

5751 FAMILY RIGHT TO MOVE

- 5751.1 The Family may terminate its assisted lease at any time after the first year of occupancy, subject to the terms of the lease. The Family must provide thirty (30)-day written notice of intent to vacate to the Property Manager of the RAD Covered Project (with a copy to DCHA), in accordance with the lease.
- 5751.2 Prior to or at the time of submitting a written notice of intent to vacate in accordance with Subsection 5751.1, the Family may request the opportunity for continued tenant-based rental assistance in the form of a tenant-based voucher under the Housing Choice Voucher Program. To request a tenant-based voucher, the Family must submit a written request to the Property Manager of the RAD Covered Project. Requests for continued tenant-based assistance will only be accepted from Families that meet the eligibility requirements of Subsection 5751.3.
- 5751.3 Tenants are eligible for continued tenant-based assistance, pursuant to Subsection 5751.2, only if:
- (a) By the date requested for lease termination, the Family will have resided continuously in a RAD unit for at least one calendar year; and
 - (b) On the date of request for continued tenant-based assistance pursuant to Section 5751.2, the Family is compliant with the terms and conditions of its lease, in accordance with Sections 5750.2 – 5750.4.
- 5751.4 If, on the date of receipt of a request submitted pursuant to Subsection 5751.2, (i) the Family is deemed eligible, in accordance with Subsection 5751.3, and (ii) a tenant-based voucher is available, DCHA shall offer the Family a tenant-based voucher. Notwithstanding the foregoing, subject to applicable federal requirements, if DCHA has already issued seventy-five percent (75%) of its total turnover vouchers in any single calendar year to Families of RAD units, DCHA shall place the Family on the RAD tenant-based voucher transfer list governed in accordance with Subsection 5751.6.
- 5751.5 If, at the time of receipt of a request submitted pursuant to Subsection 5751.2, (i) the Family is deemed eligible, in accordance with Subsection 5751.3, and (ii) a tenant-based voucher is not available, DCHA shall place the Family on the transfer list governed in accordance with Subsection 5751.6.
- 5751.6 Families requesting continued tenant-based assistance shall be prioritized based on the date on which the Family submitted its request for continued tenant-based assistance pursuant to § 5751.2. Families on the RAD/PBV tenant-based voucher transfer list shall take priority over all other applicants for tenant-based vouchers. Notwithstanding the foregoing, subject to applicable federal requirements, once DCHA has issued seventy-five percent (75%) of its total turnover vouchers to

District of Columbia Municipal Regulations

Families of RAD units in any single calendar year, the priority given to Families placed on the RAD tenant-based voucher transfer list shall be governed by Chapter 76 of this title.

- 5751.7 If, at the time a Family reaches the top of the RAD tenant-based voucher transfer list, (i) a voucher is available and (ii) the Family has priority over all other applicants for tenant-based vouchers, based on the provisions of Subsection 5751.6, DCHA shall offer the Family a tenant-based voucher.
- 5751.8 When DCHA is required to offer a Family a tenant-based voucher pursuant to Sections 5748 through 5752, DCHA shall provide written notice of its offer to the Family. The Family must submit a written acceptance of the tenant-based voucher to DCHA within thirty (30) days of the notice of offer. Failure to submit a written acceptance of the voucher to DCHA within thirty (30) days of the notice of offer shall result in the Family being placed back on the RAD tenant-based voucher transfer list with a priority date set to the date of expiration of the notice of offer.
- 5751.9 If a Family timely accepts an offer to receive a tenant-based voucher, DCHA shall issue the Family a tenant-based voucher. Notwithstanding, if at the time of acceptance, the Family is not compliant with the terms and conditions of its lease, in accordance with Subsections 5750.2 – 5750.4, DCHA may rescind its offer to issue a tenant-based voucher.
- 5751.10 Once issued, a tenant-based voucher shall expire one hundred eighty (180) days from the date of its issuance.
- 5751.11 If a Family locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:
- (a) Provision of a lease-up packet;
 - (b) Inspection of the new unit for compliance with HQS; and
 - (c) Approval of the lease-up package and the lease terms, including the gross rent and the contract rent, subject to a rent reasonableness determination.
- 5751.12 If the tenant-based voucher expires before the Family initiates the lease-up process, pursuant to Subsection 5751.11:
- (a) The Family may continue its lease where it is currently leasing, provided that:
 - (1) The Family has not yet given notice to terminate its lease to the owner; or
 - (2) The Family has delivered to the owner a notice rescinding the

District of Columbia Municipal Regulations

Family's earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and

- (3) The HAP Contract has not otherwise been terminated by DCHA.
- (b) The Family is not required to provide new lease-up or other documents to DCHA, and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the continued tenant-based assistance.
- (c) The Family's prior Total Tenant Payment continues in effect.
- (d) The Family shall not be eligible for another Tenant-Based voucher for twenty-four (24) months from the issuance of the expired voucher.

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