

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority at its regular board meeting held February 11, 2004, took final action to adopt the following amendments to Section 6115 of Chapter 61 of Title 14 DCMR. No changes 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 16, 2004, 50 DCR 782. These final rules will be effective upon publication of this notice in the D.C. Register.

“6115 ADDING INDIVIDUALS TO THE LEASE AND LIVE-IN AIDES

6115.1 A family must request approval from DCHA to add any person, including other family members, as an occupant on their lease.

6115.2 The following shall apply to residents seeking to alter the status of their households in the following manner:

- (a) Residents seeking to add persons to the lease by marriage, reconciliation, or other changes in family composition that would add an adult person to a DCHA family, including the addition of a verified live-in aide or a remaining member of a household who wants to become head of household, will be subject to the DCHA Applicant Family Selection Criteria outlined in Section 6109 with respect to the new adult applicant.
- (b) Residents altering the status of their family by adding minor children other than by birth, such as by adoption or court-awarded custody of a child or adult, must notify DCHA at the time of the adoption or court-awarded custody and DCHA may require the family to transfer to an appropriately sized unit that will not result in overcrowding or occupancy in excess of the standards identified at Section 6110 of this Title.
- (c) Addition of minor children, other than (b) above, with a care giving relationship:
 - (1) DCHA may permit residents to add minor children, provided:
 - (i) The additional occupants will not result in overcrowding or occupancy in excess of the standards identified in Section 6110 of this Title, and
 - (ii) Appropriate documentation acceptable to DCHA of a care giving relationship is provided prior to the minor children moving into the unit.
 - (2) Documentation shall be sufficient to establish the care giving

relationship and may include: notarized authorization from the child's legal guardian, school or medical records, public benefit records, and sworn statements from medical, legal, social service professionals, teachers or clergy.

- (3) Notwithstanding the provisions of (c)(1)(i) hereinabove, if additional occupants would result in occupancy in excess of the standards identified in Section 6110 of this Title, DCHA may review a reasonable request to approve the addition of minor children to the dwelling lease taking into account certain factors including but not limited to:
- (i) the number of additional occupants;
 - (ii) the size of the unit;
 - (iii) the age of the household members;
 - (iv) the expected duration of the care giving relationship;
 - (v) the needs of the housing development; and
 - (vi) the capacity of DCHA."

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The Board of Commissioners of the District of Columbia Housing Authority at its regular board meeting held February 11, 2004, took final action to adopt Chapter 96 of Title 14 DCMR. No changes 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 16, 2004, 50 DCR 784. These final rules will be effective upon publication of this notice in the D.C. Register.

“CHAPTER 96 PUBLIC HOUSING: BARRING POLICY**9600 BARRING POLICY**

- 9600.1 The DCHA's mission is to provide properties that are safe, decent, and sanitary dwelling units in which families may live. In addition, DCHA has the right to refuse entrance or access to its property to any unauthorized person as defined in § 9600.2.
- 9600.2 No person may enter upon DCHA property unless that person is authorized to be on the property. The only persons authorized to be on DCHA property are:
- (a) Residents of the property;
 - (b) Members of the resident's household;
 - (c) A resident's guests except as provided in § 9600.5;
 - (d) Persons authorized under § 9600.3;
 - (e) Licensees including their invitees; and
 - (f) Persons employed by or doing business with DCHA at the property.
- 9600.3 Any person, not otherwise authorized under § 9600.2, seeking access to DCHA property for legitimate business or social purposes shall be admitted as follows:
- (a) Any person not otherwise authorized under § 9600.2 seeking access to DCHA property for legitimate business or social purposes shall submit a written request to the property

management office of the respective DCHA development to which the person is seeking access.

- (b) DCHA in consultation with the resident council of the respective development shall review the request and respond to the request in writing within ten (10) business days of the request stating approval or disapproval of the request. If DCHA has not responded within ten (10) business days, the request is deemed approved. In the case of urgent law enforcement or other civil or criminal litigation purposes, where time is of the essence, the response will be provided within forty eight (48) hours of the request for an expedited response.

9600.4 Any person not identified in § 9600.2 as an authorized person may be subject to the issuance of a Bar Notice for five years.

9600.5 Resident's guests may be subject to the issuance of a Bar Notice pursuant to the following:

- (a) Any resident's guest who engages in any activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or DCHA employees or violates DCHA policy is an unauthorized person.

- (B) For any activity by a resident's guest that violates § 9600.5(a), a Temporary or Permanent Bar Notice may be issued to the unauthorized person as follows:

- (1) Temporary Bar Notices shall remain in effect for the first infraction for sixty (60) days, second infraction for six (6) months, and third infraction for one (1) year for the following infractions:

- (a) Entering DCHA property without presenting identification or properly signing the visitor log;
- (b) Being on or about DCHA property or other dwelling units other than the location identified on the guest pass or visitor log;
- (c) Residing as an unauthorized occupant in a DCHA dwelling unit; or
- (d) Disruptive conduct while on DCHA property that disturbs the health, safety or peaceful enjoyment of the property.

- (2) Permanent Bar Notices shall remain in effect for five (5) years for all other activities that seriously violate § 9600.5(a) and are not specified in § 9600.5(b) including, but not be limited to criminal or other activity involving drugs, violent activity, weapons, theft, assault, damage to property, serious or repeated violations of DCHA policy, and persons evicted from DCHA property on the basis of such person's criminal or illegal activity.
- (c) Nothing contained in this Chapter shall prevent a guest of a DCHA resident from access or entry to the resident's dwelling unit for legitimate business or social purposes except as they may have been barred as provided in § 9600.5(b).

9600.6 Bar Notices shall be applicable at the following:

- (a) Bar Notices issued to unauthorized persons under § 9600.4 or Temporary or Permanent Bar Notices issued to guests under 9600.04 may only be issued to bar such individuals from DCHA property.
- (b) Bar Notices may not be issued to bar persons from public streets or sidewalks, or from private property adjoining DCHA property.

9600.7 Bar Notices shall be served to persons pursuant to the following:

- (a) Personal service or attempted service in writing of Bar Notices shall be made to each person barred from DCHA property.
- (b) The Bar Notice shall identify the basis for the issuance of the Bar Notice and the time period for which the person is barred from DCHA property. The Bar Notice shall reflect the date, method and manner of service upon the barred person. The Bar Notice does not have to be served on DCHA property.
- (c) A copy of the Bar Notice issued to a guest will be provided to the resident, if the guest has identified the unit number and name of the resident.

9600.8 Bar Notices shall only be issued by the following persons:

- (a) Members of the DCHA Office of Public Safety including sworn officers and special police officers;

- (b) Members of the Metropolitan Police Department;
- (c) Members of cooperative law enforcement task forces as may be authorized by the Chief of DCHA Office of Public Safety; and
- (d) Private security providers contracted by DCHA or DCHA's agent.

9600.9 The issuance of a Bar Notice requires the barred person to immediately leave the DCHA property from which the person was barred and not return for the period the Bar Notice remains in effect.

9600.10 Should the barred person fail to leave the DCHA property after the issuance of the Bar Notice, or later returns to the DCHA property noted on the Bar Notice at any time while the Bar Notice is in effect, the person may be arrested for "unlawful entry" pursuant to D.C. Code § 22-3302 (2001 ed.) as amended.

9600.11 Any barred person may submit a written request for a temporary lift of a Permanent Bar Notice or Temporary Bar Notice of greater than 60 days to the Chief of DCHA Office of Public Safety.

- (a) The written request shall state the reason for the request of the temporary lift, and the specific location and time period during which the barred person is seeking access.
- (b) A temporary lift shall be for a period of not more than eight hours during one calendar day.
- (c) A barred person may only be granted two (2) temporary lifts during any particular year of the imposition of a Permanent Bar Notice.
- (d) Any barred person who commits a subsequent infraction on DCHA property during a period of a temporary lift shall be prohibited from requesting additional requests for temporary lifts during the remaining term of the Permanent Bar Notice.
- (e) The Chief of DCHA Office of Public Safety will review the request of temporary lift and respond in writing within ten (10) days of the submission."

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority at its regular board meeting held February 11, 2004, took final action to adopt Chapter 97 of Title 14 DCMR. No changes 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 16, 2004, 50 DCR 789. These final rules will be effective upon publication of this notice in the D.C. Register.

“CHAPTER 97 PUBLIC HOUSING: VEHICLE TOWING POLICY**9700 OVERVIEW**

9700.1 The DCHA’s mission is to provide properties that are safe, decent, and sanitary dwelling units in which families may live. All DCHA-owned properties are private property and parking is prohibited unless approved by DCHA. In addition, DCHA has the right to tow any unauthorized vehicle on its properties as provided in this Chapter.

9701 DEFINITIONS

9701.1 “Abandoned Vehicle” shall mean any motor vehicle, trailer, or semi-trailer that:

- (a) Is inoperable and left unattended on public property for more than 72 hours;
- (b) Has remained illegally on public property for more than 72 hours;
- (c) Has remained on public property for more than 72 hours and is:
 - (1) Not displaying current valid registration; or
 - (2) Displaying registration of another vehicle;
- (d) Has remained on DCHA property for more than 72 hours and is inoperable in that one or more of its major mechanical components, including, but not limited to, engine, transmission, drive train or wheels, is missing or not functional unless such vehicle is kept in an enclosed building completely shielded from view of individuals on the adjoining properties; or

- (e) Has remained unclaimed on DCHA property for 72 hours after proper notice as provided for in Section 9704.3 below.

9701.2 "Junk Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is wrecked, dismantled, or in irreparable condition.

9701.3 "Nuisance Vehicle" shall mean any motor vehicle, trailer, or semi-trailer that is a danger to the public health, safety, and welfare of residents or employees including, but not limited to, vehicles that are on cinder blocks/bricks, harbors rats, snakes or other vermin, have open and accessible interior or trunk, or exhibits broken windows, torn sheet metal, or exposed sharp metal.

9701.4 "DCHA Property" shall mean all property, including parking lots, sidewalks or internal DCHA driveways or streets owned or leased by DCHA.

9701.5 "Public Property" shall mean all property, including public streets, alleys, parking lots or other real property owned by the District of Columbia government.

9702 VEHICLES ON PUBLIC PROPERTY

9702.1 If DCHA observes an Abandoned, Nuisance, or Junk Vehicle on a public street or other public property properties, DCHA may contact the District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division to have the vehicle removed from public property within the DCHA property.

9702.2 DCHA may not remove an Abandoned, Nuisance or Junk Vehicle located on Public Property. Only the District of Columbia Department of Public Works may remove such vehicles.

9703 STOLEN VEHICLES

9703.1 If DCHA determines that a vehicle is stolen, whether on DCHA Property or Public Property, the DCHA's Office of Public Safety shall report the vehicle stolen on the requisite Metropolitan Police Department report form or DCHA staff shall notify the Metropolitan Police Department of the stolen vehicle.

9704 REMOVAL OF VEHICLES FROM DCHA PROPERTY

9704.1 If DCHA determines that a vehicle is a Nuisance Vehicle located on DCHA Property, DCHA may immediately remove the vehicle from DCHA Property.

- 9704.2 If DCHA determines a vehicle is an Abandoned or Junk Vehicle located on DCHA Property for more than 72 hours, a Notice of Infraction may be issued and a Warning Notice to Remove the Vehicle affixed to the vehicle.
- 9704.3 The Notice of Infraction may be issued and Warning Notice may be affixed by DCHA's Office of Public Safety, Metropolitan Police Department or other authorized appropriate District of Columbia officials.
- 9704.4 The owner of the Abandoned or Junk Vehicle will have seventy-two (72) hours to remove the vehicle from DCHA Property.
- 9704.5 Prior to proceeding under § 9705, DCHA will attempt to identify and contact the owner of the vehicle via telephone. In the event DCHA is able to contact the vehicle owner, DCHA will advise the owner of the following:
- (a) The owner's vehicle is parked on DCHA Property and inquire as to the owner's intention concerning the removal of the vehicle;
 - (b) The owner's timely removal of the vehicle is necessary to avoid the vehicle being towed;
 - (c) The vehicle was issued a Notice of Infraction for being parked on DCHA's Property; and
 - (d) The process for recovering the vehicle if towed from DCHA Property.

9705 TOWING OF VEHICLES

- 9705.1 DCHA will make two attempts to contact the owner of a vehicle that has been issued a Notice of Infraction for being parked on DCHA's Property as provided for under Section 9704 above. The attempts will be no less than twenty-four (24) hours apart.
- 9705.2 If DCHA is unable to contact the owner of a vehicle after two attempts, DCHA will proceed with the removal of the vehicle from DCHA Property.

9705.3 If the vehicle is not removed from DCHA Property within 72 hours of the issuance of the Notice of Infraction and Warning Notice, DCHA will have the vehicle removed by contacting either:

- (a) The District of Columbia Department of Public Works, Abandoned and Junk Vehicle Division; or
- (b) A tow crane operator licensed with the District of Columbia.”

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., WEST TOWER
WASHINGTON, DC 20005

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 962, IN THE MATTER OF THE
IMPLEMENTATION OF THE DISTRICT OF COLUMBIA
TELECOMMUNICATIONS COMPETITION ACT OF 1996 AND
IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 2-505 of the District of Columbia Code,¹ of its final rulemaking action taken on February 19, 2004, in Order No. 13070, granting the application of Verizon Washington DC, Inc. ("Verizon DC") submitted on October 24, 2003,² requesting authority to amend the following tariff pages:

**NETWORK INTERCONNECTION SERVICES TARIFF, P.S.C.-D.C.-NO. 218
Section 2, 1st Revised Pages 4, 4a, 4b, 7, 7a, 8, 8a, 9, 11, 42, 50, 51, and 52**

2. Verizon DC's Application proposed to amend its Collocation Services tariff in order to comply with the terms and conditions of a settlement agreement made with AT&T Corporation, Sprint Communications Company L.P., and Covad Communications Company.³ In its Application, Verizon DC stated that the settlement agreement was reached in a Pennsylvania Public Utility Commission case. Accordingly, the agreement served as a final settlement resolving collocation provisioning interval issues.⁴ Verizon DC's tariff filing also maintained that sections of the tariff were being amended to mirror the agreement. Specifically, the tariff would affect joint planning and implementation intervals for physical and virtual collocation, forecasting and use of data, collocation capacity, vendor delays, vendor capacity, space availability, and raw space conversion.

3. A Notice of Proposed Rulemaking ("NOPR") was published in the *D.C. Register* on this Application on November 14, 2003.⁵ No comments were filed in

¹ D. C. Code, 2001 Ed. § 2-505.

² *Formal Case No. 962, In The Matter of The Implementation of The District of Columbia Telecommunications Competition Act of 1996 And Implementation of The Telecommunications Act of 1996*, Letter to Sanford M. Speight, Acting Commission Secretary, from Natalie O. Ludaway and Charniele L. Herring, Counsel for Verizon DC, re: Formal Case No. 962, Verizon Washington DC, Inc.'s Amended Pages to its Collocation Services Tariff, filed October 24, 2003 ("Verizon DC Application").

³ Application at 1.

⁴ *Id.*

⁵ 50 *D.C. Reg.* 9768-9769 (November 14, 2003).

response to the NOPR. By Order No. 13070, the Commission approved Verizon DC's Application, making it effective upon publication in the *D.C. Register*.