

8405 TIMELY REPORTING AND CHANGES TO TOTAL TENANT PAYMENT

8405.1 The following are the reporting requirements for changes to income:

- (a) The Family must report any change in income or assets within thirty (30) Days of when the change occurs; and
- (b) Documentation of the changes must be provided at the recertification appointment or within ten (10) Days of request therefore. Any requested documentation that is not received within ten (10) Days shall be considered untimely and may result in a notice of proposed termination.

8405.2 The following are the reporting requirements for changes to family composition:

- (a) All changes in family composition are required to be reported:
 - (i) If a minor, within thirty (30) calendar Days of its occurrence, and
 - (ii) In the case of an adult, the change is required to be reported prior to the adult's addition to the household;
- (b) If the unit is overcrowded due to a family composition change (the Family is under-housed) a Family being assisted under a tenant-based program may request a voucher to move in accordance with the provisions of Chapter 85 hereof and the Family will be issued a transfer voucher;
- (c) If the Family is over-housed due to a reduction in family composition, the Family may elect to request a transfer voucher and move to an appropriately sized unit, or the Family may remain in the unit and pay the difference in the rent owed, as the subsidy will be continued on the basis of the smaller family size; and
- (d) If the Family does not locate a suitable unit that is either larger or smaller than their present unit, and the Family's transfer voucher expires, the Family may remain in the unit, and the subsidy will be based on the lesser of the unit occupied or the new family composition and size.

8405.3 All increases in Tenant Payment and reductions in housing assistance payments based on changes in the family's adjusted Annual Income are effective on the first of the month following the thirty (30) Days notice to Family and Owner. All decreases in Tenant Payment and increases in housing assistance payments are effective the first of the month after the change is reported.

8405.4 If the Family does not report the change in income or family composition within the thirty (30) Days as required hereinabove, the Family will be determined to have caused an unreasonable delay in the interim recertification. If the change is not reported timely and the change results in an increase in the family share (Tenant Rent), then:

- (a) The increase in Tenant Rent will be effective as of the first of the month following the change;
- (b) Any excess housing assistance payment subsidy already paid to owner based on a lower Tenant Payment based on the size of the household or lower adjusted Annual Income will be charged to the owner;

- (c) Any excess housing assistance payment due to a failure to report a smaller household size will be calculated by taking the larger household size payment standard and subtracting the smaller household size payment standard for calculating the Tenant Payment portion and multiplying the difference times the number of months that the Tenant Payment was based on the incorrect family composition; and
- (d) Any excess housing assistant payment due to a failure to properly report additional adjusted Annual Income will be determined using the adjusted Annual Income back to the first of the month following the date the change should have been reported.

8405.5 If the Family timely reports a change, the change goes in to effect at the later of:

- (a) The first day of the month following the report of the change; or
- (b) The first of the month that is thirty (30) Days after DCHA provides written notice to the Family and Owner.

8405.6 Decreases to Tenant Payment that result in an overpayment by the participant will be calculated retroactively to the date the change should have been effective and a check will be sent to the Family.

SOURCE: Notice of Final Rulemaking published at 54 DCR 9366 (September 28, 2007).