

5317 REMOVING A HOUSEHOLD MEMBER

- 5317.1 The Family shall notify DCHA within thirty (30) days of occurrence, if any Family member no longer lives in the unit.
- 5317.2 DCHA shall make the determination whether the person no longer living in the unit is considered to be temporarily absent or permanently absent in accordance with § 5318, before the Family member can be removed from the household.
- 5317.3 DCHA shall not remove the Family member from the household until such time as it can be sufficiently verified that the person is residing elsewhere.
- 5317.4 Sufficient verification that a person is residing elsewhere shall include at least one (1) of the following:
- (a) A lease for another unit;
 - (b) A utility bill for another unit;
 - (c) Government-issued ID issued after the date the household member vacated the leased premises;
 - (d) U.S. Postal Service change-of-address form;
 - (e) School records;
 - (f) Court order; including but not limited to a Civil Order of Protection;
 - (g) Government benefits record; or
 - (h) Other documentary proof satisfactory to the DCHA.
- 5317.5 If the Family is unable to produce documentation satisfactory to the DCHA, the Family may submit a form attesting under penalty of perjury that the individual has permanently vacated the household, and DCHA shall remove the individual from the Family composition upon receipt of such form.
- 5317.6 If a Family receiving assistance breaks up into two (2) otherwise eligible families as a result of divorce, legal separation, or intrafamily offenses, then DCHA shall use the following procedures to determine which Family shall continue to be assisted:
- (a) DCHA shall be bound to any decision of the courts, including but not limited to in cases of divorce, legal separation, or intrafamily offenses, as to who shall continue to receive assistance;

District of Columbia Municipal Regulations

(b) In the case that there is no judicial decision relating to who will continue to receive the assistance, DCHA shall consider the following:

- (1) Any incidents of domestic violence, dating violence, sexual assault, or stalking, or an intrafamily offense, in which case, DCHA shall ensure that the victim retains assistance;
- (2) The interest of minor children; or
- (3) The interest of an ill, elderly, or disabled Family member.

5317.7 DCHA shall not determine that both families shall continue to be assisted unless an exception is required under §§ 8908.6(c) or 8908.7 in accordance with VAWA, or other applicable laws.

5317.8 If the Head of Household has been determined to be permanently absent due to a medical reason, death, incarceration, or being the perpetrator in criminal acts of domestic violence, dating violence, sexual assault, or stalking, DCHA may permit a remaining adult family member to become Head of Household if the remaining Family is comprised of one or more of the following persons:

- (a) Minor children;
- (b) Elderly;
- (c) Disabled; or
- (d) A victim of domestic violence, dating violence, sexual assault, or stalking.

5317.9 DCHA shall notify the remaining family member in writing of its determination within thirty (30) days of receipt of the completed application.

5317.10 If DCHA determines that a remaining adult family member is eligible to become Head of Household under § 5318.9, the adult family member must first:

- (a) Submit an application; and
- (b) Attend a briefing.

5317.11 Live-in Aides, Foster Children, and adult wards are not considered part of the Family and shall not be considered remaining Family members.

5317.12 If the Head of Household leaves the assisted unit voluntarily, other adult Family members shall not be considered remaining Family members and housing assistance shall not be continued unless the remaining Family members can

District of Columbia Municipal Regulations

provide the information required by § 5405.1(d). This shall be considered a voluntary withdrawal from the Program that is not subject to informal hearing procedures.

5317.13 If the Head of Household dies or permanently vacates the unit and there are remaining Family members but no remaining adult household members, or none who are able to serve as Head of Household, then an adult who is not listed as a member of the household composition may reside in the assisted unit and may apply to become Head of Household. The following shall apply under these circumstances:

- (a) The applicant to be Head of Household must produce evidence of a caregiving relationship with the remaining minor children or disabled adults. Such documentation may include, but is not limited to, court order; notarized authorization from the children's legal guardian; school or medical records; public benefit records; and sworn statements from medical, legal, or social service professionals;
- (b) Where the remaining Family members are minors, the applicant to be Head of Household must either:
 - (1) Obtain Custodial Power of Attorney; or
 - (2) Commence legal proceedings to obtain legal guardianship or custody of the minor children. So long as such proceeding is pending, and the applicant has produced evidence of a caregiving relationship and meets DCHA's other screening criteria, DCHA shall consider the applicant to be eligible to be Head of Household and the voucher shall be transferred to that person;
- (c) In the case of § 5318.4(b)(ii), the applicant's eligibility to be Head of Household is contingent on legal proceedings pending or being resolved in favor of the applicant. If a court of competent jurisdiction denies the applicant's petition for custody or guardianship, no appeal is pending, or the appeal period has expired, DCHA will determine the applicant ineligible to be Head of Household and may issue a Recommendation for Termination (RFT). In that event, another remaining adult household member may submit an application to be Head of Household within thirty (30) days of the issuance of the RFT, and DCHA will process such application in accordance with the requirements of this section; and
- (d) Where more than one (1) adult has competing claims to become Head of Household as caregivers of the remaining minor children, DCHA shall follow the ruling of a court of competent jurisdiction regarding the custody or guardianship of the children.

District of Columbia Municipal Regulations

5317.14 During any period that a caregiver is considered a visitor, the income of the caretaker shall not be counted in annual income and the caregiver does not qualify the Family for any deductions from income.

SOURCE: Final Rulemaking published at 59 DCR 7890, 7897 (June 29, 2012); as amended by Final Rulemaking published at 59 DCR 11004 (September 21, 2012); as amended by Final Rulemaking published at 65 DCR 13209 (November 30, 2018); as amended by Final Rulemaking published at 67 DCR 9071 (July 24, 2020).