

5318 ABSENT FAMILY MEMBERS

- 5318.1 A Family member who is or is expected to be absent from the assisted unit for one hundred twenty (120) consecutive days or less is considered temporarily absent and continues to be considered a Family member. Income, assets, or applicable deductions of a temporarily absent Family member shall be used in the calculation in the determination of the Family's TTP.
- 5318.2 A Family member who is or is expected to be absent from the assisted unit for more than one hundred twenty (120) consecutive days shall be considered permanently absent and no longer a part of the Family composition with the following exceptions:
- (a) A Spouse;
 - (b) Children placed in foster care who have not been permanently removed from the home;
 - (c) A Family member hospitalized more than one hundred twenty (120) consecutive days but who is not permanently confined under § 5318.9; or
 - (d) A Family member who attends school away from home.
- 5318.3 Income, assets or applicable deductions of a permanently absent Family member shall not be considered in the determination of the TTP. The effective date of the permanent absence shall be one hundred twenty (120) days after the Family member has been permanently absent from the household, regardless of the date the absence is first reported to DCHA.
- 5318.4 If a child has been placed in foster care, DCHA shall verify with the appropriate agency whether and when the child is expected to be returned to the home. Unless the agency confirms that the child has been permanently removed from the home, the child shall be counted as a Family member. If the Family head receives verification that the child has been permanently removed from the home, the assisted Family must supply the information to DCHA.
- 5318.5
- (a) If a Spouse is absent from the household assisted unit more than one hundred twenty (120) consecutive days, the Spouse shall continue to be considered a Family member and the Spouse's income shall be counted. The Spouse shall remain as part of the assisted household until DCHA receives verification is received documenting that the Spouse has left the household in a divorce action, legal separation, or through other verifiable third party documentation that documents that the Spouse has established a legal residency outside of the assisted household.

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- (b) Pursuant to § 4907.6, a Spouse who is absent or expected to be absent from the household for more than one hundred twenty (120) consecutive days due to being the perpetrator in criminal acts of domestic violence, dating violence, sexual assault, or stalking, the Spouse shall not be considered a Family member and the Spouse's income will not be counted.

5318.6 Acceptable forms of verification shall include:

- (a) Court Ordered Separation;
- (b) Finalized Divorce Decree;
- (c) Verification that a Divorce or Legal Separation has been filed;
- (d) A lease at another address;
- (e) Bill(s) at another address (utility, gas, etc.);
- (f) Court records that reflect incarceration and the term of the sentence; or
- (g) Orders of Protection or other court orders.

5318.7 A student who is not the Head of Household or Spouse who attends school away from the assisted unit, but lives with the Family during school recesses may be considered temporarily absent or permanently absent at the Family's discretion.

5318.8 If a Family member is confined to a nursing home or hospital on a permanent basis, that person is no longer considered a Family member and the income of that person is not counted.

5318.9 Upon the return of a permanently absent Family member, the Family shall submit a written request to DCHA for approval of the return of any adult Family members that DCHA has determined to be permanently absent. The individual shall be subject to the eligibility and screening requirements.

5318.10 The Head of Household shall be required to report and declare, in writing, if a member of the Family is permanently or temporarily absent. The Family shall be briefed on the effect of a permanently or temporarily absent Family member as it relates voucher size and TTP.

SOURCE: Final Rulemaking published at 59 DCR 7890 (June 29, 2012); as amended by Final Rulemaking published at 67 DCR 9071 (July 24, 2020).