

5999 DEFINITIONS

5999.1 For purposes of Chapters 49 through 59 of Title 14 of the District of Columbia Municipal Regulations, comprising the administration of the Housing Choice Voucher Program, the following definitions shall apply:

Adjusted monthly income - one-twelfth (1/12) of Annual Income after allowances.

Annual Income – Annual Income shall have the definition as set forth by 24 C.F.R. § 5.609, as may be amended from time to time.

Application - a prescribed form, and any additional supporting documents, required to be completed by each person seeking admission to the HCVP operated by DCHA.

Briefing – a meeting with HCVP staff and an applicant or participant designed to provide relevant information regarding the responsibilities and obligations to continued participation in the HCVP.

Contract rent - The total amount of rent specified in the Housing Assistance Payments Contract as payable to the Owner by the Family and by the PHA to the Owner on the Family's behalf, including any rent increase approved by the PHA after the first year of the Housing Assistance Payments Contract.

Cooperative - housing owned by a nonprofit corporation or association and where a member of the corporation or association has the right to reside in a particular apartment and to participate in the management of the housing.

Cooperative Member - a Family in which one or more members own membership shares in a cooperative.

Dating violence - violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

DCHA - District of Columbia Housing Authority or any successor entity thereto.

Dependent - any Family member other than the Head of Household or Spouse who is under the age of 18 or who is 18 or older and is a person with

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disabilities or a full-time student. Foster children, adult wards, and live-in aides are never considered Dependents.

Determination date - the date on which DCHA interviewed the Family.

Disabled Family shall have the definition set forth in 24 C.F.R. §5.403, as may be amended from time to time.

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 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 District of Columbia, 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 District of Columbia.

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.

Drug - a controlled substance as defined set forth in § 102 of the Controlled Substance Act (21 U.S.C. § 802), as may be amended from time to time.

Drug related criminal activity - the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug.

Housing Assistance Payments Contract (Contract) - An executed contract between a PHA and an Owner for the purpose of providing housing assistance payments to the Owner on behalf of an eligible Family.

Elderly Family shall have the definition set forth in 24 C.F.R. § 5.403, as may be amended from time to time.

Eligible Family - a household of one (1) or more persons that meets the minimum eligibility requirements set forth in § 9203.

Family shall have the definition set forth in 24 C.F.R. §5.403, as may be amended from time to time.

Family Self-Sufficiency Program or “FSS program” shall have the same meaning given under 24 C.F.R. § 984.103.

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Fraud - a single act or pattern of actions that constitute a material false statement, misrepresentation, omission, or concealment of a substantial fact made by any applicant or participant (for example, tenant, landlord, employee, or contractor) with the intent to deceive or mislead. This includes, but is not limited to, any of the following activities:

- (a) Family's intentional failure to report (or underreporting) of any household income or assets;
- (b) Landlords accepting additional rent moneys from tenants, entering into "side-leases," etc.;
- (c) Bribery or kickbacks;
- (d) False claims;
- (e) Theft or embezzlement;
- (f) Forgery or alteration of documents;
- (g) Intentional destruction or concealment of records; or
- (h) Profiting from a conflict of interest.

Full-time Basis - at least thirty (30) hours per week.

HCVP/HOAP - the Housing Choice Voucher Program operated by the District of Columbia Housing Authority.

Head of Household - the person who serves as the basis for income eligibility and rent determination and assumes legal responsibility for the household. The Head of Household is also the person with sole authority to remove members to the Family composition and request adding Family members under the HCVP.

Higher cost area - an area where a higher subsidy amount shall be paid for a Family because of higher payment standard amounts or "more generous" subsidy standards (for example, the Receiving PHA issues a three (3) bedroom voucher to a Family that received a two (2) bedroom voucher in DCHA).

HOAP Applicant Family - an Eligible Family that has been issued a Certificate of Completion and is in the process of obtaining a Preliminary Certificate of Assistance; Mortgage Pre-approval; Home Search Authorization; Final Certificate of Assistance.

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HOAP Participating Family - A HOAP Applicant Family who has completed all the steps necessary to the purchase of a home and closed on their mortgage loan.

HOAP Subsidy or HCV/HOAP Assistance - the home ownership subsidy assistance for payment to a mortgage lender on behalf of a Participating Family as provided through the Housing Choice Voucher program in the amount as determined under § 9212.2.

Housing Choice Voucher Program (HCVP, HCV Program, Housing Program, or the Program) - the rental assistance program established by Section 8 of the United States Housing Act of 1937, 24 U.S.C. § 1437f (2006), in its entirety, unless otherwise specified.

Housing Quality Standards (HQS) - standard housing and minimum health and safety criteria for housing units as determined by HUD.

HQS HAP Abatement - when Housing Assistance Payments (HAP) are stopped, recaptured, or DCHA makes reasonable attempts to recapture from an owner HAP within one hundred and eighty (180) days of the date of a failed inspection.

Immediate family member - a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands *in loco parentis*; or any other person living in the household of that person and related to that person by blood, marriage, or operation of law.

Imminent Threat – 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.

Income Eligible Family - a Family that meets the eligibility requirements set forth in § 9203.2(c).

Independent Student - an applicant or participant who lives apart from his or her parents and whose parents' income will not be considered when determining the student's eligibility for participation in the HCVP pursuant to § 5105.3 of this title.

Institution of Higher Education - the types of institutions defined in the Higher Education Act of 1965, 20 U.S.C. § 1002 (2006).

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Intrafamily violence or intrafamily offense shall include felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the victim resides, 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 where the victim resides.

Lease-Purchase Agreement - an agreement with an option to purchase a property entered into between a property owner and a tenant with the objective of the tenant having a right to exercise the right to purchase the leased property within a specified period time.

Live-in aide - a person who resides with one (1) or more elderly persons, near-elderly persons, or persons with disabilities, and who:

- (a) Is determined to be necessary for the care and well-being of the person(s);
- (b) Is not otherwise legally or financially obligated for the support of the person(s); and
- (c) Would not be living in the unit except to provide the necessary supportive services.

Local preference definitions shall have the same meaning as the terms defined in § 7605.

Membership Share - ownership of a share of a cooperative that gives the shareowner the right to reside in a particular unit in the cooperative and the right to participate in management of the housing.

Minor - a person under the age of eighteen (18).

Misrepresentation - the wrongful presentation of facts with an intention to mislead a person or authority thereby drawing undue advantage.

Monthly income - one-twelfth (1/12) of Annual Income.

Near Elderly shall have the definition set forth in 24 C.F.R. § 5.403, as may be amended from time to time.

Omission - failure to perform an act agreed to, where there is a duty to an individual or the public to act.

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Other Adult - a Family member who is not the Head of Household or the spouse of the Head of Household and is eighteen (18) years of age or older, who is not a person that is enrolled in school full-time or is disabled. Live-in aides are not considered to be other adult Family members.

Owner - any person or entity, including a cooperative, having the legal right to lease or sublease existing housing.

Parents - biological or adoptive parents, stepparents (as long as they are currently married to or in a civil union or domestic partnership with to the biological or adoptive parent), guardians and kinship care providers (such as grandparents, aunt or uncle, and godparents).

Participant - only Heads of Household and does not include any other member of the HCVP household composition.

Participating Lender - a lender who has agreed to participate in the HCV/HOAP and provide loans to borrowers under the terms and conditions of this program and has agreed to make loans to Participating HOAP Families which comply with the regulations herein, and are characterized by reasonable interest rates and repayment terms.

Payment Standard - the maximum monthly assistance payment for a Family as determined in accordance with Chapter 53 of this title of the DCMR.

Person with a Disability shall have the definition set forth in 24 C.F.R. § 5.403, as may be amended from time to time.

Public Housing Authority (PHA) - any HUD-approved entity that provides public housing and subsidized housing programs outside of the District of Columbia.

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

Spouse - the marriage partner of the Head of Household.

Stalking - 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
- (2b) Suffer substantial emotional distress.

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Total Tenant Payment (TTP) - the amount toward the rent payable by a tenant, determined in accordance with Chapter 53 of this title of the DCMR.

Threatened use of physical force - any verbal or written, or physical gestures that communicate an intent to cause serious bodily injury or property damage.

Up-front income verification (UIV) - the use of the verification tools available from independent sources that maintain computerized information about income and benefits.

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

Veteran - a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Violent Criminal Activity—Violent criminal activity means “crime of violence” as set forth in D.C. Official Code § 23-1331(4).

Ward – an individual who a Court determines is an incapacitated person as defined in D.C. Official Code § 21-2011(11) (2011 Supp.).

Zero assistance - DCHA is not providing a participant any HAP towards the monthly rent because the participant’s income is sufficient to pay the Contract rent.

SOURCE: Final Rulemaking published at 59 DCR 7956 (June 29, 2012); as amended by Final Rulemaking published at 61 DCR 1466 (February 21, 2014); as amended by Final Rulemaking published at 65 DCR 13209 (November 30, 2018).