

## **2206 NOTICE OF AVAILABILITY**

- 2206.1 The provisions of this § 2206 govern the process by which:
- (a) The Owner fulfills its obligation to notify DHCD that a For Sale Inclusionary Unit is available for purchase; and
  - (b) The owner of a Rental Inclusionary Development fulfills its obligation to notify DHCD that a Rental Inclusionary Unit is available for lease.
- 2206.2 An Owner shall provide the notification described in § 2206.1 to DHCD by filing a written Notice of Availability in accordance with the provisions of this § 2206.
- 2206.3 An Inclusionary Development Owner shall file the initial Notice of Availability for an Inclusionary Unit prior to the date of submission of the Certificate of Occupancy application to DCRA applicable to such Inclusionary Unit.
- 2206.4 An Owner shall file all subsequent Notices of Availability prior to marketing the Inclusionary Unit for sale or rent.
- 2206.5 A single Notice of Availability may be filed for one or more Inclusionary Units at a time.
- 2206.6 The Notice of Availability shall include:
- (a) The street address and unit number for the Inclusionary Unit(s);
  - (b) The estimated date upon which the Inclusionary Unit(s) will be available for occupancy;
  - (c) For each Notice of Availability, a list of any optional or required upfront or recurring fees and costs, including but not limited to condominium, cooperative, or homeowner association fees and fees or costs for amenities, services, upgrade options, or parking. For each such fee or cost, the following information shall be provided:
    - (1) The amount of the fee or cost;
    - (2) A description of the fee or cost and how and when it will be charged; and
    - (3) For the initial sale of a For Sale Inclusionary Unit, the budget for the condominium, cooperative, or homeowner association, the condominium, cooperative, or homeowner association fee for each Market Rate Unit and each Inclusionary Unit, and the formula by which such fee is assessed;

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- (d) Whether the Inclusionary Unit is for sale or rent;
- (e) For each subsequent Notice of Availability for a For Sale Inclusionary Unit, an itemized list of all capital improvements and upgrades made to the Inclusionary Unit that the Owner wishes DHCD to consider when establishing the Maximum Resale Price pursuant to § 2219.2. The Inclusionary Unit Owner shall document each cost or value claimed with receipts, contracts, or other supporting evidence, as reasonably requested by DHCD;
- (f) A statement as to the Owner's chosen method of selection of Households for the Inclusionary Units in accordance with § 2208; and
- (g) Such other information as may be required by DHCD.

SOURCE: Notice of Final Rulemaking published at 56 DCR 3907 (May 15, 2009); as amended by Final Rulemaking published at 56 DCR 9295, 9296 (December 11, 2009); as amended by Final Rulemaking published at 64 DCR 13582 (December 29, 2017).