

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority hereby gives notice of the adoption of Chapter 76 to Title 14, DCMR, "Housing Choice Voucher Program: Waiting Lists, Local Preferences and Applicant Selection.", which replaces Chapter 4 of the Housing Choice Voucher Administrative Plan. Final action to adopt these rules was taken by the Board of Commissioners at its regular meeting on February 8, 2006. Technical, non-material changes were made to the text of the proposed rules as published on December 23, 2005 (52 DCR 11120). These rules will be effective upon publication of this notice in the D.C. Register.

Chapter 76, a new chapter in Title 14 of the DCMR, is to read as follows:

**TITLE 14
CHAPTER 76**

**HOUSING CHOICE VOUCHER PROGRAM:
WAITING LISTS, LOCAL PREFERENCES, AND APPLICANT SELECTION**

7600 HCVP WAITING LISTS GENERALLY

7600.1 Objectives Generally. It is DCHA's objective to ensure that families applying to DCHA for private rental housing assistance are selected for admission in accordance with the policies set forth in this Chapter 76.

7600.2 Other Waiting Lists. When an applicant applies to DCHA for housing assistance DCHA shall offer the opportunity to be placed on all open DCHA waiting lists.

7601 WAITING LISTS.

7601.1 DCHA maintains Waiting Lists as follows:

- (a) Housing Choice Voucher Program – tenant-based voucher assistance and project-based voucher assistance, known as the Partnership Program operated in accordance with the rules set forth in Chapter 93 of this Title 14;

- (b) Moderate Rehabilitation Program – project-based assistance;
- (c) Tenant Assistance Program (TAP) – locally funded project-based assistance, with local funding being phased out and DCHA is no longer accepting new applications; and
- (d) Public Housing -- which is governed by Chapter 61 of this Title.

7601.2 Selection. The selection of applicants to receive vouchers is governed by special admissions, as further described in Subsection 7603 hereof, and preference categories that apply to selection from the waiting list, including Substandard Housing, Involuntarily Displaced, Rent Burdened, Affordable Housing Supply, Quality Affordable Housing, Special Needs Housing and Witness Relocation, as further described in Subsection 7604 hereof.

7601.3 Information maintained. DCHA maintains information that permits selection from the Waiting Lists in accordance with the provisions of this Chapter 76. The Waiting Lists shall contain the following information for each applicant listed:

- (a) Applicant Name;
- (b) Applicant Address, as required to be updated by Applicant upon any change;
- (c) Family Composition by age and gender for each member ;
- (d) Date and time of application;
- (e) Qualification for any Local Preference;
- (f) Racial or ethnic designation, if provided at applicant's option;
- (g) Date of birth and Social Security Number (if applicable); and
- (h) Reasonable Accommodation Request and/or Special Unit Needs.

7601.4 Transfer Vouchers. Families already in the Housing Choice Voucher Program who request to transfer their voucher from one participating landlord to another are processed under the provisions of Chapter 85 of this Title 14.

7602 INCOME ELIGIBILITY AND TARGETING

7602.1 Income Eligibility. All applicants must meet income eligibility requirements as established by the U.S. Department of Housing and Urban Development, but

generally household income under fifty percent (50%) of Area Median Income as defined by HUD (AMI) is required, as further limited as described below in this Section 7602. In certain limited situations where a family receives a voucher in connection with a property that is leaving the federal program, the income may be as high as ninety-five percent (95%) of AMI. Any exception to these requirements must have been previously approved by the HUD Field Office.

7602.2 Income Targeting. A minimum of seventy-five percent (75%) of the families admitted to the HCVP during each fiscal year must be extremely low-income families. An extremely low-income family is one whose annual income does not exceed thirty percent (30%) of AMI.

7602.3 Admission Income Monitoring. DCHA does not give an automatic preference for extremely low-income families. However, DCHA does monitor HCVP income-targeting requirements for admissions throughout the fiscal year, and take the following steps:

(a) If at any time the extremely low-income families make up less than seventy-five percent (75%) of the admissions from the waiting list for the fiscal year to date, DCHA shall thereafter give priority to extremely low-income families in each of the established preference categories until extremely low-income admissions again make up seventy-five percent (75%) of admissions for that fiscal year

(b) If there are not enough extremely low-income families on the waiting list, DCHA shall conduct outreach on a non-discriminatory basis to attract extremely low-income families to reach the statutory requirement.

7603 SPECIAL ADMISSIONS

7603.1 Special HUD Admissions. DCHA receives special allocations of vouchers that are identified for families living in buildings funded through HUD. DCHA administers these vouchers in accordance with any conditions imposed by HUD and for those families in categories (a) and (b) exception to the income limits set forth in subsection 7602.1 hereof. Moreover, the families receiving assistance under the Special Admissions do not have to qualify for a Local Preference. The following are examples of types of Special Admissions programs:

(a) Housing covered by the Low-Income Housing Preservation and Resident Home-ownership Act of 1990;

(b) A family residing in a property covered by a project-based Section 8 HAP contract at or near the end of the HAP contract term for which DCHA receives a special allocation of vouchers; and

(c) A non-purchasing family residing in a HOPE I or HOPE II project.

7603.2 Special Targeted Admissions. In response to joint applications from DCHA and social service providers, HUD awards grants of vouchers for Targeted Admissions toward certain family types. The grant applications specify whether the families to be targeted will be from DCHA's waiting list or from the waiting list of the social service provider. The families receiving assistance under Targeted Admissions do not have to qualify for a Local Preference. DCHA has the following targeted programs which use the waiting list of the social service provider:

(a) Veteran's Affairs Supportive Housing (VASH) – Subsidizes one bedroom vouchers for disabled veterans referred from the U.S. Department of Veteran's Affairs Supportive Housing Program.

(b) Family Unification – Subsidizes families whose children have been placed in the foster care system and who are referred by the D.C. Department of Human Services, Child and Family Services Administration.

(c) Mainstream Housing – Subsidizes disabled families who are referred from organizations such as Deaf-Reach, the Columbia Lighthouse for the Blind, DC Care Consortium, DC Arc, the DC Center for Independent Living, and the Commission on Mental Health.

7603.3 Special DCHA Admissions. Families receiving voucher assistance under Special DCHA Admissions as specified in this subsection 7603.3 must qualify under the DCHA's eligibility conditions, and where applicable, any admissions criteria, preferences and priorities of a particular project for project-based vouchers, but do not have to qualify otherwise for a local preference under Section 7604 hereof, or be drawn from the DCHA waiting list, for the following categories:

(a) Vouchers issued in connection with development and redevelopment projects and programs undertaken by DCHA or its subsidiaries, including vouchers for (i) families being relocated in connection with development or redevelopment activities by DCHA, its subsidiaries, or its joint venture partners, and (ii) families relocated, with or without a voucher, in connection with such activities, electing to participate in HCVP's Partnership Program or Home Ownership Assistance Program, provided they meet the other eligibility requirements of those programs.

(b) Vouchers issued for current occupants of existing, occupied housing units that are awarded subsidy assistance through the project-based Partnership Program for Affordable Housing, or other project-based programs locally funded or as may be funded by HUD from time to time, provided the occupant otherwise meets the eligibility requirements of those programs.

(c) Vouchers issued for public housing waiting list applicants who have been determined eligible for selection as mobility impaired and in need of a housing opportunity with accessibility features.

7603.4 Project-based assistance admissions. For units in the Partnership Program, the Moderate Rehabilitation program or other project-based housing, that become vacant and where there are no returning prior tenant, existing tenant, or mobility impaired preferences governing the project, the owner or manager may refer applicants to HCVP who are not on the HCVP Waiting List. Such referred applicants, will not be required to be processed through the waiting list or qualify for a Local Preference, provided, however, that eligible applicants from the applicable HCVP Waiting List have not been referred by DCHA within 30 days of notification of such vacancy from the owner or manager

7604 WAITING LIST PREFERENCES

7604.1 Preferences Generally. Applicants are eligible to request and upon verification receive priority in selection for rental assistance if they qualify for certain general and limited preference categories as set forth more fully in this Section

7604.2 Selection. Except for Special Admissions as provided for in Subsection 7603 of this Chapter, or the requirements of Income Targeting as set forth in Subsection 7602 of this Chapter, applicants shall be selected from DCHA HCVP and Moderate Rehabilitation Waiting Lists in accordance with preferences set forth in this Subsection 7604. Applications equal in preference under each category in Subsection 7604.3 will be maintained by date and time of application, and preferences for categories under Subsection 7604.4 will be granted to the extent of the voucher allocation limits specified for the category and by date and time within those limits.

7604.3 General Local Preferences. The local preferences in their order of priority are as follows:

(a) Substandard Housing. The substandard preference is divided into three major ranking factors as further defined at Subsection 7605 and is implemented in the following priority order.

(i) Homeless, as set forth in subsection 7605.1 of this Chapter;

(ii) Applicants residing in units that have been declared unfit for habitation as set forth in 7605.2(g) of this Chapter; and

(iii) Applicants currently residing in units which contain one or more Housing Quality Standard or local housing code violations as set forth in 7605.2(a-f).

(b) Involuntarily Displaced, as defined herein at Subsection 7605.3; and

(c) Rent Burdened, as defined herein at Subsection 7605.4

7604.4

Limited Local Preferences. Preferences in this subsection receive priority to the extent of the voucher allocation authorized by the Board of Commissioners:

(a) Enhancing the Supply of Affordable Housing. Applicants are included under this preference if the Family is an occupant of a property that has been financially assisted and identified as such to DCHA by the District of Columbia Housing Finance Agency or the District of Columbia Department of Housing and Community Development under a grant, loan, tax credit or other form of financial aid program that assists in the preservation or expansion of the supply of affordable housing in the District of Columbia. The aggregate number of outstanding vouchers authorized for use is set by the Board of Commissioners from time to time.

(b) Improving the Quality of Affordable Housing – Applicants are included under this preference if the Family is an occupant of a unit in a designated property that the District of Columbia government has identified to DCHA as targeted for condemnation due to an inability to meet District of Columbia housing codes. The aggregate number of outstanding vouchers authorized for use is set by the Board of Commissioners from time to time.

(c) Special Needs Housing – Applicants are included under this preference if an applicant has been referred to DCHA by the Deputy Mayor's Office for Child and Family Services, including the DC Department of Mental Health, DC Office on Aging, or the DC Department of Health in order to aid the District of Columbia in meeting the goal of affordable housing for special needs housing groups in its Consolidated Plan. The number of units authorized for HCVP assistance under this provision is governed by approved public housing redevelopment or revitalization plans with allocations approved by the Board of Commissioners from time to time in connection with project-based Partnership Programs as set forth at Chapter 93 of this Title 14.

(d) Preference for Fair Housing Promotion – Applicants are included under this preference if an applicant is part of an underserved and linguistically-isolated population and has been referred to DCHA by the Office of the Mayor of the District of Columbia in order to aid the District of Columbia in meeting the goal of Fair Housing Promotion in its Consolidated Plan. Up to 100 vouchers are authorized for use for this purpose.

(e) Witness Relocation: Applicants included under this preference are those recommended by the DCHA Office of Public Safety. Up to 50 vouchers per year are authorized for use for this purpose.

7605 LOCAL PREFERENCE DEFINITIONS

7605.1 A "Homeless Family" is defined as a family that:

- (a) Lacks a fixed, regular, adequate nighttime residence; or
- (b) Has a primary nighttime residence that is a supervised public or private shelter providing temporary accommodations; or
- (c) Resides in an institution providing temporary residence for individuals, such as a nursing home, hospital, or mental health facility; or
- (d) Resides in transitional housing where individuals reside, usually for no more than 24 months, in order to receive supportive services for the purpose of preparing them to live independently, and may include but is not limited to Single Room Occupancy (SRO) housing facilities; or
- (e) Resides in a public or private place not ordinarily used as a sleeping accommodation for human beings; but DOES NOT include
- (f) Individuals
 - (i) imprisoned or detained pursuant to state or federal law or
 - (ii) residing as part of another family unit.

7605.2 Substandard Housing. The following conditions qualify existing shelter as substandard:

- (a) Dilapidated (does not provide safe, adequate shelter; has one or more critical defects or a combination of defects requiring considerable repair; endangers the health, safety, and well-being of family); or
- (b) Does not have operable indoor plumbing; or
- (c) Does not have usable flush toilet in the unit for exclusive use of the family, unless it is SRO housing; or
- (d) Does not have adequate, safe electrical service; or
- (e) Does not have an adequate, safe source of heat; or

- (f) Should, but does not, have a kitchen, unless it is SRO housing; or
- (g) Has been declared unfit for habitation by code enforcement officials of the District of Columbia Office of Consumer and Regulatory Affairs..

7605.3 Involuntary Displacement: Involuntarily displaced applicants are applicants who have been verified that they have vacated or will (within no more than six months from the date of verification) vacate housing as a result of:

- (a) A disaster (fire, flood, etc.);
- (b) Federal, state or local government action related to code enforcement, or public improvement or development; or
- (c) Action by a housing owner which is beyond an applicant's ability to control, occurs despite the applicant having met all previous conditions of occupancy (other than a rent increase), and the owner is not an immediate family relative and the applicant has not been part of the owner's family immediately prior to application; or
- (d) Domestic Violence, verified as one of the following:
 - (i) Vacated their housing due to actual or threatened physical violence directed against the applicant or the applicant's family by a spouse or other household member, or
 - (ii) Live currently in housing with an individual who engages in violence identified in (i) above; and
 - (iii) The "actual" or "threatened" violence under (i) or (ii) above has occurred recently or is of a continuing nature, and is NOT violence from the neighborhood or otherwise outside the household; or
 - (iv) The applicant has actually been displaced and is living in transient facilities, hotels, motels, or temporary shelters, or otherwise not living pursuant to a lease or occupancy agreement in standard, permanent replacement housing adequate for the family size in accordance with the HCVP occupancy standards.
- (e) Persons residing in a nursing home or otherwise displaced from their living unit due to its inaccessibility;
- (f) Persons who are the victims of hate crimes.

7605.4 Rent Burdened. Applicants paying more than 50 percent of the family's monthly income for rent to the owner as stated in a lease or cooperative occupancy

agreement plus any tenant paid utilities, or reasonable estimate thereof using the HCVP Utility Allowance Schedule, less any amounts paid to or on behalf of a family under energy assistance program that has not been included in the determination of the family's income.

7606 OTHER APPLICABLE PROVISIONS

- 7606.1 Grievances. An applicant's right to a grievance is governed by Chapter 89 of this Title 14.
- 7606.2 Verification. At the time of application, applicants self-certify their preference. Applicants are required to provide all documentation and information verifying that they qualify for the preference as part of the eligibility determination process set forth in Chapter 61 of this Title 14.
- 7606.3 Updates. Information on the applicant's responsibility to complete and return all mailing sent by DCHA and to provide DCHA with a current mailing address is found in Subsection 6103 of this Title 14.
- 7606.4 Participation in Other Programs. The rules for participation in the Home Ownership Assistance Program and the Partnership Program are found in Chapters 92 and 93, respectively, of this Title 14.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of District of Columbia Housing Authority ("DCHA") hereby gives notice of the adoption on final adoption of an amended and restated subsection 8300.2(e), Chapter 83, Title 14 of the District of Columbia Municipal Regulations. The proposed rule was published on November 18, 2005(52 DCR 10198). Final action to adopt this rule was taken by the Board of Commissioners at its regular meeting on February 8, 2006 and will be effective upon publication of this notice.

Amendment: Title 14 of the DCMR, subsection 8300.2(e) of Chapter 83, Housing Choice Voucher Program: Rent and Assistance Payments

"8300.2 (e) The Payment Standard is 110% of the Fair Market Rents for all size units in all areas of the District of Columbia. Any change to the Payment Standard shall be implemented by regulatory action of the Commission and shall apply to all vouchers issued after the date of the adoption of any regulation modifying the Payment Standard."

DEPARTMENT OF HUMAN SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Human Services, pursuant to authority set forth in Mayor's Reorganization Plan No. 3 of 1986, section 2 of the Day Care Policy Act of 1979 Amendment Act of 1988, effective July 29, 1988 (D.C. Law 7-136; D.C. Official Code §§ 4-409(a)(1)-(2) and 4-410(a)), section 2 of the Day Care Policy Amendment Act of 1995, effective April 7, 1995 (D.C. Law 11-2; D.C. Official Code §§ 4-409(a)(3) and 4-410(a-1)), section 503 of the Omnibus Budget Support Act of 1995, effective September 26, 1995 (D.C. Law 11-52; D.C. Official Code §§ 4-409(h) and 4-410(b)), section 2(d) of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code § 4-404.01), and Mayor's Order 98-11, dated February 9, 1998, hereby gives notice of the adoption of the following amendments to section 308 of Chapter 3 of Title 29 of the *District of Columbia Municipal Regulations* (DCMR) entitled "Rates Paid by the District of Columbia Government to Child Development Centers, Child Development Homes and Relative and In-home Caregivers for Child Care Services."

These proposed rules establish the District of Columbia's (District's) child care subsidy rates for child care services provided by child development centers, child development homes, and relative and in-home caregivers participating in the subsidized child care program, and are based on findings of the University of the District of Columbia Market Rate and Capacity Utilization Survey of Child Care Providers completed in 2004.

No substantive changes have been made to the text of the rules, as published with the Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on October 14, 2005 at 52 DCR 9186. These final rules will be effective upon publication of this notice in the *Register*.

Title 29 DCMR, Chapter 3, section 308 is amended by deleting section 308 in its entirety and substituting the following new section 308 in its place:

308 RATES PAID BY THE DISTRICT OF COLUMBIA GOVERNMENT TO CHILD DEVELOPMENT CENTERS, CHILD DEVELOPMENT HOMES AND RELATIVE AND IN-HOME CAREGIVERS FOR CHILD CARE SERVICES

308.1 The District of Columbia government shall pay the following rates per day for child care services, less the parent fee as required by the parent sliding fee scale and when applicable, to child development centers and child development homes that meet their respective requirements of the Tiered Rate Reimbursement System, when appropriate and funds are available.

- (a) The payment rates for child development centers and child development homes for traditional, extended day, and nontraditional hours of care at the Bronze Tier shall be as follows:

Child Development Center Bronze Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part Time
Infant	\$40.70	\$24.42	\$44.77	\$28.49	\$61.05	\$36.63
Toddler	\$39.83	\$23.99	\$43.81	\$27.88	\$59.75	\$35.85
Pre-school	\$29.21	\$17.53	\$32.13	\$20.45	\$43.82	\$26.29
Pre-school Before and After	\$29.21	\$17.53				
School-Age Before and After	\$16.39	\$9.83	\$18.03	\$11.47	\$24.59	\$14.75

Child Development Home Bronze Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$27.14	\$16.28	\$29.85	\$18.99	\$40.71	\$24.43
Toddler	\$28.49	\$17.09	\$31.34	\$19.94	\$42.47	\$25.64
Pre-school	\$22.03	\$13.22	\$24.23	\$15.42	\$33.05	\$19.83
Pre-school Before and After	\$22.03	\$13.22				
School-Age Before and After	\$15.77	\$9.46	\$17.35	\$11.04	\$23.66	\$14.19

(b) The payment rates for child development centers and child development homes for traditional, extended day and nontraditional hours of care at the Silver Tier shall be as follows:

Child Development Center Silver Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$47.25	\$28.35	\$51.98	\$33.08	\$70.88	\$42.53

Toddler	\$46.23	\$27.74	\$50.85	\$32.36	\$69.35	\$41.61
Pre-school	\$35.60	\$21.36	\$39.16	\$24.92	\$53.40	\$32.04
Pre-school Before and After	\$35.60	\$21.36				
School-Age Before and After	\$20.61	\$12.37	\$22.67	\$14.43	\$30.92	\$18.55

Child Development Homes Silver Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$31.07	\$18.64	\$34.18	\$21.75	\$46.61	\$27.96
Toddler	\$29.23	\$17.54	\$32.50	\$20.46	\$43.85	\$26.31
Pre-school	\$24.53	\$14.72	\$26.98	\$17.17	\$36.80	\$22.08
Pre-school Before and After	\$24.53	\$14.72				
School-Age Before and After	\$18.05	\$10.83	\$19.86	\$12.64	\$27.08	\$16.25

(c) The payment rates for child development centers and child development homes for traditional, extended day and nontraditional hours of care at the Gold Tier shall be as follows:

Child Development Center Gold Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$54.41	\$32.65	\$59.85	\$38.09	\$81.62	\$48.97
Toddler	\$50.87	\$30.52	\$55.96	\$35.61	\$76.31	\$45.78
Pre-	\$42.00	\$25.20				

school			\$46.20	\$29.40	\$63.00	\$37.80
Pre-school Before and After	\$42.00	\$25.20				
School-Age Before and After	\$25.94	\$15.56	\$28.53	\$18.16	\$38.91	\$23.35

Child Development Home Gold Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$35.00	\$21.00	\$38.50	\$24.50	\$52.50	\$31.50
Toddler	\$34.00	\$20.40	\$37.40	\$23.80	\$51.00	\$30.60
Pre-school	\$28.00	\$16.80	\$30.80	\$19.60	\$42.00	\$25.20
Pre-school Before and After	\$28.00	\$16.80				
School-Age Before and After	\$20.34	\$12.20	\$22.37	\$14.24	\$30.51	\$18.31

308.2 The District of Columbia government shall pay child care centers in the Level II Provider program the full amount of the above applicable payment rate and shall allow such centers to retain the parent fees collected.

308.3 The District of Columbia government shall pay the following rates per day for child care services to relative and in-home caregivers, when appropriate and funds are available.

- (a) The payment rates for relative caregivers for traditional, extended day and nontraditional hours of care shall be as follows:

Relative Child Care Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$16.82	\$10.09	\$18.50	\$11.77	\$25.23	\$15.14
Toddler	\$14.33	\$8.60	\$15.43	\$10.03	\$21.50	\$12.90
Pre-school Before and After	\$14.33	\$8.60				
School-age Before and After	\$13.92	\$8.35	\$15.31	\$9.74	\$20.88	\$12.53
School-Age Before or After	\$6.96	\$4.18	\$7.66	\$4.87	\$10.44	\$6.25

- (b) The payment rates for in-home caregivers for traditional, extended day and nontraditional hours of care shall be as follows:

In-Home Child Care Rates

Age Group	Full Time Traditional	Part Time Traditional	Extended Day Full Time	Extended Day Part Time	Nontraditional Full Time	Nontraditional Part-Time
Infant	\$9.86	\$5.92	\$10.85	\$6.90	\$14.79	\$8.87
Toddler	\$8.70	\$5.22	\$9.57	\$6.09	\$13.05	\$7.83
Pre-School	\$8.70	\$5.22	\$9.57	\$6.09	\$13.05	\$7.83
Pre-school Before and After	\$8.70	\$5.22				
School-age Before and After	\$7.54	\$4.52	\$8.29	\$5.28	\$11.31	\$6.79
School-Age Before or After	\$6.90	\$4.14	\$7.59	\$4.83	\$10.35	\$6.21

- 308.4 Child care programs that are authorized to manage Family Child Care satellite systems or networks shall receive a daily administrative fee of \$2.53 per child per day for the management of the family child care homes under their systems or networks.
- 308.5 The District shall pay the regular rate to providers on holidays when providers may be closed.
- 308.6 For the purpose of this section, the following terms shall have the meanings ascribed:
- (a) Age groups for children are defined as follows:
- (1) Infant – a child up to twelve 12 months of age;
 - (2) Toddler – a child twelve (12) months or older, but less than thirty-six (36) months of age;
 - (3) Preschool – a child thirty-six (36) months of age or older, but less than five (5) years of age on or before December 31 of that year; and

- (4) School-age – a child five years of age on or before December 31st of that year through the age of twelve (12) or through the age of eighteen (18) if the child has a disability.
- (b) Holidays include:
- Labor Day
 - Columbus Day
 - November 11 – Veteran's Day
 - Thanksgiving Day
 - December 25
 - January 1
 - Martin Luther King, Jr. Day
 - President's Day
 - Emancipation Day
 - Memorial Day
 - July 4 - Independence Day
- (c) The District shall also consider as a holiday January 20th during years when there is a presidential inauguration.
- (d) The Level II Providers are those child care center providers authorized to conduct initial eligibility determinations and re-determinations for families seeking child care subsidy under specified eligibility categories.
- (e) Types of child care services and hours are as follows:
- (1) Full time traditional – six (6) to eleven (11) hours between 7:00 a.m. and 6:00 p.m., Monday through Friday;
 - (2) Part time traditional - less than six (6) hours of care between 7:00 a.m. and 6:00 p.m., Monday through Friday;
 - (3) Extended day full time – six (6) or more hours where at least one hour of care is in the morning before 7:00 a.m. or in the afternoon after 6:00 p.m. and the majority of hours are between 7:00 a.m. and 6:00 p.m., Monday through Friday;
 - (4) Extended day part time - less than six (6) hours where at least one hour of care is in the morning before 7:00 a.m. or in the afternoon after 6:00 p.m. and the majority of hours are between 7:00 a.m. and 6:00 p.m., Monday through Friday;

- (5) Nontraditional full time – six (6) or more hours between 6:00 p.m. and 7:00 a.m., Monday through Friday; or six (6) or more hours on Saturday or Sunday, regardless of the time of day;
- (6) Nontraditional part-time - less than six (6) hours between 6:00 p.m. and 7:00 a.m., Monday through Friday; or less than six (6) hours on Saturday or Sunday, regardless of the time of day.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF FINAL RULEMAKING

The Director of the Department of Human Services, pursuant to authority set forth in Mayor's Reorganization Plan No. 3 of 1986, sections 5a and 6 of the Day Care Policy Act of 1979, effective September 19, 1979 (D.C. Law 3-16; D.C. Official Code §§ 4-404.01 and 4-405), as amended by section 2(d) of the Day Care Policy Amendment Act of 1998, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code § 4-404.1) and section 3(c) of the District of Columbia Family Support Act Federal Conformity Amendment Act of 1990, effective March 6, 1991 (D.C. Law 8-202; D.C. Official Code § 4-405), and Mayor's Order 98-11, dated February 9, 1998, hereby gives notice of the adoption of the following amendments to section 309 of Chapter 3 of Title 29 of the *District of Columbia Municipal Regulations* (DCMR) entitled "Schedule of Parent Fees for District of Columbia Government Subsidized Child Care Services in Child Development Centers and Child Development Homes, and by Relative and In-Home Caregivers."

The emergency rules expired on January 29, 2006, and these proposed rules must be in place in order for the District to maintain compliance with the 2005 Federal Poverty Level guidelines.

No substantive changes have been made to the text of the rules, as published with the Notice of Emergency and Proposed Rulemaking in the *D.C. Register* on October 14, 2005, at 52 DCR 9194. These rules will be effective upon publication of this notice in the *Register*.

Title 29 DCMR, Chapter 3, section 309 is amended by deleting section 309 in its entirety and substituting the following new section 309 in its place:

309 SCHEDULE OF PARENT FEES FOR DISTRICT OF COLUMBIA GOVERNMENT SUBSIDIZED CHILD CARE SERVICES IN CHILD DEVELOPMENT CENTERS AND CHILD DEVELOPMENT HOMES, AND BY RELATIVE AND IN-HOME CAREGIVERS

- 309.1 The sliding fee scale for parent fees is based on the annual Federal Poverty Level (FPL) guidelines, which are based on family size and income.
- 309.2 Families making new applications for subsidized child care with a gross income up to 250% of the FPL may be eligible for the child care subsidy program.
- 309.3 Families already receiving child care services and with a gross income up to 300% of the FPL may be eligible for continuation of services.
- 309.4 Families with a gross income at or below 50% of the FPL shall pay no fee.
- 309.5 Fees are based on either full-time or part-time child care services.

- 309.6 Fees shall only apply to the first two children in a family who are receiving subsidized child care. No additional fees will be charged for additional children.
- 309.7 The fee for the second child shall be 75% of the fee charged for the first child.
- 309.8 The parent shall pay parent fees directly to the provider.
- 309.9 The following fees, which are based on the 2005 FPL, shall be paid by a parent for child care services provided to the parent's child, when the District of Columbia supplements the payment for child care services during FY 2006:

						DAILY CO-PAY			
						CHILDREN IN CARE			
ANNUAL INCOME BY FAMILY SIZE						FULL TIME		PART TIME	
%FPL	1	2	3	4	5	First	Second	First	Second
0-50%	\$4,785	\$6,415	\$8,047	\$9,675	\$11,080	\$0	\$0	\$0	\$0
51-60%	\$5,472	\$7,698	\$9,654	\$11,610	\$13,566	\$0.57	\$0.43	\$0.29	\$0.22
61-70%	\$6,699	\$8,981	\$11,263	\$13,545	\$15,827	\$0.75	\$0.57	\$0.38	\$0.29
71-80%	\$7,656	\$10,264	\$12,872	\$15,480	\$18,088	\$1.01	\$0.75	\$0.51	\$0.38
81-90%	\$8,613	\$11,547	\$14,481	\$17,415	\$20,349	\$1.27	\$0.95	\$0.64	\$0.48
91-100%	\$9,570	\$12,830	\$16,090	\$19,350	\$22,610	\$1.62	\$1.22	\$0.81	\$0.61
101-110%	\$10,527	\$14,113	\$17,699	\$21,285	\$24,871	\$2.02	\$1.51	\$1.01	\$0.76
111-120%	\$11,484	\$15,396	\$19,308	\$23,220	\$27,132	\$2.45	\$1.84	\$1.23	\$0.92
121-130%	\$12,441	\$16,679	\$20,917	\$25,155	\$29,393	\$2.93	\$2.20	\$1.47	\$1.10
131-140%	\$13,398	\$17,962	\$22,526	\$27,090	\$31,654	\$3.46	\$2.60	\$1.73	\$1.30
141-150%	\$14,355	\$19,245	\$24,135	\$29,025	\$33,915	\$4.07	\$3.05	\$2.04	\$1.53
151-160%	\$15,312	\$20,528	\$25,744	\$30,960	\$36,176	\$4.73	\$3.55	\$2.37	\$1.78
161-170%	\$16,269	\$21,811	\$27,353	\$32,895	\$38,437	\$5.43	\$4.08	\$2.72	\$2.04
171-180%	\$17,226	\$23,094	\$28,962	\$34,830	\$40,698	\$6.19	\$4.65	\$3.10	\$2.33
181-190%	\$18,183	\$24,377	\$30,571	\$36,765	\$42,959	\$7.00	\$5.25	\$3.50	\$2.63
191-200%	\$19,140	\$25,660	\$32,180	\$38,700	\$45,220	\$7.91	\$5.93	\$3.96	\$2.97
201-210%	\$20,097	\$26,943	\$33,789	\$40,635	\$47,481	\$8.88	\$6.66	\$4.44	\$3.33
211-220%	\$21,054	\$28,226	\$35,398	\$42,570	\$49,742	\$9.90	\$7.43	\$4.95	\$3.72
221-230%	\$22,011	\$29,509	\$37,007	\$44,505	\$52,003	\$10.91	\$8.19	\$5.46	\$4.10
231-240%	\$22,968	\$30,792	\$38,616	\$46,440	\$54,264	\$11.97	\$8.98	\$5.99	\$4.49
241-250%	\$23,925	\$32,075	\$40,225	\$48,375	\$56,525	\$13.08	\$9.81	\$6.54	\$4.91
260%									
271-280%	\$25,330	\$33,761	\$42,341	\$50,124	\$58,124				
291-300%	\$26,736	\$35,521	\$45,035	\$53,000	\$62,000				
311-320%	\$28,141	\$37,281	\$47,761	\$55,915	\$65,915	\$15.00	\$11.25	\$9.24	\$6.93
331-340%	\$29,547	\$39,041	\$50,511	\$58,860	\$69,860	\$16.11	\$12.08	\$9.72	\$7.29
350%									

ANNUAL INCOME BY FAMILY SIZE						DAILY CO-PAY			
						CHILDREN IN CARE			
%FPL						FULL TIME		PART TIME	
	6	7	8	9	10	First	Second	First	Second
0-50%	\$12,395	\$14,565	\$16,195	\$17,825	\$19,455	\$0	\$0	\$0	\$0
51-60%	\$15,522	\$17,478	\$19,434	\$21,390	\$23,346	\$0.57	\$0.43	\$0.29	\$0.22
61-70%	\$18,109	\$20,391	\$22,673	\$24,955	\$27,237	\$0.75	\$0.57	\$0.38	\$0.29
71-80%	\$20,696	\$23,304	\$25,912	\$28,520	\$31,128	\$1.01	\$0.75	\$0.51	\$0.38
81-90%	\$23,283	\$26,217	\$29,151	\$32,085	\$35,019	\$1.27	\$0.95	\$0.64	\$0.48
91-100%	\$25,870	\$29,130	\$32,390	\$35,650	\$38,910	\$1.62	\$1.22	\$0.81	\$0.61
101-110%	\$28,457	\$32,043	\$35,629	\$39,215	\$42,801	\$2.02	\$1.51	\$1.01	\$0.76
111-120%	\$31,044	\$34,956	\$38,868	\$42,780	\$46,692	\$2.45	\$1.84	\$1.23	\$0.92
121-130%	\$33,631	\$37,869	\$42,107	\$46,345	\$50,583	\$2.93	\$2.20	\$1.47	\$1.10
131-140%	\$36,218	\$40,782	\$45,346	\$49,910	\$54,474	\$3.46	\$2.60	\$1.73	\$1.30
141-150%	\$38,805	\$43,695	\$48,585	\$53,475	\$58,365	\$4.07	\$3.05	\$2.04	\$1.53
151-160%	\$41,392	\$46,608	\$51,824	\$57,040	\$62,256	\$4.73	\$3.55	\$2.37	\$1.78
161-170%	\$43,979	\$49,521	\$55,063	\$60,605	\$66,147	\$5.43	\$4.08	\$2.72	\$2.04
171-180%	\$46,566	\$52,434	\$58,302	\$64,170	\$70,038	\$6.19	\$4.65	\$3.10	\$2.33
181-190%	\$49,153	\$55,347	\$61,541	\$67,735	\$73,929	\$7.00	\$5.25	\$3.50	\$2.63
191-200%	\$51,740	\$58,260	\$64,780	\$71,300	\$77,820	\$7.91	\$5.93	\$3.96	\$2.97
201-210%	\$54,327	\$61,173	\$68,019	\$74,865	\$81,711	\$8.88	\$6.66	\$4.44	\$3.33
211-220%	\$56,914	\$64,086	\$71,258	\$78,430	\$85,602	\$9.90	\$7.43	\$4.95	\$3.72
221-230%	\$59,501	\$66,999	\$74,497	\$81,995	\$89,493	\$10.91	\$8.19	\$5.46	\$4.10
231-240%	\$62,088	\$69,912	\$77,736	\$85,560	\$93,384	\$11.97	\$8.98	\$5.99	\$4.49
241-250%	\$64,675	\$72,825	\$80,975	\$89,125	\$97,275	\$13.08	\$9.81	\$6.54	\$4.91
251-260%	\$67,262	\$75,738	\$84,214	\$92,790	\$101,166				
261-270%	\$69,849	\$78,651	\$87,453	\$96,255	\$105,057				
271-280%	\$72,436	\$81,564	\$90,692	\$99,320	\$108,948				
281-290%	\$75,023	\$84,477	\$93,931	\$102,385	\$112,839				
291-300%	\$77,610	\$87,390	\$97,170	\$105,850	\$116,730				

DISTRICT OF COLUMBIA TAXICAB COMMISSION

NOTICE OF FINAL RULEMAKING

The District of Columbia Taxicab Commission ("Commission"), by its Panel on Rates and Rules, pursuant to the authority set forth under sections 8(b)(1)(J) and 9(b) of the District of Columbia Taxicab Commission Establishment Act of 1985, effective March 25, 1986 (D.C. Law 6-97; D.C. Official Code §§ 50-307(b)(1)(J), and 50-308(b)), hereby gives notice of its final rulemaking action taken February 8, 2006, to amend § 102.8 of Chapter 1 of Title 31 of the District of Columbia Municipal Regulations ("DCMR"). The notice of proposed rulemaking was published in the *DC Register* on December 2, 2005, at 52 DCR 10584. The final rulemaking will amend the number of Commissioners required to hold a closed executive session from six (6) to a majority of Commissioners in office. A public hearing was held on January 18, 2006, and comments were received by the Commission and taken into consideration. This rule will become effective on the date this notice is published in the DC Register.

Title 31 DCMR, Section 102, MEETINGS is amended to read as follows:

102 MEETINGS

102.8 By affirmative vote of a majority of Commissioners in office, the Commission may schedule or hold a closed executive session to discuss personnel, litigation, or other matters of a private or confidential nature. No official action may be taken in an executive session, and no records shall be kept of the session other than a record of the vote to schedule or hold the session.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

DOCKET NUMBER 05-93-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following rulemaking which amends the Vehicle and Traffic Regulations (18 DCMR). Final action to adopt this rulemaking was taken on February 3, 2006. No comments have been received and no changes have been made to the text of the proposal as published on December 16, 2005 at 52 DCR 10961. This final rulemaking will be effective when published in the D.C. Register.

Title 18 DCMR, Section 2601, PARKING AND OTHER NON-MOVING INFRACTIONS, Subsection 2601.1, is amended by adding the follow to the list of infractions:

“No parking except car-sharing vehicles [§ 2406.12 (c)] \$100.00”.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

DOCKET NUMBER 05-73-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following rulemaking which amends the Vehicle and Traffic Regulations (18 DCMR). Final action to adopt this rulemaking was taken on February 3, 2006. Comments were received and considered. No changes have been made to the text of the proposal as published on December 16, 2005 at 52 DCR 10962. This final rulemaking will be effective when published in the D.C. Register.

Title 18 DCMR, Section 4002, Truck Restrictions, Subsection 4002.1, (a) Northwest Section, is amended by adding the following to the list of locations where truck restrictions are installed:

“At the intersection of Adams Mill Road, Kenyon and Irving Streets, N.W.”.

Title 18 DCMR, Section 4025, Bus Restrictions, Subsection 4025.3, (a) Northwest Section, is amended by adding the following to the list of locations where bus restrictions are installed:

“At the intersection of Adams Mill Road, Kenyon and Irving Streets”.

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

DOCKET NUMBER 05-62-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following rulemaking which amends the Vehicle and Traffic Regulations (18 DCMR). Final action to adopt this rulemaking was taken on February 3, 2006. No comments have been received and no changes have been made to the text of the proposal as published on December 16, 2005 at 52 DCR 10963. This final rulemaking will be effective when published in the D.C. Register.

Title 18 DCMR, Section 4004, ONE-WAY STREETS, Subsection 4004.1, (d) Southeast Section, is amended by adding the following to the list of locations where traffic is restricted to one direction of travel:

“M Place, S.E., from Minnesota Avenue to a point approximately 40 feet west of Minnesota Avenue, for eastbound traffic only, 7:00 A.M. to 9:30 A.M., Monday through Friday”.