DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority hereby gives notice of the adoption of Chapter 81 to Title 14, Rental Subsidy Programs: Housing Quality Standards and Inspections. This new chapter permits DCHA to postpone implementation of abatement of periodic payments to landlords under Housing Assistance Payment Contracts due to participant action preventing access or impeding repair. Final action to adopt these rules was taken at the Board of Commissioners regular meeting on July 11, 2007. Notice of Proposed Rulemaking was published on May 18, 2007 (54 DCR 5026). Minor, but not substantial, changes were made to the text of the proposed rules as published under the notice of proposed rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

CHAPTER 81 RENTAL SUBSIDY PROGRAMS: HOUSING QUALITY STANDARDS AND INSPECTIONS

8100 HOUSING QUALITY STANDARDS

8100.1 Housing Quality Standards (HQS) are the minimum quality standards set by the U.S. Department of Housing and Urban Development (HUD) for the Housing Choice Voucher Program. The District of Columbia Housing Authority (DCHA) will enforce the more stringent of HQS or the District of Columbia regulations unless the enforcement of those requirements restricts the availability of suitable housing for rent subsidy families.

8100.2 A unit must meet HQS both at initial occupancy of the unit and throughout the term of the lease. HQS applies to the building and premises, as well as the unit. Newly leased units must pass an HQS inspection before the beginning date of the Housing Assistance Payments (HAP) Contract.

8100.3 The following HQS deficiencies are considered the responsibility of the participant:

(a) Participant-paid utilities not in service;

(b) Failure to provide or maintain participant-supplied appliances; and

(c) Damage to the unit or premises caused by a member of the participant's family or guest beyond normal wear and tear.

8100.4 Except for the HQS deficiencies listed in Subsection 8100.3, all other HQS deficiencies are the responsibility of the owner.

8100.5 DCHA must be permitted access to the unit for HQS inspections at reasonable times with reasonable notice, or minimal or even no notice if the HQS inspection is in connection with an emergency.

8100.6 DCHA will postpone abatement of payments to an owner under a HAP Contract, for up to ninety (90) Days, if the following conditions exist:

(a) The unit failed the first HQS inspection due entirely or in part to owner's violations or DCHA was denied access to the unit;

(b) The second HQS inspection was prevented due to action by the participant. For example, the participant installed or changed the locks without providing the owner with keys or the participant prevented the owner from making repairs which were the owner's responsibility, causing the unit to fail the second HQS inspection;

(c) If, within fourteen (14) Days of the second HQS inspection, the owner makes a written request to DCHA for a postponement of the HAP abatement and provides written evidence of the owner's efforts to enforce their lease and obtain access to the unit. For example: initiation of a legal action or notice to the participant to cure the lease violation or vacate; and

(d) The repairs at issue are not repairs found in the Code of Federal Regulations at 24 C.F.R. § 982.401, which must be corrected within twenty-four (24) hours.

8100.7 The postponement of the abatement payments will be triggered by receipt by DCHA of a written request as described in Subsection 8100.6(c).

(a) Owner must make a diligent effort to gain access to the unit to effect any repairs and allow for a third HQS inspection;

(b) Owner must notify DCHA when access can be obtained for the second HQS inspection and DCHA will inspect on a mutually agreed upon date at least fifteen (15) Days but not more than thirty (30) Days after receiving notice from the owner that the unit can be accessed;

(c) If upon the third HQS inspection the unit fails HQS due to owner's failure to properly make repairs, then the abatement of payment under the HAP contract will be made retroactively as of the date of the first HQS inspection; and

(d) If upon the third HQS inspection the unit passes, the owner's payment under the HAP Contract will be abated for the period beyond the ninety (90) Day postponement period up until the date of the passed third HQS inspection. There will be no abatement of payments under the HAP

Contract if the successful third HQS inspection is within the ninety (90) day period.