

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Interim Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, 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 the adoption of the following amendments to Chapter 43 of Title 17 DCMR (Business, Occupations & Professions) (May 1990). The purpose of the proposed rules is to further expand the areas of practice by dental hygienists while under the direct supervision of a licensed dentist. Notice of Proposed Rulemaking was published in the D.C. Register on March 26, 2004 at 50 DCR 3278. No comments were received concerning these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

Chapter 43 (Dental Hygiene) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended to read as follows:

4310 FUNCTIONS OF DENTAL HYGIENISTS

Section 4310.2 is amended to read as follows:

4310.2 In addition to the functions listed in § 4310.1, a dental hygienist may perform the following functions under the direct supervision of a licensed dentist, as authorized by § 102(4)(A)(vi) of the Act, D.C. Official Code § 3-1201.02(4)(A)(vi):

- (a) Administration of local anesthesia with board identified criteria and certification;
- (b) Administration of nitrous oxide with board identified criteria and certification;

Section 4310.3 is amended to read as follows:

4310.3 A dental hygienist shall not perform the following functions:

- (a) Placement of sutures;
- (b) Application of cavity liners and bases;
- (c) Placement of amalgam restorations;
- (d) Carving amalgam restorations;

- (e) Finishing amalgam restorations;
- (f) Placement and finishing of composite resin/silicate restorations;
and
- (g) Placement and removal of matrices.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of District of Columbia Housing Authority at its regular board meeting held April 14, 2004, took final action to adopt Chapter 60 of Title 14 DCMR, "Low Rent Housing: General Provisions, section 6005." No change have been made to the text of the proposed rules, as published with the Notice of Proposed Rulemaking in the D.C. Register on December 19, 2003, 50 DCR 10861. These final rules will be effective upon publication of this notice in the D.C. Register.

"6005 SITE AND NEIGHBORHOOD STANDARDS

- 6005.1 These standards are set forth to implement policies authorized under Section IIIA.d. of that certain Moving to Work Agreement dated August 25, 2003 by and between the DCHA and HUD. The standards set forth in this Section 6005 are used by DCHA in the review and selection of proposed developments involving:
- (a) New construction or rehabilitation funded under the Housing Choice Voucher project-based program governed by Chapter 93 hereof,
 - (b) Existing housing without substantial rehabilitation in areas with more than 20% poverty, being funded under the Housing Voucher project-based program governed by Chapter 93 hereof; and
 - (c) Public housing being developed with Replacement Housing Fund or other programs funded through HUD and otherwise subject to these standards.
- 6005.2 The following areas are deemed eligible for funding assistance:
- (a) Areas designated by the DC as revitalization areas including:
 - (1) Federally designated Empowerment Zones;
 - (2) Housing Opportunity Areas, as established by the District of Columbia Government pursuant to its Comprehensive Plan;
 - (3) Areas designated for improvement under the Community Development Block Grant program by the District of Columbia Government;
 - (4) Strategic Neighborhood Target Areas and Target Area Groups established by the District of Columbia as part of its Comprehensive Plan or federal Enterprise Community designation; and

- (5) Stable, Transitional or Emerging Census Tracts as designated by the DC Office of Planning based on most recent available census data; and
 - (6) An area where public housing units were previously constructed and were demolished;
- (b) An area that is not racially or economically impacted as evidenced by the most current demographic data available to DCHA through the District Columbia Office of Planning showing that:
- (1) The minority population is no more than 20% greater than the representation of minorities in DC as a whole; and
 - (2) Less than 20% of the population is living in poverty; and
- (c) In neighborhoods with a poverty rate or a concentration of minorities greater than the levels listed in (c), the proposed development will preserve or replace affordable housing in order to:
- (1) Encourage reinvestment in minority neighborhoods,
 - (2) Improve or preserve the affordability of housing in the area;
 - (3) Provide real quality housing choices for assisted households; or
 - (4) Reduce displacement in areas undergoing substantial rehabilitation as part of a comprehensive neighborhood revitalization strategy.

6005.3

In addition to the eligibility criteria set forth in 6005.2 above, the development site must:

- (a) Pass environmental clearances by having either:
 - (1) A Phase I environmental site assessment that does not raise concerns; or
 - (2) A Phase II environmental review that is conclusive that there are no environmental hazards on the site.
- (b) Not to be located in an area in which the sale of Flood Insurance has been made available under the National Flood Insurance Act of 1973; and

- (c) Be in an area where a housing needs analysis provided by the applicant and reviewed and approved by the DCHA indicates that there is a need for the housing in the area.

6005.4 DCHA also will consider any program factors set forth in any governing federal or local regulations of a particular funding program as well as the following factors:

- (a) The convenience and quality of available social, recreational, educational commercial and health facilities and services; and
- (b) The convenience and availability of employment opportunities; or
- (c) The convenience and availability of public transportation to such facilities, services and opportunities.

6005.5 If DCHA is developing or substantially rehabilitating six or more public housing units under a revitalization plan, DCHA will:

- (a) Provide documentation to HUD which evidences that DCHA has:
 - (1) Consulted with the appropriate public housing resident organization and representative community groups in the vicinity of the proposed revitalization;
 - (2) Advised current residents, if the property is currently occupied, by letter to the resident organizations and by public meeting of the proposed revitalization plan; and
- (b) Submit a signed certification to HUD that the comments of any current residents, public housing residents and representative community groups have been considered in the preparation of the revitalization plan."

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of District of Columbia Housing Authority at its regular board meeting held April 14, 2004, took final action to adopt Chapter 93 of Title 14 DCMR, "Partnership Program for Affordable Housing." No change have been made to the text of the proposed rules, as published with the Notice of Proposed Rulemaking in the D.C. Register on January 23, 2004, 51 DCR 974. These final rules will be effective upon publication of this notice in the D.C. Register.

"CHAPTER 93 PARTNERSHIP PROGRAM FOR AFFORDABLE HOUSING

Secs.	
9300	Purpose of the Program
9301	Objectives of the Program
9302	Scope and Size of the Program
9303	Available Subsidy Levels
9304	Program Application and Award
9305	Ineligible Properties
9306	Required Application Information
9307	Threshold Criteria
9308	Rating and Ranking of Applications
9309	Commitment and Award of Subsidy
9310	Post Selection Conditions
9311	Housing Assistance Payment Contract
9312	Eligible Tenants and Tenant Selection

9300 PURPOSE OF THE PROGRAM

- 9300.1 The purpose of the Partnership Program for Affordable Housing is to work, in partnership with private sector for profit and non-profit owners, to protect and increase the supply of affordable housing in the District of Columbia, particularly:
- (a) In properties requiring rehabilitation as a result of significant code violations;
 - (b) In neighborhoods where affordable housing is not readily available;
 - (c) Where subsidies are needed to reduce displacement as a result of gentrification;
 - (d) For low income disabled families requiring accessible or supportive living environments;

- (e) For elderly families requiring accessible or supportive living environments; and
- (f) Of units, located in poverty impacted neighborhoods, undergoing substantial rehabilitation as part of a comprehensive neighborhood revitalization strategy in which subsidies are required to reduce displacement or increase levels of affordability.

9301 OBJECTIVES OF THE PROGRAM

9301.1 The objectives of the Partnership Program are to:

- (a) Utilize the expertise of the private sector to protect and increase affordable housing;
- (b) Leverage private funds to develop affordable housing;
- (c) Ensure long term availability of affordable housing;
- (d) Encourage mixed income development and in mixed income communities; and
- (e) Support other District of Columbia housing initiatives.

9302 SCOPE AND SIZE OF THE PROGRAM

9302.1 DCHA will provide Partnership Program subsidy to units within privately or public/private partnership owned and developed rental housing properties that help DCHA accomplish the purposes and objectives of the program, as listed in Sections 9300 and 9301 of this Title, respectively, and meet the criteria described in Sections 9306, 9307 and 9308 of this Title.

9302.2 The Partnership Program is available to existing units that meet Housing Quality Standards or those that require substantial rehabilitation to do so, and new construction.

- (a) Existing unit is defined as any existing rental housing unit that requires less than \$1,000 in improvements to meet the standards necessary to receive Housing Assistance Payments.
- (b) Substantial rehabilitation is defined as any rental housing unit that requires more than \$1,000 in improvements to meet the standards necessary to receive Housing Assistance Payments and for which rehabilitation has not yet started before the execution of the Agreement to Enter into a Housing Assistance Payment Contract.

- (c) New construction is defined as any new rental housing unit not under construction before the award of the Agreement to Enter into a Housing Assistance Payment Contract.

9302.3 DCHA, annually, may make up to twenty percent (20%) of its total Housing Choice Voucher Program allocation available for the Partnership Program. The allocation figure may be adjusted from time to time subject to approval by the Board of Commissioners and is available by contacting the DCHA Office of Planning and Development or DCHA's Housing Choice Voucher Program.

9303 AVAILABLE SUBSIDY LEVELS

9303.1 Owners of existing units, and units to be substantially rehabilitated or newly constructed, are eligible to apply for Partnership Program subsidy for up to one hundred percent (100%) of the units in each property participating in the Partnership Program, or such lesser percentage as may be set by the DCHA Board of Commissioners for a particular development, housing assistance program or allocation of vouchers under 9302.3 above.

9303.2 Partnership Program subsidy may be provided for up to one hundred percent (100%) of the units in a qualified property if the property is a single-family house or units that are specifically for households comprised of elderly families, disabled families, families receiving supportive services, to the extent permitted under federal funding restrictions, or as otherwise permitted by action of the DCHA Board of Commissioners. The maximum percentage available can be determined by contacting DCHA's Housing Choice Voucher Program.

9303.3 The initial and subsequent rents paid under the Housing Assistance Payment Contract (Contract Rents) will be based upon an analysis of the reasonableness of the proposed rent in the neighborhood in which the property is located.

9303.3 Contract Rents will not exceed the payment standard for the areas in which the property is located. In some neighborhoods this is as much as 120% of the Fair Market Rents (FMRs) adjusted for bedroom size.

9303.5 For Fiscal Year 2002, 2003, and 2004, FMRs will be based on the 50th percentile of rents in the Metropolitan Statistical Area. The current FMRs are available by contacting the Housing Choice Voucher Program.

9303.6 DCHA may, after review by the Board of Commissioners, enter into a Housing Assistance Payment contract where the percentage of the total units to be subsidized exceeds 50% of the units, provided that the total operating subsidy

is reasonable and necessary and not in excess of the funds necessary for the financial viability and proper operation of the property. Each unit and household occupying a voucher assisted unit is subject to Section 9312.7 as well as all other program requirements

9304 PROGRAM APPLICATION AND AWARD

9304.1 The Partnership Program seeks to be as flexible as possible in order to protect and increase the supply of affordable housing.

- (a) DCHA may award Housing Assistance Payment (HAP) Contracts periodically on a competitive basis under the Partnership Program through published announcements.
 - (i) DCHA will advertise for two or more times, at least one week apart, in a newspaper of general circulation for that DCHA will accept applications for assistance.
 - (ii) The deadline for applications shall be at least 30 days after the date of the last publication.
 - (iii) The advertisement shall identify the estimated number of units that will be assisted.
 - (iv) The advertisement will not state that applications will only be considered if submitted in response to the advertisement, as DCHA may also receive and consider from time to time applications for allocations of Partnership Program funding assistance under Sections 9304.2 and 9304.3 hereof on a non-competitive basis.
- (b) In addition to applications in response to advertisements, DCHA may also request owners with properties in eligible areas of the District of Columbia to respond to the advertised announcement and submit an application for the Partnership Program subsidy for their property.
- (c) The advertisement shall identify the estimated number of units that will be assisted.
- (d) The advertisement will not state that applications will only be considered if submitted in response to the advertisement, as DCHA may also receive and consider from time to time applications for allocations of Partnership Program funding assistance under Sections 9304.3 and 9404.4 hereof on a non-competitive basis.

- 9304.2 If no advertised announcement is outstanding, an Owner of an eligible property may submit an application to DCHA. If the application meets the threshold criteria listed in Section 9307 of this Title, it may be eligible for an Agreement to enter into a Housing Assistance Payment (AHAP) contract. Such an application will be reviewed and considered either upon receipt or under Section 9304.3 below or held for competitive consideration along with any applications received in response to an advertised announcement.
- 9304.3 DCHA may proceed, after review by the Board of Commissioners, to award a Housing Assistance Payment (HAP) contract without using a competitive process for an eligible property that is:
- (a) An existing or new property under a revitalization or development plan initiative of DCHA or a DCHA development subsidiary;
 - (b) Losing an operating subsidy formerly provided from another source that is no longer available which would result in displacement of eligible low income households; or
 - (c) In need of a rental subsidy in order to retain the housing as a resource for current and future eligible low income households.
- 9304.4 DCHA may, in its sole discretion award a Housing Assistance Payment (AHAP) contract to the Owner of an eligible property who is developing an existing or new property under a revitalization or development plan initiative of DCHA or DCHA's development subsidiary, DC Housing Enterprises. Such property must meet the threshold criteria of Section 9307 of this Title.
- 9305 INELIGIBLE PROPERTIES**
- 9305.1 The following properties or units are not eligible for the Partnership Program.
- (a) Units that are occupied by the Owner of the property. This does not apply to cooperatives, which are deemed rental housing.
 - (b) Properties located in a flood zone area unless flood insurance is obtained.
 - (c) High-rise elevator properties with children residing therein, unless the HUD determines that there are no practical alternatives. A high-rise elevator building is any building over five (5) stories.
 - (d) Shared housing; nursing homes; and facilities providing continual psychiatric, medical nursing services, board and care or intermediate care.

- (e) Units within the grounds of penal, reformatory, medical, mental, and similar public or private institutions.
- (f) College or other school dormitories.
- (g) Manufactured homes. Manufactured homes are defined as structures, which can be transported in one or more sections of eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on site, are three hundred twenty (320) or more square feet, and which are built on a permanent chassis and designed to be used as a dwelling when connected to utilities, and includes plumbing, heating, air-conditioning, and electrical systems.
- (h) Units subsidized with any District of Columbia rent subsidy.
- (i) Units subsidized with tenant-based assistance under the HOME program or any other duplicative Federal or District of Columbia housing subsidy. This does not include the housing component of a welfare payment, a Social Security payment or a rent reduction because of a tax credit.

9306

REQUIRED APPLICATION INFORMATION

9306.1

DCHA may require any or all of the following information to be included in all applications in a format as provided in the announcement.

- (a) A description of the proposed property, including the number of units, the number of bedrooms, the size in square feet of each unit and the types amenities to be provided.
- (b) A description of the location of the property including the address, census tract and name of neighborhood.
- (c) Evidence of site control which may include, deed, agreement of sale or option to purchase contract.
- (d) If the property is new construction or substantial rehabilitation, evidence that the proposed new construction or substantial rehabilitation is permitted by current zoning ordinances.
- (e) The proposed Contract Rent for each unit for which Partnership Program subsidy is requested.
- (f) For substantial rehabilitation projects, a list and description of the number of households to be relocated and a relocation plan and budget.

- (g) The identity of the Owner, the Development Team, if any, and other property principals.
- (h) A list of properties owned and/or managed by the Owner or pertinent Development Team members, including the proposed property. Indicate the number of units in each property that receive housing assistance and identify the type of assistance received. Include any units currently occupied by Housing Choice Voucher Program participants. For each property listed, the proposal must disclose and explain:
 - (1) Current financial default of more than sixty (60) days duration;
 - (2) Mortgage assignment or workout arrangement;
 - (3) Foreclosure and/or bankruptcy;
 - (4) Litigation relating to financing or construction of the property that is pending or which was adjudicated within the past five (5) years with a finding against the Owner or Development Team;
 - (5) Real estate tax delinquencies; and
 - (6) Litigation by tenants, both residential and commercial.
- (i) A description of the experience of the proposed management company over the past five (5) years.
- (j) The Management and Maintenance Plan for the property.
- (k) A financial package including sources and uses and showing evidence of financing commitments or conditional commitments and an operating budget.
- (l) A timeline for property development showing projected date of occupancy.
- (m) Completed certifications regarding commitment to comply with pertinent federal requirements.
- (n) Other information as may be deemed necessary by DCHA.

9307

THRESHOLD CRITERIA

9307.1

Where DCHA proceeds under any provision of Section 9304 of this Title, each

application must meet the criteria of Section 9307 of this Title.

- (a) The property must be eligible under the site and neighborhood standards set forth in Section 6005 of Chapter 60 of these regulations. Information and maps regarding eligible areas may be available from the DCHA Office of Planning and Development or the DCHA Housing Choice Voucher Program.
- (b) For existing units, the property must reasonably be expected to be occupied within six (6) months of the date of award of an AHAP Contract and be in compliance with the Housing Quality Standards. For new construction and substantial rehabilitation, the property must reasonably be expected to be occupied within three (3) years of the date of award of an AHAP Contract and be completed in compliance with the Housing Quality Standards. The Housing Quality Standards are available by contacting the DCHA's Housing Choice Voucher Program.
- (c) A project must be financially feasible. This may be demonstrated by a ten (10) year operating pro-forma or other means, as specified by DCHA in its periodic announcements of Partnership Program subsidy availability.
- (d) Applications requesting Partnership Program subsidy in order to provide supportive living environments for low income disabled families or persons may be awarded HAP Contracts only if the units to be subsidized were not previously available with supportive services for low income disabled families.
- (e) Evidence of ownership, in a format acceptable to DCHA, must be provided with any application.
- (f) All principals of the ownership and management entities, including the entity itself, must not be on the U.S. General Services Administration List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

9308 RATING AND RANKING OF APPLICATIONS

9308.1 If DCHA proceeds under Section 9304.2 of this Title, the following criteria may be used to rate and rank applications:

- (a) The property's ability to meet one or more of the five criteria listed in Section 9300 of this Title;
- (b) In properties with four or more units, a weighted average bedroom size exceeding 1.4;

- (c) Experience of the Owner and Development Team in successful completion of one or more mixed income, HUD subsidized residential development projects;
- (d) Demonstrated market demand for the property if the project will require a lease up from a predominantly vacant condition or will have a rent increase of more than fifteen percent (15%) in the market units;
- (e) The experience and professionalism of the proposed management company in providing high quality management of innovative projects and the quality of the proposed Management and Maintenance Plan;
- (f) The convenience of the facilities and amenities of the neighborhood and, if the property is located in a poverty impacted neighborhood, a comprehensive neighborhood revitalization strategy must be underway or realistically expected to begin implementation in the next three (3) years.
- (g) Such other factors as are published in an announcement.

9308.2 Subsidies will be awarded up to the annual percentage of the total DCHA Housing Choice Voucher Program allocation established pursuant to Section 9302.3 of this Title.

9308.3 In the event that there are more units qualifying for Partnership Program subsidies than are available, Partnership Program subsidies will be reserved for successful applications based on the rating and ranking performed by DCHA.

9309 COMMITMENT AND AWARD OF SUBSIDY

9309.1 Private sector for profit and non-profit owners will be notified within ninety (90) days of receipt of an application of the decision of the DCHA on the qualifications of the application.

9309.2 The notice will indicate whether the application and the property will be:

- (a) accepted for the Partnership Program after having been selected. Upon notifying the Owner that the application has been selected, DCHA will enter into an AHAP Contract;
- (b) deemed incomplete for not supplying the Required Application Information listed in Section 9306 of this Title and returned to the Owner for further information;

- (c) rejected for not having met the Threshold Criteria listed in Section 9307 of this Title;
- (d) determined to have been selected but with no Partnership Program subsidy available for the year requested. In these circumstances the Owner will be given the option of accepting an AHAP Contract beginning in a later year.

9310 POST SELECTION CONDITIONS

9310.1 After the determination has been made to award a HAP Contract for a property, the following conditions must also be met before the HAP Contract can be issued.

- (a) Relocation. Current tenants of units to receive the Partnership Program subsidy must be eligible for a Housing Choice Voucher. In addition, permanent displacement is prohibited.
 - (1) If the units to be assisted are occupied by tenants that are over the allowable income, and the application will require a reduction in the total number of units because there are no other vacant units in the building, or if families to be assisted are living in units that are not suitable to family size, the application will be rejected or partially assisted, at DCHA's discretion.
 - (2) Temporary relocation to accommodate rehabilitation or repairs may not exceed twelve (12) months. Tenants will receive reimbursement from the Owner for reasonable out-of-pocket expenses incurred in connection with the temporary relocation, including moving costs to and from the temporary housing and increases in monthly housing costs.
- (b) All properties will undergo a property inspection by DCHA or its contractor. The inspection will identify rehabilitation work that is necessary for the units to meet Housing Quality Standards and identify building systems, in danger of failure, which must be repaired or replaced.
- (c) If the HAP Contract is used as a pledge to secure financing, DCHA must review the commitment documents to ensure that the financing does not modify the AHAP Contract or the HAP Contract and is not inconsistent with those contracts.

9311 HOUSING ASSISTANCE PAYMENT CONTRACT

9311.1 For existing units, DCHA will enter into an Agreement to Enter into a Housing Assistance Payment (AHAP) Contract for a term of not more than six (6) months.

- 9311.2 For new construction and substantial rehabilitation, DCHA will enter into an AHAP Contract for a term of not more than three (3) years.
- 9311.3 If the units have not been occupied by the end of the AHAP Contract term, the allocation will be rescinded. If, after rescission, the Owner is still interested in the Partnership Program and additional allocations are available, the Owner will be required to submit a revised application under a new announcement.
- 9311.4 Once the Partnership Program units are occupied, DCHA will enter into a HAP Contract with the Owner based on the FMRs in place at the time the HAP Contract is executed. Upon commencement of the contract term, DCHA will make monthly Housing Assistance Payments in accordance with the HAP Contract for each unit occupied by an eligible family. The initial term of the HAP Contract is up to ten (10) years, subject to future availability of appropriations, and the HAP Contract may be extended for an indefinite period thereafter. To obtain the current FMRs, see Section 9303.5 of this Title.
- 9311.5 Owners agree to accept eligible tenants from DCHA's waiting list in accordance with their own rental screening criteria and to maintain the units at acceptable Housing Quality Standards for the term of the HAP Contract.
- 9311.6 As long as the vacancy is not the fault of the Owner and the Owner is taking every reasonable action to minimize likelihood and extent of any vacancy, DCHA will make vacancy payments for up to sixty (60) days for vacant units designated for Partnership Program subsidy.
- 9311.7 If a unit remains vacant for one hundred and twenty (120) days from the first day of the month in which the unit became vacant, DCHA may reduce the HAP Contract with the Owner in an amount equivalent to the remaining months of subsidy attributable to the vacant unit.
- 9312 ELIGIBLE TENANTS AND TENANT SELECTION**
- 9312.1 Tenants for units subsidized through the Partnership Program will be selected from the Housing Choice Voucher Waiting List maintained by DCHA in accordance with the Administrative Plan as amended and restated from time to time by the Board of Commissioners.
- 9312.2 For existing occupied properties that are awarded a HAP contract, current occupants at the time of execution of the HAP contract may elect to participate, if determined income eligible as provided in 9312.6 herein. Such occupants/units are eligible for assistance under the Partnership Program without being processed through the Housing Choice Voucher Waiting List.

- 9312.3 At least seventy five percent (75%) of the families admitted to the Partnership Program must be families whose annual income does not exceed thirty percent (30%) of median income for the area.
- (a) When a DCHA subsidized unit becomes vacant at a Partnership Program property, the property manager will notify DCHA, who will refer the next qualified applicant from the HCVP Waiting List to the management office for screening by the property manager.
 - (b) Any Partnership Program property manager may refer interested applicants to DCHA to apply for the HCVP housing assistance directly from the HCVP Waiting List based on date and time of application, or in the case of special needs housing properties they may refer applicants to the DC Department of Mental Health, DC Office on Aging, or the DC Department of Health for referral to DCHA as a Special Needs Housing applicant for qualification for the Local Preference provided under the HCVP Administrative Plan.
- 9312.4 Referrals will be placed on the HCVP Waiting List by date and time of application and other preferences established by the DCHA Housing Choice Voucher Program Administrative Plan.
- (a) When a DCHA subsidized unit becomes vacant at a Partnership Program property, the property manager will notify DCHA, who will refer the next qualified applicant from the HCVP Waiting List to the management office for screening by the property manager.
 - (b) Any Partnership Program property manager may refer interested applicants to DCHA to apply for the HCVP housing assistance directly from the HCVP Waiting List based on date and time of application, or in the case of special needs housing properties they may refer applicants to the DC Department of Mental Health, DC Office on Aging, or the DC Department of Health for referral to DCHA as a Special Needs Housing applicant for qualification for the Local Preference provided under the HCVP Administrative Plan.
- 9312.5 Referrals will be placed on the HCVP Waiting List by date and time of application and other preferences established by the DCHA Housing Choice Voucher Program Administrative Plan.
- 9312.6 Any applicant who rejects an offer of a Partnership Program unit or who is rejected for admission to a Partnership Program property by the property manager shall retain his/her place on the DCHA waiting list as if the offer had not been made.

9312.7 DCHA retains the responsibility of determining compliance with all Housing Choice Voucher applicable requirements, including:

- (a) Rent reasonableness;
- (b) Compliance with Housing Quality Standards;
- (c) Applicant eligibility for all applicants including those referred by other agencies under a preference criteria,
- (d) Referring eligible applicants from the waiting list in accordance with the Administrative Plan; and
- (e) Tenant income certification and recertification.”

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), Sections 2 and 7 of An Act To provide for annual inspection of all motor vehicles in The District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code §§ 50-1102 & 50-1107)); Section 105(c) of The Traffic Adjudication Act of 1978, effective September 12, 1978 (D.C. Law 2-104; D.C. Official Code § 50-2301.05(c); Section 3(a) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.03(a), and Mayor's Order 03-58, took action to adopt the following amendments to Chapters 3, 4, 6, 8, and 30, of Title 18 of the District of Columbia Municipal Regulations (DCMR) (Vehicles and Traffic). The amendments eliminate several obsolete references, establish the expiration of safe driving points, create procedures for non-profit organizations to obtain approval of a tag bearing markings related to that organization, establish a fee for inspection stickers when no inspection is required, incorporate a more up to date version of the Inspection Manual of the District of Columbia, require the return of a tag if the other is reported stolen or is lost, and include insurance fines in the population of fines for which the deferred payment plan is available. No comments were received and no changes have been made to the text of the proposed rules, as published with a Notice of Proposed Rulemaking in the *D.C. Register* at 51 DCR 2727 on March 12, 2004. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Title 18, DCMR, is amended as follows:

- A. Chapter 3, SUSPENSION AND REVOCATION FOR TRAFFIC OFFENSES, ESTABLISHMENT OF A POINT SYSTEM, is amended as follows:
- 1) Section 303, ESTABLISHMENT OF A POINT SYSTEM, is amended as follows:
 - a) Subsection 303.2, paragraph (g) is repealed.
 - b) A new subsection 303.16 is added to read as follows:

303.16 A safe driving point assigned pursuant to § 303.9 shall expire after five (5) years.
 - 2) Section 306, PERIOD OF SUSPENSION OR REVOCATION, subsection 306.1 is amended to read as follows:

306.1 The suspension shall be from two (2) to ninety (90) days, at the discretion of the Director, based upon the seriousness of the case;

except that the period of a license suspension due to point accumulation pursuant to § 303.3 shall be ninety (90) days.

B. Chapter 4, MOTOR VEHICLE TITLE AND REGISTRATION, is amended as follows:

- 1) Section 417, LOST, STOLEN, OR MUTILATED IDENTIFICATION TAGS, subsection 417.2 is amended to read as follows:

417.2 If the person desires to replace lost or stolen identification tags, he or she shall, within five (5) business days after discovery of the loss, surrender any remaining identification tag and the registration card and make application to the Director for a new registration card and new identification tags.

- 2) Section 423, PERSONALIZED IDENTIFICATION TAGS, Subsection 423.3 is amended to read as follows:

423.3 Personalized tags shall only be issued for use on registered private passenger vehicles.

- 3) A new Section 433 is added to read as follows:

433 ORGANIZATION TAGS

433.1 This Director may issue a tag bearing markings related to an organization ("Organization Tag") only if the tag has been established by the Council of the District of Columbia or approved by the Director as provided in this section.

433.2 An organization seeking the Director's approval of an organization tag must be a non-profit corporation, as that term is defined in § 501(c)(3) of the Internal Revenue Code (46 U.S.C. § 501(c)(3)), and must submit an application to the Director.

433.3 The application shall include:

- a) A sample of the proposed markings;
- b) A copy of the organization's charter or articles of incorporation;
- c) Proof of the organization's non-profit status;
- d) Signatures from at least twenty-five (25) members of the organization attesting to their intent to display the organization tag proposed; and
- e) Proof that the person submitting the application is authorized by the organization to submit that application.

- 433.4 The Director reserves the right to reject any proposed organization tag content that conveys a message, or displays an image, that is offensive to the general public.
- 433.5 The format of any organization tag design shall be approved by the Director and shall not obscure any of the lettering or numbering on the tag.
- 433.6 Any person requesting an organization tag must, in addition to payment of the annual and reservation fees provided for in Section 3(a) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 679; D.C. Official Code § 50-1501.03(a)), provide evidence that the person is a member of that organization.
- 433.7 Upon notification that a person is no longer a member of the organization, the Director may notify that person that they must surrender, within thirty (30) days of notice, the organization tags in their possession.
- 433.8 The Director may rescind or revoke any organization tag issued to a person who fails to surrender their tag as provided in § 433.7.
- 433.9 Organization tags shall only be issued for use on registered private passenger vehicles.

C. Chapter 6, INSPECTION OF MOTOR VEHICLES, Section 601, INSPECTION REQUIREMENTS, is amended as follows:

- 1) Subsection 601.4 is amended to read as follows:

601.4 The 1982 and 1999 issues of the Motor Vehicle Inspection Manual of the District of Columbia are incorporated in this chapter by reference. In the event of any inconsistency between a Motor Vehicle Inspection Manual of the District of Columbia and this chapter, the provisions of this chapter shall govern.

- 2) Subsections 601.11 and 601.12 are repealed.
- 3) Subsection 601.13 is amended by striking the phrase "inspected after December 31, 1995".

- 4) Subsection 601.16 is amended to read as follows:

601.16 The inspection fees shall be as follows:

- (a) New vehicles for which an inspection is not required but for which a sticker is required, the fee is ten dollars (\$10); and

- (b) The fee for all other inspections, which shall include two (2) re-inspections if performed within twenty (20) days of the initial inspection, is twenty-five dollars (\$25).

D. Chapter 8, SAFETY RESPONSIBILITY, is amended as follows:

- 1) Section 800, GENERAL PROVISIONS, subsection 800.1, paragraph (a) is repealed.
- 2) Section 801, ABSTRACT OF OPERATING RECORD, is amended as follows, Subsection 801.5 is amended to read as follows:

801.5 The fee for each uncertified abstract depicting less than ten (10) years is seven dollars (\$7) and the fee for each uncertified abstract depicting ten (10) or more years is thirteen dollars (\$13).

E. Chapter 30, ADJUDICATION AND ENFORCEMENT, Section 3007, PAYMENT OF CIVIL FINES, is amended as follows:

- 1) Subsection 3007.5 is amended by inserting after the word "old" the phrase ", or from fines assessed for failure to maintain motor vehicle insurance,".
- 2) Subsections 3007.13 through 3007.16 are repealed.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Directors of the District of Columbia Water and Sewer Authority ("the Board"), pursuant to the authority set forth in Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111, §§ 203(3), (11) and 216; D.C. Code §§ 34-2202.03(3), (11) and 34-2202.16, Section 6(a) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Code § 2-505(a), and in accordance with 21 DCMR Chapter 40, at its regular meeting held on May 6, 2004 took final action to adopt the following amendments to the Water and Sanitation Regulations (21 DCMR) Chapter 41 to expand the Customer Assistance Program to tenants.

The Lifeline Program for tenants will exempt the first Four Hundred Cubic Feet (4 CCF) per month, of water consumption by eligible tenants from water service charges. No exemption will be provided for Sewer Service Charges. The current program only provides an exemption for homeowners. The Lifeline Program for tenants will commence June 1, 2004 or as soon thereafter as practicable. Recommendations of eligibility will be made to the Authority by the District of Columbia Energy Office and will be based upon general household income criteria described in the regulations.

The Authority's proposed rulemaking was originally published in the February 6, 2004 edition of the District of Columbia Register (51 DCR 1450). All comments received were considered prior to finalizing the regulations.

This final rulemaking will be effective when published in the D.C. Register.

Title 21 DCMR, Chapter 41 RETAIL WATER AND SEWER RATES, is amended to read as follows:

4102 CUSTOMER ASSISTANCE PROGRAM**4102.1 LIFELINE PROGRAM FOR HOUSEHOLDS AND TENANTS**

- (a) Eligible households and tenants will receive an exemption from water service charges of the first Four Hundred Cubic Feet (4 CCF) per month, of water consumption.
- (b) No exemption will be provided for sewer service charges.

- (c) Participation in the Lifeline Program is limited to single-family owner-occupied primary residential accounts and individually metered tenant accounts.
- (d) Eligibility is determined by the District of Columbia Energy Office (DCEO), and will be based upon the following DCEO Low Income Home Energy Assistance Program (LIHEAP) Federal income guidelines, as periodically updated:

Household Size	Household Annual Income
1	\$13,470
2	\$18,180
3	\$22,890
4	\$27,600
5	\$32,310
6	\$37,020
7	\$41,730
8	\$46,480

For households with more than eight members, an additional \$4,710 will be added to the Household annual income for each additional member.