

9118 HARDSHIP WAIVER POLICY

9118.1 A Family may request a Hardship waiver at any time if the family can demonstrate one of the following circumstances listed below. If the family receives a temporary TTP during the initial grace period, then the family may request a hardship waiver no more than thirty (30) days before the expiration of the initial grace period or thereafter.

- (a) After the effective date of the TTP, the new TTP has put the Family at imminent risk of eviction as a result of non-payment of rent, and the hardship cannot be remedied by the one interim recertification permitted each year (which cannot reduce a household's TTP below the minimum level);
- (b) The Family is at an income level or experiences a loss of income and/or a TTP increase such that its total monthly TTP exceeds forty percent (40%) of its current monthly gross income. Any amount by which the gross rent exceeds the payment standard must be paid by the family and is not used in determining this forty percent (40%) rent burden. The gross income shall include imputed income in the same manner as current calculations;
- (c) Zero household income;
- (d) Loss of eligibility for a federal state, or local assistance program which reduces the Family income such that the total monthly TTP exceeds forty percent (40%) of its current monthly gross income;
- (e) Temporary or permanent disability, incapacitation or illness, or death of a household member, which reduces the Family income such that the total monthly TTP exceeds forty percent (40%) of its current monthly gross income;
- (f) Significant income loss because of other changed circumstances, including the loss of employment, reduction in work hours or pay, or loss of public benefits; or
- (g) Other circumstances as determined by DCHA.

9118.2 The process for requesting a Hardship Waiver is as follows:

- (a) The Head of Household may request a justifiable Hardship Waiver at any time during the Rent Reform Demonstration Program.
- (b) The Head of Household must initiate a request for a Hardship Waiver by completing and submitting a written hardship request to the Housing Choice Voucher Program.

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- (c) The Head of Household may submit evidence to DCHA in support of the Hardship Waiver Request.
- (d) The Head of Household must supply information and documentation that supports a hardship claim with their written request. For example, a household must provide proof of the following: loss of eligibility for a federal state, or local assistance program; loss of employment, reduction in work hours, or loss of federal, state or local assistance; or the temporary or permanent disability, incapacitation or illness, or death of a household member and amount of lost income.
- (e) If the Head of Household claims zero household income as part of its hardship request, it must provide a detailed accounting of funds used to cover basic costs of living (food, personal/family care necessities, etc.).
- (f) To receive a hardship based on the risk of eviction for non-payment of rent, a household must provide a copy of a rent ledger showing an accruing balance, a notice from the landlord, a thirty (30) day Notice to Vacate or Cure or a Summons and Complaint from the landlord for non-payment of rent or any other proof acceptable to DCHA.
- (g) To receive hardship based on the risk of utility shut-off, a household must provide a copy of a shut-off notice, a recent bill from the utility company showing an accruing balance, a notice from the landlord, or any other proof acceptable to DCHA.

9118.3 The Hardship Review Process is as follows:

- (a) The Head of Household may review and obtain a copy of the Family's HCVP file and/or copies of documents or evidence that DCHA relies upon in making any Hardship determination.
- (b) DCHA shall review the Hardship Request and any evidence submitted by the Head of Household in accordance with this section and provide written notice to the Head of Household within ten (10) business days of its decision to grant or deny the Hardship requests.
- (c) DCHA shall review all information submitted by the Head of Household regarding the request for Hardship and document its decision in the Head of Household file.
- (d) Where a Hardship Waiver is denied, the Head of Household may request an informal review of DCHA's denial to the Director of the Housing

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Choice Voucher Program or his/her designee within thirty (30) days of the denial of the Hardship Request.

- (e) If an Informal Review is timely requested, DCHA shall within thirty (30) days review the Hardship Request and any evidence submitted by the Head of Household and issue a written determination and the basis for the approval or denial of the Hardship Waiver.
- (f) For hardship claims related to imminent risk of eviction or utility shut-off, DCHA shall conduct an expedited informal review.

9118.4 At the sole discretion of DCHA, the Hardship Remedies may include any of the following:

- (a) Allowing an additional interim recertification beyond the normal one-per-year option. This could lower a household's TTP, which includes lowering the minimum rent until the next triennial recertification;
- (b) Setting the household's TTP below the minimum, at twenty-eight percent (28%) of current income, for up to one hundred eighty (180) days;
- (c) Offering a "transfer voucher" to support a move to a more affordable unit (including a unit with lower utility expenses); or
- (d) Any combination of the above remedies.

9118.5 During the one hundred eighty (180) day period when the TTP is reduced, DCHA shall recalculate the subsidy payment based on the reduced TTP. DCHA shall notify the Landlord and the Head of Household of the change in subsidy payment.

9118.6 In addition to the remedy or remedies offered, the Head of Household may be referred to federal, state or local assistance programs to apply for assistance, or to obtain verification that they are ineligible to receive benefits.

9118.7 The Hardship remedies are subject to the following limitations:

- (a) The new Family rent to owner shall be effective on the first (1st) of the month following the submission of an approved hardship request;
- (b) Remedies shall not affect any rent attributable to a gross rent that exceeds the applicable payment standard;
- (c) Opting out of the alternative rent policy is not a remedy option.

9118.8 Expiration of the Hardship Waiver Period:

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- (a) If after the one hundred eighty (180)-day Hardship period expires and the Family's hardship continues, the Family may submit a request for an extension of the hardship remedy.
- (b) The Family may within thirty (30) days before the expiration of the initial grace period or thereafter submit an additional hardship request.
- (c) The Hardship Waiver shall never go past the triennial recertification date.
- (d) At the end of the Hardship Waiver period, the household's regular TTP shall be reinstated.

SOURCE: Final Rulemaking published at 61 DCR 9596 (September 19, 2014); as amended by Final Rulemaking published at 61 DCR 12037 (November 21, 2014).