

**DEPARTMENT OF HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth under § 302 (14) of the District of Columbia Health Occupations Revision Act of 1985 (Act), effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of his intent to take final rulemaking action to adopt the following amendments to Title 17 (Business, Occupations & Professions) (May 1990) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The purpose of the amendments is to establish licensure and practice regulations for naturopathic medicine. This profession was established by enactment of the Practice of Naturopathic Medicine Licensing Amendment Act of 2003, effective July 8, 2004 (D.C. Law 15-172; D.C. Official Code § 3-1201.02(7A)).

**Title 17 (Business, Occupations & Professions) (May 1990) is amended as follows:**

**I. The table of contents is amended as follows:**

**A. A new Chapter heading for Chapter 52 is added to read as follows:**

**CHAPTER 52 NATUROPATHIC MEDICINE**

**B. Section headings for Chapter 52 are added to read as follows:**

5200	GENERAL PROVISION
5201	TERM OF LICENSE
5202	EDUCATIONAL REQUIREMENTS
5203	[RESERVED]
5204	[RESERVED]
5205	NATIONAL EXAMINATION
5206	CONTINUING EDUCATION REQUIREMENTS
5207	APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES
5208	[RESERVED]
5209	[RESERVED]

- 5210           LAWFUL PRACTICE
- 5211           [RESERVED]
- 5212           STANDARDS OF CONDUCT
- 5299           DEFINITIONS

**II.           A new Chapter 52 is added to read as follows:**

**CHAPTER 52        NATUROPATHIC MEDICINE**

**5200           GENERAL PROVISIONS**

- 5200.1        This chapter shall apply to applicants for and holders of a license to practice naturopathic medicine.
- 5200.2        Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.
- 5200.3        An applicant for a license to practice naturopathic medicine shall furnish proof that the applicant is a District resident or has an office or location of practice involved in the practice of naturopathic medicine in the District of Columbia. A post office box shall not be proof of residency nor shall it demonstrate that an applicant either has an office or location of practice in the District.

**5201           TERM OF LICENSE**

- 5201.1        Subject to § 5201.2, a license issued pursuant to this chapter shall expire at twelve o'clock midnight of February 28<sup>th</sup>, of each even-numbered year.
- 5201.2        If the Director changes the renewal system pursuant to § 4006.3 of chapter 40 of this title, a license issued pursuant to this chapter shall expire at twelve o'clock midnight of the last day of the month of the birthdate of the holder of the license, or other date as established by the Director.
- 5201.3        An applicant for renewal of a license who fails to renew the license by the date the license expires may renew the license for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the renewal thereof.

5201.4 If an applicant for renewal of a license fails to renew the license and pay the late fee within the sixty (60) days after the expiration of the applicant's license, the license shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired license and meet all requirements and fees for reinstatement.

5201.5 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:

- (a) Serious and protracted illness of the applicant; or
- (b) The death or serious and protracted illness of a member of the applicant's immediate family.

5201.6 An extension granted under this section shall not exempt a licensee from complying with the continuing education requirements pursuant to § 5206.

## 5202 EDUCATIONAL REQUIREMENTS

5202.1 An applicant shall furnish proof satisfactory to the Board in accordance with § 504(e-1)(1) of the Act, (D.C. Official Code § 3-1205.04(e-1)(1) (2001)), that the applicant has:

- (a) Earned a degree of doctor of naturopathic medicine from a college or university which at the time of the awarding of the degree was accredited by or a candidate for accreditation with:
  - (1) The Council of Naturopathic Medicine Education (CNME), so long as the CNME maintains recognition from the United States Department of Education; or
  - (2) Any other accrediting agency recognized by the United States Department of Education.

5202.2 The Board of Medicine shall not waive the educational requirements for licensure to practice naturopathic medicine for person registered to practice naturopathy or naturopathic healing.

5203 – 5204 [RESERVED]

5205 NATIONAL EXAMINATION

- 5205.1 Except as otherwise provided in this subtitle, an applicant shall receive a passing score on the required level of the examination sponsored by the Naturopathic Physicians Licensing Examination (NPLEX) basic science examination and clinical science examination sections administered by the North American Board of Naturopathic Examiners (NABNE), or other examination approved by the Board of Medicine or the Mayor.
- 5205.2 A passing score on the Part I series of the basic science examination shall be a minimum converted score of seventy-five (75) of each of the five (5) parts.
- 5205.3 An applicant who does not achieve a score of at least sixty (60) on each of the failed parts shall be required to retake the entire Part I series.
- 5205.4 An applicant shall take and pass Part II of the clinical science examination within five (5) years of taking Part I of the basic science examination. Failure to take and pass Part II within the ten (10) year period shall result in the applicant retaking Part I again.

**5206 CONTINUING EDUCATION REQUIREMENTS**

- 5206.1 Subject to § 5206.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license for a term expiring February 28, 2008.
- 5206.2 This section shall not apply to applicants for an initial license by examination, reciprocity, or endorsement, nor shall it apply to applicants for the first renewal of a license granted by examination.
- 5206.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 5207.
- 5206.4 An applicant for renewal of a license shall:
- (a) Have completed thirty (30) hours of approved continuing education credit during the two (2) year period preceding the date the license expires;
  - (b) Attest to completion of the required continuing education credit on the renewal application form; and
  - (c) Be subject to a random audit.
- 5206.5 To qualify for a license a person in inactive status within the meaning of

§ 511 of the Act, D.C. Official Code § 3-1205.11 (2001) for five (5) years who submits an application to reactivate a license shall submit proof pursuant to § 5206.8 of having completed fifteen (15) hours of approved continuing education credit in the year immediately preceding the date of the application.

5206.6 To qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2001) for more than five (5) years who submits an application to reactivate a license shall submit proof pursuant to § 5206.8 of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

- (a) Thirty (30) hours of approved continuing education credit; and
- (b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a naturopathic physician.

5206.7 To qualify for a license, an applicant for reinstatement of a license shall submit proof pursuant to § 5206.8 of having completed approved continuing education credit in the year immediately preceding the date of the application as follows:

- (a) Thirty (30) hours of approved continuing education credit; and
- (b) One hundred sixty (160) hours within a sixty (60) day period of professional practice under the supervision of a naturopathic physician.

5206.8 Except as provided in § 5206.10, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification by the sponsor of completion, by signature or stamp.

5206.9 Beginning with the 2008 renewal period, the Board shall conduct a random audit of continuing education credits at the completion of each renewal period.

5206.10 Applicants for renewal of a license shall only be required to prove completion of the required continuing education credit by submitting proof pursuant to § 5206.8 if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.

**5207 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

5207.1 The Board may, in its discretion, approve continuing education programs and activities designed to maintain, develop, or increase the knowledge, skills, and professional performance of persons licensed to practice as naturopathic physicians and which meet the other requirements of this section.

5207.2 The Board may approve the following types of continuing education programs, if the programs meet the requirements of § 5207.3:

- (a) An undergraduate or graduate course given at an accredited college or university;
- (b) A seminar or workshop;
- (c) An educational program given at a conference; and
- (d) In-service training.

5207.3 To qualify for approval by the Board, a continuing education program or activity shall do the following:

- (a) Be current in its subject matter;
- (b) Be developed and taught by qualified individuals; and
- (c) Meet one of the following requirements:
  - (1) Be administered or approved by a recognized national, state, or local naturopathic medicine organization; health care organization; accredited health care facility; or an accredited college or university; or
  - (2) Be submitted by the program sponsors to the Board for review no less than sixty (60) days prior to the date of the presentation and

be approved by the Board.

5207.4 The Board may issue and update a list of approved continuing education programs.

5207.5 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.

5207.6 The Board may approve the following continuing education activities performed by an applicant where the activities are not part of the applicant's employment:

- (a) Serving as an instructor or speaker at a conference, seminar, workshop, or in-service training; and
- (b) Publication of an article in a professional journal or publication of a book or a chapter in a book or publication of a book review in a professional journal or bulletin;
- (c) Serving as a clinical instructor for students of naturopathic medicine; and
- (d) Participation in research as a principal investigator or research assistant.

**5208 [RESERVED]**

**5209 [RESERVED]**

**5210 LAWFUL PRACTICE**

5210.1 An individual licensed to practice naturopathic medicine under the Act may use the titles "Doctor of Naturopathic Medicine," "Naturopathic Physician," "Licensed Naturopath," "Naturopathic Doctor," "Doctor of Naturopathy," "Naturopath," or the initials "ND."

5210.2 An individual licensed to practice naturopathic medicine may:

- (a) Administer or provide for preventive and therapeutic purposes natural medicines by their appropriate route of administration the following:
  - (1) Natural remedies;
  - (2) Topical medicine;

- (3) Counseling;
  - (4) Hypnotherapy;
  - (5) Dietary therapy;
  - (6) Naturopathic physical medicine;
  - (7) Therapeutic devices; and
  - (8) Barrier devices for contraception.
- (b) Review and interpret the results of diagnostic procedures commonly used by physicians in general practice, including:
- (1) Physical and orificial examinations;
  - (2) Electrocardiograms;
  - (3) Diagnostic imaging techniques;
  - (4) Phlebotomy;
  - (5) Clinical laboratory test and examinations; and
  - (6) Physiological function tests.

5210.4

An individual licensed to practice naturopathic medicine under this Act shall not:

- (a) Prescribe, dispense, or administer any controlled substances, except those natural medicine authorized by this Act;
- (b) Perform surgical procedures, except for minor office procedures, as defined by rule;
- (c) Use for therapeutic purposes, any device regulated by the United States Food and Drug Administration (FDA) that has not been approved by the FDA;
- (d) Participate in naturopathic childbirth, unless the naturopathic physician:
  - (1) Passes a specialty examination in obstetrics or natural childbirth approved by the Advisory Committee on



Naturopathic Medicine, the Board of Medicine, or the Mayor, such as the American College of Nurse Midwives Written Examination or an equivalent national examination;

- (2) Has a minimum of 100 hours of course work, internship, or preceptorship in obstetrics of natural childbirth approved by the Advisory Committee on Naturopathic Medicine;
- (3) Files with the Department of Health and maintains a written collaboration agreement with a licensed obstetrician who is qualified to perform obstetrical surgery; and
- (4) Has assisted in a minimum of fifty (50) supervised births, including prenatal and postnatal care, under the direct supervision of a licensed naturopathic, medical, or osteopathic physician with training in obstetrics or natural childbirth, at least twenty-five (25) of which document the naturopathic physician as the primary birth attendant.

## 5211 STANDARDS OF CONDUCT

5211.1 Any holder of a license under this chapter to practice as a naturopathic physician shall comply with the standards of ethical and professional conduct established by the American Association of Naturopathic Physicians as they may be amended or republished from time to time.

## 5299 DEFINITIONS

5299.1 As used in this chapter, the following terms have the meanings ascribed:

**Applicant** – a person applying for a license to practice naturopathic medicine under this chapter.

**Board** – the Board of Medicine, established by § 203(a) of the Act, D.C. Official Code § 3-1202.03 (1985).

**Naturopathic physical medicine** – the use of the physical agents of air, water, heat, cold, sound, and light, and the physical modalities of electrotherapy, biofeedback, diathermy, ultraviolet light, ultrasound, hydrotherapy, and exercise, includes naturopathic manipulation and mobilization therapy.

5299.2 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

All persons desiring to comment on the subject of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the D.C. Register. Comments should be sent to the Department of Health, Office of the General Counsel, 825 North Capitol Street, N.E., 4<sup>th</sup> Floor, Washington, D.C., 20002. Copies of the proposed rules may be obtained from the Department at the same address during the hours of 9: a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

## DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to section 4902(c) of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(c)) (2005 Supp.), and Mayor's Order 2005-81, dated May 25, 2005, hereby gives notice of his intent to adopt the following amendment to Title 25 (Food and Food Operations), Chapter 50 (Schedule of Fees for Services), of the District of Columbia Municipal Regulations (DCMR). This amendment would add a replacement fee for lost Certified Food Manager Identification cards and add new service fees for health inspections of mobile food vendors, plan reviews, re-inspections after closures, processing variance requests, and HACCP Plan reviews to defray costs incurred by the Department of Health in implementing the Act.

The Director also gives notice of his intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

**TITLE 25, CHAPTER 50 OF THE DCMR IS AMENDED TO READ AS FOLLOWS:**

**CHAPTER 50 SCHEDULE OF FEES FOR SERVICES**

**5000 FEES**

5000.1 The following fees are applicable to Certified Food Protection Managers and Certified Limited Food Protection Managers:

<u>Description of Services:</u>	<u>Fees:</u>
New Food Manager Identification Card (Valid for a 3-year period)	\$ 35.00
Renewal of Food Manager Identification Card (Valid for a 3-year period)	\$ 35.00
Lost Identification Card Replacement	\$ 15.00

5000.2 The following fees are applicable to Health Inspection Certificates for Mobile Food Vendors:

<u>Description of Services:</u>	<u>Fees:</u>
Health Inspection Certificate (Food Carts) (Valid for 6 months)	\$ 100.00 (every 6 mos.)

Lost Health Inspection Certificate  
(Food Carts) \$ 15.00

5000.3 The following fees are applicable to Food Establishment Plan Reviews:

<u>Description of Services:</u>	<u>Fees:</u>
Plan Review – Type A (Carryout or capacity of 25 seats or less, or a market with 3,000 sq. ft. or less of gross floor area)	\$100.00
Plan Review – Type B (26 to 75 seats, or a market with more than 3,000 sq. ft. of gross floor area but less than 10,000 sq. ft. of gross floor area)	\$200.00
Plan Review – Type C (76 or more seats, or a market with more than 10,000 sq. ft. of gross floor area)	\$300.00
Plan Review – Equipment Replacement	\$ 70.00

5000.4 The following fees are applicable to Compliance Re-inspections after  
Closures for violations of Title 25 of the District of Columbia Municipal  
Regulations (Food and Food Operations):

<u>Description of Services:</u>	<u>Fees:</u>
Compliance Re-inspection During business hours (9:00 a.m. – 4:40 p.m.)	\$100.00 (per inspection)
Compliance Re-inspection After business hours or on the weekend	\$400.00 (per inspection)

5000.5 The following fees are applicable to Requests for Variances from a required provision of Title 25 of the District of Columbia Municipal Regulations (Food and Food Operations):

<u>Description of Services:</u>	<u>Fees:</u>
Processing a Variance Request	\$200.00

5000.6 The following fees are applicable to HACCP Plan Reviews as determined by risk levels identified in Section 4400.2 of Title 25 of the District of Columbia Municipal Regulations (Food and Food Operations):

<u>Description of Services:</u>	<u>Fees:</u>
Moderate Risks (#2 and #3) Establishments	\$ 75.00
High Risks (#4 and #5) Establishments	\$125.00
Food Processors	\$200.00

5000.7 All fees shall be paid by certified check, money order, business check, or personal check made payable to the "District of Columbia Treasurer."

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Department of Health, Office of the General Counsel at 51 N Street, N.E., Room 6036, Washington, D.C. 20002. Copies of the proposed rules may be obtained, at cost, at the same address during the hours of 9:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

## DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Housing and Community Development, pursuant to the authority set forth in §5 of the District of Columbia Home Purchase Assistance Act of 1978, as amended, D.C. Law 2-103, D.C. Official Code §42-2604 (2001), and Mayor's Order No. 80-8 (January 14, 1980), hereby gives notice of the intent to amend, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, Title 14 of the District of Columbia Municipal Regulations (DCMR), Chapter 25, Home Purchase Assistance Program (HPAP). This rulemaking supersedes the proposed rulemaking published by the Department in the *D.C. Register* at 53 DCR 1558 (March 3, 2006).

The purpose of the rulemaking is to (1) change the HPAP eligibility residency requirement to a preference for District residency; (2) establish a single formula for applicant contribution toward settlement expenses; (3) permit DHCD to establish the maximum level of HPAP financial assistance based on prevailing residential real estate market conditions; (4) extend the Notice of Eligibility period to a maximum of 180 days; (5) establish a single set of loan terms for all HPAP assistance; (6) allow settlement to proceed for homes that do not fully meet code requirements, subject to completion of code corrections prior to occupancy, and (7) revise the definitions consistent with the amendments to this chapter.

The proposed rulemaking shall be submitted to the Council of the District of Columbia for a 45-day period of review, excluding Saturdays, Sundays, legal holidays and days of Council recess. If the Council does not approve or disapprove the proposed rulemaking during the 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204); D.C. Official Code § 2-501 *et seq.*

Chapter 25 (Home Purchase Assistance Program) of Title 14 DCMR, is amended as follows:

Subsection 2501.10 is amended to read as follows:

2501.10      The applicant shall have available to be applied toward the down payment or settlement costs and shall commit for the purchase of a dwelling unit or cooperative share not less than five hundred dollars (\$500), or fifty percent (50%) of all household assets in excess of three thousand dollars (\$3,000) that are in a form capable of ready conversion into cash, whichever is greater.

Subsection 2501.11 is amended to read as follows:

2501.11      For very low income and lower income applicants, the contribution in excess of five hundred dollars (\$500) required under § 2501.10, may be waived by the

Director where there is demonstrated need, and the applicant household is elderly, handicapped, disabled, or displaced.

Subsection 2501.14 is amended to read as follows:

2501.14 Priority in the allocation of assistance among eligible applicants for the Program shall be as follows:

- (a) First priority shall be given to District of Columbia residents who are very low or low income, elderly, handicapped, disabled, or displaced.
- (b) Second priority shall be given to other eligible residents of the District of Columbia.
- (c) Third priority shall be given to non-residents who have been employed in the District for one year immediately preceding application and are otherwise eligible.
- (d) Fourth priority shall be given to those eligible applicants who neither reside in the District nor were employed in the District for one year immediately preceding application, but who can demonstrate prior residency in the District for at least three (3) consecutive years while an adult over the age of eighteen (18).

The DHCD shall establish administrative procedures to implement this priority system.

Subsection 2501.15 is amended to read as follows:

2501.15 To be eligible for purchase or for securing occupancy rights, a property shall be located in the District of Columbia and shall be a single-family, condominium or cooperative dwelling unit, to be used as the applicant's primary residence.

Subsection 2502.5 is amended to read as follows:

2502.5 Settlement may be allowed on a property which does not fully meet code requirements, at that time, if a determination is made by DHCD that adequate, financially feasible provisions have been made by the buyer or the seller to correct all code defects or violations necessary to protect the health and safety of the occupants prior to occupancy of the property and not later than six months after the settlement.

Settlement is also subject to the federal and District lead safe housing regulations, including but not limited to, HUD Disclosure and Notice requirements and the EPA pamphlet; Visual Assessment; Paint Stabilization, if any required, use of Safe Work Practices and Clearance. Housing built after 1978 is exempt from

these regulations. 24 CFR Part 35 Subpart K; DCMR Title 20, Chapter 8, Section 806 (1998).

Subsection 2503.1 is amended to read as follows:

2503.1 The amount of financial assistance provided to a very low, low or moderate income eligible household shall be based on the sum of Downpayment Assistance and Closing Cost Assistance, subject to the limitations provided in § 2503.2 of this chapter. Downpayment Assistance shall be determined by DHCD based on prevailing trends in the residential real estate market. DHCD shall publish Program financial assistance limits, not less than one time each fiscal year, which shall remain in effect until a subsequent notice is published.

- (a) Closing Cost Assistance shall be in an amount to be determined by the Department and shall be constant for all eligible households.
  - (1) The per-client Closing Cost Assistance shall be determined based on the availability of funds, but shall not be more than Ten Thousand Dollars (\$10,000).
  - (2) DHCD shall publish the amount of per-client Closing Cost Assistance not less than one time each year, and it shall remain in effect until a subsequent notice is published.
- (b) Downpayment Assistance for eligible very low, low, and moderate income applicants shall be in an amount equal to the Desired Purchasing Power less the Standard Mortgage Qualification Level for each eligible applicant, subject to the Per-Client Downpayment Assistance Cap, and adjusted for household size.
  - (1) The amount of Downpayment Assistance will be inversely related to household income so that lower income households will be eligible for greater amounts of Downpayment Assistance, and households with higher incomes will be eligible for lesser amounts of Downpayment Assistance.
  - (2) DHCD shall publish the Desired Purchasing Power, the Per-Client Downpayment Assistance Cap, and the calculated amounts of Downpayment Assistance for all very low, low, and moderate income applicants, not less than once each fiscal year, and they shall remain in effect until a subsequent notice is published.
- (c) The Director may increase the amount of financial assistance for very low income households by an amount up to Five Thousand Dollars (\$5,000) when the following conditions apply:
  - (1) Applicant household demonstrates a need for additional assistance; and
  - (2) Applicant household is elderly, handicapped, disabled, or a displaced household.



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Subsection 2504.1 is deleted in its entirety.

Subsection 2504.2 is amended to read as follows:

2504.2       Loans made to any income-eligible household under this Program shall require monthly Principal-Only payments in an amount equal to the loan amount amortized over a four hundred eighty (480) month period, and payment shall begin five (5) years from the date of the loan execution.

Subsection 2504.3 is deleted in its entirety.

Subsection 2505.1 is amended to read as follows:

2501.1       Except as provided for in §§ 2505 through 2506, all financial assistance under the Program shall be Principal-Only Loans repayable, after five (5) years, consistent with § 2504.2 of this Chapter, secured by a lien or subordinated trust on the property purchased or by other security provided for in this chapter or deemed appropriate by the Department.

Subsection 2505.4 is amended to read as follows:

2505.4       In cases where an applicant is determined to be unable to afford the monthly payments of principal required under a Principal-Only Loan, and where the applicant is a Displaced Household, and would be required to move from the home he or she now occupies if monthly payments of principal were required beginning in the sixth year of the loan, but meets all other requirements of this chapter, the applicant may receive an additional deferral of all payments beyond the initial five-year deferred period, subject to review and approval by the Department for a period not to exceed five (5) years after the date of such additional deferment.

Subsection 2505.7 is amended to read as follows:

2505.7       All Loans under HPAP shall be secured by a recorded lien or subordinated trust on the property purchased unless this requirement is explicitly waived as provided for in § 2500.5 of this chapter.

Subsection 2505.9 is amended to read as follows:

2505.9       The Department may, by determination of the Program Administrator, provide additional HPAP assistance in the form of a grant or an unsecured deferred payment loan in amounts needed to cover all or a portion of closing costs, if required to meet the loan-to-value ratio requirements of the first mortgage, to the extent such costs exceed the requirements of § 2501.9 of this chapter.

Subsection 2508.1 is amended to read as follows:

2508.1       Loans made under the Program shall not bear interest, except as may be established under the provisions of § 2506.6.

Subsection 2508.2 is amended to read as follows:

2508.2       The terms of each loan made under the Program shall provide that the principal amount of the loan shall become due and payable on an amortized basis after five (5) years from the date of the loan or payable in full whenever the loan recipient ceases to occupy the property purchased or secured as his or her principal residence, except as provided for under § 2506.

Subsection 2508.3 is amended to read as follows:

2508.3       The DHCD may establish a time limit during which an eligible applicant shall locate and enter into a contract to purchase or an agreement to occupy an eligible property under the Program. The time limit shall not be less than ninety (90) and not more than one hundred eighty (180) days from the date the applicant is notified in writing of his or her eligibility under the Program.

Subsection 2509.1 is amended to read as follows:

2509.1       A prepayment penalty shall be charged to the loan recipient if the property is sold or transferred at any time during the first five (5) years after settlement of the loan, except as provided in § 2506.

Subsection 2509.2 is amended to read as follows:

2509.2       The prepayment penalty shall be equal to the interest on the principal amount of the loan from the date of settlement to the date of sale or transfer, at the rate of interest on the First Mortgage Loan.

Subsection 2599.1 is amended by adding or revising the following terms and definitions :

**Area Median Income** - the current median income for the Washington, D.C., Metropolitan Statistical Area, as determined periodically by DHCD (based on the area median income established by the Secretary of the U.S. Department of Housing and Urban Development (HUD), with adjustments for family size.

**Desired Purchasing Power** -- the price at which or below there were sold in the preceding 12-month period, a sufficient number of three-bedroom homes to meet the demand of four-person and five-person HPAP applicant households anticipated for the next 12-month period.

**Dwelling Unit** - a single-unit single family home, a fee simple unit in a condominium, or occupancy rights in a cooperative.

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**First Time Homebuyer** - a real property purchaser who had no ownership interest in his or her principal residence at any time during the three (3) year period ending on the date of his or her application for assistance (but including an applicant who has divorced or separated during the three (3) year period where a formal settlement has been made under which the applicant does not receive an ownership interest in a primary residence which had been jointly owned), and who has no other current ownership interest in residential real property.

**Grant** - financial assistance provided under the Program which does not require repayment. Grants are not normally made under the Program, except in accordance with the special conditions set forth in this chapter.

**Gross Household Income** - gross amount of income of all adult household members that is anticipated to be received during the coming 12-month period, as defined in 24 Code of Federal Regulations Section 5.609.

**Per-Client Downpayment Assistance Cap** - the maximum amount of Downpayment Assistance that may be provided to an applicant household,, adjusted for household size.

**Principal-Only Loan** - a loan which is repaid in regular monthly installments of principal only. All Principal-Only Loans under HPAP shall be secured by a lien or subordinated trust on the property purchased unless this requirement is explicitly waived as provided for in § 2505.7. The loans may also be secured by financing statements or liens on the stock or other assets of a loan recipient, by an assignment of lease(s) or rent(s), or by other means consistent with District of Columbia law.

**Program Administrator** - the staff person at the D.C. Department of Housing and Community Development designated to manage the Home Purchase Assistance Program.

**Standard Mortgage Qualification Level** - the typical mortgage level for which any very low, low, or moderate- income applicant can qualify. The standard mortgage qualification level is determined by rounding the annual income figure for any very low, low, or moderate annual income figure to the next highest \$1,000, and using industry standard mortgage qualification tables, which employ assumptions for anticipated single-family mortgage interest rates and typical household debt information. The Department shall use standard mortgage qualifications levels to calculate Home Purchase Assistance Program downpayment assistance.

**Unsecured Loan** - a loan which requires repayment, subject to the conditions of the Program's loan agreement and for which the recipient has signed a promissory note, but which is not secured by a lien on the property purchased. Unsecured loans shall be made under the Program only under the special circumstances set forth in § 2505.9.

All comments for this Proposed Rulemaking can be sent to 801 North Capital Street, NE, Washington, DC 20002, attention Robert Mulderig, Deputy Direct for Residential and Community Services. Copies of this Proposed Rulemaking can be obtained at the same address between the hours of 8:15 am and 4:45 pm.