

**DISTRICT OF COLUMBIA HOUSING AUTHORITY**

**EMERGENCY AND PROPOSED RULE MAKING**

**DISTRICT OF COLUMBIA MUNICIPAL REGULATIONS**

The Board of Commissioners of the District of Columbia Housing Authority ("DCHA") gives notice of adoption on an emergency basis of Chapter 76 of Title 14 DCMR, "Housing Choice Voucher Program: Waiting Lists, Local Preferences and Applicant Selection." The provisions of this Chapter have previously been contained in the Housing Choice Voucher Program (HCVP) Administrative Plan as required by the US Department of Housing and Urban Development (HUD). These regulations include, most importantly, the addition of a Special Admissions category that is critically important to the Housing Authority's ability to provide accessible housing to applicants in the public housing selection pool. These applicants have been awaiting accessible units being produced by the Authority in conjunction with a Voluntary Compliance Agreement (VCA) between the Authority and HUD. The emergency adoption of these regulations will allow the Authority to move forward immediately to comply with the VCA. Any delay in the adoption of these regulations would negatively impact the Authority and mobility impaired applicants seeking accessible housing.

The Board of Commissioners of the DCHA also gives notice of intent to take final rulemaking action to adopt these regulations in not less than thirty days (30) from the date of publication of this notice in the D.C. Register. The emergency rule took effect on the date of adoption, December 14, 2005 and will expire on April 14, 2006, or upon publication of a Notice of Final Rulemaking in the Register, whichever occurs first.

**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 eligibility conditions, 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 the selection pool 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;

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- (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.

All persons desiring to comment on the subject matter of this emergency and proposed rulemaking should file comments in writing no later than (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with the OGC, DCHA, 1133 North Capitol, NE, Room 210, Washington, DC 20002-7599. Copies of these rules may be obtained from the DCHA at the same address.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

DOCKET NO. 05-89-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 emergency rulemaking which amends Chapter 40 of the Vehicles and Traffic Regulations (18 DCMR) to establish parking restrictions on the north side of Park Road, N.W. between 14<sup>th</sup> Street and Holmeade Place.

Emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c), is necessary to provide customers an area on street in front of the Giant Food Store located on the north side of the 1300 block of Park Road, N.W., a safe place to pick up their groceries. In addition, we are proposing the installation of a loading zone for commercial vehicles only at this location. Therefore, we propose to install the following parking restrictions in front of this location, "No Parking, Grocery Pick Up, 6:00 a.m.-11:00 p.m., Daily" and "No Parking, Loading Zone". This emergency action was taken to provide for the immediate preservation of the residential and neighborhood quality of life. The emergency rulemaking was adopted on October 25, 2005 and became effective immediately upon that date.

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

These emergency rules will expire on February 22, 2006, or upon the publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first.

Title 18 DCMR, Section 4019, Parking Restrictions, Subsection 4019.13, (a) Northwest Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

Park Road, N.W.

From a point approximately 211 feet west of Holmeade Place to a point approximately 395 feet west of Holmeade Place, on the north side, "No Parking, Grocery Pick Up, 6:00 a.m.-11:00 p.m., Daily".

Title 18 DCMR, Section 4019, Parking Restrictions, Subsection 4019.14, (a) Northwest Section, is amended by adding the following to the list of locations where parking is to be limited as specified:

Park Road, N.W.

From a point approximately 92 feet west of Holmeade Place to a point approximately 211 feet west of Holmeade Place, on the north side, "No Parking, Loading Zone".

All persons interested in commenting on the subject matter in this emergency and proposed rulemaking action may file comments in writing, not later than thirty (30) days after the publication of this notice in the D.C. Register, with the Department of Transportation, Traffic Services Administration, 2000 14<sup>th</sup> Street, N.W., 7<sup>th</sup> Floor, Washington, D.C. 20009. (Attention: Docket No. 05-89-TS). Copies of this proposal are available, at cost, by writing to the above address.