

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, Chapter 14 of the District of Columbia Municipal Regulations to establish rules to enact the D.C. Housing Authority Rent Supplement program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “D.C. Housing Authority Rent Supplement Temporary Amendment Act of 2007”.

Sec. 2. Title 14 of the District of Columbia Municipal Regulations is amended by adding a new Chapter 95 to read as follows:

DCMR

“TITLE 14

“CHAPTER 95

“RENT SUBSIDY PROGRAMS: LOCAL RENT SUPPLEMENT PROGRAM

“Section

- “9500 Introduction
- “9501 Purpose of the Program
- “9502 Eligibility Generally
- “9503 Admissions/Preferences and the Waiting List
- “9504 Project and Sponsored Based Housing Assistance
- “9505 Tenant Based Housing Assistance
- “9506 Continuing Eligibility for LRSP Funding
- “9507 Allocation of Annual Funding
- “9599 Definitions

“9500 INTRODUCTION

“The District of Columbia Housing Authority’s (DCHA) Local Rent Supplement Program (LRSP) is authorized and funded with annual appropriations by the District of Columbia government. The intent of the LRSP is to increase the stock of permanent affordable housing units in the District of Columbia. It is

designed to complement the Housing Choice Voucher Program (HCVP) which is funded by the federal government and administered by the DCHA. Similar to HCVP, the LRSP is designed so that households contribute thirty percent (30%) of their adjusted annual income toward the cost for housing. The LRSP will pay the difference in the cost of housing. The LRSP has three types of housing assistance: Tenant-based, Project-based, and Sponsor-based. For the most part, and unless otherwise specified in this Chapter, the LRSP follows the rules and regulations of the HCVP program as may be amended from time to time. Some of the differences between LRSP and HCVP, as specified more fully herein, are that LRSP is not for housing outside of the District of Columbia and the preferences and priorities for the housing assistance are different than those specified in the HCVP rules and regulations.

“9501 PURPOSE OF THE PROGRAM

- “9501.1 This chapter shall set forth the rules governing the operation of the Local Rent Supplement Program (LRSP) established under Title II of the Fiscal Year 2007 Budget Support Emergency Act of 2006, effective August 8, 2006 (D.C. Act 16-476; 53 DCR 7068), which is the D.C. Housing Authority Rent Supplement Act of 2006, as amended or as provided in subsequent appropriation authority.
- “9501.2 LRSP is established to provide housing assistance to Extremely Low-Income Households in the District of Columbia, including, but not limited to, those who are homeless and those in need of supportive services, such as elderly individuals or those with disabilities.
- “9501.3 Unless provided otherwise in this Chapter, DCHA shall administer the LRSP in accordance with federal and District of Columbia HCVP rules and regulations, as amended.

“9502 ELIGIBILITY GENERALLY

- “9502.1 DCHA shall ensure that initial admission to the LRSP is limited to Extremely-Low Income Households (including 1 person households) and all households served by LRSP funding shall be located in the District of Columbia.

“9503 ADMISSIONS/PREFERENCES AND THE WAITING LIST

- “9503.1 Generally, eligible households shall be selected and admitted from the DCHA’s

existing HCVP waiting list in accordance with the HCVP rules and regulations established by the DCHA for selection and admission for the Tenant-based, Project-based, and Sponsor-based housing assistance in the LRSP unless specified otherwise in this Chapter.

- “9503.2 DCHA shall provide preferences for the LRSP Tenant-based housing assistance according to the following:
- “(a) District of Columbia residents who are homeless households with one or more children under 18 years of age shall be the first priority to the extent that resources are available. The percentage for this preference shall be determined each year, by DCHA, based on the total applicant number of homeless households with children on the HCVP Tenant-based wait list to the total number of applicants on the HCVP Tenant-based wait list at the end of each fiscal year.
- “(b) The remainder of the LRSP Tenant-based housing assistance not administered in accordance with § 9503.2(a) shall be administered in accordance with the preferences and priorities established by the HCVP rules and regulations.
- “(c) The LRSP Tenant-based housing assistance preference percentages shall be published as a notice annually in the District of Columbia Register.
- “9503.3 DCHA shall give preferences in the selection of the Sponsor-based housing assistance to sponsors of supportive housing for individuals with special needs.
- “9503.4 DCHA shall be able to provide LRSP funding to Project-based and Sponsor-based housing assistance for Supportive Housing for otherwise eligible applicants not currently on the HCVP wait list in accordance with the following:
- “(a) Residents of such rental units shall be eligible for assistance under the LRSP without being processed through the HCVP wait list but shall meet the eligibility requirements of this Chapter and HCVP as determined by DCHA; and
- “(b) The Housing Provider shall provide DCHA with written explanation for the selection of the otherwise eligible applicants not currently on the HCVP waiting list.
- “9504 PROJECT AND SPONSOR BASED HOUSING ASSISTANCE
- “9504.1 Project-based and Sponsor-based housing shall be operated and administered in accordance with DCHA HCVP rules and regulations governing HCVP project based assistance and the Partnership Program for Affordable Housing described

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in Chapter 93 of Title 14 of the District of Columbia Municipal Regulations, including, but not limited to, the execution of Long Term Subsidy Contracts with the Housing Provider unless specified otherwise in this Chapter.

- “9504.2 Pending LRSP funding availability, Long Term Subsidy Contracts for Project-based and Sponsor-based rental units shall have an initial term of up to fifteen (15) years.
- “9504.3 Payments under a Long Term Subsidy Contract may be paid as each rental unit in a project is leased to an eligible household as opposed to waiting until the project is fully occupied.
- “9504.4 LRSP funding is available for up to one hundred percent (100%) of the eligible rental units in any Project-based or Sponsor-based housing or such lesser percentage as may be determined by DCHA without regard to the type of households being served.
- “9504.5 LRSP funding may be available for eligible rental units in any Project-based or Sponsor-based housing with some or all operating costs subsidized by some other source of funds besides the LRSP, but for which the other subsidy(s) alone does not make the rental units affordable to income-eligible households unless prohibited or determined by DCHA otherwise.
- “9504.6 To maintain consistency for households receiving the LRSP funding, the DCHA shall, to the extent possible given funding resources available in the LRSP, continue to fund Project-based and Sponsor-based Housing Providers at rent levels, with adjustments from year to year, in accordance with the procedures and the amount of adjustments authorized in the HCVP or as determined by DCHA. Such continued funding shall also be based on continued compliance by the Housing Provider with this Chapter and HCVP rules and regulations.
- “9504.7 Project-based and Sponsor-based funds left “unobligated” at the end of each DCHA fiscal year shall be added to the LRSP funding for next fiscal year. Funds are left unobligated when there are no applications pending and there are no outstanding Requests for Proposals (RFPs) in which the respondents could use LRSP funding.
- “9504.8 Dollars allocated to Project-based and Sponsor-based housing assistance shall be based on a sum of the new fiscal year funding plus any “unobligated” Project-

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based and Sponsor-based carryover funds from the previous fiscal year.

“9504.9 Single Resident Occupancy (SROs) units are eligible for Project-based and Sponsor-based housing assistance.

“9504.10 Long Term Subsidy Contracts for Project-based and Sponsor-based housing assistance shall be awarded on a competitive basis as currently provided in Chapter 93 of Title 14 of the District of Columbia Municipal Regulations, as amended, which identifies the HCVP Partnership Program for Affordable Housing application and award process. Also, in furtherance of providing Project-based and Sponsor-based housing assistance, DCHA shall coordinate with District of Columbia agencies and departments, including, but not limited to, the Department of Housing and Community Development, District of Columbia Housing Finance Agency, Department of Human Services, and Department of Mental Health.

“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 Rent Supplement Voucher shall not be eligible for portability as such term is defined and utilized in 24 CFR §§ 982.351 and 982.353, as amended.

“9505.3 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.

“9505.4 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.

“9506 CONTINUING ELIGIBILITY FOR LRSP FUNDING

“9506.1 Subject to availability of LRSP funds and the terms of the Long Term Subsidy Contract and any renewals thereof after the initial term, LRSP funds for Project-based and Sponsor-based housing assistance shall continue so long as the Housing Provider is in compliance with this Chapter and HCVP rules and

regulations.

“9506.2 Subject to availability of LRSP funds and the terms of the Rent Supplement Voucher, LRSP funds for Tenant-based housing assistance shall continue so long as the household is in compliance with this Chapter and the HCVP rules and regulations subject to § 9506.3, as amended.

“9506.3 Households assisted by LRSP funds shall be entitled to Title 14 of the District of Columbia Municipal Regulations Chapter 89, as amended, Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs as well as 24 CFR § 982.555, as amended, as administered by DCHA.

“9507 ALLOCATION OF ANNUAL FUNDING

“9507.1 For each annual appropriation of funds for the LRSP from the Government of District of Columbia, DCHA is authorized to make LRSP housing assistance available.

“9507.2 For the initial year of appropriation for LRSP, the annual percentage of LRSP funding that will be available for Tenant-based, Project-based, and Sponsor-based housing assistance shall be the following:

“(a) Tenant-based in an amount of sixty percent (60%); and

“(b) Project-based and Sponsor-based in an amount of forty percent (40%).

“9507.3 After the initial year of appropriation for LRSP, DCHA shall be able to annually amend § 9507.2, through official action of its Board of Commissioners, subsequent publication of notice of such action in the District of Columbia Register, and submittal, for approval, to the Council of the District of Columbia.

“9599 DEFINITIONS

“9599.1 Area Median Income -

“(a) For a household of 4 persons: the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;

“(b) For a household of 3 persons: 90% of the area median income for a household of 4 persons;

“(c) For a household of 2 persons: 80% of the area median income for a household of 4 persons;
“(d) For a household of 1 person: 70% of the area median income for a household of 4 persons; and
“(e) For a household of more than 4 persons: the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons (e.g., the area median income for a family of 5 shall be 110% of the area median income for a family of 4; the area median income for a household of 6 shall be 120% of the area median income for a family of 4.

- “9599.2 Extremely Low Income Household - an individual or family whose gross income does not exceed 30% of the Area Median Income, as adjusted for size of household.
- “9599.3 Housing Choice Voucher Program - the federal housing program authorized by Section 8 of the United States Housing Act of 1937, approved September 1, 1937 (50 Stat. 888; 42 U.S.C. § 1737(f) *et seq.*), as administered by the District of Columbia Housing Authority.
- “9599.4 Housing Provider - an entity or its affiliate that owns and/or operates a unit receiving LRSP funds.
- “9599.5 Local Rent Supplement Program (LRSP) - the program established under Title II of the Fiscal Year 2007 Budget Support Emergency Act of 2006, effective August 8, 2006 (D.C. Act 16-476; 53 DCR 7068), which is the D.C. Housing Authority Rent Supplement Act of 2006, to provide housing assistance to Extremely Low-Income residents in the District of Columbia, including, but not limited to, those who are homeless and those in need of supportive services, such as elderly individuals or those with disabilities.
- “9599.6 Long Term Subsidy Contract - a long term housing assistance payment contract between DCHA and the owner of building(s) or the Housing Provider receiving LRSP housing assistance; and shall mean the same as the Housing Assistance Payment contract under the HCVP rules and regulations unless specified otherwise in this Chapter.
- “9599.7 Project-Based Housing Assistance - LRSP funds allocated under a Long Term Subsidy Contract and attached to units in a particular building, or set of

buildings, owned and operated by a private or nonprofit Housing Provider; and shall have the same meaning as “Project-based assistance” under the HCVP rules and regulations unless specified otherwise in this Chapter.

- “9599.8 Rent Supplement Voucher - a document issued by DCHA to households selected for admission to LRSP and shall mean the same as the “Housing Choice Voucher” under the HCVP rules and regulations unless specified otherwise in this Chapter. This document describes the LRSP, the procedures for DCHA’s approval of the dwelling unit selected by the household, and shall state the obligations of the household under the LRSP.
- “9599.9 Sponsor-Based Housing Assistance - LRSP funds allocated under a Long Term Subsidy Contract to a particular private or non-profit Housing Provider to subsidize the rent, in units owned and operated by the provider, for the number of households established by the contract.
- “9599.10 Supportive Housing - housing provided in connection with voluntary services designed primarily to help tenants maintain housing, including, but not limited to, coordination/case management, physical and mental health, substance use management and recovery support, job training, literacy, and education, youth and children’s programs, and money management.
- “9599.11 Tenant-Based Housing Assistance - LRSP funds allocated for an individual or family holding a Rent Supplement Voucher issued by DCHA to the individual or family selected for admission by HCVP and shall have the same meaning as “Tenant-Based assistance” under the HCVP rules and regulations unless specified otherwise in this Chapter.”.

Sec. 3. Fiscal impact statement.

The Council adopts the December 19, 2006 fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia