

2208 METHOD OF SELECTION OF HOUSEHOLDS

2208.1 Households may be selected for an Inclusionary Unit as follows:

- (a) Except as provided in §§ 2208.2 through 2208.3, a Household may be selected for the initial or subsequent sale and lease of an Inclusionary Unit through a lottery conducted pursuant to § 2211;
- (b) Subject to § 2211.4, the Owner may select a Household through a method established by the Owner in a marketing plan approved by DHCD; or
- (c) Subject to § 2211, an Inclusionary Unit Owner may sell a For Sale Inclusionary Unit to a Household registered pursuant to § 2209, or with approval from DHCD to any Household certified by DHCD or its designee as meeting the relevant MFI Level, with or without a District licensed real estate broker or salesperson.

2208.2 No lottery shall be conducted for the initial or subsequent sale or lease of an Inclusionary Unit if the Inclusionary Unit is to be:

- (a) Leased or sold to a household displaced from the Inclusionary Unit or the property before conversion to or building of the Inclusionary Development and entitled by law to return to the Inclusionary Unit;
- (b) Leased or sold as a replacement unit as part of the New Communities Initiative; or
- (c) Sold by an Inclusionary Unit Owner to the Inclusionary Unit Owner's spouse, domestic partner, Parent, trust for the benefit of a child, child who is subject to a guardianship, or child who is eighteen (18) years of age or older, if the spouse, domestic partner, Parent, or child submits the information and documents required by § 2212.3(b).

2208.3 If an Inclusionary Unit is subject to a requirement imposed by law or zoning that a specific group, class or type of Household occupy the Inclusionary Unit, or if the Inclusionary Unit meets the accessibility guidelines under the Fair Housing Act (42 USC § 3601), the Household shall be selected for the initial or subsequent sale or lease through a method established by the Owner in a marketing plan that is approved 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).