbia Continuum of Care (CoC).

10101.6 CFSA is responsible for certifying that the youth has prior qualifying foster care involvement. As determined by the PCWA, eligible youth:

(a) Are at least eighteen (18) years of age and not more than twenty-four (24) years of age (have not yet reached their twenty-fifth (25th) birthday; Youth must be no more than twenty-four (24) years of age at the time the PCWA certifies them as eligible and at the time of HAP contract execution;

(b) Have left foster care or will leave foster care within one hundred eighty (180) days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act; Placements can include, but are not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes in accordance with 24 CFR §576; and

(c) Are homeless or at risk of becoming homeless at age sixteen (16) and older; *At risk of being homeless* is fully defined at 24 CFR §576.2. This includes a person that is exiting a publicly funded institution, or system of care (such as a healthcare facility, a mental health facility, foster care or other youth facility, or correction program or institution). Therefore, youth being discharged from an institution may be eligible for an FYI voucher.

10101.7 Eligibility is not limited to single persons. For example, pregnant and/or parenting youth are eligible to receive assistance assuming they otherwise meet eligibility requirements.

10101.8 At a minimum, the following supportive services will be offered, either directly or indirectly by CFSA:

(a) Basic life skills information/counseling on money management, use of credit, housekeeping, proper nutrition/meal preparation, and access to health care (e.g., doctors, medication, and mental and behavioral health services);

(b) Counseling on compliance with rental lease requirements and with HCV program participant requirements, including assistance/referrals for assistance on security deposits, utility hook-up fees, and utility deposits;

(c) Providing such assurances to owners of rental property as are reasonable and necessary to assist eligible youth to rent a unit with a voucher;

(d) Job preparation and attainment counseling (where to look/how to apply, dress, grooming, relationships with supervisory personnel, etc.);

(e) Educational and career advancement counseling regarding attainment of general equivalency diploma (GED) or attendance/financing of education at a technical school, trade school, or college, including successful work ethic and attitude models; and

(f) Additional supportive services may be offered.

10101.9 Since participation in supportive services is optional, but strongly encouraged, an FYI participant may decline supportive service.

10101.10 [RESERVED]

10101.11 [RESERVED]

10101.12 [RESERVED]

10101.13 DCHA's policy on application referrals and waiting list management is described below:

(a) DCHA and CFSA have identified staff positions to serve as lead FYI liaisons. These positions will be responsible for transmission and acceptance of referrals. CFSA must commit sufficient staff and resources to ensure eligible youths are identified, prioritized, and determined eligible in a timely manner.

(b) When vouchers are available, DCHA liaison responsible for acceptance of referrals will contact CFSA liaison via email indicating the number of vouchers available and requesting an appropriate number of referrals. No more than ten (10) business days from the date CFSA receives this notification, the CFSA liaison must provide DCHA with a list of eligible referrals, a completed release form, and a written certification for each referral indicating the referral is eligible. The list will include the name, address, and contact phone number for each adult individual who is being referred.

(c) DCHA will maintain a copy of each certification from CFSA in the participant's file along with other eligibility paperwork.

10101.14 [RESERVED]

10101.15 [RESERVED]

10101.16 [RESERVED]

10101.17 Within ten (10) business days of receiving the referral from CFSA, DCHA will review the HCV waiting list and will send CFSA a list confirming whether or not referrals are on the waiting list.

(a) Referrals who are already on the list will retain their position and the list will be notated to indicate the applicant is FYI eligible.

(b) For those referrals not already on the waiting list, DCHA will work with CFSA to ensure they receive and successfully complete a pre-application or application, as applicable. Once the pre-application or application has been completed, DCHA will place the referral on the HCV waiting list with the date and time of the original referral and an indication that the referral is FYI eligible.

10101.18 DCHA will select eligible youths based on DCHA's regular HCV waiting list selection policies in Chapter 52, including any preferences that may apply.

10101.19 [RESERVED]

10101.20 DCHA will determine whether the youth meets HCV program eligibility requirements.

(a) Subject to privacy laws, the PCWA will provide any available information regarding the applicant's criminal history to DCHA.

(b) DCHA will consider the information in making its eligibility determination in accordance with DCHA's policies in Chapter 3.

10101.21 Youth must be no more than twenty-four (24) years old both at the time of CFSA certification and at the time of the HAP execution. If a youth is twenty-four (24) at the time of CFSA certification but will turn twenty-five (25) before the HAP contract is executed, the youth is no longer eligible for a FYI voucher.

10101.22 Any applicant that does not meet the eligibility criteria for the HCV program listed in Chapter 51 or any eligibility criteria listed in this section will be notified by DCHA in writing following policies in Chapter 51, including stating the reasons the applicant was found ineligible and providing an opportunity for an informal review.

10101.23 Once DCHA determines that the family or youth meets HCV eligibility requirements, the youth will be issued an FYI voucher in accordance with PHA policies.

10101.24 During the family briefing, PHAs must inform the FYI voucher holder of:

(a) The extension of assistance provisions and requirements;

(b) The availability of the FSS program and offer them an FSS slot, if available,

or offer to place them on the FSS waiting list (provided DCHA has an FSS program); and

(c) The supportive services available to them, the existence of any other programs or services, and their eligibility for such programs and services. However, participation in supportive services cannot be required as a condition of receiving FYI assistance.

10101.25 (a) Eligible applicants will be notified by DCHA in writing following policies in Chapter 51 of this Title. FYI youth will be briefed individually.

(b) DCHA will provide all aspects of the written and oral briefing as outlined in Chapter 53.

(c) Vouchers will be issued with an initial search term of one hundred twenty (120) days.

(d) DCHA will generally grant requests for voucher extension and provide at least a ninety (90) day extension.

(e) Before the voucher expires, DCHA will contact the voucher-holder to remind them of when their voucher expires and provide information on the process to request an extension and on housing search assistance.

10101.26 Once the youth locates a unit, DCHA conducts all other processes relating to voucher issuance and administration per HCV Program regulations and DCHA policy in Chapter 57.

10101.27 Should a youth fail to use the voucher, DCHA may issue the voucher to another eligible youth if one has been identified.

10101.28 [RESERVED]

10101.29 (a) For PHAs awarded FYI vouchers under Notices PIH 2020-28 and PIH 2021-26, where the recipient of the FYI voucher leaves the program, DCHA must continue to use the FYI voucher for eligible youth upon turnover.

(b) Where there are more eligible youth than available FYI turnover vouchers, DCHA may request an FYI voucher under the requirements of Notice PIH 2021-26.

(c) If another eligible youth is not available, DCHA must notify HUD, and HUD will reduce DCHA's HCV assistance to account for the removal of the FYI assistance from DCHA's HCV baseline.

10101.30 (a) Vouchers are limited by statute to a total of between thirty-six (36) months and sixty (60) months of housing assistance.

(b) At the end of the statutory time period, assistance must be terminated.

(c) Any period of time for which no subsidy (HAP) is being paid on behalf of the youth does not count toward the statutory time period limitation.

(d) It is not permissible to reissue another FYI TPV to the same youth upon expiration of their FYI assistance.

10101.31 Participants do not "age out" of the program. A participant may continue with the program until they have received the period of assistance for which they are eligible. Age limits are only applied for entry into the program.

10101.32 FYI voucher holders who first leased or lease a unit after December 27, 2020, may be eligible for an extension of assistance up to twenty-four (24) months beyond the thirty-six (36) month time limit (for a total of sixty (60) months of assistance).

10101.33 While FYI voucher holders cannot be required to participate in the FSS program as a condition of receipt of assistance, an eligible youth who participates in the FSS program and is in compliance with the applicable terms and conditions of the program is entitled to receive assistance for up to an additional twenty-four (24) months. A FYI voucher holders must accept an FSS slot if it is offered to them prior to the thirty-six (36) month mark in order to receive an extension of assistance (unless the youth meets one of the statutory exceptions described below).

10101.34 FYI voucher holders will be entitled to receive an extension of assistance for up to twenty-four (24) months beyond the thirty-six (36) month time limit without participating in DCHA's FSS program if they certify that they meet one of the exceptions below:

(a) The FYI voucher holder is a parent or other household member responsible for the care of a dependent child under the age of six (6) or for the care of an incapacitated person.

(1) As defined under the Code of the District of Columbia 21-2401.2, DCHA defines *incapacitated person* as an adult for whom a guardian has been appointed.

(2) DCHA will apply this exception in a manner that provides extensions of FYI assistance to the broadest population possible consistent with the statutory requirements.

(3) The FYI voucher holder will be required to self-certify that they meet this exception on a PHA-provided form. This certification is the only documentation that the FYI voucher holder must submit.

(4) The child or incapacitated person is not required to reside in the household in order for the FYI voucher holder to certify they meet this exception. For example, a child in a joint custody arrangement

under the age of six (6) who resides in the household only part time may qualify the FYI voucher holder for this exception;

(b) The FYI voucher holder is a person who is regularly and actively participating in a drug addiction or alcohol treatment and rehabilitation program.

(1) DCHA will define *regular and active participation* in a manner that provides extensions of FYI voucher holder assistance to the broadest population possible consistent with the statutory requirements.

(2) The FYI voucher holder will be required to self-certify that they meet this exception on a PHA-provided form. This certification is the only documentation that the FYI voucher holder must submit; or

(c) The FYI voucher holder is a person who is incapable of complying with the requirement to participate in a FSS program as described above or engage in education, workforce development, or employment activities as described below, as applicable, due to a documented medical condition.

(1) DCHA will apply this requirement in a manner that provides extensions of FYI voucher holder assistance to the broadest population possible consistent with statutory requirements.

(2) The FYI voucher holder will be required to self-certify that they meet this exception on a PHA-provided form. This certification is the only documentation that the FYI voucher holder must submit.

10101.35 An FYI voucher holder that meets one of the above exceptions must still be offered an opportunity to enroll in DCHA's FSS program (if it is available to them) and receive any supportive services available to FYI voucher holders. An FYI voucher holder may choose to participate in an FSS program or engage in education, workforce development, or employment activities, even if they meet one of the above statutory exceptions.

10101.36 If a PHA that carries out an FSS program is unable to offer a FYI voucher holder an FSS slot during their first thirty-six (36) months of receiving FYI assistance, the FYI voucher holder is considered to have been "unable to enroll" in the program and may have their voucher extended by meeting the education, workforce development, or employment criteria described below:

(a) The FYI voucher holder was engaged in obtaining a recognized postsecondary credential or a secondary school diploma or its recognized equivalent.

(1) DCHA will use the definitions of *recognized postsecondary credential* and *secondary school diploma or its recognized equivalent* under the WIOA. WIOA defines a *recognized*

postsecondary credential as a credential consisting of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the state involved or federal government, or an associate or baccalaureate degree (29 U.S.C. §3102). Examples of a recognized postsecondary credential include, but are not limited to, an associate's degree, bachelor's degree, occupational licensure, or occupational certification (see U.S. Department of Labor, Training and Employment Guidance Letter No. 10–16, Change 1). For the purpose of WIOA, the U.S. Department of Labor defines a *secondary school diploma or its recognized equivalent* as a secondary school diploma (or alternate diploma) that is recognized by a state and that is included for accountability purposes under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). A secondary school equivalency certification signifies that a student has completed the requirement for a high school education. Examples of a secondary school diploma or its recognized equivalent include, but are not limited to, obtaining certification of attaining passing scores on a state-recognized high school equivalency test, earning a secondary school diploma or state-recognized equivalent, or obtaining certification of passing a state-recognized competency-based assessment;

(b) The FYI voucher holder was enrolled in an *institution of higher education*, as such term is defined in Section 101(a) of the Higher Education Act of 1965 (20 U.S.C. §1001(a)) or an institution that meets the definition of a *proprietary institution of higher education* or a *postsecondary vocational institution* under Sections 102(b)(1) and (c)(1) of the Higher Education Act of 1965 (20 U.S.C. §§1002(b)(1) and (c)(1)), respectively.

(1) The FYI voucher holder must be enrolled in education activities on at least a half-time basis, as defined by the institution which they attend.

(2) DCHA may make exceptions to the requirement in §10101.36(b)(1) if the FYI voucher holder is unable to enroll in a sufficient number of classes due to a lack of course offerings by the educational institution where they are enrolled;

(c) The FYI voucher holder was participating in a career pathway, as such term is defined in Section 3 of the WOIA; or

(d) The FYI voucher holder was employed.

(1) DCHA will consider the FYI voucher holder to be employed if they work a minimum of twenty (20) hours per week.

(2) DCHA may make exceptions to the requirement in §10101.36(d) if

the FYI voucher holder's hours are reduced due to circumstances beyond their control or the FYI voucher holder must temporarily reduce their work hours due to a verified family emergency.

10101.37 If the FYI voucher holder has not been provided an opportunity to enroll in the FSS program during the first twenty-four (24) months of FYI assistance, DCHA will remind the FYI voucher holder at the twenty-four (24) month reexamination of the education, workforce development, and employment requirements described above so that they have enough time to meet these requirements prior to the expiration of the thirty-six (36) month time period for FYI assistance. If the FYI voucher holder has not been provided an opportunity to enroll in the FSS program during the first twenty-four (24) months of FYI assistance, DCHA will remind the FYI voucher holder at their second regular reexam of the education, workforce development, and employment requirements described above.

10101.38 If an FSS slot becomes available between the thirty-six (36) month and forty-eight (48) month mark:

(a) DCHA must offer the slot to an FYI voucher holder who had their voucher extended based on meeting the education, workforce development, or employment requirement listed above, or one of the statutory exceptions listed above (even if the FYI voucher holder previously declined an FSS slot because they met one of the statutory exceptions);

(b) DCHA must work with the FYI voucher holder to determine whether enrollment in FSS is feasible and in their best interest given any education, workforce development, or employment activities that the FYI voucher holder is engaged in and any statutory exceptions that apply to the FYI voucher holder, as well as the remaining time on their voucher; and

(c) If the FYI voucher holder accepts the FSS slot, DCHA must work with them to establish Contract of Participation goals and an Individual Training and Services Plan (ITSP) that can be accomplished within the time period left on the voucher.

10101.39 If the FYI voucher holder is offered an FSS slot prior to the thirty-six (36) month mark, the FYI voucher holder:

(a) Will be required to enroll in the FSS program in order to receive an extension of assistance at the end of the thirty-six (36) month time period (unless they meet one of the statutory exceptions described above).

(b) Will not be considered to have been "unable to enroll" in the FSS program, and as a result, will not be eligible to receive an extension of assistance based on meeting the education, workforce development, or employment requirements described above.

10101.40 DCHA may, but is not required, to offer an FYI voucher holder an FSS slot that becomes available between the forty-eight (48) month mark and the sixty (60) month mark, since the FYI voucher holder will have already received their second and final extension. If an FSS slot becomes available between the forty-eight (48) and sixty (60) month marks, DCHA will not offer the FSS slot to an FYI voucher holder.

10101.41 At the thirty-six (36) month and forty-eight (48) month reexamination, DCHA must extend FYI assistance if the FYI voucher holder is participating in and in compliance with the FSS program as long as the FYI voucher holder is still eligible for the HCV program.

10101.42 In any case, the FYI voucher holder cannot receive more than a total of sixty (60) months of FYI assistance even if the FSS Contract of Participation time period extends beyond the voucher sixty (60) month mark.

10101.43 (a) If the FYI voucher holder has been unable to enroll in the program during the first thirty-six (36) months of receiving FYI assistance, the FYI voucher holder is entitled to receive an extension of assistance for up to two (2) successive twelve (12) month periods beyond the thirty-sixth (36) month time limit provided that the FYI voucher holder engaged in at least one of the education, workforce development, or employment activities described above for not less than nine (9) months of the twelve (12) month period preceding each extension.

(b) In order to meet the nine (9) months out of the preceding twelve (12) months requirement, the FYI voucher holder may have engaged in one of the education, workforce development, or employment activities described above or a combination of these activities.

10101.44 In order to provide an extension of assistance, DCHA must verify compliance with the above requirements at the end of the thirty-six (36) month time period and the forty-eight (48) month time periods. DCHA does not need to verify compliance with these requirements at the end of the sixty (60) month time period since the maximum length of assistance is sixty (60) months.

10101.45 DCHA will use the following verification methods to verify an FYI voucher holder's eligibility for voucher extensions:

(a) To verify compliance with the FSS requirement, DCHA will examine its records to confirm, or obtain confirmation from DCHA's FSS program staff, that the FYI participant is in compliance with FSS program requirements and has not been terminated from the FSS program;

(b) To meet the education, workforce development, or employment requirement, DCHA will verify that the FYI voucher holder was engaged in at least one education, workforce development, or employment activity for at least nine (9) months of the twelve (12) month period immediately

preceding the end of the thirty-six (36) month or forty-eight (48) month time period, as applicable.

(c) Due to the timing of when DCHA verifies compliance and conducts the annual reexamination, the FYI voucher holder may have not yet met the nine (9) month requirement but may be able to demonstrate that they will meet the nine-month requirement as of the end of the thirty-six (36) month or forty-eight (48) month time period. In such cases, the FYI voucher holder will still be considered to have met the requirements; and

(d) In order for the FYI voucher holder to meet one of the statutory exceptions described above, the FYI voucher holder must submit a certification to DCHA that they meet one of these exceptions. This certification is the only documentation that the FYI voucher holder must submit in order to demonstrate that they meet one of the statutory exceptions.

10101.46 An FYI voucher holder who received an extension of voucher assistance at the end of the thirty-six (36) month time period based on meeting one of the conditions described in this chapter does not have to meet the same conditions when they reach the end of the forty-eight (48) month time period. The FYI voucher holder may demonstrate that they meet a different condition in order to receive an extension of their assistance.

10101.47 If DCHA determines that the FYI voucher holder meets one of the statutory conditions, DCHA would then conduct an annual reexamination. If the annual reexamination determines that the FYI voucher holder is still eligible for the HCV program, DCHA must provide the FYI voucher holder the extension of voucher assistance.

10101.48 Failure of the FYI voucher holder to meet one of the above conditions will only impact their ability to receive subsequent extensions of assistance. It will not serve as a basis for terminating the FYI assistance prior to the annual reexam.

10101.49 (a) If the FYI voucher holder does not meet any of the statutory conditions described in in this Chapter 101, the youth is subject to the statutory time limit of thirty-six (36) months or the time limit of any extension that the youth has already received, and the FYI voucher must be terminated once they reach this time limit.

(b) The calculation of the time limit begins from the date the first HAP contract is signed (for tenant-based vouchers) or from the date the FYI voucher holder entered into the initial lease agreement (for project-based vouchers).

(c) The number of months is calculated based on the number of months that HAP subsidy is being paid on behalf of the FYI voucher holder, not the number of months that they are in the FYI program.

(d) Prior to termination, DCHA must offer the FYI voucher holder the opportunity to request an informal hearing, in accordance with Chapter 91.

10101.50 DCHA will follow the policies described in Chapter 76 for termination of a FYI voucher; therefore, termination of a FYI voucher must be consistent with HCV regulations at 24 CFR Part 982, Subpart L and PHA policies in Chapter 76. Given the statutory time limit that requires FYI vouchers to sunset, a DCHA must terminate the youth's assistance once the limit on assistance has expired.

10101.51 DCHA will not terminate a FYI youth's assistance for noncompliance with CFSA case management, nor may DCHA terminate assistance for a FYI youth for not accepting services from CFSA.

10101.52 [RESERVED]

10101.53 DCHA will follow the policies described in Chapter 58 for portability for an FYI youth.

10101.54 An FYI youth does not have to port to a jurisdiction that administers FYI vouchers.

10102 VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM

10102.1 The Veterans Affairs Supportive Housing (VASH) program combines HCV rental assistance with case management and clinical services provided by the Department of Veterans Affairs (VA) at VA medical centers (VAMCs) and Community-Based Outpatient Clinics (CBOCs), or through a designated service provider (DSP) as approved by the VA Secretary. Eligible families are homeless veterans and their families that agree to participate in VA case management and are referred to the VAMC's partner PHA for HCV assistance. The VAMC or DSP's responsibilities include:

(a) Screening homeless veterans to determine whether they meet VASH program participation criteria;

(b) Referring homeless veterans to DCHA; The term *homeless veteran* means a veteran who is homeless (as that term is defined in subsection (a) or (b) of Section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. §11302)). See 38 U.S.C. § 2002;

(c) Providing appropriate treatment and supportive services to potential VASH participants, if needed, prior to DCHA issuance of a voucher;

(d) Providing housing search assistance to VASH participants;

(e) Identifying the social service and medical needs of VASH participants, and providing or ensuring the provision of regular ongoing case management, outpatient health services, hospitalization, and other supportive services as needed throughout the veterans' participation period; and

(f) Maintaining records and providing information for evaluation purposes, as required by HUD and the VA.

10102.2 [RESERVED]

10102.3 [RESERVED]

10102.4 [RESERVED]

10102.5 When HUD-VASH recipients include veterans with disabilities or family members with disabilities, reasonable accommodation requirements in Part II of Chapter 50 of this policy apply.

10102.6 (a) In order to expedite the screening process, DCHA will provide all forms and a list of documents required for the VASH application to the VAMC. Case managers will work with veterans to fill out the forms and compile all documents prior to meeting with DCHA and submitting an application. When feasible, the VAMC case manager should email or fax copies of all documents to DCHA prior to the meeting in order to allow DCHA time to review them and start a file for the veteran.

(b) After the VAMC has given DCHA a complete referral, DCHA will perform an eligibility screening within five business days of receipt of a VAMC referral.

10102.7 Eligible participants are homeless veterans and their families who agree to participate in case management from the VAMC.

(a) A *VASH Veteran* or *veteran family* refers to either a single veteran or a veteran with a household composed of two or more related persons. It also includes one or more eligible persons living with the veteran who are determined to be important to the veteran's care or well-being.

(b) A veteran for the purpose of VASH is a person whose length of service meets statutory requirements, and who served in the active military, naval, or air service, was discharged or released under conditions other than dishonorable, and is eligible for VA health care.

10102.8 Under VASH, DCHA does not determine family eligibility in accordance with HCV program rules and DCHA policies. The only reasons for denial of assistance by DCHA are failure to meet the income eligibility requirements and/or that a family member is subject to a lifetime registration requirement under a state sex offender registration program. Under portability, the receiving PHA must also comply with these VASH screening requirements.

10102.9 When verifying Social Security numbers (SSNs) for homeless veterans and their family members, DCHA will accept self-certification of SSNs and at least one

third-party document, such as a bank statement, utility or cell phone bill, or benefit letter that contains the name of the individual in the absence of other documentation..

10102.10 In the case of the homeless veteran, DCHA will accept the Certificate of Release or Discharge from Active Duty (DD-214) or the VA-verified Application for Health Benefits (10-10EZ) as verification of SSN and cannot require the veteran to provide a Social Security card. A VA-issued identification card may also be used to verify the SSN of a homeless veteran.

10102.11 The DD-214 or 10-10EZ will be accepted as proof of age in lieu of birth certificates or other DCHA-required documentation as outlined in Chapter 55 of this Title. A VA-issued identification card may also be used to verify the age of a homeless veteran.

10102.12 A VA-issued identification card must be accepted in lieu of another type of government-issued photo identification. These cards also serve as verification of SSNs and date of birth.

10102.13 DCHA will generally determine income eligibility for VASH families in accordance with 24 CFR § 982.201 and policies in Chapter 51. However, VASH families are subject to alternate income eligibility criteria which permits DCHA to consider low-income families (eighty percent (80%) of AMI) eligible for assistance under VASH. If the family is over-income based on the most recently published income limits for the family size, the family will be ineligible for assistance.

10102.14 The following alternative requirements related to income apply to VASH families:

(a) DCHA will determine the applicant's annual income for purposes of income eligibility by excluding all VA service-connected benefits received by the applicant. This special income exclusion only applies to the definition of *annual income* for purposes of determining income eligibility.

(b) If the HUD-VASH applicant qualifies as a low-income family under the alternative requirement, the VA service-connected benefits (with the exception of the normally excluded deferred VA disability payments under 24 CFR §5.609(b)(16) and the payments related to aid and attendance under 24 CFR §5.609(b)(17)) must still be included as annual income when calculating the family's adjusted income. In other words, the VA service-connected disability benefits are excluded for purposes of determining income eligibility but included for purposes of calculating the family's total tenant payment (TTP), HAP, and family share.

(c) When a veteran family reports that they have zero income, DCHA will accept a self-certification of zero income from the family at admission and at reexamination without taking any additional steps to verify the family is indeed zero income. The self-certification does not need to be notarized. DCHA will verify families' income in the Enterprise Income Verification

(EIV) system within one hundred twenty (120) days after admission. DCHA will not deny zero income families.

10102.15 [RESERVED]

10102.16 While income-targeting requirements will not be considered by DCHA when families are referred by the partnering VAMC, DCHA will include any extremely low-income VASH families that are admitted in its income targeting numbers for the fiscal year in which these families are admitted.

10102.17 (a) DCHA will not screen any potentially eligible family members or deny assistance for any grounds permitted under 24 CFR §§982.552 and 982.553 with one exception: DCHA will prohibit admission if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program.

(b) With the exception of denial for registration as a lifetime sex offender under district law and DCHA policies on how sex offender screenings will be conducted, DCHA policies in 14 DCMR § 5115 do not apply to VASH. The prohibition against screening families for anything other than lifetime sex offender status applies to all family members, not just the veteran.

10102.18 If a family member is subject to lifetime registration under a state sex offender registration program, the remaining family members may be served if the family agrees to remove the sex offender from its family composition. This is true unless the family member subject to lifetime registration under a state sex offender registration program is the homeless veteran, in which case the family would be denied admission to the program.

10102.19 Once a veteran is referred by the VAMC, DCHA will either issue a voucher or deny assistance. If DCHA denies assistance, it must provide the family with prompt notice of the decision and a brief statement of the reason for denial in accordance with 14 DCMR §5115. Like in the standard HCV Program, the family must be provided with the opportunity for an informal review in accordance with policies in 14 DCMR §5115. In addition, a copy of the denial notice must be sent to the VAMC case manager.

10102.20 When adding a family member after the family has been admitted to the program, DCHA policies 14 DCMR §5115 apply. Other than the birth, adoption, or court-awarded custody of a child, DCHA must approve additional family members and will apply its regular screening criteria in doing so.

10102.21 If the homeless veteran dies while the family is being assisted, the voucher would remain with the remaining members of the tenant family. DCHA may use one of its HCV vouchers, if available, to continue assisting this family and free up a VASH voucher for another VASH-eligible family. If an HCV voucher is not available, the family would continue utilizing the VASH voucher. Once the VASH voucher turns

over, however, it must go to a homeless veteran family.

10102.22 In the case of divorce or separation, since the set-aside of VASH vouchers is for veterans, the voucher must remain with the veteran. This overrides DCHA's policies in Chapter 51 on how to determine who remains in the program if a family breaks up.

10102.23 To assist VASH participants in finding affordable housing, especially in competitive markets, Upon HUD approval, DCHA will use a HUD-VASH exception payment standard.

10102.24 All VASH vouchers will have an initial term of one hundred eighty (180) calendar days. The family must submit a Request for Tenancy Approval (RFTA) and proposed lease within the one hundred eighty (180) day period unless DCHA grants an extension.

10102.25 DCHA must track issuance of HCVs for families referred by the VAMC or DSP in PIC as required in FR Notice dated August 8, 2024.

10102.26 Unlike in the standard HCV Program, VASH voucher holders may enter into an initial lease that is for less than twelve (12) months. Accordingly, DCHA policy in Chapter 57, Term of Assisted Tenancy, does not apply.

10102.27 Unlike in the standard HCV Program, VASH families are permitted to live on the grounds of a VA facility in units developed to house homeless veterans. This applies to both tenant-based assistance and PBV. Therefore, 24 CFR §§982.352(a)(5) and 983.53(a)(2), which prohibit units on the physical grounds of a medical, mental, or similar public or private institution, do not apply to VASH for this purpose only. Accordingly, PHA policy in Chapter 57, Ineligible Units, does not apply for this purpose only.

10102.28 To expedite the leasing process, DCHA may pre-inspect available units that veterans may be interested in leasing to maintain a pool of eligible units. If a VASH family selects a unit that passed a HQS pre-inspection (without intervening occupancy) within forty-five (45) days of the date of the RFTA, the unit may be approved provided that it meets all other conditions under 24 CFR §982.305. The veteran will be free to select their unit. All regulatory requirements pertaining to housing quality standards apply to HUD-VASH.

10102.29 When a pre-inspected unit is not selected, DCHA will make every effort to fast-track the inspection process, including adjusting the normal inspection schedule for both initial and any required reinspections.

10102.30 Portability policies under VASH depend on whether the family wants to move within or outside of the initial VA facility's catchment area (the area in which the VAMC or DSP operates). In all cases, the initial VA facility must be consulted prior to the move and provide written confirmation that case management will continue to be

provided in the family's new location. VASH participant families may only reside in jurisdictions that are accessible to case management services, as determined by case managers at the partnering VAMC or DSP.

10102.31 Under VASH, applicant families may move under portability even if the family did not have legal residency in the jurisdiction of the initial PHA when they applied. As a result, DCHA policies in Chapter 58 about nonresident applicants do not apply. A family that moves under the portability procedures must not be subject to rescreening by the receiving PHA.

10102.32 If the family no longer requires case management, there are no portability restrictions. Normal portability rules apply.

10102.33 A VASH family can move within the VAMC's catchment area as long as case management can still be provided, as determined by the VA. If the initial PHA's partnering VAMC will still provide the case management services, the receiving PHA must process the move in accordance with portability procedures:

(a) If the receiving PHA has been awarded VASH vouchers, it can choose to either bill the initial PHA or absorb the family if it has a VASH voucher available to do so.

(b) If DCHA absorbs the family, the VAMC or DSP providing the initial case management must agree to the absorption and the transfer of case management.

(c) If the receiving PHA does not administer a VASH program, it must always bill the initial PHA.

10102.34 If a family wants to move to another jurisdiction where it will not be possible for the initial PHA's partnering VAMC or DSP to provide case management services, the initial VAMC or DSP must first determine that the VASH family could be served by another VAMC or DSP that is participating in the VASH program, and the receiving PHA has an available VASH voucher.

10102.35 In these cases, the family must be absorbed by the receiving PHA either as a new admission or as a portability move-in, as applicable. Upon absorption, the initial PHA's VASH voucher will be available to lease to a new VASH-eligible family, and the absorbed family will count toward the number of VASH slots awarded to the receiving PHA.

10102.36 Veterans who request to port beyond the catchment area of the VAMC or DSP where they are receiving case management to protect the health or safety of a person who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believes they are threatened with imminent harm from further violence by remaining in the unit may port prior to receiving approval from the receiving VAMC or DSP. PHAs may require verbal self- certification or a

written request from a participant seeking a move beyond the catchment area of the VAMC or DSP.

10102.37 The verbal self-certification or written request must include either a statement expressing why the participant reasonably believes that there is a threat of imminent harm from further violence if they were to remain in the same unit or a statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the ninety (90) day period preceding the participants request for the move.

10102.38 The participant must still port to a PHA that has a VASH program. If the receiving PHA does not have a VASH voucher available to lease, they may bill the initial PHA until a VASH voucher is available, at which point the porting veteran must be absorbed into the receiving PHA's program.

10102.39 Prior to terminating VASH participants, HUD strongly encourages PHAs to exercise their discretion under 24 CFR §982.552(c)(2) as outlined in Chapter 76 of this Title and consider all relevant circumstances of the specific case. This includes granting reasonable accommodations for persons with disabilities, as well as considering the role of the case manager and the impact that ongoing case management services can have on mitigating the conditions that led to the potential termination.

10102.40 VASH participant families may not be terminated after admission for a circumstance or activities that occurred prior to admission and were known to DCHA but could not be considered at the time of admission due to VASH program requirements. DCHA may terminate the family's assistance only for program violations that occur after the family's admission to the program.

10102.41 (a) As a condition of receiving HCV rental assistance, a HUD-VASH-eligible family must receive case management services from the VAMC or DSP.

(b) A VASH participant family's assistance must be terminated for failure to participate, without good cause, in case management as verified by the VAMC or DSP.

(c) DCHA may terminate program assistance for a VASH family evicted from housing assisted under the program for serious violation of the lease.

10102.42 However, a VAMC or DSP determination that the participant family no longer requires case management is not grounds for termination of voucher or PBV assistance. In such a case, at its option, DCHA may offer the family continued assistance through one of its regular vouchers. If DCHA has no voucher to offer, the family will retain its VASH voucher or project-based voucher (PBV) unit until such time as DCHA has an available voucher for the family.

10102.43 When a veteran's family member is receiving protection under VAWA because the veteran is the perpetrator of domestic violence, dating violence, sexual assault, or stalking, the victim must continue to be assisted. Upon termination of the perpetrator's VASH assistance, the victim must be given a regular HCV if one is available, and the perpetrator's VASH voucher must be used to serve another eligible veteran family. If a regular HCV is not available, the perpetrator must be terminated from assistance and the victim will continue to use the VASH voucher.

10102.44 Policies for VASH PBV units will generally follow DCHA policies for the standard PBV program as listed in Chapter 94 of this Title, except for the policies listed below.

10102.45 (a) DCHA will terminate a VASH family's PBV assistance for failure to participate in case management when required by the VA.

(b) The family will have one hundred twenty (120) days to vacate the unit.

(c) DCHA will terminate assistance to the family at the earlier of:

(1) The time the family vacates; or

(2) The expiration of the one hundred twenty (120) day period.

(d) If the family fails to vacate the unit within the established time, the owner may evict the family. If the owner does not evict the family, DCHA will remove the unit from the HAP contract or amend the HAP contract to substitute a different unit in the project if applicable.

10102.46 If a VASH family is eligible to move from its PBV unit after a year of PBV assistance, DCHA will follow policies in Chapter 58 of this title. However, if there is no VASH tenant-based voucher available at the time the family requests to move, DCHA's actions depend on whether the family still requires case management.

10102.47 (a) If the family still requires case management, DCHA will require the family wait for a VASH tenant-based voucher for a period not to exceed one hundred eighty (180) days.

(b) If after one hundred eighty (180) days a HUD-VASH voucher is still unavailable, DCHA will allow the family to move using its VASH voucher as tenant-based assistance.

(c) DCHA will amend the PBV HAP contract to replace the assistance in the PBV unit with one of its regular vouchers (if eligible) or DCHA and the owner may agree to temporarily remove the unit from the HAP contract.

10102.48 If the family has been determined to no longer require case management, DCHA will allow the family to move with the first available tenant-based voucher. If no

VASH voucher is immediately available, DCHA will not require the family to wait for a VASH voucher to become available.

10102.49 Upon notification by the VAMC or DSP that a VASH PBV family has failed to participate in case management without good cause, DCHA will provide written notice of termination of assistance to the family and the owner within ten (10) business days. The family will be given sixty (60) days from the date of the notice to move out of the unit.

10102.50 DCHA may make exceptions to this sixty (60) day period if needed for reasons beyond the family's control such as death, serious illness, or other medical emergency of a family member.

10102.51 (a) If the family fails to vacate the unit within the established time, the owner may evict the family.

(b) If the owner does not evict the family, DCHA must remove the unit from the HAP contract or amend the HAP contract to substitute a different unit in the project if the project is partially assisted.

(c) DCHA may add the removed unit to the HAP contract after the ineligible family vacates the property.

10102.52 When a VASH PBV family is eligible to move from its PBV unit in accordance with Chapter 94 of this policy, but there is no other comparable tenant-based rental assistance, the following procedures must be implemented:

(a) If a VASH tenant-based voucher is not available at the time the family wants (and is eligible) to move, DCHA may require a family who still requires case management to wait for a VASH tenant-based voucher for a period not to exceed one hundred eighty (180) days;

(b) If a VASH tenant-based voucher is still not available after that period, the family must be allowed to move with its VASH voucher. Alternatively, DCHA may allow the family to move with its VASH voucher without having to meet this one hundred eighty (180) day period. In either case, DCHA is required to replace the assistance in the PBV unit with one of its regular vouchers, unless DCHA and owner agree to temporarily remove the unit from the HAP contract; and

(c) If a VASH veteran is determined to no longer require case management, DCHA must allow the family to move with the first available tenant-based voucher if no VASH voucher is immediately available and cannot require the family to wait for a VASH voucher to become available.

10102.53 Mainstream vouchers assist non-elderly persons with disabilities and their families in the form of either project-based or tenant-based voucher assistance.

10102.54 The Consolidated Appropriations Act, 2024 (Public Law 118-42) authorized HUD to establish waivers and alternative requirements for Mainstream Vouchers related to the administration of waiting lists, local preferences, and the initial term and extensions of tenant-based vouchers. HUD is not permitted to waive requirements related to tenant rights and protections, rent setting, fair housing, nondiscrimination, labor standards, and the environment. Prior to this, Mainstream vouchers follow the same program requirements as standard vouchers.

10102.55 All Mainstream vouchers must be used to serve non-elderly persons with disabilities and their families, defined as any family that includes a person with disabilities who is at least eighteen (18) years old and not yet sixty-two (62) years old as of the effective date of the initial HAP contract. The eligible disabled household member does not need to be the head of household.

10102.56 The definition of person with disabilities for purposes of Mainstream vouchers is the statutory definition under Section 3(b)(3)(E) of the Housing Act of 1937, which is the same as is used for allowances and deductions in the HCV Program.

10102.57 Existing families receiving Mainstream vouchers, where the eligible family member is now age sixty-two (62) or older, will not "age out" of the program as long as the family was eligible on the day it was first assisted under a HAP contract.

10102.58 DCHA will implement a Mainstream program in partnership with District of Columbia's Department of Aging and Community Living (DACL) and the District of Columbia's Department of Behavioral Health. DCHA may identify other partners within the community as appropriate.

10102.59 Upon turnover, vouchers must be provided to Mainstream-eligible families.

10102.60 Generally, DCHA selects families from the waiting list based on date and time of

application. However, DCHA will provide a waiting list preference for the Mainstream program for families who are currently assisted through DCHA's emergency housing voucher (EHV) program and meet the eligibility requirements of the Mainstream program. DCHA may establish a separate waiting list for the Mainstream program. DCHA will follow the requirements set forth in PIH Notice 2024-30 regarding notice to applicants on DCHA's existing HCV waiting list, providing general notice, and other applicable requirements for establishing a separate waiting list for the Mainstream program.

10102.61 Mainstream voucher participants are eligible for portability under standard portability rules and all DCHA policies regarding portability in Chapter 57 apply to Mainstream families.

10102.62 The following special considerations for Mainstream vouchers apply under portability:

(a) If the receiving PHA has a Mainstream voucher available, the participant

may remain a Mainstream participant:

(1) If the receiving PHA chooses to bill the initial PHA, then the voucher will remain a Mainstream voucher; and

(2) If the receiving PHA chooses to absorb the voucher, the voucher will be considered a regular voucher, or a Mainstream voucher if the receiving PHA has a Mainstream voucher available, and the Mainstream voucher at the initial PHA (DCHA) will be freed up to lease to another Mainstream-eligible family; and

(b) If the receiving PHA does not have a Mainstream voucher available, the participant may receive a regular voucher.

10102.63 The initial voucher term for all Mainstream vouchers, including those issued when a family wishes to exercise portability, will be one hundred eighty (180) days.

10102.64 (a) At least thirty (30) days prior to the expiration of the initial term of the voucher, DCHA will contact the family to remind them of the expiration date of their voucher, explain the process for requesting an extension, and inquire if the family is in need of assistance with their housing search.

(b) DCHA will ensure effective communication with persons with disabilities, including those with vision, hearing, speech, intellectual or other developmental disabilities, or any other communication-related disabilities.

(c) Families may request an extension, either orally or in writing, at any time prior to the expiration of the family's voucher.

(d) All requests for extensions will automatically be granted without the requirement for the family to provide documentation.

(1) The initial extension period will be for ninety (90) days.

(2) If the family requires additional extensions beyond ninety (90) days, the family may request additional extensions, either orally or in writing, at any time prior to the expiration of the extended voucher term.

10102.65 DCHA may project-base Mainstream vouchers in accordance with all applicable PBV regulations and PHA policies in Chapter 94 of this Title 14.

10102.66 (a) NED vouchers help non-elderly disabled families lease suitable, accessible, and affordable housing in the private market.

(b) Aside from separate funding appropriations and serving a specific population, NED vouchers follow the same program requirements as

standard vouchers.

(c) DCHA does not have special authority to treat families that receive a NED voucher differently from other applicants and participants.

10102.67 Some NED vouchers are awarded to PHAs through competitive NOFAs. The NOFA for FY2009 Rental Assistance for NED made incremental funding available for two (2) categories of NED families:

(a) Category 1 vouchers enable non-elderly persons or families with disabilities to access affordable housing on the private market; and

(b) Category 2 vouchers enable non-elderly persons with disabilities currently residing in nursing homes or other healthcare institutions to transition into the community. PHAs with NED Category 2 vouchers were required to partner with a state Medicaid or health agency or the state Money Follows the Person (MFP) Demonstration agency.

10102.68 Only eligible families whose head of household, spouse, or cohead is non-elderly (under age sixty-two (62)) and disabled may receive a NED voucher. Families with only a minor child with a disability are not eligible.

10102.69 In cases where the qualifying household member now qualifies as elderly due to the passage of time since the family received the NED voucher, existing NED participant families do not "age out," as the family was eligible on the day it was first assisted under HAP contract.

10102.70 The definition of person with disabilities for purposes of NED vouchers is the statutory definition under Section 3(b)(3)(E) of the 1937 Act, which is the same as is used for allowances and deductions in the HCV program.

10102.71 DCHA may not implement eligibility screening criteria for NED vouchers that is different from that of the regular HCV Program.

10102.72 In addition to being eligible for DCHA's regular HCV program and a non-elderly person with a disability, to receive a Category 2 voucher, the family's head, spouse, cohead, or sole member must be transitioning from a nursing home or other healthcare institution and provided services needed to live independently in the community.

10102.73 Nursing homes or other healthcare institutions may include intermediate care facilities and specialized institutions that care for those with intellectual disabilities, developmentally disabled, or mentally ill, but do not include board and care facilities (e.g., adult homes, adult day care, adult congregate living).

10102.74 (a) DCHA cannot limit who can apply to just those persons referred or approved by a MFP Demonstration agency or state health agency.

(b) Other individuals could be placed on the waiting list if they can show, with confirmation by an independent agency or organization that routinely provides such services (this can be the MFP or partnering agency, but need not be), that the transitioning individual will be provided with all necessary services, including care or case management.

10102.75 For each Category 2 family, there must be documentation (e.g., a copy of a referral letter from the partnering or referring agency) in the tenant file identifying the institution where the family lived at the time of voucher issuance.

10102.76 Families must be selected for NED vouchers from DCHA's waiting list in accordance with all applicable regulations and PHA policies in Chapter 52 of this Title.

10102.77 (a) For NED Category 2 families, the partnering agency may make referrals of eligible families to DCHA for placement on the waiting list.

(b) DCHA will select families from the waiting list for voucher issuance.

(c) Because language in the NOFA established that vouchers awarded under the NOFA must only serve non-elderly disabled families transitioning from institutions, DCHA does not need to establish a preference to serve these families ahead of other families on DCHA's waiting list.

10102.78 (a) All NED turnover vouchers must be reissued to the next NED family on DCHA's waiting list with the following exception: A Category 2 voucher must be issued to their Category 2 family upon turnover if a Category 2 family is on DCHA's waiting list.

(b) If there are no Category 2 families on DCHA's waiting list, DCHA must contact its partnering agency as well as conduct outreach through appropriate social service agencies and qualifying institutions to identify potentially eligible individuals.

(c) Only after all means of outreach have been taken to reach Category 2 families can DCHA reissue the voucher to another Category 2 NED family on DCHA's waiting list.

(d) Any subsequent turnover of a voucher must again be used for a Category 2 family on DCHA's waiting list, and DCHA is under the same obligation to conduct outreach to Category 2 families if no such families are on DCHA's waiting list.

10102.79 In addition to providing families with a disabled person a list of accessible units known to DCHA, HUD encourages, but does not require, PHAs to provide additional resources to NED families as part of the briefing.

10102.80 In addition to providing families with a disabled person a list of accessible units known to DCHA, DCHA will provide a list of local supportive service and disability organizations that may provide such assistance as counseling services and funding for moving expenses or security deposits in the briefing packet. These organizations include state protection and advocacy agencies, Centers for Independent Living, state Medicaid agencies, and disability advocacy groups that represent individuals with a variety of disabilities.

10102.81 If other governmental or non-governmental agencies provide available resources such as housing search counseling, moving expenses, security deposits, and utility deposits, DCHA will include this information in the briefing packet.

10102.82 DCHA will also offer specialized housing search assistance to families with a disabled person to locate accessible units if requested. Trained PHA staff or a local supportive service or disability organization may be able to provide this service.

10102.83 All NED vouchers will have an initial term of one hundred eighty (180) calendar days.

10102.84 The family must submit a RFTA and proposed lease within the one hundred eighty (180) day period unless DCHA grants an extension.

10102.85 All other policies on extensions and suspension of vouchers in Chapter 53 will apply.

10102.86 DCHA must permit the use of a special housing type if doing so provides reasonable accommodation so that the program is readily accessible to and usable by a person with disabilities. Such special housing types include single room occupancy housing, and manufactured homes when the family owns the home and leases the manufactured home space.

10102.87 (a) Persons with disabilities transitioning out of institutional settings may choose housing in the community that is in a group or shared environment or where some additional assistance for daily living is provided for them on site.

(b) Under HUD regulations, group homes and shared housing are considered special housing types and are not excluded as an eligible housing type in the HCV program.

(c) Assisted living facilities are also considered eligible housing under the normal HCV program rules, as long as the costs for meals and other supportive services are not included in HAP made by DCHA to the owner, and as long as the person does not need continual medical or nursing care.

10102.88 (a) NED voucher participants are eligible for portability under standard portability rules and all PHA policies regarding portability in Chapter 58,

apply to NED families.

(b) DCHA may, but is not required to, allow applicant NED families to move under portability, even if the family did not have legal residency in the initial PHA's jurisdiction when they applied.

(c) If neither the head of household nor the spouse or cohead of a NED applicant family had a domicile (legal residence) in DCHA's jurisdiction at the time that the family's initial application for assistance was submitted, the family must lease a unit within the initial PHA's jurisdiction for at least twelve (12) months before requesting portability.

(d) DCHA will consider exceptions to this policy for purposes of reasonable accommodation or reasons related to domestic violence, dating violence, sexual assault, or stalking.

10103 MODERATE REHABILITATION

10103.1 The following provisions of the Plan shall not apply to the Moderate Rehabilitation program, as defined at 24 C.F.R. §882:

(a) 14 DCMR Chapter 52 – Applications, Wait List, and Tenant Selection;

(b) 14 DCMR §5103 – Spouse, Cohead, Other Adult, and Dependent;

(c) 14 DCMR §5107 – Absent Family Members;

(d) 14 DCMR §7600 - Termination of HCV Assistance-Eviction; and

(e) 14 DCMR §8500 – Participant Household Moves

10103.2 The following annual and special rent adjustments policies shall apply:

(a) DCHA shall adjust the Contract Rent upon receipt of a revised Contract Rent schedule from the owner, provided that each unit is in decent, safe, and sanitary condition and that the owner is otherwise in compliance with the terms of the Lease and HUD Tenancy Addendum;

(b) The Annual Adjustment Factors (AAF) which HUD publishes shall be utilized in calculating the Family's rent. On or after each annual anniversary date of the Contract, the Contract Rent may be adjusted in accordance with HUD procedures, effective for the month following the submittal by the Owner of a revised schedule of Contract Rents. The changes in rent as a result of the adjustment cannot exceed the amount established by multiplying the AAF by the base rents;

(c) Approved rent adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units;

(d) The participant's Security Deposit shall be the lesser of the TTP or fifty dollars ($50), which is the maximum permissible security deposit;

(e) DCHA shall pay vacancy claims for up to sixty (60) days at eighty percent (80%) of the HAP of the previous tenant; and

(f) DCHA does not pay any claims for damages.

10104 EMERGENCY HOUSING VOUCHERS (EHV)

10104.1 This Chapter 10104 describes DCHA's policy for administering the emergency housing voucher program, a tenant-based voucher program funded through the American Rescue Plan (ARP) Act of 2021 to assist the individuals and families who meet one or more of the following qualifying criteria:

(a) Experiencing homelessness;

(b) At-risk of homelessness;

(c) Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or

(d) Were recently homeless.

10104.2 (a) DCHA will follow program requirements for the EHV program established by HUD and set forth in Notice PIH 2021-15.

(b) All applicable nondiscrimination and equal opportunity requirements for the HCV program will also apply to the EHV program, including requirements that DCHA grant reasonable accommodations to persons with disabilities, effectively communicate with persons with disabilities, and ensure meaningful access for persons with limited English proficiency (LEP).

10104.3 Except as addressed by this chapter and as required under federal statute and HUD requirements, the general requirements of the HCV program apply to EHVs.

10104.4 Continuum of Care. DCHA entered into a Memorandum of Understanding (MOU) with the Community Partnership for Prevention of Homelessness ("Community Partnership") and the District Department of Human Services ("DHS") for the administration of the EHV program. This agreement outlines the roles and responsibilities of DCHA, the Community Partnership and DHS in administering the EHV program.

10104.5 Referrals. As outlined in the MOU, the primary responsibilities of the Community

Partnership and DHS are to determine if the family or individual qualifies for an EHV and to refer those qualifying families and individuals to DCHA. The Community Partnership and DHS must determine if the individual or family qualifies for EHV assistance, meeting at least one of the qualifying criteria outlined in Notice PIH 2021-15, before the family can be referred to DCHA.

10104.6 Offers of Assistance without CoC Referrals. DCHA may make an EHV available without referral from DHS in order to facilitate an emergency transfer under VAWA, in accordance with the Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.

10104.7 DCHA will use administrative fees, HAP funding, and other funding for the EHV program in accordance with Notice PIH 2021-15 and any successor notices. Fees will not be used for or applied to other DCHA programs or vouchers. Accordingly, DCHA will maintain separate financial records for all EHV funding.

10104.8 ARP funding obligated to DCHA as HAP funding will only be used for eligible EHV HAP expenses (i.e., rental assistance payments). EHV HAP funding may not be used for EHV administrative expenses or for other eligible uses under the EHV services fee.

10104.9 DCHA receives service fee funding to assist the applicant during the housing search and move-in process. Per DCHA's MOU with the Community Partnership and DHS, the following services will be provided to EHV applicants either directly from DCHA or through DHS and the Community Partnership:

10104.10 Housing search assistance which may include activities such as, but not limited to, helping a family identify and visit potentially available units during their housing search, helping to find a unit that meets the household's disability-related needs, providing transportation and directions, assisting with the completion of rental applications and DCHA forms, and helping to expedite the EHV leasing process for the family

10104.11 DCHA may choose to assist the family with some or all the following expenses:

(a) The amount of the security deposit assistance may not exceed the lesser of one month rent to owner, the maximum security deposit allowed under applicable district and/or local law, or the actual security deposit required by the owner.

(b) DCHA may use the service fee funding to conduct owner recruitment and outreach specifically for EHVs. In addition to traditional owner recruitment and outreach, activities may include conducting pre-inspections or otherwise expediting the inspection process, providing enhanced customer service, and offering owner incentive and/or retention payments.

(c) DCHA may provide assistance for some or all of the family's reasonable

fees charged at the time of move-in.

(d) DCHA will assist the family with some or all of the costs of acquiring essential household items such as tableware, cooking equipment, beds or bedding, and essential sanitary products such as soap and toiletries.

(e) DCHA may choose to assist the family with some or all the rental insurance cost.

10104.12 If the number of applicants referred by DHS exceeds the number of EHVs available, DCHA will establish and maintain a separate waiting list for the EHV program.

10104.13 The waiting list for the EHV program will not be subject to the policies described in Chapter 52, including the notice requirements for opening and closing the HCV waiting list.

10104.14 DCHA and DHS will share responsibility for screening individuals and families for admission to the EHV program.

10104.15 DHS will screen the family to determine if they meet the qualifying criteria for the EHV program, and DCHA will screen the family to determine that they meet all other eligibility criteria.

10104.16 As noted above, DHS is responsible for screening individuals and families to determine if they are homeless, at risk of homelessness, fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking; or recently homeless. DHS must provide DCHA with a signed certification that the family has met at least one of the above criteria.

10104.17 Consistent with the flexibilities set forth by HUD in PIH Notice 2021-15, DCHA has established alternate verification policies for EHV:

(a) At admission, DCHA may accept self-certification of a family's income, assets, expenses and other factors which would affect an income eligibility determination.

(b) If DCHA permits an applicant to self-certify the factors in §10104.11(i)(1), DCHA will

(1) review the EIV Income and Income Validation Tool (IVT) Reports to confirm/validate family-reported income within ninety (90) days;

(2) print and maintain copies of the EIV Income and IVT Reports in the participant file; and

(3) resolve any income discrepancy with the family within sixty (60) days of the EIV Income or IVT Report dates.

(c) DCHA may also accept self-certification of SSNs and citizenship status during the initial eligibility determination for documented extenuating circumstances. In such cases, DCHA will require that the EHV applicant provide third-party verification within one hundred eighty (180) days of admission or verify the information in EIV. DCHA may provide an additional sixty (60) day extension based on evidence from the family or confirmation from DHS that the family has made good faith efforts to obtain documentation.

(d) Additionally, DCHA may accept self-certification of date of birth and disability status if a higher form of verification is not immediately available.

(e) The certification must be made in a format acceptable to DCHA and must be signed by the family member whose information or status is being verified.

(f) If self-certification is accepted, within ninety (90) days of admission, DCHA will verify the information in EIV or through other third-party verification if the information is not available in EIV.

(g) DCHA will note the family's file that self-certification was used as initial verification and include an EIV printout or other third-party verification confirming the applicant's date of birth

10104.18 Income targeting requirements set forth for the HCV program do not apply to families admitted to the EHV program.

10104.19 DCHA will deny applicants to the EHV program for the following reasons:

(a) If any household member has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing;

(b) If any household member is subject to a lifetime registration requirement under a state sex offender registration program; or

(c) If the head of household and adult family members have failed to sign and submit consent forms for DCHA to obtain required information.

10104.20 With the exception of the circumstances listed above, DCHA's policies regarding denials in the HCV program do not apply to the EHV program, including permissive denial policies. DCHA will conform with the alternate requirements for denying applicants which are set forth in Notice PIH 2021-15.

10104.21 Specifically, DCHA will not deny applicants to the EHV program for the following reasons:

(a) Any member of the family has been evicted from federally assisted housing

in the last five (5) years;

(b) Another PHA has terminated assistance under the program for any member of the family;

(c) The family currently owes rent or other amounts to DCHA or to another PHA in connection with Section 8 or public housing assistance under the Housing Act of 1937;

(d) The family has not reimbursed DCHA or to another PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease;

(e) The family breached an agreement with DCHA or to another PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA;

(f) The family would otherwise be prohibited admission under alcohol abuse standards established by DCHA in accordance with 24 CFR §982.553(a)(3); and

(g) DCHA determines that any household member is currently engaged in or has engaged in during a reasonable time before the admission, drug-related criminal activity.

10104.22 Applicants who are screened and determined to be eligible for the EHV program will be required to attend a voucher briefing.

10104.23 At the briefing, DCHA will provide a briefing packet to the applicant.

10104.24 In addition to HCV policies, the briefing and briefing packet will describe the services and assistance available to the EHV applicant during the leasing process.

10104.25 In accordance with Notice PIH 2021-15, the briefing will also discuss the impact a portability move may have on EHV services.

10104.26 The briefing packet will include a written notice that DCHA will assist the family with moves under portability. For LEP applicants, DCHA will provide interpretation services in accordance with the policies set forth in Chapter 50.

10104.27 EHV applicants who are issued a voucher will have one hundred eighty (180) calendar days to locate a suitable unit and submit a RFTA and proposed lease. EHV applicants will be subject to HCV policies for voucher extension and suspension, which are described in Chapter 53.

10104.28 As described in the discussion of Service Fees, DHS will provide housing search and navigator services to assist applicants in locating a rental unit which is suitable for the family size and needs. Search assistance will include transportation to view potential rental units and help completing rental applications.

10104.29 DCHA may pre-inspect available units in order to maintain a pool of eligible units and expedite the leasing process for EHV applicants.

10104.30 If an EHV applicant submits an RFTA for a unit which has been inspected within the past forty-five (45) days (without intervening occupancy), the unit may be approved provided that it meets all other conditions under 24 CFR §982.305. The family is not required to select a unit which has been pre-inspected.

10104.31 EHV applicants are permitted to enter into an initial lease term which is less than twelve(12) months.

10104.32 The HCV portability procedures and requirements outlined in Chapter 58 generally apply to the EHV program, with the exception of eligibility, voucher briefing, billing/absorption, and coordination with the initial/receiving PHA.

10104.33 Under EHV, applicant families may move under portability even if they did not reside in the District of Columbia when they applied.

10104.34 DCHA will assist a family wishing to port-in to DCHA's EHV program. DCHA will bill the initial PHA for the incoming EHV.

10104.35 Families assisted under DCHA's EHV program are also permitted to port-out.

10104.36 If the receiving PHA administers an EHV program but no EHV is available, DCHA will bill the receiving PHA.

10104.37 If the receiving PHA does not administer an EHV program, the receiving PHA may choose to bill DCHA for the EHV or absorb using a regular HCV.

10104.38 Regardless of whether DCHA bills or absorbs an EHV port-in, the administration of the EHV will be in accordance with the policies described in this Chapter 101.

10104.39 DCHA's portability billing arrangements, outlined in Chapter 58, will apply for HAP and ongoing administrative fees for EHV families.

10104.40 For service fees funding, the amount of the service fee provided by the initial PHA may not exceed the lesser of the actual cost of the services and assistance provided to the family by the receiving PHA or one thousand seven hundred fifty dollars ($1,750), unless the initial PHA and receiving PHA mutually agree to change the one thousand seven hundred fifty dollars ($1,750) cap. Service fees are paid as follows:

(a) If the receiving PHA, in consultation and coordination with the initial PHA, will provide eligible services or assistance to the incoming EHV family, the receiving PHA may be compensated for those costs by the initial PHA, regardless of whether the receiving PHA bills or absorbs.

(b) If the receiving PHA administers EHVs, the receiving PHA may use its own

services fee and may be reimbursed by the initial PHA, or the initial PHA may provide the services funding upfront to the receiving PHA for those fees and assistance.

(c) If the receiving PHA does not administer EHVs, the initial PHA must provide the services funding upfront to the receiving PHA. Any amounts provided to the receiving PHA that are not used for services or assistance on behalf of the EHV family must promptly be returned by the receiving PHA to the initial PHA.

10104.41 DCHA will receive placement/issuance reporting fees for initial lease-up costs and additional costs to expedite leasing.

10104.42 If a port-in lease-up qualifies for the placement fee/issuance reporting fee, DCHA will receive the full amount of the placement component of the placement fee/issuing reporting fee.

10104.43 DCHA is eligible for the placement fee regardless of whether DCHA bills the initial PHA or absorbs the family into its own EHV program at initial lease-up. The initial PHA qualifies for the issuance reporting component of the placement fee/issuance reporting fee, as applicable.

10104.44 If an EHV applicant wishes to port-out of DCHA's jurisdiction (District of Columbia), DCHA will consult and coordinate with the receiving PHA on the EHV services and assistance available to the applicant to ensure there is no duplication of services.

10104.45 If an EHV applicant wishes to port-in to DCHA's jurisdiction, DCHA will consult and coordinate with the initial PHA.

10104.46 Upon HUD approval, DCHA will apply its MTW HCV payment standard policy described in Chapter 54 to the EHV program.

10104.47 HCV rent reasonableness requirements will apply to units leased in the EHV program.

10104.48 DCHA will apply an increase in the payment standard at the family's first interim or regular recertification after the effective date of the increase in the payment standard amount.

10104.49 If an EHV family leaves the program on or after October 1, 2023, DCHA will not re-issue the EHV. DCHA may only issue an EHV on or after October 1, 2023 if the EHV has never been issued or leased.

10104.50 DCHA will follow all applicable requirements for the use and reporting of EHV funding in Voucher Management System (VMS) and Financial Data Schedule (FDS) as outlined in Notice PIH 2021-15.

10104.51 Effective as of April 9, 2025, DCHA shall not issue any additional EHV vouchers in accordance with Notice PIH 2025-07. In addition, DCHA shall not receive EHV issuance fees as of April 9, 2025.

10104.52 Per Notice PIH 2025-07, DCHA acknowledges that no additional EHV funding will be provided by HUD and DCHA will take steps to transition families out of assistance with EHV vouchers.

10104.53 Per Notice PIH 2025-19 DCHA will not expend any EHV service fees effective July 20, 2025 and DCHA shall complete all remaining services fee expenditure reporting in the Voucher Management System (VMS) by October 18, 2025.

10104.54 DCHA is seeking a HUD regulatory waiver allowing a streamlined submission and review process. Once HUD approves the regulatory waiver, DCHA shall place all EHV families on the HCV waitlist with the appropriate preferences.

CHAPTER 199

DEFINITIONS

19900 INTRODUCTION

This Chapter 199 defines terms and acronyms described in the District of Columbia's Plan which constitutes the following Chapters in Title 14 Housing: Chapters 49 through 59 and Chapters 76, 83, 85, 89, 91, 94, and 100, 101, and 199 of this title of the DCMR.

19901 ACRONYMS

AAF Annual adjustment factor (published by HUD in the *Federal Register* and used to compute annual rent adjustments).

ACC Annual contributions contract.

ADA Americans with Disabilities Act of 1990.

AIDS Acquired immune deficiency syndrome.

BR Bedroom.

CDBG Community Development Block Grant (Program).

CFR Code of Federal Regulations (published federal rules that define and implement laws; commonly referred to as "the regulations").

CPI Consumer price index (published monthly by the Department of Labor as an inflation indicator).

EID Earned income disallowance.

EIV Enterprise Income Verification.

FDIC Federal Deposit Insurance Corporation.

FHA Federal Housing Administration (HUD Office of Housing).

FHEO Fair Housing and Equal Opportunity (HUD Office of).

FICA Federal Insurance Contributions Act (established Social Security taxes).

FMR Fair market rent.

FR Federal Register.

FSS Family Self-Sufficiency (Program).

FY Fiscal year.

FYE Fiscal year end.

GAO Government Accountability Office.

GR Gross rent.

HA Housing authority or housing agency.

HAP Housing assistance payment.

HCV Housing choice voucher.

HQS Housing quality standards.

HUD Department of Housing and Urban Development.

HUDCLIPS HUD Client Information and Policy System.

IPA Independent public accountant.

IRA Individual retirement account.

IRS Internal Revenue Service.

IVT Income Validation Tool.

JTPA Job Training Partnership Act.

LBP Lead-based paint.

LEP Limited English proficiency.

MSA Metropolitan statistical area (established by the U.S. Census Bureau).

MTCS Multi-family Tenant Characteristics System (now the Form HUD-50058 submodule of the PIC system).

MTW Moving to Work.

NOFA Notice of funding availability.

OGC HUD's Office of General Counsel.

OIG HUD's Office of Inspector General.

OMB Office of Management and Budget.

PASS Plan to Achieve Self-Support.

PHA Public housing agency.

PIC PIH Information Center.

PIH (HUD Office of) Public and Indian Housing.

PS Payment standard.

QC Quality control.

REAC (HUD) Real Estate Assessment Center.

RFP Request for proposals.

RFTA Request for tenancy approval.

RIGI Regional inspector general for investigation (handles fraud and program abuse matters for HUD at the regional office level).

SEMAP Section Eight Management Assessment Program.

SRO Single room occupancy.

SSA Social Security Administration.

SSI Supplemental security income.

SWICA State wage information collection agency.

TANF Temporary assistance for needy families.

TPV Tenant protection vouchers.

TR Tenant rent.

TTP Total tenant payment.

UA Utility allowance.

UFAS Uniform Federal Accessibility Standards.

UIV Upfront income verification.

URP Utility reimbursement payment.

VAWA Violence Against Women Reauthorization Act of 2013.

19902 GLOSSARY OF SUBSIDIZED HOUSING TERMS

***Absorption*.** In portability: the point at which a receiving PHA stops billing the initial PHA for assistance on behalf of a portability family. The receiving PHA uses funds available under the receiving PHA consolidated ACC.

Accessible. The facility or portion of the facility can be approached, entered, and used by persons with disabilities.

Adjusted income. Annual income, less allowable HUD deductions and allowances.

Administrative fee. Fee paid by HUD to DCHA for administration of the program.

Administrative Plan (or Plan). The plan that describes DCHA policies for administration of the tenant-based programs. The Administrative Plan and any revisions must be approved by DCHA's Board of Commissioners and included as a supporting document to the PHA Plan.

***Admission*.** The point when the family becomes a participant in the program. The date used for this purpose is the effective date of the first HAP contract for a family (first day of initial lease term) in a tenant-based program.

Affiliated individual. With respect to an individual, a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis (in the place of a parent), or any individual, tenant, or lawful occupant living in the household of that individual.

Amortization payment. In a manufactured home space rental: The monthly debt

service payment by the family to amortize the purchase price of the manufactured home.

Annual. Happening once a year.

Annual contributions contract (ACC). The written contract between HUD and DCHA under which HUD agrees to provide funding for a program under the 1937 Act, and DCHA agrees to comply with HUD requirements for the program.

Annual income. The anticipated total income of an eligible family from all sources for the twelve (12) month period following the date of determination of income, computed in accordance with the regulations.

Applicant (applicant family). A family that has applied for admission to a program but is not yet a participant in the program.

Area exception rent. An amount that exceeds the published FMR.

As-paid states. States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets. (See *net family assets.*)

Auxiliary aids. Services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities receiving federal financial assistance.

Biennial. Happening every two (2) years.

Bifurcate. With respect to a public housing or HCV lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Budget authority. An amount authorized and appropriated by the Congress for payment to PHAs under the program. For each funding increment in a PHA program, budget authority is the maximum amount that may be paid by HUD to the PHA over the ACC term of the funding increment.

Child. *A* member of the family other than the family head or spouse who is under eighteen (18) years of age.

Childcare expenses. Amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which annual income is computed, but only where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further their education and only to the extent such amounts are not reimbursed. The amount deducted shall

reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

Citizen. *A* citizen or national of the United States.

Co-head. An individual in the household who is equally responsible for the lease with the head of household. A family may have a co-head or spouse but not both. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease.

Common space. In shared housing, the space available for use by the assisted family and other occupants of the unit.

Computer match. The automated comparison of databases containing records about individuals.

Confirmatory review. An on-site review performed by HUD to verify the management performance of a PHA.

Consent form. Any consent form approved by HUD to be signed by assistance applicants and participants to obtain income information from employers and SWICAs; return information from the Social Security Administration (including wages, net earnings from self-employment, and retirement income); and return information for unearned income from the IRS. Consent forms expire after a certain time and may authorize the collection of other information to determine eligibility or level of benefits.

Congregate housing. Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing. A special housing type.

Contiguous MSA. In portability: An MSA that shares a common boundary with the MSA in which the jurisdiction of the initial PHA is located.

Continuously assisted. An applicant is continuously assisted under the 1937 Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program.

Contract authority. The maximum annual payment by HUD to a PHA for a funding increment.

Cooperative (term includes mutual housing). Housing owned by a nonprofit corporation or association, and where a member of the corporation or association has the right to reside in a particular apartment, and to participate in management of the housing. A special housing type.

Covered families. Statutory term for families who are required to participate in a welfare agency economic self-sufficiency program and who may be subject to a

welfare benefit sanction for noncompliance with this obligation. Includes families who receive welfare assistance or other public assistance under a program for which federal, state or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

Dating violence. Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

(a) The length of the relationship;

(b) The type of relationship; and

(c) The frequency of interaction between the persons involved in the relationship.

Dependent. A member of the family (except foster children and foster adults) other than the family head or spouse, who is under eighteen (18) years of age, or is a person with a disability, or is a full-time student.

Dependent child. In the context of the student eligibility restrictions, a dependent child of a student enrolled in an institution of higher education. The dependent child must also meet the definition of *dependent* as specified above.

Disability assistance expenses. Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member, and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled family. A family whose head, co-head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides.

Disabled person. See *person with disabilities.*

Disallowance. Exclusion from annual income.

Displaced family. A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed because of a disaster declared or otherwise formally recognized pursuant to federal disaster relief laws.

Domestic violence. Felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim

services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

(a) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

(b) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(c) shares a child in common with the victim; or

(d) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Domicile. The legal residence of the household head or spouse as determined in accordance with state and local law.

Drug-related criminal activity. The illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.

Economic Abuse. In the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

(a) restrict a person's access to money, assets, credit, or financial information;

(b) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or

- exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Economic self-sufficiency program. Any program designed to encourage, assist, train or facilitate the economic independence of assisted families, or to provide work for such families. Can include job training, employment counseling, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, or any other program necessary to ready a participant to work (such as treatment for drug abuse or mental health treatment). Includes any work activities as defined in the Social Security Act (42 U.S.C. 607(d)).

Elderly family. A family whose head, co-head, spouse, or sole member is a person who is at least sixty-two (62) years of age; two (2) or more persons who are at least sixty-two (62) years of age living together; or one or more persons who are at least sixty-two (62) years of age living with one or more live-in aides.

Elderly person. An individual who is at least sixty-two (62) years of age.

Eligible family. A family that is income eligible and meets the other requirements of the 1937 Act and Part 5 of 24 CFR. See also *family*.

Employer identification number (EIN). The nine-digit taxpayer identifying number that is assigned to an individual, trust, estate, partnership, association, company, or corporation.

Evidence of citizenship or eligible status. The documents which must be submitted as evidence of citizenship or eligible immigration status.

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or thirty percent (30%) percent of the median income for the area, whichever number is higher. Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than thirty percent (30%) of median income if HUD finds such variations are necessary due to unusually high or low family incomes.

Facility. All or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock, or other real or personal property or interest in the property.

Fair Housing Act. Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

Fair market rent (FMR). The rent, including the cost of utilities (except telephone), as established by HUD for units of varying sizes (by number of bedrooms), that must be paid in the housing market area to rent privately owned, existing, decent, safe, and sanitary rental housing of modest (non-luxury) nature with suitable amenities. See periodic publications in the *Federal Register* in accordance with 24 CFR Part 888.

Family. Includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, and can be further defined in PHA policy:

(a) A family with or without children (the temporary absence of a child from the home due to placement in foster care is not considered in determining family composition and family size);

(b) An elderly family or a near-elderly family;

(c) A displaced family;

(d) The remaining member of a tenant family; and

(e) A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

Family rent to owner. In the voucher program, the portion of rent to owner paid by the family.

Family self-sufficiency program (FSS program). The program established by a PHA within its jurisdiction to promote self-sufficiency among participating families, including the coordination of supportive services to these families (24 CFR §984.103).

Family share. The portion of rent and utilities paid by the family. For calculation of family share, see 24 CFR §982.515(a).

Family unit size. The appropriate number of bedrooms for a family, as determined by DCHA under DCHA subsidy standards.

Federal agency. A department of the executive branch of the federal government.

Foster childcare payment. A payment to eligible households by state, local, or private agencies appointed by the state to administer payments for the care of foster children.

Full-time student. A person who is attending school or vocational training on a full-time basis (carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended).

Funding increment. Each commitment of budget authority by HUD to a PHA under the consolidated annual contributions contract for the PHA program.

Gender identity. Actual or perceived gender-related characteristics.

Gross rent. The sum of the rent to owner plus any utility allowance.

Group home. A dwelling unit that is licensed by a state as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide). (A special housing type).

Handicap. Any condition or characteristic that renders a person an individual with handicaps. (See *person with disabilities*.)

HAP contract. The housing assistance payments contract. A written contract between the PHA and an owner for the purpose of providing housing assistance

payments to the owner on behalf of an eligible family.

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

Household. A household includes additional people other than the family who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

Housing agency (HA). See *public housing agency.*

Housing assistance payment. The monthly assistance payment by a PHA, which includes: (a) A payment to the owner for rent to the owner under the family's lease; and (b) An additional payment to the family if the total assistance payment exceeds the rent to owner.

Housing quality standards (HQS). The HUD minimum quality standards for housing assisted under the voucher program.

HUD. The U.S. Department of Housing and Urban Development.

Imputed asset. An asset disposed of for less than fair market value during the two years preceding examination or reexamination.

Imputed asset income. The HUD passbook rate multiplied by the net cash value of the asset. The calculation is used when the value of net family assets exceeds $50,000.

Imputed welfare income. An amount of annual income that is not actually received by a family as a result of a specified welfare benefit reduction, but is included in the family's annual income and therefore reflected in the family's rental contribution.

Income. Income from all sources of each member of the household, as determined in accordance with criteria established by HUD.

Income for eligibility. Annual income.

Income information means information relating to an individual's income, including:

(a) All employment income information known to current or previous employers or other income sources;

(b) All information about wages, as defined in the state's unemployment compensation law, including any social security number; name of the employee; quarterly wages of the employee; and the name, full address, telephone number, and, when known, employer identification number of an employer reporting wages under a state unemployment compensation law;

(c) Whether an individual is receiving, has received, or has applied for unemployment compensation, and the amount and the period received;

(d) Unearned IRS income and self-employment, wages, and retirement income; and

(e) Wage, social security, and supplemental security income data obtained from the Social Security Administration.

Individual with handicaps. See *person with disabilities.*

Initial PHA. In portability, the term refers to both: (a) A PHA that originally selected a family that later decides to move out of the jurisdiction of the selecting PHA; and (b) A PHA that absorbed a family that later decides to move out of the jurisdiction of the absorbing PHA.

Initial payment standard. The payment standard at the beginning of the HAP contract term.

Initial rent to owner. The rent to owner at the beginning of the HAP contract term.

Institution of higher education. An institution of higher education as defined in 20 U.S.C. §§1001 and 1002. See Exhibit 3-2 in this Administrative Plan.

Jurisdiction. The area in which the PHA has authority under state and local law to administer the program.

Landlord. Either the owner of the property or their representative, or the managing agent or their representative, shall be designated by the owner.

Lease. A written agreement between an owner and a tenant for the leasing of a dwelling unit to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA.

Live-in aide. A person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

(a) Is determined to be essential to the care and well-being of the persons;

(b) Is not obligated for the support of the persons; and

(c) Would not be living in the unit except to provide the necessary supportive services.

Living/sleeping room. A living room may be used as sleeping (bedroom) space, but no more than two persons may occupy the space. A bedroom or living/sleeping room must have at least one window and two electrical outlets in proper operating

condition. See HCV GB p. 10-6 and 24 CFR 982.401.

Local preference. A preference used by the PHA to select among applicant families.

Low-income family. A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent for areas with unusually high or low incomes.

Manufactured home. A manufactured structure that is built on a permanent chassis, is designed for use as a principal place of residence and meets the HQS. (A special housing type: See 24 CFR §§982.620 and 982.621.)

Manufactured home space. In manufactured home space rental: A space leased by an owner to a family. A manufactured home owned and occupied by the family is located on the space. *See* 24 CFR §§982.622 to 982.624.

Medical expenses. Medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by insurance (a deduction for elderly or disabled families only). These allowances are given when calculating adjusted income for medical expenses in excess of three percent (3%) of annual income.

Minor. A member of the family household other than the family head or spouse, who is under eighteen (18) years of age.

Mixed family. *A* family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

Monthly adjusted income. One twelfth of adjusted income.

Monthly income. One twelfth of annual income.

Mutual housing. Included in the definition of *cooperative.*

National. *A* person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession.

Near-elderly family. A family whose head, spouse, or sole member is a person who is at least fifty (50) years of age but below the age of sixty-two (62); or two (2) or more persons, who are at least fifty (50) years of age but below the age of sixty- two (62), living together; or one or more persons who are at least fifty (50) years of age but below the age of sixty-two (62) living with one or more live-in aides.

Net family assets. Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of

capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

(a) In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining annual income under §5.609.

(b) In determining net family assets, PHAs or owners, as applicable, shall include the value of any business or family assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received, therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Noncitizen. *A* person who is neither a citizen nor national of the United States.

Notice of funding availability (NOFA). For budget authority that HUD distributes by competitive process, the *Federal Register* document that invites applications for funding. This document explains how to apply for assistance and the criteria for awarding the funding.

Office of General Counsel (OGC). The General Counsel of HUD.

Overcrowded. A unit that does not meet the following HQS space standards: (1) Provide adequate space and security for the family; and (2) Have at least one bedroom or living/sleeping room for each two persons.

Owner. Any person or entity with the legal right to lease or sublease a unit to a participant.

Participant (participant family). A family that has been admitted to the PHA program and is currently assisted in the program. The family becomes a participant on the effective date of the first HAP contract executed by the PHA for the family (first day of initial lease term).

Payment standard. The maximum monthly assistance payment for a family assisted in the voucher program (before deducting the total tenant payment by the family).

Person with disabilities. *For the purposes of program eligibility*. A person who has a disability as defined under the Social Security Act or Developmental Disabilities

Care Act, or a person who has a physical or mental impairment expected to be of long and indefinite duration and whose ability to live independently is substantially impeded by that impairment but could be improved by more suitable housing conditions. This includes persons with AIDS or conditions arising from AIDS but excludes persons whose disability is based solely on drug or alcohol dependence. *For the purposes of reasonable accommodation.* A person with a physical or mental impairment that substantially limits one or more major life activities, a person regarded as having such an impairment, or a person with a record of such an impairment.

PHA Plan. The annual plan and the five (5) year plan as adopted by the PHA and approved by HUD.

PHA's quality control sample. An annual sample of files or records drawn in an unbiased manner and reviewed by a PHA supervisor (or by another qualified person other than the person who performed the original work) to determine if the work documented in the files or records conforms to program requirements. For minimum sample size see 24 CFR §985.3.

Portability. Renting a dwelling unit with a housing choice voucher outside the jurisdiction of the initial PHA.

Premises. The building or complex in which the dwelling unit is located, including common areas and grounds.

Previously unemployed. With regard to the earned income disallowance, a person with disabilities who has earned, in the twelve (12) months previous to employment, no more than would be received for ten (10) hours of work per week for fifty (50) weeks at the established minimum wage.

Private space. In shared housing, the portion of a contract unit that is for the exclusive use of an assisted family.

Processing entity. The person or entity that, under any of the programs covered, is responsible for making eligibility and related determinations and any income reexamination. In the HCV program, the "processing entity" is the "responsible entity."

Project owner. The person or entity that owns the housing project containing the assisted dwelling unit.

Public assistance. Welfare or other payments to families or individuals, based on need, which are made under programs funded, separately or jointly, by federal, state, or local governments.

Public housing agency (PHA). Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities, that is authorized to engage or assist in the development or operation of low-income

housing under the 1937 Act.

Qualified family (under the earned income disallowance). A family participating in an applicable assisted housing program or receiving HCV assistance:

(a) Whose annual income increases as a result of employment of a family member who is a person with disabilities and who was previously unemployed for one or more years prior to employment;

(b) Whose annual income increases because of increased earnings by a family member who is a person with disabilities during participation in any economic self-sufficiency or other job training program; or

(c) Whose annual income increases, as a result of new employment or increased earnings of a family member who is a person with disabilities, during or within six months after receiving assistance, benefits or services under any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by the responsible entity in consultation with the local agencies administering temporary assistance for needy families (TANF) and Welfare-to-Work (WTW) programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one-time payments, wage subsidies and transportation assistance-- provided that the total amount over a six-month period is at least five hundred dollars ($500).

Qualified census tract. Regarding certain tax credit units, any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least fifty percent (50%) of households have an income of less than sixty percent (60%) percent of Area Median Gross Income (AMGI), or where the poverty rate is at least twenty-five percent (25%), and where the census tract is designated as a qualified census tract by HUD.

Reasonable rent. A rent to owner that is not more than rent charged: (a) For comparable units in the private unassisted market; and (b) For comparable unassisted units in the premises.

Reasonable accommodation. A change, exception, or adjustment to a rule, policy, practice, or service to allow a person with disabilities to fully access the PHA's programs or services.

Receiving PHA. In portability: A PHA that receives a family selected for participation in the tenant-based program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family.

Recertification. Sometimes called *reexamination.* The process of securing documentation of total family income used to determine the rent the tenant will pay for the next twelve (12) months if there are no additional changes to be reported.

Remaining member of the tenant family. The person left in assisted housing who may or may not normally qualify for assistance on their own circumstances (i.e., an elderly spouse dies, leaving widow age forty-seven (47) who is not disabled).

Rent to owner. The total monthly rent payable to the owner under the lease for the unit (also known as contract rent). Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for.

Residency preference. A PHA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area (See *residency preference area*).

Residency preference area. The specified area where families must reside to qualify for a residency preference.

Responsible entity. For the public housing, the tenant-based voucher assistance, project-based voucher assistance, and moderate rehabilitation programs, the responsible entity means the PHA administering the program under an ACC with HUD. For all other programs, the responsible entity means the HCV owner.

Secretary. The Secretary of Housing and Urban Development.

Section 8. Section 8 of the United States Housing Act of 1937.

Section 8 covered programs. All HUD programs which assist housing under Section 8 of the 1937 Act, including HCV assisted housing for which loans are made under Section 202 of the Housing Act of 1959.

Section 214. Section 214 of the Housing and Community Development Act of 1980, as amended.

Section 214 covered programs. The collective term for the HUD programs to which the restrictions imposed by Section 214 apply. These programs are set forth in 24 CFR §5.500.

Security deposit. A dollar amount (maximum set according to the regulations) which can be used for unpaid rent or damages to the owner upon termination of the lease.

Set-up charges. In a manufactured home space rental, charges payable by the family for assembling, skirting, and anchoring the manufactured home.

Sexual assault. Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent (42 U.S.C. §13925(a)).

Sexual orientation. Homosexuality, heterosexuality or bisexuality.

Shared housing. A unit occupied by two or more families. The unit consists of both common space for shared use by the occupants of the unit and separate private space for each assisted family. (A special housing type: See 24 CFR §§982.615–982.618.)

Single person. A person living alone or intending to live alone.

Single room occupancy housing (SRO). A unit that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities. (A special housing type: See 24 CFR §§982.602–982.605.)

Small rural public housing agency (PHA). Section 38 defines the term "small public housing agency" as a public housing agency "for which the sum of the number of public housing dwelling units administered by the agency and the number of vouchers under Section 8(o) administered by the agency is 550 or fewer" and "that predominantly operates in a rural area, as described in Section 1026.35(b)(2)(iv)(A) of Title 12, Code of Federal Regulations." After consideration of the public comments discussed above, HUD is interpreting "predominantly operates in a rural area" to mean a small PHA that:

(1) Has a primary administrative building with a physical address in a rural area as described in 12 CFR § 1026.35(b)(2)(iv)(A); or

(2) More than fifty percent (50%) of its combined public housing units and voucher units under Section 8(o) are in rural areas as described in 12 CFR §1026.35(b)(2)(iv)(A). HUD also clarifies that voucher units under Section 8(o) include those in the tenant-based Housing Choice Voucher (HCV) program and the Project-Based Voucher (PBV) program.

Social security number (SSN). The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person's earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

Special admission. Admission of an applicant that is not on the PHA waiting list or without considering the applicant's waiting list position.

Special housing types. See subpart M of part 982. Subpart M states the special regulatory requirements for: SRO housing, congregate housing, group homes, shared housing, cooperatives (including mutual housing), and manufactured homes (including manufactured home space rental).

Specified welfare benefit reduction. Those reductions of welfare benefits (for a covered family) that may not result in a reduction of the family rental contribution. A reduction of welfare benefits because of fraud in connection with the welfare program, or because of welfare sanction due to noncompliance with a welfare

agency requirement to participate in an economic self-sufficiency program.

Spouse. The marriage partner of the head of household.

Stalking. To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (a) that person, (b) a member of the immediate family of that person, or (c) the spouse or intimate partner of that person.

State wage information collection agency (SWICA). The state agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the state, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

Subsidy standards. Standards established by a PHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Suspension. The term on the family's voucher stops from the date the family submits a request for PHA approval of the tenancy, until the date the PHA notifies the family in writing whether the request has been approved or denied. This practice is also called *tolling.*

Tax credit rent. With regard to certain tax credit units, the rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).

Technological abuse. An act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

Tenancy addendum. For the housing choice voucher program, the lease language required by HUD in the lease between the tenant and the owner.

Tenant. The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

Tenant rent to owner. See *family rent to owner*.

Term of lease. The amount of time a tenant agrees in writing to live in a dwelling unit.

Total tenant payment (TTP). The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

Unit. Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero (0) bedrooms to six (6) bedrooms.

Utilities. Water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included.

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

Utility reimbursement. In the voucher program, the portion of the housing assistance payment which exceeds the amount of rent to owner.

Utility hook-up charge. In a manufactured home space rental: Costs payable by a family for connecting the manufactured home to utilities such as water, gas, electrical, and sewer lines.

Very low-income family. A low-income family whose annual income does not exceed fifty percent (50%) of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than fifty percent (50%) of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes. This is the income limit for the housing choice voucher program.

Veteran. A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

Violence Against Women Reauthorization Act (VAWA) of 2022. Prohibits denying admission to the program to an otherwise qualified applicant or terminating assistance on the basis that the applicant or program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

Violent criminal activity. Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

Voucher *(housing choice voucher).* A document issued by a PHA to a family selected for admission to the housing choice voucher program. This document describes the program and the procedures for PHA approval of a unit selected by the family. The voucher also states obligations of the family under the program.

Voucher holder. A family holding a voucher with an unexpired term (search time).

Voucher program. The housing choice voucher program.

Waiting list. A list of families organized according to HUD regulations and PHA policy who are waiting for a unit to become available.

Waiting list admission. An admission from the PHA waiting list.

Welfare assistance. Income assistance from federal or state welfare programs, including assistance provided under TANF and general assistance. Does not include assistance directed solely to meeting housing expenses, nor programs that provide health care, childcare or other services for working families. For the FSS program (24 CFR §984.103), *welfare assistance* includes only cash maintenance payments designed to meet a family's ongoing basic needs. Does not include nonrecurring short term benefits designed to address individual crisis situations, work subsidies, supportive services such as childcare and transportation provided to families who are employed, refundable earned income tax credits, contributions to and distributions from Individual Development Accounts under TANF, services such as counseling, case management, peer support, childcare information and referral, financial empowerment, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support, amounts solely directed to meeting housing expenses, amounts for health care, Supplemental Nutrition Assistance Program (SNAP) and emergency rental and utilities assistance, SSI, SSDI, or social security, and child-only or non-needy TANF grants made to or on behalf of a dependent child solely on the basis of the child's need and not the need of the child's current non-parental caretaker.