

6121 LIVE-IN AIDES

- 6121.1 It is the policy of DCHA to grant reasonable accommodations, such as a live-in aide, subject to compliance with the provisions set forth in Chapter 74 of this title.
- 6121.2 Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:
- (a) Is determined to be essential to the care and well-being of the person(s);
 - (b) Is not otherwise legally or financially obligated for the support of the person(s); and
 - (c) Would not be living in the unit except to provide the necessary supportive services.
- 6121.3 A live-in aide is subject to approval of DCHA prior to occupancy. At any time, DCHA may refuse to approve a particular person as a live-in aide. DCHA may withdraw such approval for reasonable cause. A live-in aide resides in a unit identified on a lease, but is not a lessee with rights of tenancy, and does not possess the right to participate in the resident council.
- 6121.4 A live-in aide must abide by all the rules and regulations of DCHA as well as those of the particular property where they reside. DCHA will provide a thirty (30) day written warning notice to a resident of a determination to withdraw approval of a live-in aide prior to issuing any notice required to commence a legal action to terminate the lessee's tenancy. This decision by DCHA is subject to the Grievance Process available to Lessees.
- 6121.5 The income of an approved live-in aide shall not be included in the calculation of rent, and the name of an approved live-in aide shall not be added as a Lessee to the Dwelling Lease, but shall be added as a live-in aide prior to taking up occupancy of a unit, otherwise such person is deemed to be an unauthorized occupant. While an application is pending for a live-in aide the live-in-aide may occupy the unit to provide the necessary supportive services as a guest of the Lessee in accordance with Subsection 6500.1(h).
- 6121.6 Definitions of "elderly," "near-elderly," and "persons with a disability" are as required by federal regulations in 24 C.F.R. § 5.403 as may be amended.

SOURCE: Final Rulemaking published at 46 DCR 603 (January 22, 1999), incorporating by reference the text of Proposed Rulemaking published at 45 DCR 7913 (November 6, 1998); as amended by Final Rulemaking published at 50 DCR 5739 (July 18, 2003); as amended by Final Rulemaking published at 50 DCR 10356 (December 5, 2003); as amended by Final Rulemaking published at 51 DCR 8104 (August 20, 2004); as amended by Final Rulemaking published at 51 DCR 9184 (September 24, 2004); as amended by Final Rulemaking published at 54 DCR 12303 (December 21, 2007).