

5799 DEFINITIONS

5799.1 When used in this subtitle, the following terms and phrases shall have the meaning ascribed:

Adjusted Income - is annual income less the following amounts:

- (a) Four hundred eighty dollars (\$ 480) for each dependent;
- (b) Four hundred dollars (\$ 400) for any elderly family;
- (c) For any family that is not an elderly family but has a handicapped member other than the head of household or spouse, handicapped assistance expenses in excess of three percent (3%) of annual income, but this allowance shall not exceed the employment income received by family members who are eighteen (18) years of age or older as a result of the assistance to the handicapped or disabled person;
- (d) For any elderly family, one of the following:
 - (1) That has no handicapped assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three percent (3%) of annual income;
 - (2) That has handicapped assistance expenses greater than or equal to three percent (3%) of annual income, an allowance for handicapped assistance expenses computed in accordance with paragraph (c) of this definition, plus an allowance for medical expenses that is equal to the family's medical expenses; or
 - (3) That has handicapped assistance expenses that are less than three percent (3%) of annual income, an allowance for combined handicapped assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three percent (3%) of annual income; and
 - (4) Child care expense.

Annual Contributions Contract (ACC) - The written grant agreement between HUD and a PHA under which HUD agrees to provide funding for a program (*e.g.*, public housing or Housing Choice Vouchers (HCV)) under

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the Act, and the PHA agrees to comply with HUD requirements for the program.

Annual Income - For purposes of determining annual income for families who are applicants and participants in the RAD Covered Project, DCHA shall follow HUD requirements as enumerated in 24 CFR § 5.609, as amended.

Applicant/Applicant Family - a person or a family that has applied for housing assistance as a familial unit.

Contract Administrator - HUD or DCHA (under an Annual Contributions Contract with HUD) that executes a HAP Contract with a Project Owner.

Contract Rent - The total amount of rent specified in the HAP Contract as payable to the Project Owner for a unit occupied by an eligible family. In PBV, the contract rent is referred to as “Rent to Owner.”

Days - calendar days, unless otherwise specified (where a specified number of days ends on a weekend or a holiday, the prescribed period shall end on the next working day following the weekend or holiday).

DCHA - the District of Columbia Housing Authority.

Dependent - a member of the family household (excluding foster children) other than the family head of household or spouse who is under eighteen (18) years of age or is a disabled person or handicapped person, or is a full time student.

Disability – Disability will be defined according to 42 USC § 12102.

Displaced Person- a person(s) displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Dwelling Lease - a written agreement between a tenant and owner of the RAD Covered project for the use and occupancy of a specific dwelling unit.

Elderly Family - a family whose head or spouse, or whose sole member, is at least sixty-two (62) years of age, or a person with a disability, and may include two (2) or more elderly persons or persons with disabilities or living together, or one (1) or more elderly persons or persons with disabilities living together, or one (1) or more persons living with another person who is determined to be essential to his or her care or wellbeing.

Emergency Category- Applicants in this category are those who are:

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- (a) Involuntarily displaced and not living in standard, permanent replacement housing (including applicants that are homeless (no fixed address), living in transitional housing, or living in a licensed shelter for the homeless); or the applicant will be involuntarily displaced within no more than six months from the date of any preference status certification by the family or verification of the family's status (An applicant may not qualify for this preference if he/she: (1) refused to comply with applicable policies for locally or federally assisted housing program(s), including notice of a mandatory transfer issued by DCHA or failure to comply with procedures with respect to the occupancy of under occupied or overcrowded public housing units; or (2) failed to accept a transfer to another housing unit in accordance with a court decree or HUD-approved desegregation plan; or (3) was displaced as a result of a DCHA initiated eviction; or (4) voluntarily left public housing in an effort to avoid the public or assisted housing waiting lists by claiming he/she is now in an emergency category status.);
- (b) Living in substandard housing as determined by a certified inspector pursuant to the building and/or housing codes of the District of Columbia (or other applicable jurisdiction), at the time of preference verification;
- (c) Paying more than fifty percent (50%) of income for rent for at least ninety (90) days at the time of the preference verification. (Applicant family may not qualify for this preference if it is paying more than fifty percent (50%) of income for rent because the applicant's housing assistance was terminated as a result of the applicant family's failure to comply with local or federal housing program policies and procedures or if the applicant is paying more than 50% as a result of a DCHA initiated eviction);
- (d) Involuntarily displaced as a victim of recent or continuing domestic violence, *i.e.*, actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household;
- (e) Involuntarily displaced by recent or continuing hate crimes, *i.e.*, actual or threatened physical violence or intimidation that is directed against a person or his/her property and that is based on

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the person's race, color, religion, sex, national origin, disability, sexual orientation, or familial status; or

- (f) Involuntarily displaced as a result of inaccessibility of a housing unit or a member of applicant family has mobility or other impairment that makes the member unable to use critical elements of the unit.

Family - the following person or persons:

- (a) Two (2) or more persons who are either related by blood, marriage or operation of law, or give evidence of a stable relationship which has existed over a period of time;
- (b) An elderly family as defined in this chapter (including disabled or handicapped persons);
- (c) A single person who is a displaced person as defined in this chapter.
- (d) The remaining member(s) of a HMA tenant family; or
- (e) A single person who is not an elderly family or a displaced person as defined in this chapter, where approved by HUD pursuant to 24 CFR, Part 912.3.

The term "Family" does not include a non-immigrant student alien (and related family members) as defined by HUD pursuant to § 101(a)(15)(F)(i) of the Immigration and Nationality Act [\(8 USC § 1101\(a\)\(15\)\(i\)\)](#).

Fair Market Rent (FMR) - The cost in a particular housing market area of privately owned, decent, safe and sanitary rental housing. HUD establishes and publishes in the Federal Register FMRs for dwelling units of varying sizes for each metropolitan area. FMRs are gross rent estimates, *i.e.*, they include the cost of tenant-paid utilities. See 24 CFR part 888 subpart A.

First Available Unit - An Applicant with an application date earlier than an Applicant on a Site-Based Waiting List at a development with an available unit shall be selected from the waiting list for a unit at that property. For example, an eligible Applicant with an application date of March 1, 2008 who has selected the "First Available Unit Option" shall be selected from the waiting list before any eligible Applicant on the Site-Based Waiting List with an application date and time after March 1, 2008. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

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Full Time Student- a person who is carrying a subject load that is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Assistance Expenses for Participants with Disabilities- reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a family member with a disability and that are necessary to enable a family member (including the family member with a disability) to be employed; provided, that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Head of Household- the family member who is held responsible and accountable for the family (and whose name is identified as responsible on the dwelling lease).

Housing Assistance Payment (HAP) - The payment made by the Contract Administrator to the Project Owner of an assisted unit as provided in the HAP Contract. Where the unit is leased to an eligible household, the payment is the difference between the contract rent for a particular assisted unit and the tenant rent payable by the family.

Housing Choice Voucher Program (HCVP) – a program that provides tenant-based rental assistance pursuant to Section 8 of the Housing Act of 1937.

Housing Quality Standards (HQS) - Standards set forth in 24 CFR § 982.401 that must be met by all units in the HCV program before assistance can be paid on behalf of a household. The HQS in 24 CFR § 982.401 apply to Project-Based Voucher units, in accordance with 24 CFR § 983.101. Generally, Voucher Agencies must conduct HQS inspections of PBV projects not less than biennially during the term of the HAP Contract.

HAP Contract - The contract entered into by the Project Owner and the contract administrator that sets forth the rights and duties of the parties with respect to the Covered Project and the payments under the contract.

HUD - the U.S. Department of Housing and Urban Development.

Leased Premises - Leased Premises includes the Lessee's dwelling unit as specified in the lease and any other buildings or areas that are provided for the exclusive use of the Lessee.

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Lessee - The "Lessee" is the individual(s) that sign(s) the Lease with the owner of the RAD Covered project. Each Lessee is individually, jointly and severally responsible for performance of all obligations under the lease including, but not limited to, the payment of rent and other charges, as defined herein. No individual, other than the signatory to the lease, is deemed to be a Lessee or have any rights of a Lessee.

Low Rent Housing - housing owned by DCHA under the United States Housing Act of 1937.

Lower Income Family- a family whose annual income does not exceed eighty percent (80%) of the median income for the area, as determined by HUD, with adjustments for smaller and larger families.

Medical Expenses - those medical expenses, including medical insurance premiums, that are anticipated during the twelve (12) month period for which annual income is computed, and that are not covered by insurance.

Mixed Finance Project – A project developed under 24 CFR § 905.604.

Net Family Assets- the value of equity in real property, savings, stocks, bonds and other forms of capital investments, excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of any member of the family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted as part of annual income.) In determining net family assets, HMA shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two (2) years preceding the date of application for admission or reexamination, as applicable, in excess of the consideration received therefore. In the case a disposition as part of a separation or divorce settlement, the disposition shall not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

Notice to Correct or Vacate – a written 30-day notice of termination of the tenancy that advises the Tenant that he/she is in violation of the Lease or DC Housing Code, specifies the violation(s) that form the basis of the notice, and specifies how the Tenant can cure the violations within the time period set forth in the notice.

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Notice to Vacate – a written 30-day notice of termination of the tenancy that specifies the basis for termination of the tenancy, and specifies the time period by which the Tenant must vacate the premises.

Participant (participant family) - A family that has been admitted to a DCHA program and is currently assisted in the program.

Person with a Disability- a person with a disability as defined by this section.

Prepayment - The satisfaction (*i.e.*, payment in full) of the underlying mortgage prior to its maturity date. Prepayment is one of the eligibility triggering events for RAD conversion under Section III of this Notice.

Private Mixed Finance Project – A Mixed Finance Project whose owner is not substantially controlled by DCHA or a wholly-owned subsidiary of DCHA. For the purposes of this definition, “substantial control” is defined as greater than fifty percent (50%) voting power.

Priority Applicant- an applicant for admission to housing who meets the criteria of § 6105 of this title.

Project - For purposes of determining a RAD transaction, a “project” is a structure or group of structures that in HUD’s determination are appropriately managed as a single asset. In determining whether a combination of structures constitute a project, HUD will take into account types of buildings, occupancy, location, market influences, management organization, financing structure or other factors as appropriate. For a RAD PBV conversion, the definition of “project” in 24 CFR § 983.3 continues to apply for all references to the term in 24 CFR § 983.

Project-Based Voucher (PBV) - A component of a PHA’s HCV program, where the PHA attaches voucher assistance to specific housing units through a PBV HAP Contract with an owner. Unlike a tenant-based voucher, the PBV assistance remains attached to the unit when the family moves, and assists the next eligible family to move into the PBV unit. The PBV program is administered by HUD’s Office of Public and Indian Housing.

Project Owner - For purposes of Sections 5700 through 5775, the term Project Owner refers to the owner of the Covered Project, including but not limited to any owner pursuant to a HAP Contract. For purposes of HAP Contracts, an Owner is a private person, partnership, or entity (including a cooperative), a non-profit entity, a PHA or other public entity, having the legal right to lease or sublease the dwelling units subject to the HAP Contract.

Public Housing - see Low Rent Housing.

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Public Housing Advisory Board (Resident Advisory Board) - District of Columbia Public Housing Advisory Board, established by Mayor's Order 86-1.

Public Housing Agency (PHA) any HUD-approved entity that administers programs under the Housing Act of 1937, which could include public housing and HCVs. In addition to this general definition, the term PHA, as used in this Notice, refers to the owner of a First Component Converting Project (even if the project is a Mixed Finance Project and the PHA does not own ACC units).

Public Housing Project - Per 24 CFR § 905.108 the term “public housing” means low-income housing, and all necessary appurtenances thereto, assisted under the Act, other than assistance under 42 USC § 1437f of the Act (Section 8). The term “public housing” includes dwelling units in a Mixed Finance Project that are assisted by a PHA with public housing Capital Fund assistance or Operating Fund assistance. When used in reference to public housing, the term “project” means housing developed, acquired, or assisted by a PHA under the Act, and the improvement of any such housing. Each public housing project has a project identification number in the Public and Indian Housing Information Center (PIC), though a PHA may propose to convert individual sites within the public housing project.

RAD Covered Project - The post-conversion property, including but not limited to buildings, the common areas of the buildings and grounds associated with all the buildings, with assistance converted from one form of rental assistance to another under the Rental Assistance Demonstration.

Resident - a lessee under the dwelling lease.

Site-Based Waiting Lists - An Applicant who has applied to be placed on the Site-Based Waiting List at multiple developments will be selected from those respective lists by date and time of application. (This assumes that the selection is for the appropriate bedroom size and any other relevant unit features).

Tenant - a lessee under the dwelling lease.

Tenant Rent - the amount payable monthly by a tenant as rent to the owner of the RAD converted project under a dwelling lease as defined in 24 CFR part 5. Where all utilities and other essential housing services are supplied the tenant by the owner, Tenant Rent shall be the same as total tenant payment. Where some or all utilities and other essential housing services are not supplied to the tenant by the owner, and the cost is billed directly

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to the tenant, Tenant Rent shall be the amount of the total tenant payment less applicable utility allowances. Tenant rent shall be reduced by any amount paid that month by a household member into an Achieving Your Best Life (AYBL) escrow account, until the AYBL contract terminates. *See* 14 DCMR § 5775.

TTP - The total tenant payment as calculated pursuant to 24 CFR part 5.

Uniform Federal Accessibility Standards (UFAS) - Construction standards with minimum requirements for accessibility for dwelling units constructed or substantially altered with the assistance of federal funds as detailed at 24 CFR part 8 and the addendums thereto.

Utility Allowance - As defined in 24 CFR part 5, the amount that a PHA or Project Owner determines is reasonable for tenant-paid utility costs. In the case where the utility allowance exceeds the Total Tenant Payment (as defined at 24 CFR § 5.613), the tenant is reimbursed in the amount of such excess.

SOURCE: Final Rulemaking at 64 DCR 12956 (December 22, 2017); as amended by Final Rulemaking published at 66 DCR 6831 (June 7, 2019).