

5776 RESIDENT PARTICIPATION

5776.1 The RAD Project-Based Property Owner shall recognize a legitimate resident organization and will give reasonable consideration to concerns raised by a legitimate resident organization.

5776.2 “Legitimate resident organization” is defined as a resident organization that:

- (a) Has been established by the residents of a RAD Project-Based Property;
- (b) Meets regularly;
- (c) Operates democratically;
- (d) Is representative of all residents in the RAD Project-Based Property; and
- (e) Is completely independent of the property owner, management, and their representatives.

5776.3 Protected activities. Property owners must allow residents and resident organizations to conduct the following activities, and residents will not need prior permission to conduct them.

- (a) Distributing leaflets in lobby areas;
- (b) Placing leaflets at or under residents' doors;
- (c) Distributing leaflets in common areas;
- (d) Initiating contact with residents;
- (e) Conducting door-to-door surveys of residents to ascertain interest in establishing a resident organization and to offer information about resident organizations;
- (f) Posting information on bulletin boards;
- (g) Assisting resident to participate in resident organization activities;
- (h) Convening regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives. In order to preserve the independence of resident organizations, management representatives may not attend such meetings unless invited by the resident organization to specific meetings to discuss a specific issue or issues; and

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- (i) Formulating responses to Project Owner's requests for:
 - (1) Rent increases;
 - (2) Partial payment of claims;
 - (3) The conversion from project-based paid utilities to resident-paid utilities;
 - (4) A reduction in resident utility allowances;
 - (5) Converting residential units to non-residential use, cooperative housing, or condominiums;
 - (6) Major capital additions; and
 - (7) Prepayment of loans;
- (j) Other reasonable activities related to the establishment or operation of a resident organization.

5776.4 Meeting space.

- (a) Property owners must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested by:
 - (1) Residents or a legitimate resident organization and used for activities related to the operation of the legitimate resident organization; or
 - (2) Residents seeking to establish a legitimate resident organization or collectively address issues related to their living environment.
- (b) Resident and resident organization meetings must be accessible to people with disabilities.
- (c) Property owners may charge a reasonable, customary, and usual fee for the use of such facilities, if approved by HUD.

5776.5 Funding.

- (a) Property owners will provide twenty-five dollars (\$25) per occupied unit annually for resident participation, of which at least fifteen dollars (\$15) per occupied unit shall be provided to the legitimate resident organization.

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- (b) These funds must be used for:
 - (1) Resident education;
 - (2) Organizing around tenancy issues; or
 - (3) Training activities.
- (c) In the absence of a legitimate resident organization, property owners must make resident participation funds available to residents for organizing activities. Residents must make requests for these funds in writing to the project owner. These requests will be subject to approval by the property owner.

5776.6 Resident Organizers.

- (a) Property owners will allow resident organizers to assist residents in establishing and operating resident organizations.
- (b) Resident organizers are residents or non-residents who assist residents in establishing and operating a resident organization, and who are not employees or representatives of current or prospective property owners, managers, or their agents.

5776.7 Property Owner Responsibilities.

- (a) When requested by residents, a property owner shall provide appropriate guidance to residents to assist them in establishing and maintaining a resident organization.
- (b) A property owner shall provide the residents or any legitimate resident organization with current information concerning the owner's policies on tenant participation in management.
- (c) In no event shall a property owner recognize a competing resident organization once a legitimate resident council has been established. Any funding of resident activities and resident input into decisions concerning the property shall be made only through the officially recognized resident organization.
- (d) If requested, a property owner shall negotiate with the legitimate resident organization on all uses of community space for meetings, recreation and social services and other resident participation activities pursuant to HUD guidelines. Such agreements shall be put into a written document to be signed by the property owner and the resident organization.

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- (e) The property owner and resident organization shall put in writing in the form of a Memorandum of Understanding the elements of their partnership agreement and it shall be updated at least once every three (3) years.

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