

**9215 HOME OWNER OBLIGATIONS AND CONTINUED ASSISTANCE REQUIREMENTS**

- 9215.1 HQS inspections shall be conducted annually as long as the Participant remains in the program and continues to receive assistance. The Participating Family is required to make any repairs necessary to meet the HQS.
- 9215.2 The Participating Family shall execute a Statement of Home Ownership Obligation whereby they contractually agree to comply on a continuing basis with the obligations, rules and requirements of the HOAP which cover the following areas:
- (a) Pre and Post-purchase Homeownership Counseling.
  - (b) Compliance with mortgage terms and conditions.
  - (c) Prohibition against conveyance or transfer of home.
  - (d) Supplying Required Information.
  - (e) Notice of move-out.
  - (f) Notice of mortgage default.
  - (g) Prohibition of an ownership interest on second residence.
  - (h) Notice of additional grounds for termination of assistance.
- 9215.3 Post Closing Housing Counseling. The Family shall continue to follow through with participation in Post Settlement home ownership and housing counseling program sessions until the Family is no longer receiving voucher subsidy assistance.
- 9215.4 Compliance with Loan Terms. The household shall comply with the terms of the mortgage securing debt incurred to purchase the home and any refinancing of such debt.
- 9215.5 Pre-approval for any change in financing. The Family shall obtain written approval from HOAP or its designee before securing any refinancing on the primary loan, subordinate equity loan or line of credit.
- 9215.6 No other Residential Ownership. During the time the household receives home ownership assistance, no household member may have any ownership interest in any other residential property.
- 9215.7 Sale or other Conveyance.

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- (a) Prior Approval Required. So long as the household is receiving HOAP Subsidy payment from the HCV/HOAP they may not sell, convey or transfer any interest in the home to any entity or person without prior approval of HCV/HOAP, except in conformance with the provisions of (b) and (c) of this Subsection.
- (b) Conveyance to another household member. If the household chooses to convey the home, or their interest in the home to another household member, even if by operation of law upon divorce, they shall:
  - (1) Inform HCV/HOAP of their intent prior to the conveyance or sale,
  - (2) Receive written consent from the HCV/HOAP before commencing with any such sale or transfer of interest,
  - (3) The household member shall have a voucher and continued eligibility for participation in the HCV/HOAP, if HOAP Subsidy is to continue.
  - (4) Provide the HCV/HOAP with copies of applicable documentation related to any sale, refinancing or transfer.
  - (5) Provide information and documentation on request of any mortgage or other debt incurred to purchase the home and any refinancing of such debt (including information needed to determine whether the household has defaulted on the debt, and the nature of any such default).
  - (6) Provide supportive information on how the existing debt, mortgage or financial obligation shall be paid (in installments or in total).
- (c) Upon death of a household member who holds, in whole or in part, title to the home or ownership of cooperative membership shares for the home:
  - (1) The remaining member(s) are required to inform DCHA of the decedent's death within thirty (30) days of its occurrence.
  - (2) HOAP may continue mortgage subsidy assistance payments up to one year, pending settlement of the decedent's estate, notwithstanding transfer of the title by operation of the law to the decedent's executor or legal representative, provided the home is solely occupied by the remaining household members on the Family composition.

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- (i) The remaining mortgage-holder(s) may submit income and other necessary information about the remaining family members for DCHA to make a continuing eligibility determination. If the Family remains eligible, they will be allowed to stay in the HOAP program under the terms of their original agreements.
- (ii) If the remaining household members include at least one disabled adult, elderly adult, or minor, the Family may request to transfer to the Housing Choice Voucher Program.

9215.8 Required Notices to HOAP. Participating Families are required to inform HOAP of certain types of information on a regular or interim basis as follows:

- (a) Change in Expenses. The Family shall inform the HOAP of any change in the household ownership expenses or ability to pay household expenses that shall affect the household's ability to financially handle the change in expense and the monthly mortgage obligations within the time frame set forth in 14 DCMR § 5310.1(a).
- (b) Annual Recertification. The household shall participate fully in the annual recertification process by providing all required documentation, including verification that the mortgage, insurance, utility payments and other home ownership expenses are current.
- (c) Notice of move - with or without resale of home.
  - (1) The household shall notify the HOAP of their intent to move out of the home by supplying a written ninety (90)-day notice.
  - (2) The household shall notify the HOAP in advance if any household member who owns, in whole or in part, any ownership interest in the home moves out.
- (b) Notice of Mortgage Default. The household shall notify the HOAP if the household defaults on the mortgage securing any debt incurred to purchase the home after receiving the notice of delinquency within the time frame set forth in § 5310.1(a).
- (e) Change in Income or Family Composition. The Family shall inform the HOAP of any change in the source and/or amount of household income and change in the household composition at their annual recertification. A change in household composition shall not result in a reduction in the Payment Standard, but may be used to increase the Payment Standard.

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- (f) Pursuant to Chapter 56 (Debts and Repayment Agreements) of this title, any monies that HOAP overpays for a Family due to untimely reporting of a change in family composition or income may result in termination of assistance or any of the collection methods referenced in §§ 5600 *et seq.*

### 9215.9 Relocation

- (a) Limitation on relocation. The household is prohibited from purchasing a new home more than once in a twelve (12) month period
- (b) Counseling Requirement after relocation. The household shall be required to participate in pre and/or post counseling sessions prior to moving to another home purchased under this program, if more than three years have passed since the household initially entered the HCV/HOAP and/or if significant changes to the regulations have occurred that might affect the household's continued eligibility.

### 9215.10 No rental. The household shall not rent any portion of the property.

### 9215.11 No Criminal Activity.

- (a) No household member may commit fraud, bribery or any other corrupt or criminal act in connection with the HCV/HOAP.
- (b) No household member may participate in, be charged with or be convicted of illegal drug or violent criminal activity while connected with the HCV/HOAP.

### 9215.12 Additional Counseling. HCV/HOAP reserves the right to require additional counseling for a household during their participation in the program.

SOURCE: Final Rulemaking published at 49 DCR 5767 (June 21, 2002); as amended by Final Rulemaking published at 52 DCR 6180 (July 1, 2005); as amended by Final Rulemaking published at 65 DCR 7847 (July 27, 2018).