

1906 FAIR MARKET RENTS AND PAYMENT STANDARDS

- 1906.1 DCHA shall establish fair market rents on an annual basis using the annual fair market rents established by the U.S. Department of Housing and Urban Development (HUD) for the new construction and substantial rehabilitation Section 8 Housing Assistance Program for the Washington Metropolitan Statistical Area; provided, however, that the following factors may be used by DCHA in establishing fair market rents:
- (a) If HUD does not establish fair market rents for unit sizes above four (4) bedrooms, DCHA may establish fair market rents for larger units by adding fifteen percent (15%) to the fair market rent for a four (4) bedroom unit for each additional bedroom;
 - (b) If HUD does not establish annual fair market rents for units designed for the elderly or handicapped, DCHA may approve fair market rents at a level of five percent (5%) above other fair market rents established by HUD, not to exceed two (2) bedrooms for the elderly;
 - (c) If HUD does not establish annual fair market rents for Single Room Occupancy (SRO) housing, the fair market rent shall range from seventy-five percent (75%) to one hundred percent (100%) of the 0-bedroom fair market rent established by HUD; and
 - (d) If HUD does not update its fair market rents for new construction and substantial rehabilitation annually, DCHA may establish fair market rents for the period that HUD has not established fair market rents.

- 1906.2 Fair Market Rents established by DCHA shall not exceed the following amounts:

Unit Size	Fair Market Rent
(by bedrooms)	(per month)
0	\$ 651
1	\$ 732
2	\$ 812
3	\$ 891
4	\$1,014
5	\$1,166
6	\$1,318

- 1906.3 In establishing fair market rents, if DCHA determines that the rents established in accordance with § 1906.1 do not accurately reflect fair market rents in the District of Columbia, DCHA may make adjustments to the fair market rents established by HUD.
- 1906.4 Fair market rents established by DCHA under § 1906.1 or § 1906.3 shall be published as a rule for comment in the *D.C. Register*, except that rents established under § 1906.3 shall also be subject to the following requirements before the proposed rulemaking can be published as final and in effect:

- (a) The proposed adjusted fair market rents shall be submitted with a resolution for approval to the Council of the District of Columbia for a forty-five (45) day period of review, excluding Saturdays, Sundays, legal holidays and days of Council recess; and
- (b) If the Council does not approve or disapprove the proposed resolution, in whole or in part, within the review period, the proposed resolution shall be deemed approved.

1906.5 DCHA shall use the Fair Market Rents as a ceiling for establishing, at least annually, the Payment Standard Schedules used to compute Tenant Assistance Payments as described in § 1908 of this chapter. Payment Standard Schedules shall be determined based on consideration of the following:

- (a) Rents, and all maintenance, management, and other services that would be paid to obtain privately owned decent, safe and standard rental housing of modest non-luxury nature with suitable amenities in the District of Columbia;
- (b) Data concerning rental rates for District of Columbia housing available from the U.S. Department of Housing and Urban Development, the U.S. Census Bureau, or other sources;
- (c) Data concerning rental rates for newly constructed or rehabilitated housing; and
- (d) Variations necessary for units of different sizes and types (including SRO units) with differentials for new, rehabilitated, and existing units.

1906.6 Payment Standard Schedules shall be published in the *D.C. Register*.

1906.7 The Director of DCHA, or his or her designee, may approve exception payment standards; provided, that the exception payment standards do not exceed the fair market rents in this chapter. The exceptions shall be authorized to obtain units needed to assist tenants who, due to family size, handicap, or other factors, would otherwise be unable to be assisted in a suitable unit.

1906.8 The Payment Standard Schedule applicable to the leasing of existing housing shall be as follows:

Unit Size	Monthly Payment Standard	Monthly Payment Standard (Elevator, 5
(By bedrooms)	(1-4 story buildings)	(or more story buildings)
0	\$437	\$529
1	\$517	\$609
2	\$588	\$790
3	\$707	-
4	\$792	-
5	\$911	-
6	\$1,030	-

1906.9 The payment standard schedule applicable to the leasing of newly constructed or rehabilitated housing shall be as indicated in § 1906.1.

1906.10 For single room occupancy (SRO) housing, the payment standard shall range from seventy-five percent (75%) to one hundred percent (100%) of the 0-bedroom payment standard of § sections 1906.7 and 1906.8.

SOURCE: Notice of Final Rulemaking published at 33 DCR 4396, 4415 (July 25, 1986); as amended by Notice of Final Rulemaking published at 34 DCR 5356 (August 14, 1987); and Notice of Final Rulemaking published at 36 DCR 4472, 4478 (June 23, 1989).