

BOARD OF EDUCATION

NOTICE OF FINAL RULEMAKING

The District of Columbia Board of Education ("Board"), pursuant to the authority generally set forth in D.C. Code, 2001 edition, Section 38-101, et seq., hereby gives notice of final rulemaking action taken by the Board at its meeting held on June 15, 2005, to amend Chapter 35 of the Board Rules, Title 5 of the D.C. Municipal Regulations, regarding School Buildings and Grounds. The final changes require the Superintendent of Schools to 1) hold hearings for each proposed public/private development partnership that would result in a capital improvement project at a District of Columbia public school building and/or site, 2) make recommendations to the Board consistent with these regulations and the Superintendent's public/private development partnership procedures, 3) obtain the Board's approval prior to proceeding and 4) submit a quarterly report to the Board on the status of all public/private development partnership projects and publish a list of all approved or pending public/private development partnership projects in the DC Register annually.

On May 13, 2005 a notice of proposed rulemaking was published in the D.C. Register (52 DCR 4604). One set of comments was received from the public was considered and resulted in a change to Section 3514.5 of the final rulemaking, requiring single member district Advisory Neighborhood Commissioners to be notified of proposed PPDP sites and suggested adaptive reuses. This rulemaking will become final upon publication in the D.C. Register.

Section 3514 is amended to read as follows:

3514 PUBLIC/PRIVATE DEVELOPMENT PROJECTS PARTNERSHIPS

3514.1 For purposes of this section, a public/private development partnership ("PPDP") is one in which an individual or organization, not affiliated with DCPS, partners with DCPS to utilize a DCPS-controlled real estate asset in such a manner as to produce benefits to DCPS including, but not limited to, revenue enhancement, capital improvements, and the provision of other goods and/or services which further the mission of DCPS. PPDPs may include other public entities, private entities, and/or non-profit entities, including co-locations and/or leases involving capital investments from entities other than DCPS.

3514.2 PPDPs may be entered into when the entirety of a DCPS-controlled real estate asset is the subject of the PPDP or when a PPDP will result in

comprehensive physical changes to all or a portion of a DCPS-controlled real estate asset.

3514.3 DCPS may enter PPDPs to develop DCPS-controlled real estate assets for both educational and non-educational purposes.

3514.4 All PPDPs shall be developed by the Superintendent in accordance with these rules, the Superintendent's PPDP procedures, and shall be presented to the Board for final approval.

3514.5 Prior to recommending potential PPDP sites to the Board, as provided for in Section 3514.78 below, the Superintendent after giving thirty days' written notice in the ~~D.C.~~ D.C. Register, shall (a) hold a public hearing hearings as cited below, for the purpose of receiving suggestions from interested parties on potential ~~sites for~~ PPDPs and adaptive reuses of DCPS-controlled real estate assets, (b) ensure Board review and approval of all sites ~~through a plan to be developed by the Board consistent with the Superintendent's PPDP procedures~~; and (c) notify the single member district Advisory Neighborhood Commissioners.

3514.6 The Superintendent is required to hold at least one public hearing for unsolicited PPDP proposals that are recommended to proceed as a sole source and at least two public hearings for any unsolicited or solicited PPDP proposal recommended to proceed as an RFP or RFQ.

3514.67 After reviewing any public comments on proposed PPDP sites and suggested adaptive reuses, as provided for in Section 3514.5 above, the Superintendent shall ~~(a) develop a list of potential PPDP sites and suggested adaptive reuses for each; (b) publish the list in the D.C. Register; (c) allow forty-five days for public comment on the list; and (d) notify the individual school governing bodies and single member district Advisory Neighborhood Commissioners.~~ present a recommendation to the Board to proceed or not to proceed, with supporting data and information for either action.

3514.78 After reviewing any public comments received pursuant to Section 3514.67 above, the Superintendent shall recommend selected PPDP projects to the Board based solely on the benefit to DCPS according to the criteria set out in Section 3514.13.14 below.

3514.89 All PPDPs entered into by DCPS shall result from an open and competitive selection process, except as provided in Sections 3514.910 and 3514.1213 below.

3514.910 If the Superintendent receives only one unsolicited offer to develop all or part of a DCPS-controlled real estate asset, such an offer, if accepted, may

be converted into a sole source contract consistent with the Superintendent's PPDP procedures.

- 3514.4011 If the Superintendent receives one or more than one unsolicited offer, as described in Section 3514.910 above, and determines that the offer(s) could produce benefits to DCPS including, but not limited to, revenue enhancement, capital improvements, and the provision of other goods and/or services which further the mission of DCPS, the material contents of the offers may be converted to a Request for Proposals ("RFP") or a Request for Qualifications ("RFQ") for public solicitation of competitive offers.
- 3514.412 If the Superintendent wishes to proceed with either a sole source contract, as described in Section 3514.910 above, or with the RFP/RFQ process described in Section 3514.4011 above, the project(s) must receive specific approval from the Board prior to development of a sole source contract or the issuance of an RFP/RFQ consistent with the Superintendent's PPDP procedures.
- 3514.4213 The provisions of Sections 3514.89 and 3514.4011 above shall not apply to offers for PPDPs from universities or colleges located immediately adjacent to DCPS-controlled real estate assets, unless the Superintendent fails to reach a satisfactory development agreement with the university or college. For the purposes of this Section, the term "immediately adjacent" shall mean that one or more of the lot lines of the DCPS-controlled real estate asset abuts, or shares a common lot line with, real property owned or controlled by the college or university. However, public meetings and comment periods must be provided consistent with the Superintendent's PPDP procedures.
- 3514.4314 Potential PPDP sites shall be studied by the Superintendent and the Board for their long-term education program use, real property asset value, underlying zoning, type of partnership and suitability, and potential benefit to DCPS from the partnership.
- 3514.4415 The Superintendent's recommendations for PPDPs shall include fiscal year of initiation, capital cost avoidance, benefits to DCPS, impact on other DCPS capital projects, and a statement that the educational adequacy of the DCPS-controlled real estate asset involved will not be compromised by the PPDP.
- 3514.4516 The implementation of a PPDP may not, by displacing capital funds, delay modernization of school facilities assessed to be of higher priority for modernization, replacement, or other major capital improvements than the PPDP project.

DISTRICT OF COLUMBIA REGISTER

- 3514.4617 PPDP projects shall assure that at least 35% Local, Small and Disadvantaged Business Enterprise (LSDBE) participation based on either the total construction budget or equity interest in the private portion of the development.
- 3514.1718 The Superintendent of schools shall report quarterly on the status of all PPDP projects and prepare a list of all approved or pending DCPS PPDP project sites and their proposed schedules projects, which shall be updated each year for publication in the D.C. Register.

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 amended and restated Section 6214 of Chapter 62 to Title 14, which contain the rules governing the operation of the Neighbor to Neighbor Care Program. Final action to adopt these rules was taken at the Board of Commissioners regular meeting on September 14, 2005. Minor corrective changes were made to the text of the proposed rules as published under the notice of proposed rulemaking on August 12, 2005 (52 DCR 7826). These final rules will be effective upon publication of this notice in the D.C. Register.

Chapter 62, Low Rent Housing: Rent and Lease, is amended by adding the following text as the new Section 6214.

6214 NEIGHBOR TO NEIGHBOR CARE PROGRAM

6214.1 Purpose of the Program. The District of Columbia Housing Authority ("DCHA") Neighbor to Neighbor Care Program is a program designed to assist public housing residents participate in activities that are a benefit to themselves and the community. The Neighbor to Neighbor Care Program is designed to give families a greater ownership in their communities and to facilitate upward mobility. Participation for certain residents is required by HUD, participation for others is voluntary. The objective, whether participation is voluntary or required, is to facilitate residents achieving economic self sufficiency and contributing to their neighbors and community.

6214.2 Voluntary or Required Participation

- (1) All adult members of a household leasing a rental unit in a public housing development exempt or non-exempt under 6214.3, may participate in any Approved Service Program as identified in 6214.4.
- (2) Each adult member of a household leasing a rental unit in a public housing development, unless exempt under Subsection 6214.5, shall, as a condition of their continued occupancy, contribute the equivalent of eight (8) hours per month, for a total of at least 96 hours in any given year, in an approved voluntary community service activity as specified in 6214.4.
- (3) Political activities, including campaigning, voter registration, voting or getting out the vote, do not qualify for meeting the Participation Requirement specified in 6214.2(2) above. Work that is compensated as employment does not qualify to meet the Participation Requirement.

6214.3 Exemptions

- (1) Certain adult household members are exempt from required participation in the Neighbor to Neighbor Care Program if they can document that they are:
 - (a) 62 years old or older;
 - (b) Blind or disabled as determined in accordance with Federal regulations implementing the Social Security Act;
 - (c) The primary caretaker of an individual identified in (b) above;
 - (d) Engaged in one, or a combination of, the work activities identified below for at least the same number of hours per week (or total over the course of a year) as specified in 6214.2(2) above:
 - (i) Employment;
 - (ii) on-the-job training,
 - (iii) job search and job readiness programs, including, but not limited to, registration with the Department of Employment Services and the DCHA Section 3 program.
 - (iv) job skills training directly related to employment,
 - (v) vocational educational training,
 - (vi) education directly related to employment, for individuals who have received a high school diploma or a certificate of general equivalence;
 - (vii) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence,
 - (viii) provision of child care services to an individual who is participating in a Neighbor-to-Neighbor activity or an activity that exempts an individual from required Neighbor-to-Neighbor activities.
 - (e) Exempt from having to engage in a work activity under a Qualified Assistance Program,
 - (f) A member of a family receiving assistance, under a Qualified Assistance Program, provided that the family has not been found by the administering agency to be in noncompliance with such program;
- (2) DCHA shall review the exempt status of each adult family member as part of the recertification process.

6214.4 Approved Service Programs

- (1) The Office of Resident Services shall maintain a list of approved Neighbor to Neighbor sponsors and activities which offer opportunities for service and economic and educational advancement for residents. The list shall be

DISTRICT OF COLUMBIA REGISTER

available to the DCHA City Wide Advisory Board and all DCHA Resident Councils as well as from each Property Manager.

- (2) Additional programs and activities may be approved and added to the list from time to time, as follows:
 - (a) A resident may request the addition of a Service Program to the list by submitting documentation from the sponsor of the Program as to the Program's activities and an authorized representation that it does not engage in political activities and that the resident will not be employed by the Program.
 - (b) Any Resident Council or the City Wide Advisory Board may request the addition of a Program by submitting documentation about the Program as to the scope of its activities and that the Program is not engaged in political activities.
- (3) Approved Service Programs may include programs and activities such as those listed below.
 - (a) Voluntary Community Service Activities, such as: Serving in leadership positions in the Resident Council, District of Columbia City-Wide Advisory Board, the DHCA Board of Commissioners or the Resident Advisory Committee, but no political activities or voter registration activities.
 - (b) Resident Council or City-Wide Advisory Board sponsored Service Programs
 - (c) Participating in DCHA sponsored community service programs, including but not limited to Orange Hat patrols, building playgrounds and landscaping events;
 - (d) Tutoring or other support program at a local public or private school in the resident's community
 - (e) Participation in church sponsored programs that support the community and individuals in the community
 - (f) Civic and public interest organizations, such as the Boys and Girls Clubs of Greater Washington, United Way, AmeriCorps and Vista;
 - (g) Volunteer and support programs at a local public or non-profit institution, such as the public, charter or private school, Head Start, before or after school programs, childcare center, hospital, clinic, hospice, nursing home, recreation center or senior center.
 - (h) Educational Advancement Programs, such as:
 - (i) English proficiency or literacy classes;
 - (ii) English as a second language classes;
 - (iii) Financial Management,;
 - (iv) Credit Counseling;
 - (v) Household Management; or
 - (vi) Others as approved by DCHA.

6214.5. Reporting

- (1) All adult family members required to participate in the Neighbor-to-Neighbor program shall provide to DCHA as part of the family's recertification package, a signed statement by each such adult describing the Neighbor-to-Neighbor activities pursued since the household's last recertification and certifying the hours of service provided.
- (2) Each adult family member claiming exemption from required Neighbor-to-Neighbor program participation according to the provisions of 6214.3, above shall provide to DCHA as part of the family's recertification package:
 - (a) a signed statement by each adult claiming an exemption certifying either:
 - (i) a statement of the basis of the exemption under 6214.3 (a) – (c) (e) or (f) hereinabove, or
 - (ii) a description of the work activities pursued by each exempt adult member under 6214.3(d) hereinabove.
- (3) DCHA may require a release from the family member authorizing DCHA to obtain verification of any or all information provided in the household's annual report of Neighbor-to-Neighbor activities and DCHA may, subsequent to submission, seek third party verification of any or all information supporting an exemption.
- (4) The provision of false certifications or information that can not be verified by a third party shall be cause for a determination of non-compliance in accordance with 6214.6 below.

6214.6 Compliance and noncompliance.

- (1) At least thirty days prior to the household's annual recertification date, DCHA shall determine that the head of household and all adult family members that are not otherwise exempt hereunder have met the Participation Requirement through taking part in one or more Approved Service Programs.
- (2) If DCHA determines that a family member who is required to fulfill the Participation Requirement failed to meet the requirement, DCHA shall provide written notice to the family member of DCHA's determination which shall describe such noncompliance.
- (3) DCHA shall provide an opportunity for the head of household and noncompliant family members to cure the non-compliance by :
 - a) Entering into a written agreement whereby the head of household and/or noncompliant family member agree to a Personal Service Plan that provides for the hours required under 6214.4(2) or 6214.5(d)

DISTRICT OF COLUMBIA REGISTER

above, as well as the hours that were not provided in the preceding year, over the next twelve (12) month period;

- b) Agreeing to a date certain to vacate the leased premises.
- (4) If at the next recertification, any adult family member is still not in compliance, DCHA may serve a notice to quit or cure and, unless the head of household provides third party documentation in form satisfactory to DCHA that the noncompliant family member no longer resides with the family in the unit, then DCHA will seek judicial termination of the household's lease.
- (5) A head of household may request a grievance hearing on DCHA's determination of noncompliance in accordance with the provisions of Chapter 63 of this Title.

6214.7

Definitions.

- (a) "Adult" means any individual 18 years of age or older residing in a unit owned by DCHA.
- (b) "Approved" means any approval provided by DCHA to the head of household and/or a family member in writing.
- (c) "Approved Service Program" is a program approved by DCHA in accordance with 6214.4 hereof.
- (d) "Exempt" means an individual for whom participation is not required but only voluntary as a result of one or more of the conditions described in 6214.3.
- (e) "Family Member" means all authorized occupants under the lease agreement with DCHA, excluding Live-in-Aides.
- (f) "Head of Household" means the individual(s) who signed the lease agreement with DCHA.
- (g) "Participation Requirement" is the service requirement specified in Section 6214.2(2) and met through participation in an Approved Service Program.
- (h) "Qualified Assistance Program" is a District of Columbia program funded under Part A of Title IV of the Social Security Act, 42 U.S.C. §601 *et seq.* or under any other District of Columbia welfare program including a welfare to work program.

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 83 to Title 14, which contain the rules governing Rent and Housing Assistance Payments for the Housing Choice Voucher Program. Final action to adopt these rules was taken at the Board of Commissioners regular meeting on September 14, 2005. Technical, non-material changes were made to the text of the proposed rules as published on May 27, 2005. These rules will be effective upon publication of this notice in the D.C. Register.

Chapter 83, Rent and Housing Assistance Payments, a new chapter in Title 14 of the DCMR, is to read as follows:

**CHAPTER 83
RENT AND HOUSING ASSISTANCE PAYMENTS**

8300 . PAYMENT STANDARD AMOUNT

8300.1 Fair Market Rents. HUD publishes annually the fair market rents for each market area in the United States.

(a) DCHA uses the fair market rent published by HUD annually for the Washington, D.C. Metropolitan Statistical Area.

(b) The Fair Market Rent (FMR) is set by HUD for the District at the 50th percentile rent to provide a broad range of housing opportunities throughout the District in order to assist in achieving deconcentration objectives.

8300.2 Payment Standard.

(a) The Payment Standard is the percentage of the Fair Market Rents, as set by HUD, used to calculate the maximum housing assistance payments available at any given time.

(b) Under HUD's rules, the Commission may set the Payment Standard for each size of unit at any level between 90 percent and 110 percent of the Fair Market Rent, or up to 120 percent as permitted under 8300.2(d) below.

c) Within the basic range for Payment Standards as specified in 8300.2(b) above, a separate payment standard may be set for a designated part of the FMR area or for a particular size of units.

(d) Exception Payment Standards between 110 percent and 120 percent may be approved by the HUD Field Office for an exception area for all size units, or all units of particular sizes in an exception area.

(e) The Payment Standard is 100% 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.

8300.3 Payment Standard Schedule. After publication by HUD of the Fair Market Rents, DCHA annually adopts, by resolution of the Board of Commissioners, the Payment Standard Schedule for the upcoming year for each unit size using the Payment Standard as identified in 8300.2(e) above.

8300.4 HUD Discretion. Payment Standard Schedules are subject to review by HUD and HUD, at its discretion, may modify payment standard amounts for any unit size on the DCHA Payment Standard Schedule.

8301 REASONABLE RENT TO OWNER

8301.1 Lease Approval. DCHA may not approve a lease unless it determines that:

(a) The initial gross rent does not exceed the reasonable rent as determined by DCHA in accordance with this Chapter; and

(b) The family portion of the rent does not exceed forty percent (40%) of the participant's adjusted monthly income.

8301.2 When Determinations Required. DCHA is required to make a determination of rent reasonableness upon any of the following eventualities:

(a) At initial lease up, or lease up upon transfer;

(b) Before any increase in rent to Owner is approved;

(c) If sixty (60) days or more before the family's annual reexamination date there is a 5% or greater decrease in the published FMR for the unit size as compared to the previous FMR;

(d) At the election of DCHA;

(e) At the discretion of the US Department of Housing and Urban Development.

8301.3 Reasonable Rent Determination. The reasonable rent determination is undertaken on a case-by-case basis. At any time a rent determination is undertaken in accordance with 8301.2 above, the following process is used for determining whether the gross rent proposed to be charged by the Owner is reasonable.

(a) DCHA when determining reasonable rent always considers items (i) through (ix) and may consider items (x) and (xi) at its option as follows:

- (i) Square Feet
- (ii) Number of Bedrooms
- (iii) Maintenance Services provided by the lease
- (iv) Location
- (v) Unit Type
- (vi) Quality
- (vii) Date Built
- (viii) Amenities included in the lease
- (ix) Utilities if provided by Owner
- (x) Number of Bathrooms
- (xi) Other Services provided under the lease

(b) DCHA maintains an automated database which includes data on comparable unassisted units for use by staff in making rent reasonableness determinations.

(c) DCHA does not establish minimum base rent amounts.

(e) DCHA shall use at least two comparable unassisted units for each rent determination with all comparables based on the rent that the unit would command if leased in the current market within the last twelve (12) months.

(f) The data for other unassisted units may be gathered from newspapers, realtors, professional associations, inquiries of owners, market surveys, and other available sources.

(g) The market areas for rent reasonableness are indicated by census tract, within the District of Columbia and the determination of reasonable rent is made by comparable rents on similar units within the same or nearby census tracts.

8301.4 Owner Information. The Owner is required to provide DCHA with information if requested on rents charged by the owner for other units owned by the Owner either at the same premises or elsewhere in the District of Columbia.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF FINAL RULEMAKING

The Director, Department of Human Services (DHS), pursuant to the authority set forth in Section 2(f) of the Self-Sufficiency Promotion Amendment Act of 1998, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-202.05(b)), and Mayor's Order 99-65, dated April 26, 1999, hereby gives notice of intent to adopt the following amendment to Chapter 58 of Title 29 of the District of Columbia Municipal Regulations (DCMR). No comments were received and no changes have been made to the text of the proposed rules published in the *D.C. Register* on July 15, 2005 (52 DCR 6681-6682). These final rules will become effective upon publication in the *D.C. Register*.

CHAPTER 58 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

5813 WORK PARTICIPATION ALLOWANCE AND INCENTIVE PAYMENTS TO ELIGIBLE TANF RECIPIENTS

Section 5813.4 of Chapter 58 of Title 29 of DCMR is amended to read as follows:

5813.4 A recipient who is participating in a mandatory program may be provided the following allowances:

- (a) An allowance of ten dollars (\$10.00) per day of participation;
- (b) An allowance for significant, discrete customer work-related expenses such as obtaining medical examinations, which are not covered by Medicaid or the purchase of uniforms for customers who have a firm job offer;
- (c) The amount authorized under subsection (b) shall not exceed two hundred fifty dollars (\$250.00) per customer, unless authorized in accordance with subsection (e);
- (d) The District shall reimburse the Contractor in order to defray the costs incurred in subsection (b); and
- (e) If a unique situation arises in which the two hundred fifty dollars (\$250.00) is not enough to cover the work related expense, the Contractor shall contact the Contracting Officer's Technical Representative (COTR) for approval to spend above this limit.

8301.5 Owner Certification. Acceptance of each monthly housing assistance payment is a certification by the Owner that the gross rent to the owner is not more than rent charged by the owner for comparable unassisted units in the premises for multi-unit premises, or in the same market area for single unit premises.

8302 HOUSING ASSISTANCE PAYMENTS FOR ASSISTED HOUSEHOLDS

8302.1 Applicable Payment Standard. The Payment Standard, except in the case of enhanced vouchers, for each Household is the LOWER of:

(a) The payment standard for the household unit size and composition as set under Section 8300.2 above; OR

(b) The payment standard amount for the size of the dwelling unit rented by the household.

8302.2 Amount of Monthly Housing Assistance Payment. DHCA shall pay a Monthly Housing Assistance Payment to the Owner on behalf of a participating Household that is equal to the payment standard for the Household as determined under 8302.1 above, minus the Total Tenant Payment notwithstanding the amount of the gross rent and the household's Family Share as determined under 8303 below.

8302.3 Decreases in Payment Standards During the HAP Contract. If the amount of the Payment Standard Schedule for the Unit Size decreases during the term of a HAP contract, DCHA shall determine the Total Tenant Payment and Monthly Housing Assistance Payment for the household as follows:

(a) At the second annual reexamination of the Household following the effective date of the decrease in the Payment Standard Schedule amount, DCHA shall redetermine the Total Tenant Payment as provided under 8302.1 above, using the lower Payment Standard.

(b) DCHA shall determine whether the Monthly Housing Assistance Payment amount using the prior (higher) Payment Standard, or the monthly Housing assistance Payment amount using the decreased Payment Standard provides a lower or higher amount than the prior monthly Housing Assistance Amount (a higher amount being possible due to changes in household or unit size during the preceding examination period as required under 8302.5 below).

(c) If the Monthly Housing Assistance Amount is increased before the implementation of the decrease, then the provisions governing increases in Section 8302.4 below shall apply.

8302.4 Increases in Payment Standards during the HAP Contract. If the amount on the Payment Standard Schedule for the Unit Size increases during the term of a HAP contract, then:

(a) The increased Payment Standard shall be used, as provided under 8302.1 above, to calculate the Monthly Housing Assistance Payment; and

(b) The increase shall go in to effect as of the first annual reexamination on or after the effective date of the increase in the Payment Standard.

8302.5 Changes in Family Size and Moves. Notwithstanding the provisions in 8302.2 and 8302.3 above,

(a) The Payment Standard in effect at the time there is any increase or decrease in household size during the HAP contract term shall be used to determine the Total Tenant Payment and monthly Housing Assistance Payment for the household beginning at the first annual reexamination following the change in household size;

(b) If a family moves to a new unit, the Payment Standard in effect at the time of the move shall be used to determine the amount of the Total Tenant Payment and the monthly housing assistance payment; and the new lease shall be approved in accordance with 8301.1 above.

303 FAMILY SHARE OF RENT

8303.1 Family Share of Payment. The family share of the gross rent stated in the lease is calculated by subtracting the amount of the monthly housing assistance payment from the gross rent. The family must pay the difference between the maximum housing assistance payment and the gross rent (if determined to be reasonable) due to the Owner.

8303.2 Limits on DCHA Payments. DCHA may not use housing assistance payments, or any other program funds, including administrative fee reserves, to pay any part of the family share.

8303.3 Maximum Family Share of Rent. DCHA may only approve a tenancy for a unit if:

(a) For the initial occupancy period (usually one year), if the gross rent, as determined to be reasonable by DCHA, does not result in the maximum Family Share exceeding 40% of the household's adjusted monthly income;

(b) After initial occupancy, there is no limit (other than rent reasonableness determinations) on the gross rent and percent of adjusted monthly income that a participating household may elect to pay as the Family Share.

8303.4 Other Fees and Charges. Leases or separate agreements providing for additional fees and charges are subject to the following requirements:

(a) Additional fees and charges will NOT be approved if:

(i) The cost of meals or supportive services is included in the rent to the Owner, with such costs being included in the calculation of reasonable rent;

(ii) Non-payment of such charges is grounds for termination of the lease;

(iii) Inclusion of any extra fees or charges are for items that are customarily included in rent in the District of Columbia;

(iv) Fees or charges are included for items provided at no additional cost to unsubsidized tenants in the premises.

(b) DCHA is not liable for unpaid charges for any additional items whether set forth in the lease or covered by separate agreements;

(c) If the tenant and owner have come to an agreement on the amount of charges for a specific item that is not prohibited under (a) above, and so long as those charges are reasonable and not a substitute for higher rent, they will be allowed. Costs for seasonal items can be spread out over 12 months.

(d) Copies of all separate agreements must be provided to DCHA.

8303.5 Negotiating Rent. Negotiations over the gross rent to the Owner are conducted between the Owner and the Household. DCHA may assist the Household in the negotiations at the request of the Household.

8304 RENT INCREASES TO OWNER

8304.1 Written Request Required. Owners may request a rent increase no later than 90 days prior to any family annual reexamination date. The request must be in writing.

8304.2 Amount of Rent Adjustment. Rent to the Owner may be adjusted either up or down. Subject to compliance with 8304.1 above, the adjusted rent to an Owner who has submitted a written request shall be the LESSER of:

- (a) The current rent multiplied by the applicable annual adjustment factor published by HUD as in effect 60 days before the HAP anniversary date; OR
- (b) The reasonable rent as most recently determined (or redetermined) by DCHA; OR
- (c) The amount requested by the Owner.

8304.1 Prerequisites to a Rent Increase. The rent may not be increased on the family annual reexamination date unless:

- (a) The Owner has requested a specific increase amount at least 90 days before the family annual reexamination date; AND
- (b) The request is made in writing on DCHA provided forms for each unit for which an increase is being requested; and
- (c) In the preceding year, the Owner has complied with all requirements of the HAP contract, including compliance with the Housing Quality Standards.

8304.4 Timing of any Increases to Rent. Housing Assistance Payment increases, if approved by DCHA, shall be effective as of the first day of the first month commencing on or after the Participant's annual reexamination (anniversary) date;

DISTRICT OF COLUMBIA
DEPARTMENT OF MOTOR VEHICLESNOTICE OF FINAL RULEMAKING

The Director of the Department of Motor Vehicles, pursuant to the authority set forth in Section 1825 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 50-904); Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(a)); Section 7 of An Act to provide for the annual inspection for all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78, D.C. Official Code § 50-1107); Section 201 of the District of Columbia Traffic Adjudication Act of 1978 (D.C. Law. 2-104; D.C. Official Code § 50-2302.01); Section 9 of the International Registration Plan Agreement Act of 1996, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.01); and Mayor's Order 03-58, effective April 21, 2003, hereby gives notice of the adoption of amendments to Chapters 6 and 30 of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). These amendments temporarily suspended reinspections at reinspection stations and established a means to serve notices of infraction for violations of the International Registration Plan Agreement Act. No comments were received and no changes were made to the text of the proposed rulemaking as published with a notice of a proposed rulemaking in the *D.C. Register* on September 2, 2005 (52 DCR 8272). These final rules will be effective upon publication in the *D.C. Register*.

Title 18, DCMR, is amended as follows:

- A. Chapter 6, INSPECTION OF MOTOR VEHICLES, section 605, REINSPECTION OF REJECTED VEHICLES, subsection 605.2 is amended by adding a new paragraph (c) to read as follows:
- (c) Beginning September 19, 2005, and extending for a temporary period to be determined by the Director, reinspections shall only be conducted by personnel described in paragraph (a) of this subsection.
- B. Chapter 30, ADJUDICATION AND ENFORCEMENT, Section 3004, SERVICE OF THE NOTICE OF INFRACTION, is amended as follows:
- 1) Subsection 3004.2 is amended to read as follows:
- 3004.2 Personal service shall be used for moving violations, except as otherwise provided in this section, and for parking violations when the operator is present.
- 2) A new subsection 3004.8 is added to read as follows:
- 3004.8 When a notice of infraction is issued for a violation of Section 4 of the International Registration Plan Agreement Act of 1996, effective September

DISTRICT OF COLUMBIA REGISTER

5, 1997 (D.C. Law 12-14; D.C. Official Code 50-1507.03), the operator of the vehicle shall be deemed the agent of the owner or apportioned operator for the purposes of receiving service of the notice.