

2299 DEFINITIONS

2299.1 When used in this chapter, the following words and phrases shall have the meanings ascribed below:

Annual Income – annual income as defined in 24 CFR § 5.609 as of the effective date of these amended regulations.

Bedroom – a room with immediate access to an exterior window and a closet that is designated as a “bedroom” or “sleeping room” on construction plans submitted with an application for a building permit for an Inclusionary Development.

Certificate of Inclusionary Zoning Compliance - a document issued by the DCRA’s Office of the Zoning Administrator certifying that an Inclusionary Development meets the Inclusionary Zoning Program requirements.

Certificate of Occupancy - a document issued by the DCRA’s Office of the Zoning Administrator certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

Certifying Entity – DHCD or a third party entity approved by DHCD pursuant to § Error: Reference source not found.

DCRA – the District Department of Consumer and Regulatory Affairs.

Dependent – an individual as defined in § 152 of the United States Internal Revenue Code (26 USC § 152).

District – the District of Columbia.

DHCD – the District Department of Housing and Community Development.

Eligible Capital Improvement – major structural system upgrades, special assessments, new additions, and improvements related to increasing the health, safety, or energy efficiency of an Inclusionary Unit. Such improvements generally include: (i) major electrical wiring system upgrades; (ii) major plumbing system upgrades; (iii) room additions; (iv) installation of additional closets and walls; (v) alarm systems; (vi) removal of toxic substances, such as asbestos, lead, mold, or mildew; (vii) insulation or upgrades to double-paned windows or glass fireplace screens; and (viii) upgrade to Energy Star built-in appliances, such as furnaces, water heaters, stoves, ranges, dishwashers, and microwave hoods.

District of Columbia Municipal Regulations

Eligible Household – a Household with a total Annual Income adjusted for Household size equal to or less than fifty percent (50%) of the MFI, sixty percent (60%) of the MFI, eighty percent (80%) of the MFI, or other percentage of the MFI established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X DCMR.

Eligible Replacement and Repair Cost – in-kind replacement of existing amenities and repairs and general maintenance that keep an Inclusionary Unit in good working condition. Such improvements generally include: (i) electrical maintenance and repair, such as switches and outlets; (ii) plumbing maintenance and repair, such as faucets, supply lines, and sinks; (iii) replacement or repair of flooring, countertops, cabinets, bathroom tile, or bathroom vanities; (iv) non-Energy Star replacement of built-in appliances, including furnaces, water heaters, stoves, ranges, dishwashers, and microwave hoods; (v) replacement of window sashes; (vi) fireplace maintenance or in-kind replacement; (vii) heating system maintenance and repairs; and (viii) lighting system.

For Sale Inclusionary Development – the portion of an Inclusionary Development that includes or will include Inclusionary Units that will be sold to Households.

For Sale Inclusionary Unit – an Inclusionary Unit that will be or has been sold to a Household.

Full Time Student - a person who is enrolled in a class load that is considered full-time for day students under the standards and practices of the college or university attended by that person.

Guardian - a person who is appointed by court order and who is charged with the care, custody, and responsibility of a person under the age of eighteen (18) years.

Household – all persons who will occupy the Inclusionary Unit. A Household may be a single family, one (1) person living alone, two (2) or more families living together, or any other group of related or unrelated persons who share living arrangements.

Housing Locator Website – a website established or designated by the District or DHCD pursuant to the Affordable Housing Clearinghouse Directory Act of 2008, effective August 15, 2008 (D.C. Law 17-215; D.C. Official Code §§ 42-2131 *et seq.*).

HUD – the United States Department of Housing and Urban Development.

Inclusionary Development – a development subject to the provisions of the

District of Columbia Municipal Regulations

Inclusionary Zoning Program.

Inclusionary Development Covenant – the Inclusionary Development Covenant described in § Error: Reference source not found.

Inclusionary Development Owner – a person, firm, partnership, association, joint venture, corporation, other entity, or government with a property interest in land or improvements that is or will be occupied by an Inclusionary Development, but excluding Inclusionary Unit Owners.

Inclusionary Unit – a dwelling unit set aside for sale or rental as required by the Inclusionary Zoning Program.

Inclusionary Unit Owner – a Household member or members that own(s) a For Sale Inclusionary Unit.

Inclusionary Zoning Act – the Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code §§ 6-1041.01 *et seq.*).

Inclusionary Zoning Program – all of the provisions of the Zoning Commission's Inclusionary Zoning Regulations, the Inclusionary Zoning Act, and this Chapter, including policies adopted by DHCD pursuant thereto.

Ineligible Costs – normal maintenance, general repair work, personal or decorative items or work, cosmetic enhancements, installations with limited useful life spans, and non-permanent fixtures not eligible for capital improvement credit as determined by DHCD. Such costs generally include: (i) cosmetic enhancements such as fireplace tiles and mantels, decorative wall coverings or hangings, window treatments (for example, blinds, shutters, and curtains), installed mirrors, shelving, and refinishing of existing surfaces; (ii) non-permanent fixtures, such as track lighting, door knobs, handles and locks, and portable appliances; and (iii) installations with limited useful life spans, such as carpet, painting of existing surfaces, and light bulbs.

Insurance – hazard insurance for single family For Sale Inclusionary Units and mortgage insurance for any For Sale Inclusionary Unit.

Lives in the District of Columbia - the situation where a person maintains a place of abode in the District as his or her actual, regular, and principal place of residence, as reasonably determined by DHCD or its designee.

Market Rate Unit – a unit in an Inclusionary Development that is not an Inclusionary Unit.

District of Columbia Municipal Regulations

Maximum Resale Price – the Maximum Resale Price described in § 2219.

Median Family Income, or MFI – the median family income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by HUD, adjusted for household size without regard to any adjustments made by HUD for the purposes of the programs it administers. Adjustments of Median Family Income for household size shall be made as prescribed in § 2(1) of the Housing Production Trust Fund Act, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

MFI Level – the percentage of MFI referred to in the Inclusionary Zoning Act and/or Zoning Regulations (11-C DCMR §§ 1000 *et seq.*), for example, 50% MFI, 60% MFI or 80% MFI.

New Communities Initiative – a District program designed to revitalize severely distressed subsidized housing and redevelop neighborhoods into vibrant mixed-income communities.

Notice of Availability – the notice required to be provided to DHCD by an Owner in accordance with § Error: Reference source not found.

Owner – both an Inclusionary Development Owner and an Inclusionary Unit Owner.

Parent - the natural or adoptive mother or father of a person.

Rent and Price Schedule – the rent and price schedule published in the *D.C. Register* pursuant to § 103(b) of the Inclusionary Zoning Act.

Rental Inclusionary Development – the portion of an Inclusionary Development that includes, or will include, Inclusionary Units that will be leased to Households.

Rental Inclusionary Unit – an Inclusionary Unit that will be or has been leased to a Household.

Tenant – a Household member or members that occupy a Rental Inclusionary Unit.

Utilities – water, sewer, electricity, natural gas, trash, and any other fees required by the Inclusionary Development Owner, property manager, or condominium or homeowners' association in order to occupy the Inclusionary Unit, including but not limited to mandatory condominium, homeowners' association, amenity or administrative fees.

District of Columbia Municipal Regulations

Works in District of Columbia - the situation where a person reports to work in the District, irrespective of any travel for work or telecommuting, as reasonably determined by DHCD or its designee.

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).