

6099 DEFINITIONS

6099.1 For purposes of Chapters 60 - 64 of Title 14 of the District of Columbia Municipal Regulations, the following definitions shall apply.

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

- (a) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (b) Any individual, tenant, or lawful occupant living in the household of that individual.

Annual Income -- the anticipated total income from all sources received by the head of household 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 initial determination or reexamination of income, exclusive of income that is temporary, nonrecurring or sporadic, and exclusive of certain other types of income specified in paragraphs (b) and (c) of this definition.

- (a) Annual Income includes, but is not limited to, the following:
 - (1) The full amount, before any payroll deduction, of wages and salaries, overtime pay, commissions, fees, tips, and bonuses, and other compensation for personal services;
 - (2) The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal

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is reimbursement of cash or assets invested in the operation by the family;

- (3) Interest, dividends, and other net income of any kind from real or personal property greater than \$1,000 per year. Expenditures for amortization of capital indebtedness shall be used as deduction in determining net income. All allowance for depreciation is permitted only as authorized in paragraph (a)(2) of this definition. Net income from assets will be included in Annual Income for the purposes of this title if net income from assets exceeds \$1,000. Notwithstanding this threshold, all assets with a value greater than \$15,000 must be reported annually. Regardless of the value of the assets, imputed income from assets will not be included in Annual Income.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Complete Applications – A complete application shall be considered complete if it includes the Applicant's name, date of birth, social security number, address, preference, income, and waiting list(s) selection.

Dating violence means violence committed by a person:

- (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is

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cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “**spouse or intimate partner of the victim**” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

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).

Safe unit refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

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).

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (a) Fear for the person's individual safety or the safety of others; or
- (b) Suffer substantial emotional distress.

VAWA means the Violence Against Women Act of 1994, as amended (42 USC 13925 and 42 USC 14043e *et seq.*).

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SOURCE: Final Rulemaking published at 33 DCR 7973, 7985-86 (December 26, 1986); as amended by Final Rulemaking published at 39 DCR 2291 (April 3, 1992); as amended by Final Rulemaking published at 45 DCR 4915, 4916 (July 24, 1998); as amended by Final Rulemaking published at 46 DCR 603 (January 22, 1999), incorporating by reference the text of Proposed Rulemaking published at 45 DCR 7913, 7914 (November 6, 1998); as amended by Notice of Final Rulemaking published at 53 DCR 9290 (November 17, 2006); as amended by Final Rulemaking published at 54 DCR 12303 (December 23, 2007); as amended by Final Rulemaking published at 56 DCR 2720 (April 10, 2009); as amended by Final Rulemaking published at 62 DCR 10416 (July 31, 2015); as amended by Final Rulemaking published at 65 DCR 13209 (November 30, 2018).