

1799 DEFINITIONS

1799.1 For the purposes of this chapter, the following words and phrases shall have the meaning ascribed:

Act - the Rental Housing Act of 1985 (D.C. Law 6-10), D.C. Official Code §§ 42-3501.01-3509.04 (2001).

Annual Income - the anticipated total income from all sources received by the family head and spouse, even if temporarily absent, and by each additional member of the family, including all net income derived from assets, for the twelve (12) month period following the effective date of DCHA's initial determination or re-examination of income, exclusive of certain other types of income specified in paragraph (b) of this definition.

- (a) Annual income includes, but is not limited to, the following:
 - (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
 - (2) The net income from the operation of a business or profession (for this purpose, expenditures for business expansion or amortization of capital indebtedness and an allowance for depreciation of capital assets are not deducted as expenses to determine the net income from a business);
 - (3) Interest, dividends, and other net income of any kind from real or personal property. For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets are not deducted as expenses to determine the net income from real or personal property. Where the family has net family assets in excess of five thousand dollars (\$5,000), annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of the assets based on the current passbook savings rate as determined by DCHA;
 - (4) The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits or other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment;
 - (5) Welfare assistance;
 - (6) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons outside the households;
 - (7) All regular pay, special pay, and allowances of a member of the armed forces whether or not living in the rental unit, who is head of the family, spouse, or other person whose dependents are residing in the unit; and

- (8) Any earned income tax credit to the extent it exceeds income tax liability.

(b) Annual income does not include the following:

- (1) Income not related to employment that is temporary, non-recurring or sporadic, such as: irregular gifts, scholarships, inheritances, insurance payments, and capital gains;
- (2) Income from employment of children, including foster children, under the age of eighteen (18) years;
- (3) Payments received for the care of foster children;
- (4) The value of the allotment provided to an eligible household for food stamps;
- (5) Payments or allowances made under the Low-Income Home Energy Assistance Act of 1981 and the District of Columbia Low Income Energy Assistance Program;
- (6) Special stipends for childcare and transportation provided by publicly funded job or job training programs;
- (7) Special stipends provided to volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. § 1626(a) (2000)); and
- (8) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay.

Annual Adjusted Income - annual income that remains after excluding the following allowances:

- (a) Four hundred eighty dollars (\$480) for each dependent; and
- (b) Childcare Expenses, not to exceed the amount of income received when employment-related.

Certificate of Eligibility ("Certificate") - a certificate issued by DCHA declaring a family to be eligible for participation in the Tenant Assistance Program and stating the terms and conditions for such participation.

Child Care Expenses - reasonable amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age during the period for which Annual Adjusted Income is computed, but only where such care is necessary to enable a family member to be gainfully employed or to further his or her education.

Dependent - a member of the family household (except foster children) other than the family head or spouse, who is under eighteen (18) years of age, or is a Disabled Person or Handicapped Person, or is a Full-Time Student.

Disabled Person - a person under a disability as defined in section 223 of the Social Security Act, 42 U.S.C. § 423 or in section 102 of the Development Disabilities Services Facilities Construction Amendments of 1970, 42 U.S.C. § 2691(1).

Displaced Household - a household displaced by government action including one whose current residence is determined uninhabitable, as determined by a D.C. Inspector in accordance with the D.C. Housing Code, and who possesses an Emergency Housing Conditions Certification issued by DCHA.

DCHA - the District of Columbia Housing Authority.

Elderly Family - an Eligible Family whose head or spouse or whose sole member is at least sixty (60) years of age.

Eligible Family - an individual or a family residing and domiciled in the District which qualifies as a Lower Income Family and meets all other program requirements at the time it initially receives assistance under the Tenant Assistance Program.

Fair Market Rent - the rent, and all maintenance, management, and other services which would be required to be paid in order to obtain privately owned, decent, safe and sanitary rental housing of modest, nonluxury nature with suitable amenities in the District.

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.

Handicapped Person - a person who has a medically determinable physical impairment, including blindness, which prohibits and incapacitates seventy-five percent (75%) of that person's ability to move about, to assist himself or herself, or to engage in an occupation.

Housing Providers - the owner(s), or agents working on behalf of the owner(s), of housing with units receiving assistance under the Tenant Assistance Program pursuant to contracts with DCHA.

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

Monthly Income - one-twelfth (1/12th) of Annual Adjusted Income.

Net Family Assets - value of equity in real property, savings, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles shall be excluded.

Payment Standard - the schedule of housing costs used to compute the Tenant Assistance Payment payable by DCHA to a housing provider on behalf of an Eligible Family.

Rent - the entire amount of money, money's worth, benefit, bonus, or gratuity demanded, received, or charged by a housing provider as a condition of occupancy or use of a rental unit, its related services, and its related facilities. Rent is further defined as follows:

- (a) Contract Rent - the total amount of rent specified in the Tenant Assistance Contract as payable by DCHA and the tenant to the housing provider for an assisted unit;
- (b) Gross Rent - the total monthly cost of housing an Eligible Family in the assisted unit. The Gross Rent is the sum of the Contract Rent and any allowance for utilities paid directly by the family; and

- (c) Tenant Rent - the amount payable monthly by the Eligible Family as rent to the housing provider.

Rental Unit - any part of a housing accommodation which is rented or offered for rent for residential occupancy and includes any apartment, efficiency apartment, room, single- family house, suite of rooms, or duplex.

Residing and Domiciled - a person who resides in the District, pays income tax in the District, whose automobile is registered in the District, and if a registered voter, votes in the District.

Substantial Compliance with the Housing Code - the absence of any substantial housing violations as defined in section 103 (35) of the Act including, but not limited to, the following:

- (a) Frequent lack of sufficient water supply;
- (b) Frequent lack of hot water;
- (c) Frequent lack of sufficient heat;
- (d) Curtailment of utility service, such as gas or electricity;
- (e) Defective electrical wiring, outlets or fixtures;
- (f) Exposed electrical wiring or outlets not properly covered;
- (g) Leaks in the roof or walls;
- (h) Defective drains, sewage system, or toilet facilities;
- (i) Infestation of insects or rodents;
- (j) Lead paint on the interior of the dwelling, or on the exterior of the dwelling where the paint is in a location or in a condition which creates a hazard of lead poisoning to children or the occupants;
- (k) Insufficient number of acceptable exits for a dwelling, or from each floor of a rooming house;
- (l) Obstructed exits;
- (m) Accumulation of garbage or rubbish in common areas;
- (n) Plaster falling or in immediate danger of falling;
- (o) Dangerous porches, stairs or railings;
- (p) Floors, walls, or ceilings with substantial holes;
- (q) Doors or windows that are not sufficiently tight to maintain the required temperature or to prevent excessive heat loss;
- (r) Doors lacking required locks;
- (s) Fire hazards or absence of required fire prevention or fire control;

- (t) Inadequate ventilation of interior bathrooms; and
- (u) Large numbers of housing code violations, each of which may be either substantial or non-substantial, the aggregate of which is substantial, because of the number of violations.

Tenant Assistance Contract (“Contract”) - a written contract between DCHA and a Housing Provider for the purpose of providing Tenant Assistance Payments to the Housing Provider on behalf of an Eligible Family, or for specific units to be held for and leased to families eligible for tenant assistance for the duration of the contract.

Tenant Assistance Payment - the payment made by DCHA to the Housing Provider whose unit is under lease to an Eligible Family, as provided in the Contract.

Total Tenant Payment - that portion of the Gross Rent payable by an Eligible Family participating in the Tenant Assistance Program, determined in accordance with section 1908 of this title.

Utility Allowance - if the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the family occupying the unit, an amount equal to an estimate made by DCHA of the monthly costs of a reasonable consumption of such utilities and other services for the unit by an energy conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

SOURCE: Notice of Final Rulemaking published at 33 DCR 4396, 4398-4403 (July 25, 1986); as amended by Notice of Final Rulemaking published at 36 DCR 4472, 4474-75 (June 23, 1989).