

5328 ABATEMENT FOR HOUSING QUALITY INSPECTION FAILURES

- 5328.1 When DCHA determines that an assisted unit fails to meet Housing Quality standards as described in 14 DCMR §§ 5320, *et seq.*, and the owner has been given an opportunity to correct the problem(s) and does not do so within the time frame established by DCHA, the rent for the unit shall be abated.
- 5328.2 DCHA will notify the owner in the notice scheduling the re-inspection that if the unit fails the re-inspection, abatement may begin effective the first day of the following monthly accounting period. After the unit fails re-inspection, DCHA shall send the owner and participant Family a Contract Cancellation Notice, informing the owner and the participant of the date that the abatement was effective, and the date that the contract will be terminated if a third inspection is not passed.
- 5328.3 The Contract Cancellation Notice shall also include information about legal service providers.
- 5328.4 The abatement period shall continue until the unit passes the Housing Abatement Compliance Inspection during the abatement period, or forty-five (45) days have expired from the first of the month following the final failed inspection, whichever comes first.
- 5328.5 The owner must request the Housing Abatement Compliance Inspection at least ten (10) business days prior to the date of the Contract Cancellation. The owner will be charged a fee for this third inspection. This fee must be paid before the hold on the HAP payments will be released.
- 5328.6 If the owner fails to request a third and final inspection within forty-five (45) days of re-inspection, or the unit fails the third and final inspection the Contract shall terminate effective the date in the Notice pursuant to § 5329.2 or at the time of the final failure, whichever occurs later.
- 5328.7 If the unit passes final inspection, the HAP Contract shall not be terminated and HAP to the owner shall resume from the date of passed inspection.
- 5328.8 In the event that DCHA makes overpayments when a unit should have been abated for HQS violations, DCHA shall make every attempt to recapture the overpayments. The Family shall not be responsible to the owner for any part of DCHA's portion of rent that is recaptured pursuant to this section.
- 5328.9 DCHA shall have up to one hundred eighty (180) days from the date of the final failed inspection to begin to abate rent.

District of Columbia Municipal Regulations

SOURCE: Final Rulemaking published at 59 DCR 7890 (June 29, 2012).