

## **5214 APPROVAL OF REQUEST FOR TENANCY**

5214.1 Prior to approving the assisted tenancy and executing a HAP contract, DCHA shall ensure that all required actions and determinations have been completed. These actions include ensuring:

- (a) That the unit is eligible;
- (b) That the unit has been inspected by DCHA and meets the HQS;
- (c) That the lease offered by the owner is approvable and contains the following:
  - (1) The initial lease terms and the renewal term;
  - (2) Who is responsible for payment of utilities;
  - (3) The names of the occupants; and
  - (4) The required Tenancy Addendum;
- (d) That the rent to be charged by the owner for the unit is reasonable in accordance chapter 83 of this title of the DCMR;
- (e) Where the Family is initially leasing a unit and the gross rent of the unit exceeds the applicable payment standard for the Family, that the share of rent to be paid by the Family does not exceed forty percent (40%) of the Family's monthly adjusted income;
- (f) That the owner is an eligible owner, has been neither disapproved by DCHA nor debarred by HUD, and has no prohibited conflicts of interest; and
- (g) That the unit is accessible when the tenant has a disability.

5214.2 DCHA shall complete its determination within ten (10) business days of receiving all required information listed in § 5212.

5214.3 If the terms of the RTA or the proposed lease are changed for any reason, including but not limited to negotiation with DCHA, DCHA shall obtain corrected copies of the RTA and proposed lease.

5214.4 Corrections to the RTA or the proposed lease shall only be accepted as hard copies, in person, by mail, by fax, or electronically to an authorized DCHA email address.

- 5214.5 If DCHA determines that the tenancy cannot be approved for any reason, the owner and the Family shall be notified in writing and given the opportunity to address any reasons for disapproval. DCHA's notice shall instruct the owner and Family of the steps that are necessary to approve the tenancy.
- 5214.6 Where the tenancy is not approved because the unit is ineligible, the Family shall continue to search for eligible housing within the new timeframe of the issued voucher. The expiration date of the voucher is suspended while DCHA makes its determination.
- 5214.7 If the tenancy is not approvable due to rent affordability (including rent burden and rent reasonableness), DCHA shall attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy shall be approved. If the owner is not willing to negotiate an approvable rent, the Family shall continue to search for eligible housing within the timeframe of the issued voucher.

SOURCE: Final Rulemaking published at 59 DCR 7875, 7886 (June 29, 2012).