

## **9203 ELIGIBILITY REQUIREMENTS**

9203.1 As a minimum threshold for participation in the HOAP, a head of household shall either already be a participant under lease in the federal Housing Choice Voucher Program with tenant-based voucher or be eligible for issuance of a federal tenant-based voucher for the sole purpose of homeownership purchase as described in 9204.1.

9203.2 A Family that meets the threshold determination shall then meet the following eligibility requirements:

- (a) First Time Homeowner. The Family may not include any person who has held an ownership interest in a residence during the three (3) years prior to commencement of the HOAP Subsidy, except as follows:
  - (1) Equitable interest in a property under the terms of a lease-purchase agreement prior to exercise of the purchase option.
  - (2) An individual who is now single, but had previously owned a home with his or her former spouse even within the three year period;
  - (3) A household in which a family member is a person with a disability, if homeownership assistance is needed as a reasonable accommodation; and
  - (4) A family that owns or is acquiring shares in a cooperative.
- (b) Employment Except as provided in § 9203.4 and § 9203.5, the household shall provide proof of employment such that:
  - (1) One or more of the adult household members who shall be a borrower or co-borrower at the commencement of receiving HOAP assistance, is currently employed on a Full-time Basis; and
  - (2) At least one borrower shall have been employed for at least two (2) continuous years preceding the beginning of HOAP Subsidy.
- (c) Minimum Income.
  - (1) The household shall demonstrate that the gross annual income of the adult family members who will own the home at commencement of homeownership assistance meets the higher of twenty-five thousand dollars (\$25,000) or the required District of Columbia Housing and Community Development Home Purchase

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Assistance (HPAP) Program minimum income requirement, as that requirement changes from time to time.

- (2) Except in the case of an elderly or disabled family, income from a welfare assistance program shall not be counted toward the initial minimum income determination.
- (3) Alternatively, the Family will be found to meet minimum income requirements if the adult family members who will own the home at commencement of homeownership assistance have gross annual income equal to at least two thousand (2,000) full-time work hours at the Federal Minimum Wage (FMW) or, for Disabled Families, equal to the monthly federal Supplemental Security Income Program benefit for an individual living alone multiplied by twelve (12); and
  - (i) The Family demonstrates that it has been pre-qualified or pre-approved for financing;
  - (ii) The pre-qualified or pre-approved financing meets the financing requirements outlined in §§ 9210, 9211 and 9212; and
  - (iii) The pre-qualified or pre-approved financing amount is sufficient to purchasing housing that meets Housing Quality Standards in the District of Columbia.
- (d) Family Self Sufficiency. Applicants for the HCV/HOAP shall be enrolled in a self sufficiency program recognized by DCHA, unless the applicant an Elderly or Disabled Family.
- (e) Good Standing. The household shall be in Good Standing as follows:
  - (1) The household shall have disclosed all prior debts to DCHA or any other public housing agency and have repaid all such debt at least a year prior to the household applying to participate in the HCV/HOAP program.
  - (2) The household shall not have committed fraud in connection with the HCV program or any other federally funded program.
  - (3) The household shall not have defaulted, or be in default, on any mortgage securing debt to purchase a home under any prior HCV/HOAP participation.

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- (f) Current Lease. The household shall be current in all monetary lease obligations and shall not otherwise be in violation of their lease and shall give proper notice as provided under their lease or, in the absence of a specified notice period in the lease, in accordance with District of Columbia law, prior to commencement of HCV/HOAP assistance payments.
- (g) Recertification. If the household is a current participant in the HCV program or other DCHA program they shall qualify through an updated annual income recertification and determination that the household is otherwise in compliance with all program requirements.

9203.3 If a household purchases or takes title to a home before receiving approval to participate in the HCV/HOAP, the household shall be determined ineligible.

9203.4 The employment requirement does not apply to an Elderly or Disabled Family.

9203.5 If a household that does not otherwise qualify as a Disabled Family pursuant to Subsection 9202.4, includes a person with a disability, the HCV/HOAP shall grant an exemption from the employment requirement, if it is determined that the exemption is needed as a reasonable accommodation.

9203.6 Elderly and Disabled Families are exempt from the maximum assistance terms applicable for receiving subsidy from the HCV/HOAP, as follows:

- (a) In the case of an Elderly Family, this exemption is only applicable if the household qualifies as elderly at the commencement of assistance.
- (b) In the case of a Disabled Family, this exemption applies if at any time during receipt of housing assistance the household qualifies as a Disabled Family.
- (c) If during the course of the receipt of HOAP Subsidy the household ceases to qualify as a Disabled or Elderly Family, the maximum term of the Subsidy becomes applicable from the date the housing assistance commenced, provided that the Participating Family, that was formerly qualified as a Disabled or Elderly Family shall receive the greater of the following;
  - (1) At least six (6) months of assistance after the maximum term becomes applicable; or
  - (2) The remaining term of assistance.

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SOURCE: Final Rulemaking published at 49 DCR 5767 (June 21, 2002); as amended by Final Rulemaking published at 52 DCR 6180 (July 1, 2005); as amended by Final Rulemaking published at 65 DCR 7847 (July 27, 2018).