

1936 TENANT FRAUD AND REPAYMENT OF UNAUTHORIZED ASSISTANCE

- 1936.1 DCHA shall terminate the assistance of any tenant it discovers to have done the following:
- (a) Fraudulently misrepresented or fraudulently documented eligibility for assistance;
 - (b) Fraudulently documented family circumstances for the purpose of obtaining a selection preference on the waiting list;
 - (c) Fraudulently underreported income or assets, or overstated allowances or family size for the purposes of paying a lower tenant rent and obtaining greater assistance; or
 - (d) Received duplicative assistance under this program and any other federal or District housing program.
- 1936.2 If DCHA suspects tenant fraud, but does not have clear evidence, it may refer the case to the proper authorities for investigation. If the authorities report that fraud did in fact occur, assistance shall be terminated.
- 1936.3 DCHA shall terminate assistance because of tenant fraud with a thirty (30) calendar day written notice which shall provide the tenant an opportunity for administrative review of the action as described in § 1710 of this subtitle.
- 1936.4 If a tenant has incorrectly reported income, assets, family size, or deductions from income through error rather than fraud and incorrectly received a higher level of assistance than allowed, DCHA shall retroactively calculate the correct level of assistance and charge the tenant for the difference between actual assistance paid and the amount that should have been paid.
- 1936.5 If the tenant is unable to immediately repay DCHA for the unauthorized assistance, DCHA and the tenant shall enter into a written agreement for repayment of the amount due in installments over a period of time, not to exceed one (1) year.
- 1936.6 Tenant failure to make installment payments when due shall be grounds for termination of assistance. The DCHA action to terminate assistance on these grounds shall follow the procedures set forth in § 1932 of this chapter.
- 1936.7 DCHA shall take appropriate action to recover any amount due DCHA from the tenant through either fraud or error after termination of assistance.

SOURCE: Notice of Final Rulemaking published at 33 DCR 4396, 4429 (July 25, 1986).