

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF EMERGENCY RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (“DCHA”) pursuant to the authority in DC Code § 6-203, hereby gives notice of the adoption of the following amendment to Chapter 95 of Title 14 DCMR, “Rent Subsidy Programs: Local Rent Supplement Program,” on an emergency basis, to become effective immediately.

The proposed emergency regulation addresses the obligation of DCHA under the Fiscal Year 2022 Budget Support Act of 2021 (Act No. 24-176) Section 2402(c)(2), which became DC Law 24-45 effective November 13, 2021, to promulgate additional rules to allow applicants seeking Tenant-Based Housing Assistance under DCHA’s Local Rent Supplement Program (“LRSP”) to commence their application for the LRSP by self-certifying their eligibility for the LRSP without initially providing verification documents to DCHA.

The emergency regulation will allow applicants to apply for Tenant-Based Housing Assistance under the LRSP without initially providing DCHA with the tenant verification documents that are currently required under the LRSP to commence DCHA’s LRSP eligibility review.

DCHA enacted the proposed regulation on an emergency basis to ensure those applicants who cannot easily obtain verification documents can self-certify their LRSP eligibility factors to enable them to have the opportunity to promptly obtain decent, safe and sanitary housing in the District of Columbia.

Emergency rulemaking was adopted on February 9, 2022 and became effective immediately on that date. The emergency rulemaking will expire one hundred twenty (120) days from the date of adoption on June 9, 2022, or upon publication of a final rulemaking in the *DC Register*, whichever occurs first.

“The District of Columbia Municipal Regulations, Title 14, Chapter 95, Rent Subsidy Programs: Local Rent Supplement Program”, Section 9505 is amended to read as follows:

9505 TENANT-BASED HOUSING ASSISTANCE

9505.1 LRSP Tenant-based housing assistance shall be administered in accordance with the DCHA HCVP rules and regulations except as provided in this chapter.

- 9505.2 Notwithstanding § 9505.1, when determining eligibility to receive LRSP Tenant-based housing assistance for households referred to DCHA by the Department of Human Services, DCHA shall use the eligibility guidelines set forth in § 9508 and self-certification as the highest form of verification of the eligibility factors referenced in § 9508.
- 9505.3 LRSP Voucher shall not be eligible for portability as such term is defined and utilized in 24 C.F.R. §§ 982.351 and 982.353, as amended.
- 9505.4 LRSP Tenant-based funds left unobligated at the end of each DCHA fiscal year shall be added to the LRSP funding for the next fiscal year. Funds are left unobligated when there are no Extremely Low Income households who could use LRSP funding.
- 9505.5 Dollars allocated to Tenant-based housing assistance shall be based on a sum of the new fiscal year funding plus any unobligated carryover funds from the previous fiscal year.
- 9505.6 When determining an applicant's eligibility for Tenant-based housing Assistance, DCHA shall allow an applicant to use self-certification as the highest form of verification of the eligibility factors for Tenant-based housing assistance in §6106.1.
- 9505.7 To self-certify, an applicant shall provide DCHA with a signed self-certification form indicating which eligibility factors the applicant was unable, at the time the applicant submitted an application for Tenant-based housing assistance, to provide as required in the verification documents in §§5101.2 (additional household member), 5103.1 and 5103.2 (social security number), 5404.1 (legal identity), 5405.1 (family relationship), and 5406.1 (annual income), as applicable.
- 9505.8 Families using the self-certification process in §9505.6 shall follow the self-certification procedures in §5402.21.
- 9505.9 [Reserved]
- 9505.10 DCHA may, pursuant to §5401.4, deny Tenant-based housing assistance if an applicant fails to execute and submit to DCHA the applicant consent forms required under §§5104.1, 5401.1, and 5401.2.
- 9505.11 The eligibility rules for applicants of Tenant-based housing assistance that screen out households based on immigration status or interaction with the criminal justice system shall not apply except for the actions described in §§ 6109.7(e) (sex offender registrant).
- 9505.12 If an applicant seeking Tenant-based housing assistance engages in any of the prohibited actions under §5812.1, then DCHA may take any of the actions in §5812.2, including, without limitation, the termination of Tenant-based housing assistance.”

Copies of these rules and related information may be obtained, without charge, by writing to District of Columbia Housing Authority, Office of the General Counsel, 1133 North Capitol Street, N.E., Suite 210, Washington, D.C. 20002-7599 or by email to PublicationComments@dchousing.org.