

2002 PROVISION OF ASSISTANCE TO OCCUPIED AND VACANT UNITS

- 2002.1 Current housing unit occupants shall be eligible for assistance if the following occurs:
- (a) They meet all eligibility requirements set forth in chapter 18 of this subtitle;
 - (b) Their current housing unit (or another unit available within the same property) has the number of bedrooms required for their family based on program occupancy standards; and
 - (c) They are willing to participate in the program.
- 2002.2 Current occupants who require a larger unit than available within the same property shall be eligible to receive a Certificate from DCHA under the emergency program, as described in § 1703.1(b), and obtain assistance in a correct size unit.
- 2002.3 Current occupants who require a smaller unit than available within the same property shall be eligible for the following:
- (a) Receive a Certificate from DCHA under the emergency program and obtain assistance in a correct size unit; or
 - (b) Stay in their current unit and have the assistance payment calculated using the Payment Standard for the unit size for which they qualify.
- 2002.4 Units vacant at the time of project selection shall be occupied by certificate holders selected by the housing provider from referrals by DCHA from its Tenant Assistance Program waiting list.
- 2002.5 Any subsequent vacancy occurring in a unit receiving assistance under contract with DCHA shall be occupied by Certificate Holders consistent with § 2002.4.
- 2002.6 Notwithstanding the requirements of §§ 2002.4 and 2002.5, a housing provider receiving assistance under the provisions of this chapter may request a waiver by the Director of DCHA of the requirement that initial vacancies, or any subsequent vacancies, be occupied by certificate holders from the Tenant Assistance Program waiting list; provided, the following conditions shall be required:
- (a) The housing to be assisted is a type as authorized under paragraphs (a), (d) or (e) of § 2000.1;
 - (b) The housing is specifically designed to serve a segment of the District population having special housing needs that may not be adequately represented on the waiting list of the General Application Tenant Assistance Program, including the following populations:
 - (1) Elderly persons;
 - (2) Physically or mentally handicapped persons;
 - (3) Disabled persons; and
 - (4) Other special housing needs for populations such as drug abusers and battered spouses.

- (c) Services provided in the housing facility shall not include uses prohibited under § 1901.4(b);
- (d) The housing provider provides justification satisfactory to DCHA that the population to be served cannot be easily reached through the general application process required by chapter 18, section 1800; and
- (e) The housing provider has provided an alternate housing application plan satisfactory to DCHA.

2002.7 An alternate housing application plan as required under § 2002.6(e) shall include, but not be limited to, the following:

- (a) Agreement by the housing provider that first priority shall be provided to applicants on DCHA's waiting list who meet the special housing population characteristics for which the housing is planned;
- (b) A plan for open and affirmative marketing on an equal opportunity basis to obtain applications for vacancies in the initial occupancy of the housing, which shall include public notice of the availability of units at least ninety (90) days prior to the expected date of initial occupancy;
- (c) Agreement by the housing provider that applications shall be considered based on the date and time of application receipt, and that if more applications are received than available units, a waiting list shall be maintained based on date and time of application for consideration when subsequent vacancies occur;
- (d) Agreement by the housing provider that application for tenant assistance shall be on a form prescribed by DCHA and that all applications and information to verify application information shall be subject to DCHA review and approval prior to occupancy; and
- (e) Agreement that all tenant assistance program eligibility and other requirements shall apply.

2002.8 If the Director approves the waiver request under § 2002.6, the application process shall be implemented based on the plan submitted consistent with § 2002.7, and any conditions of approval of the plan by DCHA.

SOURCE: Notice of Final Rulemaking published at 33 DCR 4396, 4432 (July 25, 1986); as amended by Notice of Final Rulemaking published at 36 DCR 4472, 4483-85 (June 23, 1989).