

**5330 OWNER HOUSING ASSISTANCE PAYMENT RESPONSIBILITIES**

- 5330.1 During the term of the HAP contract, and subject to the provisions of the HAP contract, DCHA shall make monthly HAP payments to the owner on behalf of the Family, at the beginning of each month.
- 5330.2 If a lease term begins after the first of the month, the HAP payment for the first month is prorated for a partial month for new families only. For transfer vouchers, HAP payments shall always start on the first day of the month.
- 5330.3 The amount of the HAP payment is determined according to the policies described in local and federal regulations relating to the HCVP, and is subject to change during the term of the HAP contract.
- 5330.4 DCHA shall notify the owner and the participant in writing of any changes in the HAP payment.
- 5330.5 HAP payments may be made only during the lease term, and only while the Family is residing in the unit. If the sole member of a household is deceased, the HAP terminates on the last day of the month in which the person dies.
- 5330.6 The owner shall credit the monthly HAP payment toward the monthly rent under the Family's lease. The total of the rent paid by the Family, plus DCHA HAP payment, shall be equal to the rent specified in the lease.
- 5330.7 The Family is not responsible for payment of the HAP payment, and DCHA is not responsible for payment of the Family share of rent.
- 5330.8 The Family's share of the rent may not be more than the difference between the total rent to the owner and the HAP payment. The owner may not demand or accept any rent payment from the tenant in excess of this maximum. The owner may not charge the tenant extra amounts for items customarily included in rent in the locality or provided at no additional cost to unsubsidized tenants in the premises.
- 5330.9 If the owner receives any excess HAP from DCHA, the excess amount shall be returned immediately.
- 5330.10 If DCHA determines that the owner is not entitled to all or a portion of the HAP, DCHA may deduct the amount of overpayment from any amounts due to the owner, including amounts due under any other Section 8 HCVP contract.
- 5330.11 If DCHA deducts overpayments from unit from an owner's other Section 8 HCVP contract, DCHA shall notify the participant Family in writing of the action against

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the owner. The Family is not responsible for any portion of a HAP that is deducted to cover an overpayment.

5330.12 DCHA shall make HAP payments to owners by electronic transfer to the owner's bank account or by mailing a check.

SOURCE: Final Rulemaking published at 59 DCR 7890 (June 29, 2012).