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District of Columbia REGISTER

HIGHLIGHTS

- D.C. Council schedules a public hearing to address flaws in the District's air pollution permitting regime, consider timely submission and processing of air quality permits, odor control plans, and air quality complaints (Bill 26-0565)
- D.C. Council schedules a public hearing to discuss requiring DOEE to solicit proposals for the purpose of issuing a $200,000 grant to study the total costs of greenhouse gas emissions in the District between the years of 1995 and 2024 (Bill 26-0571)
- Commission on the Arts and Humanities announces funding availability for the FY 2027 Arts or Humanities Education Project (AHEP) Grant Program, Capital Projects Small Grant Program and Field Trip Experiences (FTE) Grant Program
- Office of the Chief Technology Officer schedules a public listening session of the Advisory Group on Artificial Intelligence Values Alignment (AIVA)
- Department of Energy and Environment seeks to identify eligible collaborative partners for its Fiscal Year 2027 Clean Water Construction Treatment Works Projects
- Department of Energy and Environment solicits public comment on the Draft 2025 Update to the District of Columbia Wildlife Action Plan
- Department of Health Care Finance announces funding availability to implement the Cell and Gene Therapy Access Model (CGT) Care Coordination and Support grant program
- Department of Health Care Finance updates rules regarding Personal Care Aide Services
- DC Housing Authority updates the Admissions and Continued Occupancy Plan (ACOP)
- Office of Victim Services and Justice Grants announces funding availability for FY2027 Consolidated Justice Grant RFA

DISTRICT OF COLUMBIA REGISTER

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DISTRICT OF COLUMBIA
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ADMINISTRATOR

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ENROLLED ORIGINAL

A RESOLUTION

26-385

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To confirm the reappointment of Christopher Murphy to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Christopher Murphy Confirmation Resolution of 2026".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Christopher Murphy
Mckinley Street, NW
Washington, DC 20015
(Ward 4)

as a commissioner who has professional experience in federal housing laws and regulations of the District of Columbia Housing Authority Board of Commissioners, established by section 4a of the District of Columbia Housing Authority Act of 1999, effective December 31, 2025 (D.C. Law 26-80; D.C. Official Code § 6-203.01), for a 3-year term.

Sec 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-386

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To confirm the reappointment of Denise Blackson to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Denise Blackson Confirmation Resolution of 2026".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Denise Blackson
Randolph Street, NE
Washington, DC 20001
(Ward 5)

as a commissioner who has professional experience as the holder of a housing voucher of the District of Columbia Housing Authority Board of Commissioners, established by section 4a of the District of Columbia Housing Authority Act of 1999, effective December 31, 2025 (D.C. Law 26-80; D.C. Official Code § 6-203.01), for a 2-year term.

Sec 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-387

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To confirm the reappointment of Leroy Clay III to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Leroy Clay III Confirmation Resolution of 2026".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Leroy Clay III
Highwood Drive, SE
Washington, DC 20020
(Ward 8)

in his capacity as an employee of the Chief Financial Officer as a non-voting commissioner who has professional experience in accounting and enterprise financial management of the District of Columbia Housing Authority Board of Commissioners, pursuant to sections 4a and 11a(b) of the District of Columbia Housing Authority Act of 1999, effective December 31, 2025 (D.C. Law 26-80; D.C. Official Code §§ 6-203.01 & -210.01(b)), for a 2-year term.

Sec 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-388

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To confirm the reappointment of Raymond Skinner to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Raymond Skinner Confirmation Resolution of 2026".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Raymond Skinner
Upshur Street, NE
Washington, DC 20018
(Ward 5)

as an interim commissioner who has professional experience in affordable housing development, operations, or finance of the District of Columbia Housing Authority Board of Commissioners, established by section 4a of the District of Columbia Housing Authority Act of 1999, effective December 31, 2025 (D.C. Law 26-80; D.C. Official Code § 6-203.01), for a one-year term.

Sec 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-389

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To confirm the reappointment of Theresa Silla to the District of Columbia Housing Authority Board of Commissioners.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Housing Authority Board of Commissioners Theresa Silla Confirmation Resolution of 2026".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Theresa Silla
New York Avenue, NW
Washington, DC 20001
(Ward 6)

as a commissioner who has professional experience in homeless services system planning and coordination of the District of Columbia Housing Authority Board of Commissioners, established by section 4a of the District of Columbia Housing Authority Act of 1999, effective December 31, 2025 (D.C. Law 26-80; D.C. Official Code § 6-203.01), for a 3-year term.

Sec 3. The Council shall transmit a copy of this resolution, upon its adoption, to the nominee and to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-390

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to approve Modification Nos. 40, 41, 42, and 43 to Contract No. DCRL-2021-C-0034 with the National Center for Children and Families, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. 40, 41, 42, and 43 to Contract No. DCRL-2021-C-0034 with the National Center for Children and Families Approval and Payment Authorization Emergency Declaration Resolution of 2026".

Sec. 2. (a) There exists an immediate need to approve Modification Nos. 40, 41, 42, and 43 to Contract No. DCRL-2021-C-0034 with the National Center for Children and Families ("NCCF") for temporary safe haven placement services, and to authorize payment for the goods and services received and to be received under the Contract.

(b) On March 11, 2026, the Child and Family Services Agency ("CFSA") executed Modification No. 40 to update the pricing schedule to include $999,999.99 for an 18-day sole-source extension of the contract.

(c) On March 11, 2026, CFSA executed Modification No. 41 to exercise an 18-day sole source extension for the period March 17, 2026, through April 3, 2026, in the not-to-exceed amount of $999,999.99.

(d) Modification No. 42 would update the pricing schedule to include $10,099,308.12 for a 180-day sole source extension of the contract.

(e) Modification No. 43 would exercise a 180-day sole source extension for the period April 4, 2026, through September 30, 2026, in the not-to-exceed amount of $10,099,308.12. The total not-to-exceed amount for the period March 17, 2026, through September 30, 2026, is $11,099,308.11.

(f) Under section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)(1)), Council approval is necessary because the modifications will increase the value of the contract by more than $1 million during a 12-month period.

(g) Council approval is necessary to allow the continuation of these vital services. Without Council approval, NCCF cannot be paid for goods and services provided in excess of $1 million for the period March 17, 2026, through September 30, 2026.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. 40, 41, 42, and 43 to Contract No. DCRL-2021-C-0034 with the National Center for Children and Families Approval and Payment Authorization Emergency Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-391

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to approve Modification No. M03 and proposed Modification No. M04 to Contract No. DCPL-2022-C-0027C with Ingram Library Services, LLC, and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modifications Nos. M03 and M04 to Contract No. DCPL-2022-C-0027C with Ingram Library Services, LLC Approval and Payment Authorization Emergency Declaration Resolution of 2026".

Sec. 2. (a) There exists an immediate need to approve Modification No. M03 and proposed Modification No. M04 to Contract No. DCPL-2022-C-0027C with Ingram Library Services, LLC to ensure continuity of purchasing collection materials systemwide and to authorize payment for the goods and services received and to be received under the modifications.

(b) On September 30, 2025, the District of Columbia Public Library executed Modification No. M03, exercising Option Year 3 for the period beginning October 1, 2025, through September 30, 2026, in the not-to-exceed amount of $950,000.

(c) Proposed Modification No. M04 would increase the not-to-exceed amount of the contract by $250,000, to a total not-to-exceed amount of $1,200,000.

(d) Under section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(b)(1)), Council approval is necessary because the modifications will increase the value of the contract to more than $1 million during a 12-month period.

(e) Council approval is necessary to allow the continuation of these vital services. Without Council approval, Ingram Library Services, LLC cannot be paid for goods and services provided in excess of $1 million for the period beginning October 1, 2025, through September 30, 2026.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. M03 and M04 to Contract No. DCPL-2022-C-0027C with Ingram Library

ENROLLED ORIGINAL

Services, LLC Approval and Payment Authorization Emergency Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-392

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to approve Modification No. M0003 and proposed Modification No. M0004 to Contract No. CW116651 with Capital Consulting, LLC and to authorize payment for the goods and services received and to be received under the contract.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Modification Nos. M0003 and M0004 to Contract No. CW116651 with Capital Consulting LLC Approval and Payment Authorization Emergency Declaration Resolution of 2026".

Sec. 2. (a) There exists an immediate need to approve Modification No. M0003 and proposed Modification No. M0004 to Contract No. CW116651 with Capital Consulting, LLC to provide information technology equipment, and to authorize payment for the goods and services received and to be received under the contract.

(b) On September 16, 2025, by Modification No. M0003, the Office of Contracting and Procurement exercised option year one of the contract in the not-to-exceed amount of $1 million.

(c) Proposed Modification No. M0004 would increase the not-to-exceed amount by $9 million to $10 million.

(d) Council approval is necessary because the modifications will increase the value of the contract by more than $1 million during a 12-month period.

(e) Council approval is necessary to allow the continuation of these vital services. Without Council approval, Capital Consulting, LLC cannot be paid for goods and services provided and to be provided in excess of $1 million for the period of September 17, 2025, through September 16, 2026.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Modification Nos. M0003 and M0004 to Contract No. CW116651 with Capital Consulting LLC Approval and Payment Authorization Emergency Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-394

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To approve the multiyear extension of Contract No. CFOPD-20-C-014 with Fidelity Information Services, LLC to continue to provide Electronic Benefits Transfer services on behalf of the Office of Finance and Treasury, for the Human Services Benefit program managed by the Department of Human Services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-20-C-014 Extension and Payment Authorization Approval Resolution of 2026".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves multiyear option period 2 to Contract No. CFOPD-20-C-014 with Fidelity Information Services, LLC to provide merchant services processing on behalf of the Office of Finance and Treasury.

(b) The period of performance for the multiyear option is from June 1, 2026, through May 31, 2028, in the not-to-exceed amount of $5,372,426.00.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Chief Financial Officer.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-395

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To approve the multiyear extension of Contract No. CFOPD-17-C-009 with Paymentech LLC to continue to provide merchant processing services on behalf of the Office of Finance and Treasury.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-17-C-009 Extension and Payment Authorization Approval Resolution of 2026".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves multiyear option period 4 to Contract No. CFOPD-17-C-009 with Paymentech LLC to provide merchant services processing on behalf of the Office of Finance and Treasury.

(b) The period of performance for the multiyear option is from May 19, 2026, through May 18, 2028, in the not-to-exceed amount of $10 million.

Sec. 3. Transmittal.

The Council shall transmit a copy of this resolution, upon its adoption, to the Chief Financial Officer.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-396

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to amend the Small and Certified Business Enterprise Development and Assistance Act of 2005 to require a business applying for certification as a local business enterprise to be independently owned and operated, to amend minimum certified business enterprise performance requirements in a certified joint venture, and to establish uniform hearing procedures for enforcement actions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Certified Business Enterprise Program Compliance and Enforcement Support Emergency Declaration Resolution of 2026".

Sec. 2. (a) A Certified Business Enterprise ("CBE") is a business enterprise certified by the Department of Small and Local Business Development ("DSLBD") as a local business enterprise.

(b) Businesses with CBE certification may receive preference when submitting bids or proposals for procurement and contracting opportunities.

(c) There are currently over 2,000 businesses participating in the District's CBE program.

(d) In 2021, 2022, and 2023, the Council passed a series of emergency acts ("the Acts") that required local businesses participating in the CBE program to be independently owned and operated, thereby furthering the spirit of the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq*.) ("CBE Act").

(e) Emergency legislation is needed to reinstate the most recent version of the provisions passed by Council in the Acts, which expired on March 29, 2026.

(f) Further, following a revocation hearing before the Office of Administrative Hearings, DSLBD determined that uniform hearing procedures for complaints needed to be established expeditiously to ensure procedural consistency and fairness for businesses, as well as increased effectiveness and efficiency in departmental compliance and enforcement procedures.

(g) Accordingly, emergency legislation is needed to maintain provisions passed by the Council in the Certified Business Enterprise Program Compliance and Enforcement Support Temporary Amendment Act of 2025, effective August 16, 2025 (D.C. Law 26-25; 72 DCR 7536), that clarified and updated procedures under section 2363 of the CBE Act.

(h) Failure to move these amendments will have an adverse effect on CBE program administration, agency operations, and agency compliance and enforcement mechanisms.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Certified Business Enterprise Program Compliance and Enforcement Support Emergency Amendment Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-397

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to amend the Volunteers Services Act of 1977 to clarify that the Attorney General for the District of Columbia has the authority to promulgate regulations governing the Attorney General's use of volunteers.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Volunteer Services Clarification Emergency Declaration Resolution of 2026".

Sec. 2. (a) There exists an immediate need to amend the Volunteers Services Act of 1977, effective June 28, 1977 (D.C. Law 2-12; D.C. Official Code § 1-319.01 *et seq.*) ("VSA"), to clarify that the Attorney General for the District of Columbia ("Attorney General") has the authority to promulgate regulations governing the Office of the Attorney General's use of volunteers.

(b) Section 2 of the VSA establishes a policy of the District government to utilize volunteer citizens in as many governmental programs as is practicable to serve the interests of the community.

(c) Section 4(a) of the VSA requires that regulations governing the use of volunteers by the District government be promulgated before District agencies accept volunteer services.

(d) Section 3 of the VSA, enacted before the Attorney General became an independently elected office, does not explicitly authorize the Attorney General to promulgate regulations governing the Attorney General's use of volunteers.

(e) Rules governing the use volunteers by the District government were published in the *D.C. Register* on December 10, 1982 (29 DCR 5405). These rules covered the Corporation Counsel and later, the Office of the Attorney General ("OAG").

(f) Section 108a of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.88a), generally provided the Attorney General with independent personnel authority for OAG. However, it did not amend the VSA to explicitly authorize the Attorney General to promulgate separate, independent regulations governing OAG's use of volunteers.

(g) Amending the VSA to explicitly authorize OAG to promulgate its own rules would align with the Attorney General's status as an independently elected official and the Attorney General's independent personnel authority.

(h) Emergency legislation is needed immediately so that OAG can continue to use volunteers to fulfill its mission to enforce the District's laws and protect and defend District residents. Volunteers, including attorneys and interns, contribute important legal, governmental, policy, investigatory, research, mediation, and constituent services to the agency and to the District. For example, volunteer work constitutes crucial support to the litigative and other work across OAG. Emergency legislation is justified in order to prevent deleterious impacts on operations and delays to the agency's various programs, divisions, and cases supported by volunteer work.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Volunteer Services Clarification Emergency Amendment Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-398

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to amend Chapter 3 of Title 20 of the District of Columbia Official Code to amend the definition of abbreviated probate, to authorize the Register of Wills to refer proceedings to the Court to determine if one or more personal representatives should be appointed and the will be admitted to probate, to strike the reference to will admission in transfers by affidavit, and to allow for notice of request for formal probate, notice from a foreign personal representative of a decedent who owned any property located in the District of Columbia, and notice of appointment to interested persons, creditors, and unknown heirs in a legal periodical or newspaper of general circulation in the District; and to amend the Strengthening Probate Amendment Act of 2024 to clarify that the act applies to estates for whom the decedent died on or after March 21, 2025.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Strengthening Probate Administration Emergency Declaration Resolution of 2026".

Sec. 2. (a) The District's probate system has long been criticized for being outmoded, having not been updated since 2001. Economically vulnerable residents are encumbered by an outdated and antiquated system while enduring the loss of a loved one. The D.C. Estate Administration Working Group ("Working Group") produced an extensive joint report in February 2022 outlining the need to modernize the District's probate system. In addition to District residents having to face an arcane and outdated system, the Working Group observed that 97% of small estates (those valued at $40,000 or less) are pursued by *pro se* litigants, that is, those who are not represented by legal counsel. Last, the District's outdated and complex District probate system has caused assets and property to languish and remain irretrievable to beneficiaries due to system inefficiencies.

(b) Because an inefficient probate system contributes to economic uncertainty and wealth loss for District residents, on December 17, 2024, the Council passed on final reading the Strengthening Probate Administration Amendment Act of 2024, effective March 21, 2025 (D.C. Law 25-302; 72 DCR 780) ("Strengthening Probate Act"), which proposed to modernize and update the legal and administrative processes and procedures around probate for District

residents and estate lawyers, consistent with the recommendations of the Working Group's 2022 report. These important updates included:

(1) Allowing certain letters of appointment designating personal representatives to be issued by the Register of Wills, instead of relying only on judges to issue these letters;

(2) Streamlining the publication notice requirement;

(3) Raising the maximum threshold for "small estates";

(4) Increasing allowable reimbursement rates for funeral expenses;

(5) Allowing for transfers of small estates by affidavit;

(6) Increasing homestead and family exemption allowances; and

(7) Adding a fee waiver provision for personal representatives.

(c) The Strengthening Probate Act requires technical amendments in order to be implemented. The current statutory language has proven inadministrable and unclear, leading to delays in appointing personal representatives and precluding access to decedents' estate assets. Important pieces of the law are, practically speaking, suspended.

(d) In particular, the Strengthening Probate Act needs to be amended to establish administrability in probate processes and obviate delays in the timely appointment of personal representatives. Emergency legislation would:

(1) Restore language that was unintentionally removed regarding the nature of probate proceedings;

(2) Authorize the Register of Wills or the Court to issue letters of administration and appoint personal representatives, so that if a petition is deemed insufficient by the Register of Wills, it may be submitted to a judge for review and appointment;

(3) Clarify that the Strengthening Probate Act applies to estates for whom the decedent died on or after March 21, 2025;

(4) Strike a reference to a will being "duly admitted to probate" in the transfer by affidavit section, in order to allow individuals to transfer by affidavit in the event that the probate process does not need to be initiated, which aligns with the law's purpose of allowing for property transfer external to the probate process; and

(5) Clarify that certain, required notices may be published in a newspaper of general circulation in the District .

(e) Given that the Council is due to recess in the coming month, the legislative process will take further time to move permanent technical fixes for this law. Emergency legislation is necessary to allow the Strengthening Probate Act to actually be implementable, preventing delays and access to estate access issues for a law already in effect. These changes represent an urgent and necessary correction and clarification, and emergency legislation is justified by the immediate need for the courts to administer probate and to ensure that District residents can pursue probate and benefit from an updated and modernized system.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the

ENROLLED ORIGINAL

Strengthening Probate Administration Emergency Amendment Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-399

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to amend the Language Access Act of 2004 to include the District of Columbia Water and Sewer Authority as a covered entity with major public contact; to amend the District of Columbia Public Works Act of 1954 to require that the District of Columbia Water and Sewer Authority submit information regarding disconnections to the Council, the Office of the People's Counsel, the Office of the Attorney General, and the Office of the Tenant Advocate on a monthly basis; to amend the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 to clarify the imposition of charges and penalties for late payment of water service charges and bills; and to amend section 431 of Title 21 of the District of Columbia Municipal Regulations to modify the notice requirements to building occupants prior to a water service disconnection.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "DC Water and Sewer Authority Billing and Disconnection Clarification Emergency Declaration Resolution of 2026".

Sec. 2. (a) In 1954, Congress enacted the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; D.C. Official Code *passim*) ("PWA"). Sections 102 (D.C. Official Code § 34-2413.10, repealed) and 210 (D.C. Official Code § 34-2110) of the PWA authorized charging 10% for late payment of water and sewer charges, respectively, remaining unpaid after 30 days.

(b) In 1990, the Council enacted the District of Columbia Water and Sewer Operations Amendment Act of 1990, effective April 17, 1990 (D.C. Law 8-136; 37 DCR 2620), which, among other things, amended those sections of the PWA to add a late penalty of 1% per month compounded monthly for any water and sewer charges remaining unpaid after 60 days.

(c) In 1996, the Council passed the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2201.01 *et seq.*), which repealed the statutory provision for late payment of *water* charges in section 102 of the PWA, but did not repeal the statutory provision for late payment of *sewer* charges in section 210 of the PWA.

(d) Still, section 216(d) of the PWA (D.C. Official Code § 34-2202.16(d)) granted the District of Columbia Water and Sewer Authority ("DC Water") broad authority to "impose

additional charges and penalties for late payment of bills." Relying on that legal authority, on August 4, 2003, DC Water approved amendments to 21 DCMR § 112 that established a late penalty fee of 10% for charges remaining unpaid after 30 days and a late fee of 1% compounded monthly for charges remaining unpaid after 60 days. There was a legal dispute as to whether the D.C. Official Code conferred DC Water with the requisite legal authority to initiate this change to the DCMR.

(e) If the authority delegated to DC Water under section 216(d) is interpreted as not conferring DC Water with the requisite legal authority, DC Water would only be authorized to issue late fees and penalties in connection with *sewer* service arrearages. This effectively prohibits DC Water from charging any late fees that encourage the timely payment of water charges and other related services such as payment-in-lieu of taxes and right-of-way fees. Additionally, while section 210 sets a limit on the late fees that can be imposed for unpaid sanitary sewer service charges, section 216(d) includes no such limit on the imposition of late fees related to unpaid water service charges.

(f) Separately, in March 2025, DC Water launched a more robust campaign to collect outstanding balances from ratepayers, issuing its first of many notices of disconnection to housing providers of multifamily apartment buildings. The notices advised tenants residing at the properties that the water service would be terminated unless housing providers addressed their outstanding water bills. DC Water ended Fiscal Year 2025 with $33.3 million in unpaid water bills.

(g) DC Water's campaign to collect outstanding debts revealed significant challenges associated with water shutoffs at multifamily residential buildings. First, in some of these cases, tenants have been paying their rent consistently and did not know that their building was in arrears until they saw a notice of disconnection or experienced a disconnection. In a sense, these tenants are being punished for their building owner or manager's failure to pay the water bill. Additionally, because DC Water is rarely in contact with individual tenants, it may not know if a unit for which they are threatening disconnection is the home of a senior, child, or a person with a disability—populations that are especially vulnerable during water service shutoffs. And without more information about individual occupants in these buildings, it has been difficult for District agencies (e.g., the Office of the Tenant Advocate) or legal aid providers to contact families who have experienced or are facing a disconnection to provide them with assistance or guidance.

(h) Requiring that DC Water provide monthly updates to the Council, the Office of the Attorney General ("OAG"), the Office of the People's Counsel ("OPC"), and the Office of the Tenant Advocate ("OTA") regarding its disconnection activities will better enable OAG, OPC, and OTA to assist residents experiencing disconnection and will allow the Council to make more informed decisions regarding potential changes to the disconnection process.

(i) In response to these issues, on July 14, 2025, the Council passed the DC Water and Sewer Authority Billing and Disconnection Clarification Emergency Amendment Act of 2025, effective August 1, 2025 (D.C. Act 26-127; 72 DCR 8607) ("emergency act"). The emergency

act clarified the Council's intent that DC Water has had the authority to assess late payment fees on water service arrearages since April 18, 1996, and that those fees are subject to the same limitations as fees for sewer service arrearages. The emergency act also required that DC Water submit monthly reports to the Council, OAG, and OTA regarding its disconnection activities. The Council also passed the DC Water and Sewer Authority Billing and Disconnection Clarification Temporary Amendment Act of 2025, effective October 1, 2025 (D.C. Law 26-50; 72 DCR 8941) ("temporary legislation"), which was identical to the emergency act.

(j) The emergency act expired on October 30, 2025. The temporary legislation is set to expire on May 14, 2026. A new round of emergency and temporary legislation is therefore necessary to maintain these provisions until they have been incorporated into a permanent measure.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the DC Water and Sewer Authority Billing and Disconnection Clarification Emergency Amendment Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-400

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to amend the Personal Delivery Device Act of 2018 to increase the weight limit for personal delivery devices.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Personal Delivery Device Weight Limit Emergency Declaration Resolution of 2026".

Sec. 2. (a) The Personal Delivery Device Act of 2018, effective July 17, 2018 (D.C. Law 22-137; D.C. Code § 50-1101.01 *et seq.*) ("Act"), created a permitting process for eligible entities to operate personal delivery devices ("PDDs") that do not exceed 90 pounds in weight.

(b) Since the adoption of the Act, several companies have developed new PDD models that exceed the existing weight limit. The weight limit adopted seven years ago now presents a barrier to the introduction and use of newer PPD models, some of which with enhanced hardware features.

(c) Many states already allow for the operating of PDDs exceeding 90 pounds in weight. At least 12 states allow PDDs to exceed 500 pounds in weight, and another 7 states that allow for PDD operations have not established a weight limit in statute.

(d) On May 6, 2025, Councilmembers Charles Allen, Zachary Parker, and Christina Henderson introduced the Personal Delivery Device Weight Limit Amendment Act of 2025, as introduced on May 6, 2026 (Bill 26-245) ("permanent bill"). The permanent bill would allow the operation of PDDs weighing up to 275 pounds. The Committee on Transportation and the Environment held a hearing on the bill on October 16, 2025.

(e) To allow for the deployment of PDDs that exceed the current weight limit, the Council passed the Personal Delivery Device Weight Limit Emergency Amendment Act of 2025, effective August 12, 2025 (D.C. Act 26-125; 72 DCR 8603) ("emergency act"). The Council also passed the Personal Delivery Device Weight Limit Temporary Amendment Act of 2025, effective October 1, 2025 (D.C. Law 26-48; 72 DCR 8945) ("temporary law"). The emergency act expired on November 10, 2025. The temporary law is set to expire on May 14, 2026.

(f) A new round of emergency and temporary legislation is needed to prevent a gap in the law between the expiration of the temporary law and the passage of the permanent bill.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia finds the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Personal Delivery Device Weight Limit Emergency Amendment Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

26-401

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 5, 2026

To declare the existence of an emergency with respect to the need to amend section 47-4683 of the District of Columbia Official Code to ensure the continued financial viability of the Reservoir District by aligning the project's tax exemption framework with its financing assumptions.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Reservoir District Tax Exemption Emergency Declaration Resolution of 2026".

Sec. 2. (a) The Reservoir District is a mixed-use urban community that exemplifies the District's public-private partnership model, transforming underutilized land into a vibrant residential and commercial neighborhood.

(b) Section 47-4683 of the District of Columbia Official Code provides a tax exemption for Reservoir District Parcels 2 and 4, a critical component of the project's financing.

(c) The project's Tax Abatement Financial Analysis ("TAFA") was structured using the 80 Percent Income Limit Category of the Multifamily Tax Subsidy Project Income Limits established annually by the United States Department of Housing and Urban Development ("HUD") as the basis for projected residential revenue.

(d) The Inclusionary Zoning ("IZ") rates published by the District of Columbia Department of Housing and Community Development in February 2026 do not match HUD's Multifamily Tax Subsidy Project Income Limits.

(e) Requiring the project to operate under the current IZ rates rather than HUD's Multifamily Tax Subsidy Project Income Limits would impact the project's economic feasibility, delaying or potentially preventing the delivery of the planned housing and associated community benefits.

(f) The proposed emergency legislation provides a tailored correction that would allow the project to operate using the 80 Percent Income Limit Category of the Multifamily Tax Subsidy Project Income Limits established annually by HUD, as contemplated in its TAFA.

(g) Immediate Council action is necessary to avoid delays and prevent disruption to the project's development timeline. Without emergency legislation, the gap between the IZ rents and the rents assumed in the TAFA will put the project's financial viability at risk during a critical stage of development.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Reservoir District Tax Exemption Emergency Amendment Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than 15 days. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004, Telephone: 724-8050 or online at http://www.dccouncil.gov.

COUNCIL OF THE DISTRICT OF COLUMBIA PROPOSED LEGISLATION

B26-0686 Alpha Omega Social Action and Scholarship Foundation Real Property Tax Exemption Act of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee of the Whole

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B26-0687 School Food Waste Reduction and Composting Act of 2026

Intro. 05-07-2026 by Councilmembers Lewis George, Allen, Nadeau, Henderson, T. White, and Pinto and referred sequentially to the Committee on Public Works and Operations, Committee on Facilities, and Committee of the Whole

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B26-0688 Student Health Care Amendment Act of 2026

Intro. 05-11-2026 by Chairman Mendelson and referred sequentially to the Committee on Health, and Committee of the Whole

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B26-0689 Closing of a Portion of a Public Alley in Square 785, S.O. 21-03369, Act of 2026

Intro. 05-11-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0691 Health Benefit Exchange Authority Executive Board John Auerbach Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Health

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PR26-0692 District of Columbia Board of Elections Gregory McCarthy Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Executive Administration and Labor

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PR26-0693 District of Columbia Sentencing Commission Rev. Terrance McKinley Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

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PR26-0694 District of Columbia Sentencing Commission James Berry, Jr. Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

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PR26-0695 Police Complaints Board Peter Durkin Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

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PR26-0696 Domestic Violence Fatality Review Board Tia Minor Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Judiciary and Public Safety

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PR26-0697 Commission on Asian and Pacific Islander Community Development Monica Jahan Bose Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Human Services

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PR26-0698 Commission on Asian and Pacific Islander Community Development David Inoue Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Human Services

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PR26-0699 Commission on Asian and Pacific Islander Community Development Jennifer Anderson Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Human Services

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PR26-0700 Commission on Asian and Pacific Islander Community Development Karen Kwok Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Human Services

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PR26-0701 Commission on Asian and Pacific Islander Community Development Elena Son Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Human Services

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PR26-0702 Commission on Asian and Pacific Islander Community Development Jeffrey Le Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Human Services

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PR26-0703 Commission on Asian and Pacific Islander Community Development Sina Uipi Confirmation Resolution of 2026

Intro. 05-06-2026 by Chairman Mendelson and referred to the Committee on Human Services

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PR26-0704 Methodist Home of the District of Columbia d/b/a Forest Hills of DC by Goodwin Living Revenue Bonds Project Approval Resolution of 2026

Intro. 05-07-2026 by Chairman Mendelson and referred to the Committee of the Whole

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PR26-0705 Office of Employee Appeals Lafayette Barnes Confirmation Resolution of 2026

Intro. 05-11-2026 by Chairman Mendelson and referred to the Committee on Executive Administration and Labor

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Council of the District of Columbia
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

ANNOUNCES A PUBLIC HEARING ON

B26-0565, the "Strengthening Air Pollution Permitting Amendment Act of 2026"

and

B26-0571, the "Greenhouse Gas Emissions Study Amendment Act of 2026"

Thursday, June 4, 2026 from 1:00 p.m. to 5:00 p.m.
Hybrid Hearing in Room 120 (Track D) and via Zoom
To Watch Live:
https://dccouncil.us/council-videos/
http://video.oct.dc.gov/DCC/jw.html
https://www.facebook.com/CMcharlesallen

On Thursday, June 4, 2026, Councilmember Charles Allen, Chairperson of the Committee on Transportation and the Environment, will convene a public hearing to consider B26-0565, the "Strengthening Air Pollution Permitting Amendment Act of 2026" and B26-0571, the "Greenhouse Gas Emissions Study Amendment Act of 2026". This is a hybrid format hearing, with witnesses appearing virtually via the Zoom platform or in person in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, from 1:00 p.m. to 5:00 p.m.

The purpose of B26-0565, the "Strengthening Air Pollution Permitting Amendment Act of 2026", is to address flaws in the District's air pollution permitting regime. The bill requires the timely submission and processing of air quality permits, odor control plans, and air quality complaints. The bill also bolsters air quality permit requirements and establishes new penalties for noncompliance. The bill requires that Department of Energy and Environment ("DOEE") maintain public complaint forms and an air quality complaint dashboard to provide greater transparency to the public. Finally, the bill requires that DOEE use the Air Quality Construction Permits Fund to support environmental remediation, improved monitoring, and other benefits to communities that experience disproportionate exposure to lower air quality.

The purpose of B26-0571, the "Greenhouse Gas Emissions Study Amendment Act of 2026", is to require DOEE to solicit proposals for the purposes of issuing a $200,000 grant to study the total costs of greenhouse gas emissions in the District between the years of 1995 and 2024.

The Committee invites the public to provide live and written testimony. Public witnesses seeking to give testimony at the Committee's hearing must thoroughly review the instructions below.

Participating in Public Hearings and Roundtables:

- **Hearing Management System:** If you would like to provide live testimony during the hearing or submit written testimony for the record, please use the Council's Hearing Management System ("HMS") at https://lims.dccouncil.gov/hearings/. HMS is a universal, centralized way to find out about upcoming hearings, register to testify, submit testimony, download testimony, and see how many witnesses have registered. Below are more detailed instructions for using HMS.
- **Providing Live Testimony**: You can register to provide live testimony either in person at the John A. Wilson Building or via Zoom through HMS.
    - Click the "Register to Testify" button on the upper right of the webpage to register to testify at the hearing. If the deadline to sign up for a hearing has already passed, or if there is no public testimony at the hearing (e.g., if the hearing is reserved for government witnesses), the button will not be available.
    - If you are testifying on behalf of an organization, select "Organization" and include your title and the organization's name. If you are testifying in your capacity as an ANC Commissioner, please list your title as "Commissioner" and the organization as the ANC or SMD you represent. If you are testifying on your own behalf, select "Individual."
    - ANC commissioners and representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. If more than one witness is testifying on behalf of the same organization, only one witness will have five minutes, and all other witnesses from the same organization will have three minutes. To accommodate additional public witnesses, the Committee may reduce witnesses' allotted time for testimony.
    - There may be additional questions included by the Committee to gather details during registration.
    - The hearing page also shows how many witnesses have already registered under the "Witnesses" heading.
    - **The deadline to register through HMS to provide live testimony is Monday, June 1, 2026, at 5:00 p.m.**
    - All registered witnesses will receive an email from noreply@dccouncil.gov prior to the hearing with instructions on how to testify over Zoom.
- **Submitting Testimony:** Members of the public are also encouraged to submit written testimony using the HMS.
    - If you are trying to submit testimony, click the "Submit Testimony" button in the upper right of the hearing page. If the deadline to submit testimony for a hearing has already passed, the button will not be available.
    - Select "Live Testimony" or "Record Testimony." Select "Live Testimony" if you

plan to testify at the hearing. If your testimony is only for the written record, choose "Record Testimony." Please use the same name, organizational/ANC affiliation, and email address that you used if you registered to testify.

- You can upload testimony in either Adobe PDF, Microsoft Word, Apple Pages, or a plain text file by clicking "Upload My Testimony." You can also type your testimony from this page by selecting "I will type my testimony here."
- **The hearing record closes on Friday, June 19, 2026, at 5:30 p.m., after which you will be unable to submit written testimony.**

- **Requesting Interpretation:** Witnesses who anticipate needing spoken language interpretation or require closed captioning are requested to inform the committee conducting the hearing of the need as soon as possible but no later than five (5) business days before the proceeding. The committee will make every effort to fulfill timely requests; however, requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

Council of the District of Columbia
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT

ANNOUNCES A PUBLIC HEARING ON

B26-0619, the "Eric's ID Amendment Act of 2026"

and

B26-0548, the "Washington Commanders Motor Vehicle Identification Tags Amendment Act of 2025"

Thursday, June 4, 2026 from 9:30 a.m. to 12:00 p.m.
Hybrid Hearing in Room 120 (Track D) and via Zoom
To Watch Live:
https://dccouncil.us/council-videos/
http://video.oct.dc.gov/DCC/jw.html
https://www.facebook.com/CMcharlesallen

On Thursday, June 4, 2026, Councilmember Charles Allen, Chairperson of the Committee on Transportation and the Environment, will convene a public hearing to consider B26-0548, the "Washington Commanders Motor Vehicle Identification Tags Amendment Act of 2025" and B26-0619, the "Eric's ID Amendment Act of 2026". This is a hybrid format hearing, with witnesses appearing virtually via the Zoom platform or in person in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, from 9:30 a.m. to 12:30 p.m.

B26-0548, the "Washington Commanders Motor Vehicle Identification Tags Amendment Act of 2025", as introduced, would authorize the Mayor to design and issue motor vehicle identification tags that demonstrate support for the return of the Washington Commanders football team to the District. It also directs that the proceeds be used to support the State Athletic Activities, Programs, and Office Fund.

B26-0619, the "Eric's ID Amendment Act of 2026", would allow applicants for a license, permit, or identification card to have the applicant's nonapparent disability noted on the credential.

The Committee invites the public to provide live and written testimony. Public witnesses seeking to give testimony at the Committee's hearing must thoroughly review the instructions below.

Participating in Public Hearings and Roundtables:

- **Hearing Management System:** If you would like to provide live testimony during the hearing or submit written testimony for the record, please use the Council's Hearing Management System ("HMS") at https://lims.dccouncil.gov/hearings/. HMS is a universal, centralized way to find out about upcoming hearings, register to testify, submit testimony, download testimony, and see how many witnesses have registered. Below are more detailed instructions for using HMS.
- **Providing Live Testimony**: You can register to provide live testimony either in person at the John A. Wilson Building or via Zoom through HMS.
    - Click the "Register to Testify" button on the upper right of the webpage to register to testify at the hearing. If the deadline to sign up for a hearing has already passed, or if there is no public testimony at the hearing (e.g., if the hearing is reserved for government witnesses), the button will not be available.
    - If you are testifying on behalf of an organization, select "Organization" and include your title and the organization's name. If you are testifying in your capacity as an ANC Commissioner, please list your title as "Commissioner" and the organization as the ANC or SMD you represent. If you are testifying on your own behalf, select "Individual."
    - ANC commissioners and representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. If more than one witness is testifying on behalf of the same organization, only one witness will have five minutes, and all other witnesses from the same organization will have three minutes. To accommodate additional public witnesses, the Committee may reduce witnesses' allotted time for testimony.
    - There may be additional questions included by the Committee to gather details during registration.
    - The hearing page also shows how many witnesses have already registered under the "Witnesses" heading.
    - **The deadline to register through HMS to provide live testimony is Monday, June 1, 2026, at 5:00 p.m.**
    - All registered witnesses will receive an email from noreply@dccouncil.gov prior to the hearing with instructions on how to testify over Zoom.
- **Submitting Testimony:** Members of the public are also encouraged to submit written testimony using the HMS.
    - If you are trying to submit testimony, click the "Submit Testimony" button in the upper right of the hearing page. If the deadline to submit testimony for a hearing has already passed, the button will not be available.
    - Select "Live Testimony" or "Record Testimony." Select "Live Testimony" if you plan to testify at the hearing. If your testimony is only for the written record, choose "Record Testimony." Please use the same name, organizational/ANC affiliation, and email address that you used if you registered to testify.

- You can upload testimony in either Adobe PDF, Microsoft Word, Apple Pages, or a plain text file by clicking "Upload My Testimony." You can also type your testimony from this page by selecting "I will type my testimony here."
- **The hearing record closes on Friday, June 19, 2026, at 5:30 p.m., after which you will be unable to submit written testimony.**

- **Requesting Interpretation:** Witnesses who anticipate needing spoken language interpretation or require closed captioning are requested to inform the committee conducting the hearing of the need as soon as possible but no later than five (5) business days before the proceeding. The committee will make every effort to fulfill timely requests; however, requests received in less than five (5) business days may not be fulfilled and alternatives may be offered.

COUNCIL OF THE DISTRICT OF COLUMBIA
The Wilson Building

NOTICE OF CONTRACT DISAPPROVAL RESOLUTION

The Council of the District of Columbia gives notice that the resolution listed below to disapprove CA 26-730, Proposed Contract No. GAGA-2026-C-0049 with Curriculum Associates, LLC in the amount of $1,500,219.40 will provide access to the i-Ready Online English Language Arts (ELA) and Math Diagnostic Assessment Platform for all District of Columbia Public Schools (DCPS) K-8th grades students, DCPS school personnel, and designated DCPS central services personnel was filed in the Office of the Secretary on May 1, 2026.

A copy of the approval resolution or the proposed contract is available in the Council's Legislative Services, Room 10, John A. Wilson Building. Telephone: 724-8050. Comments on the proposed contract can be addressed to the Secretary to the Council, Room 5.

PR 26-706: Proposed Contract No. GAGA-2026-C-0049 with Curriculum Associates, LLC Disapproval Resolution of 2026

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, NW, and Room 5 Washington, D.C. 20004. Copies of reprogramming's are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 26-0121: Request to reprogram Fiscal Year 2026 Local funds budget authority in the amount of $4,200,000 from the Department of Health Care Finance (DHCF) to the Department of Youth Rehabilitation Services (DYRS) was filed in the Office of the Secretary Friday May 8, 2026. The funds are needed to support DYRS' ability to place youth awaiting placement services in residential facilities.

RECEIVED: 14-day review begins Monday May 11, 2026

Reprog. 26-0122: Request to reprogram Capital funds budget authority and allotment in the amount of $180,000 from the District of Columbia Public Schools (DCPS) to the Office of the Secretary (OS) was filed in the Office of the Secretary Friday May 8, 2026. This reprogramming will support the implementation of a new capital project, the Municipal Regulations Modernization project.

RECEIVED: 14-day review begins May 11, 2026

Reprog. 26-0123: Request to reprogram Fiscal Year 2026 Local Funds budget authority in the amount of $600,000 within the Office of the Inspector General (OIG) was filed in the Office of the Secretary Friday May 8, 2026. The funds are being reprogrammed from personnel services to non-personnel services to support operational requirements.

RECEIVED: 14-day review begins May 11, 2026

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 15, 2026
Protest Petition Deadline:	June 29, 2026
Roll Call Hearing Date:	July 20, 2026
Protest Hearing Date:	September 16, 2026
License No.:	ABRA-136046
Licensee:	GSD Hospitality, LLC
Trade Name:	Bar Nuestro/Colada Shop
License Class:	Retailer's Class "C" Restaurant
Address:	1345 Yard Place, S.E.
Contact:	Cameron Mixon, Esq.: (202) 686-7600, cmixon@theveritaslawfirm.com

WARD 8 ANC 8F SMD 8F02

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 20, 2026, at 10 a.m., Suite 4200 - B, 899 North Capitol Street, N.E., Washington, DC 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled for **September 16, 2026, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with an indoor Seating Capacity of 80, Summer Garden with 58 seats, and Total Occupancy Load of 138. Sidewalk Café with 8 Seats. The Licensee is also requesting Holiday Extension of Hours and the Alcohol Carry-out and Delivery Endorsement.

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES, FOR SIDEWALK CAFÉ, AND FOR SUMMER GARDEN

Sunday through Thursday 7am – 1am, Friday and Saturday 7am – 2am

HOURS OF ALCOHOLIC BEVERAGE CARRY-OUT AND DELIVERY

Sunday through Saturday 7am – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 15, 2026
Protest Petition Deadline:	June 29, 2026
Roll Call Hearing Date:	July 20, 2026
Protest Hearing Date:	September 16, 2026
License No.:	ABRA-135804
Licensee:	R and A LLC
Trade Name:	Deluxe Bar
License Class:	Retailer's Class "C" Tavern
Address:	3606 14th Street, N.W.
Contact:	Alemayehu Abebe: (202) 345-5603, deluxebar3606@gmail.com

WARD 1 ANC 1D SMD 1D07

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 20, 2026 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **September 16, 2026 at 1:30 p.m.**

NATURE OF OPERATION

A class "C" tavern with 55 seats and a Total Occupancy Load of 70 inside premises. Sidewalk Café with 15 seats, and a Total Occupancy Load of 20. Entertainment Endorsement to include Cover Charge and Dancing Inside premises and on Sidewalk Café.

HOURS OF OPERATION FOR INSIDE PREMISES

Sunday through Saturday 11am – 3am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE PREMISES

Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR SIDEWALK CAFÉ

Sunday through Saturday 11am – 2am

HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES

Sunday through Wednesday 4pm – 2am, Thursday through Saturday 4pm – 3am

HOURS OF LIVE ENTERTAINMENT FOR OUTSIDE IN SIDEWALK CAFÉ

Sunday through Saturday 4pm – 1am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 15, 2026
Protest Petition Deadline:	June 29, 2026
Roll Call Hearing Date:	July 20, 2026

License No.:	ABRA-129470
Licensee:	Red Bird 11 LLC
Trade Name:	HER Diner
License Class:	Retailer's Class "C" Restaurant
Address:	2004 18th Street, N.W.
Contact:	Kelly Laczko: (202) 204-1761, kelly.laczko@gmail.com

WARD 1 ANC 1C SMD 1C01

Notice is hereby given that this licensee has requested a Substantial Change to their license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 20, 2026 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline.

NATURE OF SUBSTANTIAL CHANGE

Licensee is requesting a Streatery Endorsement with 16 seats.

HOURS OF OPERATION, HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION, AND HOURS OF LIVE ENTERTAINMENT FOR INSIDE PREMISES AND SIDEWALK CAFÉ

Sunday through Thursday 11am – 2am, Friday and Saturday 11am – 3am

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR STREATERY

Sunday through Saturday 11am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 15, 2026
Protest Petition Deadline:	June 29, 2026
Roll Call Hearing Date:	July 20, 2026
Protest Hearing Date:	September 16, 2026

License No.:	ABRA-136092
Licensee:	Moga Doner House, LLC
Trade Name:	Moga Doner House
License Class:	Retailer's Class "C" Restaurant
Address:	3417 Connecticut Avenue, N.W.
Contact:	Surkhay Gurbanov: (703) 881-8082, contact@mogadh.com

WARD 3 ANC 3C SMD 3C06

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 20, 2026 at 10 a.m., Suite 4200-B, 899 North Capitol Street N.E., Washington, DC, 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled on **September 16, 2026 at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant. The Total Occupancy Load is 111, including seating for 26 and 10 standing inside the premises and a Summer Garden with a Total Occupancy Load of 75 and seating for 75.

HOURS OF OPERATION FOR INSIDE THE PREMISES AND FOR THE SUMMER GARDEN

Sunday through Saturday 9am – 12am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION FOR INSIDE THE PREMISES AND FOR THE SUMMER GARDEN

Sunday through Saturday 11am – 12am

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date:	May 15, 2026
Protest Petition Deadline:	June 29, 2026
Roll Call Hearing Date:	July 20, 2026
Protest Hearing Date:	September 16, 2026
License No.:	ABRA-135899
Licensee:	The Hall on H St, LLC
Trade Name:	The Hall on H St
License Class:	Retailer's Class "C" Restaurant
Address:	1250 H Street, N.E.
Contact:	Jeremy Canlas: (301) 807-4151, mr.jeremycanlas@gmail.com

WARD 6 ANC 6A SMD 6A01

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on July 20, 2026, at 10 a.m., Suite 4200 - B, 899 North Capitol Street, N.E., Washington, DC 20002**. Petitions and/or requests to appear before the ABC Board must be filed electronically to abca.legal@dc.gov on or before the Petition deadline. The **Protest Hearing date** is scheduled for **September 16, 2026, at 1:30 p.m.**

NATURE OF OPERATION

New Retailer's Class "C" Restaurant with a Seating Capacity of 84 and Total Occupancy Load of 93.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Saturday 10am – 2am

DC DEVELOPMENTAL DISABILITIES COUNCIL

NOTICE OF PUBLIC HEARING

Tuesday, May 19th, 2026, at 10:00 a.m. to 12:00 p.m.

Tuesday, May 19th, 2026, at 3:00 p.m. to 5:00 p.m.

***All DC Developmental Disabilities Council Public Hearings are available and open to the public to attend**

All reasonable accommodation requests must be made at least five (5) business days prior to the scheduled meeting date. Please contact claire.simon@dc.gov or 202-724-5055

Topic: DC Developmental Disabilities Council Public Hearing

Time: May 19, 2026, 10:00 AM Eastern Time (US and Canada)

Location: Register in advance for this meeting using the link below. After registering, you will receive a confirmation email containing information about joining the meeting.

https://dc-gov.zoom.us/meeting/register/iOGVY_K5Sq25UIZyMxyOcA

Topic: DC Developmental Disabilities Council Public Hearing

Time: May 19, 2026, 3:00 PM Eastern Time (US and Canada)

Location: Register in advance for this meeting using the link below. After registering, you will receive a confirmation email containing information about joining the meeting.

https://dc-gov.zoom.us/meeting/register/OXCvGOIPREiO7WSb6TB-nA

BOARD OF ZONING ADJUSTMENT
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: Wednesday, July 22, 2026, @9:30 a.m.
Via WebEx: https://dcoz.dc.gov/BZA07-22-2026
Via Telephone: 202-860-2110 Access Code: 2317 998 3880
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule but reserves the right to hear items on the agenda out of turn.

WARD TWO

Application of:	**Alexandra and Ahmed Mady**
Case No.:	**21459**
Address:	1413 28th Street N.W. (Square 1260, Lot 810)
ANC:	**2E**
Relief:	Special Exceptions from: • the rear yard requirements of Subtitle D § 207.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2) • the lot occupancy requirements of Subtitle D § 210.1 (pursuant to Subtitle D § 5201 and Subtitle X § 901.2)
Project:	To construct a two-story rear addition, to an existing, detached, two-story plus cellar, principal dwelling unit in the R-3/GT Zone.

WARD TWO

Application of:	**Katie Delzell**
Case No.:	**21460**
Address:	1735 Fraser Court N.W. (Square 110, Lot 69)
ANC:	**2B**
Relief:	Area Variances from: • the nonconforming structure requirements of Subtitle C § 202.2 (pursuant to Subtitle X § 1002) • the alley lot development standards of Subtitle D § 5100.1 (pursuant to Subtitle X § 1002)
Project:	To construct a third story addition, to an existing, semi-detached, three-story principal dwelling unit in the RA-2/DC Zone.

WARD FOUR

Application of:	**Thomas Jefferson Real Estate LLC, and Emerald Wings, LLC**
Case No.:	**21462**
Address:	3831 Georgia Avenue, N.W. (Square 3028, Lot 59)
ANC:	**4C**
Relief:	Special Exception under: • the eating and drinking establishment uses as a fast-food establishment use, of Subtitle H § 6009.1(c) (subject to the conditions of Subtitle H § 6007.1(e) and pursuant to Subtitle X § 901.2)
Project:	To permit a fast-food establishment use in an existing, semi-detached, six-story mixed use building in the NMU-7B/GA Zone.

WARD SEVEN

Application of:	**Adam Finkel and Megan Crowe**
Case No.:	**21463**
Address:	443 17th Street, S.E. (Square 1090, Lot 42)
ANC:	**7D**
Relief:	Special Exception under: • the rear addition requirements of Subtitle E § 207.5 (pursuant to Subtitle X § 901.2)
Project:	To construct a third story and a three-story rear addition, to an existing, attached, two-story, principal dwelling unit in the RF-1 Zone.

WARDS SIX & SEVEN

Application of:	**Jesse and Kristen Connell**
Case No.:	**21465**
Address:	1724 Potomac Avenue, S.E. (Square 1102, Lot 92)
ANC:	**6B & 7D**
Relief:	Special Exception from: • the side yard requirements of Subtitle E § 208.4 (pursuant to Subtitle E § 5201 and Subtitle X § 901.2)
Project:	To construct two-story plus cellar rear addition, and a detached, two-story accessory structure with a principal dwelling unit, to an existing, attached, two-story plus cellar, principal dwelling unit in the RF-1 Zone.

PLEASE NOTE:

This public hearing will be held virtually through WebEx. Information for parties and the public to participate, view, or listen to the public hearing will be provided on the Office of Zoning website and in the case record for each application or appeal by the Friday before the hearing date. Visit https://dcoz.dc.gov/watchlive.

The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11.

To review an application and exhibits in the case record, visit the Interactive Zoning Information System ("IZIS") at https://dcoz.dc.gov/CaseRecord.

Individuals and organizations interested in any application may testify at the public hearing via WebEx or by phone and are strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing on OZ's website at https://dcoz.dc.gov/service/sign-testify or by calling Robert Reid at 202-727-5471. Pursuant to Subtitle Y, Chapter 2, the Board may impose time limits on the testimony of all individuals and organizations.

Individuals and organizations may also submit written comments to the Board by uploading submissions via IZIS at https://app.dcoz.dc.gov/Login.aspx or sent by email to bzasubmissions@dc.gov. Written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing. If you are unable to use either of these means of submission, please contact Robert Reid at (202) 727-5471 for further assistance.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311

Do you need assistance to participate?

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?
የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗？
如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件 Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?
특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

¿Necesita ayuda para participar?
Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Vietnamese
Quí vị có cần trợ giúp gì để tham gia không?
Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

VACANT - CHAIRPERSON
VACANT - VICE-CHAIRPERSON
VACANT - MEMBER, NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
KEARA M. MEHLERT, SECRETARY, BOARD OF ZONING ADJUSTMENT
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this hearing to the Office of Open Government at opengovoffice@dc.gov .

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING

TIME AND PLACE: **June 29, 2026 @ 4:00 pm**
Via WebEx: https://dcoz.dc.gov/ZC25-20 (to participate & watch)
Via Telephone: 1-650-479-3208 **Access code:** 2316 033 0770 (audio participation & listen)
Via YouTube: https://www.youtube.com/c/DCOfficeofZoning (to watch)
Instructions: https://dcoz.dc.gov/release/virtual-public-hearings
Witness Sign Up: https://dcoz.dc.gov/service/sign-testify

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 25-20 (D.C. Department of General Services – Consolidated PUD & Related Zoning Map Amendment @ Square 5728, Lot 800 [2455 Alabama Avenue, S.E.])

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/service/sign-testify - see below: *How to participate as a witness – oral statement.* **On the day of the hearing – by 3:00 p.m.**, call 202-727-0789 to sign up to testify.
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – *see below: How to participate as a witness – written statements.*

THIS CASE IS OF INTEREST TO ANC 8B

The D.C. Department of General Services (the "Applicant"), through the architecture firm Shinberg.Levinas Architects, filed an application on November 24, 2025, requesting the Zoning Commission ("Commission") to approve a consolidated Planned Unit Development and related map amendment from the RA-1 zone to the RA-2 zone (collectively, the "PUD Application") pursuant Subtitle X, Chapter 3 and Subtitle Z § 300 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, "Zoning Regulations of 2016," to which all subsequent references herein are made unless otherwise specified) for the property located at 2455 Alabama Avenue, S.E., and known as Lot 800 in Square 5728 (the "Property").

The Property is located in the Southeast quadrant of the District, between the Garfield Heights and Knox Hill/Buena Vista neighborhoods. The rectangular site contains approximately 66,371 square feet of land area and is bounded by Hartford Street, S.E. (north), Knox Street, S.E. (east), James M. McGee Jr. Street, S.E. (south), and Alabama Avenue, S.E. (west). Existing improvements include the Metropolitan Police Department ("MPD") 7th District Headquarters building, which is no longer adequate for current operations, a fuel station for MPD fleet vehicles, a workshop shed, and surface parking. The surrounding area includes a mix of residential, religious, and institutional uses. The Property is well served by public transit, with a Metrobus stop directly adjacent at Alabama Avenue and Hartford Street, S.E., providing connections to the Congress Heights, Southern Avenue, and Naylor Road Metrorail stations via multiple routes.

This hearing is governed by the Open Meetings Act. Please address any questions or complaints arising under this hearing to the Office of Open Government at opengovoffice@dc.gov.

The Applicant proposes to replace the existing MPD 7th District Headquarters building, which was constructed in 1988 and has exceeded its useful life, with a new headquarters facility connected to an above-grade parking structure (the "Project"). The Project will function as a single, integrated building comprising approximately 151,854 square feet of gross floor area and reaching a maximum height of approximately 48 feet. The Project is designed to meet MPD's current and future operational needs while enhancing safety, security, and efficiency, improving service to surrounding communities, and alleviating existing off-street parking pressures. Construction will occur in two carefully sequenced phases to allow MPD operations to continue uninterrupted.

As part of the PUD application, and pursuant to Subtitle X §§ 303.1(a) and 303.13, the Applicant seeks flexibility from: (i) the Transportation Demand Management requirements under Subtitle C § 707.3; (ii) the vehicle parking location and setback requirements under Subtitle C § 710.2(b) and (c); and (iii) the maximum permitted lot occupancy requirement under Subtitle F § 210.1. The Applicant also seeks flexibility from Subtitle U § 203.1(k) to permit temporary off-site accessory parking during construction of the Project at Square 5727, Lot 136 (the "Interim Parking Site")[1]. The Interim Parking Site is a vacant, District-owned parcel adjacent to the Property and zoned R-3, where surface parking is permitted only by special exception under Subtitle U § 203.1(k). In connection with the temporary off-site parking, the Applicant seeks additional flexibility from the criteria set forth in Subtitle U § 203.1(k)(2), (4), and (8)(B).

The Office of Planning ("OP") filed a setdown report dated March 16, 2026, recommending that the Commission set down the PUD Application for a public hearing. The OP setdown report states that on balance, the Applicant's proposal would not be inconsistent with the maps and policies of the Comprehensive Plan, including when viewed through a racial equity lens. At a public meeting on March 26, 2026, the Commission voted to set down the PUD Application for a public hearing. The Applicant filed its prehearing submission on April 30, 2025.

The public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, Subtitle Z, Chapter 4.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at https://dcoz.dc.gov/ or by calling Ella Ackerman at (202) 727-0789.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. Therefore, **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing**. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

[1] In response to questions raised in the OP setdown report and by the Commission at setdown about temporary parking arrangements during phased redevelopment, the Applicant amended its application to request flexibility for temporary off-site parking during construction. (*See* Applicant's pre-hearing submission at Exhibit 18 of the case record.)

1.	Applicant and parties in support	60 minutes collectively
2.	Parties in opposition to	60 minutes collectively
3.	Organizations	5 minutes each
4.	Individuals	3 minutes each

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

How to participate as a witness – written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record. The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at https://app.dcoz.dc.gov/Login.aspx; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ella Ackerman at (202) 727-0789 for further assistance.

How to participate as a party

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from OZ's website at: https://app.dcoz.dc.gov/Help/Forms.html**.**

"Great weight" to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, GWEN MARCUS WRIGHT, TAMMY STIDHAM, AND JOSEPH S. IMAMURA, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.
¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

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Quí vị có cần trợ giúp gì để tham gia không? Nếu quí vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF FINAL RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06) (the "Act"), hereby gives notice of her adoption of the following amendments to Section 2425 (Letter Contracts) of Chapter 24 (Types of Contracts) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations ("DCMR").

This final rulemaking amends Section 2425 to clarify the use of letter contracts. Specifically, this rulemaking rescinds Subsection 2425.4, which prohibits a letter contract from being entered into without competition except as provided for in Chapter 17 (Sole Source and Emergency Procurements). This provision is being rescinded to clarify that letter contracts may be used under any procurement method.

The rulemaking also amends Subsection 2425.5, which states that amendments to a letter contract shall be subject to the same requirements as a new letter contract. This provision is amended to clarify the provision's intended effect. In addition, the rulemaking would make certain, clarifying non-substantive changes to the wording of Subsection 2425.5.

Finally, this rulemaking makes clarifying edits to Subsection 2425.9 to remove references to fees, because the term "fee" is not used in the District's pricing schedules and because the term "price" as used in Subsection 2425.9 already encompasses any fees that may be built into a contract.

A Notice of Proposed Rulemaking was published in the *District of Columbia Register* on February 13, 2026, at 73 DCR 001531. No comments were received.

The Chief Procurement Officer took final action to adopt this rulemaking on May 5, 2026. These rules shall be effective upon the date of publication of this notice in the *District of Columbia Register*.

Chapter 24, TYPES OF CONTRACTS, of Title 27, CONTRACTS AND PROCUREMENTS, of the DCMR is amended as follows:

Section 2425, LETTER CONTRACTS, is as follows:

Subsection 2425.4 is amended to read as follows:

2425.4 [Reserved]

Subsection 2425.5 is amended to read as follows:

2425.5 A letter contract shall not be amended to add a new requirement unless the new requirement is inseparable from the existing letter contract.

Subsection 2425.9 is amended to read as follows:

2425.9 In procurements by other than competitive sealed bids, if the contracting officer and the contractor cannot negotiate a definitive contract because of failure to reach agreement regarding price, the contractor shall be required to continue the work and the contracting officer may, with the approval of the Director, determine a reasonable price, subject to review in accordance with Chapter 38 (Protests, Claims, and Disputes) of this title.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance ("DHCF"), pursuant to the authority set forth in Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)), and in An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of his adoption of amendments to Chapter 50 (Medicaid Reimbursements For Personal Care Aide Services) and Chapter 97 (Adult Day Health Program Services) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

DHCF is the single state agency responsible for the administration of the State Medicaid program under Title XIX of the Social Security Act and Children's Health Insurance Program under Title XXI of the Act in the District. This rulemaking amends provider responsibilities for Personal Care Aide ("PCA") services. PCA services are health-related services that are provided to individuals because they are unable to perform one or more activities of daily living such as bathing, dressing, toileting, ambulation, or feeding oneself, because of a medical condition or cognitive impairment causing a substantial disability. The proposed rules modify the recordkeeping requirements for PCA services, including by requiring PCA service providers to record those services on a DHCF-provided timesheet or another document that includes all the data elements listed on the DHCF-provided timesheet. These amendments will allow DHCF to increase oversight and better monitor the appropriateness of PCA services being delivered to beneficiaries.

The rulemaking also amends provisions governing the District's Dual Eligible Special Needs Program ("D-SNP"), which combines Medicare coverage with Medicaid coverage to improve access to care and the coordination of benefits for people enrolled in the program. One of the services covered by D-SNPs is the District's Adult Day Health Program. This rulemaking clarifies conflict of interest safeguards required by the Centers for Medicare and Medicaid Services for D-SNPs when administering Adult Day Health Program services.

A proposed rulemaking was published in the *District of Columbia Register* on February 13, 2026, at 73 DCR 001540. No comments were received and no changes have been made to the text of the rule.

The Director of DHCF took final action to adopt this rulemaking on May 4,2026, and the rules shall become effective upon publication of this notice in the *District of Columbia Register*.

Chapter 50, MEDICAID REIMBURSEMENTS FOR PERSONAL CARE AIDE SERVICES, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 5006, PROGRAM REQUIREMENTS, is amended as follows:

Subsection 5006.4 is amended to read as follows:

5006.4 A Provider has an ongoing responsibility to verify that:

(a) Each beneficiary that receives PCA services from the Provider has current eligibility for the District of Columbia Medicaid program;

(b) Each beneficiary is eligible for and authorized to receive PCA services; and

(c) All PCA services are recorded on either the Time and Activity Timesheet provided by DHCF or another document that includes all data elements listed on the Time and Activity Timesheet provided by DHCF.

Section 5013, RECORDS, is amended as follows:

Subsection 5013.1 is amended to read as follows:

5013.1 Each Provider shall maintain complete and accurate records reflecting the specific PCA services provided to each beneficiary for a service billed. Such records must be:

(a) Maintained for a period of at least ten (10) years. If DHCF notifies the provider of an impending audit prior to the end of the ten (10) year record maintenance period, or if an audit is underway at the end of the ten (10) year record maintenance period, records must be maintained until the audit is completed; and

(b) Recorded pursuant to § 5006.4(c).

Section 5015, REIMBURSEMENT, is amended as follows:

Subsection 5015.3 is amended to read as follows:

5015.3 Each Provider shall maintain adequate documentation substantiating the delivery of allowable services provided, in accordance with § 5013.1, the PCA service authorization, and the beneficiary's plan of care, for each unit of service submitted on every claim.

Chapter 97, ADULT DAY HEALTH PROGRAM SERVICES, is amended as follows:

A new Subsection 9709.10 of Section 9709, SERVICE AUTHORIZATION REQUEST REQUIREMENTS, is added to read as follows:

9709.10 If a beneficiary is enrolled in a dual eligible special needs plan (D-SNP) under Chapter 57 of this title:

(a) The D-SNP shall be responsible for developing the person-centered service plan for the beneficiary in accordance with 42 C.F.R. § 441.725;

(b) The D-SNP shall submit the person-centered service plan to DHCF for DHCF's review and approval; and

(c) The provider selection process for DHCF approved services provided under the D-SNP shall be facilitated by the District's third-party long-term care services (LTCS) contractor.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Admissions and Continued Occupancy Plan of The District of Columbia Housing Authority

The Board of Commissioners (Board) of the District of Columbia Housing Authority (DCHA), pursuant to the authority set forth in the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 and § 6-210.02), hereby gives notice of the adoption of the following amendments to Chapters 60 (Low Rent Housing: General Provisions), 61 (Public Housing: Admission and Recertification), 62 (Low Rent Housing: Rent and Lease), 63 (Low Rent Housing: Grievance Procedures), 64 (Low Rent Housing: Public Housing Transfer Policy), 65 (Low Rent Housing: Maintenance and Inspection), 66 ([Reserved]), 67 ([Reserved]), 68 ([Reserved]), 70 ([Reserved]), 73 ([Reserved]), 74 (Reasonable Accommodation Policies and Procedures), 77 ([Reserved]), 78 ([Reserved]), 79 ([Reserved]), 80 ([Reserved]) and 81 (Rental Subsidy Programs: Housing Quality Standards and Inspections) to Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking amends and restates the existing Chapters 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 73, 74, 77, 78, 79, 80 and 81 to Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR) to update the Admissions and Continued Occupancy Plan (ACOP), including to address and remediate the issues identified by the United States Department of Housing and Urban Development (HUD) in its 2022 assessment of DCHA.

The First Notice of Emergency and Proposed Rulemaking was adopted by Board on April 12, 2023. The emergency rules became effective on that date and were published in the *District of Columbia Register* on May 5, 2023 at 70 DCR 006436.

On August 2, 2023, the Second Notice of Emergency and Proposed Rulemaking was adopted by the Board. The emergency rules became effective on that date and were published in the *District of Columbia Register* on September 1, 2023 at 70 DCR 011658.

On December 13, 2023, the Third Notice of Emergency and Proposed Rulemaking was adopted by the Board and became effective on that date and was published in the *District of Columbia Register* on December 22, 2023 at 70 DCR 016152.

On April 10, 2024, the Fourth Notice of Emergency and Proposed Rulemaking was adopted by the Board and became effective on that date and was published in the *District of Columbia Register* on April 26, 2024 at 71 DCR 004700.

On June 12, 2024, the Fifth Notice of Emergency and Proposed Rulemaking was adopted by the Board and became effective on that date and was published in the *District of Columbia Register* on July 12, 2024 at 71 DCR 008051.

On October 9, 2024, the Sixth Notice of Emergency and Proposed Rulemaking was adopted by the Board and became effective on that date and was published in the *District of Columbia Register* on November 8, 2024 at 71 DCR 013616.

On January 27, 2025, the Seventh Notice of Emergency and Proposed Rulemaking was adopted by the Board and became effective on that date and was published in the *District of Columbia Register* on February 21, 2025 at 72 DCR 001698.

On May 14, 2025, the Eighth Notice of Emergency and Proposed Rulemaking was adopted by the Board and became effective on that date and was published in the *District of Columbia Register* on February 13, 2026 at 73 DCR 001544.

On September 10, 2025, the Ninth Notice of Emergency and Proposed Rulemaking was adopted by the Board and became effective on that date and was published in the *District of Columbia Register* on February 13, 2026 at 73 DCR 001777.

The Chapters in the Ninth Notice of Emergency and Proposed Rulemaking reflect the public comments received, reviewed, and agreed to by DCHA.

The DCHA public engagement, comment, and review process included public hearings, posting of proposed changes on DCHA's website, meetings with resident groups, meetings with advocates and other stakeholders, comments from HUD, and review of written and other comments received. DCHA reviewed and duly considered the comments it received and included the changes in the Ninth Notice of Emergency and Proposed Rulemaking.

Below is a list of comments which DCHA reviewed and agreed with resulting in changes to the ACOP that were incorporated in the Ninth Notice of Emergency and Proposed Rulemaking. No further comments were received.

On December 10, 2025, the Tenth Notice of Emergency and Proposed Rulemaking was adopted by the Board and became effective on that date and was published in the *District of Columbia Register* on February 27, 2026 at 73 DCR 002775. There were no changes from the Ninth Emergency and Proposed Rulemaking.

DCHA has received no comments to either the Ninth or Tenth Emergency and Proposed Rulemaking.

Comment:

Throughout the ACOP, different regulations refer to an "adverse action," a "notice of adverse action," the "notice requirements for adverse actions," or the like. We could not find a comprehensive definition of adverse action or a regulation that lists all the requirements of a notice of adverse action. DCHA must define the term "adverse action" and list the requirements of a notice of adverse action somewhere in the ACOP. Moreover, any notice of adverse action must include a notice of any appeal rights the recipient may have.

DCHA Response:

DCHA appreciates your comments and will revise, where appropriate, references to adverse actions to include applicable examples and a definition.

Comment:

This section 6003.8 should be edited to reflect that DCHA will also review and update the ACOP as needed to reflect changes in federal and local law and regulations.

DCHA Response:

DCHA will revise this provision as follows:

> DCHA will review and update the ACOP as needed to reflect changes in federal and local regulations and laws (as applicable), DCHA operations, DCHA's MTW policies (approved by HUD through DCHA's MTW Plan) or when needed to ensure staff consistency in operation.

Comment:

6101.1(h) confusingly only references local applicable civil rights and housing laws, but the DC Human Rights Act is separately referenced in 6103.3. At 6101.1(h). The agency could instead say: "Any applicable federal or local laws or ordinances, *including but not limited to the DC Human Rights Act,* D.C. Code 2-1401.01 *et seq., locally administered by the Office of Human Rights*, and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted."

DCHA Response:

DCHA has revised the phrase in question as follows: "Any applicable state laws or local ordinances, including but not limited to the District of Columbia Human Rights Act, D.C. Code 2-1401.01 *et seq*, and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted."

Comment:

In Section 6101.3, the full name of the statute should be the "District of Columbia Human Rights Act" or the "D.C. Human Rights Act," not the "District Human Rights Act." This change should be applied throughout the document.

DCHA Response:

DCHA has made the requested change.

Comment:

The second sentence in Section 6102.1 should read, "State and local laws and regulations also prohibit discrimination against additional classes of people." It is a fact, and not simply a possibility, that DC laws protect additional classes of people from discrimination. And while it is good that DCHA policies may also protect additional classes of people, policies should not be held up as equivalent sources of legal authority with local laws and regulations.

DCHA Response:

DCHA has made the requested change.

Comment:

In Section 6102.3, the agency must conform its definition of "familial status" to the definition under the FHA because its current definition is inconsistent with federal law, which courts use to interpret the DC Human Rights Act. *See Paralyzed Veterans of Am. v. Ellerbe Becket Architects & Eng'rs, P.D.*, 950 F. Supp. 393, 405 (D.D.C. 1996) ("D.C. law is applied in the same manner as the parallel federal anti discrimination provisions."). Specifically, the agency's current definition leaves out parent designees that may substitute for parents or legal custodians of one or more minor children and instead inserts "a family with a child or children under the age of eighteen (18). . . securing custody of children under the age of eighteen," which is different than the relationships the federal fair housing law intends to cover.

DCHA accordingly should define "familial status" as it is defined under the FHA: "[O]ne or more individuals (who have not yet attained the age of 18 years) being domiciled with . . . a parent or another person having legal custody of such . . . individuals, or the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years e." 42 U.S.C. § 3602(k).

DCHA Response:

DCHA has revised the policy as follows: "Familial status involves a family with a child or children under the age of eighteen (18) living with parents or legal custodians or with designees (pursuant to written permission) of a parent or legal custodian, pregnant women, or securing custody of children under the age of eighteen (18)."

Comment:

The first sentence in Section 6102.5 should be edited to read: "DCHA furthermore acknowledges the following protected traits under the District of Columbia Human Rights Act…" This edit is to remove confusion given that some of these protected traits overlap with protected traits under federal law already listed above.

DCHA Response:

DCHA has revised the phrase in question as follows: "DCHA acknowledges the following protected traits under the District of Columbia Human Rights Act…."

Comment:

The first sentence of Section 6102.6 should be edited to read: "DCHA shall not, based on any of the protected traits under the D.C. Human Rights Act or the federal protected classes…" DCHA should also add "any individual" to (a) such that subsection (a) reads: "Deny to any individual or any family the opportunity to apply for housing…"

Subsection (g) should be edited to read: "Steer an applicant or tenant toward or away from a particular area based on any of the protected traits under the D.C. Human Rights Act or the federal protected classes;" Subsection (k) should be edited to read: "Discriminate against someone because they are related to or associated with a member of a protected class, or because they are perceived to be related to or associated with a member of a protected class"

Subsection (l) should be edited to more closely reflect the language in D.C. Code 2-1402.21(a)(5) and/or 42 USC 3604(c): "Make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to a transaction, or proposed transaction, in real property, or financing relating thereto, which notice, statement, or advertisement unlawfully indicates or attempts unlawfully to indicate any preference, limitation, or discrimination based on any of the protected traits under the D.C. Human Rights Act or the federal protected classes."

DCHA Response:

DCHA has revised the portions of this policy as follows: "DCHA shall not, based on protected traits under the District of Columbia Human Rights Act or Federal protected class:…(g) Steer an applicant or resident toward or away from a particular area based on a protected trait under applicable District law or Federal protected class;…(k) Discriminate against someone because they are related to or associated with a member of a protected class or because they are perceived to be related to or associated with a member of a protected class; or (l) Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class under the District of Columbia Human Rights Act or the federal protected classes." Please note that "family" includes individuals.

Comment:

This Subsection 6102.9 should be revised as follows: "In all cases, DCHA shall advise an individual or family to file a fair housing complaint if the individual or family feels they have been discriminated against under the Fair Housing Act, D.C. Human Rights Act, or any other applicable federal or local law as described in Section 6101. Anyone who believes they have been discriminated against may file a fair housing complaint with the Department of Housing and Urban Development (for claims under the Fair Housing Act, Americans with Disabilities Act, or Section 504 of the Rehabilitation Act) or the D.C. Office of Human Rights (for claims under the D.C. Human Rights Act)." As currently worded, the section does not require DCHA to advise a family of their rights. The section is also too narrow in scope.

DCHA Response:

DCHA has revised this policy as follows: "In all cases, DCHA may advise the family to file a fair housing complaint if the family feels they have been discriminated against under the Fair Housing Act, District of Columbia Human Rights Act, or other applicable anti-discrimination law. Anyone who believes they have been discriminated against may file a fair housing complaint with the Department of Housing and Urban Development (for claims under applicable Federal laws) or the District of Columbia Office of Human Rights (for claims under the District of Columbia Human Rights Act)." Please note that this statement conforms with HUD's use of "may" rather than "shall" in HUD's guidance on this topic.

Comment:

In Section 6102.10, upon receipt of a housing discrimination complaint, DCHA should give the person making the complaint the option of either having DCHA investigate using the procedure described below or filing a complaint with HUD or OHR as described above. Therefore, the regulation should read: "Upon receipt of a housing discrimination complaint, a DCHA staff member should advise the family that they have two options. DCHA will advise the family that they can file a complaint with HUD and/or OHR and provide the family with a HUD and/or OHR complaint form and instructions for submitting the form. DCHA will also advise the family that the family may choose to have DCHA investigate the complaint instead. If DCHA investigates the complaint, the steps are:" and then the current (a), (b), and (c) should remain.

DCHA Response:

DCHA appreciates and acknowledges your comment. DCHA has removed the PIH notice referenced per your comment. As noted under #13, DCHA has revised 6102.9 to provide additional information on procedures and options related to filing a complaint.

Comment:

In Section 6103, as the provider of public housing, DCHA has an obligation to not only comply with its fair housing obligations to provide reasonable accommodations, but it must also provide for reasonable modifications. 24 C.F.R. § 100.203. Although DCHA provides examples of reasonable modifications at 6103.9, DCHA's policy should make clear that reasonable modifications, i.e., physical changes to the structure, are also allowable and should be made without cost to the tenant. This is because Section 504 of the Rehabilitation Act applies here and means that modifications are also free to the tenant, with some limited exceptions. 29 U.S.C. § 794; 24 C.F.R. Part 8. Thus, we recommend that Section 6103 be edited in its entirety to clarify that DCHA has an obligation to provide both reasonable accommodations and reasonable modifications.

DCHA response:

DCHA revised 6103.7 to clarify the policy described in this provision to read as follows: "A "reasonable accommodation" is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. For purposes of this ACOP, reasonable accommodation includes reasonable modifications, which are structural modifications to units or buildings when necessary for a person with a disability full enjoyment of the premises."

Comment:

Subsection 6103.9 (i) is confusingly worded. The regulation states that an example of an instance where DCHA must accommodate the needs of a person with disabilities is when a live-in aide is "essential to the care of a person with disabilities" and "is not obligated for the support of the person with disabilities[.]" Because a live-in aide does provide support to a person with a disability, the agency should delete the phrase "is not obligated for the support of the person with disabilities." Alternatively, if the word support here is referring to financial support, the word "financial" should be inserted for clarity.

DCHA Response:

DCHA has revised this provision to clarify policy as follows: "Allowing a DCHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the financial support of the person with disabilities, and would not be otherwise living in the unit." Please note the definition of live-in aide is established in the regulations at 24 CFR 5.403; DCHA is required to comply with this definition.

Comment:

It is not appropriate for DCHA to use the same verification procedures for disability and the need for accommodation as it does for verifying income. See comments to 6103.21. Therefore, the first paragraph of this Section 6103.18 regulation and subsection (a) should be deleted.

DCHA Response:

DCHA has revised this provision to remove the reference to Chapter 66: Verification in order to clarify that the verification policy applicable to reasonable accommodations is described in (a) through (d) of this provision.

Comment:

In Section 6103.21, DCHA's reasonable accommodation policy states it "may require the family to sign a consent form so that DCHA may verify the need for the requested accommodation." Pursuant to the *Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act* (Joint Statement on Reasonable Accommodations),

DCHA may not require that a person with a disability sign a consent form to verify a person's disability. The person can provide their own verification letter instead if one is needed. Joint Statement on Reasonable Accommodations at 17-18. (pages 12-13). The language regarding the requirement to sign a consent form should be removed.

DCHA Response:

DCHA has revised the policy as follows: "Before making a determination whether to approve the request, DCHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that DCHA may verify the need for the requested accommodation if that need is not apparent or otherwise credibly documented by the individual."

Comment:

Subsection 6103.28 (e) should read "the Fair Housing Amendments Act of 1988."

DCHA Response:

DCHA has made the requested change and added further references as to where each listed law may be found in the federal regulations.

Comment:

DCHA should move these provisions to 6201.4. As written, it is unclear what relevance this definition has to the rest of the regulations. Moving these provisions would provide clarity.

DCHA Response:

DCHA has made the requested change.

Comment:

In Section 6201.34, DCHA should re-insert and clarify the deleted definition of "nearly-elderly person," since the terms "near-elderly person" and "near-elderly family" are used in other sections of the ACOP.

DCHA Response:

DCHA has made the requested change.

Comment:

In Section 6201.56, DCHA should remove the language, "information indicates that the student has established a separate household." No details are provided as to what information could lead DCHA to the finding that a student has "established a separate household." Students are often

employed and/or reside in other housing while pursuing their education, but that does not indicate an intention to "establish a separate household." The only information that DCHA should be relying on for a determination of whether a student family member is permanently absent is the information provided by the family at the family's discretion. Family members know and understand whether a family member student has left the family household. DCHA should not be using broadly undefined categories to potentially bar family member students from their existing households without the family's request or consent.

DCHA Response:

DCHA has revised this provision to your comments.

Comment:

Live-in aides are essential to the care of those who need them. Federal law requires ADA compliance and the ability to request reasonable accommodations. This regulation in Section 6201.72 allows DCHA to disapprove or withdraw approval for a live-in aide based on broad categories. DCHA should be clear about the specific criteria it will consider in determining whether it can exclude or withdraw live-in aides. Broadly permitting disapproval or withdrawal of a live-in aide for potential past acts regardless of whether there was a conviction and/or without consideration to time or other mitigating factors is potentially unlawful, frustrates the reasonable accommodation compliance, is contrary to the spirit of HUD's Affirmatively Furthering Fair Housing guidance, and encourages subjective screening practices. Also, it is unreasonable to deny someone as a live-in aide because they owe a debt to a PHA. This is not related to the safety or security of either the family requesting the live-in aide or the safety of the other tenants in the development and should not be considered more important than the need for a person's disability to be accommodated so that they may have equal access and enjoyment of their housing.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

These subsections 6203.5(c) and (f) are either redundant or, if they are not completely overlapping, confusing because it is unclear how they are distinct. Moreover, we disagree that debts owed to another PHA or assisted housing program should disqualify someone from eligibility for public housing in DC.

Additionally, further down, at (j), DCHA appears to require itself to consider mitigating factors (because the subsection reads, "DCHA may, on a case-by-case basis, decide not to deny admission). However, the cross-reference to "the factors discussed in § 6203.3" appears to be in error, as 6203.3 does not contain a list of mitigating factors but is rather a list of categorical exclusions.

DCHA Response:

DCHA has made the requested change.

Comment:

It is good that prior regulation language in 14 DCMR 6109.6, highlighting the mitigating circumstances that should be considered by DCHA when screening for suitability, is *now* incorporated into DCHA's newly proposed 6203. However, DCHA's proposed language fails to include the provision from the prior regulation of 14 DCMR 6109.8 that requires DCHA to exercise care and consideration in soliciting personal information concerning an applicant family, including the obligation to obtain appropriate authorization for the release of information and restrict the information's use.

In evaluating suitability, DCHA proposes language that very broadly seeks to examine past performance in meeting financial obligations and overall habits and behaviors within the past three years. In evaluating the financial obligations, DCHA proposes landlord references, including information about eviction filings, late payments, and utility disconnections; utility company references; credit history; pulling court and eviction action records; and personal references. In evaluating the habits and behaviors, DCHA proposes landlord references, including information on unit cleanliness, unit damage, and neighbor complaints; searches of police and court records for convictions and arrests; personal references; and home visits.

DCHA's proposed language makes it clear that this comprehensive level of screening *shall* be performed for applicants. HUD authorizes PHAs to deny admission based on relevant information regarding a family's previous behavior and suitability for tenancy; however, HUD *does not require* prohibition. DCHA continues to exercise its discretion to be more restrictive and create more opportunities to deny housing. Requiring an evaluation of the aforementioned categories for applicant suitability within this proposed policy is overly intrusive, paternalistic, and appears to violate HUD and DC laws. Again, DCHA's claim that arrest records would not be used as the sole basis for denial *or* as proof that the applicant engaged in disqualifying criminal activity defies logic. There is no other reason to utilize arrest records *except as* proof of the truth of the criminal activity alleged in the arrest record. Any assertion to the contrary is disingenuous.

The newly proposed policy within this section is in violation of HUD rules that prohibit the use of arrest records as a basis for denial and of DC's "ban the box" and tenant screening/eviction record sealing laws (*Fair Criminal Records Screening for Housing Act* and the *Eviction Record Sealing and Fairness in Renting Amendment Act*) that prohibit the use of arrest records and sealed eviction records in contemplation of any denial of housing. DCHA should revise this policy to lower barriers to accessing housing and to avoid conflicts with federal and local law.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

If DCHA is exercising its discretion to require prohibition and consideration through the use of "shall" in all sections of the new regulation, this Section 6203.13 that details some of the

mitigating facts and circumstances that DCHA "considers" before making a decision should also contain the "shall" qualifier. DCHA's language here should be changed to "shall consider" instead of "considers."

DCHA Response:

DCHA has made the requested change.

Comment:

The proposed regulation in Section 6301.3 says DCHA shall require "only the information needed to determine the family's placement on the waiting list" but does not specify what that information is. Moreover, it specifies that "Applications must be filled out completely in order to be accepted by DCHA for processing" but does not include any obligation for DCHA to notify an applicant that their application is incomplete and, if so, to notify the applicant about what information is missing.

DCHA Response:

DCHA has revised this provision in response to your comments. Please see Section 6302.1 for a list of the information that the applicant is required to provide on their application.

Comment:

This regulation in Section 6301.9 references a "pre-application" but does not explain what that is or what that means.

DCHA Response:

DCHA has revised this provision in response to your comments. Please note that a pre-application is a shorter application form used to gather only the information necessary to place the applicant on the waiting list. By using a pre-application, the application process is shorter and requires an applicant to complete fewer steps. When the applicant rises to the top of the waiting list, DCHA will require them to submit a full application, a longer form application used to gather the information necessary to determine eligibility.

Comment:

The Public Housing Occupancy Guidebook recommends prioritizing transfers for all emergencies (including those for physical hazards, VAWA, and other causes); reasonable accommodations; demolition, disposition, revitalization, and rehabilitation; and occupancy standards transfers over admissions from the waiting list. While it is helpful that the proposed final regulation in Section 6302.18 includes more of these conditions under the definition of "emergency transfers" (see proposed regulation 7701.5), the definition leaves out transfers based on reasonable accommodation requests. DCHA should include reasonable accommodation transfers in the definition of "emergency transfers" or should otherwise clearly indicate what

level of priority reasonable accommodation transfer requests will be given relative to new admissions off the waitlist.

DCHA Response:

DCHA has revised this provision in response to your comment.

Comment:

6303.38(f) was edited from the emergency rulemaking to shift the burden to the applicant to request the assistance of an "advocate, interpreter or other assistant" with the application and eligibility interview process. The final regulation should undo this edit and clarify that DCHA will both permit an advocate, interpreter or other assistant to assist the family and will reschedule an eligibility interview to allow an advocate, interpreter or other assistant to attend the eligibility interview with the family.

DCHA Response:

DCHA has made the requested change.

Comment:

This regulation in Section 6303.38(g) should clarify that DCHA shall provide "translation and interpretation services" and reschedule eligibility interviews as necessary to accommodate the provision of such services.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

While DCHA's revisions in Sections 6401.7 and 6401.8 address some of our prior comments, DCHA should consistently use the term "gender" instead of "sex." DCHA should edit 6401.8(a) to replace the term "opposite sex" with "different genders" and edit 6401.8(b) to replace the term "same sex" with "same gender."

DCHA Response:

DCHA has revised these provisions in response to your comments.

Comment:

This regulation in Section 6402.4 is inconsistent with 6302.18, which states that "emergency transfers" as defined in 7701 are exempted from the 5-to-1 ratio for prioritizing new admissions from the waiting list to transfers. Because of this inconsistency, DCHA's true policy is unclear.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

A clause should be added to the end of this regulation in Section 6402.9 to clarify its meaning: "Applicants may refuse to accept a unit offer for 'good cause' without *adversely affecting the Applicant's position on any public housing waiting list*."

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

This regulation in Section 6402.10 should be edited slightly to clarify that, in the case of a unit refusal for good cause, "the applicant shall not be removed from any waiting list" and shall remain at the top of the waiting list until the family receives "the required number of unit offers specified by this Chapter."

DCHA Response:

DCHA has made the requested change.

Comment:

This regulation in Section 6502.5 and its subsections can be greatly improved by changing phrases such as "DCHA reviews and analyzes" to "DCHA will review and analyze" so that the regulation is not merely descriptive but proscriptive. For example, in subsection (c) where it says, "In such cases DCHA calculates annual income…," that phrase should be edited to say, "In such a case, DCHA will calculate annual income…." These edits ensure that the regulation articulates a clear policy (and therefore imposes a requirement on DCHA), as opposed to simply describing a general practice.

DCHA Response:

DCHA has made the requested change.

Comment:

In Section 6502.25 the words "and any payments to individuals or families based on need that are made under programs funded separately or jointly by federal, state, or local governments" should be removed from this regulation. 24 CFR 5.609(b)(6) specifies that only TANF income counts towards annual income, not "any payments…based on need." This is an important distinction

because, for example, the way DCHA has worded this rule, SNAP benefits could be counted as income, even though that money can only legally be used to pay for food and it is excluded income under HOTMA. *See* PIH Notice 2023-27.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

The Section 6506.33 regulation should be edited to indicate that information on reasonable accommodation and individual relief for charges in excess of the utility allowance will be provided to all residents with tenant-paid utilities at move-in and with any notice of proposed allowances, schedule surcharges, or revisions. This regulation should clarify whether DCHA will provide this information or whether the property manager of the privately-managed or mixed-finance property will provide this information.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

The Section 6506.36 regulation must be clarified to say "if the excessive consumption…is beyond the family's control…, *DCHA will grant the family relief from charges in excess of the utility allowance.* The ~~individual~~ relief to the *family* ceases when the situation is remedied."

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

The Section 6601.8 regulations should make clear that HUD requires DCHA to use the most reliable form of verification available and document reasons when it uses a lesser form. The new language is not as concrete and seems to allow DCHA discretion to not follow the hierarchy of forms of verification. DCHA should not require any third party verification of income from residents/tenants unless the HUD EIV system or a non HUD UIV system returned no result.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

The Section 6601.10 regulation should strike the phrase "be damaged" because it is likely to present an unnecessary hurdle to residents/applicants. A document that may be damaged but otherwise legible should be accepted. Forcing applicants and residents to produce documents without damage ignores the reality that many residents and applicants may lack ways to properly store or maintain important documents.

DCHA Response:

DCHA has revised this provision in response to your comments. Please note that DCHA will not accept damaged documents to the extent that the damage obscures or omits necessary information in the document. Please consider the following two examples: DCHA generally will accept an original verification document, such as a Social Security card, that may be worn around the edges from age, but where the necessary information (i.e., full name and Social Security number) are still clear and legible. However, DCHA generally will not accept a paystub that may be ripped, torn or water-damaged if that damage renders necessary income and employment information illegible.

Comment:

The Section 6601.15 regulations should make clear that, if a family disputes the accuracy of UIV data, "no adverse action can be taken until DCHA has independently verified the UIV information and the family has been granted the opportunity to contest any findings through DCHA's informal review/hearing processes." If a family challenges UIV information, it is improper and inequitable to take the adverse action before allowing for review and investigation. The previous regulation provided for that.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

Section 6602.28 should specify "Federal housing assistance is not available…" Since DCHA administers several local assistance programs that are available to immigrants, this clarification is necessary.

DCHA Response:

DCHA has made the requested change.

Comment:

This Section 6603.3 regulation cites a definition in § 6601.24 that does not exist. The regulations in § 6601 do not define the amount of pay stubs required (see above comment for § 6601.27).

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

There is no DCHA Tenant Bill of Rights, only a "Public Housing Bill of Rights" and/or the D.C. Tenant Bill of Rights published by the D.C. Office of the Tenant Advocate. This Section 6701.4(m) regulation must be clarified to refer to the appropriate document.

DCHA Response:

DCHA has made the requested change.

Comment:

In Section 6701.41, DCHA should also specify that it shall comply with the requirements of the DC Property Maintenance Code as it relates to heating (12G DCMR 602) and to air conditioning (12G DCMR 608.1), and any other applicable local or federal cooling standards regarding safe internal temperatures in rental units (e.g., NSPIRE standards).

DCHA Response:

DCHA has made the requested change.

Comment:

This Section 6803.15 regulation should be deleted. It conflicts with 6803.17 and 6803.18, which provide concrete guidance on when DCHA can conduct interim recertification. On the contrary, this phrasing gives DCHA unlimited discretion to demand that tenants recertify any time for any reason. This is an unreasonable standard and is a significant departure from DCHA's years-old policy of limiting the number of recertifications that are required to minimize the administrative burden for both the agency and the tenants.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

Overall DCHA should specify what exactly happens when a family is terminated for being over-income, either by describing the process in this section or referring to another section in the regulations that describes the termination process. DCHA should also consider how this process will comport with applicable DC law.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

DCHA should consider in Section 6805.4 rewording the phrase, "DCHA will notify the family in writing that over-income policies no longer apply to them" to more accurately describe what happens when a family is no longer considered over-income (i.e., "DCHA will notify the family in writing that the family is no longer considered over-income").

DCHA Response:

DCHA has made the suggested change.

Comment:

This regulation Section 7001.8 should be edited to say "DCHA will next determine whether…" to be appropriately proscriptive and stylistically consistent with DCHA's overall edits to the ACOP.

DCHA Response:

DCHA has made the suggested change.

Comment:

This Section 7001.13 regulation is redundant and confusingly worded. 7001.14 also states that DCHA may request the removal of an assistance animal that is a direct threat to the health and/or safety of others and/or the property. This regulation is worded in such a way that it could be incorrectly understood to mean that a person with a disability is not allowed to use or live with any assistance animal if a particular animal is asked to be removed. As the responsibilities of individuals with assistance animals is more clearly explained in the other regulation in the same section, this one should be deleted.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

The proposed policy in Section 7003.19(d) states that residents must designate two responsible parties to care for their pet in the event of owner incapacity. This requirement places an unreasonable burden on residents, and potentially penalizes socially isolated individuals. At a maximum, DCHA should require pet owners to designate one responsible party, and residents should have a process for requesting a waiver of this requirement.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

The proposed policy in Section 7003.23 states that pets not owned by a tenant are not allowed on the premises. DCHA should clarify that this does not apply to service and assistance animals of tenant guests.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

The community service and economic self-sufficiency requirement remains difficult for residents to understand, and DCHA should consider further streamlining and revision of this Chapter to make it easier to understand and implement. To date, residents have not been provided a detailed explanation of allowable activities, how to log hours, who to submit them to and how to request an exemption. In order for residents to successfully comply with these new community service requirements, these details have to be communicated clearly.
In addition, DCHA should flesh out further and explain how it is going to administer this annual requirement when most residents will have biennial or triennial reexaminations, and it should edit the regulations in this Chapter to appropriately refer to biennial or triennial reexaminations. Similarly, this Chapter appears to be the only chapter that refers to "lease renewal." Lease renewal is not required by DC law, as leases continue on a month-to-month basis after the end of the initial lease term. While we take "lease renewal" to mean or imply some sort of annual anniversary date, this does not line up with the schedule of biennial and triennial reexaminations, and thus the timelines in the regulations that are tied to "lease renewal" do not make sense.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

Section 7301.6(c) should be combined with (b) to clearly refer back to the persons defined in (b). In addition, for this regulation to be actually useful to residents and DCHA staff, DCHA should amend it to refer more clearly to work exemptions under DC's TANF state plan and DHS's regulations for SNAP recipients and list out parenthetically examples of who is exempt from the requirements under each program.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

These regulations in Sections 7301.15 and 16 should be clarified and fleshed out further because they remain vague to the point that residents do not understand the process. DCHA could include in its regulation an Appendix including the description of the community service requirement it will provide residents; specify that it will provide residents with a form to claim status as an exempt person (and the form itself should include easy-to-understand, check-the-box categories of exemptions that incorporate work exemptions under TANF and SNAP); and explain how DCHA will verify exempt status (i.e., will DCHA request documentation from the resident, the family, or from another agency like DHS or SSA). 7301.16 should specify how and when DCHA will notify the family of its determination (i.e., in writing and within a set timeframe) of which family members are subject to the requirement and which are exempt.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

If DCHA will do an annual review for compliance and send reminder notices as suggested by the proposed regulations in Sections 7301.35 and 39, it should allow families to report a change in exempt/nonexempt status at the annual review or within a timeframe that is reasonably after the reminder notice gets sent to the family. Given how confusing the community service requirement and the exemption categories are, families cannot be expected to know when a change occurs or remember to report such changes. DCHA should work with families to help them identify when someone becomes exempt/nonexempt and should not penalize families who fail to report a change.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

This is an example in Section 7302.4 of a potentially superfluous/redundant regulation that repeats the same policy as in a prior subchapter and which DCHA could eliminate to streamline this Chapter and make it easier to read and understand. If DCHA keeps this regulation, it should say "DCHA will make…" so that the regulation is proscriptive rather than descriptive. The same could be said for 7302.3 and 7302.6.

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

These regulations in Sections 7302.8, 9, and 10 are confusingly worded and overly vague. They make it unclear whether DCHA allows self-certification (by phrasing the regulation as, "If DCHA accepts self-certification…"). They also imply that self-certification is not acceptable by itself, because DCHA will nevertheless "validate" a sample of self-certifications through third-party documentation, which itself is a phrase whose meaning is unclear. What does it mean to "validate" (is this the same as verify)? What constitutes a "sample" (how many)? Why is self-certifications plural, when presumably a person would self-certify annually their compliance with the requirement? What third-party will be contacted, and by whom? What documentation must be provided and by when? How are these regulations distinct from 7302.13?

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

These regulations in Sections 7302.22 and 30 suggest that the period to grieve DCHA's allegation of noncompliance is limited to 10 days, where the ACOP provides that the timeframe to grieve an adverse action is 6 months. These regulations must be amended or clarified to be consistent with the 6-month grievance time frame.

DCHA Response:

DCHA has revised this provision in response to your comment.

Comment:

For Sections 7405.7 and 8, a resident or applicant on the accessible units waiting list should not be automatically removed from the waiting list because they rejected two offers of accessible units. There are many reasons an accessible unit may be rejected, such as a person with a disability determining that the unit will not meet their disability-related needs. People with disabilities are best situated to determine whether a unit will or will not meet their needs. This policy could be a FHA and DCOHR violation by applying different terms and conditions to people with disabilities that have requested accessible units when compared to those without disabilities on the waiting list. At minimum, DCHA should revise the terms to state that an individual will not be removed if they have good cause to show that the accessible units offered do not meet their disability-related needs.

DCHA Response:

DCHA has revised this provision in response to your comment.

Comment:

DCHA's proposed policy in Sections 7701.10 to 13 suggests that it will require residents to bear the cost for an emergency transfer upfront with reimbursement by DCHA only after the expenses are incurred. This policy should be amended or clarified to allow for DCHA to pay a resident's reasonable moving expenses upfront. Many residents of public housing do not have cash on hand to absorb these costs.

DCHA Responses:

DCHA has revised this provision in response to your comments.

Comment:

For Section 7702.11(c) DCHA should enshrine the residents' right to return as promised in Resolution 16-06 adopted by DCHA's board in March 2016 and Resolution 24-51 adopted by DCHA's board in April 2025, DCHA should also ensure that that right is enforceable by including it in ground leases, management agreements, and resident leases. The proposed policy states that a resident "may be allowed to return … depending on contractual and legal obligations," which falls far short of DCHA's promises to residents. DCHA should also make it clear that "Relocation Act" refers to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

DCHA Response:

DCHA has revised this provision in response to your comments.

Comment:

This Section 7901.12 regulation should state that in all instances when DCHA proposes to deny an applicant based on a criminal record or sex offender registration information, it must give the family the opportunity to dispute the information, instead of just saying that DCHA must do so "in some cases." This change will make the regulation consistent with proposed regulations 6203.21 and 6203.22 and ensure that the requirements are clear for both applicants and DCHA staff.

DCHA Response:

DCHA has made the requested change.

Comment:

DCHA should be obligated in Section 7901.14(j) to turn over any documents it intends to rely on at the hearing, just as the applicant is required by these regulations to submit any documents they will use.

DCHA Response:

DCHA has made the requested change.

Comment:

This definition in Section 7903.6(g) is not grammatically correct and as a result is confusing. We recommend it be edited as follows:

"'Tenant' is: the adult person (or persons) (other than a live-in aide):

(1) The adult person (or persons) (other than a live-in aide) who resides in the unit, and who executed the lease with DCHA as Lessee of the dwelling unit, or, if no such person now resides in the unit;

(2) The adult person (or persons) (other than a live-in aide) who resides in the unit, and who is the potential remaining head of household of the tenant family residing in the dwelling unit;" We believe these proposed edits preserve DCHA's intent, but make clear that subsection (2) is an alternative to subsection (1). Additionally, it is important that the word "potential" be added before Head of Household, because if the person in subsection (2) were already the Head of Household, they would have signed the lease for the unit and fall under subsection (1).

DCHA Response:

DCHA has revised 7903.6(g), 7903.11 and related provisions in order to clarify who is permitted to request a grievance.

Comment:

The following should be added to this Section 8001.8(b) regulation: "whether any amount of money is owed to a program participant."

DCHA Response:

DCHA has made the requested change.

Comment:

In Section 8106.2 DCHA should give survivors more than fourteen days to provide documentation. Survivors requesting assistance have likely experienced recent trauma. Even under the best of circumstances fourteen days is not much time, but for survivors in particular – who are likely interacting with multiple judicial, medical, and social support systems to keep themselves and their families safe – it is impractical. This window should be increased to at least thirty days.

DCHA Response:

DCHA has made the requested change.

The Board of Commissioners of the District of Columbia Housing Authority approved these regulations as final on December 10, 2025 subject to receipt and review of comments. No new comments were received. These regulations will become effective upon the publication of this notice in the *District of Columbia Register.*

Chapter 60, LOW RENT HOUSING: GENERAL PROVISIONS, of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 60 OVERVIEW OF THE PUBLIC HOUSING PROGRAM AND ADMISSIONS AND CONTINUING OCCUPANCY PLAN

6000 INTRODUCTION

6000.1 The District of Columbia Housing Authority (DCHA) receives its subsidy for the public housing program from the United States Department of Housing and Urban Development (HUD). DCHA is not a federal department or agency. DCHA is a governmental or public body, created and authorized by state law per DC Code § 6-202 to develop and operate housing and housing programs for low-income families. DCHA enters into an Annual Contributions Contract (ACC) with HUD to administer the public housing program. DCHA must ensure compliance with federal laws, regulations, and notices and must establish policies and procedures to clarify federal requirements and to ensure consistency in program operation.

6000.2 This chapter contains information about DCHA and its programs with emphasis on the public housing program. It also contains information about the purpose, intent, and use of the Admissions and Continuing Occupancy Plan (ACOP or Policy). There are three (3) sections to this chapter:

(a) The District of Columbia Housing Authority. Sections §§ 6000.1 to 6001.9 includes a description of DCHA, its jurisdiction, its programs, and its mission and intent;

(b) The Public Housing Program. Sections §§ 6002.1 to 6002.17 contains information about public housing operation, roles and responsibilities, and partnerships; and

(c) The Admissions and Continued Occupancy Plan. Sections §§ 6003.1 to 6003.8 sets forth the purpose and organization of the plan and its revision requirements.

6001 DISTRICT OF COLUMBIA HOUSING AUTHORITY

6001.1 This § 6001 describes DCHA's creation and authorization, the general structure of the organization, and the relationship between the DCHA Board of Commissioners (Board) and DCHA staff.

6001.2 Public housing is funded by the federal government and administered by DCHA for the jurisdiction of the District of Columbia.

6001.3 The Board governs DCHA.

6001.4 Commissioners are appointed in accordance with District law. The Board establishes policies under which DCHA conducts business.

6001.5 [RESERVED]

6001.6 The principal staff member of DCHA is the Executive Director (ED), who is selected and hired by the Board. The ED oversees the daily operations of DCHA and is directly responsible for carrying out the policies established by the Board.

6001.7 [RESERVED]

6001.8 [RESERVED]

6001.9 [RESERVED]

6002 THE PUBLIC HOUSING PROGRAM

6002.1 The intent of § 6002 is to provide an overview of public housing.

6002.2 The United States Housing Act of 1937 (1937 Act), as amended, is the primary statute governing the public housing program.

6002.3 [RESERVED]

6002.4 [RESERVED]

6002.5 [RESERVED]

6002.6 HUD contracts with DCHA to administer programs in accordance with HUD regulations and provides public housing subsidy to DCHA. DCHA must create written policies that are consistent with HUD regulations, as may be modified by DCHA's Moving to Work (MTW) Agreement and MTW Plans. Among these policies is DCHA's ACOP. The ACOP must be approved by the Board.

(a) DCHA is a participant in the MTW program. MTW allows participating public housing agencies to design and test inventive approaches to local housing and policy issues. In federal fiscal year 2016, DCHA's MTW agreement with HUD was extended to 2028. As a result, DCHA is able to continue implementation of the flexibilities made possible by the MTW designation, in addition to identifying other innovations designed to address local affordable housing issues.

(b) DCHA's ACOP includes policies which have been developed and implemented under the MTW program. In accordance with its MTW Agreement with HUD, DCHA requests approval from HUD to establish MTW policies and waive certain provisions of the 1937 Act and its implementing regulations through the MTW Plan. The policies adopted by DCHA, under the MTW Agreement, will remain in force through the term of the MTW Agreement and will supersede existing and applicable HUD requirements unless and until amended.

6002.7 The job of DCHA, pursuant to HUD regulations is to provide safe, habitable dwelling units to low-income families at an affordable rent. DCHA screens applicants for public housing and, if they are determined to be eligible for the program, DCHA makes an offer of a housing unit. If the applicant accepts the offer, DCHA and the applicant enter into a written lease agreement. At this point, the applicant becomes a tenant in the public housing program.

6002.8 In the context of the public housing program, a tenant is defined as the adult person(s) (other than a live-in aide) who (a) executed the lease with DCHA as lessee of the dwelling unit, or, if no such person now resides in the unit, (b) who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit in accordance with 24 CFR § 966.53. The terms "tenant" and "resident" are used interchangeably in this ACOP. Additionally, the ACOP uses the term "family" or "families" for residents or applicants, depending on context.

6002.9 [RESERVED]

6002.10 [RESERVED]

6002.11 In addition to the ACC, DCHA and the family must also comply with federal regulations and other HUD publications and directives. For the public housing program to work and be successful, all parties involved – HUD, DCHA, and the tenant – play an important role.

6002.12 Federal law is the source of HUD responsibilities. HUD has the following major responsibilities:

(a) Develop regulations, requirements, handbooks, notices, and other guidance to implement housing legislation passed by Congress;

(b) Allocate operating subsidies to PHAs;

(c) Allocate capital funding to PHAs;

(d) Provide technical assistance to PHAs on interpreting and applying public housing program requirements; and

(e) Monitor PHA compliance with program requirements and PHA performance in public housing program administration.

6002.13 DCHA's responsibilities originate in federal regulations and the ACC. DCHA owns and manages public housing developments, administers the program under contract with HUD, and has the following major responsibilities:

(a) Ensure compliance with all non-discrimination, equal opportunity, and fair housing laws, and ensure that the public housing program is accessible to persons with disabilities;

(b) Establish local policies and procedures for operating the housing program;

(c) Accept applications from interested applicant families and determine whether they are income eligible for the housing program;

(d) Maintain waiting list and select families for admission;

(e) Screen applicant families for suitability as renters;

(f) Maintain housing units by making any necessary repairs in a timely manner;

(g) Make unit offers to families (minimize vacancies without overcrowding);

(h) Maintain properties to the standard of safe, habitable dwelling units (including assuring compliance with National Standards for the Physical Inspection of Real Estate, or NSPIRE);

(i) Make sure DCHA has adequate financial resources to maintain its housing stock;

(j) Perform regular reexaminations of family income and composition in accordance with HUD requirements;

(k) Collect rent due from the assisted family and comply with and enforce provisions of the lease;

(l) Ensure that families comply with public housing program rules;

(m) Provide families with prompt and professional service; and

(n) Comply with all applicable fair housing and equal opportunity requirements, HUD regulations and requirements as may be amended by DCHA's MTW Agreement, the ACC, HUD-approved applications for funding, the ACOP, other applicable federal, state and local laws and DCHA's MTW Agreement.

6002.14 The tenant's responsibilities are articulated in the public housing lease. The tenant has the following broad responsibilities:

(a) Comply with the terms of the lease and DCHA's house rules, as applicable;

(b) Provide DCHA with complete and accurate information, determined by DCHA to be necessary for administration of the public housing program;

(c) Cooperate in attending all appointments scheduled by DCHA;

(d) Allow DCHA to inspect the unit at reasonable times and after reasonable notice;

(e) Take responsibility for care of the housing unit, including any violations of NSPIRE caused by the family;

(f) Not engage in drug-related or violent criminal activity;

(g) Notify DCHA before moving or termination of the lease;

(h) Use the assisted unit only for residence and as the sole residence of the family; not subletting the unit or assigning the lease;

(i) Promptly notify DCHA of any changes in family composition;

(j) Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs; and

(k) Take care of the housing unit and report promptly maintenance problems to DCHA.

6002.15 [RESERVED]

6002.16 Applicable federal regulations affecting the ACOP include:

(a) 24 CFR Part 5: General Program Requirements;

(b) 24 CFR Part 8: Nondiscrimination;

(c) 24 CFR Part 35: Lead-Based Paint;

(d) 24 CFR Part 945: Designated Housing;

(e) 24 CFR Part 960: Admission and Occupancy Policies;

(f) 24 CFR Part 965: PHA-Owned or Leased Projects – General Provisions; and

(g) 24 CFR Part 966: Lease and Grievance Procedures.

6003 THE ADMISSIONS AND CONTINUED OCCUPANCY POLICIES

6003.1 The ACOP is DCHA's written statement of policies used to carry out the housing program in accordance with federal law and regulations, and HUD requirements. The ACOP also contains policies that support the objectives contained in DCHA's MTW Plan which is updated on an annual basis.

6003.2 All issues related to public housing not addressed in this ACOP are governed by federal regulations, HUD handbooks and guidebooks, notices, applicable state and local laws, and DCHA procedures. If HUD regulations change and conflict with the ACOP, HUD regulations have precedence.

6003.3 DCHA's ACOP Plan comprises the following chapters of this title; Chapters 60-68, Chapter 70, Chapter 73, Chapters 77-81, and Chapter 74 ("Reasonable Accommodations Policies and Procedures"). The ACOP plan covers DCHA's policies on these subjects:

(a) The organization of the waiting list and how families are selected and offered available units, including any DCHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening DCHA waiting list (Chapters 63 and 64);

(b) Transfer policies and the circumstances under which a transfer would take precedence over an admission (Chapter 77);

(c) Standards for determining eligibility, suitability for tenancy, and the size

and type of the unit needed (Chapters 62 and 64);

(d) Procedures for verifying the information the family has provided (Chapter 66);

(e) The method for achieving deconcentration of poverty and income-mixing of public housing developments (Chapter 63);

(f) Grievance procedures (Chapter 79);

(g) Policies concerning payment by a family to DCHA of amounts the family owes DCHA (Chapters 80 and 81);

(h) Interim redeterminations of family income and composition (Chapter 68);

(i) Policies regarding community service requirements (Chapter 73); and

(j) Polices and rules about safety and ownership of pets in public housing (Chapter 70).

6003.4 [RESERVED]

6003.5 [RESERVED]

6003.6 [RESERVED]

6003.7 [RESERVED]

6003.8 DCHA will review and update the ACOP as needed to reflect changes in federal and local regulations and laws (where applicable), DCHA operations, DCHA's MTW policies (approved by HUD through DCHA's MTW Plan) or when needed to ensure staff consistency in operation.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 61 FAIR HOUSING AND EQUAL OPPORTUNITY

6100 INTRODUCTION

6100.1 This § 6100 explains the laws and HUD regulations requiring DCHA to affirmatively further civil rights and fair housing in all federally assisted housing programs. The letter and spirit of these laws are implemented through consistent policy and procedures. The responsibility to further nondiscrimination pertains to all areas of DCHA's public housing operations.

6100.2 This § 6100 describes HUD regulations and DCHA policies related to these topics in three (3) sections:

(a) Nondiscrimination. Sections §§ 6101 and 6102 present the body of laws and regulations governing the responsibilities of DCHA regarding nondiscrimination;

(b) Policies Related to Persons with Disabilities. Section 6103 discusses the rules and policies of the public housing program related to reasonable accommodation for persons with disabilities. These rules and policies are based on the Fair Housing Act (42 U.S.C.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004; and

(c) Prohibition of Discrimination Against Limited English Proficiency Persons. Section 6104 details the obligations of DCHA to ensure meaningful access to the public housing program and its activities by persons with limited English proficiency (LEP). This section incorporates the Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons published January 22, 2007, in the Federal Register.

6101 NONDISCRIMINATION

6101.1 Federal laws require DCHA to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. DCHA shall comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing, including the following:

(a) Title VI of the Civil Rights Act of 1964;

(b) Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988);

(c) Executive Orders 11063 and 13988;

(d) Section 504 of the Rehabilitation Act of 1973;

(e) Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern);

(f) The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012 and further clarified in Notice PIH 2014-20;

(g) The Violence against Women Reauthorization Act of 2022 (VAWA); and

(h) Any applicable state laws or local ordinances, including but not limited to the District of Columbia Human Rights Act, D.C. Code § 2-1401.01 *et seq*, and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted.

6101.2 When more than one civil rights law applies to a situation, the laws shall be read and applied together.

6101.3 In addition to the statutes, regulations, and policies outlined in § 6101.1, DCHA shall adhere to applicable provisions of the District of Columbia Human Rights Act, available at D.C. Code § 2-1401.01 *et seq.*

6102 NONDISCRIMINATION

6102.1 Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as DCHA policies, prohibit discrimination against additional classes of people.

6102.2 DCHA shall not discriminate because of race, color, sex, religion, familial status, age, disability or national origin (collectively, the "federal protected classes").

6102.3 Familial status involves a family with a child or children under the age of eighteen (18) living with parents or legal custodians or with designees (pursuant to written permission) of a parent or legal custodian, pregnant women, or securing custody of children under the age of eighteen (18).

6102.4 DCHA shall not discriminate on the basis of marital status, gender identity, or sexual orientation.

6102.5 DCHA acknowledges the following protected traits under the District of Columbia Human Rights Act:

(a) Race;

(b) Color;

(c) Religion;

(d) National origin;

(e) Sex;

(f) Age;

(g) Marital status;

(h) Personal appearance;

(i) Sexual orientation;

(j) Gender identity or expression;

(k) Familial status;

(l) Family responsibilities;

(m) Disability;

(n) Matriculation;

(o) Political affiliation;

(p) Source of income;

(q) Sealed eviction record;

(r) Status as a victim of an intrafamily offense;

(s) Place of residence or business; or

(t) Homeless status.

6102.6 DCHA shall not, based on protected traits under the District of Columbia Human Rights Act or Federal protected class:

(a) Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the public housing program;

(b) Provide housing that is different from that provided to others;

(c) Subject anyone to segregation or disparate treatment;

(d) Subject anyone to sexual harassment;

(e) Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;

(f) Treat a person differently in determining eligibility or other requirements for admission;

(g) Steer an applicant or resident toward or away from a particular area based on a protected trait under applicable District law or Federal protected class;

(h) Deny anyone access to the same level of services;

(i) Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program;

(j) Discriminate in the provision of residential real estate transactions;

(k) Discriminate against someone because they are related to or associated with a member of a protected class or because they are perceived to be related to or associated with a member of a protected class; or

(l) Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class under the District of Columbia Human Rights Act or the federal protected classes.

6102.7 [RESERVED]

6102.8 If an applicant or tenant family believes that any family member has been discriminated against by DCHA, the family can advise DCHA. DCHA should make every reasonable attempt to determine whether the applicant or tenant family's assertions have merit and take any warranted corrective action.

6102.9 In all cases, DCHA may advise the family to file a fair housing complaint if the family feels they have been discriminated against under the Fair Housing Act, District of Columbia Human Rights Act, or other applicable anti-discrimination law. Anyone who believes they have been discriminated against may file a fair housing complaint with the Department of Housing and Urban Development (for claims under applicable Federal laws) or the District of Columbia Office of Human Rights (for claims under the District of Columbia Human Rights Act).

6102.10 Upon receipt of a housing discrimination complaint, DCHA is required to:

(a) Provide written notice of the complaint to those alleged and inform the complainant that such notice was made;

(b) Investigate the allegations and provide the complainant and those alleged with findings and either a proposed corrective action or an explanation of why corrective action is not warranted; and

(c) Keep records of all complaints, investigations, notices, and corrective actions.

6102.11 Applicants or tenant families who believe that they have been subject to unlawful discrimination may notify DCHA either orally or in writing.

(a) Within ten (10) business days of receiving the complaint, DCHA shall provide a written notice to those alleged to have violated the rule. DCHA shall also send a written notice to the complainant informing them that notice was sent to those alleged to have violated the rule, as well as information on how to complete and submit a housing discrimination complaint form to HUD's Office of Fair Housing and Equal Opportunity (FHEO).

(b) DCHA shall attempt to remedy discrimination complaints made against DCHA and shall investigate all allegations of discrimination.

(c) Within ten (10) business days following the conclusion of DCHA's investigation, DCHA shall provide the complainant and those alleged to have violated the rule with findings and either a proposed corrective action plan or an explanation of why corrective action is not warranted.

(d) DCHA shall keep a record of all complaints, investigations, notices, and corrective actions.

6102.12 A complainant may, not later than one (1) year after an alleged VAWA violation has occurred or terminated, file a complaint with FHEO alleging such violation.

6102.13 If there is a violation that began prior to a year before the complaint is filed, but it continues into the one (1) year time period, HUD will accept the complaint.

6102.14 FHEO is legally required to investigate the complaint if it is timely and FHEO otherwise has jurisdiction.

6102.15 If a complaint is filed more than one (1) year after the alleged violation occurred or terminated, FHEO may, but is not required to, investigate the allegations under the additional authority and procedures described in HUD Notice FHEO 2023-01.

6102.16 Complaints do not need to allege a violation of the Fair Housing Act for FHEO to accept and investigate a VAWA complaint.

6102.17 Applicants or tenant families who wish to file a VAWA complaint against DCHA may notify DCHA either orally or in writing.

6102.18 DCHA will advise the family of their right to file a VAWA complaint with FHEO. DCHA will inform the family that not later than one (1) year after an alleged VAWA violation has occurred or terminated, applicants and tenants who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint using FHEO's online complaint form via mail, email, or telephone.

6102.19 DCHA will attempt to remedy complaints made against DCHA and will conduct an investigation into all allegations of discrimination.

6102.20 DCHA will keep a record of all complaints, investigations, notices, and corrective actions. (See discussion of VAWA policy in Section 8107).

6103 POLICIES RELATED TO PERSONS WITH DISABILITIES

6103.1 [RESERVED]

6103.2 DCHA shall ensure that persons with disabilities have full access to DCHA's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the public housing program in accordance with 24 CFR Part 8.

6103.3 DCHA shall provide a notice to each tenant that the tenant may, at any time during the tenancy, request reasonable accommodation of a disability of a household member, including reasonable accommodation so that the tenant can meet lease requirements or other requirements of tenancy in accordance with 24 CFR § 966.7(b).

6103.4 DCHA shall ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by DCHA, by including the following language:

(a) "If you or anyone in your family is a person with disabilities, and you require a specific accommodation to fully utilize our programs and services, please contact DCHA."

(b) A specific position and phone number shall be provided as the contact person for requests for accommodation for persons with disabilities.

6103.5 DCHA shall display posters and other housing information and signage in locations throughout DCHA's office locations and developments in such a manner as to be easily readable from a wheelchair.

6103.6 DCHA shall offer reasonable accommodations to policies and procedures to all applicants in accordance with applicable law and DCHA policies under Chapter 74.

6103.7 A "reasonable accommodation" is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. For purposes of this ACOP, reasonable accommodation includes reasonable modifications, which are structural modifications to units or buildings when necessary for a person with a disability full enjoyment of the premises.

6103.8 DCHA shall consider a request for accommodations reasonable if it does not create an "undue financial and administrative burden" for DCHA, or result in a "fundamental alteration" in the nature of the program or service offered, or unless DCHA can accommodate an individual's need through other means identified through an interactive discussion with the individual requesting the accommodation. A "fundamental alteration" is a modification that alters the essential nature of a provider's operations or program.

6103.9 When it is reasonable, DCHA shall accommodate the needs of a person with disabilities. Examples include but are not limited to:

(a) Permitting applications and reexaminations to be completed by mail, portal, website, and email;

(b) Providing "large-print" forms;

(c) Conducting home visits;

(d) Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability;

(e) Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability;

(f) Installing a ramp into a dwelling or building;

(g) Installing grab bars in a bathroom;

(h) Installing visual fire alarms for hearing impaired persons;

(i) Allowing a DCHA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the financial support of the person with disabilities, and would not be otherwise living in the unit;

(j) Providing a designated handicapped-accessible parking space;

(k) Allowing an assistance animal;

(l) Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with DCHA staff; and

(m) Displaying posters and other housing information in locations throughout DCHA's office locations and developments in such a manner as to be easily readable from a wheelchair.

6103.10 If an applicant or tenant indicates that an exception, change, or adjustment to a rule, policy, practice, building structure, or service is needed because of a disability, DCHA shall treat the information as a request for a reasonable accommodation, even if no formal request is made.

6103.11 The family must explain what type of accommodation is needed to provide the person with the disability full access to DCHA's programs and services.

6103.12 If the need for the accommodation is not readily apparent or known to DCHA, the family must explain the relationship between the requested accommodation and the disability. There must be an identifiable connection, or nexus, between the requested accommodation and the individual's disability.

6103.13 DCHA shall encourage the family to make its request in writing using a reasonable accommodation request form and submit to the ADA/504 Office for review. The request for accommodation can be made at any time, whether during intake, admissions, tenancy, or participation. However, DCHA shall consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

6103.14 For purposes of reasonable accommodations, the definition of a person with disabilities is means a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. The term does not include any individual who is an alcoholic or drug abuser whose current use of

alcohol or drugs prevents the individual from participating in the program or activity in question, or whose participation, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or the safety of others. As used in this definition, the phrase:

(a) ***Physical or mental impairment*** includes:

(1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(2) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term *physical or mental impairment* includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

(b) ***Major life activities*** means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) ***Has a record of such an impairment*** means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) ***Is regarded as having an impairment*** means:

(1) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by a recipient as constituting such a limitation;

(2) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(3) Has none of the impairments defined in paragraph (a) of this section but is treated by a recipient as having such an impairment.

6103.15 Before providing an accommodation, DCHA must determine that the person meets the definition of a person with a disability, and that the accommodation will

enhance the family's access to DCHA's programs and services.

6103.16 If a person's disability is obvious or otherwise known to DCHA, and if the need for the requested accommodation is also readily apparent or known, no further verification shall be required.

6103.17 If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to DCHA, DCHA must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

6103.18 DCHA shall treat all information related to a person's disability in accordance with the confidentiality policies provided in Chapter 81 (Program Administration). The following requirements apply when verifying a disability or the nexus between the disability and the requested accommodation:

(a) Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. The individual may be able to provide third-party verification of a disability, in the form of documentation such a proof of receipt of Supplemental Security Income or Social Security Disability Insurance benefits, or via a credible statement by the individual. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may also provide verification of a disability or the nexus between the disability and the requested accommodation;

(b) DCHA must request only information that is necessary to evaluate the disability-related need for the accommodation. DCHA may not inquire about the nature or extent of any disability;

(c) Medical records shall not be accepted or retained in the participant file; and

(d) In the event that DCHA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, DCHA shall dispose of it. In place of the information, DCHA shall note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information.

6103.19 DCHA must approve a request for an accommodation if the following three (3) conditions are met:

(a) The request was made by or on behalf of a person with a disability;

(b) There is a disability-related need for the accommodation; and

(c) The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on DCHA, or fundamentally alter the nature of DCHA's operations.

6103.20 Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of DCHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

6103.21 Before making a determination whether to approve the request, DCHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that DCHA may verify the need for the requested accommodation if that need is not apparent or otherwise credibly documented by the individual.

6103.22 DCHA's Reasonable Accommodation Process is as follows:

(a) After a request for an accommodation is presented, DCHA shall respond timely in writing.

(b) If DCHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice shall inform the family of the right to appeal DCHA's decision through an informal hearing (if applicable) or the grievance process.

(c) If DCHA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of DCHA's operations), DCHA shall discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

(d) If DCHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, DCHA shall notify the family, in writing, of its determination timely. The notice shall inform the family of the right to appeal DCHA's decision through an informal hearing (if applicable) or the grievance process.

6103.23 DCHA shall take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to DCHA's programs and services in accordance with 24 CFR Part 8.6.

6103.24 At the initial point of contact with each applicant, DCHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

6103.25 To meet the needs of persons with hearing impairments, TTD/TTY (text telephone display / teletype) communication shall be available.

6103.26 To meet the needs of persons with vision impairments, large-print and audio versions of key program documents shall be made available upon request. When visual aids are used in public meetings or presentations, or in meetings with DCHA staff, one-on-one assistance shall be provided upon request.

6103.27 Additional examples of alternative forms of communication are sign language interpretation; having material explained orally by staff; or having a third-party representative (a friend, relative or advocate, named by the applicant) to receive, interpret and explain housing materials and be present at all meetings.

6103.28 DCHA must comply with a variety of laws and requirements pertaining to physical accessibility, including the following:

(a) Notice PIH 2010-26;

(b) Section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8);

(c) The Americans with Disabilities Act of 1990 (28 CFR Part 35);

(d) The Architectural Barriers Act of 1968 (24 CFR § 570.614); and

(e) The Fair Housing Amendments Act of 1988 (24 CFR Part 100).

6103.29 [RESERVED]

6103.30 The design, construction, or alteration of DCHA facilities must conform to the Uniform Federal Accessibility Standards (UFAS) or other applicable accessibility standard.

6103.31 Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

6103.32 DCHA's decision to deny or terminate the assistance of a family that includes a person with disabilities is subject to consideration of reasonable accommodation in accordance with 24 CFR § 966.7.

6103.33 When applicants with disabilities are denied assistance, the notice of denial must inform them of their right to request an informal hearing consistent with 24 CFR § 960.208(a).

6103.34 When a family's lease is terminated, the notice of termination must inform the family of their right to request a hearing in accordance with DCHA's grievance process.

6103.35 When reviewing reasonable accommodation requests, DCHA must consider whether reasonable accommodation will allow the family to overcome the problem that led to DCHA's decision to deny or terminate assistance. If a reasonable accommodation will allow the family to meet the requirements, DCHA must make the accommodation.

6103.36 DCHA shall provide reasonable accommodation for persons with disabilities to participate in the hearing process.

6104 IMPROVING ACCESS TO SERVICES FOR PERSONS WITH LIMITED ENGLISH PROFICIENCY (LEP)

6104.1 LEP can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the public housing program. In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally-assisted programs and activities may violate the prohibition under Title VI against discrimination on the basis of national origin. This § 6104 incorporates the Final Guidance to Federal Assistance Recipients Regarding Title VI Prohibition against National Origin Discrimination Affecting Limited English Proficient Persons, published January 22, 2007, in the Federal Register.

6104.2 DCHA shall take affirmative steps to communicate with people who need services or information in a language other than English. These persons shall be referred to as "Persons with LEP."

6104.3 Persons with LEP are defined as persons who do not speak English as their primary language and who have a limited ability to read, write, speak or understand English. For the purposes of this ACOP, Persons with LEP are public housing applicants and resident families, and parents and family members of applicants and resident families.

6104.4 In order to determine the level of access needed by Persons with LEP, DCHA

shall balance the following four (4) factors:

(a) The number or proportion of Persons with LEP eligible to be served or likely to be encountered by the public housing program;

(b) The frequency with which Persons with LEP come into contact with the program;

(c) The nature and importance of the program, activity, or service provided by the program to people's lives; and

(d) The resources available to DCHA and costs.

Balancing these four (4) factors ensures meaningful access by Persons with LEP to critical services while not imposing undue burdens on DCHA.

6104.5 DCHA shall offer competent interpretation services free of charge, upon request, to the Persons with LEP.

6104.6 DCHA shall follow its Language Access Plan (LAP), which includes the following:

(a) DCHA shall utilize a language line for telephone interpreter services.

(b) When exercising the option to conduct remote hearings, however, DCHA shall coordinate with a remote interpretation service which, when available, uses video conferencing technology rather than voice-only interpretation.

(c) Where Persons with LEP desire, they shall be permitted to use, at their own expense, an interpreter of their own choosing, in place of or as a supplement to the free language services offered by DCHA. DCHA, at its discretion, may choose to use the language services even when Persons with LEP desire to use an interpreter of their choosing. The interpreter may be a family member or friend. If the interpreter chosen by the family is a minor, DCHA shall not rely on the minor to serve as the interpreter.

(d) DCHA shall analyze the various kinds of contacts it has with the public, to assess language needs and decide what reasonable steps should be taken. "Reasonable steps" may not be reasonable where the costs imposed substantially exceed the benefits. Where feasible and possible, according to its LAP, DCHA shall train and hire bilingual staff to be available to act as interpreters and translators, shall pool resources with other PHAs, and shall standardize documents. Per the Council of the District of Columbia's Language Access Act of 2004 (DCMR 4-1210.1), DCHA shall take reasonable steps to screen self-identified bilingual staff members who

request to be placed on the list of language facilitators. Based on this list of available staff language facilitators and both the established and anticipated demand for language access services, the agency shall determine its existing capacity for assisting Persons with LEP and Non-English Proficiency (NEP) customers. To the extent that it requires additional capacity for providing interpretation services, DCHA must give preference to qualified bilingual individuals when hiring for existing budgeted vacant public contact positions.

6104.7 "Translation" is the replacement of a written text from one language into an equivalent written text in another language.

6104.8 To comply with written-translation obligations, DCHA shall take the following steps:

(a) DCHA shall provide written translations of vital documents for each eligible LEP language group that constitutes three percent (3%) or five hundred (500) persons, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.

(b) Translation of other documents, if needed, can be provided orally.

6104.9 After completing the four-factor analysis in § 6104.4 and deciding what language assistance services are appropriate, DCHA shall determine whether it is necessary to develop a written implementation plan to address the identified needs of the LEP populations it serves.

6104.10 If DCHA determines that it is not necessary to develop a written implementation plan, the absence of a written plan does not obviate the underlying obligation to ensure meaningful access by Persons with LEP to DCHA's public housing program and services.

6104.11 [RESERVED]

6104.12 Any person or organization may file a public complaint alleging a violation of the Language Access Act. The D.C. Office of Human Rights addresses these complaints, which may regard both individual and systemic noncompliance. A Customer may file the complaint directly, but a person or organization with an interest in the Customer's welfare may also file a complaint on the Customer's behalf. Members shall in no way retaliate against complainants or their representatives, and shall provide these persons or organizations with the same level of service that other applicants receive.

6104.13 For the purpose of § 6104.12, "Customer" shall mean an individual who may attempt to benefit from or receive services that DCHA provides.

6104.14 For the purpose of § 6104.12, "Members" shall mean all agency employers, as well as volunteers, grantees, contractors, and affiliates providing direct-services to the public on behalf of DCHA.

6104.15 Should a customer wishing to file a language access complaint contact DCHA, members shall report the incident to the Language Access Coordinator, and provide the customer with the following resources:

(a) The Office of Human Rights Language Access Complaint Form;

(b) The URL for the online Office of Human Rights Language Access Complaint Form (http://ohr.dc.gov/webform/language-access-public-complaint-form); or

(c) The Office of Human Rights phone number (202-727-4559).

Chapter 62, LOW RENT HOUSING: RENT AND LEASE, of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 62 ELIGIBILITY

6200 INTRODUCTION

6200.1 DCHA is responsible for ensuring that every individual and family admitted to the public housing program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted to the program. The family must provide any information needed by DCHA to confirm eligibility and determine the level of the family's assistance.

6200.2 To be eligible for the DCHA public housing program, an applicant family shall:

(a) Qualify as a family as defined by DCHA;

(b) Have income at or below HUD-specified income limits;

(c) Qualify on the basis of citizenship or the eligible immigrant status of family members;

(d) Provide social security number information for household members as required;

(e) Consent to DCHA's collection and use of family information as provided for in DCHA-provided consent forms;

(f) Not currently be receiving a duplicative subsidy (that is, they cannot have two or more housing assistance subsidies at once);

Example: If a family has a Housing Choice Voucher, they cannot use it to rent a public housing unit. To be eligible for public housing, the family would have to give up their voucher.

(g) DCHA must determine that the current or past behavior of household members does not include activities that are prohibited by HUD or DCHA.

6200.3 This 6200 contains three (3) sections:

(a) Definitions of Family and Household Members. Section 6201 contains definitions of family and household members and explains initial and ongoing eligibility issues related to these members;

(b) Basic Eligibility Criteria. Section 6202 discusses income eligibility, and rules regarding citizenship, social security numbers, and family consent; and

(c) Denial of Admission. Section 6203 covers factors related to an applicant's past or current conduct that can cause DCHA to deny admission.

6201 DEFINITIONS OF FAMILY AND HOUSEHOLD MEMBERS

6201.1 Section 6201 provides information needed to correctly identify family and household members and explains eligibility rules.

6201.2 The terms "family" and "household" have different meanings in the public housing program.

6201.3 To be eligible for admission, an applicant must qualify as a family.

6201.4 In § 6201.3, "Family" includes, but is not limited to, the following:

(a) Regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; an otherwise eligible youth who has attained at least eighteen (18) years of age and not more than twenty-four (24) years of age and who has left foster care, or will leave foster care within ninety (90) days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age sixteen (16) or older; or

(b) A group of persons residing together. Such group includes, but is not limited to, a family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family), an elderly family, a near-elderly family, a disabled

family, a displaced family, or the remaining member of a tenant family.

6201.5 DCHA shall also adhere the definition of a "family" per the District of Columbia Human Rights Act, which defines "family" as the pairing of the following members of a household listed below:

(a) Domestic partner; or

(b) A dependent child of a domestic partner, which shall include, for the purposes of this section, an unmarried person under twenty-two (22) years of age, an unmarried person under twenty-five (25) years of age who is a full-time student, or an unmarried person regardless of age who is incapable of self-support because of a mental or physical disability that existed before age twenty-two (22). A dependent child of a domestic partner shall include a natural child, adopted child, stepchild, foster child, or child in the legal custody of a domestic partner

6201.6 For § 6201.4, "Sexual Orientation" means homosexuality, heterosexuality, or bisexuality orientation.

6201.7 For § 6201.4, "Gender Identity" means actual or perceived gender characteristics.

6201.8 A family also includes two (2) or more individuals who are not related by blood, marriage, adoption, or other operation of law, but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

6201.9 Each family must identify the individuals to be included in the family at the time of application and must update this information if the family's composition changes.

6201.10 [RESERVED].

6201.11 "Committed relationship" means: a familial relationship between two (2) individuals characterized by mutual caring and the sharing of a mutual residence.

6201.12 With respect to an individual's status as a family member of a victim of domestic violence, sexual abuse, and/or stalking, the following household members are recognized:

(a) A spouse, including the person identified by an individual as his or her domestic partner, as defined in D.C. Code, § 32-701(3);

(b) The parents of a spouse;

(c) Children (including foster children and grandchildren);

(d) The spouses of children;

(e) Parents;

(f) Brothers and sisters;

(g) The spouses of brothers and sisters;

(h) A child who lives with an individual and for whom the individual permanently assumes and discharges parental responsibility; and

(i) A person with whom the individual shares or has shared, for not less than the preceding twelve (12) months, a mutual residence and with whom the individual maintains a committed relationship, as defined in D.C. Code, § 32-701(1).

6201.13 "Household" is a broader term that includes additional people who, with DCHA's permission, live in a public housing unit, such as live-in aides, foster children, and foster adults.

6201.14 Except under the following conditions, DCHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

(a) If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, and/or stalking, DCHA must ensure that the victim retains assistance; and

(b) If a court determines the disposition of property between members of the assisted family, DCHA is bound by the court's determination of which family members continue to receive assistance.

6201.15 When a family on the waiting list breaks up into two (2) otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

6201.16 If a family breaks up into two otherwise eligible families while living in public housing, only one of the new families will retain occupancy of the unit.

6201.17 If a court determines the disposition of property between members of an applicant or resident family, DCHA shall abide by the court's determination.

6201.18 In the absence of a judicial decision, or a signed agreement among the original family members, DCHA shall determine which family will retain their placement

on the waiting list or continue in occupancy. In making its determination, DCHA shall take into consideration the following factors:

(a) The interest of any minor children, including custody arrangements;

(b) The interest of any ill, elderly, or disabled family members;

(c) The interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, and/or stalking, including a family member who was forced to leave a public housing unit as a result of such actual or threatened abuse, and provides documentation in accordance with DCHA's ACOP; and

(d) Any possible risks to family members as a result of criminal activity.

6201.19 Family includes the "remaining member of a tenant family," which is a member of a resident family who remains in the unit when other members of the family have left the unit. Household members such as live-in aides, foster children, and foster adults do not qualify as remaining members of a family.

6201.20 "Head of household" means the adult member of the family who is considered the head for purposes of determining income eligibility and rent. The head of household is responsible for ensuring that the family fulfills all of its responsibilities under the program, alone or in conjunction with a co-head or spouse.

6201.21 The family may designate any qualified family member as the head of household. The head of household must have the legal capacity to enter a lease under state and local law. A minor who is emancipated under state law may be designated as head of household.

6201.22 A family may have a spouse or co-head, but not both.

6201.23 "Spouse" means the marriage partner of the head of household.

6201.24 A "marriage partner" includes the partner in a "common law" marriage as defined in state law. The term "spouse" does not apply to friends, roommates, or significant others who are not marriage partners. A minor who is emancipated under state law may be designated as a spouse.

6201.25 A "co-head" is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

6201.26 Minors who are emancipated under state law may be designated as a cohead.

6201.27 "Other adult" means a family member, other than the head, spouse, or co- head, who is eighteen (18) years of age or older. Foster adults and live-in aides are not considered other adults.

6201.28 A "dependent*"* is a family member who is under eighteen (18) years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children, foster adults and live-in aides.

6201.29 Dependents that are subject to a joint custody arrangement are considered a member of the family if they live with the applicant or resident family fifty percent (50%) or more of the time.

6201.30 When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim them, DCHA makes the determination based on available documents such as court orders, an IRS income tax return showing which family has claimed the child for income tax purposes, school records, or other credible documentation.

6201.31 A "full-time student (FTS)" is a person who is attending school or vocational training on a full-time basis. The time commitment or subject load that is needed to determine if attendance is full-time is defined by the educational institution.

6201.32 Identifying each FTS is important because:

(a) Each family member that is an FTS, other than the head, spouse, or co-head, qualifies the family for a dependent deduction, and

(b) The income of such an FTS is treated differently from the income of other family members.

6201.33 Under DCHA's approved MTW policy, an "elderly person" is a person who is at least fifty-five (55) years of age.

6201.34 A "near-elderly person" is a person who is fifty to fifty-four (50-54) years of age.

6201.35 An "elderly family" is one in which the head, spouse, co-head, or sole member is an elderly person.

6201.36 Under the public housing program, special rules apply to persons with disabilities and to any family whose head, spouse, or co-head is a person with disabilities.

6201.37 DCHA must make all aspects of the public housing program accessible to persons with disabilities and consider requests for reasonable accommodations when a

person's disability limits their full access to the unit, the program, or the DCHA's services.

6201.38 A "disabled family" is one in which the head, spouse, or co-head is a person with disabilities.

6201.39 DCHA may deny admission or taking action under the lease for reasons related to alcohol and drug abuse in accordance with the policies found in § 6203 and in Chapter 78.

6201.40 A "guest" is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

6201.41 The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near DCHA's premises.

6201.42 A resident family must notify DCHA when overnight guests will be staying in the unit for more than three (3) days. A guest can remain in the unit no longer than ten (10) consecutive days or a total of thirty (30) cumulative calendar days during any twelve (12) month period.

6201.43 A family may request an exception to the DCHA policy in 6201.42 for valid reasons (such as care of a relative recovering from a medical procedure expected to last twenty (20) consecutive days). An exception shall not be made unless the family can identify and provide documentation of the residence to which the guest will return.

6201.44 Children who are subject to a joint custody arrangement or for whom a family has written visitation privileges, that are not included as a family member because they live outside of the public housing unit more than fifty percent (50%) of the time, are not subject to the time limitations of guests as described above.

6201.45 Former residents who have been evicted are not permitted as overnight guests.

6201.46 Guests who represent the public housing unit address as their residence address or address of record for receipt of benefits or any other purposes are considered unauthorized occupants; and

6201.47 Guests who remain in the unit beyond the allowable time limit are unauthorized occupants, and their presence constitutes a violation of the lease.

6201.48 A "foster adult" is a member of the household who is eighteen (18) years of age or older and meets the definition of a foster adult under state law. In general, a foster adult is a person who is eighteen (18) years of age or older, is unable to live independently due to a debilitating physical or mental condition, and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

6201.49 A "foster child" is a member of the household who meets the definition of a foster child under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

6201.50 Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members.

6201.51 The income of foster children and foster adults is not counted in family annual income and foster children and foster adults do not qualify for a dependent deduction.

6201.52 A foster child or foster adult may be allowed to reside in the unit if their presence would not overcrowd the unit.

6201.53 Individuals may be temporarily or permanently absent from the unit for a variety of reasons including educational activities, placement in foster care, employment, and illness.

6201.54 An individual who is, or is expected to be, absent from the public housing unit for one hundred eighty (180) consecutive days or less is considered temporarily absent and continues to be considered a family member.

6201.55 An individual who is or is expected to be absent from the public housing unit for more than one hundred eighty (180) consecutive days is considered permanently absent and no longer a family member. However, please note exceptions in Sections 6201.56-61.

6201.56 When someone who has been considered a family member attends school away from home, the person continues to be considered a family member unless DCHA is made aware that the student has established a separate household (including when another PHA contacts DCHA to inform them that an assisted family is requesting to add the student to their household or the PHA is reviewing the eligibility of family for assistance in their jurisdiction and the family includes the student), or the family reports that the student has left the household, consistent with § 6803.14.

6201.57 Children temporarily absent from the home as a result of placement in foster care are considered members of the family.

6201.58 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 is counted as a family member.

6201.59 An employed head, spouse, or co-head absent from the unit more than sixty (60) consecutive days due to employment continues to be considered a family member.

6201.60 An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

6201.61 If there is a medical question about the status of a Family member discussed in § 6201.60, DCHA shall request verification from a responsible medical professional and shall use this determination. If the responsible medical professional cannot provide a determination, the person generally is considered temporarily absent. The family may present evidence that the family member is confined on a permanent basis and request that the person not be considered a family member.

6201.62 The family must request DCHA approval for the return of any adult family members that DCHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements discussed in this § 6200.

6201.63 "Live-in aide" means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

(a) Is determined to be essential to the care and well-being of the person(s),

(b) Is not obligated for the support of the person(s); and

(c) Would not be living in the unit except to provide the necessary supportive services.

6201.64 DCHA must approve a live-in aide if needed as a reasonable accommodation for a person with disabilities in accordance with 24 CFR Part 8.

6201.65 A live-in aide is considered a household member but not a family member.

6201.66 The income of the live-in aide is not counted in determining the annual income of the family.

6201.67 Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.

6201.68 A family's request for a live-in aide may be made either orally or in writing.

6201.69 DCHA shall verify the need for a live-in aide, if necessary, with a reliable, knowledgeable professional as provided by the family, such as a doctor, social worker, or case worker.

6201.70 For continued approval of the live-in aide, the family may be required to submit a new, written request—subject to DCHA verification at each reexamination.

6201.71 The family and live-in aide are required to submit a certification stating that the live-in aide is:

(a) Not obligated for the support of the person(s) needing the care; and

(b) Would not be living in the unit except to provide the necessary supportive services.

6201.72 Live-in aides are subject to the same screening requirements as any other adult included in or added to a household, with the exception that they are not subject to income eligibility. DCHA has the discretion not to approve a particular person as a live-in aide, and may withdraw such approval, if:

(a) The person commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;

(b) The person has a history of drug-related criminal activity or violent criminal activity; or

(c) The person currently owes rent or other amounts to DCHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

6201.73 Within twenty (20) business days of receiving a request for a live-in aide, including all required documentation related to the request, DCHA shall notify the family of its decision in writing.

6202 BASIC ELIGIBILITY CRITERIA

6202.1 "Low-income family" is a family whose annual income does not exceed eighty percent (80%) of the median income for the area, adjusted for family size.

6202.2 "Very low-income family" is a family whose annual income does not exceed fifty percent (50%) of the median income for the area, adjusted for family size.

6202.3 "Extremely low-income family" is a family whose annual income does not exceed the federal poverty level or thirty percent (30%) of the median income for the

area, whichever number is higher.

6202.4 To be income-eligible, a family must be a low-income family.

6202.5 At least forty percent (40%) of the families admitted from the DCHA waiting list to the public housing program during DCHA's fiscal year must be extremely low-income families. This is called the "basic targeting requirement."

6202.6 If admissions of extremely low-income families to DCHA's housing choice voucher program during DCHA's fiscal year exceeds the seventy-five percent (75%) minimum targeting requirement for that program, such excess shall be credited against DCHA's public housing basic targeting requirement for the same fiscal year.

6202.7 DCHA's fiscal year credit for housing choice voucher program admissions that exceed the minimum voucher program targeting requirement must not exceed the lower of:

(a) Ten percent (10%) of public housing waiting list admissions during the DCHA fiscal year;

(b) Ten percent (10%) of waiting list admission to DCHA's housing choice voucher program during the DCHA fiscal year; and

(c) The number of qualifying low-income families who commence occupancy during the fiscal year of public housing units located in census tracts with a poverty rate of thirty percent (30%) or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

6202.8 Housing assistance is available only to individuals who are U.S. citizens, U.S. nationals (herein referred to as citizens and nationals), or noncitizens that have eligible immigration status. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

6202.9 All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with DCHA's Language Access Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

6202.10 Each family member shall declare whether the individual is a citizen, a national, or an eligible noncitizen (Declaration of Section 214 Status), except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals and eligible noncitizens the declaration must

be signed personally by the head, spouse, co-head, and any other family member eighteen (18) or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status. No declaration is required for live-in aides, foster children, or foster adults.

6202.11 Family members who declare citizenship or national status are not required to provide additional documentation unless DCHA receives information indicating that an individual's declaration may not be accurate.

6202.12 In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with DCHA efforts to verify their immigration status as described in Chapter 66.

6202.13 Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a non-contending family member listing, signed by the head, spouse, or co-head (regardless of citizenship status), indicating their ineligible immigration status.

6202.14 DCHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

6202.15 Providing housing assistance to noncitizen students is prohibited. This prohibition extends to the noncitizen spouse of a noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

6202.16 Families that include eligible and ineligible individuals are considered "mixed families." Such families shall be given notice that their assistance will be prorated, and that they may request a hearing if they contest this determination.

6202.17 DCHA shall not provide assistance to a family before the verification of at least one family member as a citizen, national, or eligible noncitizen;

(a) When DCHA determines that an applicant family does not include any citizens, nationals, or eligible noncitizens, following the verification process, the family shall be sent a written notice within twenty (20) business days of the determination; and

(b) The notice shall explain the reasons for the denial of assistance and shall advise the family of its right to request an appeal to the USCIS, or to request a grievance hearing with DCHA. The grievance hearing with DCHA may be requested in lieu of the USCIS appeal, or at the conclusion

of the USCIS appeal process. The notice must also inform the applicant family that assistance may not be delayed until the conclusion of the USCIS appeal process, but that it may be delayed pending the completion of the grievance hearing process.

6202.18 For new occupants joining the resident family, DCHA must verify status at the first interim or regular reexamination following the person's occupancy, whichever comes first.

6202.19 If an individual qualifies for a time extension for the submission of required documents, DCHA must grant such an extension for no more than thirty (30) days.

6202.20 Each family member is required to submit evidence of eligible status only one time during continuous occupancy.

6202.21 DCHA shall verify the status of applicants at the time other eligibility factors are determined.

6202.22 The applicant and all members of the applicant's household must disclose the complete and accurate social security number (SSN) assigned to each household member, and the documentation necessary to verify each SSN.

6202.23 If a child under age six (6) has been added to an applicant family within the six (6) months prior to program admission, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within ninety (90) days of admission.

6202.24 Each participant who has not previously disclosed an SSN, has previously disclosed an SSN that HUD, or the SSA, determined was invalid, or has been issued a new SSN, must submit their complete and accurate SSN and the documentation required to verify the SSN at the time of the next interim or regular reexamination or recertification.

6202.25 Participants age sixty-two (62) or older as of January 31, 2010, whose determination of eligibility was begun before January 31, 2010, are exempt from the requirement in § 6202.24 and remain exempt even if they move to a new assisted unit.

6202.26 DCHA must deny assistance to an applicant family if they do not meet the SSN disclosure and documentation requirements contained in 24 CFR § 5.216.

6202.27 Each adult family member, and the head of household, spouse, or co-head, regardless of age, shall sign form HUD-9886-A, Authorization for the Release of Information/Privacy Act Notice, the form HUD-52675, Debts Owed to Public Housing Agencies and Terminations, and other consent forms as needed to collect

information relevant to the family's eligibility and level of assistance.

6202.28 DCHA must deny admission to the program if any member of the applicant family fails to sign and submit consent forms which allow DCHA to obtain information that DCHA has determined is necessary in administration of the public housing program. Revocation of consent to the form HUD-9886-A by any family member will result in termination or denial of admission.

6202.29 Prior to admission to the program, DCHA must search for all household members using the EIV Existing Tenant Search module. DCHA must review the reports for any SSA matches involving another PHA or a multifamily entity and follow up on any issues identified. DCHA must provide the family with a copy of the Existing Tenant Search results if requested. At no time may any family member receive duplicative assistance (that is, they cannot have two or more housing subsidies at once).

Example: A family member cannot live in two assisted units. If EIV shows a person already lives in another public housing or HCV household, they must be removed from that household before they can be approved to lease up in DHCA's public housing unit.

6202.30 If the tenant is a new admission to DCHA, and a match is identified at a multifamily property, DCHA must report the program admission date to the multifamily property and document the notification in the tenant file. The family must provide documentation of move-out from the assisted unit, as applicable.

6202.31 DCHA shall contact the PHA, or owner identified in the report, to confirm that the family has moved out of the unit and obtain documentation of current tenancy status, including a form HUD-50058 or 50059, as applicable, showing an end of participation. DCHA shall only approve assistance contingent upon the move-out from the currently occupied assisted unit.

6202.32 All adult household members must sign the form HUD-52675, Debts Owed to Public Housing and Terminations module. Prior to admission to the program, DCHA must search for each adult family member in the Debts Owed to PHAs and Terminations module.

6202.33 If a current or former tenant disputes the information in the EIV Existing Tenant Search module or Former Tenant Search/Debts Owed to PHAs & Terminations module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If DCHA determines that the disputed information is incorrect, DCHA will update or delete the record from the EIV Existing Tenant Search or Former Tenant Search/Debts Owed to PHAs & Terminations module. Former tenants may dispute debt and termination information for a period of up to three (3) years from the end of participation date in the program.

6202.34 DCHA shall require each adult household member to sign the form HUD-52675 (Debts Owed to Public Housing Agencies (PHAs) and Terminations form) once at the eligibility determination. Any new members added to the household after admission are required to sign the form HUD-52675 prior to being added to the household.

6202.35 DCHA shall search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, DCHA shall determine if this information warrants a denial in accordance with the policies in § 6203 of this chapter.

6202.36 For each new admission, DCHA is required to review the EIV Income and IVT Reports to confirm and validate family reported income within one hundred twenty (120) days of the IMS/PIC submission date of the new admission. DCHA must print and maintain copies of the EIV Income and IVT reports in the tenant file and resolve any discrepancies with the family within sixty (60) days of the EIV Income or IVT report dates.

6203 DENIAL OF ADMISSION

6203.1 A family that does not meet the eligibility criteria discussed in §§ 6201 and 6202 must be denied admission.

6203.2 This Section covers the following topics:

(a) Required denial of admission;

(b) Other permitted reasons for denial of admission;

(c) Screening;

(d) Criteria for deciding to deny admission;

(e) Prohibition against denial of admission to victims of domestic violence, dating violence, sexual assault, and/or stalking; and

(f) Notice of eligibility or denial.

6203.3 DCHA shall deny assistance in the following cases:

(a) Any member of the household has been evicted from federally assisted housing in the last five (5) years for drug-related criminal activity; provided, however, DCHA may admit an otherwise-eligible family who

was evicted from federally assisted housing within the past five (5) years for drug-related criminal activity, if DCHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by DCHA, or the person who committed the crime is no longer living in the household;

(b) DCHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;

(1) "Drug" means a controlled substance as defined in § 102 of the Controlled Substances Act;

(2) "Currently use" means a person has engaged in the behavior recently enough to justify a reasonable belief that there is continuing illegal drug use by a household member during the previous three (3) months;

(3) In determining "reasonable cause*,"* DCHA considers all credible evidence, including but not limited to, any record of convictions, arrests, or evictions of household members related to the use of illegal drugs or the abuse of alcohol. A record or records of arrest shall not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity. DCHA also considers evidence from treatment providers or community-based organizations providing services to household members;

(c) Any household member has ever been convicted of drug-related criminal activity for the production or manufacture of methamphetamine on the premises of federally assisted housing; and

(d) Any household member is subject to a lifetime registration requirement under a state lifetime sex offender registration program.

6203.4 If any household member is currently engaged in or has engaged in any of the following criminal activities within the past five (5) years, the family shall be denied admission:

(a) "Drug-related criminal activity," is the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug;

(b) "Violent criminal activity" is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious

bodily injury or property damage;

(c) Criminal activity that may threaten the health, safety, or welfare of other tenants;

(d) Criminal activity that may threaten the health or safety of DCHA staff, contractors, subcontractors, or agents;

(e) Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse;

(f) Evidence of such criminal activity includes, but is not limited to:

(1) Any record of convictions, arrests, or evictions for suspected drug-related or violent criminal activity of household members within the past five (5) years; and

(2) A record, or records of arrest, shall not be used as the sole basis for the denial or proof that the applicant engaged in disqualifying criminal activity.

(g) In making its decision to deny assistance, DCHA considers the factors discussed in § 6203.10-19. Upon consideration of such factors, DCHA may, on a case-by-case basis, decide not to deny assistance.

6203.5 DCHA shall deny admission to an applicant family if DCHA determines that the family:

(a) Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past three (3) years;

(b) Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three (3) years which may adversely affect the health, safety, or welfare of other tenants;

(c) Misrepresented or does not provide complete information related to eligibility, including income, expenses, family composition or rent;

(d) Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program in the last three (3) years;

(e) Owes rent or other amounts to this or any other PHA in connection with any assisted housing program including, but not limited to, Section 8, public housing, or other public housing assistance under the 1937 Act, unless the family repays the full amount of the debt prior to being selected

from the waiting list;

(f) When denying admission due to family debts as shown in HUD's EIV system, DCHA shall provide the family with a copy of the EIV Debt Owed to PHA and Termination report;

(g) If the family wishes to dispute the information in the report, the family must contact DCHA that entered the information in EIV in writing, explaining why EIV information is disputed. The family must also provide a copy of the letter and all applicable verification to DCHA to support the family's claim. DCHA considers the information provided by the family prior to issuing a notice of denial;

(h) Has engaged in or threatened violent or abusive behavior toward DCHA personnel;

(1) "Abusive or violent behavior towards DCHA personnel" includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

(2) "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

(i) In making its decision to deny admission, DCHA shall consider the factors discussed in § 6203.13. Upon consideration of such factors, DCHA may, on a case-by-case basis, decide not to deny admission; and

(j) DCHA shall consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

6203.6 DCHA performs criminal background checks through local and national law enforcement for all adult household members.

6203.7 DCHA may not pass along to the applicant the costs of a criminal records check.

6203.8 DCHA uses the Dru Sjodin National Sex Offender database to screen applicants for admission.

6203.9 DCHA shall obtain information from drug abuse treatment facilities to determine whether any applicant family's household members are currently engaging in illegal drug activity only when DCHA has determined that the family will be denied admission based on a family member's drug-related criminal activity, and the family claims that the culpable family member has successfully completed a supervised drug or alcohol rehabilitation program. "Currently engaged in" is

defined as any use of illegal drugs during the previous three (3) months.

6203.10 DCHA considers the family's history with respect to the following factors:

(a) Payment of rent and utilities;

(b) Caring for a unit and premises;

(c) Respecting the rights of other residents to the peaceful enjoyment of their housing;

(d) Criminal activity that is a threat to the health, safety, or property of others;

(e) Behavior of all household members as related to the grounds for denial as detailed in §§ 6203.3-5; and

(f) Compliance with any other essential conditions of tenancy.

6203.11 To determine the suitability of applicants DCHA may examine applicant history for the past three (3) years. Such background checks include:

(a) PHA and landlord references for the past three (3) years, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether the PHA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords may be asked if they would rent to the applicant family again;

(b) Utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit, and whether the applicant can get utilities turned on in their name (use of this inquiry may be reserved for applicants applying for units where there are tenant-paid utilities);

(c) If an applicant has no rental payment history, DCHA may check court records of eviction actions and other financial judgments, and credit reports. A lack of credit history will not disqualify someone from becoming a public housing resident, but a poor credit rating may;

(d) Applicants with no rental payment history are also asked to provide DCHA with personal references. The references may be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. The applicant may also be required to complete a checklist documenting their ability to meet financial obligations;

(e) If previous landlords or the utility company do not respond to requests from DCHA, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g., rent receipts, cancelled checks, etc.);

(f) PHA and landlord references for the past three (3) years, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances;

(g) Police and court records within the past three (3) years are used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction. A record or records of arrest are not used as the sole basis for the denial or proof that the applicant engaged in disqualifying activity;

(h) A personal reference is requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available. In these cases, the applicant is also required to complete a checklist documenting their ability to care for the unit and to avoid disturbing neighbors; and

(i) Home visits may be used to determine the applicant's ability to care for the unit.

6203.12 DCHA uses the preponderance of the evidence as the standard for making all admission decisions. "Preponderance of the evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

6203.13 DCHA will consider the following facts and circumstances prior to making its decision:

(a) The seriousness of the case, especially with respect to how it would affect other residents' safety or property;

(b) The effects that denial of admission may have on other members of the family who were not involved in the action or failure to act;

(c) The extent of participation or culpability of individual family members,

including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, and/or stalking;

(d) The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future;

(e) While a record or records of arrest are not used as the sole basis for denial, an arrest may trigger an investigation to determine whether the applicant engaged in disqualifying criminal activity. As part of its investigation, DCHA may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. DCHA may also consider:

(1) Any statements made by witnesses, or the applicant not included in the police report;

(2) Whether criminal charges were filed;

(3) Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal;

(4) Any other evidence relevant to determining whether the applicant engaged in disqualifying activity;

(5) Evidence of criminal conduct is considered if it indicates a demonstrable risk to safety and/or property;

(6) Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs; and

(7) In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully. DCHA requires the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

6203.14 As a condition of receiving assistance, a family may agree to remove the culpable family member from the application. In such instances, the head of household must certify that the family member is not permitted to visit or to stay as a guest in the public housing unit.

6203.15 If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, DCHA shall determine whether the behavior is related to the disability. If so, upon the family's request, DCHA shall determine whether alternative measures are appropriate as a reasonable accommodation. DCHA only considers accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission.

6203.16 DCHA acknowledges that a victim of domestic violence, dating violence, sexual assault, and/or stalking may have an unfavorable history (such as a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under DCHA's policies;

6203.17 While DCHA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, and/or stalking, the applicant may inform DCHA that their status as a victim is directly related to the grounds for the denial. DCHA shall request that the applicant provide enough information to DCHA to allow DCHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim; and

6203.18 DCHA shall include in its notice of denial information about the protection against denial provided by VAWA, a notice of VAWA rights, and a copy of the form HUD-5382. DCHA shall request in writing that an applicant wishing to claim this protection notify the PHA within fourteen (14) business days.

6203.19 If an applicant claims the protection against denial of admission that VAWA provides to victims of domestic violence, dating violence, sexual assault, and/or stalking, DCHA shall request in writing that the applicant provide documentation supporting the claim in accordance with ACOP.

6203.20 If the perpetrator of the abuse is a member of the applicant family, the applicant must provide additional documentation consisting of one of the following:

(a) A signed statement: requesting that the perpetrator be removed from the application and certifying that the perpetrator will not be permitted to visit or to stay as a guest in the public housing unit; and

(b) Documentation that the perpetrator has successfully completed, or is successfully undergoing, rehabilitation or treatment. The documentation must be signed by an employee or agent of a domestic violence service provider or by a medical or other knowledgeable professional from whom the perpetrator has sought or is receiving assistance in addressing the abuse. The signer must attest under penalty of perjury to their belief that

the rehabilitation was successfully completed or is progressing successfully. The victim and perpetrator must also sign or attest to the documentation.

6203.21 If, based on a criminal record or sex offender registration information, an applicant family appears to be ineligible, DCHA shall notify the family in writing of the proposed denial and provide a copy of the record to the applicant and to the subject of the record.

6203.22 The family shall be given ten (10) business days to dispute the accuracy and relevance of the information.

6203.23 If the family does not contact DCHA to dispute the information within that ten (10) day period, DCHA shall proceed with issuing the notice of denial of admission.

6203.24 A family that does not exercise their right to dispute the accuracy of the information prior to issuance of the official denial letter shall still be given the opportunity to do so as part of the informal hearing process.

6203.25 Notice requirements related to denying admission to noncitizens are contained in §§ 6203.3-5.

6203.26 Notice policies related to denying admission to applicants who may be victims of domestic violence, dating violence, sexual assault, and/or stalking are contained in § 6203.18.

Chapter 63, LOW RENT HOUSING: GRIEVANCE PROCEDURES, of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 63 APPLICATIONS, WAITING LIST, AND TENANT SELECTION

6300 INTRODUCTION

6300.1 When a family wishes to reside in public housing, the family must submit an application. When a unit becomes available, DCHA will select families from the waiting list in accordance with DCHA policies as stated in this chapter.

6300.2 [RESERVED]

6300.3 [RESERVED]

6300.4 This chapter describes DCHA policies for accepting applications, managing the waiting list and selecting families from the waiting list. DCHA's policies for assigning unit size and making unit offers are contained in Chapter 64.

6300.5 The policies outlined in this chapter are organized into three (3) sections, as follows:

(a) The Application Process. Section 6301 provides an overview of the application process and discusses how applicants can obtain and submit applications. It also specifies how DCHA will handle the applications it receives;

(b) Managing the Waiting List. Section 6302 presents the policies that govern how DCHA's waiting list is structured, when it is opened and closed, and how the public is notified of the opportunity to apply for public housing. It also discusses the process DCHA will use to keep waiting lists current; and

(c) Tenant Selection. Section 6303 describes the policies DCHA will follow in selecting families from the applicable waiting list as units become available. It also specifies how interviews will be used to ensure that DCHA has the information needed to make a final eligibility determination.

6301 THE APPLICATION PROCESS

6301.1 Section 6301 describes the DCHA policies to distribute and make applications available (electronically and otherwise) and accept applications. Section 6301 also describes DCHA's obligation to ensure the accessibility of the application process.

6301.2 Any family that wishes to reside in public housing must apply for admission to the public housing program. DCHA will include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of DCHA's application.

6301.3 DCHA shall use a two-step application process;

(a) Under the two-step application process, DCHA initially shall require families to provide only the information needed to determine the family's placement on the waiting list (as listed in 6302.1). As described in 6302, DCHA will maintain site-based waiting lists (SBWL) and thus will require that, at application, families select up to five (5) sites/properties where they would like to be added to the waiting list;

(b) Families may request assistance in completing their application from DCHA. Upon request, DCHA may provide this assistance in-person or by phone;

(c) Completed applications must be returned to DCHA by portal (available on DCHA's website). Upon request, DCHA may permit an applicant to

submit their application in person at DCHA's office.; and

(d) Applications must be filled out completely in order to be accepted by DCHA for processing.

6301.4 DCHA will take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard application process as noted in § 6301.3(b).

6301.5 DCHA will provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The application process will be fully accessible. Chapter 61 provides DCHA's policies related to providing reasonable accommodations for people with disabilities and to advertise widely to diverse communities.

6301.6 Chapter 61 provides DCHA's policies related to ensuring access to people with LEP. The application process will comply with the requirements set forth in Chapter 61 and in DCHA's LAP.

6301.7 [RESERVED]

6301.8 No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

6301.9 DCHA uses a pre-application to place families on the site-based waiting list(s) for the sites/properties that the family has selected. A pre-application is a short form application used to gather only the information necessary to place the applicant on the appropriate waiting list.

6301.10 DCHA shall send written notification via email acknowledging receipt of the application. Applicants shall be placed on a site-based waiting list.

6301.11 If a site-based waiting list is opened for a finite period, DCHA will use a random selection method to select and place applicants on the waiting list; DCHA may limit the number of applicants selected to be placed on the waiting list if the number of applications received exceeds the number of anticipated vacancies. If a site-based waiting list is continuously open, applicants will be placed on the waiting list according to the date and time they submitted their application.

6301.12 DCHA shall assign families on the waiting list according to the bedroom size for which a family qualifies as established in its occupancy standards.

6301.13 Families may request to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines (if the unit is not overcrowded according to DCHA standards and local codes). However, in these cases, the family must agree not to request a transfer for two (2) years after admission, unless they have a

change in family size or composition.

6301.14 Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, DCHA shall determine eligibility and suitability for admission to the program.

6302 MANAGING THE WAITING LIST

6302.1 The waiting list shall contain the following information for each applicant listed:

(a) Name and social security number of head of household;

(b) Unit size required (number of family members);

(c) Amount and source of annual income;

(d) Accessibility requirement, if any;

(e) Date and time of application or application number;

(f) Waiting list position;

(g) Household type (family, elderly, disabled);

(h) Race and ethnicity of the head of household;

(i) The specific site(s) or properties selected; and

(j) Preferred language.

6302.2 DCHA has obtained HUD approval and will establish site-based waiting lists. DCHA will maintain a site-based waiting list for each Public Housing site or property in the agency inventory. Site-based waiting lists allow families to select up to five (5) sites/properties where they wish to reside and will be consistent with all applicable civil rights and fair housing laws and regulations.

6302.3 As of the effective date of the ACOP, DCHA shall maintain one community-wide waitlist for public housing applicants. Once all applicants on the existing community-wide waiting list have been drawn from the waiting list, DCHA will establish and maintain site-based waiting lists where applicants can apply for the public housing development of their choice. Prior to establishing site-based waiting lists, DCHA will exhaust the existing community-wide waiting list for public housing applicants. No applicant to a site-based waiting list will be selected from the waiting list until all applicants to the existing community-wide waiting list have been selected from the waiting list.

6302.4 DCHA will manage and maintain site-based waiting lists; applicants can apply for up to five (5) sites/properties of their choice.

6302.5 Public housing applicants may also apply and be placed on the waiting list for any tenant-based or project-based voucher or moderate rehabilitation program that DCHA operates if:

(a) The other programs' waiting lists are open; and

(b) The family is qualified for the other programs.

6302.6 DCHA will not merge the public housing waiting lists with the waiting list for any other program DCHA operates.

6302.7 [RESERVED].

6302.8 DCHA will close a site-based waiting list when there are enough applicants for anticipated vacancies. Where DCHA has other criteria that require a specific category of family, DCHA can elect to continue to accept applications from these applicants while closing the waiting list to others.

6302.9 If the waiting list has been closed, the waiting list or a portion of the waiting list may be reopened at any time.

6302.10 DCHA shall announce the reopening of a site-based waiting list at least ten (10) business days prior to the date applications will first be accepted. If the list is only being reopened for certain categories of families, this information shall be contained in the notice.

(a) The notice shall inform applicants of the date, time, method, and place applications can be obtained and submitted, all methods by which applications will be accepted, how applications will be ordered on the waiting list, when applications will be accepted, a point of contact who can answer questions, any limitations on who may apply, and any other information the applicant may need to successfully submit the application. DCHA will also state any applicable limitations on who may apply to the waiting list and indicate if DCHA will limit the number of applications accepted during the re-opening.

(b) To ensure that public notices broadly reach potential applicants in all communities throughout the housing market area, DCHA shall distribute public notices to local community-based organizations; distribute the notice online through DCHA's website or social media platforms and other online platforms for local housing news; and make use of any local newspapers of general circulation, minority media, and other suitable means; and

(c) DCHA shall give public notice by publishing the relevant information in The Washington Post Sunday Edition, other minority media and posted on the DCHA website.

6302.11 DCHA will conduct outreach as necessary to ensure that DCHA has a sufficient number of applicants on the waiting list to fill anticipated vacancies and to assure that DCHA is affirmatively furthering fair housing and complying with the Fair Housing Act.

6302.12 Because HUD requires DCHA to admit a specified percentage of extremely low-income families, DCHA may need to conduct special outreach to ensure that an adequate number of such families apply for public housing.

6302.13 [RESERVED].

6302.14 [RESERVED].

6302.15 DCHA shall monitor the characteristics of the population being served and the characteristics of the population in DCHA's jurisdiction. Targeted outreach efforts shall be undertaken if a comparison suggests that certain populations are being underserved.

6302.16 While the family is on the waiting list, the family must report changes to their contact information, including current residence, mailing address, and phone number, as soon as possible. Additionally, the family must also inform DCHA of changes in family size or composition or the changes must be submitted in writing.

6302.17 When an applicant reports a change that affects their placement on the waiting list, the waiting list shall be updated accordingly.

6302.18 Waiting list admissions shall take precedence over transfers at the ratio of five (5) new admissions from the waiting list to one (1) transfer. Emergency transfers, defined in § 7701, and reasonable accommodation transfers are not subject to this ratio.

6302.19 The decision to remove an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to DCHA's request for information or updates because of the family member's disability, DCHA must, upon the family's request, reinstate the applicant family to their former position on the waiting list as a reasonable accommodation.

6302.20 The waiting list shall be updated as needed to ensure that all applicant information is current and timely;

6302.21 To update the waiting list, DCHA will send an update request to each family on the waiting list to determine whether the family continues to be interested in the program.

6302.22 DCHA will send the update request to the most current contact information reported by the family, including but not limited to their mailing address and email address. The update request shall provide a deadline by which the family must respond and shall state that failure to respond will result in the applicant's name being removed from the waiting list.

6302.23 The family's response must be in writing. Responses should be received by DCHA not later than thirty (30) calendar days from the date of DCHA letter.

6302.24 If the family fails to respond within thirty (30) calendar days, the family shall be removed from the waiting list without further notice.

6302.25 If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

6302.26 If the notice is returned by the post office with a forwarding address, the notice shall be re-sent to the address indicated. The family shall have thirty (30) business days to respond from the date the letter was re-sent. If the family fails to respond within this time frame, the family will be removed from the waiting list without further notice.

6302.27 [RESERVED]

6302.28 If a family is removed from the waiting list for failure to respond, the family may request to be reinstated to the waiting list within six (6) months of the date of their withdrawal. DCHA may reinstate the family if the lack of response was due to one or more of the following:

(a) DCHA error;

(b) Circumstances beyond the family's control; or

(c) As a direct result of status as a victim of domestic violence, dating violence, sexual assault, and/or stalking, including an adverse factor resulting from such abuse.

6302.29 DCHA shall remove an applicant from the waiting list upon request by the applicant family. In such cases no informal hearing is required nor available based on the applicant's request to be removed from the waitlist.

6302.30 Once an applicant has been housed at a Public Housing site or property, the

applicant will be removed from all other site-based waiting lists. However, the applicant may remain on the waiting list for the Housing Choice Voucher (HCV) program, if they have applied.

6302.31 [RESERVED]

6302.32 [RESERVED]

6303 TENANT SELECTION

6303.1 [RESERVED]

6303.2 [RESERVED]

6303.3 DCHA will maintain a clear record of all information required to verify that the family is selected from the waiting list as explained in this § 6300.

6303.4 DCHA's policies will be posted any place where DCHA receives applications.

6303.5 DCHA must provide a copy of its tenant selection policies upon request to any applicant or tenant.

6303.6 When an applicant or resident family requests a copy of DCHA's tenant selection policies, DCHA shall provide copies to them free of charge.

6303.7 DCHA may establish preferences for certain site-based waiting lists, which may establish an elderly family preference to be used in conjunction with a returning former resident of the site. These sites include, but are limited to, the Kenilworth 166 and The Asberry (Barry Farm Phase 1B) communities. Notwithstanding anything to the contrary in this ACOP, the definition of "elderly person" to be used at Kenilworth 166 and The Asberry (Barry Farm Phase 1B) sites shall be, pending HUD's approval of DCHA's FY 2024 Annual Plan, a person who is at least fifty-five (55) years of age and an "elderly family" shall be a family in which the head of household, co-head of household, or spouse is an elderly person.

6303.8 DCHA has a preference for any tenant-based or project-based family in the HCV program displaced due to Housing Quality Standards (HQS) noncompliance (in accordance with 24 CFR § 982.404(e)(2) and 24 CFR § 983.208(d)(6)(ii)). Specifically, DCHA will offer, and if accepted, provide the family a selection preference for an appropriate-size public housing unit that first becomes available for occupancy if:

(a) The housing assistance payment (HAP) contract is terminated or the unit is removed from a HAP contract due to failure to correct HQS deficiencies at least 90 days or a longer period as DCHA determines is reasonable

necessary following the termination of the HAP contract or removal of the unit from the HAP contract, and

(b) The family is given a tenant-based voucher to move to a new unit, but

(c) The family is unable to lease a new tenant-based unit within the period provided by DCHA.

6303.9 HUD requires that extremely low-income families make up at least forty (40) percent of the families admitted to public housing during DCHA's fiscal year. Extremely low-income families are those with annual incomes at or below the federal poverty level or thirty percent (30%) of the area median income, whichever number is higher. To ensure this requirement is met, DCHA may skip non-extremely low-income families on the waiting list in order to select an extremely low-income family.

6303.10 Admissions of extremely low-income families to the DCHA's HCV program during a DCHA fiscal year that exceed the seventy-five percent (75%) minimum target requirement for the voucher program, shall be credited against the DCHA's basic targeting requirement in the public housing program for the same fiscal year. However, under these circumstances the fiscal year credit to the public housing program must not exceed the lower of:

(a) Ten percent (10%) of public housing waiting list admissions during the DCHA fiscal year;

(b) Ten percent (10%) of waiting list admissions to DCHA's HCV program during the DCHA fiscal year; or

(c) The number of qualifying low-income families who commence occupancy during the DCHA fiscal year public housing units located in census tracts with a poverty rate of thirty percent (30%) or more. For this purpose, qualifying low-income family means a low-income family other than an extremely low-income family.

6303.11 DCHA shall monitor progress in meeting the extremely low-income family requirement throughout the fiscal year. Extremely low-income families shall be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

6303.12 [RESERVED].

6303.13 DCHA has received approval from HUD to establish a local definition of elderly. Accordingly, an elderly family means a family whose head, spouse, co-head, or sole member is a person who is at least fifty-five (55) years of age. Disabled

family means a family whose head, spouse, co-head, or sole member is a person with disabilities.

6303.14 [RESERVED]

6303.15 [RESERVED]

6303.16 DCHA may not discriminate against elderly or disabled families that include children in accordance with the Fair Housing Amendments Act of 1988 and other applicable law.

6303.17 DCHA may designate projects or portions of a public housing project specifically for elderly or disabled families. DCHA must have a HUD-approved designated housing plan before the designation may take place.

6303.18 Among the designated developments, DCHA must also apply any preferences that it has established. If there are not enough elderly families to occupy the units in a designated elderly development, DCHA may allow near-elderly families to occupy the units. Near-elderly family means a family whose head, spouse, or co-head is at least fifty (50) years old, but is less than fifty-five (55) years old.

6303.19 If there are an insufficient number of elderly families and near-elderly families for the units in a development designated for elderly families, DCHA must make available to all other families any unit that is ready for re-rental and has been vacant for more than sixty (60) consecutive days.

6303.20 The decision of any disabled family or elderly family not to occupy or accept occupancy in designated housing shall not have an adverse effect on their admission or continued occupancy in public housing or their position on or placement on the waiting list. However, this protection does not apply to any family who refuses to occupy or accept occupancy in designated housing because of the race, color, religion, sex, disability, familial status, or national origin of the occupants of the designated housing or the surrounding area.

6303.21 The protection discussed in § 6303.18 does apply to an elderly family or disabled family that declines to accept occupancy, respectively, in a designated project for elderly families or for disabled families, and requests occupancy in a general occupancy project or in a mixed population project.

6303.22 [RESERVED]

6303.23 DCHA's admission policy must be designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects. A statement of the DCHA’s deconcentration policies must be included in its MTW plan.

6303.24 DCHA's deconcentration policy must comply with its obligation to meet the income targeting requirement.

6303.25 Developments subject to the deconcentration requirement are referred to as "covered developments" and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements:

(a) Developments operated by DCHA with fewer than one hundred (100) public housing units;

(b) Mixed population or developments designated specifically for elderly or disabled families;

(c) Developments operated by DCHA with only one general occupancy development;

(d) Developments approved for demolition or for conversion to tenant-based public housing; and

(e) Developments approved for a mixed-finance plan using HOPE VI or public housing funds.

6303.26 To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, DCHA must comply in order with the following steps:

(a) DCHA will determine the average income of all families residing in all DCHA covered developments.

(b) DCHA will determine the average income of all families in all covered developments on an annual basis.

(c) DCHA will determine the average income (or median income, if median income was used in § 6303.26(b)) of all families residing in each covered development.

(d) In determining average income for each development, DCHA may adjust its income analysis for unit size.

(e) DCHA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis.

(f) DCHA will then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from eighty-five to one hundred fifteen percent (85% to 115%) of the average

family income determined in § 6303.24(a) or (b). However, the upper limit must never be less than the income at which a family would be defined as an extremely low-income family (federal poverty level or thirty percent (30%) of median income, whichever number is higher);

(g) If covered developments have average incomes outside the EIR, DCHA will then determine whether or not these developments are consistent with its local goals and annual plan; and

(h) If the income profile for a covered development is not explained or justified in the annual plan submission, DCHA will include in its admission policy its specific policy to provide for deconcentration of poverty and income mixing.

6303.27 DCHA's deconcentration policy may include, but is not limited to the following:

(a) Providing incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, affirmative marketing plans, or added amenities;

(b) Targeting investment and capital improvements toward developments with an average income below the EIR to encourage families with incomes above the EIR to accept units in those developments;

(c) Establishing a preference for admission of working families in developments below the EIR;

(d) Skipping a family on the waiting list to reach another family in an effort to further the goals of deconcentration; and

(e) Providing other strategies permitted by statute and determined by DCHA in consultation with the residents and the community through the annual plan process to be responsive to local needs and DCHA strategic objectives.

6303.28 For developments outside the EIR, DCHA shall take the following actions to provide for deconcentration of poverty and income mixing:

(a) Continue employment and self-sufficiency efforts for residents living in public housing to increase family's income;

(b) Utilize local preferences (if any) and income targeting to admit families whose income exceed thirty percent (30%) of the area median income (AMI); and

(c) Select ELI families ahead of other eligible families on an as-needed basis

to ensure the income-targeting requirement is met.

6303.29 A family has the sole discretion whether to accept an offer of a unit made under the DCHA's deconcentration policy. DCHA must not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the DCHA's deconcentration policy.

6303.30 If, at annual review, the average incomes at all general occupancy developments are within the EIR, DCHA will be considered to be in compliance with the deconcentration requirement and no further action is required.

6303.31 [RESERVED].

6303.32 Families will be selected from the waiting list based on the waiting list position assigned by random selection method (if the waiting list was opened for a finite period) or by date and time of application (if the waiting list is open continuously). When selecting applicants from the waiting list, DCHA shall match the characteristics of the available unit (unit size, accessibility features, unit type) to the applicants on the waiting lists. DCHA shall offer the unit to the applicant who qualifies for that unit size or type, or that requires the accessibility features based upon date and time of the application:

(a) By matching unit and family characteristics, it is possible that families who are lower on the waiting list may receive an offer of housing ahead of families with an earlier date and time of application; and

(b) Factors such as deconcentration or income mixing, and income targeting shall also be considered in accordance with HUD requirements and DCHA policy.

6303.33 DCHA shall notify the family in writing when they are selected from the waiting list. DCHA may contact the family by first-class mail, email, and/or phone.

6303.34 The notice shall inform the family of the following:

(a) Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview;

(b) Who is required to attend the interview;

(c) Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation;

(d) Documents that must be provided at the interview to document eligibility

for a preference, if applicable; and

(e) Other documents and information that should be brought to the interview.

6303.35 If a notification letter is returned to DCHA with no forwarding address, the family shall be removed from the waiting list without further notice.

6303.36 The failure of the applicant to respond to the DCHA notice sent pursuant to § 6303.33 prevents DCHA from making an eligibility determination; therefore, no informal hearing shall be offered.

6303.37 Being invited to attend an interview does not constitute admission to the program.

6303.38 Families selected from the waiting list are required to participate in an eligibility interview.

(a) All adult members of the household must attend the eligibility appointment;

(b) The interview shall be conducted only if the head of household or spouse or co-head provides appropriate documentation of legal identity. If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained;

(c) Pending disclosure and documentation of social security numbers, DCHA shall allow the family to retain its place on the waiting list for thirty (30) calendar days. If not, all household members have disclosed their SSNs at the next time a unit becomes available, DCHA shall offer a unit to the next eligible applicant family on the waiting list;

(d) The family must provide the information necessary to establish the family's eligibility, including suitability, and to determine the appropriate amount of rent the family shall pay. The family must also complete required forms, provide required signatures, and submit required documentation. If any materials are missing, DCHA shall provide the family with a written list of items that must be submitted;

(e) Any required documents or information that the family is unable to provide at the interview must be provided within ten (10) business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family shall be sent a notice of denial;

(f) DCHA will permit the family to have an advocate, interpreter, or other assistant assist the family with the application and the interview process;

(g) Interviews shall be conducted in English. For LEP applicants, DCHA shall provide translation and interpretation services in accordance with § 6104, and as necessary, may reschedule the interview to accommodate the provision of such services; and

(h) If the family is unable to attend a scheduled interview, the family should contact DCHA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, DCHA shall send another notification letter with a new interview appointment time. Applicants who fail to attend two (2) scheduled interviews without DCHA approval shall be removed from the waiting list. The second appointment letter shall state that failure to appear for the appointment without a request to reschedule shall be interpreted to mean that the family is no longer interested. Such failure to act on the part of the applicant prevents DCHA from making an eligibility determination, therefore DCHA shall not offer an informal hearing.

6303.39 [RESERVED].

6303.40 DCHA shall notify a family in writing of their eligibility within ten (10) business days of the determination and shall provide the approximate date of occupancy insofar as that date can be reasonably determined.

6303.41 DCHA shall expedite the administrative process for determining eligibility to the extent possible for applicants who are admitted to the public housing program as a result of an emergency transfer from another DCHA program.

6303.42 At final determination of eligibility, as applicants are pulled from the waiting lists and forwarded for lease-up, DCHA extended the length of time to one hundred eighty (180) days that the verified application data is deemed valid per its approved MTW policy.

6303.43 If DCHA determines that the family is ineligible, DCHA shall send written notification of the ineligibility determination within ten (10) business days of the determination. The notice shall specify the reasons for ineligibility and shall inform the family of its right to request an informal hearing.

6303.44 If DCHA uses a criminal record or sex offender registration information obtained under 24 CFR Part 5, Subpart J, as the basis of a denial, a copy of the record must precede the notice to deny, with an opportunity for the applicant to dispute the accuracy and relevance of the information before DCHA can move to deny the application.

6303.45 DCHA must provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with VAWA, at the time the applicant is provided assistance or at the time the applicant is denied assistance. This notice must be provided in both of the following instances:

(a) When a family actually begins receiving assistance (lease execution); or

(b) When a family is notified of its ineligibility.

Chapter 64, LOW RENT HOUSING: PUBLIC HOUSING TRANSFER POLICY, of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 64 OCCUPANCY STANDARDS AND UNIT OFFERS

6400 INTRODUCTION

6400.1 This chapter contains policies for assigning unit size and making unit offers. DCHA's waiting list and selection policies are contained in Chapter 63. Together, Chapters 63 and 64 of the ACOP comprise DCHA's Tenant Selection and Assignment Plan (TSAP).

6400.2 Policies in this chapter are organized in two sections:

(a) Occupancy Standards. Section 6401 contains DCHA's standards for determining the appropriate unit size for families of different sizes, compositions, and types; and

(b) Unit Offers. Section 6402 contains DCHA's policies for making unit offers, and describes actions to be taken when unit offers are refused.

6401 OCCUPANCY STANDARDS

6401.1 Occupancy standards are established by DCHA to ensure that units are occupied by families of the appropriate size. This policy maintains the maximum usefulness of the units, while preserving them from underutilization or from excessive wear and tear due to overcrowding.

6401.2 [RESERVED]

6401.3 In selecting a family to occupy a particular unit, DCHA will match characteristics of the family with the type of unit available, for example, number of bedrooms. See 24 CFR § 960.206(c).

6401.4 DCHA determines the size of unit the family qualifies for under the occupancy standards. DCHA does not determine who shares a bedroom or sleeping room.

6401.5 DCHA's occupancy standards for determining unit size will be applied in a manner consistent with fair housing requirements.

6401.6 DCHA shall use the same occupancy standards for each of its developments.

6401.7 DCHA will apply occupancy standards consistent with the stated gender provided by the family. DCHA may make exceptions to this occupancy standard policy where cases of gender identity and other household members are concerned. Exceptions will be made on a case-by-case basis.

6401.8 Generally, DCHA shall assign one (1) bedroom for each two (2) persons within the household, except in the following circumstances:

(a) Two (2) minors of different genders will not be required to share a bedroom; however, they may share a bedroom at the family's request;

(b) Two (2) minors of the same gender will share a bedroom regardless of age;

(c) A head of household and their spouse/partner will be allocated one bedroom; a single head of household without a spouse/domestic partner will not be required to share a room with another household member.

(d) A pregnant, sole-member head of household will be assigned a two (2) bedroom unit;

(e) Live-in aides will be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide's family;

(f) Single person families will be allocated a zero (0) or one (1) bedroom;

(g) Children related to a household member by birth, adoption, or court awarded custody will be considered when determining unit size;

(h) Foster children will be considered when determining unit size. The family may add foster children to the household as long as it does not overcrowd the unit based on DCHA's occupancy standards;

(i) Children away at school, but for whom the unit is considered the primary residence, and children temporarily placed outside the home, will be considered when determining unit size;

(j) Children in the process of being adopted will be considered when determining unit size;

(k) Children who will live in the unit less than fifty percent (50%) of the time will not be considered when determining unit size; and

(l) DCHA shall reference the following standards in determining the appropriate unit bedroom size for a family:

BEDROOM SIZE	MINIMUM NUMBER OF PERSONS	MAXIMUM NUMBER OF PERSONS
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	6	10
6	8	12

6401.9 DCHA shall consider granting exceptions to the occupancy standards at the family's request if DCHA determines the exception is justified by the relationship, age, sex, health or disability of family members, or other personal circumstances.

6401.10 (a) An exception may be granted for a smaller bedroom size in cases where the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides (according to the chart in § 6401.8) and the family does not want to transfer to a larger size unit.

(b) When evaluating exception requests DCHA shall consider the size and configuration of the unit. In no case shall DCHA grant an exception that is in violation of local housing or occupancy codes, regulations or laws.

6401.11 Requests from applicants to be placed on the waiting list for a unit size smaller than designated by the occupancy standards shall be approved as long as the unit is not overcrowded according to local code, and the family agrees not to request a transfer for a period of two (2) years from the date of admission, unless they have a subsequent change in family size or composition.

6401.12 To prevent vacancies, DCHA may provide an applicant family with a larger unit than the occupancy standards permit. However, in these cases the family must agree to move to a suitable, smaller unit when another family qualifies for the larger unit and there is an appropriate size unit available for the family to transfer

to.

6401.13 DCHA may grant exceptions as a reasonable accommodation in accordance with the provisions in Chapter 61.

6401.14 All requests for exceptions to the occupancy standards must be submitted in writing and may be submitted by mail, email, or in person.

6401.15 In the case of a request for exception as a reasonable accommodation, DCHA shall encourage the resident to make the request in writing using a reasonable accommodation request form. However, DCHA shall consider the exception request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

6401.16 Requests for a larger size unit must explain the need or justification for the larger size unit, and must include appropriate documentation. Requests based on health-related reasons must be verified by a knowledgeable professional source, unless the disability and the disability-related request for accommodation is readily apparent or otherwise known.

6401.17 DCHA will notify the family of its decision within fifteen (15) business days of receiving the family's request and all required verification documents. Reasonable accommodation requests will follow the provisions in Chapter 61 of this Title.

6402 UNIT OFFERS

6402.1 [RESERVED]

6402.2 This § 6402 describes DCHA's policies with regard to the number of unit offers that will be made to applicants selected from the waiting list(s). This § 6402 also describes DCHA's policies for offering units with accessibility features.

6402.3 DCHA shall maintain a record of units offered, including location, date, and circumstances of each offer, each acceptance or rejection, including the reason for the rejection.

6402.4 Except for transfers based on a reasonable accommodation and emergency transfers, waiting list admissions shall take precedence over transfers at the ratio of five (5) new admissions from the waiting list to one (1) transfer.

6402.5 DCHA shall offer two (2) units within the development(s) selected by the applicant. If more than one unit of the appropriate type and size is available, the first unit to be offered will be the first unit that is ready for occupancy.

6402.6 If an applicant refuses two (2) unit offers without good cause, as defined in 6402.10, applicant shall be removed from all site-based waiting lists.

6402.7 Applicants must accept or refuse a unit offer within three (3) business days of the date of the unit offer.

6402.8 DCHA may offer a unit to an applicant by email or by telephone. For offers made by phone, DCHA will also confirm the unit offer in writing, by mail or email.

6402.9 Applicants may refuse to accept a unit offer for "good cause" without adversely affecting their position on any site-based waiting list.

6402.10 "Good cause" includes situations in which an applicant is willing to move but is unable to do so at the time of the unit offer, or the applicant demonstrates that acceptance of the offer would cause undue hardship not related to considerations of the applicant's race, color, national origin, etc. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

(a) The family demonstrates that the unit offered is inaccessible to a family member's employment, education, job training, children's day care, or educational program for children with disabilities; and will require them to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

(b) The family demonstrates to DCHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders; other court orders; risk assessments related to witness protection from a law enforcement agency; or documentation of domestic violence, dating violence, sexual assault, and/or stalking in accordance with Chapter 81 of this Title. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;

(c) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member;

(d) The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a thirty (30) day notice to move; or

(e) The unit has lead-based paint and the family includes children under the age of six (6).

6402.11 In the case of a unit refusal for good cause, the applicant shall not be removed from any waiting list. The applicant shall remain at the top of the waiting list until

the family receives the required number of unit offers specified in § 6402.6 for which they do not have good cause to refuse.

6402.12 Good cause refusals are not subject to the unit offer limit described in § 6402.4.

6402.13 The applicant must provide documents to verify their reason for a good cause refusal. If the applicant is unable to provide documents for verification, DCHA will consider the offer to be refused without good cause.

6402.14 When an applicant rejects the final unit offer without good cause, DCHA shall remove the applicant's name from all site-based waiting lists and send notice in writing to the family of such removal by letter and/or email. The notice shall inform the family of their right to request an informal hearing and the process for doing so.

6402.15 The Applicant may reapply for assistance if the waiting list is open. If the waiting list is not open, the Applicant must wait to reapply until DCHA opens the waiting list.

6402.16 When an accessible unit becomes vacant, before offering such units to a non-disabled applicant, DCHA must offer such units:

(a) First, to a current resident of another unit of the same development, or other public housing development under DCHA control, who has a disability that requires the special features of the vacant unit and is occupying a unit not having such features, or if no such occupant exists; or

(b) Second, to an eligible qualified applicant on the waiting list having a disability that requires the special features of the vacant unit.

6402.17 Families requiring an accessible unit may be over-housed in such a unit if there are no resident or applicant families of the appropriate size who also require the accessible features of the unit.

6402.18 When there are no resident or applicant families requiring the accessible features of the unit, including families who would be over-housed, DCHA will offer the unit to a non-disabled applicant.

6402.19 When offering an accessible unit to a non-disabled applicant, DCHA will require the applicant to agree to move to an available non-accessible unit within thirty (30) days when either a current resident or an applicant needs the features of the unit and there is another unit available for the non-disabled family. This requirement will be a provision of the lease agreement.

6402.20 Upon leasing up, the family will be removed from all public housing waiting lists.

Chapter 65, LOW RENT HOUSING: MAINTENANCE AND INSPECTION, of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 65 INCOME AND RENT DETERMINATIONS

6500 INTRODUCTION

6500.1 A family's annual income is used to determine their income eligibility for the public housing program and is also used to calculate the amount of the family's rent payment. DCHA will use the policies and methods described in this chapter to ensure that only income-eligible families receive assistance and that no family pays more or less rent than is required under the regulations.

6501 ANNUAL INCOME

6501.1 Annual income includes:

(a) All amounts, not specifically excluded in 24 CFR § 5.609(b);

(b) All amounts received from all sources by each member of the family who is eighteen (18) years of age or older or is the head of household or spouse;

(c) Unearned income by or on behalf of each dependent who is under eighteen (18) years of age; and

(d) Upon approval in the MTW Plan, imputed returns of assets based on the current passbook savings rate when the total value of family assets exceeds Fifty Thousand Dollars ($50,000).

6501.2 In addition to this general definition, the regulations at 24 CFR § 5.609(b) provide a comprehensive listing of all sources of income that are excluded from annual income. All income is included unless it is specifically excluded by regulation.

6501.3 Annual income includes "all amounts received," not the amount that a family may be legally entitled to receive but did not receive.

6501.4 Income received by all family members must be counted unless specifically excluded by the regulations.

6501.5 The rules on which sources of income are counted vary somewhat by family member. The chart below summarizes how household composition affects income determinations.

Summary of Income Included and Excluded by Person

Live-in aides	Income from all sources is excluded.
Foster child or foster adult	Income from all sources is excluded.
Head, spouse, or co-head Other adult family members	All sources of income not specifically excluded by the regulations are included.
Children under eighteen (18) years of age	Employment income is excluded. All other sources of income, except those specifically excluded by the regulations, are included.
Full-time students eighteen (18) years of age or older (not head, spouse, or co-head)	Employment income in excess of the dependent deduction is excluded. All other sources of income, except those specifically excluded by the regulations, are included.

6502 DETERMINING ANNUAL INCOME

6502.1 Unless specifically excluded by the regulations (see the section on Annual Income Exclusions), the income of all family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit. See § 6201 for DCHA's definition of temporarily absent.

6502.2 DCHA is required to count all income anticipated to be received from a source outside the family during the twelve (12) month period following admission or annual reexamination effective date.

6502.3 DCHA generally shall use current circumstances to determine anticipated income for the coming twelve (12) month period, following the verification requirements outlined in Chapter 66. HUD authorizes DCHA to use other than current circumstances to anticipate income when:

(a) An imminent change in circumstances is expected;

(b) It is not feasible to anticipate a level of income over a twelve (12) month period (e.g., seasonal or cyclic income); and

(c) DCHA believes that past income is the best available indicator of expected future income.

6502.4 DCHA will use HUD's Enterprise Income Verification (EIV) system as required by HUD and follow all verification policies as outlined in Chapter 66.

6502.5 When DCHA cannot readily anticipate income based upon current circumstances (e.g., in the case of seasonal employment, unstable working hours, or suspected fraud), DCHA will calculate income based on patterns of employment, paid

benefits, and receipt of other income and will use the results of this analysis to establish annual income;

(a) Any time current circumstances are not used to project annual income, a clear rationale for the decision shall be documented in the file. In all such cases the family may present information and documentation to DCHA to show why the historic pattern does not represent the family's anticipated income;

(b) If DCHA verifies an upcoming increase or decrease in income, annual income shall be calculated by applying each income amount to the appropriate part of the twelve (12) month period;

(c) The family may present information that demonstrates that implementing a change before its effective date would create a hardship for the family. In such cases, DCHA will calculate annual income using current circumstances and then require an interim reexamination when the change actually occurs.

6502.6 The earned income of each member of the family who is eighteen (18) years of age or older, or who is the head of household or spouse/cohead regardless of age, is included in annual income. Income received as a day laborer or seasonal worker is also included in annual income, even if the source, date, or amount of the income varies.

(a) "Earned income" means income or earnings from wages, tips, salaries, other employee compensation, and net income from self-employment. Earned income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, Social Security, and governmental subsidies for certain benefits), or any cash or in-kind benefits.

(b) A "day laborer" is defined as an individual hired and paid one day at a time without an agreement that the individual will be hired or work again in the future.

(c) A "seasonal worker" is defined as an individual who is hired into a short-term position (e.g., for which the customary employment period for the position is six months or fewer) and the employment begins about the same time each year (such as summer or winter). Typically, the individual is hired to address seasonal demands that arise for the particular employer or industry.

6502.7 DCHA will include in annual income the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation.

6502.8 All regular pay, special pay, and allowances of a member of the Armed Forces are counted except for the special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

6502.9 Employment income earned by minors is not included in annual income. All other sources of unearned income for minors, except those specifically excluded by the regulations, are included.

6502.10 The earned income of a dependent full-time student in excess of the amount of the dependent deduction is excluded from annual income. All sources of unearned income, except those specifically excluded by the regulations, are included.

(a) A family member other than the head of household or spouse/cohead is considered a dependent full-time student if they are attending school or vocational training on a full-time basis.

(b) Full-time status is defined by the educational or vocational institution the student is attending.

6502.11 HOTMA removed the statutory authority for the Earned Income Disallowance (EID). The EID is available only to families that are eligible for and participating on the program as of December 31, 2023, or before; no new families may be added on or after January 1, 2024.

6502.12 If a family is receiving the EID prior to or on the effective date of December 31, 2023, they are entitled to the full amount of the benefit for a full twenty-four (24) month period.

6502.13 The policies below are applicable only to such families. No family will still be receiving the EID after December 31, 2025. The EID will sunset on January 1, 2026, and DCHA policies below will no longer be applicable as of that date or when the last qualifying family exhausts their exclusion period, whichever is sooner:

(a) Calculation of the earned income disallowance for an eligible member of a qualified family begins with a comparison of the member's current income with their "baseline income." The family member's baseline income is their income immediately prior to qualifying for the EID. The family member's baseline income remains constant throughout the period that they are participating in the EID.

(b) During the initial exclusion period of twelve (12) consecutive months, the

full amount (one hundred percent (100%)) of any increase in income attributable to new employment or increased earnings is excluded.

(c) During the second twelve (12) month exclusion period, DCHA will exclude fifty percent (50%) of any increase in income attributable to new employment or increased earnings.

(d) The EID has a two-year (24-month) lifetime maximum. The two-year eligibility period begins at the same time that the initial exclusion period begins and ends twenty-four (24) months later. During the twenty-four (24) month period, an individual remains eligible for EID even if they begin to receive assistance from a different housing agency, move between public housing and Section 8 assistance, or have breaks in assistance. The EID will sunset on January 1, 2026. In no circumstances will a family member's exclusion period continue past January 1, 2026.

6502.14 Annual income includes net income from the operation of a business or profession. "Net income" is gross income minus business expenses that allows the business to operate. "Gross income" is all income amounts received into the business, prior to the deduction of business expenses.

(a) Expenditures for business expansion or amortization of capital indebtedness may not be used as deductions in determining net income.

(1) "Business expansion" is defined as any capital expenditures made to add new business activities, to expand current facilities, or to operate the business in additional locations.

(2) "Capital indebtedness" is defined as the principal portion of the payment on a capital asset such as land, buildings, and machinery. This means DCHA will allow as a business expense interest, but not principal, paid on capital indebtedness.

(b) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations.

(c) Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.

(d) Net income will be included when it matches gross income when no business expenses are reported and/or verified by the family.

(e) If the net income from a business is negative, no business income will be included in annual income; a negative amount will not be used to offset

other family income.

(f) If a business is co-owned with someone outside the family, the family must document the share of the business it owns. If the family's share of the income is lower than its share of ownership, the family must document the reasons for the difference.

6502.15 If a business entity (e.g., limited liability company or limited partnership) owns an asset, then the family's asset is their ownership stake in the business, not some portion of the business's assets. However, if the family holds the assets in their own name (e.g., they own one-third of a restaurant) rather than in the name of a business entity, then the percentage value of the asset owned by the family is what is counted toward net family assets.

6502.16 Annual income includes income received as an independent contractor is included in annual income, even if the source, date, or amount of the income varies.

(a) An "independent contractor" is defined as an individual who qualifies as an independent contractor instead of an employee in accordance with the Internal Revenue Code Federal income tax requirements and whose earnings are consequently subject to the Self-Employment Tax. In general, an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done.

6502.17 Periodic payments are forms of income received on a regular basis. These will be included unless excluded under the section on Annual Income Exclusions.

(a) Income that has a discrete end date and will not be repeated beyond the coming year is excluded from a family's annual income because it is nonrecurring income. However, this does not include unemployment income and other types of periodic payments that are received at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one (1) year that can be extended.

(b) Insurance payments and settlements for personal or property losses, including but not limited to payments under health insurance, motor vehicle insurance, and workers' compensation, are excluded from annual income.

(c) Periodic payments paid at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that are received in lieu of wages for workers' compensation are included in annual income. Payments received in lieu of wages for worker's compensation are excluded, even if paid in periodic payments, if the income will last for a period of less than one year.

6502.18 DCHA will include in annual income lump sums received as a result of delays in processing periodic payments (other than those specifically excluded by the regulation), such as unemployment or welfare assistance.

(a) When a delayed-start payment is received that is to be included and the family reports this during the period in which DCHA is processing a regular recertification, DCHA will adjust the family's rent retroactively for the period the payment was intended to cover.

(b) If the delayed-start payment is received outside of the time DCHA is processing a regular recertification, then DCHA will consider whether the amount meets the threshold to conduct an interim reexamination. If so, DCHA will conduct an interim in accordance with policies in this ACOP. If not, DCHA will consider the amount when processing the family's next annual recertification.

6502.19 Income received from any account under a retirement plan recognized as such by the IRS, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals is not considered actual income from assets. However, any distribution of periodic payments from such accounts is included in annual income at the time they are received by the family.

6502.20 An asset moved to a retirement account held by a member of the family is not considered to be an asset disposed of for less than fair market value.

6502.21 DCHA is required to use the gross benefit amount to calculate annual income from Social Security benefits, including Supplemental Security Income (SSI).

(a) Annually in October, the Social Security Administration (SSA) announces the cost-of-living adjustment (COLA) by which federal Social Security and SSI benefits are adjusted to reflect the increase, if any, in the cost of living. Effective the day after the SSA has announced the COLA, DCHA is required to factor in the COLA when determining Social Security and SSI annual income for regular and interim recertifications of family income that have not yet been completed and will be effective January 1 or later of the upcoming year.

(b) When a family member's benefits are garnished, levied, or withheld to pay restitution, child support, tax debt, student loan debt, or other debts, DCHA must use the gross amount of the income, prior to the reduction, to determine a family's annual income.

(c) However, when the SSA overpays an individual, resulting in withholding or deduction from their benefit amount until the overpayment is paid in

full, DCHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount.

6502.22 DCHA will include as annual income only those child support and/or alimony payments that are actually received by the family.

6502.23 If no payments have been made in the last one hundred eighty (180) days, DCHA will not include child support and/or alimony in annual income.

6502.24 DCHA will include averaged and annualized payments (excluding lump sum payments) received over the last six (6) full months, unless the family can verify that they expect to receive a different amount going forward.

6502.25 Public (or welfare) assistance—including Temporary Assistance for Needy Families (TANF) and any federal, state, or local government payments to individuals or families that are not excluded by HUD or DCHA —is included as annual income.

6502.26 When a welfare agency imposes a sanction that reduces a resident family's TANF income because the family commits fraud or fails to comply with the agency's economic self-sufficiency program or work activities requirement, DCHA must include in annual income the imputed welfare income; however, this requirement does not apply to applicant households (for example, if the individual receiving the TANF was not an assisted resident at the time of the sanction, the welfare income cannot be imputed). The imputed welfare income is the amount that the benefits were reduced as a result of the sanction.

6502.27 DCHA must request from the welfare agency verification of the reason for the reduction of benefits and the amount of the reduction of benefits. The requirement under section § 6502.26 does not apply to reductions in welfare benefits:

(a) At the expiration of the lifetime or other time limit on the payment of welfare benefits,

(b) If a family member is unable to find employment even though the family member has complied with the welfare agency economic self-sufficiency or work activities requirements, or

(c) Because a family member has not complied with other welfare agency requirements.

6502.28 The amount of the imputed welfare income is offset by the amount of additional income the family begins to receive after the sanction is imposed. When the additional income equals or exceeds the imputed welfare income, the imputed income is reduced to zero.

6502.29 A "trust" is a legal arrangement generally regulated by state law in which one party (the creator or grantor) transfers property to a second party (the trustee) who holds the property for the benefit of one or more third parties (the beneficiaries).

(a) For a revocable trust under the control of the family or household, any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.

(b) See the section on Annual Income Exclusions for additional information concerning income from trusts.

6502.30 Nonrecurring income, which is income that will not be repeated beyond the coming year (such as twelve (12) months following the effective date of the certification) based on information provided by the family, is excluded from annual income. See the section on Annual Income Exclusions.

(a) Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income as nonrecurring income, even if the source, date, or amount of the income varies.

(b) Income that has a discrete end date and will not be repeated beyond the coming year during the family's upcoming regular recertification period will be excluded from a family's annual income as nonrecurring income. This exclusion does not include unemployment income and other types of periodic payments that are received at regular intervals (such as weekly, monthly, or yearly) for a period of greater than one year that can be extended.

6502.31 DCHA will include amounts of financial assistance an individual receives in excess of tuition and other required fees and charges when determining annual income.

(a) Any assistance to students under Section 479B of the Higher Education Act of 1965 (Tile IV of the HEA) will be excluded from the family's annual income, as will any other grant-in-aid, scholarship, or other assistance amounts an individual receives for the actual covered costs charged by the institute of higher education not otherwise excluded by the federally mandated income exclusions. See the section on Annual Income Exclusions.

(b) For a student who is not the head of household or spouse/co-head, actual covered costs also include the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

(c) The student financial assistance may be paid directly to the student or to the educational institution on the student's behalf. However, any student financial assistance paid to the student must be verified by DCHA.

(d) DCHA will verify tuition and fees according to its verification policies.

6502.32 DCHA will calculate student financial assistance as follows:

(a) If a student only receives financial assistance under Title IV of the HEA and does not receive any other student financial assistance, DCHA will exclude the full amount of the assistance received under Title IV from the family's annual income. DCHA will not calculate actual covered costs in this case.

(b) If the student does not receive any assistance under Title IV of the HEA but does receive assistance from another source, DCHA will first calculate the actual covered costs to the student in accordance with 24 CFR § 5.609(b)(ii). DCHA will then subtract the total amount of the student's financial assistance from the student's actual covered costs. DCHA will include any amount of financial assistance in excess of the student's actual covered costs in the family's annual income.

(c) When a student receives assistance from both Title IV of the HEA and from other sources, DCHA will first calculate the actual covered costs to the student in accordance with 24 CFR § 5.609(b)(ii). The assistance received under Title IV of the HEA will be applied to the student's actual covered costs first and then the other student financial assistance will be applied to any remaining actual covered costs.

(1) If the amount of assistance excluded under Title IV of the HEA equals or exceeds the actual covered costs, none of the assistance included under other student financial assistance would be excluded from income.

(2) If the amount of assistance excluded under Title IV of the HEA is less than the actual covered costs, DCHA will exclude the amount of other student financial assistance up to the amount of the remaining actual covered costs.

6503 DETERMINING ASSET INCOME

6503.1 Upon approval in the MTW Plan, family assets include the market value of all assets owned by the family, except where specifically excluded in this section.

6503.2 Upon approval in the MTW Plan, when the market value of the family's total assets is greater than Fifty Thousand Dollars ($50,000), DCHA will multiply the

total market value of the family's assets by the HUD-established passbook savings rate to calculate and include imputed asset income. Any asset which is excluded will not be counted toward the total market value of the family's assets.

6503.3 Upon approval in the MTW Plan, when the market value of the family's total assets is Fifty Thousand Dollars ($50,000) or less, DCHA will exclude all income from those assets. DCHA may determine the market value assets of a family based on a self-certification by the family that their total family assets do not exceed Fifty Thousand Dollars ($50,000).

6503.4 The market value of an asset is its worth in the market (such as the amount a buyer would pay for real estate or the total value of an investment account).

6503.5 Bank accounts, such as checking, savings, and credit union accounts, are included as assets. DCHA will use the current balance of each account in determining its market value.

6503.6 Financial investments such as stocks, bonds, saving certificates, and money market funds are included as assets. DCHA will use the value of the account on the most recent investment report in determining its market value.

6503.7 Any lump-sum receipts are only counted as assets if they are retained by a family in a form recognizable as an asset.

6503.8 The cash value of a life insurance policy available to a family member before death, such as a whole life or universal life policy, is included in the calculation of the value of the family's assets. DCHA will use the policy's current surrender value as the market value of the asset.

6503.9 Assets do not include the value of term life insurance, which has no cash value to the individual before death.

6503.10 There are two types of trusts, revocable and irrevocable.

(a) Irrevocable trusts, which include special needs trusts, are not under the control of any member of the family or household are not included as assets. DCHA will also not include as income any amounts earned by the trust (such as interest earned, rental income if the property is held in the trust) for so long as the income from the trust is not distributed.

(b) A revocable trust is a trust that the creator of the trust may amend or end (revoke). When there is a revocable trust, the creator has access to the funds in the trust account.

(1) Revocable trusts under the control of the family or household (e.g., the grantor is a member of the assisted family or household) are

considered assets and must be included in family assets. In this case, DCHA will exclude as income any distributions from the trust to the family and include income from the assets per HUD requirements.

(2) Revocable trusts that are not under the control of the family are excluded from family assets. This happens when a member of the assisted family is the beneficiary of a revocable trust, but the grantor is not a member of the assisted family. For the revocable trust to be considered excluded from family assets, no family or household member may be the account's trustee.

6503.11 An Achieving a Better Life Experience (ABLE) account is a type of tax-advantaged savings account that an eligible individual can use to pay for qualified disability expenses.

(a) Section 103 of the ABLE Act mandates that an individual's ABLE account (specifically, its account balance, contributions to the account, and distributions from the account) is excluded when determining the designated beneficiary's eligibility and continued occupancy under certain federal means-tested programs.

(b) DCHA will exclude the entire value of the individual's ABLE account from the household's assets. Distributions from the ABLE account are also not considered income. However, all wage income received, regardless of which account the money is paid to, is included as income.

6503.12 If an asset is owned by more than one person and any family member has unrestricted access to the asset, DCHA shall count the full value of the asset unless:

(a) The asset is otherwise excluded;

(b) The family can demonstrate that the asset is inaccessible to them; or

(c) The family cannot dispose of any portion of the asset without the consent of another owner who refuses to comply.

6503.13 A family member has unrestricted access to an asset when they can legally dispose of the asset without the consent of any of the other owners.

6503.14 If the family demonstrates that they can only access a portion of an asset, then only that portion's value is included in the calculation of net family assets for the family.

6503.15 Any income from a jointly owned asset must be included in annual income, unless:

(a) The income is specifically excluded;

(b) The family demonstrates that they do not have access to the income from that asset; or

(c) The family only has access to a portion of the income from that asset.

6503.16 If an individual is a beneficiary who is entitled to access the account's funds only upon the death of the account's owner, and may not otherwise withdraw funds from an account, then the account is not an asset to the assisted family, and the family should provide proper documentation demonstrating that they are only a beneficiary on the account.

6503.17 DCHA will count as a current asset any business or family asset that was disposed of for less than fair market value during the two (2) years prior to the effective date of the examination/reexamination, except as noted below:

(a) Assets are not considered disposed of for less than fair market value if they are disposed of as part of a separation or divorce settlement and the applicant or tenant receives important consideration not measurable in dollar terms. To qualify for this exemption, a family member must be subject to a formal separation or divorce settlement agreement established through arbitration, mediation, or court order.

(b) Assets are not considered disposed of for less than fair market value when the disposition is the result of a foreclosure or bankruptcy sale. Families must sign a declaration form at initial certification and each regular recertification, and/or as required by DCHA in its discretion, thereafter identifying all assets that have been disposed of for less than fair market value or declaring that no assets have been disposed of for less than fair market value. DCHA may verify the value of the assets disposed of if other information available to DCHA does not appear to agree with the information reported by the family.

(c) DCHA shall not include the value of assets disposed of for less than fair market value unless the cumulative fair market value of all assets disposed of during the past two (2) years exceeds the gross amount received for the assets by more than one thousand dollars ($1,000);

6503.18 Negative equity in real property or other investments does not prohibit the owner from selling the property or other investments, so negative equity alone would not justify excluding the property or other investments from family assets.

6503.19 Assets placed by the family in nonrevocable trusts are considered assets disposed of for less than fair market value except when the assets placed in trust were received through settlements or judgments.

6503.20 Assets moved to a retirement account held by a member of the family is not considered to be an asset disposed of for less than fair market value.

6503.21 When the two (2) year period expires, the income assigned to the disposed asset(s) also expires. If the two (2) year period ends between regular recertifications, the family may request an interim recertification to eliminate consideration of the asset(s).

6503.22 The following are excluded from the calculation of the market value of assets:

(a) The value of real property that the family does not have the effective legal authority to sell in the jurisdiction in which the property is located;

(b) The value of any Coverdell education savings account under Section 530 of the Internal Revenue Code of 1986;

(c) The value of any qualified tuition program under Section 529 of such Code;

(d) The value of any ABLE account authorized under Section 529A of such Code;

(e) Interests in Indian trust land;

(f) Equity in a manufactured home where the family receives assistance under 24 CFR Part 982;

(g) Equity in property under the Homeownership Option for which a family receives assistance under 24 CFR Part 982;

(h) Family Self-Sufficiency Accounts;

(i) The full amount of assets held in an irrevocable trust;

(j) The full amount of assets held in a revocable trust where a member of the family is the beneficiary, but the grantor/owner and trustee of the trust is not a member of the participant family or household;

(k) Other exclusions listed in section § 6503; and

(l) Other exclusions required by HUD upon implementation of HOTMA.

6504 ANNUAL INCOME EXCLUSIONS

6504.1 Subject to applicable HUD guidance and DCHA MTW policy, annual income does not include the types of income listed in this § 6504.

6504.2 Per DCHA's MTW, income from assets when the market value of family assets total Fifty Thousand Dollars ($50,000) or less.

6504.3 The following types of trust distributions:

(a) For an irrevocable trust or a revocable trust outside the control of the family or household excluded from the definition of net family assets under 24 CFR § 5.603(b):

(1) Distributions of the principal or corpus of the trust; and

(2) Distributions of income from the trust when the distributions are used to pay the costs of health and medical care expenses for a minor.

(b) For a revocable trust under the control of the family or household, any distributions from the trust; except that any actual income earned by the trust, regardless of whether it is distributed, shall be considered income to the family at the time it is received by the trust.

6504.4 Earned income of children (including foster children) under the age of eighteen (18) years.

6504.5 Payments received for the care of foster children or foster adults, or State or Tribal kinship or guardianship care payments.

6504.6 Insurance payments and settlements for personal or property losses, including but not limited to payments through health insurance, motor vehicle insurance, and workers' compensation.

6504.7 Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.

6504.8 Any amounts recovered in any civil action or settlement based on a claim of malpractice, negligence, or other breach of duty owed to a family member arising out of law, that resulted in a member of the family becoming disabled.

6504.9 Income of a live-in aide, foster child, or foster adult as defined in 24 CFR §§ 5.403 and 5.603, respectively.

6504.10 Any assistance that section 479B of the Higher Education Act of 1965, as

amended, required to be excluded from a family's income including Bureau of Indian Affairs/Education student assistance programs:

(a) If the amount of this excluded assistance equals or exceeds the amount of actual covered costs described under § 6504.11 below, none of the assistance described below is excluded as income.

(b) If the amount of this excluded assistance is less than the amount of actual covered costs described under § 6504.11 below, staff will exclude the lower of:

(1) The total amount of student financial assistance received under § 6504.11, or

(2) The amount by which the actual covered costs (as described below) exceed the assistance excluded under item § 6504.9.

6504.11 Student financial assistance for tuition, books, and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, and other fees required and charged to a student by an institution of higher education (as defined under Section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit, and expressly for a student who is not the head of household or spouse.

(a) "Student financial assistance" means a grant or scholarship received from:

(1) The federal government;

(2) A state, tribal, or local government;

(3) A private foundation registered as a nonprofit;

(4) A business entity; or

(5) An institution of higher education.

(b) Student financial assistance does not include:

(1) Any assistance that Section 479B of the Higher Education Act of 1965, as amended, requires to be excluded from a family's income (as noted above);

(2) Financial support provided to the student in the form of a fee for services performed (for example, a work study or teaching

fellowship that is not excluded);

(3) Gifts, including gifts from family or friends; or

(4) Any amount of the scholarship or grant that, either by itself or in combination with assistance excluded, exceeds the actual covered costs of the student. The actual covered costs of the student are the actual costs of tuition, books and supplies (including supplies and equipment to support students with learning disabilities or other disabilities), room and board, or other fees required and charged to a student by the education institution, and, for a student who is not the head of household or spouse, the reasonable and actual costs of housing while attending the institution of higher education and not residing in an assisted unit.

(c) Student financial assistance must be:

(1) Expressly for tuition, books, room and board, or other fees required and charged to a student by the education institution;

(2) Expressly to assist a student with the costs of higher education; or

(3) Expressly to assist a student who is not the head of household or spouse with the reasonable and actual costs of housing while attending the education institution and not residing in an assisted unit.

(d) Student financial assistance may be paid directly to the student or to the educational institution on the student's behalf.

(e) The student financial assistance exclusion applies to both part-time and full-time students.

6504.12 Income and distributions from any Coverdell education savings account under section 530 of the Internal Revenue Code of 1986 or any qualified tuition program under section 529 of such Code; and income earned by government contributions to, and distributions from, baby bond accounts created, authorized, or funded by Federal, State, or local government.

6504.13 The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

6504.14 Certain amounts received that are related to participation in the following programs:

(a) Amounts received under HUD-funded training programs (i.e., Step-up

program: excludes stipends, wages, transportation payments, childcare vouchers for the duration of the training);

(b) Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(c) Amounts received by a client in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) to allow participation in a specific program;

(d) Amounts received under a client services stipend (not to exceed Two Hundred Dollars ($200) a month). A client service stipend is a modest amount received by a resident for performing a service for DCHA or the owner, on a part-time basis, that enhances the quality of life in the development. Such services may include but are not limited to, fire patrol, hall monitoring, lawn maintenance, and client initiatives coordination; or

(e) Incremental earnings and/or benefits to any family member from participation in training programs funded by HUD or in qualifying Federal, State, Tribal, or local employment training programs (including training programs not affiliated with the local government), and training of family members as client management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.

6504.15 Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.

6504.16 Earned income of dependent full-time students in excess of the amount of the deduction for a dependent.

6504.17 Adoption assistance payments for a child in excess of the amount of the deduction for a dependent.

6504.18 Deferred periodic payments of Supplemental Security Income and Social Security benefits that are received in a lump sum payment or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts.

6504.19 Payments related to aid and attendance under 38 U.S.C. § 1521 to veterans in need of regular aid and attendance.

6504.20 Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling apartment.

6504.21 Payments made by or authorized by a State Medicaid agency (including through a managed care entity) or other State or Federal agency to a family to enable a family member who has a disability to reside in the family's assisted unit. Authorized payments may include payments to a member of the assisted family through the State Medicaid agency (including through a managed care entity) or other State or Federal agency for caregiving services the family member provides to enable a family member who has a disability to reside in the family's assisted unit.

6504.22 Loan proceeds (the net amount disbursed by a lender to or on behalf of a borrower, under the terms of a loan agreement) received by the family or a third party (e.g., proceeds received by the family from a private loan to enable attendance at an educational institution or to finance the purchase of a car).

6504.23 Payments received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law.

6504.24 Amounts specifically excluded by any other federal Statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion. The most recent list of exclusions was published in the Federal Register on January 31, 2024. It includes:

(a) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. § 2017 (b));

(b) Payments, including for supportive services and reimbursement of out-of-pocket expenses, for volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. § 5044(f)(1), 42 U.S.C § 5058) are excluded from income except that the exclusion shall not apply in the case of such payments when the Chief Executive Officer of the Corporation for National and Community Service appointed under 42 U.S.C. § 12651c determines that the value of all such payments, adjusted to reflect the number of hours such volunteers are serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 (29 U.S.C. § 201 et seq.) or the minimum wage, under the laws of the State where such volunteers are serving, whichever is the greater (42 U.S.C. § 5044(f)(1)).

(c) Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. § 1626(c));

(d) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. § 5506);

(e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. § 8624(f)(1));

(f) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, section 6);

(g) The first Two Thousand Dollars ($2,000) of per capita shares received from judgment funds awarded by the National Indian Claims Commission or the U. S. Claims Court, the interests of individual Indians in trust or restricted lands, and the first Two Thousand Dollars ($2,000) per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands. This exclusion does not include proceeds of gaming operations regulated by the Commission (25 U.S.C. § 1407-1408);

(h) Amounts of student financial assistance funded under Title IV of the Higher Education Act of 1965 (20 U.S.C § 1070), including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. § 1087uu). For Section 8 programs only (42 U.S.C. § 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C § 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20. U.S.C. § 1002)), shall not be considered income to that individual if the individual is over the age of Twenty-Three (23) with dependent children (Pub. L. 109-115, Section 327) (as amended);

(i) Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. § 3056(g));

(j) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101-201) or any other fund established pursuant to the settlement in In Re Agent Orange Product Liability Litigation, M.D.L. No. 381 (E.D.N.Y.);

(k) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420 Section 9(c));

(l) The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. § 9858q);

(m) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. § 32(j));

(n) The amount of any refund (or advance payment with respect to a refundable credit) issued under the Internal Revenue Code is excluded from income and assets for a period of twelve (12) months from receipt (26 U.S.C.§ 6409);

(o) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (Pub. L. 95-433 Section 2);

(p) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. § 12637(d));

(q) Any allowance paid to children of Vietnam veterans born with spinal bifida (38 U.S.C. § 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. § 1811-16), and children of certain Korean and Thailand service veterans born with spinal bifida (38 U.S.C. § 1821-22) is excluded from income and assets (38 U.S.C § 1833(c));

(r) Any amount of crime victim compensation that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) under the Victims of Crime Act of 1984 received through a crime victim assistance program, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime (34 U.S.C. § 20102(c));

(s) Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 reauthorized as the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. § 3241(a)(2));

(t) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. § 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. § 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);

(u) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (Pub. L. 101-503 Section 8(b)); this exclusion also applies to assets;

(v) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in monthly prospective amounts (42 U.S.C. § 1437a(b)(4));

(w) Any amounts:

(1) Not actually received by the family;

(2) That would be eligible for exclusion under 42 U.S.C. § 1382b(a)(7); and

(3) Received for service-connected disability under 38 U.S.C. Chapter 11 or dependency and indemnity compensation under 38 U.S.C. Chapter 13 (25 U.S.C. § 4103(9)(C)) as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269 Section 2) to the definition of income applicable to programs under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C. § 4101 et seq.);

(x) A lump sum or periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in case entitled Elouise Cobell et al. v. Ken Salazar et al., 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.) for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291 Section 101(f)(2);

(y) Any amounts in an individual development account are excluded from assets and any assistance, benefit, or amounts earned by or provided to the individual development account are excluded from income as provided by the Assets for Independence Act, as amended (42 U.S.C § 604(h)(4));

(z) Per capita payments made from the proceeds of Indian Tribal Trust Settlements listed in Notice PIH 2013–1 and 2013-55 must be excluded from annual income unless the per capita payments exceed the amount of the original Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds. Such amounts received in excess of the Tribal Trust Settlement are included in the gross income of the members of the Tribe receiving the per capita payments as described in IRS Notice 2013–1. The first Two Thousand Dollars ($2,000) of per capita payments are also excluded from assets unless the per capita payments exceed the amount of the original

Tribal Trust Settlement proceeds and are made from a Tribe's private bank account in which the Tribe has deposited the settlement proceeds (25 U.S.C. § 117b(a), 25 U.S.C. §1407);

(aa) Federal assistance for a major disaster and emergency received by individuals under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as mended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. § 5155(d));

(bb) Any amount in an ABLE account, distributions from and certain contributions to an ABLE account established under the ABLE Act of 2014 (Pub. L. 113–295.), as described in Notice PIH 2019–09/H 2019–06 or subsequent or superseding notice is excluded from income and assets; and

(cc) Assistance received by a household under the Emergency Rental Assistance Program pursuant to the Consolidated Appropriations Act, 2021 (Pub. L. 116–260, Section 501(j)), and the American Rescue Plan Act of 2021.

6504.25 Replacement housing gap payments made in accordance with 49 CFR Part 24 that offset increased out of pocket costs of displaced persons that move from one federally subsidized housing unit to another Federally subsidized housing unit. Such replacement housing gap payments are not excluded from annual income if the increased cost of rent and utilities is subsequently reduced or eliminated, and the displaced person retains or continues to receive the replacement housing gap payments;

6504.26 Nonrecurring income, which is income that will not be repeated in the coming year based on information provided by the family. Income received as an independent contractor, day laborer, or seasonal worker is not excluded from income under this paragraph, even if the source, date, or amount of the income varies. Nonrecurring income includes:

(a) Payments from the U.S. Census Bureau for employment (relating to decennial census or the American Community Survey) lasting no longer than one hundred eighty (180) days and not culminating in permanent employment;

(b) Direct Federal or State payments intended for economic stimulus or recovery;

(c) Amounts directly received by the family as a result of State refundable tax credits or State tax refunds at the time they are received;

(d) Amounts directly received by the family as a result of Federal refundable tax credits and Federal tax refunds at the time they are received;

(e) Gifts for holidays, birthdays, or other significant life events or milestones (such as wedding gifts, baby showers, anniversaries);

(f) Non-monetary, in-kind donations, such as food, clothing, or toiletries, received from a food bank or similar organization; and

(g) Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings.

6504.27 Civil rights settlements or judgments, including settlements or judgments for back pay;

6504.28 Income received from any account under a retirement plan recognized as such by the Internal Revenue Service, including individual retirement arrangements (IRAs), employer retirement plans, and retirement plans for self-employed individuals; except that any distribution of periodic payments from such accounts shall be income at the time they are received by the family;

6504.29 Income earned on amounts placed in a family's Family Self Sufficiency Account; and

6504.30 Gross income a family member receives through self-employment or operation of a business, except where gross income equals net income.

6505 ADJUSTED INCOME

6505.1 [RESERVED]

6505.2 This § 6502 covers DCHA policies related to mandatory deductions.

6505.3 DCHA shall use current circumstances to anticipate expenses. When possible, for costs that are expected to fluctuate during the year (e.g., childcare during school and non-school periods and cyclical medical expenses), DCHA shall estimate costs based on historic data and known future costs; and

6505.4 If a family has an accumulated debt for medical or disability assistance expenses, DCHA shall include as an eligible expense the portion of the debt that the family expects to pay during the period for which the income determination is being made. However, amounts previously deducted are not allowed even if the amounts were not paid as expected in a preceding period. DCHA may require the family to provide documentation of payments made in the preceding year.

6505.5 The HUD-established allowance is deducted from annual income for each

dependent. "Dependent" is defined as any family member other than the head, spouse, or co-head who is under the age of eighteen (18) or who is eighteen (18) or older and is a person with disabilities or a full-time student. DCHA will implement changes to the amount of the dependent deduction in accordance with required updates published by HUD annually. Foster children, foster adults, and live-in aides are never considered dependents.

6505.6 A single deduction per the HUD-established allowance is taken for any elderly or disabled family.

6505.7 An "elderly family" is a family whose head, spouse, co-head, or sole member is fifty-five (55) years of age or older, and a "disabled family" is a family whose head, spouse, co-head, or sole member is a person with disabilities. DCHA will implement changes to the amount of the elderly and disabled deductions in accordance with required updates published by HUD annually.

6505.8 Unreimbursed health and medical care expenses may be deducted to the extent that, in combination with any disability assistance expenses, they exceed three percent (3%) of annual income.

6505.9 The health and medical care expense deduction is permitted only for families in which the head, spouse, or co-head is at least fifty-five (55) years old or is a person with disabilities. If a family is eligible for a medical expense deduction, the medical expenses of all family members are counted.

6505.10 HUD regulations define "health and medical care expenses" at 24 CFR § 5.603(b) to mean "any costs incurred in the diagnosis, cure, mitigation, treatment, or prevention of disease or payments for treatments affecting any structure or function of the body. Health and medical care expenses include medical insurance premiums and long-term care premiums that are paid or anticipated during the period for which annual income is computed."

6505.11 DCHA shall use the most current IRS Publication 502, "Medical and Dental Expenses," as a reference to help determine the costs that qualify as health and medical care expenses. However, DCHA must review each expense to determine whether it is eligible in accordance with HUD's definition of health and medical care expenses.

Summary of Allowable Medical Expenses

Services of medical professionals Surgery and medical procedures that are necessary, legal, non-cosmetic Services of medical facilities Hospitalization, long-term care, and in-home nursing services Prescription medicines and insulin, but not nonprescription medicines even if recommended by a doctor Improvements to housing directly related to medical needs (e.g., ramps for a wheelchair, handrails) Substance abuse treatment programs	Psychiatric treatment Ambulance services and some costs of transportation related to medical expenses The cost and care of necessary equipment related to a medical condition (e.g., eyeglasses/lenses, hearing aids, crutches, and artificial teeth) Cost and continuing care of necessary service animals Medical insurance premiums or the cost of a health maintenance organization (HMO)
Note: This chart provides a summary of eligible medical expenses only. Medical expenses are considered only to the extent they are not reimbursed by insurance or some other source.	

6505.12 When expenses anticipated by a family could be defined as either medical or disability assistance expenses; DCHA shall consider them medical expenses unless the expenses are incurred exclusively to enable a person with disabilities to work.

6505.13 Reasonable expenses for attendant care and auxiliary apparatus for a disabled family member (disability assistance expense) may be deducted if they:

(a) Are necessary to enable a family member eighteen (18) years or older to work;

(b) Are not paid to a family member or reimbursed by an outside source;

(c) In combination with any medical expenses, exceed three percent (3%) of annual income; and

(d) Do not exceed the earned income received by the family member who is enabled to work.

6505.14 A family can qualify for the disability assistance expense deduction only if at least one family member (who may be the person with disabilities) is enabled to work.

6505.15 The family must identify the family members enabled to work because of the disability assistance expenses. In evaluating the family's request, DCHA considers factors such as how the work schedule of the relevant family members

relates to the hours of care provided, the time required for transportation, the relationship of the family members to the person with disabilities, and any special needs of the person with disabilities that might determine which family members are enabled to work.

6505.16 When DCHA determines that the disability assistance expenses enable more than one family member to work, the disability assistance expenses will be capped by the sum of the family members' incomes.

6505.17 "Auxiliary apparatus" includes: wheelchairs, walkers, scooters, reading devices for persons with visual disabilities, equipment added to cars and vans to permit their use by the family member with a disability, or service animals but only if these items are directly related to permitting the disabled person or other family member to work.

6505.18 Expenses incurred for maintaining or repairing an auxiliary apparatus are eligible. In the case of an apparatus that is specially adapted to accommodate a person with disabilities (e.g., a vehicle or computer), the cost to maintain the special adaptations (but not maintenance of the apparatus itself) is an eligible expense. The cost-of-service animals trained to give assistance to persons with disabilities, including the cost of acquiring the animal, veterinary care, food, grooming, and other continuing costs of care, will be included.

6505.19 Attendant Care Expenses are eligible and include the following:

(a) Attendant care includes, but is not limited to, reasonable costs for home medical care, nursing services, in-home or center-based care services, interpreters for persons with hearing impairments, and readers for persons with visual disabilities;

(b) Attendant care expenses are included for the period that the person enabled to work is employed plus reasonable transportation time. The cost of general housekeeping and personal services is not an eligible attendant care expense. However, if the person enabled to work is the person with disabilities, personal services necessary to enable the person with disabilities to work are eligible; and

(c) If the care attendant also provides other services to the family, DCHA prorates the cost and allow only that portion of the expenses attributable to attendant care that enables a family member to work. For example, if the care provider also cares for a child who is not the person with disabilities, the cost of care must be prorated. Unless otherwise specified by the care provider, the calculation is based upon the number of hours spent in each activity or the number of persons under care.

6505.20 No disability expenses may be deducted for payments to a member of a tenant

family. However, expenses paid to a relative who is not a member of the tenant family may be deducted if they are not reimbursed by an outside source.

6505.21 The family determines the type of care or auxiliary apparatus to be provided and must describe how the expenses enable a family member to work.

6505.22 The family must certify that the disability assistance expenses are necessary and are not paid or reimbursed by any other source.

6505.23 DCHA determines the reasonableness of the expenses based on typical costs of care or apparatus in the locality.

6505.24 "Childcare expenses" are defined as amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age where such care is necessary to enable a family member to actively seek employment, be gainfully employed, or to further their education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare. In the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of employment income that is included in annual income.

6505.25 Childcare expenses do not include child support payments made to another on behalf of a minor who is not living in an assisted family's household. However, childcare expenses for foster children that are living in the assisted family's household are included when determining the family's childcare expenses.

6505.26 The family must identify the family member(s) enabled to work, seek work or further their education.

6505.27 In evaluating the family's request, DCHA shall consider factors such as how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

6505.28 If the childcare expense being claimed is to enable a family member to seek employment, the family must provide evidence of the family member's efforts to obtain employment at each reexamination.

6505.29 If the childcare expense being claimed is to enable a family member to further their education, the member must be enrolled in school (academic or vocational) or participating in a formal training program. The family member is not required to be a full-time student, but the time spent in educational activities must be commensurate with the childcare claimed.

6505.30 If the childcare expense being claimed is to enable a family member to be gainfully employed, the family must provide evidence of the family member's employment during the time that childcare is being provided. Gainful employment is any legal work activity (full- or part-time) for which a family member is compensated.

6505.31 When a family member looks for work or furthers their education, there is no cap on the amount that may be deducted for childcare – although the care must still be necessary and reasonable.

6505.32 The earned income used for this purpose is the amount of earned income verified after any earned income disallowances or income exclusions are applied.

6505.33 DCHA must not limit the deduction to the least expensive type of childcare. If the care allows the family to pursue more than one eligible activity, including work, the cap is calculated in proportion to the amount of time spent working.

6505.34 The type of care to be provided is determined by the tenant family. The DCHA may not refuse to give a family the childcare expense deduction because there is an adult family member in the household that may be available to provide childcare.

6505.35 For school-age children, costs attributable to public or private school activities during standard school hours are not considered. Expenses incurred for supervised activities after school or during school holidays (e.g., summer day camp, after-school sports league) are allowable forms of childcare.

6505.36 The costs of general housekeeping and personal services are not eligible. Likewise, childcare expenses paid to a family member who lives in the family's unit are not eligible; however, payments for childcare to relatives who do not live in the unit are eligible; and

6505.37 If a childcare provider also renders other services to a family or childcare is used to enable a family member to conduct activities that are not eligible for consideration, DCHA shall prorate the costs and allow only that portion of the expenses that is attributable to childcare for eligible activities. Unless otherwise specified by the childcare provider, the calculation is based upon the number of hours spent in each activity and/or the number of persons under care.

6506 CALCULATING RENT

6506.1 The first step in calculating income-based rent is to determine each family's total tenant payment (TTP).

6506.2 TTP is the highest of the following:

(a) Thirty percent (30%) of the family's monthly adjusted income;

(b) Ten percent (10%) of the family's monthly gross income;

(c) The welfare rent; and

(d) The minimum rent of $0.

6506.3 DCHA has authority to suspend and exempt families from minimum rent when a financial hardship exists.

6506.4 Welfare rent does not apply in the District of Columbia.

6506.5 The minimum rent for the District of Columbia is Zero Dollars ($0).

6506.6 Utility reimbursements are not paid to the family when there are no tenant-paid utilities (for example, DCHA pays for all utilities).

6506.7 [RESERVED]

6506.8 [RESERVED]

6506.9 [RESERVED]

6506.10 [RESERVED]

6506.11 [RESERVED]

6506.12 [RESERVED]

6506.13 [RESERVED]

6506.14 [RESERVED]

6506.15 [RESERVED]

6506.16 [RESERVED]

6506.17 [RESERVED]

6506.18 [RESERVED]

6506.19 [RESERVED]

6506.20 [RESERVED]

6506.21 [RESERVED]

6506.22 [RESERVED]

6506.23 [RESERVED]

6506.24 Utility allowances are provided to families paying income-based rents when the cost of utilities is not included in the rent.

6506.25 When determining a family's income- based rent, DCHA must use the utility allowance applicable to the type of dwelling unit leased by the family.

6506.26 All current DCHA-managed public housing properties include utility costs in the rent, so no utility allowance is applied nor is any utility reimbursement given.

6506.27 Privately-managed public housing in mixed-finance properties may or may not include the costs of utilities in the rent. For those that do not include utilities in the rent, the utility allowance is subtracted from the TTP. Then:

(a) If the result of this calculation is a positive number, that is the tenant rent;

(b) If the result of this calculation is a negative number, that is referred to as a utility reimbursement, which may be paid to the family or directly to the utility company by DCHA

6506.28 On request from a family whose rent does not include the cost of utilities, DCHA shall approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability.

6506.29 Residents with disabilities may not be charged for the use of certain resident-supplied appliances if there is a verified need for special equipment because of the disability.

6506.30 For families whose rent does not include the cost of utilities, DCHA may grant requests for relief from charges in excess of the utility allowance on reasonable grounds, such as special needs of the elderly, ill, or residents with disabilities, or special factors not within control of the resident, as the DCHA deems appropriate. The family must request the higher allowance and provide DCHA with an explanation about the additional allowance required.

6506.31 DCHA does not require the families to pay utilities at DCHA owned and operated properties. As noted above, families in public housing in privately managed mixed-finance properties may be required to pay utilities.

6506.32 In determining the amount of the reasonable accommodation or individual relief for tenant-paid utilities, DCHA shall allow a reasonable measure of additional usage as necessary. To arrive at the amount of additional utility cost of specific equipment, the family may provide information from the manufacturer of the equipment, or the family or DCHA may conduct an internet search for an estimate of usage or additional monthly cost.

6506.33 Information on reasonable accommodation and individual relief for charges in excess of the utility allowance is provided to all residents of properties managed directly by DCHA and managed by a third-party with tenant-paid utilities at move-in and with any notice of proposed allowances, schedule surcharges, and revisions. DCHA shall also provide information on utility relief programs or medical discounts (sometimes referred to as "Medical Baseline discounts") that may be available through local utility providers.

6506.34 Families with tenant-paid utilities must request the higher allowance and provide DCHA with information about the amount of additional allowance required.

6506.35 At its discretion, DCHA may reevaluate the need for the increased utility allowance as a reasonable accommodation at any regular reexamination.

6506.36 If the excessive consumption is caused by a characteristic of the unit or DCHA-supplied equipment that is beyond the family's control, such as a particularly inefficient refrigerator or inadequate insulation, the relief to the family ceases when the situation is remedied.

6506.37 DCHA must review at least annually the basis on which utility allowances have been established.

6506.38 DCHA must revise the utility allowance schedule if there is a rate change that by itself or together with prior rate changes not adjusted for, results in a change of ten percent (10%) or more from the rates on which such allowances were based.

6506.39 Adjustments to resident payments as a result of the changes in § 6503.37 must be retroactive to the first day of the month following the month in which the last rate change taken into account in such revision became effective. Such rate changes are not subject to the sixty (60) day notice.

6506.40 The tenant rent calculations must reflect any changes in the DCHA's utility allowance schedule.

6506.41 Between annual reviews of utility allowances, DCHA shall only revise its utility allowances due to a rate change, when required to by the federal regulations.

6506.42 A "mixed family" is one that includes at least one (1) U.S. citizen or eligible immigrant and any number of ineligible family members. DCHA must prorate the assistance provided to a mixed family in accordance with 24 CFR § 5.520(d).

6506.43 Policies related to the reexamination of families paying flat rent are contained in Chapter 68, and policies related to the establishment and review of flat rents are contained in Chapter 81.

6506.44 Changes in family income, expenses, or composition will not affect the flat rent amount because it is outside the income-based formula.

6506.45 [RESERVED]

6506.46 DCHA shall offer a family the choice between flat and income-based rent upon admission and upon each subsequent regular reexamination.

6506.47 DCHA shall require families to submit their choice of flat or income-based rent in writing and shall maintain such requests in the tenant file as part of the admission or annual reexamination process.

6506.48 [RESERVED]

6506.49 A family can opt to switch from flat rent to income-based rent at any time if they are unable to pay the flat rent due to financial hardship.

6506.50 Upon determination by DCHA that a financial hardship exists, DCHA shall allow a family to switch from flat rent to income-based rent effective the first of the month following the family's request.

6506.51 [RESERVED]

6506.52 DCHA considers payment of flat rent to be a financial hardship whenever the switch to income-based rent would be lower than the flat rent.

Chapter 66, [RESERVED], of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 66 VERIFICATION

6600 INTRODUCTION

6600.1 DCHA will verify all information that is used to establish the family's eligibility and level of assistance and will obtain written authorization from the family in order to collect the information.

6600.2 Applicants and program participants must cooperate with the verification process

as a condition of receiving assistance.

6600.3 DCHA will not pass on the cost of verification to the family.

6600.4 [RESERVED]

6600.5 This Chapter summarizes those requirements and provides supplementary DCHA policies, in four sections:

(a) Section 6601 describes the general verification process;

(b) Section 6602 provides more detailed requirements related to family information;

(c) Section 6603 provides information on income and assets, and

(d) Section 6604 covers mandatory deductions.

6600.6 Verification policies, rules and procedures are modified as needed to accommodate persons with disabilities in accordance with Chapter 61 of this Title. All information obtained through the verification process are handled in accordance with the records management policies established by DCHA.

6601 GENERAL VERIFICATION REQUIREMENTS

6601.1 The family must supply any information that DCHA or HUD determines is necessary to the administration of the program and must consent to DCHA verification of that information.

6601.2 It is required that all adult applicants and tenants sign form HUD-9886-A, Authorization for Release of Information. DCHA will not require that the form be signed again except under the following circumstances:

(a) When any person eighteen (18) years or older becomes a member of the family;

(b) When a current member of the family turns eighteen (18); or

(c) As required by HUD or DCHA in administrative instructions.

6601.3 The executed form will remain effective until the family is denied assistance, assistance is terminated, or the family provides written notification to DCHA to revoke consent.

6601.4 DCHA will deny admission to the program or terminate assistance if any member of the family fails to sign and submit the HUD 9886-A. Further, revocation of consent to the form HUD-9886-A by any family member will result in

termination of assistance or denial of admission.

6601.5 HUD and DCHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members.

6601.6 Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

6601.7 If any family member who is required to sign a consent form fails to do so, DCHA shall deny admission to applicants and terminate the lease of tenants. The family may request a hearing in accordance with DCHA's grievance procedures in Chapter 79.

6601.8 DCHA will follow the verification hierarchy in Section 6601.9 below, use the most reliable form of verification that is available, and document the reasons when DCHA uses a lesser form of verification.

6601.9 In order of priority, the forms of verification that DCHA uses are:

(a) Up-front Income Verification (UIV) using HUD's Enterprise Income Verification (EIV) system;

(b) UIV using a non-HUD system;

(c) Written Third Party Verification (may be provided by applicant or resident);

(d) Written Third-party Verification Form;

(e) Oral Third-party Verification; and

(f) Self-Certification.

6601.10 Any documents used for verification must be dated within one hundred twenty (120) days of DCHA receipt except for fixed income sources. For fixed income sources, the documents must be dated within the appropriate benefit year. The documents must not be damaged so as to obscure or omit necessary information, altered or in any way illegible. Family-provided documents may be submitted by mail, electronically, or in person.

6601.11 Any family self-certifications must be made in a format acceptable to DCHA and must be signed by the family member whose information or status is being verified.

6601.12 DCHA will document in the file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process are recorded in the family's file in sufficient detail to demonstrate that DCHA has followed all of the verification

policies set forth in this Chapter.

6601.13 DCHA documents, in the family file, the following:

(a) Reported family annual income;

(b) Value of assets;

(c) Expenses related to deductions from annual income; and

(d) Other factors influencing the adjusted income or income-based rent determination.

6601.14 When DCHA is unable to obtain third-party verification, DCHA shall document in the family file the reason that third-party verification was not available. This allows DCHA to document that it attempted to obtain verification as specified in Section 6601.9 before using other types of verification such as written third-party verification form or oral third-party verification.

6601.15 There may be legitimate differences between the information provided by the family and UIV-generated information. DCHA will take action to resolve the discrepancy, including, but not limited to, discussing the discrepancy with the family and requesting the family provide additional documentation. Thereafter, DCHA will promptly notify the family in writing in the event of an adverse finding. The family may contest any adverse findings through DCHA's informal review process.

6601.16 DCHAs will use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. HUD's EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families.

6601.17 [RESERVED]

6601.18 When DCHA determines through EIV reports and third-party verification that a family has concealed or under-reported income, corrective action is taken pursuant to the policies in Chapter 80, Program Integrity.

6601.19 The EIV system verifies resident identities against Social Security Administration (SSA) records. These records are compared to Public and Indian Housing Information Center (PIC) data for a match on Social Security number, name, and date of birth.

6601.20 DCHA will run other EIV reports as required by HUD to verify the accuracy of

information received and to ensure program integrity.

6601.21 [RESERVED]

6601.22 [RESERVED]

6601.23 Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

6601.24 Examples of acceptable tenant-provided documents include:

(a) Pay stubs;

(b) Payroll summary reports;

(c) Employer notice or letters of hire and termination;

(d) SSA benefit verification letters;

(e) Bank statements;

(f) Child support payment stubs;

(g) Welfare benefit letters or printouts; and

(h) Unemployment monetary benefit notices.

6601.25 DCHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

6601.26 Third-party documents provided by the family must be dated within one hundred twenty (120) days of DCHA receipt, except for fixed income sources. For fixed income sources, the documents must be dated within the appropriate benefit year;

6601.27 If DCHA determines that third-party documents provided by the family are not acceptable, DCHA shall explain the reason to the family and request additional documentation.

6601.28 [RESERVED]

6601.29 [RESERVED]

6601.30 [RESERVED]

6601.31 DCHA sends third-party verification forms directly to the third party; Third-party

verification forms are sent when third-party verification documents are unavailable by the family or are rejected by DCHA.

6601.32 In collecting third-party oral verification, DCHA staff records in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.

6601.33 [RESERVED]

6601.34 Third-party verification may not be available in all situations.

(a) If the family cannot provide original documents, DCHA pays the costs required to obtain third-party verification, unless it is not cost effective in which case a self-certification is acceptable as the only means of verification. The cost of verification is not passed on to the family; and

(b) The cost of postage and envelopes to obtain third-party verification of income, assets, and expenses is not an unreasonable cost.

6601.35 Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

6601.36 DCHA accepts a self-certification from a family as verification of assets disposed of for less than fair market value.

6601.37 [RESERVED].

6601.38 Upon HUD approval, DCHA will implement an MTW policy permitting DCHA to accept the family's self-certification of the value of assets if the total value of family assets is less than Fifty Thousand Dollars ($50,000).

6601.39 All family members eighteen (18) years of age and older must sign the family's declaration.

6601.40 DCHA shall not include income from assets in its income calculation unless the total value of all assets is Fifty Thousand Dollars ($50,000) or more.

6601.41 DCHA uses third-party documentation for assets if the total value of all assets is Fifty Thousand Dollars ($50,000) or more, or if DCHA receives information indicating the family's certification of total asset value being less than Fifty Thousand Dollars ($50,000) is incorrect.

6601.42 When HUD requires third-party verification, self-certification, or "tenant declaration," is used as a last resort when DCHA is unable to obtain third-party verification.

6601.43 Self-certification, however, is an acceptable form of verification when:

(a) A source of income is fully excluded; or

(b) Net family assets total Fifty Thousand Dollars ($50,000) or less.

6601.44 If a family member is claiming exemption from the Community Service requirement (see Chapter 73) based on receipt of food stamps, DCHA may require verification of Supplemental Nutrition Assistance Program (SNAP) or food stamps benefits dated within the prior one hundred twenty (120) days.

6601.45 DCHA may opt to follow its policy to implement streamlined regular recertifications for fixed sources of income for self-certification (See Chapter 68).

6601.46 [RESERVED]

6601.47 When information cannot be verified by a third party or by review of documents, family members are required to submit self-certifications attesting to the accuracy of the information they have provided to DCHA;

6601.48 DCHA may require a family to certify that a family member does not receive a particular type of income or benefit;

6601.49 The self-certification must be made in a format acceptable to DCHA and must be signed by the family member whose information or status is being verified.

6601.50 Self-certification is not acceptable for the following:

(a) Social Security/SSI benefits;

(b) Public assistance;

(c) Disability (unless obvious or otherwise known, for reasonable accommodation purposes only);

(d) Unemployment;

(e) Veteran’s Administration pension;

(f) Court-ordered child support;

(g) Worker’s compensation;

(h) Unreimbursed medical expenses; and

(i) Full-time student status.

6602 VERIFYING FAMILY INFORMATION

6602.1 DCHA requires families to furnish the following verification of legal identity for each household member:

Verification of Legal Identity for Adults	Verification of Legal Identity for Children
Certificate of birth, naturalization papers	Certificate of birth
Church issued baptismal certificate	Adoption papers
Current, valid driver's license or Department of Motor Vehicle identification card	Custody agreement
	Health and Human Services ID
U.S. military discharge (DD 214)	Certified school records
Current U.S. passport	
Current government employer identification card with picture	

(a) If a document submitted by a family is illegible for any reason or otherwise questionable, more than one of these documents may be required;

(b) If none of these documents can be provided and at DCHA's discretion, a third party who knows the person may attest to the person's identity. The certification must be provided in a written format acceptable to DCHA and be signed by the family member whose information or status is being verified; and

(c) Legal identity is verified for all applicants at the time of eligibility determination and in cases where DCHA has reason to doubt the identity of a person representing themselves to be a tenant or a member of a tenant family.

6602.2 The family must provide documentation of a valid SSN for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

6602.3 Note that an individual who previously declared to have eligible immigration

status may not change their declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements. Additionally, the head of household may not opt to remove a household member from the family composition for this purpose.

6602.4 DCHA must accept the following documentation as acceptable evidence of the SSN:

(a) An original SSN card issued by the SSA;

(b) An original SSA issued document, which contains the name and SSN of the individual; and

(c) An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

6602.5 DCHA may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, is illegible, or if the document appears to be forged.

6602.6 DCHA shall explain to the applicant or resident the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to DCHA within thirty (30) days.

6602.7 If an applicant family includes a child under six (6) years of age who joined the household within the six (6) months prior to the date of program admission, an otherwise eligible family may be admitted and must provide documentation of the child's SSN within ninety (90) days.

6602.8 DCHA grants one additional ninety (90) day extension (for a total of one hundred eighty (180) days to submit) if needed for reasons beyond the applicant's control, such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

6602.9 When a resident requests to add a new household member who is at least six (6) years of age, or who is under the age of six (6) and has an SSN, the resident must provide the complete and accurate SSN assigned to each new member at the time of reexamination or recertification, in addition to the documentation required to verify it. DCHA may not add the new household member until such documentation is provided.

6602.10 When a resident requests to add a new household member who is under the age of six (6) and has not been assigned an SSN, the resident must provide the SSN assigned to each new child and the required documentation within ninety (90) calendar days of the child being added to the household.

(a) DCHA grants one additional ninety (90) day extension (for a total of one hundred eighty (180) days to submit) if needed for reasons beyond the resident's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency.

(b) Social Security numbers must be verified only once during continuously assisted occupancy unless DHCA has reason to question the accuracy of the information provided.

6602.11 [RESERVED]

6602.12 A birth certificate or other official record of birth is the preferred form of age verification for all family members.

6602.13 For elderly family members an original document that provides evidence of the receipt of Social Security retirement benefits is acceptable.

6602.14 If an official record of birth or evidence of Social Security retirement benefits cannot be provided, DCHA requires the family to submit other documents that support the reported age of the family member (e.g., school records, driver's license if birth year is recorded) and to provide a self-certification.

6602.15 Age need only be verified once during continuously assisted occupancy unless DCHA has reason to believe the information provided is inaccurate.

6602.16 Applicants and tenants are required to identify the relationship of each household member to the head of household. Definitions of the primary household relationships are provided in Chapter 61.

6602.17 Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships.

6602.18 If DCHA has reasonable doubts about a marital relationship, DCHA shall require the family to document the marriage with a marriage certificate or other documentation to verify that the couple is married.

6602.19 In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married (such as, by telling the community they are married, calling each other husband and wife, using the same last name, filing joint income tax returns).

6602.20 If DCHA has reasonable doubts about a divorce or separation, DCHA shall require the family to provide documentation of the divorce or separation with a certified copy of a divorce decree, signed by a court officer; a copy of a court-

ordered maintenance or other court record; or other documentation that shows a couple is divorced or separated.

6602.21 If an adult member who was formerly a member of the household is reported to be permanently absent, the family must provide evidence to support that the person is no longer a member of the family (such as, documentation of another address at which the person resides such as a lease or utility bill).

6602.22 For foster children and/or foster adults in the household, third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

6602.23 DCHA requires families to provide information about the student status of all students who are eighteen (18) years of age or older. This information is verified only if:

(a) The family claims full-time student status for an adult other than the head, spouse, or cohead; or

(b) The family claims a childcare deduction to enable a family member to further their education.

6602.24 DCHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income.

6602.25 Verification of receipt of disability benefits from the SSA is sufficient for verification of disability for the purpose of qualification for waiting list preferences or certain income disallowances and deductions.

6602.26 Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR §5.403, necessary to qualify for waiting list preferences or certain income disallowances and deductions.

6602.27 For family members claiming disability who do not receive SSI or other disability payments from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. See Chapter 61. The knowledgeable professional verifies whether the family member does or does not meet the HUD definition.

6602.28 Federal housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons.

6602.29 The family must provide a certification that identifies each family member as a U.S.

citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member; this must be signed personally by any family member eighteen (18) or older and by a guardian for minors. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy, unless DCHA has reason to believe inaccurate information has been provided.

6602.30 Family members who claim U.S. citizenship or national status are not required to provide additional documentation unless DCHA receives information indicating that an individual's declaration may not be accurate.

6602.31 The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance.

6602.32 For family members age sixty-two (62) or older who claim to be eligible immigrants, proof of age is required in the manner described in §§ 6602.15-6602.17 of this ACOP. No further verification of eligible immigration status is required.

6602.33 For family members under the age of sixty-two (62) who claim to be eligible immigrants, the family must provide verification of their status, and DCHA must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).

6602.34 DCHA follows all USCIS protocols for verification of eligible immigration status.

6603 VERIFYING INCOME AND ASSETS

6603.1 Section 6501 of this ACOP describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This section provides DCHA policies that supplement the general verification procedures specified in § 6601.

6603.2 [RESERVED]

6603.3 Employment verification will be verified according to the verification hierarchy as noted in § 6601. For verification of wages using pay stubs, DCHA requires the most current (as defined in §§ 6601.10 and 6601.26), consecutive pay stubs based on frequency of receipt as follows: four (4) weekly pay stubs, two (2) bi-weekly or semi-monthly pay stubs, and/or two (2) monthly pay stubs. At DCHA's discretion, if additional paystubs are needed due to the family's circumstances (such as, sporadic income and fluctuating schedule), DCHA may request additional paystubs or a payroll record.

6603.4 Business and Self-Employed Income

(a) Business owners and self-employed persons are required to provide:

(1) An audited financial statement for the previous fiscal year if an audit was conducted. If an audit was not conducted, a profit and loss statement of income must be submitted, and the business owner or self-employed person must certify to its accuracy; and

(2) DCHA reserves the right to request all schedules completed for filing federal and local taxes in the preceding year;

(3) If accelerated depreciation was used on the tax return or financial statement, an accountant's calculation of depreciation expense, computed using straight-line depreciation rules.

(b) DCHA provides a format for any person who is unable to provide such a statement to record income and expenses for the coming year. The business owner/self-employed person is required to submit the information requested and to certify to its accuracy at all future reexaminations.

(c) At any reexamination DCHA may request documents that support submitted financial statements such as manifests, appointment books, cash books, or bank statements.

(d) For self-employment income from a rental property, the family must provide:

(1) A current executed lease for the property that shows the rental amount or certification from the current tenant; and

(2) A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year. DCHA may request additional documentation to verify net rental income.

(e) If a family member has been self-employed less than three (3) months, DCHA shall accept the family member’s certified estimate of income and schedule an interim reexamination in three (3) months. If the family member has been self-employed for three (3) to twelve (12) months DCHA shall require the family to provide documentation of income and expenses for this period and use that information to project income.

6603.5 For policies governing streamlined income determinations for fixed sources of income, please see Chapter 68.

6603.6 Verification requirements for Social Security (SS) and Supplemental Security Income (SSI) benefits differ for applicants and participants.

6603.7 Applicants must provide a copy of their current SS or SSI benefit letter (documents must be dated within the appropriate benefit year; see Section 6601.8) for each family member that receives SS or SSI benefits.

6603.8 For residents, DCHA must obtain information through the EIV system and confirm with the tenant that the current listed benefit amount is correct.

6603.9 If the resident disputes the EIV reported benefit amount, or if benefit information is not available in EIV, DCHA must request a current SSA benefit verification letter (documents must be dated within the appropriate benefit year; see Section 6601.8) from each family member that receives SS or SSI benefits.

6603.10 Photocopies of Social Security checks or bank statements are not acceptable forms of verification for SS or SSI benefits.

6603.11 If the family reports that it receives child support or alimony payments, whether regular or irregular, DCHA will follow the verification hierarchy to obtain documentation of the frequency and amount of payments received by the family. As needed, DCHA may require verification that such payments are no longer received.

6603.12 Upon HUD approval, DCHA's verification of assets depends on the market value of the family's total assets as described below:

(a) When a family's total assets have a market value of Fifty Thousand Dollars ($50,000) or less, DCHA will use self-certification to verify the market value of the asset. However, DCHA reserves the right to require third-party verification of assets if it has reason to believe the family has unreported or under-reported income or assets; or

(b) When a family's total assets have a market value exceeding Fifty Thousand Dollars ($50,000), DCHA will use its established verification methods to verify the market value of the asset.

6603.13 The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. DCHA needs to verify only those certifications that warrant documentation.

6603.14 DCHA verifies the value of assets disposed of only if:

(a) DCHA does not already have a reasonable estimation of its value from previously collected information; or

(b) The amount reported by the family in the certification appears obviously in error.

6603.15 A detailed discussion of excluded income is provided in § 6503.

6603.16 HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded.

6603.17 [RESERVED]

6603.18 DCHA accepts the family's self-certification as verification of fully excluded income, except as noted in § 6601.40. DCHA may request additional documentation if necessary to document the income source.

6603.19 [RESERVED]

6603.20 DCHA verifies the source and amount of partially excluded income as described in § 6601 of this chapter.

6603.21 DCHA may check UIV sources or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, Social Security, SSI, earned income, etc. are not being received by families claiming to have zero annual income.

6603.22 For families reporting no income or only income that is excluded, DCHA requires the tenant to complete a zero-income affidavit; DCHA may complete a follow up reexamination within one hundred eighty (180) days.

6604 VERIFYING MANDATORY DEDUCTIONS

6604.1 The dependent and elderly/disabled family deductions require only that DCHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

6604.2 DCHA verifies that the head, spouse, or cohead is fifty-five (55) years of age or older or a person with disabilities.

6604.3 Policies related to medical expenses are found in §§ 6502.7-6502.10. The amount of the deduction is verified following the standard verification procedures described in § 6601.

6604.4 Medical expenses are verified through:

(a) Written third-party documents provided by the family, such as printouts or receipts;

(b) DCHA makes a best effort to determine what expenses from the past are likely to continue to occur in the future.

(c) DCHA also accepts evidence of monthly payments or total payments that shall be due for medical expenses during the upcoming twelve (12) months; and

(d) Written third-party verification forms if the family is unable to provide acceptable documentation.

6604.5 Elderly/disabled families may be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.

6604.6 In addition to § 6604.4, DCHA must verify that:

(a) The household is eligible for the deduction;

(b) The costs to be deducted are qualified medical expenses;

(c) The expenses are not paid for or reimbursed by any other source; and

(d) Costs incurred in past years are counted only once.

6604.7 The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least fifty-five (55) or a person with disabilities.

6604.8 To be eligible for the medical expenses deduction, the costs must qualify as medical expenses as discussed in Chapter 65.

6604.9 [RESERVED]

6604.10 When anticipated costs are related to on-going payment of medical bills incurred in past years, DCHA shall verify:

(a) The anticipated repayment schedule;

(b) The amounts paid in the past; and

(c) Whether the amounts to be repaid have been deducted from the family's annual income in past years.

6604.11 Policies related to disability assistance expenses are found in §§ 6502.11- 6502.26 The amount of the deduction is verified following the standard verification

procedures described in § 6601.

6604.12 Expenses for attendant care are verified through:

(a) Written third-party documents provided by the family, such as receipts or cancelled checks;

(b) Third-party verification form signed by the provider, if family-provided documents are not available; and

(c) If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming twelve (12) months.

6604.13 Expenses for auxiliary apparatus are verified through;

(a) Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that are due for the apparatus during the upcoming twelve (12) months;

(b) Third-party verification form signed by the provider, if family-provided documents are not available; and

(c) If third-party or document review is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

6604.14 In addition to §§ 6604.10-12, DCHA must verify:

(a) The family member for whom the expense is incurred is a person with disabilities;

(b) The expense permits a family member, or members, to work; and

(c) The expense is not reimbursed from another source.

6604.15 [RESERVED]

6604.16 To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

6604.17 The family is required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.

6604.18 Policies related to childcare expenses are found in Chapter 65. The amount of the deduction for childcare expenses shall be verified following the standard verification procedures described in § 6601. In addition, DCHA must verify that:

(a) The child is eligible for care (twelve (12) or younger);

(b) The costs claimed are not reimbursed;

(c) The costs enable a family member to work, actively seek work, or further their education;

(d) The costs are for an allowable type of childcare; and

(e) The costs are reasonable.

6604.19 To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of thirteen (13). DCHA verifies that the child being cared for (including foster children) is under the age of thirteen (13).

6604.20 The family and the care provider are required to certify that the childcare expenses are not paid by or reimbursed to the family from any source.

6604.21 DCHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

6604.22 DCHA may verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the child that might help determine which family member is enabled to pursue an eligible activity.

6604.23 The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 65.

(a) DCHA verifies that the type of childcare selected by the family is allowable, as described in Chapter 65;

(b) DCHA verifies that the fees paid to the childcare provider cover only childcare costs (such as no housekeeping services or personal services) and are paid only for the care of an eligible child (for example, prorate costs if some of the care is provided for ineligible family members); and

(c) DCHA verifies that the childcare provider is not an assisted family member. Verification is made through the head of household's declaration of family members who are expected to reside in the unit.

6604.24 Only reasonable childcare costs can be deducted.

(a) The actual costs the family incurs is compared with DCHA's established standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable; and

(b) If the family presents a justification for costs that exceed typical costs in the area, DCHA requests additional documentation, as required, to support a determination that the higher cost is appropriate.

Chapter 67, [RESERVED], of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 67 LEASING AND INSPECTIONS

6700 INTRODUCTION

6700.1 This Chapter is divided into three (3) sections as follows:

(a) Section 6701 describes pre-leasing activities and DCHA's policies pertaining to lease execution, lease modification, and payments under the lease;

(b) Section 6702 describes DCHA's policies for inspecting dwelling units; and

(c) Section 6703 describes the criteria for Biennial HQS Inspections.

6700.2 [RESERVED]

6700.3 [RESERVED]

6701 LEASING

6701.1 The Lessee is the member(s) of the eligible family who have signed the Lease.

6701.2 The term of the lease will be for a period of twelve (12) months. The lease will be renewed automatically for another twelve (12) month term, except that DCHA may not renew the lease if the family has violated the community service requirement or unless the lease has been terminated pursuant to Chapter 78.

6701.3 After unit acceptance but prior to occupancy, a DCHA representative shall conduct a lease orientation with the Lessee. The Lessee is required to attend the orientation.

6701.4 When families attend the lease orientation, they are provided with:

(a) A copy of the lease;

(b) A copy of DCHA's grievance procedure;

(c) A copy of the house rules (if applicable for the development);

(d) A copy of DCHA's schedule of maintenance charges;

(e) A copy of "Is Fraud Worth It?" (Form HUD-1141-OIG), which explains the types of actions a family must avoid and the penalties for program abuse;

(f) A copy of "What You Should Know about EIV," a guide to the Enterprise Income Verification (EIV) system published by Department of Housing and Urban Development (HUD) as an attachment to Notice PIH 2017-12;

(g) A copy of the form HUD-5380, Violence Against Women Act (VAWA) Notice of Occupancy Rights;

(h) A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking;

(i) A copy of DCHA's smoke free policy;

(j) For units where tenants are responsible for paying utilities, a notice that includes the procedures for requesting relief and DCHA's criteria for granting requests for relief for excess utility surcharges;

(k) The HUD pamphlet on lead-based paint entitled, "Protect Your Family from Lead in Your Home.";

(l) A copy of the Pet Policy located in Chapter 70;

(m) The D.C. Tenant Bill of Rights; and

(n) For units where tenants are responsible for paying utilities, a copy of the schedule of Excess Utility Charges;

6701.5 Topics to be discussed and explained to the head of household at the lease orientation include:

(a) Applicable deposits and all other charges;

(b) Review and explanation of lease provisions;

(c) Unit maintenance requests and work orders;

(d) DCHA's regular and interim reporting requirements;

(e) Review and explanation of occupancy forms;

(f) Community service requirements;

(g) Family choice of rent;

(h) VAWA protections;

(i) Smoke-free policies;

(j) Pet Policy; and

(k) Consequences for any breach of the lease.

6701.6 The lease must be executed by the Lessee and DCHA, except for interim changes to household members and automatic renewals of a lease. The Rent Change letter, which is sent to the Lessee after interim and regular recertification and provides information on changes resulting from the recertification, serves as a supplement to the lease.

6701.7 A lease is executed at the time of admission for all new residents. A new lease is also executed at the time of transfer from one DCHA unit to another or if there is a new Lessee.

6701.8 The lease will state the composition of the household as approved by DCHA (family members and any DCHA-approved live-in aide).

6701.9 The head of household and spouse or co-head, are required to sign the public housing lease prior to admission. An appointment shall be scheduled for the parties to execute the lease.

6701.10 DCHA will provide the Lessee is a copy of the executed lease and DCHA shall retain a copy in the resident's file.

6701.11 A live-in aide is not a party to the lease, a Lessee, or a family member and is not entitled to DCHA assistance.

6701.12 A live-in aide must sign a live-in aide Acknowledgement Statement form.

6701.13 The live-in aide may be terminated if the household member no longer requires an aide.

6701.14 The lease may be modified at any time by written agreement of the Lessee and an authorized representative of DCHA, except the following changes, which may be executed unilaterally by DCHA:

(a) Any change in rent, either an increase or decrease, shall be stated in a special supplement which shall, upon issuance, become part of the lease;

(b) Changes to implement excess utility charges;

(c) Any revision to reflect change in family composition other than head of household;

(d) Changes to implement Lessee's choice to voluntarily vacate;

(e) Late charges assessed from payment of Rent or utility;

(f) Special supplements to a lease which assesses the amount due under the prior lease;

(g) Changes in the amount of security deposit;

(h) Changes in DCHA's policies, rules and regulations; and

(i) Charges assessed pursuant to the Schedule of Charges posted in the Property Manager's Office.

6701.15 DCHA may modify its lease and lease addenda from time to time. However, DCHA will give the Lessee at least thirty (30) days advance notice of the proposed changes and an opportunity to comment on the changes. DCHA must also consider any comments before formally adopting a new lease.

6701.16 After proposed changes have been incorporated into the lease, each Lessee must be notified at least sixty (60) days in advance of the effective date of the new lease or lease revision.

6701.17 A Lessee's refusal to accept permissible and reasonable lease modifications that are made in accordance with HUD requirements, or are required by HUD, is grounds for termination of tenancy.

6701.18 The Lessee will have thirty (30) days to accept the revised lease. If the Lessee does not accept the offer of the revised lease within that thirty (30) day timeframe, the Lessee's tenancy is terminated for other good cause in accordance with the policies in Chapter 78.

6701.19 When DCHA proposes to modify or revise schedules of special charges or rules and regulations, DCHA will provide at least 30 days' written notice and an opportunity for affected residents to present written comments which will be taken into consideration by DCHA, in accordance with the regulations at 24 CFR § 966.5. DCHA will post a copy of the notice in the property management office and mail and/or deliver a copy of the notice to each resident family.

Documentation of proper notice will be included in each resident file.

6701.20 DCHA shall require security deposits in accordance with the lease. The amount of the security deposit will not exceed one (1) month's rent.

6701.21 Lessee must pay a security deposit to DCHA at the time of admission. The amount of the security deposit is equal to the family's total tenant payment at the time of move-in and must be paid in full prior to occupancy.

6701.22 DCHA will retain the security deposit for the period the Lessee occupies the unit. DCHA shall not use the security deposit for rent or other charges while the resident is living in the unit.

6701.23 Within forty-five (45) days of move-out, DCHA shall refund to the Lessee the amount of the security deposit, less any amount needed to pay the cost of unpaid rent, damages listed on the move-out inspection report that exceed normal wear and tear, and any other charges or amounts due under the lease in accordance with Title 14 DCMR, § 309;

6701.24 In accordance with Title 14 DCMR, § 308.8, DCHA shall not pay any interest on any security deposits.

6701.25 If the Lessee transfers to another unit, the Lessee's security deposit shall be transferred to the transfer unit.

6701.26 If the Lessee was charged for any maintenance or other charges or amounts due for the original unit, those amounts shall be transferred to the new unit and DCHA may require a new security deposit from the Lessee prior to execution of a new lease for the transfer unit.

6701.27 If the Lessee transfers to another unit, whether requested by Lessee or required by DCHA, any consent judgment agreement, settlement agreement, pending cause of action, notice to vacate, notice to cure or vacate or notice of past due rent, or repayment agreement entered into while the Lessee resided at the original unit, shall automatically be transferred to, and become part of, the Lease for the unit to which the Lessee transferred. All prior balances will be transferred to the Lessee's obligations at the transfer unit.

6701.28 The lease will specify the initial amount of the rent at the beginning of the initial lease term, and DCHA must give written notice stating any change in the amount of rent and when the change is effective.

6701.29 The rent is due and payable at DCHA-designated location on the first of every month. If the first falls on a weekend or holiday, the rent is due and payable on the first business day thereafter.

6701.30 If the Lessee's rent changes, DCHA shall notify the Lessee of the new amount and the effective date by sending a Rent Change letter which becomes a special supplement to the lease.

6701.31 If the Lessee fails to pay the rent by the tenth (10^{th}) day of the month, regardless of whether the tenth (10^{th}) day of the month is a holiday, Saturday, or Sunday, then the Lessee shall be liable for a late charge of five percent (5%) of the monthly rent or Fifty Dollars ($50.00), whichever is less.

6701.32 The notice of proposed adverse action will identify the specific grounds for the action and inform the Lessee of their right for a hearing under DCHA's grievance procedures.

6701.33 If the Lessee fails to pay the rent by the tenth day of the month, and DCHA has not agreed in writing to accept payment at a later date, DCHA shall serve the Lessee with a thirty (30) day notice of past due rent combined with a notice of intent to file claim.

6701.34 When a check is returned for insufficient funds or is written on a closed account, the rent will be considered unpaid and a returned check fee of Twenty-Five Dollars ($25.00) or the amount charged by the financial institution, whichever is larger, will be charged to the family.

6701.35 Notice of the availability of procedures for requesting relief (including DCHA representatives with whom initial contact may be made by the Lessee) and DCHA's criteria for granting requests, are included in each notice to residents of changes in surcharges as well as to new residents as part of the lease orientation.

6701.36 If DCHA charges the tenant for maintenance and repair beyond normal wear and tear, the lease will state the basis for the determination of such charges.

6701.37 Schedules of special charges for services and repairs due to damage by the tenant are incorporated in the lease by reference must be publicly posted in a conspicuous manner in the property management office and must be furnished to applicants and tenants upon request.

6701.38 The lease must provide those charges for maintenance and repair beyond normal wear and tear are not due and collectible until two (2) weeks after DCHA gives written notice of the charges. The written notice is considered an adverse action, and must meet the requirements governing a notice of adverse action.

6701.39 The notice of proposed adverse action must identify the specific grounds for the action and inform the family of their right for a hearing under the DCHA grievance procedures.

6701.40 When applicable, families are charged for maintenance and damages according to

DCHA's current schedule. Work that is not covered in the schedule is charged based on the actual cost of labor and materials to make needed repairs (including overtime, if applicable). Charges may include contractor fees for failure to provide access;

(a) Notices of maintenance and damage charges are mailed monthly and are in accordance with requirements regarding notices of adverse actions. Charges are due and payable fourteen (14) business days after billing.

(b) Nonpayment of maintenance and damage charges is a serious violation of the lease and is grounds for eviction.

6701.41 DCHA's minimum heating standards are as follows: DCHA shall comply with the requirements of the District Housing Code § 500, et seq. and applicable DC Property Maintenance Codes (such as 12 DCMR § 602 and 12 DCMR § 608.1) relating to heating and cooling requirements.

6702 INSPECTIONS

6702.1 This section contains DCHA's policies governing inspections, notification of unit entry, and inspection results.

6702.2 The lease will require DCHA and the Lessee to inspect the dwelling unit prior to occupancy in order to determine the condition of the unit and equipment in the unit. A copy of the initial inspection, signed by DCHA and the Lessee, must be provided to the Lessee and retained in the resident file.

6702.3 Lessee must attend the initial inspection and sign the inspection form.

6702.4 DCHA will inspect the unit at the time the resident vacates the unit and must allow the Lessee to participate in the inspection if they wish, unless the tenant vacates without notice to DCHA. DCHA must provide to the Lessee a statement of any charges to be made for maintenance and damage beyond normal wear and tear.

6702.5 The difference between the condition of the unit at move-in and move-out establishes the basis for any charges against the security deposit so long as the work needed exceeds that for normal wear and tear.

6702.6 When applicable, DCHA provides the Lessee with a statement of charges to be made for maintenance and damage beyond normal wear and tear, within fifteen (15) business days of conducting the move-out inspection.

6702.7 Annually, DCHA will self-inspect its properties, including all units, to ensure units are maintained in accordance with NSPIRE standards in 24 CFR § 5.703.

6702.8 As part of the self-inspection process, DCHA will ensure that deficiencies previously cited and repaired as a result of an NSPIRE inspection have not subsequently failed.

6702.9 DCHA will maintain the results of self-inspections for three (3) years and must provide the results to HUD upon request.

6702.10 Supervisory quality control inspections are conducted in accordance with DCHA's maintenance plan.

6702.11 DCHA staff may access the unit in order to conduct a special inspection for any of the following reasons:

(a) Housekeeping;

(b) Unit condition;

(c) Suspected lease violation;

(d) Preventive maintenance;

(e) Routine maintenance; and

(f) There is reasonable cause to believe an emergency exists.

6702.12 Building exteriors, grounds, common areas and systems are inspected according to DCHA's maintenance plan.

6702.13 DCHA may enter the unit, with reasonable advance notification to perform routine inspections and maintenance, make improvements and repairs, or to show the unit for re-leasing.

6702.14 DCHA shall notify the Lessee in writing at least forty-eight (48) hours prior to any non-emergency inspection;

6702.15 For regular inspections, DCHA will provide the Lessee at least forty-eight (48) hours written notice of the inspection to allow the family to prepare the unit for the inspection;

6702.16 Except for emergencies, entry for repairs requested by the Lessee will follow forty-eight (48) hours' written notice, unless the family waives that timeframe;

6702.17 Except for emergencies, DCHA staff shall not enter the dwelling unit to perform inspections or repairs where a pet resides unless accompanied for the entire duration of the inspection by the pet owner or responsible person designated by the pet owner in accordance with the pet policies in Chapter 70.

6702.18 Except for emergencies, management shall not enter the dwelling unit to perform inspections or repairs when a minor child is alone in the premises.

6702.19 DCHA may enter the dwelling unit at any time without advance notice when there is reasonable cause to believe that an emergency exists. If no adult household member is present at the time of an emergency entry, DCHA must leave a written statement showing the date, time, and purpose of the entry prior to leaving the dwelling unit.

6702.20 Failure to provide access for an inspection after proper notice is a violation of the lease. If the Lessee changes or adds a lock to the premises, the Lessee must provide a key to DCHA within twenty-four (24) hours of the change.

6702.21 The Lessee is required to be present for move-in inspections. There is no such requirement for other types of inspections. The Lessee may attend the inspection if they wish.

6702.22 If no one is at home for an annual inspection, the inspector shall enter the unit, conduct the inspection, and provide the Lessee with a copy of the inspection report within forty-eight (48) hours of the conducted inspection.

6702.23 DCHA will maintain safe and habitable dwelling units and make necessary repairs to dwelling units in accordance with the regulations at 24 CFR § 966.4(e). Under NSPIRE, DCHA must correct all life-threatening or severe deficiencies within twenty-four (24) hours.

6702.24 If DCHA cannot make repairs within a reasonable period of time, DCHA must offer the Lessee standard alternative accommodations.

6702.25 If DCHA can neither repair the defect within a reasonable time frame nor offer alternative housing, rent shall be abated in proportion to the seriousness of the damage.

6702.26 Rent shall not be abated if the damage was caused by a household member or guest, the Lessee failed to report the violation, or if the resident rejects the alternative accommodations.

6702.27 If the unit is damaged to the extent that conditions are created which are hazardous to the life, health, or safety of the occupants, the Lessee must immediately notify the DCHA of the damage, and DCHA must make repairs within a reasonable time frame.

6702.28 DCHA will correct deficiencies resulting in a non-emergency work order identified during a DCHA-conducted inspection within fifteen (15) business days of the inspection date. If DCHA is unable to make repairs within that period due

to circumstances beyond DCHA's control (for example, required parts or services are not available, or due to weather conditions) DCHA will notify the family of an estimated date of completion. The Lessee must allow DCHA access to the unit to make repairs.

6702.29 Except for emergencies, DCHA staff shall not enter the dwelling unit to perform repairs where a pet resides unless accompanied for the entire duration of the repair by the pet owner designated by the Lessee in accordance with the pet policies in Chapter 70.

6702.30 Damages to the unit beyond wear and tear are billed to the Lessee in accordance with the policies in Chapter 67.

6702.31 Repeated or excessive damages to the unit beyond normal wear and tear are considered a serious or repeated violation of the lease.

6702.32 Families must keep the unit in a clean and safe condition and dispose of all garbage, rubbish and other waste in a sanitary and safe manner.

6702.33 DCHA considers a unit unclean or unsafe if it contains fire or other hazards (including but not limited to conditions created by the household or their guests that encourage insect or rodent infestation or that increase the insurance obligations of the property) or clutter that in DCHA's sole discretion affects or may affect the health and safety of the dwelling unit or on the premises. In these instances, DCHA may provide proper notice of a lease violation to the Lessee.

6702.34 A reinspection will be conducted within thirty (30) calendar days to confirm that the family has complied with the requirement to abate the problem.

6702.35 Failure to abate the problem or allow for a re-inspection is considered a violation of the lease and may result in termination of tenancy in accordance with Chapter 78.

6702.36 Notices of lease violation are also issued to the Lessee if any member of the family purposely disengage the unit's smoke detector or carbon monoxide alarm. Only one warning will be given. A second incidence will result in lease termination.

6702.37 During an NSPIRE inspection, REAC inspectors will inspect areas and associated items or components that are listed in the regulations as affirmative requirements and those included within the NSPIRE standards.

6702.38 DCHA will provide all residents with at least seven (7) days' notice of an NSPIRE inspection. Notice will be provided through multiple communication methods, including by posted notice on each resident's door and through email where applicable. All materials, notices, and communications to families regarding the inspection will be clearly communicated and provided in a manner

that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act (Section 504) and HUD's Section 504 regulation, and Titles II or III of the Americans with Disabilities Act (ADA) and implementing regulations.

6702.39 DCHA will correct all Life-Threatening and Severe deficiencies within twenty-four (24) hours. Correcting the deficiency means DCHA will resolve or sufficiently address the deficiency in a manner that it no longer poses a severe health or safety risk to residents or the hazard is blocked until permanent repairs can be completed. A correction could include controlling or blocking access to the hazard by performing a temporary relocation of the resident while repairs are made.

6702.40 While DCHA will complete all repairs expeditiously, if a permanent repair is not possible within twenty-four (24) hours, DCHA will correct the deficiency by performing an interim repair to remove the health and safety hazard. If the correction is temporary or professional services or materials are unavailable within twenty-four (24) hours, DCHA will provide a target date for permanent correction. Such interim repairs will be fully completed within a reasonable timeframe approved by HUD.

6702.41 The family must allow DCHA access to the unit to make repairs, subject to notification requirements in § 6702.16.

6702.42 If DCHA is unable to make repairs within the periods identified in the NSPIRE standards due to circumstances beyond DCHA's control (e.g., required parts or services are not available, weather conditions), DCHA will provide HUD with a timeframe for completing permanent repairs and obtain HUD approval. DCHA will also notify the family of an estimated date of completion.

6703 SMOKING POLICY

6703.1 In accordance with the HUD requirements at 24 CFR § 965.653, and PIH Notice 2017-03, DCHA has implemented smoke-free policies.

6703.2 The DCHA smoking policy applies to all employees, residents, household members, guests, and service persons. Residents are responsible for ensuring that household members and guests comply with this rule.

6703.3 Due to the increased risk of fire, increased maintenance costs, and the known health effects of secondhand smoke, smoking is prohibited in all living units and interior areas, including but not limited to hallways, rental and administrative offices, community centers, day care centers, laundry centers, and similar structures.

6703.4 Smoking is also prohibited in outdoor areas within twenty-five (25) feet from public housing and administrative office buildings.

6703.5 Possession of Prohibited Products is also prohibited in the areas listed in § 6703.3 and § 6703.4.

6703.6 DCHA is not a guarantor of a smoke-free environment. DCHA is not required to take steps in response to smoking unless it has actual knowledge of the smoking and the identity of the responsible resident.

6703.7 Lease Violation. Residents are responsible for the actions of their household, their guests, and visitors. Repeated failures to adhere to conditions in §§ 6703.3-6703.6 will constitute both a material non-compliance with the lease agreement and a serious violation of the Lease Agreement. In addition, resident will be responsible for all costs to remove smoke odor or residue upon any violation of this section.

6703.99 Definitions.

The term "Prohibited Products" include paraphernalia such as water pipes or hookahs.

The term "smoking" means:

(a) Inhaling, exhaling, breathing, carrying, or possessing any lighted cigar, cigarette, pipe, or other tobacco product or similar lighted product in any manner or in any form.

(b) Inhaling, exhaling, breathing, carrying, or possessing any Electronic Nicotine Delivery Systems (ENDS) which includes e-cigarettes, nicotine inhalers, and vaping devices.

(c) Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other prohibited marijuana product in any manner or any form, including medical marijuana.

Chapter 68, [RESERVED], of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 68 REEXAMINATIONS

6800 INTRODUCTION

6800.1 DCHA is required to reexamine each family's income and composition periodically, and to adjust the family's rent accordingly.

6800.2 The frequency with which the DCHA must reexamine the income and composition of a family depends on whether the family pays income-based rent or flat rent. HUD requires DCHA to offer all families the choice of paying income-based rent

or flat rent at least annually. DCHA's policies for offering families a choice of rents is located in Chapter 65.

6800.3 This Chapter 68 discusses reexaminations in the following matter:

(a) Section 6801 describes regular reexaminations for Families Paying Income Based Rents. This section discusses the requirements for biennial or triennial (as applicable) reexamination of income and family composition. Full reexaminations are conducted at least once every two (2) or three (3) (as applicable) years for families paying income-based rents;

(b) Section 6802 describes Reexaminations for Families Paying Flat Rents. This section contains the DCHA's policies for conducting full reexaminations of family income and composition for families paying flat rents. These full reexaminations are conducted at least once every three (3) years. This section also contains DCHA's policies for conducting annual updates of family composition for flat rent families;

(c) Section 6803 describes Interim Reexaminations. This section includes HUD requirements and DCHA policies related to when a family may and must report changes that occur between regular reexaminations; and

(d) Section 6804 describes Recalculating Tenant Rent. After gathering and verifying required information for a regular or interim reexamination, DCHA must recalculate the tenant rent. While the basic policies that govern these calculations are provided in Chapter 65, this section describes the policies that affect these calculations during a reexamination.

6800.4 Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this ACOP, apply to annual and interim reexaminations.

6801 REGULAR REEXAMINATIONS FOR FAMILIES PAYING INCOME BASED RENTS

6801.1 For those families who choose to pay income-based rent, DCHA will conduct a reexamination of income and family composition at least biennially, according to their approved MTW initiative. However, DCHA conducts reexaminations at least triennially for elderly or disabled families who have a fixed income.

6801.2 For families who choose flat rents, DCHA will conduct a reexamination of family composition at least annually and will conduct a reexamination of family income at least once every three (3) years. Policies related to the reexamination process for families paying flat rent are located in § 6802.

6801.3 For all residents of public housing, whether those residents are paying income-

based or flat rents, DCHA must conduct an annual review of community service requirement compliance.

6801.4 DCHA is required to obtain all of the information necessary to conduct reexaminations.

6801.5 Families are required to provide current and accurate information on income, assets, allowances and deductions, household composition and community service compliance as part of the reexamination process.

6801.6 [RESERVED]

6801.7 [RESERVED]

6801.8 [RESERVED]

6801.9 [RESERVED]

6801.10 [RESERVED]

6801.11 [RESERVED]

6801.12 [RESERVED]

6801.13 DCHA schedules reexaminations to coincide with the family's anniversary date. DCHA begins the reexamination process approximately one hundred twenty (120) days in advance of the scheduled effective date.

6801.14 "Anniversary date" is defined as twenty-four (24) months from the effective date of the family's last reexamination (for families required to recertify biennially); or, during a family's first year in the program, from the effective date of the family's initial examination (admission); or thirty-six (36) months from the effective date of the family's last reexamination (for families required to recertify triennially).

6801.15 If the family transfers to a new unit, DCHA shall perform a new reexamination, and the anniversary date shall be changed.

6801.16 DCHA may also schedule a reexamination for completion prior to the anniversary date for administrative purposes.

6801.17 Families generally are required to participate in the reexamination interview, which must be attended by the head of household, spouse, or cohead. If participation in an in-person interview poses a hardship because of a family member's disability, the family should contact DCHA to request a reasonable accommodation pursuant to Chapter 61.

6801.18 Notification of reexamination interviews are sent by first-class mail or by email and contain the date, time, and location of the interview. Notification shall inform the family of the information and documentation that must be brought to the interview.

6801.19 If the family is unable to attend a scheduled interview, the family must contact DCHA in advance of the interview to schedule a new appointment.

6801.20 In all circumstances, if a family does not attend the scheduled interview DCHA sends a second notification with a new interview appointment time.

6801.21 If a family fails to attend two (2) scheduled interviews without DCHA approval, the family is in violation of their lease and may be terminated in accordance with the policies in Chapter 78.

6801.22 An advocate, interpreter, or other assistant may assist the family in the reexamination interview process.

6801.23 The terms of the public housing lease require the family to furnish information regarding income and family composition as may be necessary for the redetermination of rent, eligibility, and the appropriateness of the housing unit.

6801.24 Families are asked to bring all required information (as described in the reexamination notice) to the reexamination appointment. The required information includes but is not limited to a DCHA-designated reexamination form, as well as supporting documentation related to the family's income, expenses, and household composition.

6801.25 Any required documents or information that the family is unable to provide at the time of the interview or any stated deadline must be provided within ten (10) business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

6801.26 If the family does not provide the required documents or information within the required time frame (plus any extensions), the family is in violation of their lease and will be subject to termination in accordance with the policies in Chapter 78.

6801.27 The information provided by the family generally must be verified in accordance with the policies in Chapter 66. Unless the family reports a change, or the agency has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

(a) Legal identity;

(b) Age;

(c) Social Security numbers;

(d) A person's disability status; and

(e) Citizenship or immigration status.

6801.28 Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. DCHA may use the results of the annual reexamination to require the family to move to an appropriate size unit. Policies related to such transfers are located in Chapter 77.

6801.29 Information obtained through criminal background checks may be used for lease enforcement and eviction. Criminal background checks of residents may be conducted in DCHA's sole discretion.

6801.30 Each household member age eighteen (18) and over is required to sign a consent form for a criminal background check as part of the reexamination process.

6801.31 At the reexamination, as part of the recertification questionnaire, DCHA asks whether the tenant, or any member of the tenant's household, is subject to a lifetime sex offender registration requirement in any state. DCHA uses the Dru Sjodin National Sex Offender database to verify the information provided by the tenant.

6801.32 DCHA proposes to terminate assistance based on lifetime sex offender registration information, DCHA must notify the household of the proposed action and must provide the subject of the record and the tenant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination in accordance with Chapter 78.

6801.33 For families who include nonexempt individuals, DCHA must determine compliance with community service requirements once each twelve (12) months in accordance with Chapter 73.

6801.34 As part of the biennial/triennial reexamination process, DCHA must make appropriate adjustments in the rent after consultation with the family and upon verification of the information.

(a) In general, an increase in the tenant rent that results from a reexamination shall take effect on the family's anniversary date, and the family shall be notified at least thirty (30) days in advance.

(1) If less than thirty (30) days remain before the scheduled effective date, the increase shall take effect on the first of the month

following the end of the thirty (30) day notice period;

(2) If DCHA chooses to schedule a reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date shall be determined by DCHA, but shall always allow for the thirty (30) day notice period; and

(3) If the family causes a delay in processing the reexamination, *increases* in the tenant rent is applied retroactively to the scheduled effective date of the annual reexamination. The family is responsible for any underpaid rent and may be offered a repayment agreement in accordance with the policies in Chapter 81.

(b) In general, a *decrease* in the tenant rent that results from a reexamination shall take effect on the family's anniversary date.

(1) If DCHA chooses to schedule a reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date shall be determined by DCHA's discretion.

(2) If the family causes a delay in processing the regular reexamination, *decreases* in the tenant rent shall be applied prospectively, from the first day of the month following completion of the reexamination processing.

(c) Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by DCHA by the date specified, and this delay prevents DCHA from completing the reexamination as scheduled.

6802 REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS

6802.1 DCHA's policies for offering families a choice of rents are located in Chapter 65.

6802.2 For families who choose flat rents, DCHA must conduct a reexamination of family composition at least annually and must conduct a reexamination of family income at least once every three (3) years.

6802.3 As it does for families that pay income-based rent, DCHA must also review compliance with the community service requirement for families with nonexempt individuals.

6802.4 This section contains DCHA's policies for conducting reexaminations of families who choose to pay flat rents. However, for flat rent families who become over-income, this policy will not apply; see § 6805 for DCHA's over-income policy.

6802.5 For families paying flat rents, DCHA conducts a reexamination of family composition and compliance with the community service requirement once every year. This is referred to as an "annual update".

6802.6 In conducting full reexaminations for families paying flat rents, DCHA follows the policies used for reexamination of families paying income-based rent, but triennially.

6802.7 [RESERVED]

6802.8 [RESERVED]

6802.9 [RESERVED]

6802.10 In scheduling the annual update, DCHA follows the policy used for scheduling the reexamination of families paying income-based rent.

6802.11 The terms of the public housing lease require the family to furnish information necessary for the redetermination of rent and family composition.

6802.12 Generally, the family is not required to attend an interview for an annual update. However, if DCHA determines that an interview is warranted, the family may be required to attend.

6802.13 Notification of the annual update is sent by first-class mail or email and informs the family of the information and documentation that must be provided to DCHA.

6802.14 The family has ten (10) business days to submit the required information to DCHA. If the family is unable to obtain the information or documents within the required time frame, the family may request an extension. DCHA accepts required documentation by mail, by email, or in person.

6802.15 If the family's submission is incomplete, or the family does not submit the information in the required time frame, DCHA shall send a second written notice to the family. The family has ten (10) business days from the date of the second notice to provide the missing information or documentation to DCHA.

6802.16 If the family does not provide the required documents or information within the required time frame (plus any extensions), the family is in violation of their lease and may be terminated in accordance with the policies in Chapter 78.

6802.17 Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 77.

6802.18 Information obtained through criminal background checks may be used for lease

enforcement and eviction. Criminal background checks of residents are conducted in accordance with Chapter 78.

6802.19 Each household member age eighteen (18) and over are required to execute a consent form for criminal background check as part of the annual update process.

6803 INTERIM REEXAMINATIONS

6803.1 Family circumstances may change during the period between reexaminations. Section 6803 defines the types of information about changes in family circumstances that must be reported, and under what circumstances DCHA must process interim reexaminations to reflect those changes. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted. DCHA is also able to conduct interim reexaminations of income or family composition at any time.

6803.2 [RESERVED]

6803.3 Section 6803 includes HUD and DCHA policies that describe the changes families are *required* to report, the changes families *may choose* to report, and how DCHA processes both DCHA- and family-initiated interim reexaminations.

6803.4 Changes in family or household composition may make it appropriate to consider transferring the family to comply with occupancy standards. Policies related to such transfers are located in Chapter 77.

6803.5 All families, those paying income-based rent as well as flat rent, must report all changes within thirty (30) calendar days in family and household composition that occur between reexaminations (or annual updates). Changes may be reported in writing by mail, email, or in-person.

6803.6 DCHA conducts interim reexaminations to account for any changes in household composition that occur between regular reexaminations.

6803.7 The addition of a family member as a result of birth, adoption, or court-awarded custody does not require DCHA approval. However, the family is required to promptly notify the DCHA of the addition.

6803.8 The family must inform DCHA of the birth, adoption, or court-awarded custody of a child within thirty (30) calendar days.

6803.9 With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request DCHA approval to add a new family member or other household member (live-in aide, foster child, or foster adult).

6803.10 Families must request DCHA approval to add a new family member, live-in aide,

foster child, or foster adult. This includes any person not on the lease who is expected to stay in the unit for more than ten (10) consecutive days or a total of thirty (30) cumulative calendar days during any twelve (12) month period and therefore no longer qualifies as a "guest." Requests must be made in writing and approved by DCHA prior to the individual moving into the unit.

6803.11 DCHA will not approve the addition of a new family or household member unless the individual meets DCHA's eligibility criteria (see Chapter 62) and documentation requirements (See Chapter 66 and § 6702).

6803.12 If DCHA determines that an individual does not meet DCHA's eligibility criteria or documentation requirements, DCHA will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

6803.13 DCHA makes its determination within a timely period of receiving all information required to verify the individual's eligibility.

6803.14 If a household member ceases to reside in the unit, the head of household must inform DCHA in writing of the change by mail, email, or in person within thirty (30) calendar days. This requirement also applies to family members who had been considered temporarily absent, who are now permanently absent.

6803.15 DCHA may initiate an interim reexamination as a result of measures undertaken to detect errors and program abuse described in § 8001.4. Additionally, an interim reexamination may occur when the family reports a change.

6803.16 Families paying flat rent are not required to report changes in income or expenses.

6803.17 DCHA conducts interim reexaminations in each of the following instances:

(a) For families receiving the Earned Income Disallowance (EID), DCHA conducts an interim reexamination at the conclusion of the twenty-four (24) month eligibility period or effective 1/1/2026, whichever is first;

(b) If the family has reported zero income, DCHA may conduct an interim reexamination every six (6) months as long as the family continues to report that they have no income;

(c) If at the time of the reexamination, it is not feasible to anticipate a level of income for the next twelve (12) months, DCHA shall schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income; and

(d) DCHA may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

6803.18 DCHA will not perform an interim reexamination when a family reports within the required timeframe an increase in income within three (3) months of their regular recertification effective date.

6803.19 Income changes that require interim reexaminations:

(a) [RESERVED];

(b) DCHA only conducts interim reexaminations for families that qualify for the earned income disallowance (EID), and only when the EID family's rent changes as a result of the increase. In all other cases, DCHA notes the information in the tenant file but shall not conduct an interim reexamination; and

(c) Families are not required to report any other changes in income or expenses between recertifications or reexaminations. Any increase in income shall only be included in the determination or annual household income at the next recertification.

6803.20 The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination. DCHA must process the request if the family reports and provides verification of a change that results in a reduced family income.

6803.21 If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent is not reduced. For more information regarding the requirement to impute welfare income see Chapter 65.

6803.22 If a family reports a change that it was not required to report and that would result in an increase in the tenant rent, DCHA notes the information in the tenant file but shall not conduct an interim reexamination.

6803.23 If a family reports a change that it was not required to report and that would result in a decrease in the tenant rent, DCHA conducts an interim reexamination.

6803.24 Families may report changes in income or expenses at any time in accordance with the following:

(a) The family may notify DCHA of changes in writing by mail, email, or in person.

(b) Generally, the family is not required to attend an interview for an interim reexamination. However, if DCHA determines that an interview is warranted, the family may be required to attend.

(c) Based on the type of change reported, DCHA determines the documentation the family is required to submit.

(d) The family must submit any required information or documents within ten (10) calendar days of receiving a request from DCHA.

(e) This time frame may be extended for good cause with DCHA approval.

(f) DCHA accepts required documentation by mail, by email, or in person.

6803.25 DCHA must make the interim reexamination within a reasonable time after the family request.

6803.26 If the family reports a change in family income or composition timely:

(a) For rent increases, DCHA must provide the family with thirty (30) days advance notice. The rent increase is effective the first of the month after the end of that thirty (30) day notice period.

(b) Rent decreases are effective on the first month after the change.

6803.27 If the family failed to report a change in family income or composition timely:

(a) For rent increases, DCHA must implement any resulting rent increases retroactively to the first (1st) of the month following the date of the change.

(b) For rent decreases, DCHA will apply the decrease the first (1st) of the month following completion of the interim reexamination.

6804 RECALCULATING TENANT RENT

6804.1 For those families paying income-based rent, DCHA must recalculate the rent amount based on the income information received during the reexamination process and notify the family of the changes.

6804.2 The tenant rent calculations must reflect any changes in DCHA's utility allowance schedule. Chapter 81 discusses how utility allowance schedules are established.

6804.3 Unless DCHA is required to revise utility allowances retroactively, revised utility allowances are applied to a family's rent calculations at the first annual reexamination after the allowance is adopted.

6804.4 The public housing lease requires DCHA to give the tenant written notice stating any change in the amount of tenant rent, and when the change is effective.

6804.5 When DCHA redetermines the amount of rent (Total Tenant Payment or Tenant Rent) payable by the tenant, not including determination of DCHA's schedule of Utility Allowances for families in DCHA's Public Housing Program, or determines that the tenant must transfer to another unit based on family composition, DCHA must notify the tenant that the tenant may ask for an explanation stating the specific grounds of DCHA determination, and that if the tenant does not agree with the determination, the tenant shall have the right to request a hearing under the DCHA's grievance procedure.

6804.6 During an annual or interim reexamination, DCHA may discover information previously reported by the family was in error or that the family intentionally misrepresented information.

6804.7 When errors resulting in the overpayment or underpayment of rent are discovered, corrections are made in accordance with the policies in Chapter 80.

6805 OVER-INCOME FAMILIES

6805.1 An "over-income family" is defined as a family with an annual income which exceeds the over-income limit. The over-income limit is calculated by multiplying the applicable income limit for a very low-income family, as defined in 24 CFR § 5.603(b), by a factor of 2.4. The over-income rule applies to all public housing program families, including families in the Family Self-Sufficiency (FSS) program, families receiving the Earned Income Disallowance, and families paying flat rent.

6805.2 If the family's income has exceeded the over-income limit for twenty-four (24) consecutive months, DCHA will terminate the family in accordance with the regulations at 24 CFR § 960.507(d).

6805.3 If an over-income family experiences a decrease in income during the twenty-four (24) month grace period, the family may request an interim reexamination in accordance with DCHA policy.

6805.4 If a previously over-income family is now below the over-income limit, the family is no longer subject to over-income provisions as of the effective date of the reexamination. In such instances, DCHA will notify the family in writing that they are no longer considered over-income and that the over-income policies no longer apply to them.

6805.5 If a family's income later exceeds the over-income limit again, the family will be entitled to a new twenty-four (24) month grace period.

6805.6 At a regular or interim reexamination, if a family's annual income exceeds the applicable over-income limit, DCHA will document the family file and begin tracking the family's over-income status. At this time, DCHA will notify the family in writing that:

(a) They have been determined to be over-income;

(b) If they continue to be over-income for twenty-four (24) consecutive months (twenty-four (24) month grace period), the family's assistance will be terminated; and

(c) They may request a hearing within a reasonable timeframe if they dispute the determination that they are over-income.

6805.7 Over-income families will be placed on an annual reexamination frequency beginning with the first regular or interim recertification in which the family exceeds the over-income limit. If a family is determined to be over-income at an interim recertification, DCHA will process an annual recertification for the family at that time, and reset the family's reexamination date to be effective twelve (12) months from the effective date of that transaction.

6805.8 If DCHA determines the family's annual income continues to exceed the applicable over-income limit for twelve (12) consecutive months, DCHA will notify the family, in writing, that:

(a) Their income continues to exceed the over-income limit;

(b) If their income exceeds the over-income limit for an additional twelve (12) months, the family's assistance will be terminated; and

(c) They may request a hearing if they dispute the determination that they are over-income.

6805.9 If DCHA determines the family's income has exceeded the applicable over-income limit for twenty-four (24) consecutive months, DCHA will notify the family in writing of this determination.

6805.10 The notice in § 6805.9 will inform the family that they have exceeded the over-income limit for twenty-four (24) consecutive months and state that the family's assistance will be terminated within six (6) months, in accordance with requirements outlined in § 7804. As with the prior notices, the final notice will also inform the family of their opportunity to dispute DCHA's determination that

they have exceeded the over-income limit in accordance with the regulations at 24 CFR § 960.507(c)(3)(iii).

6805.11 During the period between this notice and termination, the family:

(a) Will continue to pay their choice of rent (income-based rent, flat rent or prorated rent for mixed income families); and

(b) Is permitted to request an interim reexamination during the period between notice and termination.

6805.12 The interim reexamination in § 6805.11 will not enable the family to avoid termination after the twenty-four (24) month grace period has elapsed; DCHA will proceed with termination regardless of whether the interim reexamination may be due to loss of income.

6805.13 DCHA will report to HUD each year the number of over-income families living in public housing and the number of families on its waiting list.

6805.14 The report in § 6805.13 will specify as of the end of the calendar year, the number of families residing in public housing with incomes exceeding the over-income limit and the number of families on the waiting lists for admission to public housing projects. These reports will be publicly available.

6805.15 The number of families residing in public housing with incomes exceeding the over-income limitation will include the number of families in the twenty-four (24) month grace period, those that are in the period before termination, and any other information regarding over-income families requested by HUD.

6805.16 DCHA will report annually on the number of families on waiting lists for admission to public housing.

6805.17 Waiting list data referenced in § 6805.16 will include all public housing waiting lists with duplicates removed and will be current as of December 31 of the previous calendar year.

Chapter 70, [RESERVED], of Title 14 DCMR, HOUSING, is renamed and replaced in its entirety to read as follows:

CHAPTER 70 ASSISTANCE ANIMALS AND PETS

7000 INTRODUCTION

This Chapter governs DCHA's policies on the keeping of pets and describes any criteria or standards pertaining to the policies. The rules adopted are reasonably related to the legitimate interest of DCHA to provide a decent, safe, and sanitary living environment for all tenants, and

to protect and preserve the physical condition of the property, as well as the financial interest of DCHA.

7000.1 The chapter is organized as follows:

(a) Assistance animals. Section 7001 explains the difference between assistance animals, including service and support animals, and pets, and contains policies related to the designation of an assistance animal as well as their care and handling;

(b) Care of assistance animals and pets. Section 7002 discusses requirements for the care of animals in their units.

(c) Pet policies for all developments. Section 7003 includes pet policies that are common to both elderly/disabled developments and general occupancy developments; and

(d) Pet deposits and fees. Section 7004 contains policies for pet deposits and fees that are applicable to developments with distinctions between elderly/disabled and general occupancy developments.

7001 ASSISTANCE ANIMALS

7001.1 DCHA will use HUD's Division of Fair Housing and Equal Opportunity (FHEO) published Notices as guidance in its assistance animals policy.

7001.2 There are two (2) types of assistance animals:

(a) Service animals; and

(b) Support animals, which are other animals that do work, perform tasks, provide assistance, or provide therapeutic emotional support for individuals with disabilities.

7001.3 Assistance animals, including service and support animals, are not pets and thus are not subject to DCHA's pet policies described in §§ 7002-7003.

7001.4 Under the Americans with Disabilities Act (ADA), a "service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

7001.5 The work or tasks performed by a service animal must be directly related to the individual's disability.

7001.6 [RESERVED]

7001.7 A service animal must be permitted in all areas of the facility where members of the public are allowed.

7001.8 If the animal does not qualify as a service animal, DCHA will next determine whether the animal would qualify as a support animal (a type of assistance animal).

7001.9 If the individual is requesting to keep a unique animal not commonly kept in households, then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal. Such individuals are encouraged to submit documentation from a health care professional.

7001.10 A person with a disability is not automatically entitled to have an assistance animal. Reasonable accommodation requires that there is a relationship between the person's disability and their need for the animal.

7001.11 [RESERVED]

7001.12 [RESERVED]

7001.13 [RESERVED]

7001.14 DCHA may refuse a reasonable accommodation for an assistance animal if the specific animal poses a direct threat that cannot be eliminated or reduced to an acceptable level through the actions the individual takes to maintain or control the animal (e.g., keeping the animal in a security enclosure).

7001.15 DCHA will use the decision-making process in Notice FHEO 2020-01 or subsequent applicable notice with respect to the reasonable accommodation policies in Chapter 61 for all requests for exceptions or modifications to DCHA's rules, policies, practices, and procedures so that persons with disabilities may have assistance animals in the housing where they reside.

7001.16 For an animal to be excluded from the pet policy and be considered a service animal, it must be a trained dog, and there must be a person with disabilities in the household who requires the dog's services.

7001.17 For an animal to be excluded from the pet policy and be considered a support animal, there must be:

(a) a person with disabilities in the household;

(b) a disability-related need for the animal; and

(c) the family must request and DCHA approve a reasonable accommodation in accordance with the criteria outlined in Notice FHEO 2020-01 (or subsequent applicable notice) and the policies contained in Chapter 61.

7002 CARE OF ASSISTANCE ANIMALS AND PETS

7002.1 DCHA residents shall have the following responsibilities with respect to their assistance animals and pets, as applicable:

(a) Residents are responsible for feeding, maintaining, providing veterinary care, and controlling their assistance animals and pets. A resident may do this on their own or with the assistance of family, friends, volunteers, or service providers;

(b) Residents must care for assistance animals and pets in a manner that complies with state and local laws, including anti-cruelty laws;

(c) Residents must ensure that assistance animals and pets do not pose a direct threat to the health or safety of others, or cause substantial physical damage to the development, dwelling unit, or property of other residents;

(d) When a resident's care or handling of an assistance animal and/or pet violates these policies, DCHA will consider whether the violation could be reduced or eliminated by a reasonable accommodation. If the DCHA determines that no such accommodation can be made, DCHA may withdraw the approval of a particular assistance animal or pet;

(e) Residents shall be responsible for paying for services related to any assistance animal or pet-related rodent or insect infestation, as well as any assistance animal or pet-related property damage, in their unit. The resident shall keep the apartment in a sanitary condition at all times and is responsible for keeping the surrounding areas free of animal odors, waste, and litter;

(f) The resident shall store all assistance animal or pet food in sealed containers; and

(g) The resident shall be responsible for ensuring the rights of other residents to peace and quiet enjoyment, health, and safety are not infringed upon or diminished by an assistance animal's or pet's noise, odors, waste or other nuisance.

7003 PET POLICIES FOR ALL DEVELOPMENTS

7003.1 Section 7003 contains the following pet policies that apply to all developments:

(a) Residents may obtain approval from DCHA for up to two (2) pets;

(b) The pet(s) must have been registered by a licensed veterinarian or district/local authority;

(c) The registration must be renewed annually, and the resident must pay a pet deposit;

(d) The pet(s) must meet the requirements in the updated house rules.

(e) Residents who have maintained pets prior to January 2024 will be allowed to keep up to two (2) pets as long as

(1) The animal has been registered by a licensed veterinarian or district/local authority;

(2) The animal registration must be renewed annually;

(3) The resident pays a pet deposit; and

(4) The resident meets the updated house rules.

(f) Pets must be registered with DCHA before they are brought onto the premises;

(g) Registration includes documentation signed by a licensed veterinarian or state/local authority that the pet has received all inoculations required by state or local law, and that the pet has no communicable disease(s) and is pest-free and, for dogs, documentations that the dog has been licensed with the District Department of Health in accordance with § 8-1804;

(f) The registration must be renewed annually and shall be coordinated with the annual reexamination date; and

(g) Pets shall not be approved to reside in a unit until completion of the registration requirements.

7003.2 DCHA shall refuse to register a pet if:

(a) The pet is not "a common household pet" as defined in § 7002.9(a) below;

(b) Keeping the pet would violate any pet restrictions listed in this Chapter;

(c) The pet owner fails to provide complete pet registration information, or fails to update the registration annually; and

(d) DCHA reasonably determines that the pet owner is unable to keep the pet in compliance with the house rules and other lease obligations. The pet's temperament and behavior may be considered as a factor in determining the pet owner's ability to comply with provisions of the lease.

7003.3 If DCHA refuses to approve a pet, a written notification shall be sent to the pet owner within ten (10) business days of DCHA's decision.

7003.4 The notice in § 7003.3 shall state the reason for refusing to register the pet and informs the family of their right to appeal the decision in accordance with DCHA's public housing grievance policy in accordance with Chapter 79.

7003.5 Residents who have been approved to have a pet must enter into a pet agreement with DCHA, or the approval of the pet shall be withdrawn.

7003.6 The pet agreement is the resident's certification that they have received a copy of DCHA's pet policy or applicable house rules, that they have read the policies or rules, understand them, and agree to comply with them.

7003.7 The resident further certifies by signing the pet agreement that they understand that noncompliance with DCHA's pet policy and applicable house rules may result in the withdrawal of DCHA approval of the pet or termination of tenancy.

7003.8 DCHA will not require pet owners to obtain or carry liability insurance.

7003.9 DCHA's definitions related to common household pets are:

(a) "Common household pet" means a domesticated animal, such as a dog, cat, bird, or fish that is traditionally recognized as a companion animal and is kept in the home for pleasure rather than commercial purposes.

(b) "Animals" that are not considered common household pets include but is not limited to the following:

(1) Reptiles;

(2) Rodents;

(3) Insects;

(4) Arachnids;

(5) Wild animals or feral animals;

(6) Pot-bellied pigs; or

(7) Animals used for commercial breeding.

(c) The following animals are not permitted as pets:

(1) Any animal whose adult weight exceeds twenty-five (25) pounds;

(2) Ferrets or other animals whose natural protective mechanisms pose a risk to small children of serious bites or lacerations; and

(3) Any animal not permitted under District law or code.

7003.10 The following are limitations on the amount of pets:

(a) Subject to the conditions set forth in § 7002.1(d), residents may own a maximum of two (2) pets;

(b) In the case of fish, residents may keep no more than can be maintained in a safe and healthy manner in a tank holding up to twenty (20) gallons. A tank/aquarium counts as one (1) pet.

7003.11 The following are resident responsibilities regarding the registration of a pet:

(a) Dogs and cats must be spayed or neutered at the time of registration or, in the case of underage animals, within thirty (30) days of the pet reaching six (6) months of age. Exceptions may be made upon veterinary certification that subjecting this particular pet to the procedure would be temporarily or permanently medically unsafe or unnecessary;

(b) Pets must be licensed in accordance with District law. Residents must provide proof of licensing at the time of registration and annually, in conjunction with the resident's reexamination; and

(c) Execute and abide by the pet policy lease addendum providing for the proper care and maintenance of the animal and the unit in accordance with DCHA rules and policies. Failure to abide by the pet policy will be considered a violation of the lease.

7003.12 A resident has the following duties regarding pet care and maintenance:

(a) Pet owners must maintain pets responsibly, in accordance with DCHA policies, and in compliance with applicable District public health, animal control, and animal cruelty laws and regulations, including vaccination (§ 8-1803), licenses and fees (§ 8-1804), and prohibited conduct (§ 8-1808);

(b) Pets must be maintained within the resident's unit. When outside of the unit (within the building or on the grounds) dogs and cats must be kept on

a leash or carried. They must be under the control of the resident or other responsible individual at all times;

(c) Pets other than dogs or cats must be kept in a cage or carrier when outside of the unit;

(d) Pets are not permitted in common areas including lobbies, community rooms and laundry areas except for those common areas which are entrances to and exits from the building; and

(e) Pet owners are not permitted to exercise pets or permit pets to deposit waste on project premises outside of the areas designated for such purposes.

7003.13 DCHA may designate buildings, floors of buildings, or sections of buildings as no-pet areas where pets generally may not be permitted. Pet rules may also designate buildings, floors of building, or sections of building for residency by pet-owning tenants.

7003.14 DCHA may direct initial tenant moves as may be necessary to establish pet and no-pet areas. DCHA may not refuse to admit, or delay admission of, an applicant on the grounds that the applicant's admission would violate a pet or no-pet area. DCHA may adjust the pet and no-pet areas or may direct such additional moves as may be necessary to accommodate such applicants for tenancy or to meet the changing needs of the existing tenants.

7003.15 [RESERVED]

7003.16 A resident has the following duties to mitigate waste and smells:

(a) The pet owner shall be responsible for the removal of waste from the exercise area by placing it in a sealed plastic bag and disposing of it in a container provided by DCHA;

(b) The pet owner shall take adequate precautions to eliminate any pet odors within or around the unit and to maintain the unit in a sanitary condition at all times; and

(c) Litter box requirements:

(1) Pet owners must promptly dispose of waste from litter boxes and must maintain litter boxes in a sanitary manner;

(2) Litter shall not be disposed of by being flushed through a toilet; and

(3) Litter boxes shall be kept inside the resident's dwelling unit.

7003.17 The following are restrictions on pet modifications to the unit:

(a) Pet owners shall not alter their unit, patio, premises, or common areas to create an enclosure for any animal; and

(b) Installation of pet doors is prohibited.

7003.18 Pet owners must agree to control the noise of pets so that such noise does not constitute a nuisance to other residents or interrupt their peaceful enjoyment of their housing unit or premises. This includes, but is not limited to loud or continuous barking, howling, whining, biting, scratching, chirping, or other such activities.

7003.19 Other pet requirements include:

(a) Each pet owner shall be responsible for adequate care, nutrition, exercise, and medical attention for their pet.

(b) Each pet owner shall be responsible for appropriately training and caring for their pet to ensure that the pet is not a nuisance or danger to other residents and does not damage DCHA property.

(c) No animals may be tethered or chained inside or outside the dwelling unit at any time.

(d) The pet owner is required to designate a responsible party for the care of the pet if the health or safety of the pet is threatened by the death or incapacity of the pet owner, or by other factors that render the pet owner unable to care for the pet.

(e) The resident who cares for another resident's pet must notify DCHA and sign a statement that they agree to abide by all of the pet rules.

7003.20 Except for emergencies, management shall not enter the dwelling unit for performance of repairs or inspections where a pet resides unless accompanied for the entire duration of the inspection or repair by the pet owner or responsible person designated by the pet owner.

7003.21 When management is inside a unit for repairs or inspections, the pet must be held under physical restraint by the pet owner or responsible person until management has completed its tasks.

7003.22 Any delays or interruptions suffered by management in the inspection, maintenance, and upkeep of the premises due to the presence of a pet may be cause for lease termination.

7003.23 For pets that are temporarily on the premises:

(a) Pets that are not owned by a tenant are not allowed on the premises, except for service animals defined in 7001.2 necessary for a guest.

(b) Residents are prohibited from feeding or harboring stray animals.

(c) Section 7003.23 does not apply to visiting pet programs sponsored by a humane society or other non-profit organizations and approved by DCHA.

7003.24 The following applies to pet complaints:

(a) All complaints of cruelty and all dog bites are referred to animal control or an applicable agency for investigation and enforcement.

(b) If a determination is made on objective facts supported by written statements, that a resident/pet owner has violated the pet rules, written notice shall be served on the resident/pet owner.

(c) The notice contains a brief statement of the factual basis for the determination and the pet rule(s) that were violated. The notice also states:

(1) That the pet owner has ten (10) business days from the effective date of the service of notice to correct the violation or make written request for a meeting to discuss the violation;

(2) That the pet owner is entitled to be accompanied by another person of their choice at the meeting; and

(3) That the pet owner's failure to correct the violation, request a meeting, or appear at a requested meeting may result in initiation of procedures to remove the pet, or to terminate the pet owner's tenancy.

(d) If the pet owner and DCHA are unable to resolve the violation at the meeting or the pet owner fails to correct the violation in the time period allotted by DCHA, DCHA may serve notice to remove the pet.

(e) The notice shall contain:

(1) A brief statement of the factual basis for DCHA's determination of the pet rule that has been violated;

(2) The requirement that the resident/pet owner must remove the pet within thirty (30) calendar days of the notice; and

(3) A statement that failure to remove the pet may result in the initiation of termination of tenancy procedures.

7003.25 In the case of the death or incapacity of the pet owner:

(a) If the death or incapacity of the pet owner threatens the health or safety of the pet, or other factors occur that render the owner unable to care for the pet, the situation shall be reported to the responsible party designated by the pet owner; and

(b) If the responsible party is unwilling or unable to care for the pet, or if DCHA after reasonable efforts cannot contact the responsible party, DCHA may contact the appropriate District agency and request the removal of the pet.

7003.26 DCHA may initiate procedures for termination of tenancy based on a pet rule violation if:

(a) The pet owner has failed to remove the pet or correct a pet rule violation within the time period specified; and

(b) The pet rule violation is sufficient to begin procedures to terminate tenancy under terms of the lease.

7003.27 DCHA's response to problem pets includes the following:

(a) DCHA takes all necessary steps to ensure that pets that become vicious, display symptoms of severe illness, or demonstrate behavior that constitutes an immediate threat to the health or safety of others, are immediately removed from the premises by referring the situation to the appropriate District entity authorized to remove such animals;

(b) If it is necessary for DCHA to place the pet in a shelter facility, the cost is the responsibility of the pet owner; and

(c) If the pet is removed as a result of any aggressive act on the part of the pet, the pet is not allowed back on the premises.

7004 PET DEPOSITS AND FEES

7004.1 [RESERVED].

7004.2 DCHA requires a resident to pay a pet deposit for each pet which will be placed in an account of the type required under applicable District law for pet deposits, or if there are no such requirements, for rental security deposits, if applicable. DCHA will comply with such laws as to retention of the deposit, interest, and return of

the deposit to the resident, and any other applicable requirements.

7004.3 The following apply to Pet Deposits:

(a) Pet owners are required to pay a pet deposit in addition to any other required deposits;

(b) The amount of the deposit is the lower of fifteen percent (15%) of the unit's flat rent (regardless of whether the resident is paying income-based or flat rent) or one hundred dollars ($100) in addition to any other required deposits;

(c) The pet deposit must be paid in full before the pet is brought on the premises; and

(d) The pet deposit is not part of rent payable by the resident.

7004.4 [RESERVED]

7004.5 The following is DCHA's deposit return policy:

(a) DCHA shall refund the pet deposit to the resident, less the costs of any damages caused by the pet to the dwelling unit, within forty-five (45) days of move-out or removal of the pet from the unit in accordance with Title 14 DCMR, § 309.1;

(b) The resident is billed for any amount that exceeds the pet deposit; and

(c) DCHA shall provide the resident with a written list of any charges against the pet deposit within forty-five (45) days of the move-out inspection. If the resident disagrees with the amount charged to the pet deposit, DCHA shall provide a meeting to discuss the charges.

7004.6 [RESERVED]

7004.7 The following is the DCHA policy on charges to the resident as a result of damages caused by pets:

(a) All reasonable expenses incurred by DCHA as a result of damages directly attributable to the presence of the pet in the unit or development is the responsibility of the resident, including:

(1) The cost of repairs and replacements to the resident's dwelling unit;

(2) Fumigation of the dwelling unit; and

(3) Repairs to common areas of the project.

(b) The expense of flea elimination shall also be the responsibility of the resident;

(c) If the resident is in occupancy when such costs occur, the resident shall be billed for such costs in accordance with the policies in §§ 6701.29-6701.33. Pet deposits are not applied to the costs of pet-related damages during occupancy; and

(d) Charges for pet-related damage are not part of rent payable by the resident.

7004.8 DCHA's Policy on Rule Violation Fines:

(a) A separate pet waste removal charge of ten dollars ($10.00) per occurrence is assessed against pet owners who fail to remove pet waste in accordance with this policy;

(b) Notices of pet waste removal charges will be in accordance with requirements regarding notices of adverse action;

(c) Pet waste removal charges are due and payable fourteen (14) calendar days after billing; and

(d) Charges for pet waste removal are not part of rent payable by the resident.

Chapter 73, [RESERVED], of Title 14 DCMR, HOUSING, is renamed and replaced in its entirety to read as follows:

CHAPTER 73 COMMUNITY SERVICE

7300 INTRODUCTION

7300.1 [RESERVED]

7300.2 This section 7300 describes DCHA policies related to community service programs in two (2) parts:

(a) Community Service Requirements. Section 7301 describes who is subject to the community service requirement, who is exempt, and DCHA's definition of economic self-sufficiency; and

(b) DCHA Implementation of Community Service. Section 7302 provides DCHA policy regarding the community service and implementation and program design.

7301 COMMUNITY SERVICE REQUIREMENT

7301.1 Community service is the performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community.

7301.2 Community service is not employment and may not include political activities.

7301.3 In administering community service requirements, DCHA will comply with all District of Columbia and federal nondiscrimination and equal opportunity requirements.

7301.4 Each adult DCHA resident, who is not exempt, must:

(a) Contribute eight (8) hours per month of community service;

(b) Participate in an economic self-sufficiency program for eight (8) hours per month; or

(c) Perform eight (8) hours per month of combined activities (community service and economic self-sufficiency program).

7301.5 The required community service or self-sufficiency activity may be completed eight (8) hours each month or may be aggregated across a year. Any blocking of hours is acceptable as long as ninety-six (96) hours is completed by each annual certification of compliance.

7301.6 An "exempt individual" is an adult who:

(a) Is age sixty-two (62) years or older;

(b) Is blind or disabled (as defined under § 216(i)(l) or § 1614 of the Social Security Act), and who certifies that because of this disability the person is unable to comply with the service provisions;

(c) Is a primary caretaker of a person who is blind or disabled;

(d) Is engaged in work activities;

(e) Is able to meet requirements of being exempted under a state program funded under Part A of Title IV of the Social Security Act, or under any other welfare program of the state in which DCHA is located, including a state-administered welfare-to-work program (i.e., the individual is receiving Temporary Assistance for Needy Families, or TANF). This exemption applies to anyone whose characteristics or family situation meet the welfare agency exemption criteria and can be verified; or

(f) Is a member of a family receiving assistance, benefits, or services under a state program funded under Part A of Title IV of the Social Security Act, or under any other welfare program of the state in which DCHA is located, including a state-administered welfare-to-work program (such as TANF) and the Supplemental Nutrition Assistance Program (SNAP), and has not been found by the state or other administering entity to be in noncompliance with such program.

7301.7 DCHA considers eight (8) hours per week as the minimum number of hours needed to qualify for a work activity exemption.

7301.8 [RESERVED]

7301.9 [RESERVED]

7301.10 Eligible community service activities include, but are not limited to, work at:

(a) Local public or nonprofit institutions such as schools, head start programs, before or after school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult day care programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);

(b) Nonprofit organizations serving DCHA residents or their children such as: Boy or Girl Scouts, Boys or Girls Club, 4-H clubs, Police Assistance League, organized children's recreation, mentoring or education programs, Big Brothers or Big Sisters, garden centers, community clean-up programs, beautification programs;

(c) Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;

(d) Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods, or performing arts;

(e) DCHA housing to improve grounds or provide gardens (so long as such work does not alter DCHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board; and

(f) Care for the children of other residents so a parent may volunteer.

7301.11 Community services at profit-motivated entities, volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work are not considered eligible community service activities.

7301.12 For purposes of satisfying the community service requirement, an "economic self-sufficiency program" is defined as any program designed to encourage, assist, train, or facilitate economic independence of assisted families or to provide work for such families.

7301.13 Eligible self-sufficiency activities include, but are not limited to:

(a) Job readiness or job training;

(b) Training programs through local one-stop career centers, workforce investment boards (local entities administered through the United States Department of Labor), or other training providers;

(c) Employment counseling, work placement, or basic skills training;

(d) Education, including higher education (junior college or college), GED classes, or reading, financial, or computer literacy classes;

(e) Apprenticeships (formal or informal);

(f) English proficiency or English as a second language classes;

(g) Budgeting and credit counseling; and

(h) Any other program necessary to ready a participant to work (such as substance abuse or mental health counseling).

7301.14 As it relates to an exemption from the community service requirement, "work activities" means:

(a) Unsubsidized employment;

(b) Subsidized private sector employment;

(c) Subsidized public sector employment;

(d) Work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

(e) On-the-job training;

(f) Job search and job readiness assistance;

(g) Community service programs;

(h) Vocational educational training (not to exceed twelve (12) months with respect to any individual);

(i) Job skills training directly related to employment;

(j) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency; and

(k) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate.

7301.15 At lease signing and during subsequent regular reexaminations, DCHA will give each family a written description of the community service requirement, the process for claiming status as an exempt person, and the process for DCHA verification of exempt status.

7301.16 At lease signing and during subsequent regular reexaminations, DCHA will notify the family of its determination identifying the family members who are subject to the service requirement, and the family members who are exempt.

7301.17 The family must sign a certification, such as Attachment A of Notice PIH 2015-12, that they have received and read the policy and understand that if they are not exempt, failure to comply with the requirement results in nonrenewal of their lease.

7301.18 The family must also sign a certification at regular reexamination, such as Attachment B of Notice PIH 2015-12, certifying that they understand the requirement.

7301.19 DCHA shall provide the family with a copy of the Community Service Policy at lease-up, lease renewal, when a family member is determined to be subject to the community service requirement during the lease term, and at any time upon the family's request.

7301.20 The Community Service policy shall notify the family that self-certification forms are subject to review by DCHA.

7301.21 At the time of reexamination, DCHA shall notify the family in writing of the family members who are subject to the community service requirement and the

family members who are exempt.

7301.22 If the family includes nonexempt individuals, the notice in 7301.21 shall include a list of agencies in the community that provide volunteer and/or training opportunities, as well as a documentation form on which they may record the activities they perform, and the number of hours contributed. The form also has a place for a signature by an appropriate official, who certifies to the activities and hours completed.

7301.23 DCHA will review and verify family compliance with service requirements annually at least thirty (30) days before the end of the twelve (12) month lease term.

7301.24 Where the lease term does not coincide with the effective date of the reexamination, DCHA shall change the effective date of the reexamination to coincide with the lease term.

7301.25 In making the change in § 7301.24, DCHA ensures that the examination is conducted within twenty-four (24) months of the last reexamination.

7301.26 An exempt individual is excused from the community service requirement.

7301.27 At least sixty (60) days prior to regular reexamination, DCHA shall review and verify the exemption status of all adult family members.

7301.28 The verification in § 7301.27 is only done on an annual basis unless the family reports a change or DCHA has reason to believe that an individual's exemption status has changed.

7301.29 For individuals who are exempt because they are sixty-two (62) years of age and older, verification of exemption status is done only at the initial examination.

7301.30 Upon completion of the verification process, DCHA notifies the family of its determination.

7301.31 DCHA will review resident family compliance with service requirements annually at least thirty (30) days before the end of the twelve (12) month lease term. As part of this review, DCHA must verify that any family member that is not exempt from the community service requirement has met their service obligation.

7301.32 Approximately sixty (60) days prior to the end of the lease term, DCHA provides written notice requiring the family to submit documentation that all subject family members have complied with the service requirement.

7301.33 The family has ten (10) business days to submit DCHA required documentation

form(s) required under § 7301.32.

7301.34 If the family fails to submit the required documentation within the required timeframe, or DCHA approved extension, the subject family members are considered noncompliant with community service requirements, and notices of noncompliance are issued.

7301.35 If an exempt individual becomes nonexempt during the twelve (12) month lease term, it is the family's responsibility to report this change to DCHA.

7301.36 Within ten (10) business days of a family reporting the change in § 7301.35, or DCHA determining such a change is necessary, DCHA provides written notice of the effective date of the requirement, a list of agencies in the community that provide volunteer or training opportunities, as well as a documentation form on which the family member may record the activities performed and number of hours contributed.

7301.37 The effective date of the community service requirement is the first of the month following thirty (30) day notice.

7301.38 When an adult family member becomes subject to community service, they must perform eight (8) hours of community service for the months they are subject to the requirement before the end of the lease term (anniversary date).

7301.39 If a nonexempt person becomes exempt during the twelve (12) month lease term, it is the family's responsibility to report this change to DCHA. Any claim of exemption is verified by DCHA.

7301.40 Within ten (10) business days of a family reporting such a change, or DCHA determining such a change is necessary, DCHA shall provide the family written notice that the family member is no longer subject to the community service requirement, if DCHA is able to verify the exemption

7301.41 The exemption in § 7301.40 is effective immediately.

7302 DOCUMENTATION AND VERIFICATION

7302.1 DCHA will retain reasonable documentation of service requirement performance or exemption in participant files.

7302.2 All family members who claim they are exempt from the community service requirement are required to sign a community service exemption certification form. DCHA provides a completed copy to the family and keeps a copy in the tenant file.

7302.3 DCHA verifies that an individual is exempt from the community service requirement by following the verification hierarchy and documentation requirements in Chapter 66.

7302.4 DCHA will make and notify the family in writing the final determination whether or not to grant an exemption from the community service requirement.

7302.5 If a resident does not agree with DCHA's determination on the granting of an exemption, the resident can dispute the decision through DCHA's grievance procedures.

7302.6 At each regularly scheduled reexamination, each nonexempt family member presents a signed standardized certification form developed by DCHA of community service and self-sufficiency activities performed over the last twelve (12) months.

7302.7 If qualifying community service activities are administered by an organization other than DCHA, a family member who is required to fulfill a service requirement must submit a certification signed by the organization that has administered the qualifying activity that the family member has performed such qualifying activities. Each family member who is required to fulfill the service requirement must submit such a certification.

7302.8 DCHA will not accept self-certification of qualifying community service activities.

7302.9 [RESERVED]

7302.10 [RESERVED]

7302.11 Everyone who is subject to the community service requirement is required to record their community service or self-sufficiency activities and the number of hours contributed on the required form. The certification form also includes places for signatures and phone numbers of supervisors, instructors, and counselors certifying to the number of hours contributed;

7302.12 Families are required to submit the documentation to DCHA at least annually or upon further request by DCHA. Documents may be submitted by mail, email, or in person.

7302.13 If DCHA has reasonable cause to believe that the certification provided by the family is false or fraudulent, DCHA has the right to require additional third-party verification.

7302.14 The lease specifies that it is renewed automatically for all purposes unless the family fails to comply with the community service requirement.

7302.15 Violation of the service requirement is grounds for nonrenewal of the lease at the end of the twelve (12) month lease term, but not for termination of tenancy during the course of the twelve (12) month lease term.

7302.16 DCHA may not evict a family due to Community Service and Self-Sufficiency Requirement (CSSR) noncompliance. However, if DCHA finds a tenant is noncompliant with CSSR, DCHA will provide written notification to the tenant of the noncompliance which must include:

(a) A brief description of the finding of non-compliance with CSSR;

(b) A statement that DCHA shall not renew the lease at the end of the current twelve (12) month lease term unless the tenant enters into a written work-out agreement with DCHA or the family provides written assurance that is satisfactory to DCHA explaining that the tenant or other noncompliant resident no longer resides in the unit; and

(c) The written work-out agreement must include the means through which a noncompliant family member complies with the CSSR requirement.

7302.17 The notice will also state that the tenant may request a grievance hearing on DCHA's determination, in accordance with DCHA's grievance procedures, and that the tenant may exercise any available judicial remedy to seek timely redress for DCHA's nonrenewal of the lease because of DCHA's determination.

7302.18 The notice of noncompliance shall be sent at least forty-five (45) days prior to the end of the lease term.

7302.19 The family has ten (10) business days from the date of the notice of noncompliance to enter into a written work-out agreement to cure the noncompliance over the twelve (12) month term of the new lease, provide documentation that the noncompliant resident no longer resides in the unit, or to request a grievance hearing.

7302.20 If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has vacated the unit before DCHA agrees to continued occupancy of the family. Generally, this must be third-party documentation (such as a copy of the removed household member's new lease or utility bill in their name at a new address). However, DCHA may accept a self-certification from the head of household on a case-by-case basis when it is clear that third-party verification is unavailable.

7302.21 Documentation in § 7302.20 must consist of a certification signed by the head of household as well as evidence of the current address of the family member that previously resided with them.

7302.22 If the family does not take either corrective action required by the notice of noncompliance within the required ten (10) business day timeframe or request a grievance hearing, DCHA shall terminate tenancy in accordance with the policies in Chapter 79.

7302.23 Should a family member refuse to sign a written work-out agreement or fail to comply with the terms of the work-out agreement, DCHA will initiate termination of tenancy proceedings at the end of the current twelve (12) month lease for failure to comply with lease requirements.

7302.24 When initiating termination of tenancy proceedings, DCHA shall provide the following procedural safeguards:

(a) Adequate notice to the tenant of the grounds for terminating the tenancy and for non-renewal of the lease;

(b) Right of the tenant to be represented by counsel;

(c) Opportunity for the tenant to refute the evidence presented by DCHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and

(d) A decision on the merits.

7302.25 Notices of continued noncompliance are sent at least thirty (30) days prior to the end of the lease term and also serves as the family's termination notice.

7302.26 The notice in § 7302.25 shall meet the requirements for termination notices described in Chapter 79.

7302.27 The family has ten (10) business days from the date of the notice of noncompliance to provide documentation that the noncompliant resident no longer resides in the unit or to request a grievance hearing.

7302.28 If the family reports that a noncompliant family member is no longer residing in the unit, the family must provide documentation that the family member has vacated the unit before DCHA agrees to continued occupancy of the family.

7302.29 The documentation in § 7302.28 must consist of a certification signed by the head of household as well as evidence of the current address of the noncompliant family member that previously resided with them.

7302.30 If the family does not provide such documentation within the required ten (10) business day timeframe or request a grievance hearing, the family's lease and

tenancy automatically terminates at the end of the current lease term without further notice.

7303 IMPLEMENTATION OF COMMUNITY SERVICE

7303.1 DCHA will not substitute any community service or self-sufficiency activities performed by residents for work ordinarily performed by DCHA employees or replace a job at any location where residents perform activities to satisfy the service requirement.

7303.2 DCHA shall notify its insurance company if residents perform community service at DCHA. In addition, DCHA ensures that the conditions under which the work is to be performed are not hazardous.

7303.3 If a disabled resident certifies they can perform community service, DCHA shall ensure that requests for reasonable accommodation are handled in accordance with the policies in Chapter 61.

7303.4 DCHA may administer qualifying community service or economic self-sufficiency activities directly, or may make community service activities available through a contractor, or through partnerships with qualified organizations, including resident organizations, and community agencies or institutions.

7303.5 DCHA's goal is to design a service program that gives resident viable opportunities to become involved in the community and to gain competencies and skills.

7303.6 DCHA will work with resident organizations and community organizations to design, implement, assess and recalibrate its community service program.

7303.7 DCHA will make every effort to identify volunteer opportunities throughout the community, especially those in proximity to public housing developments.

7303.8 To the greatest extent possible, DCHA will provide names and contacts at agencies that can provide opportunities for residents, including persons with disabilities, to fulfill their community service obligations.

7303.9 Any written agreements or partnerships with contractors or qualified organizations, including resident organizations, are described in this Title 14;

7303.10 DCHA provides in-house opportunities for volunteer work or self- sufficiency programs when possible.

7303.11 When DCHA has a Resident Opportunities and Self-Sufficiency (ROSS) program, a ROSS Service Coordinator, or a Family Self-Sufficiency (FSS)

program, DCHA will coordinate Individual Training and Service Plans (ITSPs) with the community service requirement.

7303.12 Regular meetings with DCHA coordinators satisfy community service activities and DCHA coordinators verify community service hours within individual monthly logs.

CHAPTER 74, REASONABLE ACCOMODATION POLICIES AND PROCEDURES, of Title 14 DCMR, HOUSING, is amended as follows:

Section 7405 (OCCUPANCY OF ACCESSIBLE UNIT) is amended to read as follows:

7405 OCCUPANCY OF ACCESSIBLE UNIT

7405.1 DCHA has units designated for persons with mobility, sight and hearing impairments referred to as accessible units.

7405.2 DCHA will offer these accessible units to families in the following order:

(a) Current occupant of another public housing unit who has a disability that requires the special features of that unit;

(b) An eligible qualified applicant on the public housing waiting list having a disability that requires the special features of the unit;

(c) If there are no eligible qualified applicants on the public housing waiting list, a non-disabled applicant will be offered the unit; and

(d) DCHA will require that the non-disabled applicant agree to sign a lease that requires the applicant to move to an available non-accessible unit when either a current resident or applicant needs the special features of the unit.

7405.3 A Reasonable Accommodation Waiting List will be created and maintained by date and time of request pursuant to the order of families created by § 7405.2.

7405.4 The first qualified current resident in sequence on the list of residents seeking reasonable accommodations will be offered a unit of the appropriate size with the special features required. If more than one unit of the appropriate size and type is available, the first unit offered will be the first unit that is ready for occupancy.

7405.5 Upon inspection of the offered unit, the resident or applicant will be required to sign a Letter of Acceptance/Rejection of an Accessible Unit.

7405.6 DCHA will maintain a record of units offered, including location, date and circumstances of each offer, each acceptance or rejection and the reason for the rejection.

7405.7 A current resident will receive two (2) offers of accessible units before his or her name is removed from the Reasonable Accommodation Waiting List. However, DCHA will provide additional unit offers if the resident has refused the unit offer for good cause, as described in 7704.3.

7405.8 An applicant will receive two (2) offers of accessible units before his/her name is removed from the Public Housing Waiting List. However, DCHA will provide additional unit offers if the applicant has refused the unit offer for good cause, as described in §§ 6402.9 – 6402.12.

Chapter 77, [RESERVED], of Title 14 DCMR, HOUSING, is renamed and replaced in its entirety to read as follows:

CHAPTER 77 TRANSFER POLICY

7700 INTRODUCTION

7700.1 This § 7700 explains DCHA's transfer policy, based on HUD regulations, HUD guidance, and DCHA policy decisions.

7700.2 This § 7700 describes DCHA policies related to transfers in four (4) parts:

(a) Section 7701, Emergency Transfers, describes emergency transfers, emergency transfer procedures, and payment of transfer costs;

(b) Section 7702, DCHA Required Transfers, describes types of transfers that may be required by DCHA, notice requirements, and payment of transfer costs;

(c) Section 7703, Transfers Requested by Residents, describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests; and

(d) Section 7704, Transfer Processing, describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development, and reexamination.

7701 EMERGENCY TRANSFERS

7701.1 Emergency transfers require immediate action by DCHA.

7701.2 In the case of a genuine emergency, it may be unlikely that DCHA has the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, DCHA may find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

7701.3 Consistent with the regulations at 24 CFR § 966.4(h), if the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, DCHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time.

7701.4 [RESERVED]

7701.5 The following are considered emergency circumstances warranting an immediate transfer of the tenant or family:

(a) Life-threatening deficiencies (as defined in HUD Notice PIH 2024-26 or successor notice) in the resident's unit, building or at the site that cannot be repaired or abated within twenty-four (24) hours. Examples of such unit or building conditions would include: a natural gas, propane or oil leak; and utilities, such as water or electricity are not in service;

(b) If repairing or abating the life-threatening deficiency within twenty-four (24) hours would not be cost-effective for DCHA, DCHA may choose to process an emergency transfer for the family. Examples would include fire, flooding, or inoperable or severely damaged heating or plumbing systems;

(c) If the unit or building does not meet the requirements for maintaining heat or air conditioning defined in DC municipal code, DCHA will initiate an emergency transfer under this category;

(d) A verified incident of domestic violence, dating violence, sexual assault, or stalking, as defined under the VAWA Reauthorization of 2022. To request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383) although, DCHA may waive this requirement in order to expedite the transfer process. DCHA allows a tenant to make an internal emergency transfer under the Violence Against Women Act (VAWA) when a safe unit is immediately available. DCHA defines "immediately available" as a vacant unit, that is ready for move-in within a reasonable period of time, not to exceed thirty (30) business days. If an internal transfer to a safe unit is not immediately available, DCHA shall assist the resident in seeking an external emergency transfer either within or outside DCHA's programs, consistent with DCHA's Emergency

Transfer Plan.

(e) Consistent with HUD PIH Notice 2021-35 (or applicable successor notice), DCHA intends to take the unit off-line for maintenance conditions, including those conditions that DCHA would seek approval from HUD to change the unit status to any of the following: undergoing modernization, court litigation, natural disaster, or casualty loss.

7701.6 [RESERVED].

7701.7 If the emergency transfer is necessary because of conditions defined at 7701.5(a), and an appropriate unit is not immediately available, DCHA shall provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location.

7701.8 The family is entitled to alternative accommodations even if the tenant, household member, guest, or other covered person is responsible for the damage that caused the hazard or if a family is in the process of being evicted.

7701.9 Emergency transfers, as defined in § 7701.5, are mandatory for the tenant.

7701.10 DCHA will pay or reimburse the reasonable costs of temporarily accommodating the tenant and of long-term transfers, if any, for emergency transfers defined in § 7701.5;

7701.11 The reasonable cost of transfers includes the cost of packing, moving, and unloading.

7701.12 DCHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading.

7701.13 DCHA will reimburse the family for eligible out-of-pocket moving expenses up to DCHA's established moving allowance.

7702 DCHA-REQUIRED TRANSFERS

7702.1 The following are types of DCHA-required transfers:

(a) DCHA may require a resident to transfer to make an accessible unit available to a disabled family;

(b) DCHA may transfer a resident who is over housed or underhoused based on the occupancy standards defined at § 6401;

(c) DCHA may transfer residents in order to demolish, revitalize, or renovate the unit;

(d) DCHA may transfer residents as a result of a judicial proceeding;

(e) DCHA may transfer residents to alleviate a verified threat of physical harm or criminal activity. Such circumstances may, at DCHA's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, or a hate crime. DCHA will verify such threats in coordination with DCHA's Office of Public Safety;

(f) DCHA may transfer residents to alleviate any other conditions of hardship as determined by DCHA to effectuate DCHA goals or objectives; and

(g) Transfer required by DCHA is an adverse action that is subject to the notice requirements for adverse actions.

7702.2 Transfers required by DCHA, as defined at § 7702.1, are mandatory for the tenant.

7702.3 When a family is initially given an accessible unit, but does not require the accessible features, DCHA may require the family to agree to move to a non-accessible unit when it becomes available.

7702.4 When a non-accessible unit becomes available, DCHA shall transfer a family living in an accessible unit that does not require the accessible features, to an available unit that is not accessible. DCHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

7702.5 DCHA may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed.

7702.6 DCHA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition.

7702.7 The following applies to overcrowded and over-housed tenants:

(a) DCHA transfers a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied;

(b) For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

(1) "Overcrowded" is when the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides, according to the policy in 6401; and

(2) "Over-housed" is when the family no longer qualifies for the bedroom size in which they are living based on DCHA's occupancy standards according to § 6401.

(c) DCHA may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on DCHA's occupancy standards, when DCHA determines there is a need for the transfer;

(d) DCHA may elect not to transfer an over-housed family in order to prevent vacancies;

(e) A family that is required to move because of family size is advised by DCHA that a transfer is necessary, and that the family has been placed on the transfer list; and

(f) Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) in accordance with the policies in § 6401 are only required to transfer if it is necessary to comply with the approved exception.

7702.8 The transfers in this Chapter 77 permit DCHA to demolish, sell, or do major capital, or rehabilitation work at a building site.

7702.9 The following applies to relocations in transfer situations:

(a) DCHA will relocate a family when the unit or site in which the family lives will undergo major rehabilitation that requires the unit to be vacant, or the unit will be disposed of or demolished. DCHA's relocation plan may or may not require transferring affected families to other available public housing units;

(b) If the relocation plan calls for transferring public housing families to other public housing units, then affected families shall be placed on the transfer list; and

(c) If they are necessitated by rehabilitation or redevelopment, relocations may be on-site or off-site and may be temporary. For such relocations, the right of a family to return to the property will be consistent with federal law, DCHA policies, and DCHA agreements with residents.

7702.10 DCHA will pay or reimburse the reasonable costs of transfers that DCHA requires, except that resident are required to bear the cost of occupancy standards transfers.

7702.11 The reasonable costs of transfers include the cost of packing, moving, and unloading.

7702.12 DCHA establishes a moving allowance based on the typical costs in the community of packing, moving, and unloading.

7702.13 DCHA reimburses the family for eligible out-of-pocket moving expenses up to DCHA's established moving allowance.

7703 TRANSFERS REQUESTED BY TENANTS

7703.1 Subject to the provisions of Chapter 77, a tenant may request to transfer to another Public Housing unit. Except for the exceptions under VAWA stated in this Chapter 77, all requests for transfer must be submitted to DCHA in writing.

7703.2 With the exception of approved VAWA requests, DCHA will only approve transfer requests for families that are in compliance with the terms and conditions of their leases and have resided in their dwelling units for at least one (1) year. However, DCHA may make exceptions to this requirement when it is to DCHA's advantage to transfer the family.

7703.3 Families with a disabled household member that request reasonable accommodation transfers and families requesting a transfer pursuant to VAWA, as described below, are not subject to the one (1) year limitation.

7703.4 A family is compliant with the terms and conditions of its lease if the family:

(a) Is current on rent payments or on any repayment agreement, consent judgment agreement, or settlement agreement;

(b) Is current with recertification process;

(c) Is not subject to a citation for any lease violation;

(d) Has a good housekeeping record as evidenced by a housekeeping inspection; and

(e) Is not subject to a Notice to Correct or Vacate or a Notice to Vacate.

7703.5 DCHA shall acknowledge receipt of each tenant request for transfer. The date of acknowledgment shall serve as the Tenant Request for Transfer date, which will be used by DCHA to determine the family's place on the transfer waiting list.

7703.6 [RESERVED].

7703.7 Tenant requests for transfers that DCHA considers are limited to requests for:

(a) Transfers to alleviate a verified medical condition of serious or life-threatening nature;

(b) Transfers due to a verified threat of physical harm or criminal activity. Such circumstances may, at DCHA's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, or a hate crime, including VAWA transfer requests;

(c) Reasonable accommodation;

(d) Kinship Care or court-ordered custody transfers to a different unit size as long as the family qualifies for the unit according to DCHA's occupancy standards;

(e) Transfers to a location closer to employment; and

(f) No other tenant transfer requests are considered by DCHA.

7703.8 [RESERVED]

7703.9 Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference.

7703.10 If an applicant family accepted a unit size smaller than designated by the occupancy guidelines, the family is not eligible to transfer to a larger size unit for a period of one (1) year from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

7703.11 When a family transfers from one unit to another, DCHA transfers their security deposit to the new unit. The tenant is billed for any maintenance or others charges due for the "old" unit.

7703.12 DCHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability.

7703.13 The resident bears all the costs of transfer due to the resident's requests. However, DCHA bears the transfer costs when the transfer is done as a reasonable accommodation.

7703.14 Residents requesting a transfer to another unit or development are required to

submit a written request using DCHA's required form for transfer.

7703.15 To request the emergency transfer under VAWA, the resident is required to submit an emergency transfer request form (HUD-5383). Consistent with § 8107, DCHA may, on a case-by-case basis, waive this requirement. Transfer requests under VAWA are processed in accordance with DCHA's emergency transfer plan.

7703.16 In the case of a reasonable accommodation transfer, DCHA encourages the resident to make the request in writing using a reasonable accommodation request form. However, DCHA considers the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

7703.17 DCHA responds to a resident transfer request by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, as allowable.

7703.18 If the family does not meet the requirements outlined in §§ 7703.2 and 7703.3 except where noted above, the property manager shall address the problem and, until resolved, the request for transfer shall be denied.

7703.19 DCHA responds within ten (15) business days of the submission of the family's request. If DCHA denies the request for transfer, the family is informed of its grievance rights.

7704 TRANSFER PROCESSING

7704.1 Families who request a transfer should be placed on a transfer list and processed in a consistent and appropriate order as described below:

(a) DCHA maintains a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties;

(b) Emergency transfers do not automatically go on the transfer list. Instead, emergency transfers are handled immediately, on a case-by-case basis. If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family is placed at the top of the transfer list;

(c) Transfers are processed in the following order:

(1) Emergency transfers (as defined in § 7701);

(2) DCHA-required or tenant requested transfers for a verified threat of harm or criminal activity as defined in §§ 7702.1(e) and 7703.7(b)

respectively;

(3) Reasonable accommodation transfers;

(4) Transfers to make accessible units available when a family who does not require the accessible features is residing in the unit and an applicant or tenant family requires the unit's accessible features;

(5) Transfers from a unit to be demolished, disposed, or rehabilitated as defined in § 7702.1(c);

(6) Occupancy standards transfers as defined in § 7702.1(b);

(7) Other DCHA-required transfers described in § 7702; and

(8) Other tenant-requested transfers described in § 7703.

(d) Within each category, transfers are processed in order of the date a family was placed on the transfer list, starting with the earliest date;

(e) With the approval of the executive director, DCHA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to achieve DCHA's stated strategic goals and objectives. Such transfers are at the discretion of DCHA and will be initiated by DCHA, and cannot be initiated or requested by tenants;

(f) Demolition and renovation transfers may be processed without regard for the order defined in this chapter as necessary to allow DCHA to meet the demolition, renovation or redevelopment schedule; and

(g) Except for transfers based on a reasonable accommodation and transfers based on VAWA in accordance with § 8107, waiting list admissions shall take precedence over transfers at the ratio of five (5) new admissions from the waiting list to one (1) transfer.

7704.2 The following applies to transfer offers:

(a) Except for approved transfers for a reasonable accommodation, residents shall receive one (1) offer of a transfer.

(b) A current resident receiving a reasonable accommodation transfer offer will receive two (2) offers of accessible units before the resident's name is removed from reasonable accommodation waiting list.

(c) A family that receives a written notice of a new dwelling unit offer and refuses the offer without good cause as defined in § 7704.4 shall be issued

a Notice to Quit or Cure.

(d) When the transfer is required by DCHA, the refusal of that offer without good cause results in lease termination.

(e) When the transfer has been requested by the resident, the refusal of that offer without good cause results in the removal of the family from the transfer list. In such cases (with the exception of VAWA transfer requests), the family must wait twelve (12) months to reapply for another transfer.

7704.3 Reasons for good cause for refusal of a unit offer include but are not limited to the following:

(a) The family demonstrates to DCHA's satisfaction that accepting the unit offer requires an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities;

(b) The family demonstrates to DCHA's satisfaction that accepting the offer places a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, and/or stalking in accordance with 8107. For approved VAWA transfers, DCHA will accept as good cause refusal a written or oral statement from the family that they reasonably believe that the proposed transfer would not be safe. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption;

(c) A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member;

(d) The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a thirty (30) day notice to move;

(e) The unit has lead-based paint and the family includes children under the age of six (6); and

(f) DCHA requires documentation of good cause for unit refusals.

7704.4 The reexamination date shall be changed to the first (1st) of the month in

which the transfer took place.

Chapter 78, [RESERVED], of Title 14 DCMR, HOUSING, is renamed and replaced in its entirety to read as follows:

CHAPTER 78 LEASE TERMINATIONS

7800 INTRODUCTION

7800.1 Either party to the dwelling lease agreement may terminate the lease in accordance with the terms of the lease and applicable local and federal law.

7800.2 The Lessee's rental assistance is tied to his or her tenancy.

7800.3 When the Lessee vacates the public housing unit, their rental assistance is terminated.

7800.4 DCHA has the authority to terminate the lease based on the Lessee's failure to comply with HUD regulations, for serious or repeated violations of the terms of the lease, and for other good cause in accordance with the provisions of the lease and the regulations at 24 CFR § 966.4(l)(2).

7800.5 There is no time limitation on bringing an action based on a breach of the lease.

7800.6 For the purposes of this section, Lessee shall have the same definition as in Chapter 67.

7800.7 This Chapter provides the regulations that govern voluntary termination of the lease by the Lessee and the mandatory and voluntary termination of the lease by DCHA. It is presented in four parts:

(a) Section 7801, Termination by Tenant specifies DCHA requirements for voluntary termination of the lease by the Lessee;

(b) Section 7802, Termination by DCHA–Mandatory, specifies when termination of the lease by DCHA is mandatory, including nonrenewal of the lease for noncompliance with community service requirements;

(c) Section 7803, Termination by DCHA – Other Authorized Reasons, specifies DCHA's options for lease termination for which HUD allows DCHA to terminate the lease.

(d) Section 7804, Notification Requirements, specifies requirements for disclosure of criminal records to the Lessee prior to termination, the requirements for timing and content of written notices for lease termination, and notification of the post office when eviction is due to

criminal activity. This part also discusses record keeping related to lease termination.

7801 TERMINATION BY TENANT

7801.1 The Lessee may terminate the lease at any time, for any reason, by

(a) Providing at least thirty (30) calendar days advance written notice to the Property Manager of their intent to vacate;

(b) When a family must give less than thirty (30) days' notice due to circumstances beyond their control, DCHA, at its discretion, may waive the thirty (30) day requirement;

(c) The notice of lease termination must be signed by all adult family members who signed the lease; and

(d) In order to be valid, Lessee shall leave the premises in as clean and good condition as Lessee received at the start of Lessee's occupancy, wear and tear excepted, and return all keys and all other entry devices to DCHA.

7801.2 If the Lessee moves out the unit or is deceased, a remaining household member, or another adult identified below, must notify DCHA in writing of the Lessee's death or departure within fourteen (14) days of the date the Lessee vacates the Leased Premises or dies.

7801.3 Within thirty (30) days after the date referenced in § 7801.2, or within fourteen (14) days of DCHA's issuance of a Notice to Vacate the Premises, Notice to Cure or Vacate, or Lease Termination Notice, whichever is later, in order to sustain continued occupancy for the remaining household members at the Leased Premises, the remaining household member or other adult must submit a written request to become head of household.

7801.4 Details on the process and exclusions from the rule in § 7801.3 are as follows:

(a) Section § 7801.3 does not apply if the head of household vacates the unit pursuant to the issuance of a Notice to Correct, Notice of Non-Payment of Rent, or Vacate, or a Notice to Vacate.

(b) If the head of household vacates the unit pursuant to a notice referenced in § 7801.4(a), the remaining family members must vacate the unit. If the remaining family members do not vacate the unit, they shall be deemed unauthorized occupants;

(c) The applicant to be made Lessee, and if applicable, the other remaining household members must be eligible for continued occupancy and not be

in serious violation of the material terms of the Dwelling Lease. DCHA will screen the application in accordance with federal law and regulations as well as Chapter 62. Applicant(s) will be notified in writing of the disposition of the application:

(1) If the application is approved, the new Lessee shall enter into a new lease agreement with DCHA within seven (7) working days of the date of approval of the application;

(2) Any balance on the rental account existing prior to a remaining household member becoming the Lessee is the responsibility of the newly designated Lessee as head of household;

(3) Any obligations for rent, causes of action arising under the original Lease, stipulations of settlement, consent judgments, judgments, or repayment agreements of the prior Lessee shall be deemed part of the new Dwelling Lease and tenancy and shall be the responsibility of the new Lessee designated as head of household and actionable against such new Lessee; or

(4) If the applicant and other remaining household members are not approved to continue to occupy the Leased Premises, and such remaining members do not vacate, they will be deemed unauthorized occupants and thus occupying premises without the consent of DCHA and shall be subject to eviction by DCHA. The applicant may file a grievance regarding the denial of his or her application in accordance with the Authority's grievance procedures; and

(d) If there are no remaining adult household members, or none who are able to serve as head of household due to disability, but the unit continues to be occupied by household members who are minor children or adults unable to serve as head of household due to disability, then an adult who is not listed on the lease may apply to become Lessee and Head of Household. The following shall apply under these circumstances:

(1) The applicant to be Lessee must produce evidence of a care giving relationship with the remaining minor children or disabled adults. Such documentation may include, but is not limited to, court order; notarized authorization from the children's legal guardian; school or medical records; public benefit records; and sworn statements from medical, legal, or social service professionals;

(2) Where the remaining family members are minors, the applicant to be Lessee must either (i) obtain Custodial Power of Attorney; or (ii) commence legal proceedings to obtain legal guardianship or

custody of the minor children. So long as such proceeding is pending, and the applicant has produced evidence of a caregiving relationship, and meets DCHA's other screening criteria, DCHA shall consider the applicant to be provisionally eligible to be Lessee and Head of Household, until a decision is made;

(3) In the case of § 7801.4(c)(2), above, the applicant's eligibility to be Lessee and head of household is contingent on legal proceedings pending or being resolved in favor of the applicant. If a court of competent jurisdiction denies the applicant's petition for custody or guardianship, no appeal is pending, and the appeal period has expired, DCHA will determine the applicant ineligible to be head of household and may issue a Notice to Vacate. In that event, another remaining adult household member may submit an application to be Lessee and head of household within thirty (30) days of the issuance of the Notice, and DCHA will process such application in accordance with the requirements of this section; and

(4) Where more than one adult has competing claims to become Lessee and head of household as caregivers of the remaining minor children, DCHA shall follow the ruling of a court of competent jurisdiction regarding the custody or guardianship of the children.

7801.5 The Lessee shall be liable for rent until the earlier of the time DCHA has taken possession of the Unit, or such time as all of the following are completed:

(a) The proper written notice has been given;

(b) The required vacate forms are completed with the assistance of DCHA if necessary;

(c) The keys are turned in; and any other entry devices; and

(d) Lessee and all household members, guests as well as all others defined as any person under the Lessee's control or on the Leased Premises with Lessee's consent; including but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Lessee (hereinafter referred to collectively as "others"), have vacated the Leased Premises.

7802 TERMINATION BY DCHA—MANDATORY

7802.1 DCHA may, in its sole and absolute discretion, terminate a lease for a serious or repeated violation of a material term of the lease.

7802.2 There is no time limitation on bringing a notice of termination, notice to vacate,

notice to cure or vacate, notice of past due rent, or action based on breach of the lease.

7802.3 Lessee is responsible for compliance with all provisions of the Lease by all household members, visitors, guests, unauthorized occupants, live-in aides, others under the Lessee's control or on the Leased Premises with Lessee's consent; including, but not limited to, any individuals occupying or using the Leased Premises for any purpose with actual or implied consent of the Lessee.

7802.4 A violation of any of the terms of the lease by any person noted in 7802.3 shall be considered a serious violation of the lease.

7802.5 DCHA may in its sole and absolute discretion terminate a lease for Lessee's violation of an obligation of tenancy.

7802.6 An "obligation of tenancy" refers to those obligations which are contained in a valid, written lease or in the federal or local regulations pertaining to public housing tenants or in the D.C. Housing Code. Such violations include but are not limited to the violations set forth in § 7802.7 – 7802.17.

7802.7 Lessee's failure to supply any information that DCHA or HUD determines is necessary in administration of the public housing program, including but not limited to, information needed to establish the family's eligibility for continued occupancy and to determine their level of subsidy.

7802.8 DCHA must terminate the lease if any household member fails to sign and submit any consent form they are required to sign for any reexamination or revokes consent at any time.

7802.9 DCHA must terminate the lease if:

(a) A family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status;

(b) A family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family, resulting in no eligible family members; or

(c) A family member, as determined by DCHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit. Such termination must be for a period of at least twenty-four (24) months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated.

7802.10 DCHA will terminate assistance if the Lessee has failed to disclose the complete and accurate Social Security numbers of each household member and the documentation necessary to verify each Social Security number (SSN), except that DCHA may defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of ninety (90) calendar days for circumstances beyond the Lessee's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

7802.11 DCHA will terminate the lease if the Lessee fails to accept DCHA's offer of a lease revision to an existing lease, provided DCHA has done the following:

(a) The revision is on a form adopted by DCHA in accordance with 24 CFR § 966.3 pertaining to requirements for notice to tenants and resident organizations and their opportunity to present comments;

(b) DCHA has made written notice of the offer of the revision at least sixty (60) calendar days before the lease revision is scheduled to take effect; and

(c) DCHA has specified in the offer a reasonable time limit within that period for acceptance by the Lessee.

7802.12 DCHA will terminate the lease if the Lessee or any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.

7802.13 Should DCHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, or who becomes subject to a lifetime registration requirement after admission, DCHA will immediately terminate assistance for the household member.

7802.14 If a termination occurs under § 7802.13, DCHA will offer the family the opportunity to remove the ineligible family member from the household. If the family is unwilling to remove that individual from the household, DCHA will terminate assistance for the household.

7802.15 DCHA will not renew the lease at the end of the twelve (12) month lease term when the family fails to comply with the community service requirements as described in Chapter 73, 24 CFR § 966.4(l)(2)(ii)(D), 24 CFR § 960.603(b) and 24 CFR § 960.607(b)(2)(ii) and (c).

7802.16 DCHA will immediately terminate the lease following the death of the sole family member.

7802.17 For families whose income exceeds the over-income limit for twenty-four (24) consecutive months, DCHA will terminate the lease in accordance with § 6805.

7803 TERMINATION BY DCHA—OTHER AUTHORIZED REASONS

7803.1 [RESERVED]

7803.2 The following definitions are used for this and other parts of this chapter:

(a) "Affiliated individual" is defined in § 8107.3(a);

(b) "Covered person" means a tenant, any member of the tenant's household, a guest, or another person under the tenant's control;

(c) "Dating violence" is defined in § 8107.3(c);

(d) "Domestic violence" is defined in § 8107.3(d);

(e) "Drug" means a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802);

(f) "Drug-related criminal activity" means the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with the intent to manufacture, sell, distribute, or use the drug;

(g) "Guest" means a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant;

(h) "Household" means the family and DCHA-approved live-in aide. The term household also includes foster children or foster adults that have been approved to reside in the unit;

(i) "Other person under the tenant's control" means that the person, although not staying as a guest in the unit, is, or was at the time of the activity in question, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant. Absent evidence to the contrary, a person temporarily and infrequently on the premises solely for legitimate commercial purposes is not under the tenant's control;

(j) "Premises" means the building or complex or development in which the public or assisted housing dwelling unit is located, including common areas and grounds;

(k) "Sexual assault" is defined in § 8107.3(e);

(l) "Stalking" is defined in § 8107.3(f); and

(m) "Violent criminal activity" means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

7803.3 The Violence Against Women Act explicitly prohibits DCHA from considering incidents of actual or threatened domestic violence, dating violence, sexual assault, and/or stalking as "other good cause" for terminating the assistance, tenancy, or occupancy rights of the victim or threatened victim of such violence.

7803.4 DCHA shall terminate the lease for drug-related criminal activity engaged in on or off the premises by any tenant, member of the tenant's household or guest, and any such activity engaged in on the premises by any other person under the tenant's control.

7803.5 DCHA will terminate the lease when it determines that a household member is illegally using a drug or DCHA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

7803.6 DCHA will terminate the lease when a covered person engages in any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents (including DCHA management staff residing on the premises) or by persons residing in the immediate vicinity of the development.

7803.7 DCHA will terminate the lease if the Lessee, household member, guest, or other person under the Lessee's control engages in any violent criminal activity or, except as permitted by District of Columbia law, is in possession of any firearm or ammunition for a firearm.

7803.8 DCHA may terminate a lease for criminal or drug-related criminal activity regardless of whether the household member, guest or other person under the lessee's control has been arrested or convicted, and without satisfying the standard of proof used for a criminal conviction. The standard to be used is a preponderance of the evidence.

7803.9 DCHA will terminate the lease if DCHA determines that a household member has engaged in abuse or a pattern of abuse of alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

7803.10 A pattern of such alcohol abuse means more than one incident of any such abuse of alcohol during the previous three (3) months.

7803.11 DCHA will consider all credible evidence, including but not limited to, any record of arrests or convictions of household members related to the abuse of alcohol.

7803.12 A record or records of arrest will not be used as the sole basis for the termination or proof that the resident engaged in disqualifying criminal activity.

7803.13 DCHA shall terminate the lease if the Lessee, household member, guest or others under the Lessee's control engage in the manufacture, sale, or distribution of any alcoholic beverages or openly consume alcoholic beverages in any common areas in the Development or otherwise consume alcoholic beverages in a manner that impairs the physical or social environment of the Development or the health, safety or right to peaceful enjoyment of the Development by other residents, service providers, or Authority staff.

7803.14 DCHA shall terminate the lease if the Lessee, other household members, and guests or others under the Lessee's control permit anyone who is currently barred from the Leased Premises or Development from occupying, staying overnight, or visiting the Leased Premises or invite them to the Leased Premises or anywhere else on the Development at any time for any purpose, unless authorized in writing by the Authority in advance in writing. The Authority will post a list of barred individuals in the Property Management Office.

7803.15 DCHA will terminate the lease if it determines that a household member has furnished false or misleading information concerning illegal drug use, alcohol abuse, or rehabilitation of illegal drug users or alcohol abusers.

7803.16 DCHA will terminate the lease for the following violations of tenant obligations under the lease:

(a) Failure to make payments due under the lease, including nonpayment of rent (see Chapter 67 for details pertaining to lease requirements for payments due);

(b) Repeated late payment of rent or other charges. DCHA considers six (6) late payments within a twelve (12) month period as repeated late payment; or

(c) Failure to fulfill the following household obligations:

(1) Not to assign the lease or to sublease all or a part of the dwelling unit. Subleasing includes, but is not limited to, receiving payment to cover rent or utility costs by a person living in the unit who is not listed as a family member;

(2) Not to provide accommodations for boarders or lodgers;

(3) To use the dwelling unit solely as a private dwelling for the Lessee and the Lessee's household as identified in the lease, and not to use or permit its use for any other purpose;

(4) To abide by necessary and reasonable regulations promulgated by DCHA for the benefit and well-being of the housing development and the Lessees which shall be posted in the property management office and incorporated by reference in the lease;

(5) To comply with all obligations imposed upon Lessees by applicable provisions of building and housing codes materially affecting health and safety;

(6) To keep the dwelling unit and such other areas as may be assigned to the Lessee for the Lessee's exclusive use in a clean and safe condition;

(7) To dispose of all ashes, garbage, rubbish, and other waste from the dwelling unit in a sanitary and safe manner;

(8) To use only in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators;

(9) To refrain from, and to cause the household and guests to refrain from destroying, defacing, damaging, or removing any part of the dwelling unit or development;

(10) To pay reasonable charges (other than for normal wear and tear) for the repair of damages to the dwelling unit, or to the project (including damages to development buildings, facilities or common areas) caused by the Lessee, a member of the household or a guest; and

(11) To act, and cause household members or guests to act, in a manner which does not disturb other residents' peaceful enjoyment of their accommodations and is conducive to maintaining the project in a decent, safe and sanitary condition.

7803.17 DCHA will terminate the lease if a tenant is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or violating a condition of probation or parole imposed under federal or District law.

7803.18 DCHA will terminate the lease if any member of the household has, during their

current public housing tenancy, becomes subject to a registration requirement under a state sex offender registration program.

7803.19 DCHA will terminate the lease for discovery of facts after admission to the program that would have made the tenant ineligible.

7803.20 DCHA will terminate the lease for discovery of materially false statements or fraud by the tenant in connection with an application for assistance or with a reexamination of income.

7803.21 DCHA will terminate the lease for failure of the lessee to furnish such information and certifications regarding family composition and income as may be necessary for DCHA to make determinations with respect to rent, eligibility, and the appropriateness of the dwelling unit size.

7803.22 DCHA will terminate the lease for failure to move to a new unit in accordance with a mandatory transfer as described in § 7702, upon appropriate notice by DCHA that such a dwelling unit is available.

7803.23 DCHA will terminate the lease for failure of the Lessee to permit access to the unit by DCHA after proper advance notification for the purpose of performing routine inspections and maintenance, for making improvements or repairs, or to show the dwelling unit for re-leasing, or without advance notice if there is reasonable cause to believe that an emergency exists.

7803.24 DCHA will terminate the lease for failure of the Lessee to promptly inform DCHA of the birth, adoption, or court-awarded custody of a child. In such a case, promptly means within 30 business days of the event.

7803.25 DCHA will terminate the lease for failure of the Lessee to abide by the provisions of DCHA pet policy.

7803.26 DCHA will terminate the lease for failing of the Lessee to comply with the non-smoking policy.

7803.27 DCHA will terminate the lease if the Lessee has breached the terms of an in-house repayment agreement entered with DCHA.

7803.28 DCHA will terminate the lease if the Lessee has violated federal, District, or local law that imposes obligations in connection with the occupancy or use of the premises.

7803.29 DCHA will terminate the lease if a household member has engaged in or threatened violent or abusive behavior toward DCHA personnel.

7803.30 “Abusive or violent behavior” towards DCHA personnel includes verbal as well

as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

7803.31 "Threatening" refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

7803.32 DCHA will terminate the lease for failure of the Lessee or remaining family member to supply any information or certification requested by DCHA to verify that the family is living in the unit, or relating to family absence from the unit, including any DCHA-requested information or certification on the purposes of family absences.

7803.33 If the Lessee does not notify DCHA when all family members will be absent from the unit for an extended period and does not provide this notification within fifteen (15) business days of the start of this extended absence, DCHA will terminate the lease for failure of the Lessee to promptly notify DCHA when all family members will be absent from the unit for an extended period. As indicated, in such a case promptly means within fifteen (15) business days of the start of the extended absence.

7803.34 An "extended period" is defined as any period greater than thirty (30) calendar days.

7803.35 DCHA will terminate the lease for other good cause if a family is absent from the public housing unit for more than one hundred eighty (180) consecutive days, and the family does not adequately verify that they are living in the unit.

7803.36 DCHA will terminate the lease if the family appears to have vacated the unit without giving proper notice.

7803.37 D C HA has the right to secure the unit immediately to prevent vandalism and other criminal activity.

7803.38 DCHA shall terminate the lease if the Lessee fails to comply with a mandatory transfer notice.

7804 NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

7804.1 HUD authorizes DCHA to conduct criminal records checks on public housing residents for admission criteria, recertification, lease enforcement and eviction.

7804.2 DCHA may conduct criminal records checks when it learns that an applicant or applicant's adult household member has engaged in criminal activity, drug-related criminal activity, violent criminal activity, or is in possession of a firearm or

ammunition, except as authorized by D.C. Law.

7804.3 DCHA may conduct criminal records checks when it learns that a Lessee, adult household member, live-in-aide, guest, or other person under the Lessee's control has engaged in criminal activity that threatens the health, safety, or right to peaceful enjoyment of the Development by other residents or DCHA staff, drug-related criminal activity on or off the leased Premises or the Development, violent criminal activity on or off the leased Premises or the Development or possession of a firearm or ammunition, except as authorized by District Law.

7804.4 Criminal records checks may include sex-offender registration information.

7804.5 DCHA will not pass along to the tenant the costs of a criminal records check.

7804.6 In all cases where criminal record or sex offender registration information would result in lease enforcement or eviction, DCHA will notify the household in writing of the proposed adverse action and will provide the subject of the record and the tenant a copy of such information, and an opportunity to dispute the accuracy and relevance of the information before an eviction or lease enforcement action is taken.

7804.7 The family will be given fifteen (15) business days from the date of DCHA notice to dispute the accuracy and relevance of the information.

7804.8 If the family does not contact DCHA to dispute the information within fifteen (15) business days period, DCHA will proceed with the termination action.

7804.9 Should the tenant not exercise their right to dispute prior to any adverse action, the tenant still has the right to dispute in the grievance hearing or court trial.

7804.10 Notices of lease termination must be in writing. The notice must state the specific grounds for termination, the time period during which the termination will take place, the resident's right to reply to the termination notice, and their right to examine DCHA documents directly relevant to the termination or eviction.

7804.11 When DCHA offers remote hearings, the notice will also state that the resident may request a remote hearing.

7804.12 If DCHA will require that the hearing be conducted remotely, at the time the notice is sent to the resident informing them of the right to request a hearing, the resident will be notified that the hearing will be conducted remotely. The resident will be informed of the processes involved in a remote hearing and that DCHA will provide technical assistance, if needed, before the hearing.

7804.13 Every applicant, adult applicant household member, lessee, adult household member, live-in-aide, guest or other person under the Lessee's control shall, upon

request submit a signed consent form allowing a law enforcement agency to release criminal records to DCHA.

7804.14 Nothing in this section precludes DCHA from pursuing lease enforcement or eviction for criminal conduct regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction.

7804.15 The notice of lease termination shall state specific grounds for termination, and shall inform the Lessee of the Lessee's right to make such reply as the Lessee may wish. The notice shall also inform the Lessee of the right to examine DCHA documents directly relevant to the termination or eviction.

7804.16 If DCHA is required to afford the tenant the opportunity for a grievance hearing, the notice in § 7804.15 shall also inform the Lessee of the Lessee's right to request a hearing in accordance with DCHA's grievance procedure in Chapter 79.

7804.17 If DCHA is not required to afford the Lessee a hearing under its grievance procedure, the notice in § 7804.15 shall state this fact and shall state the judicial eviction procedure to be used by DCHA for eviction of the Lessee, and state that HUD has determined that this eviction procedure provides the opportunity for a hearing in court that contains the basic elements of due process as defined in HUD regulations.

7804.18 The notice in § 7804.15 shall state whether the eviction is for a criminal or for a drug-related criminal activity.

7804.19 DCHA shall issue a Notice of Past Due Rent in the case of failure to pay rent or other violations of the lease except as otherwise set forth herein.

7804.20 DCHA shall issue a thirty (30) day notice to vacate to Lessees, for lease violations, predicated on criminal activity that threatens the residents' health, safety or right to peaceful enjoyment of the Development, drug related criminal activity on or off the Leased Premises or the Development, violent criminal activity or possession of a firearm or ammunition in violation of District law.

7804.21 DCHA will not issue a thirty (30) day notice to correct or vacate, or notice to vacate, where DCHA has determined that the head of household responsible for the dwelling unit under the Dwelling lease is deceased and there are no remaining household members.

7804.22 All notices of lease termination will include a copy of the forms HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation and HUD-5380: VAWA Notice of Occupancy Rights to accompany the termination notice.

7804.23 Any tenant who claims that the cause for termination involves domestic violence, dating violence, sexual assault, or stalking, of which the tenant or affiliated individual of the tenant is the victim will be given the opportunity to provide documentation.

7804.24 Lessees who refuse to vacate their unit after appropriate notice shall be subject to legal action to gain possession of the dwelling unit (eviction).

7804.25 The Lessee shall be solely responsible for the protection, care and disposition of the Lessee's possessions during, and after an eviction.

7804.26 Notices shall be served in accordance with District Law. Any Notice to Vacate or Notice to Cure or Vacate, Notice of Past Due Rent, Notice of Non-Payment of Rent or Notice of Intent to File a Claim that is required by state or local law will run concurrently with the Notice of Lease Termination under § 7804.

7804.27 When DCHA determines that a family is in noncompliance with the community service requirement, the tenant and any other noncompliant resident must be notified in writing of this determination.

7804.28 If after receiving a notice of initial noncompliance, the family does not request a grievance hearing or does not take either corrective action required by the notice within the required timeframe, a termination notice shall be issued in accordance with the policies above.

7804.29 If a family agreed to cure initial noncompliance by signing an agreement and is still in noncompliance after being provided the three (3)-month opportunity to cure, the family shall be issued a notice of continued noncompliance. The notice of continued noncompliance will be sent in accordance with the policies in § 7301.38, and shall also serve as the notice of termination of tenancy.

7804.30 In cases where termination of tenancy is based on citizenship status the notice of termination shall advise the Lessee of the reasons the assistance is being terminated.

7804.31 The notice in § 7804.30 will advise the family of any of the following that apply:

(a) the family’s eligibility for proration of assistance;

(b) the criteria and procedures for obtaining relief under the provisions for preservation of families;

(c) the family’s right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or a written explanation in support of the appeal; and

(d) the family's right to request an informal hearing with DCHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal.

7804.32 DCHA may exclude from DCHA administrative grievance procedure under this subpart any grievance concerning a termination of tenancy or eviction that involves:

(a) Any criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises of other residents or employees of DCHA;

(b) Any violent or drug-related criminal activity on or off such premises; or

(c) Any criminal activity that resulted in felony conviction of a household member.

7804.33 When a family does not vacate the unit after receipt of a termination notice by the deadline given in the notice, DCHA will follow District landlord-tenant law in filing an eviction action with the local court that has jurisdiction in such cases.

7804.34 If the eviction action is finalized in court and the family remains in occupancy beyond the deadline to vacate given by the court, DCHA will seek the assistance of the court to remove the family from the premises as per District and local law.

7804.35 When DCHA evicts an individual or family for criminal activity, including drug-related criminal activity, DCHA must notify the local post office serving the dwelling unit that the individual or family is no longer residing in the unit.

7804.36 A written record of every termination and/or eviction will be maintained by DCHA at the development where the family was residing, and will contain the following information:

(a) Name of resident, number and identification of unit occupied;

(b) Date of the notice of lease termination and any other notices required by district or local law; these notices may be on the same form and will run concurrently;

(c) Specific reason(s) for the notices, citing the lease section or provision that was violated, and other facts pertinent to the issuing of the notices described in detail (other than any criminal history reports obtained solely through the authorization provided in 24 CFR §§ 5.903 and 5.905);

(d) Date and method of notifying the resident; and

(e) Summaries of any conferences held with the resident including dates, names of conference participants, and conclusions.

7804.37 The following applies to Terminations Related to Domestic Violence, Dating Violence, Sexual Assault, or Stalking:

(a) When an individual facing termination of tenancy for reasons related to domestic violence, dating violence, sexual assault, and/or stalking claims protection under VAWA, DCHA will request in writing that the individual provide documentation supporting the claim in accordance with the policies in § 8107.

(b) DCHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. In such cases, DCHA will document the waiver in the individual's file.

(c) DCHA will bifurcate a family's lease and terminate the tenancy of a family member if DCHA determines that the family member has committed criminal acts of physical violence against other family members or others.

7804.38 In making its decision under § 7804.37, DCHA will consider all credible evidence, including, but not limited to, documentation as specified under § 8107.9. Upon such consideration, DCHA may, on a case-by-case basis, choose not to bifurcate the lease and terminate the tenancy of the culpable family member.

7804.39 If DCHA does bifurcate (see § 8107.4(b) for the definition of "bifurcate") the lease and terminate the tenancy of the culpable family member, it will do so in accordance with the lease, applicable law, and the policies in this ACOP.

7804.40 If the person removed from the lease was the only family member eligible to receive assistance, DCHA must provide any remaining tenant a chance to establish eligibility for the unit.

7804.41 If the remaining tenant cannot establish eligibility for the unit, DCHA must provide the tenant reasonable time to find new housing or to establish eligibility for another housing program covered under VAWA.

7804.42 In determining whether a public housing tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is an actual and imminent threat to other tenants or those employed at or providing service to a property, DCHA will consider the following, and any other relevant, factors:

(a) Whether the threat is toward an employee or tenant other than the victim of domestic violence, dating violence, sexual assault, or stalking;

(b) Whether the threat is a physical danger beyond a speculative threat;

(c) Whether the threat is likely to happen within an immediate time frame; or

(d) Whether the threat to other tenants or employees can be eliminated in some other way, such as by helping the victim relocate to a confidential location, transferring the victim to another unit, or seeking a legal remedy to prevent the perpetrator from acting on the threat.

7804.43 If the tenant wishes to contest DCHA's determination that they are an actual and imminent threat to other tenants or employees, the tenant may do so as part of the grievance hearing or in a court proceeding.

Chapter 79, [RESERVED], of Title 14 DCMR, HOUSING, is renamed and replaced in its entirety to read as follows:

CHAPTER 79 PUBLIC HOUSING GRIEVANCES AND APPEALS

7900 INTRODUCTION

7900.1 This Chapter discusses grievances and appeals pertaining to DCHA's actions or failures to act that adversely affect public housing applicants or residents. The policies are discussed in the following three (3) parts:

(a) Section 7901, Informal Hearings for Public Housing Applicants, outlines the requirements and procedures for informal hearings for public housing applicants;

(b) Section 7902, Informal Hearings with Regard to Noncitizens, discusses informal hearings regarding citizenship status and where they differ from the requirements for general applicant and resident grievances; and

(c) Section 7903, Grievance Procedures for Public Housing Residents, outlines the requirements and procedures for handling grievances for public housing residents.

7901 INFORMAL HEARINGS FOR PUBLIC HOUSING APPLICANTS

7901.1 [RESERVED]

7901.2 Informal hearings are provided for public housing applicants.

7901.3 An "applicant" is someone who has applied for admission to the public housing program, but is not yet a tenant in the program.

7901.4 Informal hearings provide applicants with the opportunity to review the reasons for denial of admission and to present evidence to refute the grounds for denial.

7901.5 DCHA will only offer informal hearings to applicants for the purpose of disputing adverse decisions regarding denial of admission.

7901.6 DCHA must give an applicant notice of a decision denying eligibility for admission within ten (10) business days in accordance with Chapter 63.

7901.7 The notice in § 7901.6 must contain a brief statement of the reasons for DCHA's decision and must also state that the applicant may request an informal hearing to dispute the decision. The notice must describe how to obtain the informal hearing.

7901.8 DCHA's Notice of Denial will include information about required or requested remote informal hearings.

7901.9 If the applicant fails to request an informal hearing timely, the Notice of Denial shall be the final decision of DCHA.

7901.10 The applicant may appeal the final decision under the rules and procedures under the District Administrative Procedures Act, District Code § 2–510(a).

7901.11 When denying eligibility for admission, DCHA will provide the family a notice of VAWA rights (form HUD-5380) as well as the HUD VAWA self-certification form (form HUD-5382) in accordance with the Violence against Women Reauthorization Act of 2022, and as outlined in §§ 8107.4- 8107.10. The notice and self-certification form must accompany the written notification of the denial of eligibility determination.

7901.12 Prior to notification of denial based on information obtained from criminal or sex offender registration records, the family will be given the opportunity to dispute the information in those records which would be the basis of the denial.

7901.13 The procedures for requesting and scheduling an informal hearing for an applicant are as follows:

(a) A request for an informal hearing must be made in writing and delivered to DCHA either in person, by email or first-class mail, by the close of the business day, no later than fifteen (15) business days from the date of DCHA's notification of denial of admission;

(b) DCHA must schedule and send written notice of the informal hearing within fifteen (15) business days of the family's request;

(c) If the informal hearing is conducted remotely, at the time the notice is sent to the family, the family will be informed:

(1) Regarding the processes involved in a remote informal hearing;

(2) That DCHA shall provide technical assistance prior to and during the informal hearing, if needed; and

(3) That if the family or any individual witness has any technological, resource, or accessibility barriers preventing them from fully accessing the remote informal hearing, the family may inform DCHA and DCHA will assist the family in either resolving the issues or allow the family to participate in an in-person informal hearing, as appropriate;

(d) The informal hearing will be conducted by a person other than the one who made or approved the decision under review, or a subordinate of this person;

(e) The applicant will be provided an opportunity to present written or oral objections to the decision of DCHA; and

(f) The person conducting the informal hearing will make a recommendation to DCHA, but DCHA is responsible for making the final decision as to whether admission should be granted or denied.

7901.14 The following applies to remote hearings:

(a) DCHA has the sole discretion to require that informal hearings be conducted remotely;

(b) In addition, DCHA may conduct an informal hearing remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have childcare or transportation that would enable them to attend the informal hearing, or if the applicant believes an in-person informal hearing would create an undue health risk. DCHA considers other reasonable requests for a remote informal hearing on a case-by-case basis;

(c) As with in-person informal hearings, the platform for conducting remote informal hearings will be accessible to persons with disabilities and the informal hearing must be conducted in accordance with Section 504 and accessibility requirements;

(d) As with in-person hearings, LEP requirements also apply to remote informal hearings, including the use of interpretation services and document translation. See Chapter 61 for a more thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote informal hearings;

(e) DCHA will conduct remote informal hearings via a video conferencing

platform, when available;

(f) If, after attempting to resolve any barriers, applicants are unable to adequately access the video conferencing platform at any point, or upon applicant request, the informal hearing will be conducted by telephone conferencing call-in;

(g) If the family is unable to adequately access the telephone conferencing call-in at any point, the remote informal hearing will be postponed, and an in-person alternative shall be provided promptly within a reasonable time;

(h) At least five (5) business days prior to scheduling the remote hearing, DCHA will provide the family with login information or conferencing call-in information and an electronic copy of all materials being presented via first class mail and/or email.

(i) The notice in § 7901.14(h) will advise the family of technological requirements for the hearing and request the family notify DCHA of any known barriers. DCHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the family the opportunity to attend an in-person hearing;

(j) If the informal hearing is to be conducted remotely, DCHA requires the family to provide any documents directly relevant to the informal hearing at least twenty-four (24) hours before the scheduled hearing through the mail, via email, or text. DCHA will scan and email copies of these documents to DCHA representative and to the person conducting the informal hearing the same day. DCHA will provide the family with any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing;

(k) Documents will be shared electronically whenever possible;

(l) DCHA will follow up the email with a phone call or email to the applicant at least one (1) business day prior to the remote informal hearing to ensure that the applicant received all information and is able to access the video conferencing or call-in platform; and

(m) DCHA will ensure that all electronic information stored or transmitted with respect to the informal hearing is secure, including protecting "personally identifiable information (PII)," and meets the requirements for accessibility for persons with disabilities and persons with LEP.

7901.15 The following applies to DCHA's final decision for public housing applicant hearings:

(a) DCHA will notify the applicant of DCHA's final decision, including a

brief statement of the reasons for the final decision;

(b) In rendering a decision, DCHA will evaluate the following matters:

(1) Whether or not the grounds for denial were stated factually in the notice;

(2) The validity of grounds for denial of admission. If the grounds for denial are not specified in the regulations or in this ACOP, then the decision to deny assistance is overturned. See Chapter 62 for a detailed discussion of the grounds for applicant denial;

(3) The validity of the evidence. DCHA will evaluate whether the facts presented prove the grounds for denial of admission. If the facts prove that there are grounds for denial, and the denial is required by HUD, DCHA will uphold the decision to deny admission; and

(4) If the facts prove the grounds for denial, and the denial is discretionary, DCHA will consider the recommendation of the person conducting the informal hearing in making the final decision whether to deny admission;

(c) DCHA will notify the applicant of the final decision, including a statement explaining the reason(s) for the decision. The notice is mailed, within fifteen (15) business days of the informal hearing, to the applicant and their representative, if any;

(d) If the informal hearing decision overturns the denial, processing for admission will resume;

(e) The family fails to appear for their informal hearing, the denial of admission will stand, and the family will be notified; and

(f) If the applicant fails to request an informal hearing timely, the Notice of Denial will be the final decision of DCHA. The applicant may appeal the final decision under the rules and procedures under the D.C. Administrative Procedures Act, D.C. Code § 2–510(a) (2022).

7901.16 Persons with disabilities may request reasonable accommodations in order to participate in the informal hearing process and DCHA will consider accommodations. DCHA will also consider reasonable accommodation requests pertaining to the reasons for denial if related to the person's disability. See Chapter 61 of this Title for more detail pertaining to reasonable accommodation requests.

7902 INFORMAL HEARINGS WITH REGARD TO NONCITIZENS

7902.1 Denial or termination of assistance based on immigration status is subject to special hearing and notice rules. These special hearings are referred to in the regulations as informal hearings, but the requirements for such hearings are different from the informal hearings used to deny applicants for reasons other than immigration status.

7902.2 Assistance to a family may not be delayed, denied, or terminated on the basis of immigration status at any time prior to a decision under the United States Citizenship and Immigration Services (USCIS) appeal process.

7902.3 Assistance to a family may not be terminated or denied while DCHA hearing is pending, but assistance to an applicant may be delayed pending the completion of the informal hearing.

7902.4 A decision against a family member, issued in accordance with the USCIS appeal process or DCHA informal hearing process, does not preclude the family from exercising the right, that may otherwise be available, to seek redress directly through judicial procedures.

7902.5 As discussed in Chapters 62 and 78, the notice of denial or termination of assistance for noncitizens must advise the family of any of the following that apply:

(a) That financial assistance shall be denied or terminated and provide a brief explanation of the reasons for the proposed denial or termination of assistance;

(b) The family may be eligible for proration of assistance;

(c) In the case of a tenant, the criteria and procedures for obtaining relief under the provisions for preservation of families;

(d) That the family has a right to request an appeal to the USCIS of the results of secondary verification of immigration status and to submit additional documentation or explanation in support of the appeal;

(e) That the family has a right to request an informal hearing with DCHA either upon completion of the USCIS appeal or in lieu of the USCIS appeal; and

(f) For applicants, assistance may not be delayed until the conclusion of the USCIS appeal process, but assistance may be delayed during the period of the informal hearing process.

7902.6 When DCHA receives notification that the USCIS secondary verification failed to confirm eligible immigration status, DCHA will notify the family of the results of the USCIS verification within fifteen (15) business days.

7902.7 The family will have thirty (30) days from the date of the notification to request an appeal of the USCIS results.

7902.8 The request for appeal must be made by the family in writing directly to the USCIS. The family must provide DCHA with a copy of the written request for appeal and proof of mailing within ten (10) business days of sending the request to the USCIS.

7902.9 The family must forward to the designated USCIS office any additional documentation or written explanation in support of the appeal. This material must include a copy of the USCIS document verification request (used to process the secondary request) or such other form specified by the USCIS, and a letter indicating that the family is requesting an appeal of the USCIS immigration status verification results.

7902.10 The USCIS will notify the family, with a copy to DCHA, of its decision. When the USCIS notifies DCHA of the decision, DCHA will notify the family of its right to request an informal hearing within fifteen (15) business days of receiving notice of the USCIS decision regarding the family's immigration status.

7902.11 After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, an applicant family may request that DCHA provide a hearing. The request for a hearing must be made either within thirty (30) days of receipt of DCHA notice of denial, or within thirty (30) days of receipt of the USCIS appeal decision.

7902.12 DCHA must provide an informal hearing before an impartial individual, other than a person who made or approved the decision under review, and other than a person who is a subordinate of the person who made or approved the decision.

7902.13 The family must be provided the opportunity to examine and copy at the family's expense, at a reasonable time in advance of the hearing, any documents in the possession of DCHA pertaining to the family's eligibility status, or in the possession of the USCIS (as permitted by USCIS requirements), including any records and regulations that may be relevant to the hearing.

7902.14 The family will be allowed to copy any documents related to the hearing at no cost to the family. The family must request discovery of DCHA documents no later than three (3) business days prior to the hearing.

7902.15 DCHA will provide the family the opportunity to present evidence and arguments in support of eligible status. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

7902.16 DCHA will provide the family the opportunity to refute evidence relied upon by

DCHA, and to confront and cross-examine all witnesses on whose testimony or information DCHA relies.

7902.17 The family is entitled to be represented by an attorney or other designee, at the family's expense, and to have such person make statements on the family's behalf.

7902.18 The family is entitled to request an interpreter. DCHA will provide a competent interpreter, free of charge, upon request. The family may also or instead provide its own interpreter, at the expense of the family.

7902.19 The family is entitled to have the hearing recorded by audiotape. DCHA will not provide a transcript of an audio taped informal hearing.

7902.20 DCHA will provide the family with a written notice of the final decision, based solely on the facts presented at the hearing, within fourteen (14) calendar days of the date of the informal hearing. The notice will state the basis for the decision.

7902.21 DCHA will retain for a minimum of five (5) years the following documents that may have been submitted to DCHA by the family, or provided to DCHA as part of the USCIS appeal or DCHA informal hearing process:

(a) The application for assistance;

(b) The form completed by the family for income reexamination;

(c) Photocopies of any original documents, including original USCIS documents;

(d) The signed verification consent form;

(e) The USCIS verification results;

(f) The request for a USCIS appeal;

(g) The final USCIS determination;

(h) The request for an informal hearing; and

(i) The final informal hearing decision.

7902.22 After notification of the USCIS decision on appeal, or in lieu of an appeal to the USCIS, a resident family may request that DCHA provide a hearing. The request for a hearing must be made either within thirty (30) days of receipt of DCHA notice of termination, or within thirty (30) days of receipt of the USCIS appeal decision.

7902.23 The informal hearing procedures for resident families whose tenancy is being terminated based on immigration status is the same as for any grievance under the grievance procedures for resident families found in § 7903 below.

7903 GRIEVANCE PROCEDURES FOR PUBLIC HOUSING RESIDENTS

7903.1 DCHA's grievance procedure gives residents of public housing an opportunity to grieve any DCHA action or failure to act involving the lease or DCHA policies which adversely affect their rights, duties, welfare, or status.

7903.2 DCHA grievance procedure will be incorporated by reference in the tenant lease.

7903.3 DCHA will provide at least thirty (30) days' notice to tenants and resident organizations setting forth proposed changes in DCHA grievance procedure and provide an opportunity to present written comments. Comments submitted will be considered by DCHA before adoption of any changes to the grievance procedure by DCHA.

7903.4 Residents and resident organizations have thirty (30) calendar days from the date they are notified by DCHA of any proposed changes in the DCHA's grievance procedure, to submit written comments to DCHA.

7903.5 DCHA will furnish a copy of the grievance procedure to each tenant and to resident organizations.

7903.6 There are several terms with regard to public housing grievance procedures, which take on specific meanings different from their common usage. These terms are as follows:

(a) "Grievance" is any dispute which a head of household may have with respect to DCHA action or failure to act in accordance with the individual tenant's lease or DCHA regulations which adversely affect the individual tenant's rights, duties, welfare or status;

(b) "Complainant" is any head of household (or other adult family member as described in § 7903.10) whose grievance is presented to DCHA or at the property management office;

(c) [RESERVED];

(d) "Due Process Determination" is a determination by HUD that law of the jurisdiction requires that the tenant must be given the opportunity for a hearing in court which provides the basic elements of due process before eviction from the dwelling unit;

(e) "Elements of Due Process" are an eviction action or a termination of

tenancy in a state or local court in which the following procedural safeguards are required:

(1) Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;

(2) Right of the tenant to be represented by counsel;

(3) Opportunity for the tenant to refute the evidence presented by DCHA including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the tenant may have; or

(4) A decision on the merits;

(f) "Hearing Officer" is an impartial person or selected by DCHA, other than the person who made or approved the decision under review, or a subordinate of that person. The individual or individuals do not need legal training;

(g) "Resident Organization" includes a resident management corporation.

7903.7 The grievance procedure is applicable only to individual tenant issues relating to DCHA. It is not applicable to disputes between tenants not involving DCHA. Class grievances are not subject to the grievance procedure and the grievance procedure is not to be used as a forum for initiating or negotiating policy changes of DCHA.

7903.8 DCHA will not offer grievance hearings for lease terminations involving;

(a) Any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or employees of DCHA;

(b) Any violent or drug-related criminal activity on or off the premises; or

(c) Any criminal activity that resulted in felony conviction of a household member.

7903.9 Chapter 78 contains related policies on the content of termination notices.

7903.10 DCHA will accept requests for a grievance from the head of household either orally or in writing (including emailed requests), to DCHA office within six (6) months of the grievable event. In the event that the head of household no longer resides in the unit because they moved out of the unit or passed, an adult family member who resides in the unit may submit a request for grievance.

7903.11 Within fifteen (15) business days of receipt of the request, DCHA will arrange a

meeting with the head of household at a mutually agreeable time and confirm such meeting in writing to the head of household to discuss informal settlement.

7903.12 The informal settlement may be conducted remotely as required by DCHA or may be conducted remotely upon consideration of the request of the tenant. Subsections 7903.33-7903.43 has additional information on how and under what circumstances remote informal settlements may be conducted.

7903.13 If the head of household fails to attend the scheduled meeting without prior notice, DCHA reschedules the appointment only if the head of household can show good cause for failing to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

7903.14 "Good cause" is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family.

7903.15 DCHA will prepare a summary of the informal settlement within ten (10) business days with one (1) copy to be given to the head of household and one (1) copy to be retained in DCHA's tenant file.

7903.16 The summary will specify the names of the participants, dates of meeting, the nature of the proposed disposition of the complaint and the specific reasons therefore and shall specify the procedures by which a hearing may be obtained if the complainant is not satisfied.

7903.17 The following applies to requesting a hearing after informal settlement conference:

(a) The head of household must submit a written request (including emailed requests) for a grievance hearing to DCHA's Office of Fair Hearings within fourteen (14) business days of the tenant's receipt of the summary of the informal settlement; and

(b) If the complainant does not request a hearing, DCHA's disposition of the grievance under the informal settlement process becomes final.

7903.18 The following applies to scheduling a hearing:

(a) Within fourteen (14) business days of receiving a written request for a hearing, DCHA's Office of Fair Hearings will schedule and send written notice of the hearing to both the complainant and DCHA; and

(b) If the hearing is conducted remotely, at the time the notice is sent to the complainant, the complainant will be notified:

(1) Regarding the processes involved in a remote grievance hearing;

(2) That DCHA provides technical assistance prior to and during the hearing, if needed; and

(3) That if the complainant or any individual witness has any technological, resource, or accessibility barriers, the family may inform DCHA and the Authority will assist the family in either resolving the issue or allow the family to participate in an in-person hearing, as appropriate.

7903.19 The complainant may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities.

7903.20 Requests to reschedule a hearing must be made orally or in writing prior to the hearing date.

7903.21 DCHA will require documentation of the "good cause" prior to rescheduling the hearing.

7903.22 DCHA's grievance hearings will be conducted by a single hearing officer appointed by DCHA Office of Fair Hearings (OFH). The OFH will select a hearing officer who was not involved in the decision under appeal.

7903.23 DCHA will conduct all or a portion of their grievance hearings remotely either over the phone, via video conferencing, or through other virtual platforms. If DCHA chooses to conduct remote grievance hearings, complainants may still request an in-person hearing, as applicable.

7903.24 DCHA has the sole discretion to require that hearings be conducted remotely.

7903.25 DCHA will conduct a hearing remotely upon request as a reasonable accommodation for a person with a disability, if a complainant does not have childcare or transportation that would enable them to attend the hearing, or if the complainant believes an in-person hearing would create an undue health risk. DCHA will consider other reasonable requests for a remote hearing on a case-by-case basis.

7903.26 Regardless of whether the hearing is conducted remotely (in whole or in part) or in person, DCHA will compile a hearing packet, consisting of all documents DCHA intends to produce at the hearing. DCHA delivers copies of the hearing packet to the complainant, their representatives, if any, and the hearing officer at least three (3) business days before the scheduled remote hearing. The original hearing packet is in the possession of DCHA representative and retained by the OFH.

7903.27 Regardless of whether the hearing is to be conducted remotely (in whole or in part) or in person, DCHA will require the complainant to provide any documents

directly relevant to the hearing at least three (3) business days before the scheduled hearing through the mail or email. The OFH will scan and email copies of these documents to the hearing officer and the DCHA representative the same day they are received.

7903.28 Documents will be shared electronically whenever possible.

7903.29 As with in-person grievance hearings, the platform for conducting remote grievance hearings will be accessible to persons with disabilities and the grievance hearings will be conducted in accordance with Section 504 and accessibility requirements.

7903.30 As with in-person reviews, LEP requirements also apply to remote grievance hearings, including the use of interpretation services and document translation. Chapter 61 has a thorough discussion of accessibility and LEP requirements, all of which apply in the context of remote grievance hearings.

7903.31 As with in-person grievance hearings, DCHA will provide all materials presented, whether paper or electronic, to the family prior to the remote grievance hearing. The complainant must also be provided with an accessible means by which to transmit their own evidence.

7903.32 DCHA's essential responsibility is to ensure grievance hearings meet the requirements of due process and comply with HUD regulations. All DCHA policies and processes for remote grievance hearings are conducted in accordance with due process requirements and are in compliance with HUD regulations at 24 CFR § 966.56 and the guidance for conducting remote hearings specified in Notice PIH 2020-32.

7903.33 DCHA will conduct remote grievance hearings via a video conferencing platform, when available.

7903.34 If, after attempting to resolve any barriers, complainants are unable to adequately access the video conferencing platform at any point, or upon request, the grievance hearing will be conducted by telephone conferencing call-in.

7903.35 If the complainant is unable to adequately access the telephone conferencing call-in at any point, the remote grievance hearing will be postponed, and an in-person alternative will be provided promptly within a reasonable time.

7903.36 At least five (5) business days prior to scheduling the remote hearing, DCHA will provide the complainant with login information or conferencing call-in information and an electronic copy of all materials being presented via first class mail or email.

7903.37 The notice in § 7903.36 will advise the family of technological requirements for the hearing and request the complainant notify DCHA of any known barriers. DCHA will resolve any barriers using the guidance in Section 6 of Notice PIH 2020-32, including offering the complainant the opportunity to attend an in-person hearing.

7903.38 DCHA will follow up with a phone call or email to the complainant at least one (1) business day prior to the remote grievance hearing to ensure that the family received all information and is comfortable accessing the video conferencing or call-in platform.

7903.39 DCHA will ensure that all electronic information stored or transmitted with respect to the grievance hearing is secure, including protecting personally identifiable information (PII), and meets the requirements for accessibility for persons with disabilities and persons with LEP.

7903.40 The complainant will be afforded a fair hearing. This includes:

(a) The opportunity to examine before the grievance hearing any DCHA documents, including records and regulations that are directly relevant to the hearing.

(b) The complainant will be allowed to copy any DCHA document at no cost. If DCHA does not make the document available for examination upon request by the complainant, DCHA may not rely on such document at the grievance hearing.

(c) Copies may be obtained from DCHA's property management office, Office of Fair Hearings, or other office designated by DCHA. There will be no charge for documents emailed. The complainant must request discovery of DCHA documents no later than 12:00 p.m. on the business day prior to the hearing.

(d) The right to be represented by counsel or other person chosen to represent the complainant, and to have such person make statements on their behalf. Hearings may be attended by the following persons:

(1) DCHA representatives including any Counsel, witnesses for DCHA, Staff members of the Office of Fair Hearings, and Security Personnel;

(2) Complainant and any witnesses for the complainant;

(3) The complainant 's counsel or other representative;

(4) Persons approved by DCHA as a reasonable accommodation for a person with a disability;

(5) Any other person approved by DCHA

(e) The right to a private hearing unless the complainant requests a public hearing;

(f) The right to present evidence and arguments in support of the head of household's complaint, to controvert evidence relied on by DCHA or property management, and to confront and cross-examine all witnesses upon whose testimony or information on which DCHA or property management relies; and

(g) A decision based solely and exclusively upon the facts presented at the hearing.

7903.41 If the complainant or DCHA fails to appear at a scheduled hearing, the hearing officer may make a determination to postpone the hearing for no more than five (5) business days or may make a determination that the party has waived their right to a hearing in their discretion. Both the complainant and DCHA must be notified of the determination by the hearing officer. Provided that a determination that the complainant has waived their right to a hearing shall not constitute a waiver of any right the complainant may have to contest DCHA's disposition of the grievance in an appropriate judicial proceeding.

7903.42 If the complainant does not appear at the scheduled time of the hearing, the hearing officer will wait up to twenty (20) minutes. If the complainant appears within twenty (20) minutes of the scheduled time, the hearing will be held. If the complainant does not arrive within twenty (20) minutes of the scheduled time, they will be considered to have failed to appear.

7903.43 If the complainant fails to appear and was unable to reschedule the hearing in advance, the complainant must contact DCHA within twenty-four (24) hours of the scheduled hearing date, excluding weekends and holidays. The hearing officer will reschedule the hearing only if the complainant can show good cause for the failure to appear, or it is needed as a reasonable accommodation for a person with disabilities.

7903.44 "Good cause" is defined as an unavoidable conflict which seriously affects the health, safety, or welfare of the family.

7903.45 At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter DCHA must sustain the burden of justifying the action or failure to act against which the complaint is directed.

7903.46 The hearing is conducted informally by the hearing officer. DCHA and the complainant will be given the opportunity to present oral or documentary evidence pertinent to the facts and issues raised by the complaint, and to question any witnesses.

7903.47 Any evidence to be considered by the hearing officer must be presented at the time of the hearing. There are four categories of evidence:

(a) "Oral evidence": the testimony of witnesses relevant to the case;

(b) "Documentary evidence": a writing which is relevant to the case, for example, a letter written to DCHA. Writings include all forms of recorded communication or representation, including letters, emails, words, pictures, sounds, videotapes or symbols or combinations thereof;

(c) "Demonstrative evidence": Evidence created specifically for the hearing and presented as an illustrative aid to assist the hearing officer, such as a model, a chart or other diagram; and

(d) "Real evidence": A tangible item relating directly to the case.

7903.48 The following applies to hearsay evidence:

(a) Hearsay evidence is generally admissible in a hearing.

(b) "Hearsay evidence" is evidence based not on a witness' personal knowledge.

(c) The hearing officer may include hearsay evidence when considering their decision if it is corroborated by other evidence.

(d) The hearing officer shall not base a hearing decision on hearsay alone unless there is clear probative value and credibility of the evidence, and the party seeking the change has met the burden of proof.

(e) If DCHA fails to comply with the discovery requirements (providing the complainant with the opportunity to examine DCHA documents prior to the grievance hearing), the hearing officer will refuse to admit such evidence.

(f) Other than the failure of DCHA to comply with discovery requirements, the hearing officer has the authority to rule on the admissibility of all other evidence.

7903.49 If the complainant would like DCHA to record proceedings by audio recording, the request must be made to DCHA three (3) days prior to the hearing. DCHA

will consider that a recording of the proceedings is a transcript.

7903.50 DCHA will provide reasonable accommodation for persons with disabilities in order to participate in the hearing in accordance with Chapter 61. Reasonable accommodation may include qualified sign language interpreters, readers, accessible locations, or attendants.

7903.51 If the complainant is visually impaired, any notice to the complainant which is required in the grievance process will be in an accessible format.

7903.52 DCHA will provide language services as needed throughout the grievance process in accordance with HUD rules and District Law.

7903.53 The following applies to the Hearing Officer's decision:

(a) In rendering a written decision, the hearing officer will consider the following matters:

(1) DCHA's Notice to the Head of Household: The hearing officer will determine if the reasons for DCHA's decision are factually stated in the notice;

(2) Document Review: The hearing officer will determine if the complainant was given the opportunity to examine any relevant documents in accordance with DCHA policy;

(3) DCHA Evidence to Support DCHA's Decision: The evidence consists of the facts presented. The hearing officer will evaluate the facts to determine if they support DCHA's conclusion; and

(4) Validity of Grounds for Termination of Tenancy (when applicable): The hearing officer will determine if the termination of tenancy is for one of the grounds specified in the HUD regulations, Lease, and DCHA policies. If the grounds for termination are not specified in the regulations or in compliance with DCHA policies, then the decision of the Authority will be overturned.

(b) The hearing officer will issue a written decision to the complainant and DCHA no later than ten (10) business days after the hearing. The report will contain the following information:

(1) Hearing information: Name of the complainant; date, time and place of the hearing; name of the hearing officer; name of the DCHA representatives; name of family representative (if any); and names of witnesses (if any);

(2) Background: A brief, impartial statement of the reason for the hearing and the date(s) on which the informal settlement was held, who held it, and a summary of the results of the informal settlement. Also includes the date the complainant requested the grievance hearing;

(3) Summary of the Evidence: The hearing officer will summarize the testimony of each witness and identify any documents that a witness produced in support of their testimony and that are admitted into evidence;

(4) Findings of Fact**:** The hearing officer will include all findings of fact, based on a preponderance of the evidence. "Preponderance of the evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. Preponderance of the evidence may not be determined by the number of witnesses, but by the greater weight of all evidence;

(5) Conclusions**:** The hearing officer will render a conclusion derived from the facts that were found to be true by a preponderance of the evidence. The conclusion will result in a determination of whether these facts uphold DCHA's decision; and

(6) Order**:** The hearing report will include a statement of whether DCHA's decision is upheld or overturned. If it is overturned, the hearing officer will instruct DCHA to change the decision in accordance with the hearing officer's determination.

7903.54 The hearing officer has the authority to ask the complainant for additional information or to adjourn the hearing to reconvene at a later date, before reaching a decision.

7903.55 If the complainant misses an appointment or deadline ordered by the hearing officer, the action of DCHA will take effect and another hearing will not be granted.

7903.56 The decision of the hearing officer is binding on DCHA which must take the action, or refrain from taking the action cited in the decision unless the Executive Director determines within a reasonable time, and notifies the complainant that:

(a) The grievance does not concern DCHA action or failure to act in accordance with or involving the complainant's lease on DCHA policies

which adversely affect the complainant's rights, duties, welfare, or status; or

(b) The decision of the hearing officer is contrary to federal or District law, HUD regulations or requirements of the annual contributions contract between HUD and DCHA.

7903.57 DCHA or the complainant may challenge the decision of the hearing officer and may present their arguments on the matter to DCHA's ED in writing within ten (10) business days of the date of the hearing officer's decision.

7903.58 The ED has thirty (30) business days to consider the decision.

7903.59 If the ED decides to reverse the hearing officer's decision, s/he must notify the complainant within ten (10) business days of this decision.

7903.60 A decision by the hearing officer or the ED in favor of DCHA or which denies the relief requested by the complainant in whole or in part does not constitute a waiver of any rights, nor effect in any manner whatever, any rights the complainant may have to a subsequent trial or judicial review.

Chapter 80, [RESERVED], of Title 14 DCMR, HOUSING, is renamed and replaced in its entirety to read as follows:

CHAPTER 80 PROGRAM INTEGRITY

8000 INTRODUCTION

8000.1 Section 8000 covers DCHA policies designed to prevent, detect, investigate, and resolve instances of program abuse or fraud. It also describes the actions that are taken in the case of unintentional errors and omissions.

8001 PREVENTING, DETECTING, AND INVESTIGATING ERRORS AND PROGRAM ABUSE

8001.1 DCHA will use the Enterprise Income Verification (EIV) system provided by HUD for preventing errors and program abuse, as available. DCHA will:

(a) Provide applicants and residents with form HUD-52675, "Debts Owed to PHAs and Terminations"; and

(b) Require all adult members of an applicant or participant family to acknowledge receipt of form HUD-52675 by signing a copy of the form for retention in the family file.

8001.2 To ensure that DCHA's program is administered effectively and according to the

highest ethical and legal standards, DCHA will employ a variety of techniques to ensure that both errors and intentional program abuse are rare, including:

(a) Routinely provide resident counseling as part of every reexamination interview in order to clarify any confusion pertaining to program rules and requirements;

(b) Encourage staff to review and explain as needed the contents of HUD and DCHA required forms prior to requesting family member signatures;

(c) Place a warning statement about the penalties for fraud (as described in 18 U.S.C. 1001 and 1010) on key DCHA forms and form letters that request information from a family member;

(d) Provide each applicant and resident with copies of HUD leaflets encouraging compliance with program requirements;

(e) Provide each DCHA employee with training on program rules, including income and rent calculation among other areas, and the organization's standards of conduct and ethics; and

(f) Develop and implement quality control procedures for reviewing income and rent determinations, including calculation and verification.

8001.3 For purposes of this Chapter, the term "error" refers to an unintentional error or omission. "Program abuse" or "fraud" refers to a single act or pattern of actions that constitute a false statement, omission, or concealment of a substantial fact, made with the intent to deceive or mislead.

8001.4 DCHA will employ a variety of methods to detect errors and program abuse, including:

(a) Use EIV and other non-HUD sources of up-front income verification, when available. This includes third-party verification companies and any other private or public databases available to DCHA;

(b) At each reexamination, current information provided by the family may be compared to information provided at the last reexamination to identify inconsistencies and incomplete information; and

(c) DCHA will compare family-reported income and expenditures to detect possible unreported income.

8001.5 DCHA will conduct an independent annual audit in compliance with HUD requirements. DCHA will use the results of an independent audit, or HUD monitoring reports, to identify potential program abuses as well as to assess the

effectiveness of DCHA's error detection and abuse prevention efforts.

8001.6 DCHA will encourage staff, residents, and the public to report possible program abuse.

8001.7 DCHA will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation.

(a) In order for DCHA to investigate, the allegation must contain at least one independently verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

(b) DCHA will investigate when inconsistent or contradictory information is detected through file reviews and the verification process, and may use all available DCHA and public records.

8001.8 DCHA will base its evaluation of investigatory conclusions (that is, the results of DCHA's investigation) on a preponderance of the evidence collected during its investigation. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

(a) "Preponderance of the evidence" is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence that shows that the fact sought to be proved is more probable than not. Preponderance of evidence may not be determined by the number of witnesses, but by the greater weight of all evidence.

(b) For each investigation, DCHA will make a determination of:

(1) Whether an error or program abuse has occurred;

(2) Whether any amount of money is owed to DCHA;

(3) Whether any amount of money is owed to the resident; and

(4) What corrective measures or penalties are to be assessed.

8001.9 DCHA may, at its discretion, seek to enforce other corrective actions and penalties if available.

8001.10 In the case of family-caused errors or program abuse, DCHA takes into consideration:

(a) The seriousness of the offense and the extent of participation or culpability

of individual family members;

(b) Any special circumstances surrounding the case;

(c) Any mitigating circumstances related to the disability of a family member; and

(d) The effects of a particular remedy on family members who were not involved in the offense.

8001.11 DCHA will inform the relevant party in writing of its findings and remedies within thirty (30) days of the conclusion of an investigation. The notice will include:

(a) A description of the error or program abuse;

(b) The basis on which DCHA determined the error or program abuses;

(c) The remedies to be employed; and

(d) The family's right to appeal the results through an informal hearing or grievance hearing.

8002 CORRECTIVE MEASURES AND PENALTIES

8002.1 [RESERVED]

8002.2 [RESERVED]

8002.3 Whether the incorrect rental determination is an overpayment or underpayment, DCHA will promptly correct the tenant rent.

8002.4 The following applies to changes in rent:

(a) An increase in the tenant rent is implemented on the first day of the next month following a written thirty (30) day notice.

(b) A decrease in tenant rent becomes effective on the first (1st) of the month following the discovery of the error.

8002.5 [RESERVED]

8002.6 An incorrect rent determination caused by a family generally would be the result of incorrect reporting of family composition, income, assets, expenses, or other relevant criteria, but also would include instances in which a member of the participant family knowingly allows DCHA to use incorrect information provided

by a third party.

8002.7 In the case of family-caused errors or program abuse, the family is required to repay all amounts of rent underpaid. DCHA may, but is not required to, offer the family a repayment agreement in accordance with Chapter 81. If the family fails to repay the amount owed, DCHA may terminate the family's lease in accordance with the policies in Chapter 78.

8002.8 DCHA will not reimburse a family for any overpayment of rent when the overpayment clearly is caused by the family.

8002.9 An applicant or resident in the public housing program must not knowingly:

(a) Make a false statement to DCHA;

(b) Provide incomplete or false information to DCHA; or

(c) Commit fraud or make false statements in connection with an application for assistance or with reexamination of income.

8002.10 Any of the following is considered evidence of family program abuse:

(a) Offering bribes or illegal gratuities to the DCHA Board of Commissioners, employees, contractors, or other DCHA representatives;

(b) Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements to DCHA on the family's behalf;

(c) Use of a false name or the use of falsified, forged, or altered documents;

(d) Intentional misreporting of family information or circumstances (e.g., misreporting of income or family composition);

(e) Omitted facts that were obviously known by a family member (e.g., not reporting employment or other types of relevant income); and

(f) Admission of program abuse by an adult family member.

DCHA may determine other actions to be program abuse based upon a preponderance of the evidence, as defined earlier in this Chapter 80.

8002.11 In the case of program abuse caused by a family, DCHA may, at its discretion, impose any of the following remedies (in addition to other remedies available to DCHA):

(a) Require the family to repay any amounts owed to the program;

(b) Require, as a condition of receiving or continuing assistance, that a culpable family member not reside in the unit in conformance with the policies in Chapter 62 (for applicants) and Chapter 78 (for residents);

(c) Deny admission or terminate the family's lease following the policies set forth in Chapter 62 and Chapter 78 respectively; or

(d) Refer the family for state or federal criminal prosecution.

8002.12 DCHA-caused incorrect rental determinations include:

(a) Failing to correctly apply public housing rules regarding family composition, income, assets, and expenses; and

(b) Errors in calculation.

8002.13 DCHA will not be considered out of compliance when making annual income determinations solely due to de minimis errors in calculating family income. A "de minimis error" is an error where DCHA's determination of family income deviates from the correct income determination by no more than Thirty Dollars ($30) per month in monthly adjusted income ($360 in annual adjusted income) per family.

8002.14 DCHA will still take any corrective action necessary to credit or repay a family if the family has been overcharged for their rent as a result of the de minimis error in the income determination, but families will not be required to repay DCHA in instances where DCHA has miscalculated income resulting in a family being undercharged for rent.

8002.15 A family is not required to repay an underpayment of rent if the error or program abuse is caused by DCHA staff.

8002.16 DCHA will reimburse a family for any overpayment of rent if the overpayment is the result of DCHA error or staff program abuse.

8002.17 Any of the following may be considered evidence of program abuse by DCHA staff:

(a) Failing to comply with any public housing program requirements for personal gain;

(b) Failing to comply with any public housing program requirements as a result of a conflict-of-interest relationship with any applicant or resident;

(c) Seeking or accepting anything of material value from applicants, residents, vendors, contractors, or other persons who provide services or materials to DCHA;

(d) Disclosing confidential or proprietary information to outside parties;

(e) Gaining profit because of insider knowledge of DCHA activities, policies, or practices;

(f) Misappropriating or misusing public housing funds;

(g) Destroying, concealing, removing, or inappropriately using any records related to the public housing program;

(h) Committing any other corrupt or criminal act in connection with any federal housing program;

(i) Committing sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment;

(j) Allowing sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment, where DCHA knew or should have known such harassment was occurring;

(k) Retaliating against any applicant, resident, or staff reporting sexual harassment or other harassment based on race, color, religion, national origin, familial status, disability, sexual orientation, or gender identity, either quid pro quo (supervisory harassment) or hostile environment; and

(l) Other activities cited in the DC Human Rights Act locally administered by the Office of Human Rights (OHR).

8002.18 When DCHA determines that program abuse by a family or DCHA staff member has occurred and the amount of underpaid rent meets or exceeds the threshold for prosecution under local or state law, DCHA may refer the matter to an appropriate entity for prosecution. When the amount of underpaid rent meets or exceeds the federal threshold, the case will also be referred to the HUD Office of Inspector General.

Other criminal violations related to the public housing program will be referred to the appropriate local, state, or federal entity.

8002.19 Notwithstanding other provisions of this chapter, DCHA may, in its sole discretion, delegate the investigation to a third party in which the third party will follow their own investigatory procedures.

8002.20 A participant accused of or subject to an investigation involving suspected program error, fraud, or abuse, will be afforded the opportunity for a hearing through DCHA's grievance process.

Chapter 81, RENTAL SUBSIDY PROGRAMS: HOUSING QUALITY STANDARDS AND INSPECTIONS, of Title 14 DCMR, HOUSING, is deleted, renamed, and replaced in its entirety to read as follows:

CHAPTER 81 PROGRAM ADMINISTRATION

8100 INTRODUCTION

8100.1 Section 8100 discusses administrative policies and practices that are relevant to the activities covered in this ACOP. The policies are discussed in seven (7) parts as described below:

(a) Section 8101 describes DCHA's policies for establishing and revising utility allowances, and surcharges for excess consumption of DCHA furnished utilities;

(b) Section 8102 describes DCHA's policies related to establishing and updating flat rent amounts;

(c) Section 8103 contains DCHA's policies for recovering monies that have been underpaid by families and describes the circumstances under which DCHA offers repayment agreements to families and the consequences for failure to make payments in accordance with a repayment agreement;

(d) Section 8105 outlines the privacy rights of applicants and residents and record retention policies that DCHA follows;

(e) Section 8106 describes DCHA's reporting responsibilities related to children with elevated blood lead levels that reside in public housing; and

(f) Section 8107 contains key terms used in the Violence Against Women Act (VAWA) and describes requirements related to notifying families about their rights and responsibilities under VAWA; requesting documentation from victims of domestic violence, dating violence, sexual assault, and/or stalking; and maintaining the confidentiality of information obtained from victims.

8101 SETTING UTILITY ALLOWANCES

8101.1 [RESERVED]

8101.2 [RESERVED]

8101.3 DCHA furnishes utilities for DCHA-owned and operated public housing properties.

8101.4 DCHA will maintain a record that documents the basis on which utility allowances and scheduled surcharges are established and revised, and the record shall be made available for inspection by residents upon request.

8101.5 DCHA will establish separate allowances for each utility and for each category of dwelling units DCHA determines to be reasonably comparable as to factors affecting utility usage.

8101.6 [RESERVED]

8101.7 Utilities shall include gas, electricity, fuel for heating, water, sewerage, and solid waste disposal for a dwelling unit.

8101.8 [RESERVED]

8101.9 [RESERVED]

8101.10 [RESERVED]

8101.11 DCHA will review annually the basis on which utility allowances have been established and revise the allowances, if necessary, in order to adhere to the standards for establishing utility allowances that are contained in 24 CFR § 965.505. The review will include substantial changes in the physical condition of the building including DCHA's completion of modernization or other energy conservation measures implemented by DCHA indicating probability of a significant change in reasonable requirements and changes in utility rates.

8101.12 Between annual reviews of utility allowances, DCHA will only revise its utility allowances when required by changes in federal or local law.

8101.13 [RESERVED]

8101.14 [RESERVED]

8101.15 DCHA will give notice to all residents of proposed allowances and scheduled surcharges, and revisions thereof. The notice must be given in the manner provided in the lease and must:

(a) Be provided at least sixty (60) days before the proposed effective date of the allowances, scheduled surcharges, or revisions;

(b) Describe the basis for determination of the allowances, scheduled surcharges, or revisions, including a statement of the specific items of equipment and function whose utility consumption requirements were included in determining the amounts of the allowances and schedule of surcharges;

(c) Notify residents of the place where DCHA's documentation on which allowances and surcharges are based is available for inspection; and

(d) Provide all residents an opportunity to submit written comments during a period expiring not less than thirty (30) days before the proposed effective date of the allowances, scheduled surcharges, or revisions.

8101.16 On request from a family, DCHA may approve a utility allowance that is higher than the applicable amount for the dwelling unit if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family with a disability. DCHA may grant an exemption from the excess utility surcharge for resident-supplied appliances as a reasonable accommodation to residents with disabilities if there is a verified need for special equipment because of the disability.

8102 ESTABLISHING FLAT RENTS

8102.1 [RESERVED]

8102.2 [RESERVED]

8102.3 For areas where HUD has not determined a SAFMR or an unadjusted rent, DCHA will set flat rents at no less than eighty percent (80%) of the FMR or apply for an exception flat rent.

8102.4 [RESERVED]

8102.5 [RESERVED]

8102.6 DCHA will apply a utility allowance to flat rents as necessary. Flat rents set at eighty percent (80%) of the FMR must be reduced by the amount of the unit's utility allowance, if any.

8102.7 No later than ninety (90) days after the effective date of the new annual FMRs/SAFMRs/unadjusted rent, DCHA will implement new flat rents as necessary based changes to the FMR/SAFMR/unadjusted rent or request an exception.

8102.8 [RESERVED]

8102.9 DCHA will update flat rents as follows:

(a) If the FMR/SAFMR/unadjusted rent is lower than the previous year, DCHA will reduce flat rents to eighty percent (80%) of the current FMR/SAFMR.

(b) DCHA will apply updated flat rents at each family's next reexamination or flat rent update after implementation of the new flat rents.

(c) DCHA will publicly post the schedule of flat rents in a conspicuous manner in the applicable DCHA and in the property management office.

8102.10 DCHA will maintain records that document the method used to determine flat rents, and that show how flat rents were determined by DCHA in accordance with this method.

8103 FAMILY DEBTS TO DCHA

8103.1 Families are required to reimburse DCHA if they were charged less rent than required because the family either underreported or failed to report income. DCHA will determine retroactive rent amount as far back as DCHA has documentation of family unreported income.

8103.2 When an action or inaction of a resident family results in the underpayment of rent or other amounts, DCHA holds the family liable to return any underpayments to DCHA.

8103.3 DCHA will enter into repayment agreements in accordance with the policies contained in this section to recover overpayments.

8103.4 Any amount owed to DCHA by a public housing family must be repaid. If the family is unable to repay the debt within thirty (30) days, DCHA will offer to enter into a repayment agreement in accordance with the policies below.

8103.5 If the family refuses to repay the debt, does not enter into a repayment agreement, or breaches a repayment agreement, DCHA will terminate the family's tenancy in accordance with the ACOP and District of Columbia law.

8103.6 When a family refuses to repay monies owed to DCHA, in addition to termination of program assistance, DCHA may utilize other available collection alternatives including, but not limited to, the following:

(a) Collection agencies;

(b) Small claims court;

(c) Civil lawsuit; or

(d) State income tax set-off program.

8103.7 The term "repayment agreement" refers to a formal written document signed by a tenant and provided to DCHA in which a tenant acknowledges a debt in a specific amount and agrees to repay the amount due at specific time periods.

8103.8 Before executing a repayment agreement with a family, DCHA generally requires a down payment of twenty-five percent (25%) of the total amount owed. If the family can provide evidence satisfactory to DCHA that a down payment of twenty-five percent (25%) would impose an undue hardship, DCHA may, in its sole discretion, require a lesser percentage or waive the requirement.

8103.9 DCHA will determine the repayment agreement monthly payment in accordance with the following:

(a) If a family is paying less than forty percent (40%) of its monthly adjusted income (MAI) in rent, the minimum monthly payment amount is:

(1) The difference between forty percent (40%) of the family's MAI; and

(2) The Total Tenant Payment (TTP) at the time the agreement is executed.

(b) If a family can provide evidence satisfactory to DCHA that the monthly payment amount would impose an undue hardship, DCHA may, in its sole discretion, require a lower monthly payment amount; and

(c) If the family's income increases or decreases during the term of a repayment agreement, either DCHA or the family may request that the monthly payment amount be adjusted accordingly.

8103.10 Any repayment agreement between DCHA and a family will be in writing, signed, and dated by DCHA and by the head of household and spouse or co-head (if applicable).

8103.11 All payments are due by the close of business on the fifteenth (15^{th}) day of the month. If the fifteenth (15^{th}) does not fall on a business day, the due date is the close of business on the first business day after the fifteenth (15^{th}).

8103.12 Repayment agreement payments must be made in accordance with the following:

(a) If a payment is not received by the end of the business day on the date due, and prior approval for the missed payment has not been given by DCHA, DCHA will send the family a delinquency notice giving the family ten (10) business days to make the late payment. If the payment is not received by the due date of the delinquency notice, it shall be considered a breach of the agreement and DCHA shall terminate tenancy in accordance with the policies in Chapter 78; and

(b) If a family receives three (3) delinquency notices for unexcused late payments in a twelve (12) month period, the repayment agreement will be considered in default, and DCHA shall terminate tenancy in accordance with the policies in Chapter 78.

8103.13 DCHA generally will not enter into a repayment agreement with a family if there is already a repayment agreement in place with the family, or if the amount owed by the family exceeds the federal or District threshold for criminal prosecution.

8103.14 All repayment agreements will include the total retroactive rent amount owed, amount of down payment made at time of execution, the monthly repayment amount, and the following:

(a) A reference to the items in the public housing lease that state the family's obligation to provide true and complete information at every reexamination and the grounds on which DCHA may terminate assistance because of a family's action or failure to act;

(b) A statement clarifying that each month the family not only must pay to DCHA the monthly payment amount specified in the agreement but must also pay to DCHA the monthly tenant rent;

(c) A statement that the terms of the repayment agreement may be renegotiated if the family's income decreases or increases; and

(d) A statement that late or missed payments constitute default of the repayment agreement and may result in termination of tenancy.

8104 [RESERVED]

8104.1 [RESERVED]

8104.2 [RESERVED]

8105 RECORD KEEPING

8105.1 DCHA will maintain records as follows:

(a) DCHA will keep at least the last three (3) years of the Form HUD-50058 and supporting documentation, and for at least three (3) years after end of participation all documents related to a family's eligibility, tenancy, and termination;

(b) DCHA will keep Enterprise Income Verification (EIV) system Income Reports in the tenant file for the duration of the tenancy and for three (3) years from the end of participation date.

(c) In addition, DCHA will keep the following records for at least three (3) years:

(1) An application from each ineligible family and notice that the applicant is not eligible;

(2) Lead-based paint records as required by 24 CFR 35, Subpart B;

(3) Documentation supporting the establishment of flat rents;

(4) Documentation supporting the establishment of utility allowances and surcharges;

(5) Accounts and other records supporting DCHA budget and financial statements for the program;

(6) Complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule;

(7) Confidential records of all emergency transfers related to VAWA requested under DCHA's Emergency Transfer Plan and the outcomes of such requests; and

(8) Other records as determined by DCHA or as required by HUD.

(d) If a hearing to establish a family's citizenship status is held, longer retention requirements apply for some types of documents in accordance with Chapter 79 of this Title.

8105.2 Records will be kept in accordance with the following:

(a) All applicant and participant information will be kept in a secure location and access will be limited to authorized DCHA staff on an as-needed basis only; and

(b) DCHA staff will not discuss personal family information unless there is a

business reason to do so. Inappropriate discussion of family information or improper disclosure of family information by staff will result in disciplinary action.

8105.3 The collection, maintenance, use, and dissemination of Social Security numbers (SSNs), employer identification numbers (EINs), any information derived from these numbers, and income information of applicants and participants will be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal and District of Columbia law.

8105.4 [RESERVED]

8105.5 DCHA will follow EIV security procedures required by HUD.

8105.6 DCHA will only disclose the criminal conviction records which DCHA receives from a law enforcement agency to officers or employees of DCHA, or to authorized representatives of DCHA who have a job-related need to have access to the information.

8105.7 DCHA will implement a system of records management that ensures that any criminal record received by DCHA from a law enforcement agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the DCHA action without institution of a challenge or final disposition of any such litigation.

8105.8 DCHA will implement a system of records management that ensures that any sex offender registration information received by DCHA from a State or local agency is maintained confidentially, not misused or improperly disseminated, and destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the DCHA action without institution of a challenge or final disposition of any such litigation. However, a record of the screening, including the type of screening and the date performed shall be retained. This requirement does not apply to information that is public information, or is obtained by DCHA other than under 24 CFR § 5.905.

8105.9 DCHA is not permitted to inquire about the nature or extent of a person's disability. DCHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If DCHA receives a verification document that provides such information, DCHA will not place this information in the tenant file. DCHA will destroy the document.

8105.10 For requirements and DCHA's policies related to management of documentation obtained from victims of domestic violence, dating violence, sexual assault, and/or stalking, see § 8107.

8106 REPORTING REQUIREMENTS FOR CHILDREN WITH ELEVATED BLOOD LEAD LEVEL

8106.1 DCHA will provide the public health department written notice of the address of any child identified as having an elevated blood lead level.

8106.2 DCHA will provide written notice of the address of a child identified and verified as having an elevated blood lead level (EBLL) to the HUD field office, to HUD's Office of Lead Hazard Control (OLHCHH), and the District of Columbia Department of Energy and Environment (DOEE) within five (5) business days of receiving the information.

8106.3 DCHA will comply with the requirements set forth in the regulations at 24 CFR § 35.1130 to reduce the lead paint hazard.

8107 VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, AND CONFIDENTIALITY

8107.1 The Violence against Women Reauthorization Act of 2022 (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, or stalking who are public housing applicants or residents. The purpose of § 8107 is to help ensure that all actual and potential beneficiaries of DCHA's public housing program are aware of their rights under VAWA.

8107.2 VAWA protections are available to victims of domestic violence, dating violence, sexual assault, and/or stalking without regard to sex, gender identity, sexual orientation, race, color, national origin, religion, familial status, disability, or age.

8107.3 In addition to definitions of key terms used in VAWA, § 8107 contains general VAWA requirements and DCHA's policies in three areas: notification, documentation, and confidentiality.

8107.4 As used in VAWA:

(a) The term "affiliated individual" means, with respect to a person:

(1) A spouse, parent, brother or sister, or child of that individual, or an individual to whom that person stands in the position or place of a parent; or

(2) Any individual, tenant or lawful occupant living in the household of the victim of domestic violence, dating violence, sexual assault, or stalking;

(b) The term "bifurcate" means, with respect to a public housing lease, to

divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact;

(c) The term "dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship is determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(d) The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the user or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:

(1) The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim;

(2) A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner;

(3) A person with whom the victim shares a child in common; and

(4) A person who commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction.

(e) The term "economic abuse" means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, and manipulation to:

(1) Restrict a person's access to money, assets, credit, or financial information;

(2) Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; and

(3) Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty;

(f) The term "sexual assault" means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent;

(g) The term "stalking" means to engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress; and

(h) The term "technological abuse" means an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, and/or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:

(1) Internet enabled devices;

(2) Online spaces and platforms;

(3) Computers;

(4) Mobile devices;

(5) Cameras and imaging programs;

(6) Apps;

(7) Location tracking devices;

(8) Communication technologies, or

(9) Any other emergency technologies.

8107.5 DCHA will post the following information regarding VAWA in its offices and on its website. It shall also make the information readily available to anyone who requests it:

(a) A notice of occupancy rights under VAWA to public housing program applicants and participants who are or have been victims of domestic violence, dating violence, sexual assault, or stalking (Form HUD-5380);

(b) A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation;

(c) A copy of DCHA's emergency transfer plan;

(d) A copy of HUD's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form HUD-5383;

(e) The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800787-3224 (TTY); and

(f) Contact information for local victim advocacy groups or service providers.

8107.6 DCHA will provide the notice of occupancy rights under VAWA, along with the VAWA self-certification form (HUD-5382), as follows:

(a) The VAWA information provided to applicants and tenants will consist of the notices specified in §§ 8107.5(a) and 8107.6;

(b) DCHA will provide all applicants with information about VAWA at the time they request an application for housing assistance. DCHA will also include such information in all notices of denial of assistance; and

(c) DCHA will provide all tenants with information about VAWA at the time of admission and at reexamination. DCHA will also include such information in all lease termination notices.

8107.7 DCHA's alternative methods of communicating with the VAWA victim include the following:

(a) Whenever DCHA has reason to suspect that providing information about VAWA to a public housing tenant might place a victim of domestic violence at risk, DCHA will attempt to deliver the information by other means, i.e., by hand directly to the victim, email, or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. DCHA may decide not to send mail regarding VAWA protections to the victim's unit if DCHA believes the perpetrator may have access to the victim's mail, unless requested by the victim;

(b) When discussing VAWA with the victim, DCHA will take reasonable

precautions to ensure that no one can overhear the conversation such as having conversations in a private room; and

(c) The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections. The victim must provide to DCHA an authorization to release information to the designee.

8107.8 If a tenant or applicant requests protections under VAWA, DCHA will request in writing that the tenant provide documentation in accordance with § 8107.

(a) Any request for documentation of domestic violence, dating violence, sexual assault, and/or stalking shall be in writing, shall specify a deadline of 30 calendar days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline;

(b) DCHA may, in its discretion, extend the deadline for ten (10) business days. In determining whether to extend the deadline, DCHA shall consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by DCHA will be in writing.

(c) If the tenant or applicant fails to provide the documentation within 30 calendar days from the date of receipt of the written request for documentation, or such longer time as permitted in § 8107.8(b), DCHA may deny relief for protection under VAWA.

8107.9 The individual may satisfy DCHA's request by providing any one of the following three (3) forms of documentation:

(a) A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) or comparable report or document providing the required information, which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim. The form may be filled out and submitted on behalf of the victim;

(b) A federal, state, tribal, territorial, or local police report or court record, or an administrative record that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective

orders, and restraining orders); or

(c) Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, and/or stalking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional; or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

8107.10 DCHA will not require third-party documentation in addition to the HUD-approved certification form, except in instances of conflicting documentation.

8107.11 Once the victim provides documentation, DCHA shall acknowledge receipt of the documentation.

8107.12 If presented with conflicting certification documents from members of the same household, DCHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with § 8107.9(b)-(c). When requesting third-party documents, DCHA shall provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given thirty (30) calendar days from the date of the request to provide such documentation.

8107.13 If DCHA does not receive third-party documentation within the required timeframe (and any extensions), DCHA will deny VAWA protections and shall notify the applicant or tenant in writing of the denial. If, as a result, the applicant or tenant is denied or terminated from the program, DCHA will hold separate hearings for the applicants or tenants.

8107.14 If DCHA receives third-party documentation within the required timeframe, the documentation will be reviewed by DCHA's VAWA panel and a recommendation shall be made to the program for final determination.

8107.15 Generally, DCHA will require documentation of abuse as outlined § 8107.9. If DCHA accepts an individual's statement or other corroborating evidence of domestic violence, dating violence, sexual assault, or stalking, DCHA will document acceptance of the individual's statement or evidence.

8107.16 All information provided to DCHA regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, will be retained in confidence.

8107.17 With respect to the information in § 8107.16, DCHA will not:

(a) Enter the information into any shared database;

(b) Allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work; and

(c) Provide the information to any other entity or individual, except to the extent that the disclosure is:

(1) Requested or consented to by the individual in writing in a time-limited release,

(2) Required for use in an eviction proceeding; or

(3) Otherwise required by applicable law.

8107.18 If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, DCHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

OFFICE OF OPEN GOVERNMENT

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the Office of Open Government, pursuant to the authority set forth in Section 205c(a)(3) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective October 30, 2018 (D.C. Law 19-124; D.C. Official Code § 1-1162.05c(a)(3) (2016 Repl. & 2018 Supp.)), hereby gives notice of her intent to adopt the following amendments to Chapter 104 (Office of Open Government) to Title 3 (Elections and Ethics) of the District of Columbia Municipal Regulations (DCMR).
The proposed rulemaking creates a new Section 10411, that sets forth the procedural requirements public bodies must follow to enter into closed meetings. Additionally, the rulemaking makes clarifying and conforming amendments consistent with the Open Meetings Act, effective March 31, 2011 (D.C. Law 18-350; D.C. Official Code §§ 2-571 et seq. (2016 Repl.)).

This rulemaking is necessary because the newly added Section 10411 provides specific instructions for the procedures public bodies must follow before entering into closed meetings or closing portions of a meeting. Specifically, the newly added section clarifies that public bodies must hold closed sessions immediately after the public body votes to close the meeting, except where a public body authorized to adjudicate matters or hear contested cases intends to close a meeting or portion of a meeting for the purpose of meeting with their attorney for a legal briefing (pursuant to D.C. Official Code § 2-575(b)(4)) to prepare for the adjudication or hearing. In such a scenario the public body may vote to hold a closed session of a public meeting no earlier than the public meeting that occurs immediately before the date of the planned closed session.

An initial Notice of Proposed Rulemaking was published in the *District of Columbia Register* on January 16, 2026 at 73 DCR 000518. In response to the Proposed Rulemaking, the Office of Open Government received comments regarding concerns that pre-authorizing a closed meeting on a different day than the meeting itself is inconsistent with the D.C. Open Meetings Act. Specifically, that the proposed regulations would weaken D.C. residents' right to know what public bodies are doing. There was concern that the regulations, as previously written, would excuse every executive and legislative public body empowered to adjudicate matters from having to convene in public immediately before excluding the public from its deliberations. The regulations as previously written allowed public bodies with adjudicatory functions to vote to close a meeting at the public meeting that occurs before the date of the planned closed session. The concern was that such a regulation would prevent or hinder District residents from mounting pre-emptive challenges to the closure of meetings and the Open Meetings Act contemplates a real-time vote at the time of the public meeting for this purpose.

After considering these comments, the Office of Open Government modified the proposed rulemaking by narrowing the circumstances under which a public body may take a vote for closure in advance of the actual meeting in which the closure will occur. This action has been limited to situations in which a public body authorized to adjudicate matters or hear contested cases intends to close a meeting for the purpose of meeting with their attorney to receive legal advice to prepare for the hearing or adjudication. The Office of Open Government's intention was to provide a solution to an operational problem because public bodies often require briefings from their own legal counsel to perform their functions at an adjudicatory or contested hearing where the public body is receiving information from the parties' legal counsel.

The revised rules also address the notice that must be provided in such situations. The Office of Open Government agrees that there is an increased propensity for abuse with the previous version of the rule, and this revision addresses concerns regarding the ability of D.C. residents to pre-emptively challenge closures and ensures that there is only one narrow circumstance in which a public body may take a vote to close a meeting or portion of a meeting in advance.

Additionally, the newly added section clarifies the meaning of the clause "…and the subjects to be discussed" contained in D.C. Official Code § 2-575(c)(2).

The Open Meetings Act, however, does not define the degree of specificity required to satisfy the requirement to state the "subjects to be discussed." In practice, public bodies have adopted varying approaches. Some have limited their statements to citation of the applicable statutory exemption and recitation of the exemption language, while others have provided a general description of the specific matter to be discussed. This variation has resulted in inconsistent compliance practices and uncertainty regarding the level of detail required. The purpose of this rule is to establish a clear and uniform standard that ensures meaningful public notice of closed session topics while preserving the confidentiality interests protected by the Open Meetings Act.

The rule is grounded in the statutory language requiring that the presiding officer state both the "reason for closure" and "the subjects to be discussed." The inclusion of these distinct phrases indicates that the Council intended to require more than the mere citation of a statutory exemption. The rule gives independent effect to each clause by clarifying that public bodies must both identify the applicable exemption and provide a general description of the specific matter to be discussed. This interpretation is consistent with established principles of statutory construction, including the presumption that each word and phrase in a statute should be given effect and not rendered superfluous. It also reflects the remedial purpose of the Open Meetings Act, which is to promote transparency in government decision-making while permitting limited exceptions for confidential matters.

Absent regulatory clarification, the phrase "subjects to be discussed" is susceptible to differing interpretations. A minimal interpretation in which recitation of the exemption language alone is deemed sufficient may satisfy the requirement to identify the legal basis for closure but does not necessarily inform the public of the actual matter under consideration. This may result in statements that are technically compliant but provide limited meaningful notice. Conversely, requiring overly detailed descriptions could risk disclosure of confidential, privileged, or sensitive information, thereby undermining the very purposes of the statutory exemptions.

This rule resolves that ambiguity by requiring a general, non-confidential description of the specific subject matter. The rule strikes an appropriate balance between transparency and confidentiality by requiring sufficient information to inform the public of the nature of the issue, without requiring disclosure of protected details.

The Director hereby gives notice of her intent to take final rulemaking action to adopt these proposed amended rules as final not less than thirty (30) days after the date of publication of this notice in the *District of Columbia Register*.

Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:
Chapter 104, OFFICE OF OPEN GOVERNMENT, is amended as follows:

Subsection 10400.6 of Section 10400, FILING AND PRESENTATION OF COMPLAINTS, is amended to read as follows:

10400.6 Complaints may be submitted anonymously. If the Complainant requests anonymity, the Director shall honor Complainant's request to remain anonymous.

New Section 10411, CLOSED MEETINGS, is added to read as follows:

10411 **CLOSED MEETINGS**

10411.1 Public bodies, as defined in D.C. Official Code § 2-574(3), may close a meeting or portion of a meeting for the purposes described in Section 405(b) of the Open Meetings Act.

10411.2 Before a meeting or portion of a meeting may be closed, the public body shall meet in a public, open session at which a majority of the members of the public body present vote in favor of closure.

10411.3 The public vote in favor of closure shall immediately precede the closed meeting or closed portion of a meeting.

10411.4 Advanced authorization of a closed session of a public meeting is permissible for the limited purpose of receiving legal advice from the public body's legal counsel prior to performing an adjudication or hearing a contested case.

(a) A public body authorized to adjudicate matters or hear contested cases may take an advance vote at a public meeting to close a portion of a subsequent meeting, where the public body will convene to adjudicate matters or hear contested cases, for the limited purpose of meeting with their attorney to receive legal advice (pursuant to D.C. Official Code § 2-575(b)(4)) to prepare for the adjudication or hearing.

(b) The advance vote must occur at an open meeting that occurs no greater than thirty days prior to the public meeting where the public body will convene to adjudicate matters or hear contested cases. A standing authorization for multiple closed sessions is strictly prohibited.

(c) The notice for the public meeting at which the vote for closure is taken must specifically note that the public body intends to take an advance vote to hold a closed session of a public meeting on the date of the next scheduled meeting and the notice must contain all of the information set forth in D.C. Official Code § 2-576(5).

(d) At the commencement of the pre-authorized closed session that occurs prior to the convening of the public meeting, the public body's presiding officer shall recite the advance vote authorizing the closed session and restate the statutory basis and subject matter as required by D.C. Official Code § 2-575(c).

(e) A closed session of a public meeting authorized by this section shall be strictly limited to the receipt of legal advice from legal counsel. The public body shall not engage in deliberation toward a decision at a closed session or engage in any other action authorized by D.C. Official Code § 2-575(b).

(f) Subsequent to the pre-authorized closed session and immediately after the commencement of the public meeting convened to adjudicate matters or hear contested cases, the presiding officer shall make a public statement summarizing the closed session that includes:

i. A confirmation that the closed meeting was conducted pursuant to D.C. Official Code § 2-575(b)(4) for the purpose of receiving legal advice;

ii. A brief description of the general subject matter of the legal advice received that does not compromise any legal privilege; and

iii. A statement that no deliberation, final action, or vote occurred during this preauthorized closed session.

(g) If the public body elects to close another portion of the adjudicatory meeting or contested case hearing pursuant to D.C. Official Code § 2-575(b), the public body must conduct a new vote in the open meeting at the time the public body is convened for the adjudication or to hear contested cases prior to entering into closed session.

10411.5 (a) Prior to entering closed session pursuant to D.C. Official Code § 2-575(b), the presiding officer shall:

i. Publicly identify the specific statutory exemption authorizing closure; and

ii. Provide a general description of the specific subject matter to be discussed.

(b) The description required under subsection (a)(2) shall:

i. Be stated in general terms sufficient to inform the public of the nature of the matter under consideration; and

ii. Avoid disclosure of confidential, privileged, or otherwise protected information; and

iii. Identify the particular issue, proceeding, or category of matter within the applicable exemption, where feasible.

(c) Merely reciting or tracking the statutory language of the exemption, without additional description of the specific matter to be discussed, shall not, by itself, satisfy the requirement to state the subjects to be discussed.

(d) Nothing in this section shall be construed to require disclosure of information that is privileged, confidential, or exempt from public disclosure under District or federal law.

(e) A copy of the vote to enter into closed session and the statement shall be provided in writing and made available to the public

10411.6 A public body that meets in closed session shall not discuss or consider matters other than those matters listed under D.C. Official Code § 2-575(b) for which the presiding officer gave the public notice of prior to closure.

10411.7 Upon conclusion of the closed session, the public body shall reconvene in open session to put on the record any official action taken during the closed session.

Parties wishing to provide comments on this proposed rulemaking action must submit their comments in writing within thirty (30) days after publication of this notice in the *District of Columbia Register* to Louis L. Neal, Chief Counsel, Office of Open Government, by email at opengovoffice@dc.gov or by mail or hand delivery to the Board of Ethics and Government Accountability, 1030 15th Street, NW, Suite 700 West, Washington, DC 20005.

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF EMERGENCY RULEMAKING

The Alcoholic Beverage and Cannabis Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-351(a)), and in accordance with Section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), hereby gives notice of its adoption on an emergency basis of the following amendment to Section 308 (Glover Park Moratorium Zone) of Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations ("DCMR").

This emergency rulemaking extends the duration of the existing Glover Park Moratorium Zone for 120 days to continue the moratorium on on-premises retailer's licenses class CT, CN, DN, DT, CX, and DX.

The existing moratorium is scheduled to expire on March 31, 2026. On December 1, 2025, Advisory Neighborhood Commission ("ANC") 3B filed a written request with the Board to continue the current moratorium and add one tavern license to the moratorium area.

On January 14, 2026, the Board held a public hearing to consider ANC 3B's request pursuant to D.C. Official Code § 25-354(a). Notice of the public hearing was published in the *District of Columbia Register* on December 19, 2025, at 72 DCR 14029 and provided to the parties required by D.C. Official Code § 25-354(c) and 23 DCMR § 303.2.

On January 28, 2026, in a 5 to 0 vote, the Board voted to approve a Notice of Proposed Rulemaking to renew and modify the Glover Park Moratorium Zone. The Notice of Proposed Rulemaking was published in the *District of Columbia Register* on April 17, 2026 at 73 DCR 006119.

The Board finds it necessary to adopt this rulemaking on an emergency basis to ensure the moratorium remains in effect while the Board considers the responses to the proposed rulemaking and until a final rulemaking is adopted. The emergency action preserves the protections afforded by the moratorium and will serve to promote the health, safety, and welfare of the community until the rules are adopted on a permanent basis. A description of the public comment, the Board's responses to the public comments, and the basis for imposing the moratorium may be found in the Notice of Proposed Rulemaking.

On March 25, 2026, the Board adopted this Glover Park Moratorium Zone Notice of Emergency Rulemaking, by a vote of 5 to 0, and it became effective on that date. These emergency rules will remain in effect for no longer than 120 days, and shall expire on July 23, 2026, unless superseded.

Section 308, GLOVER PARK MORATORIUM ZONE, of Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended to read as follows:

Subsection 308.9 is amended to read as follows:

308.9 This section shall expire on July 23, 2026.

Copies of this rulemaking can be obtained by contacting ABCA.Records@dc.gov. Alcoholic Beverage and Cannabis Administration, 899 North Capitol Street, N.W., Suite 4200-A, Washington, D.C. 20002. The rulemaking is also available on the agency's website. Persons with questions concerning the rulemaking should contact Jonathan Berman, General Counsel, at 202-442-4448 or email abca.legal@dc.gov.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Board of Elections, pursuant to the authority set forth in the District of Columbia Election Code of 1955, approved August 12, 1955, as amended (69 Stat. 699; D.C. Official Code § 1-1001.05(a)(14) (2016 Repl.)), hereby gives notice of emergency and proposed rulemaking to adopt amendments to Chapters 10, "Initiative and Referendum," 11, "Recall of Elected Officials," 14, "Candidate Nominations: Political Party Primaries For Presidential Preference and Convention Delegates," 15, "Candidate Nominations: Electors of President And Vice President of The United States," Chapter 16, "Candidate Nomination: Delegate to the U.S. House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, Attorney General, U.S. Senator, U.S. Representative, Members of the State Board of Education, and Advisory Neighborhood Commissioner," Chapter 17, "Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons" of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to establish regulations consistent with the Petition Administration Clarification Emergency Amendment Act of 2026 (D.C. Act A26-0256) with respect to ballot measures and to clarify the Board's requirements for validly filed challenges to signatures on various ballot access petitions in light of guidance received from the DC Court of Appeals by way of opinions rendered in appeals from Board orders resolving challenges to nominating petitions in connection with the 2026 Primary and Special Elections.

Emergency action is necessary to ensure the orderly and uniform administration of the imminent 2026 General Election petition challenge proceedings, to provide clear procedural standards governing ballot access adjudications before those proceedings commence, and to avoid uncertainty, inconsistent challenge practices, and disruption to the administration of the electoral process during statutory challenge periods. Accordingly, the Board adopted these rules on an emergency basis at its regular meeting on Wednesday, May 6, 2026. The emergency rules shall remain in effect until Thursday, September 3, 2026 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *District of Columbia Register.*

The Board hereby gives notice of its intent to take final rulemaking action to adopt these amendments in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register.*

Chapter 10, INITIATIVE AND REFERENDUM, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1006.1 of Section 1006, PETITION CHALLENGES, is amended as follows:

1006.1 The Executive Director or his or her designee shall post initiative or referendum petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures

or any other grounds (except as to the merits of the measure) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for ballot measure petition challenges ("Ballot Measure Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to an initiative or referendum petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1006.2 of Section 1006, PETITION CHALLENGES, is amended as follows:

1006.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Ballot Measure Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge

unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Ballot Measure Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the signature validity rule of this chapter being invoked;

(C) If established, would render the proposed measure ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The petition challenge is made in good faith. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably indicate that

the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge shall be limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Ballot Measure Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a ballot measure petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect that is not based on the merits of the

legislative change sought. A challenge to a ballot measure petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Section 1009, PETITION CERTIFICATION, is amended to read as follows:

1009 PETITION CERTIFICATION

1009.1 Within thirty (30) calendar days after the acceptance of an initiative or referendum petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1009.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

(a) Verify the registration of each petition signer; and

(b) Determine the number of signatures of verified registrants.

1009.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1009.4 A signature will not be counted and included in the random sample universe if:

(a) The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;

(b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before the petition was submitted, the signature shall be included in the random sample universe;

(c) The signature is a duplicate of a valid signature;

(d) The signature is not dated;

(e) The petition does not include the printed or typed address of the signer;

(f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;

(g) The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;

(h) The circulator of the petition failed to complete or correctly enter all required information in the circulator's affidavit;

(i) [REPEALED];

(j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient;

(k) The signature was obtained outside of the presence of the circulator;

(l) Correction fluid or tape was used on information provided by the circulator in the circulator affidavit;

(m) Correction fluid or tape was used on information provided by the signer, including their name, address, signature, date of signing, or ward; or

(n) Information about the signer was written, altered, corrected, clarified, or obscured on the petition by a person other than the signer, and the signer did not request such assistance before affixing their signature.

1009.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1009.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient.

1009.7 If the number of signatures in the random sample universe meets or exceeds the established minimum ward and District-wide requirements, the Board shall supply the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, broken down by ward. The Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

(a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or

(b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

1009.8 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.

1009.9 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:

(a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;

(b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or

(c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.

1009.10 If is the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.

1009.11 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.

1009.12 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

Chapter 11, RECALL OF ELECTED OFFICIALS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1106.1 of Section 1106, PETITION CHALLENGES, is amended to read as follows:

1106.1 The Executive Director or his or her designee shall post recall petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds (except as to the merits of the recall) by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for ballot measure petition challenges ("Ballot Measure Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a recall petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1106.2 of Section 1106, PETITION CHALLENGES, is amended to read as follows:

1106.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Ballot Measure Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the

basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Ballot Measure Petition Challenge form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the signature validity rule of this chapter being invoked;

(C) If established, would render the recall measure ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The petition challenge is made in good faith. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably indicate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Ballot Measure Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect that is not based on the merits of the reasons for or against the recall. A challenge to a recall petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Section 1109, PETITION CERTIFICATION, is amended to read as follows:

1109 PETITION CERTIFICATION

1109.1 Within thirty (30) calendar days after the acceptance of a recall petition for filing, the Board shall determine whether the petition contains the number of valid signatures necessary, in terms of percentage and ward distribution requirements, to be certified for ballot access.

1109.2 Upon the acceptance of a petition, the Executive Director or his or her designee shall:

(a) Verify the registration of each petition signer; and

(b) Determine the number of signatures of verified registrants.

1109.3 The signatures of the verified registrants shall comprise the universe of signatures from which a random sample will be drawn for purposes of verifying the signatures' authenticity ("random sample universe").

1109.4 A signature will not be counted and included in the random sample universe if:

(a) The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;

(b) The signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed, except that, if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed but that was received on or before the petition was submitted, the signature shall be included in the random sample universe;

(c) The signature is a duplicate of a valid signature;

(d) The signature is not dated;

(e) The petition does not include the printed or typed address of the signer;

(f) The petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification;

(g) The circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;

(h) The circulator of the petition failed to complete or correctly enter all required information in the circulator's affidavit;

(i) The signer was also the circulator of the same petition sheet where the signature appears;

(j) The signature was obtained on a petition sheet that was submitted on behalf of a previously filed initiative or referendum petition that was rejected or found to be numerically insufficient;

(k) The signer is not a registered voter in the ward or Single-Member District of the elected official sought to be recalled;

(l) The signature was obtained outside of the presence of the circulator;

(m) Correction fluid or tape was used on information provided by the circulator in the circulator affidavit;

(n) Correction fluid or tape was used on information provided by the signer, including their name, address, signature, date of signing, or ward; or

(o) Information about the signer was written, altered, corrected, clarified, or obscured on the petition by a person other than the signer, and the signer did not request such assistance before affixing their signature.

1109.5 Each signature in the random sample universe shall be ascribed to the ward in which the signer was a duly registered voter on the date the petition was signed regardless of whether any subsequent redistricting causes the voter to be assigned to a new ward, except that if the Board's records indicate that the voter filed a change of address after the date on which the petition was signed, but that was received on or before the petition was submitted, the signature shall be included in the ward of the voter's new address.

1109.6 If the number of signatures in the random sample universe does not meet or exceed the established ward and District-wide requirements, the Board shall reject the petition as numerically insufficient. If necessary to reach the required levels of statistical certainty, the Data Analysis and Visualization Division may draw progressively larger sample sizes or, at the discretion of the Board, the entire random sample universe of signatures may be tested.

1109.7 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is an Advisory Neighborhood Commissioner, the Board shall verify the authenticity of all of the signatures in the random sample universe.

1109.8 If the number of signatures in the random sample universe meets or exceeds the established minimum requirements and the officer sought to be recalled is elected from a ward or at-large, the Board shall supply the Data Analysis and Visualization Division of the Office of Planning with the signatures in the random sample universe, further broken down by ward if the elected official sought to be recalled is elected at-large.

1109.9 If the elected official sought to be recalled is elected at-large, the Data Analysis and Visualization Division shall draw and identify for the Board a sample of one hundred (100) signatures from each ward to be verified, except where:

(a) The Data Analysis and Visualization Division determines that sampling the signatures of a given ward would not be necessary for the Board to make a determination to accept or reject the petition; or

(b) The Data Analysis and Visualization Division determines that a sample larger than one hundred (100) must be drawn in order for the Board to make a determination to accept or reject the petition, and thus draws and identifies an appropriate sample size.

1109.10 If the elected official sought to be recalled is elected from a ward, the Data Analysis and Visualization Division shall determine the size of the random sample.

1109.11 In making the determination as to the authenticity of a signature, the Board shall disqualify a signature if the signature appearing on the petition does not match the signature on file in the Board's records.

1109.12 The Board shall report the number of authentic signatures in each ward sample ("random sample results") to the Data Analysis and Visualization Division. Using the random sample results, the Data Analysis and Visualization Division shall employ formulas from the fields of probability and statistics to determine the following:

(a) Whether a ward equals or exceeds the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be accepted;

(b) Whether a ward does not equal or exceed the required number of authentic signatures with ninety-five percent (95%) confidence, and should thus be rejected; or

(c) Whether a larger sample should be drawn since no decision could be made with ninety-five percent (95%) confidence from the sample used.

1109.13 In the event that the elected official sought to be recalled is elected at–large, if the Data Analysis and Visualization Division determines that at least five (5) of the eight (8) election wards have the required number of valid signatures, then it shall use a stratified random sampling formula to combine the figures from all wards which were sampled to determine whether the entire number of authentic signatures appearing on the petition is equal in number to five percent (5%) of the registered electors in the District of Columbia with ninety-five percent (95%) confidence. The Data Analysis and Visualization Division shall request that the Board verify additional signatures for authenticity if a larger sample is needed to make a determination, unless the Board in the exercise of its discretion requires that the entire random sample universe of signatures shall be tested.

1109.14 If the total number of authentic signatures equals or exceeds the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically sufficient for ballot access.

1109.15 If the total number of authentic signatures fails to equal or exceed the ward and District-wide signature requirements with ninety-five percent (95%) confidence, the Board shall certify the petition as numerically insufficient to qualify for ballot access.

Chapter 14, CANDIDATE NOMINATIONS: POLITICAL PARTY PRIMARIES FOR PRESIDENTIAL PREFERENCE AND CONVENTION DELEGATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended as follows:

Subsection 1406.1 of Section 1406, PETITION CHALLENGES, is amended to read as follows:

1406.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1406.2 of Section 1406, PETITION CHALLENGES, is amended as follows:

1406.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form;

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The

Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The petition challenge is made in good faith. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably indicate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless

the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Chapter 15, CANDIDATE NOMINATIONS: ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended to read as follows:

Subsection 1506.1 of Section 1506, PETITION CHALLENGES, is amended to read as follows:

1506.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1506.2 of Section 1506, PETITION CHALLENGES, is amended to read as follows:

1506.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic

transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is made in good faith. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably indicate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials.

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition

Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Chapter 16, CANDIDATE NOMINATION: DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES, MAYOR, CHAIRMAN AND MEMBERS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, ATTORNEY GENERAL, U.S. SENATOR, U.S. REPRESENTATIVE, MEMBERS OF THE STATE BOARD OF EDUCATION, AND ADVISORY NEIGHBORHOOD COMMISSIONER, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended to read as follows:

Subsection 1606.1 of Section 1606, PETITION CHALLENGES, is amended to read as follows:

1606.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the

agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1606.2 of Section 1606, PETITION CHALLENGES, is amended to read as follows:

1606.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent. A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or

affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is based on good faith. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably indicate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials; or

(c) The grounds for a challenge shall be limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

Chapter 17, CANDIDATES: MEMBERS AND OFFICIALS OF LOCAL COMMITTEES OF POLITICAL PARTIES AND NATIONAL COMMITTEE PERSONS, of Title 3 DCMR, ELECTIONS AND ETHICS, is amended to read as follows:

Subsection 1706.1 of Section 1706, PETITION CHALLENGES, is amended to read as follows:

1706.1 The Executive Director or his or her designee shall post nominating petitions, or facsimiles thereof, in the Board's office for public inspection and opportunity to challenge on the basis of an insufficient number of valid signatures or any other grounds by any qualified elector(s) for ten (10) days, including Saturdays, Sundays, and holidays, beginning on the third (3rd) calendar day after the petition-filing deadline required by law. Prior to the start of the challenge period, an official form for nominating petition challenges ("Nominating Petition Challenge Form") shall be posted on the Board's website and available at its offices, provided that the agency is not required to supply multiple copies of such blank forms to challengers. A challenge to a nominating petition that is not properly submitted to the Board within the challenge period shall not be accepted by the Board's Registrar of Voters.

Subsection 1706.2 of Section 1706, PETITION CHALLENGES, is amended to read as follows:

1706.2 Except as provided in this section, the Board shall adjudicate the validity of each properly filed challenge in accordance with the procedures prescribed in Chapter 4 of this title.

(a) A challenge that does not satisfy the requirements of this section shall be rejected as not properly filed and shall not proceed to adjudication on the merits.

(b) A challenge to the validity of the signatures on a petition is properly filed only if it satisfies each of the following requirements, each of which shall be strictly construed:

(1) The challenge is submitted on the Board's official Nominating Petition Challenge Form and identifies concisely, in the appropriate form fields corresponding to specific petition sheets and lines, the basis for the challenge to each particular signature sought to be discounted.

(2) Each challenged signature shall be identified with sufficient particularity to permit the Registrar of Voters to locate and evaluate the challenged entry without speculation as to the challenger's intent.

A challenge shall not be considered sufficiently particular if the Registrar cannot determine from the face of the submission:

(A) the exact signature being challenged; and

(B) the specific defect alleged, without reference to materials outside the challenge form.

(3) The challenge shall clearly identify the specific rule of this chapter that is alleged to render the signature invalid.

(4) Generalized assertions, categorical claims, or statistical or inferential arguments shall not constitute a properly filed challenge unless they are tied to individually identified signatures or circulator affidavits. Assertions shall be deemed generalized where they are not tied to such specific entries or where identical allegations are applied without regard to the content of the particular signature or affidavit challenged. A statistical or inferential argument shall not substitute for such particularized identification of a challenge basis for each signature.

(5) A narrative statement, cover letter, attachment accompanying the Nominating Petition Challenge Form, etc., shall not expand the scope of the challenge beyond the specific signatures, circulator affidavits, and defects identified in the form fields, and any ground, theory, or category of defect not so identified shall be deemed waived and may not be raised during adjudication or on appeal. A generalized narrative assertion of petition fraud or irregularity, without identification of specific signatures or affidavits, shall not constitute a properly filed non-signature challenge and shall not preserve any such theory for adjudication or appeal.

(6) The challenge is signed and submitted in person at the Board's office by a qualified elector no later than 5:00 p.m. on the tenth (10th) day of the challenge period. Submission by mail, electronic transmission, or any means other than in-person delivery shall not be accepted.

(7) The challenge alleges a sufficient number of signature defects that:

(A) Are sufficiently identified to allow the Registrar of Voters to readily locate the challenged signatures in the petition;

(B) Are sufficiently articulated to allow the Registrar of Voters to readily determine the rule of this chapter being invoked;

(C) If established, would render the candidate ineligible for ballot access; and

(D) Are presented in a manner that permits evaluation based solely on the information provided by the challenger. The Board shall not be required to investigate, infer, reconstruct, or supplement the challenger's allegations to identify or substantiate defects.

(8) The challenge is made in good faith. A challenge shall be deemed to be based on a good faith review only where the pattern, volume, and nature of the alleged defects reasonably indicate that the challenger has examined the specific signatures or circulator affidavits being challenged. Indicators of a lack of good faith may include, but are not limited to:

(A) The repeated assertion of defect categories that are facially inapplicable to the identified signatures or affidavits;

(B) The use of identical or boilerplate allegations across numerous signatures without regard to the content of those signatures; or

(C) The assertion of defects that could not reasonably be determined from the face of the petition or accompanying materials

(c) The grounds for a challenge are limited to those specifically identified in the challenge as filed within the challenge period. No new categories of defects, theories of invalidity, or challenges to additional signatures or circulator affidavits may be raised after the deadline for filing a challenge.

(d) A narrative statement or attachment filed with the initial challenge does not preserve for adjudication or appeal any ground, theory, or category of defect not identified with particularity in the form fields of the Nominating Petition Challenge Form. This subsection applies regardless of whether the narrative statement was filed within the challenge period.

(e) The threshold determination of proper filing shall be made by the Executive Director or his or her designee, based on a written determination identifying the specific deficiencies under this section.

(f) A challenger whose submission is rejected as not properly filed shall be notified in writing of the basis for rejection. Such notification shall not constitute an opportunity to cure or supplement the challenge, and no

additional submissions shall be accepted after the close of the challenge period.

(g) The burden of demonstrating that a challenged signature or circulator affidavit is invalid rests at all times with the challenger. The Board's acceptance of a nominating petition as facially sufficient shall stand unless the challenger satisfies each requirement of this section. The Board shall not bear any burden of demonstrating the invalidity of challenged signatures.

(h) A challenge on grounds other than the alleged invalidity of individual petition signatures shall be properly filed only if it concisely sets forth the specific procedural or legal defect. A challenge to a nominating petition based on theory of systemic invalidity, fraud, or pattern-based petition disqualification shall not be cognizable as a challenge based on grounds other than the invalidity of signatures and must be asserted in accordance with (b) above.

All persons desiring to comment on the subject matter of this rulemaking should file written comments by no later than thirty (30) days after the date of publication of this notice in the District of Columbia Register. Comments should be filed with the Office of the General Counsel, Board of Elections, 1015 Half Street S.E., Suite 750, Washington D.C. 20003. Please direct any questions or concerns to the Office of the General Counsel at 202-727-2194 or ogc@dcboe.org. Copies of the proposed rules may be obtained at cost from the above address, Monday through Friday, between the hours of 9:00 a.m. and 4:00 p.m.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)), and An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of the adoption, on an emergency basis, of amendments to Section 5501 (Enrollment) of Chapter 55 (Enrollment and Disenrollment Requirements and Procedures for Medicaid Beneficiaries in the Medicaid Managed Care Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), and of the Director's intent to adopt these amendments as a final rulemaking in not less than thirty (30) days from the date of publication of this notice in the *District of Columbia Register*.

DHCF is the single state agency in the District for the administration of the State Medicaid program under Title XIX of the Social Security Act and the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act. As the single state agency, DHCF is also responsible for supervising and administering the District of Columbia State Plan (State Plan) for Medical Assistance pursuant to 42 U.S.C. § 1396 *et seq.*, and amendments thereto.

Based on the authority provided under Section 1932(a) of the Social Security Act, DHCF proposes to remove enrollment of the optional eligibility group, beginning on January 1, 2026, of individuals described under 42 C.F.R. § 435.218, who: (1) are aged twenty-one (21) through sixty-four (64); (2) have household incomes above one hundred thirty-three percent (133%) of the Federal Poverty Level (FPL) but not exceeding two hundred ten percent (210%) of the FPL; (3) are not a parent or caretaker relative of a dependent child; and (4) are not otherwise eligible or enrolled under a mandatory or optional eligibility group. This change aligns with a proposed amendment to the District's State Plan for Medical Assistance (State Plan) to remove Medicaid eligibility of this eligibility group beginning January 1, 2026. The District's Health Benefit Exchange will contemporaneously offer eligibility for benefits through a Basic Health Plan and a Qualified Health Plan for these individuals with incomes above one hundred thirty-three percent (133%) of the FPL. DHCF will continue to offer Medicaid eligibility to individuals without dependent children (childless adults), as described under 42 C.F.R. § 435.119, who: (1) are aged twenty-one (21) through sixty-four (64); (2) have income at or below one hundred thirty-three percent (133%) of the FPL; (3) are without dependent children; (4) are not otherwise eligible or enrolled under a mandatory eligibility group; (5) are not enrolled in Medicare Part A or B; and (6) meet all other applicable non-financial eligibility requirements described under Chapter 95 of Title 29 of the DCMR.

These rules correspond to an amendment to the District's State Plan, which requires approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). CMS approved the amendment making these changes to the District's State Plan on December 4, 2025, with a January 1, 2026, effective date. If adopted, DHCF projects a net decrease

in aggregate Medicaid expenditures of approximately ninety-nine million five hundred seventy thousand three hundred thirteen dollars ($99,570,313) in Fiscal Year 2026, with a total decrease in local expenditures of approximately twenty-nine million eight hundred seventy-one thousand ninety-four dollars ($29,871,094).

Emergency rulemakings are promulgated only for the immediate preservation of public peace, health, safety, welfare, or morals, pursuant to D.C. Official Code § 2-505(c) and 1 DCMR § 311.5(d). These changes are needed on an emergency basis to avoid unnecessary delays in individuals' access to healthcare coverage. The current rules indicate that individuals in the optional eligibility group described under 42 C.F.R. § 435.218 are still eligible to enroll and participate in the District's Medicaid program. However, under the District's State Plan and the current operation of the program, this is no longer the case. The disconnect between the language in the rules and the current eligibility standards may unnecessarily delay these individuals' enrollment in alternative healthcare options and thereby delay their access to critical healthcare and medical services.

These emergency rules were adopted by the Director of DHCF on May 6, 2026 and became effective on that date. The emergency rules will remain in effect for one hundred and twenty (120) days or until September 3, 2026, unless superseded by publication of a Notice of Final Rulemaking in the *District of Columbia Register*.

Chapter 55, ENROLLMENT AND DISENROLLMENT REQUIREMENTS AND PROCEDURES FOR MEDICAID BENEFICIARIES IN THE MEDICAID MANAGED CARE PROGRAM, of Title 29, PUBLIC WELFARE, of the District of Columbia Municipal Regulations (DCMR) is amended as follows:

Section 5501, ENROLLMENT, is amended as follows:

Subsection 5501.2 is amended to read as follows:

5501.2 The Department shall enroll the following Medicaid eligibility groups into a DC Healthy Families MCO on a mandatory basis, as described under § 5501.1(a) (except for certain children with special health care needs (in accordance with DHCF guidance published at dhcf.dc.gov)) and adults who will become eligible for Medicare within ninety (90) days of assignment to a mandatory managed care eligibility group, who shall have the ability to opt out of the DC Healthy Families MCO by contacting the Department, consistent with DHCF guidance published at dhcf.dc.gov):

(a) Parents and other Caretaker Relatives, as described under 42 CFR § 435.110, that have household income above the amount determined in accordance with 29 DCMR § 9506;

(b) Pregnant Women, as described under 42 CFR § 435.116 and 29 DCMR §§ 9506.3- 9506.5;

(c) Children under Age Nineteen (19) (inclusive of Deemed Newborns under 42 CFR § 435.117), as described under 42 CFR § 435.118, that have household income above the amount determined in accordance with 29 DCMR § 9506;

(d) Former Foster Care Youth (under age twenty-six [26]), as described under 42 CFR § 435.150 and referenced at 29 DCMR § 9506.8(d)(4);

(e) Individuals without a Dependent Child (Childless Adults), as described under 42 CFR § 435.119, that have household income below the amount determined in accordance with 29 DCMR § 9506;

(f) Individuals eligible for Transitional Medical Assistance, as described under §§ 1902(a)(52), 1902(e)(1), 1925, and 1931(c)(2) of the Act; and subject to the requirements set forth under 29 DCMR § 9510;

(g) Individuals receiving extended Medicaid due to Spousal Support Collections, as described under 42 CFR § 435.115;

(h) Individuals receiving Supplemental Security Income (SSI) who are age nineteen (19) and over, as described under 42 CFR § 435.120 and pursuant to the requirements of § 9511;

(1) Individuals receiving SSI who are age twenty-one (21) and over, as well as those individuals identified in §§ 5501.2(j), 5501.2(l), 5501.2(m) and 5501.2(o), who are enrolled in CASSIP (the District's managed care program for children who are under age twenty-six [26] and receiving SSI) prior to October 1, 2021, may voluntarily remain in CASSIP until age twenty-six (26); and

(2) Individuals receiving SSI who are age twenty-one (21) and over, as well as those individuals identified in §§ 5501.2(j), 5501.2(l), 5501.2(m) and 5501.2(o), who are not enrolled in CASSIP prior to their twenty-first (21st) birthday, will be mandatorily enrolled into a managed care plan other than CASSIP;

(i) Individuals who became ineligible for cash assistance as a result of Old-Age, Survivors, and Disability Insurance (OASDI) cost-of-living increases received after April 1977, as described under 42 CFR § 435.135;

(j) Disabled Widows and Widowers Ineligible for SSI due to an increase of OASDI, as described under 42 CFR § 435.137;

(k) Disabled Widows and Widowers Ineligible for SSI due to Early Receipt of Social Security, as described under 42 CFR § 435.138;

(l) Working Individuals with a Disability under § 1619(b) of the Act, as described under §§ 1619(b), 1902(a)(10)(A)(i)(II), and 1905(q) of the Act;

(m) Adult Children with a Disability, as described under § 1634(c) of the Act;

(n) Children Ages Nineteen (19) and Twenty (20), as described under 42 CFR § 435.222, and with household income above the amount determined in accordance with 29 DCMR § 9506;

(o) Aged, Blind, or Disabled (ABD) Individuals eligible for but not receiving Cash Assistance, as described under 42 CFR §§ 435.210 and 435.230;

(p) Optional State Supplement Payment Recipients, as described under 42 CFR § 435.232 and pursuant to the requirements set forth under 29 DCMR § 9514; and

(q) Optional Aged or Disabled Individuals, as described under §§ 1902(a)(10)(A)(ii)(X) and 1902(m)(1) of the Act and subject to the household income and resources requirements set forth under 29 DCMR § 9513.

Comments on the subject matter of this proposed rule shall be submitted, in writing, to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Additional copies of the proposed rule may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance ("DHCF"), pursuant to the authority set forth in Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6)), and in An Act to enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), and Mayor's Order 2024-115, dated July 1, 2024, hereby gives notice of his adoption on an emergency basis of the following amendments to Chapter 111 (My Life, My Way Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR), and of his intent to adopt these amendments as a final rulemaking in not less than thirty (30) after from the date of publication of this notice in the *District of Columbia Register*.

The DC Individual and Family Supports waiver ("IFS Waiver") allows District residents with intellectual or developmental disabilities who live in an independent environment, either in their own homes or with family or friends, to receive Home and Community-Based Services ("HCBS") services and support tailored to their specific needs. The *My Life, My Way* program provides Individual and Family Support Waiver ("IFS Waiver") participants the opportunity to take direct responsibility for managing all aspects of service delivery in a person-centered planning process known as self-direction. The *My Life, My Way* program offers self-direction for the following IFS Waiver services: Companion services, individualized day supports, in-home supports, respite services, and individual-directed goods and services.

The IFS Waiver offers a full range of health and clinical services necessary to help people with complex support needs and their families to choose an alternative to institutional services that promotes community inclusion and independence by enhancing, not replacing, existing informal networks. The proposed IFS Waiver amendments modify staff and HCBS settings qualifications training requirements, change person-centered plan development for Service Coordinators, removes the annual physical examination performance measure, and sets reimbursement rates for direct support professional living wage rates.

This rulemaking corresponds to a home and community-based services waiver renewal submitted to CMS. On May 16, 2025, the District published a notice to the public of the District's intent to renew the IFS Waiver in the *District of Columbia Register* at 72 DCR 005990. The full proposed waiver renewal was made available at https://dds.dc.gov/page/hcbs-ifs-waiver-2025-renewal, and the public comment period began on May 16, 2025, and ended on June 16, 2025. On June 6, 2025, DHCF made minor edits to the Appendix J section of the waiver and extended the public comment period from June 16, 2025, to July 6, 2025. On July 7, 2025, DHCF submitted the proposed waiver to CMS. On September 30, 2025, CMS approved the waiver with an effective date of October 1, 2025.

Emergency rulemakings are promulgated only for the immediate preservation of the public peace, health, safety, welfare, or morals, pursuant to section 6(c) of the District of Columbia

Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)). Emergency action is needed to ensure there is no interruption in the provision of care for the District's most vulnerable population, as these rules provide guidance to providers, participants, and other stakeholders as the District continues to implement this program that is vital in preserving the health, safety, and welfare of these IFS Waiver participants. Emergency action is likewise needed to conform the District's rules to what CMS has approved.

The emergency rulemaking was adopted by the Director of DHCF on May 5, 2026 and became effective on that date. The emergency rules shall remain in effect for one hundred twenty (120) days or until September 2, 2026, unless superseded by publication of a Notice of Final Rulemaking in the *District of Columbia Register*.

Chapter 111, MY LIFE, MY WAY PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 11100, GENERAL PROVISIONS, is amended as follows:

Subsection 11100.4(a) and (b) is amended to read as follows:

(a) Companion 1:1 Services as described in § 11102;

(b) Individualized Day Supports Services (IDS) 1:1 as described in § 11104;

Subsection 11100.5 is amended to read as follows:

11100.5 Individual-directed goods and services shall only be available to IFS Waiver participants who are enrolled as participants in the *My Life, My Way* program and receive at least one (1) of the services listed in § 11100.4(a)-(c).

Section 11102, COMPANION SERVICES: SERVICE DESCRIPTION, is amended as follows:

Subsections 11102.1, 11102.2, 11102.3, 11102.4, 11102.5, 11102.6, and 11102.7 are amended to read as follows:

11102.1 Companion one-to-one (1:1) services provide non-medical assistance and supervision to support a participant's goals, desires, and needs as identified in the participant's ISP and reflected in their Person-Centered Thinking and Discovery tools. Goals shall be related to the participant's safety, promotion of independence, community integration, and/or retirement.

11102.2 To be eligible for Medicaid reimbursement of Companion 1:1 services, the services shall be identified in the participant's PDS budget, ISP, Plan of Care, and Summary of Supports for each participant enrolled in the IFS Waiver, and each participant shall:

(a) Demonstrate a need for non-medical support and supervision at home or in the community; and

(b) Have the service recommended by the participant's support team, after having considered the appropriateness of other waiver services and the staffing ratio, if any, in the participant's home.

11102.3 Companion 1:1 services may be provided in a participant's home or in the community.

11102.4 Companion 1:1 services provided outside of regular Monday to Friday daytime hours are eligible for Medicaid reimbursement only when supervision or other non-medical support provided by the Companion 1:1 services is necessary to ensure the participant's safety.

11102.5 To be eligible for Medicaid reimbursement, Companion 1:1 services shall not:

(a) Exceed eight (8) hours per twenty-four (24) hour day;

(b) Exceed forty (40) hours per week when used with Residential Habilitation, 24-Hour Supported Living, and 24-Hour Supported Living with Transportation Services, or when used in combination with Personal Care Services or any other Waiver day or vocational support services, including Day Habilitation, Employment Readiness, Supported Employment, Small Group Supported Employment, or Individualized Day Supports as part of a participant's traditional Monday to Friday day/vocational programming time; and

(c) Be provided at the same time as In-Home Supports, Personal Care Services, Respite, and/or Behavioral Supports Non-Professional.

11102.6 Companion 1:1 services in the *My Life, My Way* program shall be designed to promote independence and ensure the health, welfare, and safety of the participant.

11102.7 The participant or their authorized representative, as applicable, shall serve as a "common law employer" of the PDW providing services. In the role of "common law employer," the participant or authorized representative shall be responsible for recruiting, hiring, supervising, and discharging PDWs providing Companion 1:1 services.

Subsections 11102.10, 11102.11, and 11102.12 are amended to read as follows:

11102.10 To be eligible for PDS Companion 1:1 services, a participant must receive a service authorization for Companion 1:1 services from DDS or its designated agent that specifies the amount, duration, and scope of services authorized to be provided to the participant, in accordance with § 9017.

11102.11 The hourly wage paid to a PDW shall be no lower than the living wage in the District, set in accordance with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code § 2-220.01 *et seq.*), and no higher, including employment taxes and insurance amounts, than the current rate paid for agency-based Companion 1:1 services.

11102.12 Payment for Companion 1:1 services shall be provided in accordance with the participant's PDS budget, at an hourly wage set by the participant/representative-employer which falls within the wage range set forth in § 11102.11.

Section 11103, COMPANION SERVICES: PROVIDER REQUIREMENTS, is amended as follows:

Subsection 11103.5 is amended to read as follows:

11103.5 A legal guardian cannot be reimbursed through Medicaid for Companion 1:1 services provided to their ward.

Subsection 11103.6(a)(2) is amended to read as follows:

(2) For people who receive Companion 1:1 services during waking hours, this should include a flexible list of proposed leisure and recreational activities at home and in the community, based upon the participant's interests;

Subsection 11103.7(c) is amended to read as follows:

(c) Be legally authorized to work in the United States and have a valid Social Security number;

Subsection 11103.7(g) is amended to read as follows:

(g) Provide a record of completion of DDA trainings;

Subsection 11103.7(i) is amended to read as follows:

(i) Possess an active CPR and First Aid certificate and ensure that the CPR and First Aid certifications are renewed every two (2) years. The skills component of the CPR and First Aid training must be completed via in-person instruction, while the instructional component may be completed online or in-person through an approved training provider.

Subsections 11103.7(k) through (l) are amended to read as follows:

(k) Register their NPI number and submit a complete application for PDWs in the PDMS;

(l) Obtain annual documentation from a physician or other health professional that he or she is free from tuberculosis;

Subsection 11103.7 is amended by adding new paragraphs (m) through (o) to read as follows:

(m) Provide a record of completion of competency-based training in infection control procedures consistent with the requirements of the Occupational Safety and Health Administration, U.S. Department of Labor regulations at 29 CFR § 1910.1030;

(n) Be able to read, write, understand instructions, and communicate orally and in writing in English; and

(o) Not be a participant in the *My Life, My Way* program.

Subsection 11103.12 is amended to read as follows:

11103.12 Medicaid reimbursable Companion 1:1 services shall be authorized in accordance with the following provider requirements:

(a) DDS shall provide a written service authorization before the commencement of services;

(b) Companion 1:1 services shall be identified in the ISP; and

(c) The ISP shall document the amount and frequency of services to be received.

Section 11104, INDIVIDUALIZED DAY SUPPORTS: SERVICE DESCRIPTION, is amended as follows:

Subsections 11104.1, 11104.2, 11104.3, and 11104.4 are amended to read as follows:

11104.1 In order to receive Medicaid reimbursement for individualized day supports one-to-one (1:1) services, the participant's Individual Support Plan (ISP) and Plan of Care must document that the need for the service is consistent with the participant's assessed needs and personally chosen goals including what is important to and for the participant as documented in his or her Person-Centered Thinking and Discovery Tools and recorded in the ISP and Plan of Care, and show at least one (1) of the following:

(a) That the participant chooses to participate in habilitation services in a variety of integrated and inclusive community-based settings which enable the participant to attain or maintain his or her maximum functional level and gain greater independence;

(b) That the participant is transitioning into retirement or is retired and chooses to continue habilitation services in a variety of integrated and inclusive community-based settings;

(c) That the participant has person-centered ISP goals for community integration and participation including building, strengthening, and maintaining relationships with participants not paid to be with the participant or vocational exploration that may lead to further employment services and supports;

(d) That the participant is likely to be successful in achieving one or more of his or her ISP goals through individualized day supports 1:1 service; or

(e) That the participant has a documented need for individualized day supports 1:1 services due to medical or safety issues that are consistent with the Health Care Management Plan (HCMP) and Behavioral Support Plan.

11104.2 Medicaid reimbursable individualized day supports 1:1 services shall:

(a) Be habilitative in nature; and

(b) Be delivered in integrated, inclusive community settings.

11104.3 Medicaid reimbursable individualized day supports 1:1 services shall provide:

(a) Highly individualized, pre-planned activities and opportunities that occur within integrated and inclusive community settings and that emphasize the development of skills to support community participation and involvement, self-determination, community membership, community contribution, retirement or vocational exploration, and life skills training;

(b) Activities that maximize the participant's functional abilities for successful participation in integrated community activities and opportunities that match a participant's interests and goals;

(c) Activities that support the participant's informed choice in identifying their own areas of interest and preferences, including but not limited to community mapping, employment exploration and discovery where appropriate;

(d) Activities that provide community-based opportunities for personal and adult skill development through socialization, participation in membership-based community groups and associations, and forming and maintaining relationships with other community members; and

(e) Training in the safe and effective use of one or more modes of accessible public transportation and/or coordination and provision of transportation by the individualized day supports provider to support participation in community activities consistent with the intent of this service.

11104.4 Medicaid shall only reimburse individualized day supports 1:1 services for a minimum of two (2) and a maximum of six (6) hours per day; and a minimum of four (4) and a maximum of thirty (30) hours per week. This service may be offered in combination with Day Habilitation, Employment Readiness, and Supported Employment services as a wraparound service in combination with any of the aforementioned services. When two (2) or more of these services are offered, a participant may not receive more than a combined total of forty (40) hours per week of services.

Subsection 11104.7 is amended to read as follows:

11104.7 Personal care/assistance may be a component of individualized day supports 1:1 as necessary to meet the needs of a participant but may not comprise the entirety of the service.

Subsection 11104.10 is amended to read as follows:

11104.10 A participant receiving individualized day supports 1:1 services may meet their PDW at a facility-based day habilitation or employment readiness setting, but only if this is necessary and appropriate for the participant receiving the services. Individualized day services shall not occur in a facility-based setting. On site attendance at the facility-based day habilitation or employment readiness program is not a requirement to receive services that originate from that setting.

Subsection 11104.12 is amended to read as follows:

11104.12 Participants receiving individualized day supports 1:1 services may receive two (2) or more types of non-residential habilitation services, (e.g., Supported Employment, Small Group Supported Employment, Employment Readiness, Companion, and/or Day Habilitation); however, more than one (1) service may not be billed during the same period of time (e.g., the same fifteen (15) minute unit).

Section 11105, INDIVIDUALIZED DAY SUPPORTS: PROVIDER REQUIREMENTS, is amended as follows:

Subsection 11105.6(c) is amended to read as follows:

(c) Possess an active CPR and First Aid certificate and ensure that the CPR and First Aid certifications are renewed every two (2) years. The skills component of the CPR and First Aid training must be completed via in-person instruction, while the instructional component may be completed

online or in-person through an approved training provider;

Subsection 11105.6(e) through (i) is amended to read as follows:

(e) Obtain annual documentation from a physician or other health professional that he or she is free from tuberculosis;

(f) Have an individual NPI number obtained from the National Plan and NPPES;

(g) Register their NPI number and submit a complete application for PDWs in the PDMS;

(h) Receive customized training provided by the participant or his or her authorized representative that is related to the participant's functional needs and goals as outlined in the ISP;

(i) Provide a record of completion of DDA trainings;

Subsection 11105.6 is amended by adding new paragraphs (j) through (o) to read as follows:

(j) Be legally authorized to work in the United States and have a valid Social Security number;

(k) Attend a training to address the unique support needs of the participant as detailed in their Plan of Care;

(l) Provide documentation that he or she was found acceptable by the participant;

(m) Provide a record of completion of competency-based training in infection control procedures consistent with the requirements of the Occupational Safety and Health Administration, U.S. Department of Labor regulations at 29 CFR § 1910.1030;

(n) Be able to read, write, understand instructions, and communicate orally and in writing in English; and

(o) Not be a participant in the *My Life, My Way* program.

Section 11106, IN-HOME SUPPORTS: SERVICE DESCRIPTION, is amended as follows:

Subsections 11106.6 through 11106.17 are amended to read as follows:

11106.6 Based on assessed need, as justified and documented in observable outcomes and

measurable goals in the Individual Support Plan (ISP) and in-home supports plan, forty (40) to fifty-six (56) hours per week of in-home supports services to meet goal-oriented needs and personal preferences will be considered if the participant has significant needs that cannot be met by less intensive services and meets the criteria of support with:

(a) Activities of daily living (ADLs);

(b) Behavioral support;

(c) Medical/health;

(d) Safety and risk; and

(e) Level of independence.

11106.7 In the event of a temporary emergency, a written justification for an increase in hours shall be submitted with the In-Home Supports Plan, ISP, and Plan of Care by the provider to DDS. The written justification shall include:

(a) An explanation of why no other resource is available;

(b) A description of the temporary emergency;

(c) An explanation of how the additional hours of in-home supports services will support the participant's habilitative needs;

(d) A revised copy of the ISP and Plan of Care reflecting the increase in habilitative supports to be provided; and

(e) The service authorization from the Medicaid Waiver Supervisor or other Department on Disability Services Administration designated staff.

11106.8 In-home supports services may be used on the same day, or in combination with Medicaid State Plan Personal Care Aide (PCA) services, ID/DD PCA services, and Companion 1:1 services, provided the services are not rendered at the same time.

11106.9 In-home supports services shall not be used to provide supports that are normally provided by medical professionals.

11106.10 Reimbursement for in-home supports services shall not include:

(a) Room and board costs;

(b) Routine care and general supervision normally provided by the family or unpaid individuals who provide supports, or for services furnished to a minor by the child’s parent or stepparent or by a participant’s spouse;

(c) Services or costs for which payment is made by a source other than Medicaid;

(d) Travel or training of travel skills to Supportive Employment, Day Habilitation, Individualized Day Supports, or Employment Readiness; and

(e) Costs associated with the PDW engaging in community activities with the people they support.

11106.11 In-Home Supports services in the *My Life, My Way* program shall be designed to promote independence and ensure the health, welfare, and safety of the participant.

11106.12 The participant or their authorized representative, as applicable, shall serve as a "common law employer" of the PDW providing services. In the role of "common law employer," the participant or authorized representative shall be responsible for recruiting, hiring, supervising, and discharging PDWs providing in-home supports services.

11106.13 Supports shall be available to assist the participant/representative-employer with their own employer-related responsibilities as described in § 11106.12 through the VF/EA FMS-Support Broker entity.

11106.14 All participant-directed in-home support services provided by a PDW shall be prior authorized by DDS or its agent in order to be reimbursed under the *My Life, My Way* program.

11106.15 To be eligible for participant-directed in-home supports services, a participant shall be in receipt of a service authorization for Companion 1:1 services from DDS or its designated agent that specifies the amount, duration, and scope of services authorized to be provided to the participant, in accordance with § 9025.

11106.16 The hourly wage paid to a PDW shall be no lower than the living wage in the District, set in accordance with the Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D.C. Official Code §§ 2-220.01 *et seq.*), and no higher, including employment taxes and insurance amounts, than the current rate paid for agency-based in-home supports.

11106.17 Payment for participant-directed in-home supports services shall be provided in accordance with the participant's PDS budget, at an hourly wage set by the participant/representative-employer which falls within the wage range set forth in § 11106.16.

A new subsection 11106.18 is added to read as follows:

11106.18 All participant-directed in-home supports participants shall comply with all

applicable federal and District electronic visit verification requirements.

Section 11107, IN-HOME SUPPORTS: PROVIDER REQUIREMENTS, is amended as follows:

Subsections 11107.8(e) through (j) are amended to read as follows:

(e) Possess an active CPR and First Aid certificate and ensure that the CPR and First Aid certifications are renewed every two (2) years. The skills component of the CPR and First Aid training must be completed via in-person instruction, while the instructional component may be completed online or in-person through an approved training provider;

(f) Provide a record of completion of DDA trainings;

(g) Have an individual NPI number obtained from the NPPES;

(h) Register their NPI number and submit a complete application for PDWs in the PDMS;

(i) Obtain annual documentation from a physician or other health professional that he or she is free from tuberculosis;

(j) Be legally authorized to work in the United States and have a valid Social Security number;

Subsection 11107.8 is amended by adding new paragraphs (k) through (p) to read as follows:

(k) Attend a training to address the unique support needs of the participant as detailed in their Plan of Care;

(l) Provide documentation that he or she was found acceptable by the participant;

(m) Have a valid driver's license and the required insurance if transportation will be provided;

(n) Provide a record of completion of competency-based training in infection control procedures consistent with the requirements of the Occupational Safety and Health Administration, U.S. Department of Labor regulations at 29 CFR § 1910.1030;

(o) Be able to read, write, understand instructions, and communicate orally and in writing in English; and

(p) Not be a participant in the *My Life, My Way* program.

Section 11109, RESPITE SERVICES: PROVIDER REQUIREMENTS, is amended as follows:

Subsection 11109.5(e) is amended to read as follows:

(e) Possess an active CPR and First Aid certificate and ensure that the CPR and First Aid certifications are renewed every two (2) years. The skills component of the CPR and First Aid training must be completed via in-person instruction, while the instructional component may be completed online or in-person through an approved training provider.

Subsections 11109.5(h) through (m) are amended to read as follows:

(h) Provide documentation that each employee was found acceptable by the participant;

(i) Provide a record of completion of DDA trainings;

(j) Provide a record of completion of competency-based training in infection control procedures consistent with the requirements of the Occupational Safety and Health Administration, U.S. Department of Labor regulations at 29 CFR § 1910.1030;

(k) Be legally authorized to work in the United States and have a valid Social Security number;

(l) Attend a training to address the unique support needs of the participant as detailed in their Plan of Care;

(m) Have a valid driver's license and the required insurance if transportation will be provided;

Subsection 11109.5 is amended by adding new paragraphs (o) and (p) to read as follows:

(o) Be able to read, write, understand instructions, and communicate orally and in writing in English; and

(p) Not be a participant in the *My Life, My Way* program.

Section 11110, INDIVIDUAL-DIRECTED GOODS AND SERVICES: SERVICE DESCRIPTION, is amended as follows:

Subsection 11110.1 is amended to read as follows:

11110.1 In order to receive Medicaid reimbursement, individual-directed goods and services shall only be:

(a) Provided to IFS Waiver participants who are enrolled in the *My Life, My Way* program and receive at least one (1) of the other services in § 11100.4(a)-(c); and

(b) Purchased from the participant's approved PDS budget.

Subsection 11110.6 is amended to read as follows:

11110.6 Participants in the *My Life, My Way* program may purchase individual-directed goods and services that are included in their ISP, meet the requirements of §§ 11110.3 and 11110.4 and are within their PDS budget to purchase, and not exceed the cost of twenty-five hundred dollars ($2,500) per ISP year. The costs of such purchases shall be included in the IFS Waiver seventy-five thousand dollar ($75,000) annual budget cap determination.

Section 11113, PARTICIPANT-DIRECTED SERVICES BUDGET FORMULATION, is amended as follows:

Subsection 11113.1 is amended to read as follows:

11113.1 To be eligible for PDS, a participant shall be in receipt of a service authorization for in-home supports, individualized day supports 1:1 services, Companion 1:1 services, respite daily services, or individual-directed goods and services from DDS that specifies the amount, duration, and scope of services authorized to be provided to the participant, in accordance with applicable provisions in Chapter 90 of Title 29 DMCR.

Subsection 11113.2(a) is amended to read as follows:

(a) The participant's total assessed hours per week for Companion 1:1 services, individualized day supports 1:1 services, or in-home supports services in accordance with service limitations set forth in § 9017.16, § 9024.23, and § 9025.19, is converted to hours per month;

Subsection 11113.5(a) and (b) is amended to read as follows:

11113.5 (a) Companion 1:1 Services;

(b) Individualized Day Supports 1:1 Services;

Comments on the proposed rule shall be submitted, in writing, to Melisa Byrd, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900S, Washington, D.C. 20001, via email at DHCFPubliccomments@dc.gov, or online at

www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *District of Columbia Register*. Copies of the proposed rule may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-080
May 7, 2026

SUBJECT: Appointments — Sustainable Energy Utility Advisory Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), and pursuant to section 203 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008, D.C. Law 17-250, D.C. Official Code § 8-1774.03, it is hereby **ORDERED** that:

1. a. **ALEXANDER HOWARD** is appointed as a representative of the gas company member of the Sustainable Energy Utility Advisory Board (the "Board"), filling a vacant seat formerly held by Manuel Geraldo, for the remainder of an unexpired term to end May 12, 2027.

   b. This paragraph shall be effective *nunc pro tunc* to March 20, 2025.

2. a. **SARINA LOY** is appointed as a representative of the electric company member of the Board, filling a vacant seat formerly held by Donna Cooper, for the remainder of an unexpired term to end July 13, 2027.

   b. This paragraph shall be effective *nunc pro tunc* to May 7, 2025.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-081
May 7, 2026

SUBJECT: Reappointment and Appointments — Opioid Fatality Review Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code§ 1-204.22(2), and in accordance with Mayor's Order 2019-024, dated May 2, 2019, it is hereby **ORDERED** that:

1. **DR. RICHARD SCHOTTENFELD** is reappointed as a representative of a hospital in the District member of the Opioid Fatality Review Board (the "Board"), for a term to end December 31, 2026.

2. **ERIN SIBEL SEZGIN** is appointed as a District resident who is not an employee of the District, who has been affected by a drug overdose death of an immediate family member or has been a direct recipient of drug treatment services in the District member of the Board, filling a vacant seat formerly held by Kevin Petty, for the remainder of an unexpired term to end December 31, 2026.

3. **DR. SONAL BATRA** is appointed as a community-based service provider to District residents member of the Board, filling a vacant seat formerly held by Elisha Peterson, for the remainder of an unexpired term to end December 31, 2026.

4. The following persons are appointed as members of the Board, to serve at the pleasure of the Mayor:

    a. **JULIAN PURDY,** filling a vacant seat formerly held by Elliot Tommingo, as the representative from the Mayor's Office of Veterans Affairs; and

    b. **DR. CHIMENE LIBURD,** replacing Dr. Pamela Riley, as the representative from the Department of Health Care Finance.

5. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-082
May 7, 2026

SUBJECT: Appointment — Child Fatality Review Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), and in accordance with section 4604 of the Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 4-1371.04, it is hereby **ORDERED** that:

1. **CHERYL ROBINSON** is appointed as the representative of the District of Columbia Housing Authority member of the Child Fatality Review Committee to serve at the pleasure of the Mayor.

2. Paragraph 1.a. of Mayor's Order 2017-315, dated December 29, 2017, is amended by striking the phrase "Department of Housing and Community Development" and inserting the phrase "District of Columbia Housing Authority" in its place.

3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 21, 2026.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2026-083
May 7, 2026

SUBJECT: Reappointment — District of Columbia Retirement Board

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2), and pursuant to section 121 of the District of Columbia Retirement Reform Act, approved November 17, 1979, 93 Stat. 869, Pub. L. 96-122, D.C. Official Code § 1-711, it is hereby **ORDERED** that:

1. **TRACY HARRIS** is reappointed as a public member of the District of Columbia Retirement Board for a term to end January 27, 2031.

2. **EFFECTIVE DATE:** This Order shall become effective immediately.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION
ALCOHOLIC BEVERAGE AND CANNABIS BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, MAY 20, 2026
899 NORTH CAPITOL STREET NE, SUITE 4200 A-B
WASHINGTON, DC 20002

Donovan W. Anderson, Chairperson
Members: Silas Grant, Jr., Teri Janine Quinn, Ryan Jones and David Meadows

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00096
East End, LLC t/a Bonne Vie Bistro (formerly - Baby Shank)
1602 U Street NW
License #121545
Retailer CR
ANC 2B
Noise Violation

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CMP-00101
East End, LLC t/a Bonne Vie Bistro (formerly - Baby Shank)
1602 U Street NW
License #121545
Retailer CR
ANC 2B
Noise Violation

Board's Calendar
May 20, 2026

Show Cause Hearing (Status) **10:30 AM**

Case # 25-CIT-00581
Brooklyn on U, LLC t/a Tipsy Lounge and Restaurant 1
1212 U Street NW
License #111411
Retailer CR
ANC 1B
Failed to File Quarterly Statement

Fact Finding Hearing **10:30 AM**

SK Quality Services-US CORP t/a Blunt DC
1606 K Street NW
License #131901
Retailer MC
ANC 2C
Request to remove License from Safekeeping

Show Cause Hearing **10:30 AM**

Case # 25-CMP-00110
Kitchen + Kocktails by Kevin Kelley DC, LLC t/a Kitchen + Kocktials by Kevin Kelley DC
1300 I Street NW
License #123472
Retailer CR
ANC 2C
Failed to File Quarterly Statement

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA AT 1:00 PM

Board's Calendar
May 20, 2026

Protest Hearing **1:30 PM**

Case # 26-PRO-00002
Buddy's Inc. t/a Buddy's DC
3234 11th Street NW
License #123008
Retailer CT
ANC 1A
Application to Renew the License

Protest Hearing **1:30 PM**

Case # 26-PRO-00001
Buddy's Inc. t/a Buddy's DC
3234 11th Street NW
License #123008
Retailer CT
ANC 1A
Petition to Amend or Terminate the Settlement Agreement

All of the ABC Board's public hearings are conducted virtually and are livestreamed on ABCA's YouTube channel which can be found here: *https://www.youtube.com/@alcoholicbeverageregulatio5683.*

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at *opengovoffice@dc.gov*

GOVERNMENT OF THE DISTRICT OF COLUMBIA

COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF PUBLIC MEETING

The District of Columbia Commission on the Arts and Humanities Board of Commissioners will hold its regular monthly business meeting on **Monday May 18, 2026, at 5:30 pm.** Below is a draft agenda for the meeting. Updates to the meeting agenda will be posted on the Commission's website at www.dcarts.dc.gov.

The meeting will be a hybrid meeting happening in person at 200 I St SE and livestreamed via Zoom to the Commission's YouTube channel. Members of the public are invited to observe the meeting in person or through the live broadcast of the meeting online at https://bit.ly/dcartsyoutube. A recording of the meeting will be available on the Commission's website.

DRAFT AGENDA

1. Call to Order
2. Roll Call and Determination of Quorum
3. Land Acknowledgement
4. Welcome
5. Presentation
6. Public Comment Period – Members of the public may request three minutes to make public comments before the Board. Requests to make public comments must be submitted by noon on the Thursday before the meeting via the online form at https://dcarts.dc.gov/page/cah-public-comment-signup-form
7. Executive Director's Report
8. Finance Update
9. Committee Reports
10. Unfinished and New Business
11. Adjournment

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF EXECUTIVE COMMITTEE PUBLIC MEETING

The District of Columbia Commission on the Arts and Humanities will hold a special Executive Committee Meeting **Wednesday, May 27th, 2026, at 4:00pm**. The Executive Committee Meeting was called by the Chairperson of the Commission for the following purpose:

1. Per the Commission's bylaws the Executive Committee must meet on a quarterly basis and after new Committee Chairs are elected.

No other business will be considered at the meeting.

The meeting will be conducted remotely via Zoom. Members of the public are invited to observe the public portions of the meeting live online at https://bit.ly/dcartsyoutube.

DRAFT AGENDA

Wednesday May 27, 2026 4:00pm

1. Call to Order
2. Roll Call and Determination of Quorum
3. Land Acknowledgement
4. Welcome
5. Discussion Key Priorities
6. Executive Session (Closed to Public)
7. Adjournment

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2027 Arts or Humanities Education Project (AHEP) Grant Program

The District of Columbia Commission on the Arts and Humanities (CAH) requests applications from qualified arts, humanities, arts education, service organizations, and other non-profits for its Fiscal Year 2027 Arts or Humanities Education Project grant program (AHEP).

AHEP supports exemplary projects in arts or humanities education to students in grades pre-K to 12 and to teachers, educational staff, and teaching artists of DCPS and DCPCS schools delivered by qualified non-profits with demonstrated success in providing arts or humanities education programming. The AHEP grant program also funds arts education projects that support learning for adults and seniors in Washington DC, delivered by similarly qualified non-profits. The AHEP grant will not offset the responsibilities of DCPS or DCPCS schools in providing their students with an excellent education but will support projects that enhance the learning that is already in place. (see RFA for details)

Eligibility:
Applicants must meet all the following eligibility requirements at the time of application (additional requirements may be included in the RFA):

- Be incorporated as a nonprofit with a federally designated tax-exempt status under section 501(c)(3) of the United States Internal Revenue Service (IRS) code for at least one year prior to the application deadline.
- Be registered with, and authorized to do business in, the District of Columbia.
- Have a principal business office address in the District of Columbia. CAH will not allow post office boxes or addresses of board members or volunteers as evidence of business address.
- Register and comply with the regulatory requirements of pertinent government agencies, including; Department of Licensing and Consumer Protection (DLCP), DC Office of the Chief Financial Officer (OCFO), DC Department of Employment Services (DOES), and the US Internal Revenue Service (IRS).
- Have a history of actively providing arts and humanities programs in the District of Columbia for at least one year prior to the application deadline.
- Ensure that one hundred percent (100%) of the grant award dollars are used to support District of Columbia personnel and programming.
- Be in "good standing" with CAH. (Note: A CAH grant applicant who has failed to comply with all applicable CAH-related mandates (e.g., failed to submit to CAH required reports related to prior CAH funding), is not in "good standing" with CAH and, accordingly, is ineligible to receive funds from CAH in FY 2027).

RFA Release Date:	Tuesday, June 2, 2026
RFA Availability:	The RFA will be posted on CAH's website (dcarts.dc.gov) and the District Grants Clearinghouse website

Amount of Awards:	Eligible applicants can be awarded up to $30,000
Length of Awards:	Fiscal Year 2027 (October 1, 2026 - September 30, 2027)
Application Workshops:	Offered throughout the application period to provide technical application assistance
CAH Contact:	Mauricio Pita, Arts Learning Specialist mauricio.pita@dc.gov
Electronic Submission Deadline:	5:00 pm, Tuesday, July 7, 2026 via Submittable

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2027 Capital Projects: Small Grant Program

The District of Columbia Commission on the Arts and Humanities (CAH) is soliciting applications from qualified arts and humanities organizations for its FY 2027 grant program (CAP). The CAP grant supports capital projects for qualified organizations that own or rent facilities, intend to own or rent facilities, or seek to acquire other permanent property or equipment designed for the training, management, production, or presentation of performances or exhibitions of the arts or humanities. Organizations pursuing capital projects related to digital or technological assets are eligible to apply. Organizations engaged in the historic preservation of their properties and preservation planning projects are also eligible to apply. Grant funds may be used for planning projects, short- and long-term facilities projects, or for the purchase of a new facility (see RFA for details).

Eligibility:
Applicants must meet all the following eligibility requirements at the time of application (additional requirements may be included in the RFA):

- Be incorporated as a nonprofit with a federally designated tax-exempt status under section 501(c)(3) of the United States Internal Revenue Service (IRS) code.
- Be registered with, and authorized to do business in, the District of Columbia.
- Have a principal business office address that is located in the District of Columbia.
- Ensure that at least fifty-one percent (51%) of the organization's activities occur within the District of Columbia.
- Ensure that one hundred percent (100%) of the grant award dollars are used to support District of Columbia personnel and programming.
- Register and comply with the regulatory requirements of pertinent government agencies, including; Department of Licensing and Consumer Protection (DLCP); DC Office of the Chief Financial Officer (OCFO); DC Department of Employment Services (DOES); and the US Internal Revenue Service (IRS).
- Obtain a Certificate of Clean Hands from the District of Columbia Office of Tax and Revenue.
- Be in "good standing" with CAH. (Note: A CAH grant applicant who has failed to comply with all applicable CAH-related mandates (e.g., failed to submit to CAH required reports related to prior CAH funding), is not in "good standing" with CAH and, accordingly, is ineligible to receive additional funds from CAH in FY 2027.

RFA Release Date:	Tuesday, June 2, 2026
RFA Availability:	The RFA will be posted on CAH's website (dcarts.dc.gov) and the District Grants Clearinghouse website
Amount of Awards:	Awards are based on project type. Please refer to the RFA for details.
Length of Awards:	Fiscal Year 2027 (October 1, 2026 - September 30, 2027)

Application Workshops:	Offered throughout the application period to provide technical application assistance
CAH Contact:	Shari Feldman, Grants Program Manager Shari.feldman@dc.gov
Electronic Submission Deadline:	5:00 pm, Tuesday, July 7, 2026 via CAH's grants portal (Submittable)

DC COMMISSION ON THE ARTS AND HUMANITIES

NOTICE OF FUNDING AVAILABILITY

FY 2027 Field Trip Experiences (FTE) Grant Program

The District of Columbia Commission on the Arts and Humanities (CAH) requests applications from qualified arts, humanities, arts education, and arts service organizations for its Fiscal Year 2027 Field Trip Experiences grant program (FTE).

The District of Columbia Commission on the Arts and Humanities (CAH) is soliciting applications from qualified arts and humanities organizations offering comprehensive arts and cultural field trip experiences for students in District of Columbia public schools. The applicant organization must be the producer of the arts or humanities field trip experience detailed in the application.

Field trip experiences are defined as those that take place during the traditional school day and require students to be transported to a cultural site to participate in a professional-quality performance, visual arts exhibition, or humanities experience. The Field Trip Experiences (FTE) grant program supports the cost of field trip tickets, associated transportation costs, professional development opportunities for classroom educators, and/or pre/post-field trip workshops for students. Funding may also be allocated to necessary personnel support for the planning and implementation of the program (see RFA for details).

Eligibility:
Applicants must meet all the following eligibility requirements at the time of application (additional requirements may be included in the RFA):

- Be incorporated as a nonprofit with a federally designated tax-exempt status under section 501(c)(3) of the United States Internal Revenue Service (IRS) code for at least one year prior to the application deadline.
- Be registered with, and authorized to do business in, the District of Columbia.
- Have a principal business office address in the District of Columbia. CAH will not allow post office boxes or addresses of board members or volunteers as evidence of business address.
- Register and comply with the regulatory requirements of pertinent government agencies, including; Department of Licensing and Consumer Protection (DLCP), DC Office of the Chief Financial Officer (OCFO), DC Department of Employment Services (DOES), and the US Internal Revenue Service (IRS).
- Have a history of actively providing arts and humanities programs in the District of Columbia for at least one year prior to the application deadline.
- Ensure that one hundred percent (100%) of the grant award dollars are used to support District of Columbia personnel and programming.
- Be in "good standing" with CAH. (Note: A CAH grant applicant who has failed to comply with all applicable CAH-related mandates (e.g., failed to submit to CAH required reports related to prior CAH funding), is not in "good standing" with CAH and, accordingly, is ineligible to receive funds from CAH in FY 2027).

RFA Release Date:	Tuesday, June 2, 2026
RFA Availability:	The RFA will be posted on CAH's website (dcarts.dc.gov) and the District Grants Clearinghouse website
Amount of Awards:	Eligible applicants can be awarded up to $30,000
Length of Awards:	Fiscal Year 2027 (October 1, 2026 - September 30, 2027)
Application Workshops:	Offered throughout the application period to provide technical application assistance
CAH Contact:	Andrea Brown, Arts Learning Coordinator **andrea.brown3@dc.gov**
Electronic Submission Deadline:	5:00 pm, Tuesday, July 7, 2026 via Submittable

BASIS DC PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Capital Needs Assessments Services

BASIS Charter Schools, Inc., BASIS Texas Charter Schools, Inc. and BDC, A Public Charter School are advertising the opportunity to submit detailed proposals from qualified vendors to provide Capital Needs Assessments for 23 campuses. All interested firms are asked to visit the Bonfire electronic procurement portal at https://basised.bonfirehub.com to receive access to the RFP (BCSI-CNA-2026-001) documents. Due date for proposal submission via Bonfire is 2:00 PM (MST) on Monday 5/25/26.

To request full scope and/or seek additional information, please email:

Diana Mendoza
Procurement Manager
Diana.mendoza@basised.com

DEPARTMENT OF BUILDINGS

NOTICE OF SUBSTANTIAL ECONOMIC or PERSONAL HARDSHIP DETERMINATION

Office of Strategic Code Enforcement

RE:

Address:	**Square:**	**Lot:**
518 Raleigh St. SE	5988	0054

Dear Sir/Madam:

The Department of Buildings, (DOB), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2024 2nd half** for the following reasons: **You provided sufficient evidence to support your extraordinary circumstances and hardship.**

> *Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.*
> *(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."*

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DOB will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2. Please visit mytax.dc.gov to inquire about refunds, updated tax bills or payment.

DOB reserves the right to revoke this exemption if the building is not maintained in accordance with the Vacant Building Maintenance standards, or if disqualifying information is obtained. To learn more about the vacant building registration process or inspection requirements, please visit dob.dc.gov.

If you have questions regarding this decision, please contact Carousel Moore, Program Support Specialist at (202) 442-4541.

Sincerely,

Mekdelawi Taddese
Deputy Strategic Enforcement Administrator
Office of Strategic Code Enforcement
(202) 701.5399
Mekdelawi.taddese@dc.gov

DEPARTMENT OF BUILDINGS

NOTICE OF SUBSTANTIAL ECONOMIC or PERSONAL HARDSHIP DETERMINATION

Office of Strategic Code Enforcement

RE:

Address:	**Square:**	**Lot:**
518 Raleigh St. SE	5988	0054

Dear Sir/Madam:

The Department of Buildings, (DOB), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2025** for the following reasons: **You provided sufficient evidence to support your extraordinary circumstances and hardship.**

> *Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.*
> *(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."*

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DOB will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2. Please visit mytax.dc.gov to inquire about refunds, updated tax bills or payment.

DOB reserves the right to revoke this exemption if the building is not maintained in accordance with the Vacant Building Maintenance standards, or if disqualifying information is obtained. To learn more about the vacant building registration process or inspection requirements, please visit dob.dc.gov.

If you have questions regarding this decision, please contact Carousel Moore, Program Support Specialist at (202) 442-4541.

Sincerely,

Mekdelawi Taddese
Deputy Strategic Enforcement Administrator
Office of Strategic Code Enforcement
(202) 701.5399
Mekdelawi.taddese@dc.gov

DEPARTMENT OF BUILDINGS

NOTICE OF SUBSTANTIAL ECONOMIC or PERSONAL HARDSHIP DETERMINATION

Office of Strategic Code Enforcement

RE:

Address:	**Square:**	**Lot:**
840 Varnum St. NW	3024	0079

Dear Sir/Madam:

The Department of Buildings, (DOB), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2025 1st half** for the following reasons: **You provided sufficient evidence to support your extraordinary circumstances and hardship.**

> *Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.*
> *(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."*

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Sincerely,

Mekdelawi Taddese
Deputy Strategic Enforcement Administrator
Office of Strategic Code Enforcement
(202) 701.5399
Mekdelawi.taddese@dc.gov

DEPARTMENT OF BUILDINGS

NOTICE OF SUBSTANTIAL ECONOMIC or PERSONAL HARDSHIP DETERMINATION

Office of Strategic Code Enforcement

RE:

Address:	**Square:**	**Lot:**
2908 2nd St. SE	6000	0019

Dear Sir/Madam:

The Department of Buildings, (DOB), has reviewed and **granted** your request for Hardship for the above property for real property tax year for **FY2026 1st half** for the following reasons: **You provided sufficient evidence to support your extraordinary circumstances and hardship.**

> *Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, "A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.*
> *(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship."*

Annually you are required by law to register vacant property or seek an exemption for the current tax year. DOB will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2. Please visit mytax.dc.gov to inquire about refunds, updated tax bills or payment.

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If you have questions regarding this decision, please contact Carousel Moore, Program Support Specialist at (202) 442-4541.

Sincerely,

Mekdelawi Taddese
Deputy Strategic Enforcement Administrator
Office of Strategic Code Enforcement
(202) 701.5399
Mekdelawi.taddese@dc.gov

OFFICE OF THE CHIEF TECHNOLOGY OFFICER

GOVERNMENT OF THE DISTRICT OF COLUMBIA

NOTICE OF ADVISORY GROUP ON ARTIFICIAL INTELLIGENCE VALUES ALIGNMENT (AIVA) PUBLIC LISTENING SESSION

The DC Office of the Chief Technology Officer (OCTO) invites interested persons to attend a public listening session of the Advisory Group on Artificial Intelligence Values Alignment (AIVA).

The purpose of the Advisory Group is to engage with internal and external stakeholders on the proper intersection of the District's AI Values and emerging and future AI technologies to ensure all stakeholder perspectives are heard, and to advise the Mayor on the refinement and alignment of the District government's AI Values on an ongoing basis.

Date: Tuesday, May 19, 2026

Time: 6:00pm

Location: In-person, West End Library

Please visit http://s.dc.gov/AI-Listening-Session-May-19-2026 to register.

The agenda for the public meeting includes:

- Recap of the April 30th public meeting of the Advisory Group on AIVA;
- Pannel discussion on AI workforce upskilling;
- Pannel discussion on AI data privacy and ethics; and
- Facilitated public feedback session the future of the DMV workforce in the age of AI.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov. All other questions about the event may directed to ai@dc.gov.

D.C. BILINGUAL PUBLIC CHARTER SCHOOL

NOTICE: FOR REQUEST FOR PROPOSAL

D.C. Bilingual Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for vendors to provide the following services for SY26.27:

- Locally Sourced Milk

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Wednesday, June 3, 2026.** Questions, proposals and full RFP request should be emailed to ddelgado@dcbilingual.org.

No phone call submission or late responses please. Interviews, samples, and demonstrations will be scheduled at our request after the review of the proposals only.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION
OFFICE OF PUBLIC CHARTER SCHOOL FINANCING AND SUPPORT

Public Charter School Credit Enhancement Committee Meeting

MAY 21, 2026

The Office of the State Superintendent of Education (OSSE) hereby announces that it will hold a public meeting for the District of Columbia Public Charter School Credit Enhancement Committee ("Committee") as follows:

THURSDAY, MAY 21, 2026
12:00 PM - 1:30 PM (EST)

Please join the meeting from your computer, tablet or smartphone.
Join the meeting now
You can also dial in using your phone.
Access Code: 715865873# United States: +1 202-594-9550

Note: After the Roll Call, the committee anticipates entering executive session for approximately 45 minutes. The committee anticipates reconvening in open session between 12:30 PM – 12:45 PM.

The draft agenda for the above-referenced meeting will be:

I. Call to Order/Roll Call/Ascertainment of Quorum
II. **EXECUTIVE SESSION (CLOSED TO PUBLIC)**
   a. Pursuant to 2-575 (b)(4)(A), the Committee will enter into executive session for a work session to consult with its attorney to obtain legal advice.
III. Approval of agenda for the May 21, 2026, Committee meeting
IV. Approval of minutes from the April 23, 2026, Committee meeting
V. Transactions
   a. DC Wildflower PCS - Request for an extension on two loans totaling $2,000,000
   b. Academy of Hope PCS - Request for a new $2,000,000 Direct Loan

For additional information, please contact:
Nile Speight-Leggett, Financial Program Specialist
Office of Public Charter School Financing and Support
Office of the State Superintendent of Education
1050 First St. NE, Fifth Floor, Washington, DC 20002
Nile.Speight-Leggett@dc.gov or (202) 957-7434

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov. All agendas, whether draft or final must include the statement. The statement is required pursuant to 3 DCMR § 10409.2.

D.C. STATE BOARD OF EDUCATION

NOTICE OF PUBLIC MEETING

Educator Excellence Committee Meeting

The D.C. State Board of Education's Educator Excellence Committee Meeting will hold a meeting on the following date:

- Thursday, May 28, 2026 at 5:00 P.M.

The meeting will be conducted remotely via Zoom, and members of the public are invited to join the meeting webinar and observe at: https://dc-gov.zoom.us/j/82238663209

Below is the agenda for the committee's meeting.

AGENDA:

I. Establishment of a Quorum
II. Executive Director Update on Strategic Priorities Dashboard
III. Committee Work Planning
IV. New Business
V. Adjournment

Please note: This agenda is subject to change.

These meetings are governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

In accordance with D.C. Official Code § 1-309.06(d)(2), the District of Columbia Board of Elections hereby gives notice that a vacancy exists in the office of Advisory Neighborhood Commissioner for the following Single Member District:

2B01

Pursuant to D.C. Official Code § 1-309.06(d)(1), vacancies on Advisory Neighborhood Commissions cannot be filled when the vacancies occur within the 6-month period prior to a general election. As this vacancy occurred within the 6-month period prior to a general election, no petitions will be made available for the purposes of filling it at this time, and the office shall remain vacant for the remainder of the term of office.

For more information, the public may contact the D.C. Board of Elections via the information below:

D.C. Board of Elections
1015 Half Street SE, Suite 750
Washington, DC 20003

Phone: 202-727-2525

BOARD OF ELECTIONS

CERTIFICATION OF ANC/SMD VACANCY

In accordance with D.C. Official Code § 1-309.06(d)(2), the District of Columbia Board of Elections hereby gives notice that vacancies exist in the offices of Advisory Neighborhood Commissioner for the following Single Member Districts:

2A05, 2A07, 4A07, 7D02, 7E05

Pursuant to D.C. Official Code § 1-309.06(d)(1), vacancies on Advisory Neighborhood Commissions cannot be filled when the vacancies occur within the 6-month period prior to a general election. As these vacancies occurred within the 6-month period prior to a general election, no petitions will be made available for the purposes of filling them at this time, and the offices shall remain vacant for the remainder of the terms of office.

For more information, the public may contact the D.C. Board of Elections via the information below:

D.C. Board of Elections
1015 Half Street SE, Suite 750
Washington, DC 20003

Phone: 202-727-2525

BOARD OF ELECTIONS

Certification of Filling a Vacancy
In Advisory Neighborhood Commission

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), if there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person. As such, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Madison Crum
Single-Member District **2B04**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
AS OF APRIL 30, 2026

WARD	DEM	REP	STG	N-P	OTH	TOTALS
1	45,281	2,044	622	10,202	302	58,451
2	36,986	3,867	349	11,326	314	52,842
3	41,112	4,079	441	11,285	310	57,227
4	48,281	2,168	624	9,846	340	61,259
5	53,652	2,463	793	11,685	459	69,052
6	49,399	5,719	542	12,996	417	69,073
7	48,129	2,068	635	9,794	427	61,053
8	38,113	2,125	552	8,685	365	49,840
TOTALS	**360,953**	**24,533**	**4,558**	**85,819**	**2,934**	**478,797**
Percentage by Party	**75.39%**	**5.12%**	**0.95%**	**17.92%**	**0.61%**	**100.00%**

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF APRIL 30, 2026

COVERING CITY-WIDE TOTALS BY:
WARD, PRECINCT, AND PARTY

1015 HALF STREET, SE SUITE 750
WASHINGTON, DC 20003
(202) 727-2525
http://www.dcboe.org



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
AS OF APRIL 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
20	870	38	12	184	7	1,111
22	4,352	291	29	957	24	5,653
23	3,017	140	38	683	24	3,902
24	2,849	147	21	634	19	3,670
25	4,251	239	51	994	25	5,560
35	3,635	114	56	759	23	4,587
36	4,073	200	61	884	22	5,240
37	3,983	141	52	1,010	37	5,223
38	2,785	114	41	688	20	3,648
39	4,045	145	60	838	23	5,111
40	3,287	126	67	668	16	4,164
41	3,254	166	62	869	29	4,380
42	1,779	75	27	394	10	2,285
43	1,854	56	28	384	11	2,333
137	1,247	52	17	256	12	1,584
TOTALS	**45,281**	**2,044**	**622**	**10,202**	**302**	**58,451**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
AS OF APRIL 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
2	464	65	4	212	4	749
3	1,726	248	24	656	20	2,674
4	2,414	329	23	902	30	3,698
5	2,261	449	20	912	27	3,669
6	2,287	501	22	1,185	25	4,020
13	1,381	166	12	419	9	1,987
14	2,902	267	31	822	20	4,042
15	3,149	226	27	788	22	4,212
16	3,768	297	17	920	17	5,019
17	4,753	370	38	1,297	28	6,486
18	4,660	282	40	1,053	34	6,069
21	1,065	45	11	220	12	1,353
129	3,524	432	56	1,330	40	5,382
141	2,632	190	24	610	26	3,482
TOTALS	**36,986**	**3,867**	**349**	**11,326**	**314**	**52,842**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
AS OF APRIL 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
7	1,416	270	14	537	18	2,255
8	2,909	532	15	1,003	26	4,485
9	1,023	287	7	421	8	1,746
10	2,032	291	22	705	21	3,071
11	3,408	351	61	1,113	46	4,979
12	670	147	2	265	7	1,091
26	3,281	224	26	797	21	4,349
27	2,467	182	27	569	9	3,254
28	2,524	297	33	740	17	3,611
29	1,824	124	26	531	16	2,521
30	1,520	160	15	410	15	2,120
31	2,616	224	24	587	15	3,466
32	2,952	185	29	688	19	3,873
33	3,008	156	26	653	15	3,858
34	3,707	194	47	936	16	4,900
50	2,243	211	29	540	24	3,047
136	1,283	80	16	294	6	1,679
138	2,229	164	22	496	11	2,922
TOTALS	**41,112**	**4,079**	**441**	**11,285**	**310**	**57,227**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
AS OF APRIL 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
45	2,235	84	31	411	9	2,770
46	2,848	79	35	509	25	3,496
47	3,220	128	61	680	24	4,113
48	2,761	115	36	608	16	3,536
49	997	44	15	226	6	1,288
51	3,621	361	23	692	17	4,714
52	1,475	98	4	285	7	1,869
53	1,086	56	16	248	9	1,415
54	2,199	78	28	464	25	2,794
55	2,273	76	24	461	13	2,847
56	3,046	121	50	668	25	3,910
57	2,288	91	34	538	20	2,971
58	1,947	66	25	407	20	2,465
59	2,401	83	25	433	12	2,954
60	2,057	152	29	660	29	2,927
61	1,451	73	22	316	14	1,876
62	3,745	146	43	628	10	4,572
63	3,790	156	66	750	20	4,782
64	2,177	65	25	398	20	2,685
65	2,664	96	32	464	19	3,275
TOTALS	**48,281**	**2,168**	**624**	**9,846**	**340**	**61,259**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
AS OF APRIL 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
19	4,526	212	88	1,046	42	5,914
44	2,370	185	47	624	24	3,250
66	4,318	148	48	820	36	5,370
67	2,712	97	32	497	14	3,352
68	1,881	135	27	377	15	2,435
69	2,066	71	26	375	10	2,548
70	1,388	67	28	294	7	1,784
71	2,263	77	33	479	21	2,873
72	3,995	166	59	844	48	5,112
73	1,774	85	24	316	15	2,214
74	5,260	279	97	1,315	55	7,006
75	5,007	235	62	1,135	37	6,476
76	2,992	160	34	769	32	3,987
77	2,725	136	48	596	29	3,534
78	2,741	122	40	640	21	3,564
79	1,953	87	35	511	18	2,604
135	2,761	128	35	556	17	3,497
139	2,920	73	30	491	18	3,532
TOTALS	**53,652**	**2,463**	**793**	**11,685**	**459**	**69,052**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
AS OF APRIL 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
1	5,393	465	61	1,597	47	7,563
81	3,302	312	32	713	22	4,381
82	2,708	221	33	617	20	3,599
83	3,521	291	38	792	26	4,668
84	2,011	354	21	495	14	2,895
85	2,690	456	21	697	24	3,888
88	2,031	245	14	472	20	2,782
89	2,658	495	27	705	21	3,906
90	1,612	185	18	452	18	2,285
91	4,284	354	45	1,065	33	5,781
127	4,755	404	76	1,217	31	6,483
128	2,206	179	26	592	11	3,014
130	3,779	1,069	24	1,278	60	6,210
142	2,979	321	53	983	27	4,363
143	357	26	4	54	3	444
144	5,113	342	49	1,267	40	6,811
TOTALS	**49,399**	**5,719**	**542**	**12,996**	**417**	**69,073**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
AS OF APRIL 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
80	1,850	227	58	437	23	2,595
86	2,938	201	43	690	40	3,912
87	2,650	218	27	602	20	3,517
92	1,311	38	17	231	9	1,606
93	1,443	44	20	286	11	1,804
94	1,816	73	27	393	17	2,326
95	1,643	57	22	377	14	2,113
96	1,756	59	15	331	13	2,174
97	1,287	52	22	290	16	1,667
98	1,983	73	28	409	19	2,512
99	1,265	45	14	305	10	1,639
100	2,078	65	21	411	13	2,588
101	1,393	49	16	263	16	1,737
102	2,224	95	30	404	18	2,771
103	2,802	85	43	531	19	3,480
104	2,905	122	43	607	29	3,706
105	2,220	85	26	501	17	2,849
106	2,472	78	24	483	20	3,077
107	1,039	45	10	216	15	1,325
108	968	26	7	148	5	1,154
109	869	39	6	143	4	1,061
110	3,287	102	37	527	23	3,976
111	1,996	65	33	440	21	2,555
113	2,068	67	23	387	24	2,569
132	1,866	58	23	382	11	2,340
TOTALS	**48,129**	**2,068**	**635**	**9,794**	**427**	**61,053**

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
AS OF APRIL 30, 2026

PRECINCT	DEM	REP	STG	N-P	OTH	TOTALS
112	1,223	32	16	241	8	1,520
114	2,567	124	51	616	35	3,393
115	1,662	49	24	365	12	2,112
116	2,358	93	33	524	11	3,019
117	2,408	86	34	545	26	3,099
118	2,808	95	37	595	28	3,563
119	1,688	88	23	373	21	2,193
120	1,797	72	17	342	14	2,242
121	2,844	103	36	582	18	3,583
122	1,754	69	26	367	14	2,230
123	1,526	153	33	409	18	2,139
124	1,911	64	39	407	16	2,437
125	3,113	111	42	642	40	3,948
126	2,699	131	58	657	19	3,564
131	3,475	678	31	1,177	48	5,409
133	1,356	63	14	256	8	1,697
134	1,556	55	20	317	13	1,961
140	1,368	59	18	270	16	1,731
TOTALS	**38,113**	**2,125**	**552**	**8,685**	**365**	**49,840**

DC BOARD OF ELECTIONS
NOTICE OF PUBLICATION

At a public meeting held on May 6, 2026, the Board of Elections adopted the short title, summary statement, and legislative form for Initiative Measure No. 88, the "The Rent Control and Housing Eligibility Adjustment Amendment Act of 2026."

Any registered qualified elector of the District of Columbia who objects to the summary statement, short title, and/or legislative form of the initiative measure adopted by the Board may seek review in the Superior Court of the District of Columbia within 10 calendar days from the date such formulations are published in the District of Columbia Register, stating objections and requesting appropriate changes. Registered qualified electors may also file objections regarding the initiative with the court on other grounds during this period, including the Board's determination that the proposed measure presents a proper subject for initiative.

Pursuant to D.C. Code § l-1001.16(d)(2)(B)(i), the Board hereby publishes the aforementioned adopted formulations as follows, as well as the fiscal impact statement issued concerning the initiative.

INITIATIVE MEASURE

No. 88

SHORT TITLE

The Rent Control and Housing Eligibility Adjustment Amendment Act of 2026

SUMMARY STATEMENT

If enacted, this Initiative would freeze rents for two years upon its effective date and in future periods of high inflation; reduce the maximum permitted total rent increase for rent controlled units to 5%; realign certain D.C. affordable housing programs with an upper eligibility threshold of 60% of the Area Median Income; redefine affordable housing requirements to include a mix of studio, one, two, three, and four bedroom units; and revise affordable housing requirements for land sold or leased by the D.C. government. This Initiative will not be implemented unless the Council appropriates funds for any costs.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DC Housing Modernization and Accessibility Act of 2026".

Sec. 2. Title II of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.01 et seq.), is amended as follows:

(a) Section 208(h) (D.C. Official Code § 42-3502.08(h) is amended to read as follows:

"(h) Unless the adjustment in the amount of rent charged is implemented pursuant to sections 210, 211, 212, 214, or 215, an adjustment in the amount of rent charged:

"(1) If the unit is vacant, shall not exceed the amount permitted under section 213(a); or

"(2) If the unit is occupied:

"(A) Shall not exceed the current allowable amount of rent charged for the unit, plus the adjustment of general applicability plus 2%, taken as a percentage of the current allowable amount of rent charged; provided, that the total adjustment shall not exceed 6%;

"(B) Shall be pursuant to section 224, if occupied by an elderly tenant or tenant with a disability; and

"(C) Shall not exceed the lesser of 5% or the adjustment of general applicability if the unit is leased or co-leased by a home and community-based services waiver provider.".

(b) A new section 225 is added to read as follows:

"Section 225. Temporary rent freeze during certain periods.

"(a) Notwithstanding any other provision of this act, the rent for any rental unit shall not be increased during the period from and including the effective date of this section through and including the second anniversary thereof.

"(b) Notwithstanding any other provision of this act, if during any 12-month period subsequent to the period described in subsection (a), the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria DCVA-MD-WV Metropolitan Statistical Area, as published by the Bureau of Labor Statistics, is greater than 5%, then the rent for any rental unit shall not be increased at any time during the subsequent 12-month period.

"(c) Any rent increase that would become effective during any period described in subsection (a) or subsection (b) shall not become effective regardless of when notice of such rent increase is sent to the tenant of any rental unit.

"(d) This section shall not apply to:

"(1) Any rental unit owned by, or leased to any person by, the District of Columbia Housing Authority or any other agency, department, or instrumentality of the District; or

"(2) Any rental unit owned by, or leased to any person by, any agency, department or instrumentality of the United States.".

Sec. 3. The electors of the District of Columbia call upon the Council of the District of Columbia to amend section 2 of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801), as follows:

(a) Amend paragraph (2A) to read as follows:

"(2A) "Eligible household" means a household that, at the time of lease-up or rental of a qualified rental housing unit, had total annual income at or below 45% of the area median income, or at the time of purchase of a qualified for-sale housing unit, had total annual income at or below 60% of the area median income; provided, that the annual incomes of eligible households assisted through an allocation of proceeds from the Housing Production Trust fund shall not exceed 60% of the area median income."

(b) Amend paragraph (3) to read as follows

"(3) "Extremely low-income" means a household income that is less than or equal

to 15% of the area median income.".

(c) Amend paragraph (6) to read as follows:

"(6) "Low-income" means a household income that is more than 30% and less than or equal to 45% of the area median income.".

(d) Amend paragraph (7) to read as follows:

"(7) "Moderate income" means a household income that is more than 45% and less than or equal to 60% of the area median income.".

(e) Amend paragraph (9A) to read as follows:

"(9A) "Very low-income" means a household income that is more than 15% and less than or equal to 30% of the area median income.".

Sec. 4. Section 2(4) of the Affordable Housing Clearinghouse Directory Act of 2008, effective August 15, 2008 (D.C. Law 17-215; D.C. Official Code § 42-2131(4)), is amended to read as follows:

"(4) "Affordable housing unit" means a dwelling unit that is offered for residential occupancy and is made available to, and affordable to, a household whose total household income is equal, to or less than, 45% of the area median income for rental units and 60% of the area median income for sale and ownership units, as a result of a federal or District subsidy.".

Sec. 5. Section 2 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, effective August 5, 1939 (53 Stat. 211; D.C. Official Code § 10-801), is amended as follows:

(a) Subsection (b-3) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

"(b-3)(1) If a proposed disposition of real property will result in the development of multifamily residential property consisting of 5 or more units ("multifamily units"), the following requirements shall apply:

"(A) At least 2/3 of the multifamily units shall be dedicated as affordable housing;

"(B) At least 1/4 of the multifamily units shall consist of units with 2 or more bedrooms, and 1/4 shall consist of units with 3 or more bedrooms; and

"(C) The multifamily units dedicated as affordable housing pursuant to this subsection shall continue to be dedicated as affordable housing for the life of the ground lease if the land disposition is by ground lease, or shall remain affordable housing units in perpetuity, secured by a covenant running with the land.

"(D) Repealed.".

(2) Paragraph (2) is amended to read as follows;

"(2) The units dedicated as affordable housing pursuant to subparagraphs (A) and (B) of this paragraph shall be made available at the following affordability levels:

"(A) In the case of affordable rental units, at least 1/4 of the units shall be housing for which an extremely low-income household will pay no more than 30% of its income toward housing costs, 1/4 of the units shall be housing for which a very low-income household will pay no more than 30% of its income toward housing costs, 1/4 of the units shall be housing for which a low-income household will pay no more than 30% of its income toward housing costs, and the remainder shall be housing for which a moderate-income household will pay no more than 30% of its income toward housing costs.

"(B) In the case of affordable ownership units, 1/2 of the units shall be housing for which a low-income household will pay no more than 30% of its income toward housing costs and the remainder of any such ownership units shall be housing for which a moderate income household will pay no more than 30% of its income toward housing costs.".

(3) Paragraphs (4), (6), and (7) are repealed.

(b) Subsection (n) is amended as follows:

(1) Paragraph (3) is amended to read as follows:

"(3) "Low-income household" means a household consisting of one or more persons with a total household income that is more than 30% and less than or equal to 45% of the area median income.".

(2) Paragraph (4) is amended to read as follows:

"(4) "Moderate-income household" means a household consisting of one or more persons with total household income more than 45% and less than or equal to 60% of the area median income.".

(3) Paragraph 5 is amended to read as follows:

"(5) "Very low-income household" means a household consisting of one or more persons with total household income more than 15% and less than or equal to 30% of the area median income.".

(4) A new paragraph 6 is added to read as follows:

"'(6) "Extremely low-income household" means a household consisting of one or more persons with total household income less than or equal to 15% of the area median income.".

Sec. 6. Section 2092 of the Department of Housing and Community Development Comprehensive Tracking Plan for Affordable Housing Inventory Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 42-2141), is amended as follows:

(a) Paragraph (1) is amended to read as follows:

"(1) "Affordable housing unit" means a unit of housing that is offered for rent or for sale for residential occupancy and as a result of a federal or District subsidy is made available and affordable to households whose income levels are less than or equal to 60% of the area median income.".

(b) Paragraph (3) is amended to read as follows:

"(3) "Extremely low-income household" means a household with total household income equal to or less than 15% of the area median income.".

(c) Paragraph (5) is amended to read as follows:

"(5) "Low -income household" means a household with a total household income that is more than 30% and less than or equal to 45% of the area median income.".

(d) Subsection (6) is amended to read as follows:

"(6) "Very low-income household" means a household with total household income more than 15% and less than or equal to 30% of the area median income.".

Sec. 7. Section 102(d) of the Workforce Housing Production Program Approval Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1061.02(d)), is amended to read as follows:

"(d)(1) The land trust shall develop units affordable to households not to exceed 60% of AMI.

"(2) The land trust's portfolio shall have an average not to exceed 50% of AMI.

"(3) The portfolio average requirement shall be evaluated for compliance on an annual basis, beginning 12 months after March 14, 2007.".

Sec. 8. Section 202(8) of the New Town at Capital City Market Revitalization Development and Public/Private Partnership Act of 2006, effective March 14, 2007 (D.C. Law 16-278; D.C. Official Code § 6-1062.02(8)), is amended to read as follows:

"(8) "Workforce housing" means housing units set aside for eligible renters or purchasers as defined the appropriate agency of the District of Columbia and who are at 45% to 60% of the Area Median Income.".

Sec. 9. Section 2092 of the Reentry Housing and Services Program Act of 2021, effective November 13, 2012 (D.C. Law 24-45; D.C. Official Code § 42-2231), is amended as follows:

(a) Paragraph (3) is amended to read as follows:

"(3) "Extremely low-income" means having a household income equal to 15% or less of the area median income.".

(b) Paragraph (5) is amended to read as follows:

"(5) "Low-income" means having a household income that is more than 30% and less than or equal to 45% of the area median income.".

(c) Paragraph (11) is amended to read as follows:

"(11) "Very low-income" means having a household income that is more than 15% and less than or equal to 30% of the area median income.".

Sec. 10. Applicability.

(a) The provisions of this act with any fiscal effect shall apply upon the date of inclusion of the fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to the published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec 11. Effective date.

This act shall take effect after a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code§ l-206.02(c)(1)), and publication in the District of Columbia Register.

MEMORANDUM

TO: **The Honorable Phil Mendelson**
Chairman, Council of the District of Columbia

FROM: **Glen Lee**
Chief Financial Officer

DATE: **May 13, 2026**

SUBJECT: **Fiscal Impact Statement – DC Housing Modernization and Accessibility Act of 2026**

REFERENCE: **Proposed Initiative as provided to the Office of Revenue Analysis on April 14, 2026**

Conclusion

Funds are not sufficient in the proposed revised fiscal year 2026 budget and proposed fiscal year 2027 through fiscal year 2030 budget and financial plan to implement the initiative. The initiative will reduce projected revenues by $1.4 million in fiscal year 2028 and $23.0 million over the four-year financial plan.

Background

The proposed initiative amends the Rental Housing Act of 1985 to prohibit any rent increase for a rental unit in the District for two years upon the initiative's enactment. After the initial two-year period, if inflation is greater than six percent in any future 12-month period, the initiative prohibits a rent increase for one year. These rent freezes must be implemented by housing providers regardless of whether a tenant has been notified of a rent increase. The rent freezes do not apply to any unit owned or leased by the District government, the District of Columbia Housing Authority, or the United States government.

Second, the proposed initiative amends the District's rent stabilization laws[1] to reduce the percentage that rent can be increased on an occupied unit from a maximum of 10[2] percent to 6 percent.

Third, the proposed initiative changes the definitions of affordability required for future grants and loans provided through the Housing Production Trust Fund[3]. The maximum income allowed to

[1] The rent stabilization laws generally apply to buildings that began construction after 1975 and received their certificate of occupancy by 1980.
[2] D.C. Official Code § 42–3502.08(h).
[3] D.C. Official Code § 42–2802.

rent a qualified unit is reduced from 120 percent of Area Median Income ("AMI") to 45 percent, and purchasers of qualified units must have an income at or below 60 percent of AMI.[4] The maximum household income defined as "extremely low income"[5] is reduced from 30 percent of AMI to 15 percent. Allowable household income defined as "very low income"[6] is reduced from a range of greater than 30 percent to 45 percent of AMI to a range of greater than 15 percent to 30 percent. Allowable household income defined as "low income"[7] is reduced from a range of greater than 50 percent to 80 percent of AMI to a range of greater than 30 to 45 percent. Allowable household income defined as "moderate income"[8] is reduced from a range of greater than 50 to 80 percent of AMI to a range of more than 45 percent to 60 percent. The initiative also changes the Reentry Housing and Services Program[9] thresholds to align with the new HPTF definitions.

The initiative reduces the affordability thresholds for the Workforce Housing Land Trust Program[10] ("Program"), reducing the maximum allowable income eligibility from 120 percent of AMI to 60 percent. It also reduces the average income the entire portfolio the Program can have from 80 percent of AMI to 50 percent. The initiative reduces the eligibility threshold ranges for units at the New Town at Capital City Market Development[11] from 50 to 120 percent of AMI to 45 to 60 percent.

Lastly, the initiative changes affordability requirements when disposing of District properties for the development of housing. Under current law, disposition of District property for a multifamily housing development with 10 or more units is subject to certain affordability requirements.[12] The initiative reduces the number of units that will trigger affordability requirements from 10 to five units. Additionally, the initiative increases the number of units that must be affordable from 30 percent to two-thirds of the development; 25 percent of the units are required to have two or more bedrooms, and 25 percent must have three or more bedrooms. The initiative eliminates the Mayor's authority to waive[13] or reduce[14] the affordable housing requirements.

Financial Plan Impact

Funds are not sufficient in the proposed revised fiscal year 2026 budget and proposed fiscal year 2027 through fiscal year 2030 budget and financial plan to implement the initiative. The initiative will reduce projected revenues by $1.4 million in fiscal year 2028 and $23.0 million over the four-year financial plan.

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[4] D.C. Official Code § 42-2801(2A).
[5] D.C. Official Code § 42-2801(3).
[6] D.C. Official Code § 42-2801(9A).
[7] D.C. Official Code § 42-2801(6).
[8] D.C. Official Code § 42-2801(7).
[9] D.C. Official Code § 42-2231.
[10] D.C. Official Code § 6-1061.02(d).
[11] D.C. Official Code § 6-1062.02(8).
[12] D.C. Official Code § 10-801(b-3)(1).
[13] D.C. Official Code § 10-801(b-3)(2)(B)(4).
[14] D.C. Official Code § 10-801(b-3)(2)(B)(6).

The two-year freeze on rent will reduce the rental income of housing providers beginning tax year 2027, and in turn decrease unincorporated business tax revenue collections by $1.4 million in fiscal year 2028, and $9.7 million in fiscal year 2029. Rent is assumed to return to the level supported by market demand after tax year 2028, so there is no projected income tax impact in fiscal year 2030.

Because operating income is used in the process of multifamily property valuation, assessments and real property tax collections for multifamily properties will also be lower than currently estimated. Based on the timing of receiving a property's income and expense reports and when the District finalizes assessed values, a rent freeze in 2027 and 2028 will impact real property tax revenue in fiscal years 2029 and 2030. Real property tax collections will be $2.7 million lower in fiscal year 2029, and $11.8 million over the four-year financial plan, including $11.5 million in local revenue and $274,000 in dedicated revenue.

Current forecasts for inflation do not exceed five percent in the financial plan period, so the initiative's provision limiting rent growth if the Consumer Price Index exceeds six percent does not have an impact on tax collections during the financial plan period.

The initiative's adjustments to affordability thresholds for housing developments funded using assistance from the Housing Production Trust Fund may affect the structure of future development projects and may require a higher level of grants for development to be feasible. However total spending on projects from the Housing Production Trust Fund cannot exceed amounts in an approved budget and financial plan. Similarly, limitations on disposition of District property may alter future developments, but do not have an impact on the current budget and financial plan.

The Department of Housing and Community Development's Rental Accommodations Division (RAD), led by the Rent Administrator, receives petitions[15] on rent disputes between housing providers and tenants, which may be appealed to either the Rental Housing Commission (RHC)[16] or the Office of Administrative Hearings (OAH)[17] depending on the type of petition. Additionally, current law allows housing providers to receive a 12 percent return on investment[18] and providers may seek hardship exemptions through the petition process. If the initiative is implemented and leads to additional disputes or petitions, RAD, RHC, and OAH may not be able to timely respond to complaints without additional resources.

[15] D.C. Official Code § 42–3502.04(c).
[16] D.C. Official Code § 42–3502.02(a)(2).
[17] D.C. Official Code § 2–1831.03(b-1).
[18] D.C. Official Code § 42–3502.12(a).

Cost of Proposed Initiative, DC Housing Modernization and Accessibility Act of 2026 FY 2026 - FY 2029 ($ in thousands)						
	FY 2026	**FY 2027**	**FY 2028**	**FY 2029**	**FY 2030**	**Total**
Income Tax Reduction (Local Fund) [(a)]	$0	$0	$1,404	$9,715	$0	$11,119
Real Property Tax Reduction (Local Fund) [(b)]	$0	$0	$0	$2,709	$8,886	$11,595
Real Property Tax Reduction (Dedicated Tax Portion) [(c)]	$0	$0	$0	$63	$211	$274
TOTAL REVENUE REDUCTION	**$0**	**$0**	**$1,404**	**$12,487**	**$9,097**	**$22,988**

Table Notes:

(a) Income tax revenue impacts begin in fiscal year 2028, based on tax year 2027 returns.

(b) Real property tax reductions begin in fiscal year 2029, based on reduced property rental income from 2027 factoring into 2029 assessed values determined in 2028.

(c) This is the portion of the estimated reduction in property tax revenues that are dedicated to non-local sources under current law. The specific dedication depends on parcel-type, and are mostly dedicated to the Tax Increment Financing and Payment in Lieu of Taxes programs.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC MEETING

District Waterways Advisory Commission Meeting
May 20, 2026

The next meeting of the District Waterways Advisory Commission will be on Wednesday, May 20, 2026, from 10:00 a.m. to 12:00 p.m. The meeting will be hybrid – conducted in person with an option to attend virtually. More details about the meeting can be found at the link below. The agenda for the meeting will be posted at open-dc.gov/public-bodies/district-waterways-advisory-commission at least two (2) business days in advance of the meeting.

Please note that that space is limited for those who wish to attend in person. Those who wish to attend in person or virtually must RSVP at the link below:

Registration link: https://engage.dc.gov/districtwaterwaysadvisoryplan
.....

Information on how the public can engage with the District Waterways Advisory Commission, the development of the District Waterways Advisory Plan, and attend Commission meetings is posted at: https://engage.dc.gov/districtwaterwaysadvisoryplan

Background on the District Waterways Advisory Commission:
The District Waterways Advisory Commission was established by the DC Council to develop and adopt a strategic vision for the District's waterways. The Commission is comprised of 30 members - 14 voting members and 16 non-voting ex-officio members. The voting members are nominated by the Mayor and the Chairman of the Council and are selected from various constituencies of waterways users for their knowledge of the local waterways or for their subject matter expertise. The non-voting members represent various District and Federal agencies.

For more information, please contact the Office of District Waterways Management at ODWM@dc.gov.

This meeting is governed by the Open Meetings Act. If you have questions about the Open Meetings Act or would like to file a complaint with the Office of Open Government, contact opengovoffice@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF FUNDING AVAILABILITY
AND
REQUEST FOR PARTNERS

Fiscal Year 2027 Clean Water Construction Treatment Works Projects

The Department of Energy and Environment (DOEE) seeks to identify eligible collaborative partners for its fiscal year (FY) 2027 Clean Water Construction (CWC) grant application to the Environmental Protection Agency (EPA).

An application may address any of three categories of work: (1) sewage infrastructure projects; (2) stormwater grey infrastructure projects; and (3) stormwater green infrastructure projects. Each proposed project must provide a water quality benefit to District waters.

The amount available for all projects depends on the amount Congress approves as part of EPA's FY27 budget. DOEE anticipates the District's formula allotment to be approximately $3,000,000.

Beginning May 15, 2026, the full text of the Request for Partners (RFP) will be available on the Department's website. A person may obtain a copy of this RFP by any of the following means:

> **Download** from the Department's website, www.doee.dc.gov. Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.
>
> **Email** a request to DOEE.FY27CWCRFP@dc.gov with "Request copy of RFP RFP # RFP-FY26-WQD-2601" in the subject line.

The deadline for application submissions is June 15, 2026. The online application must be time-stamped by 11:59 p.m. on the date the application is due.

Eligibility: All the checked institutions below may apply for these grants:

☒-Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
☐-Faith-based organizations;
☒-Government agencies;
☒-Universities/educational institutions; and
☐-Private Enterprises.

This RFP is being made available on the date of publication of this Notice to maximize the amount of time available for preparation of applications.

For additional information regarding this RFP, write to: **DOEE.FY27CWCRFP@dc.gov**.

Filename: 00 7752 nofa rfp fy27.docx

DEPARTMENT OF ENERGY ENVIRONMENT

PUBLIC NOTICE

Proposed Air Quality Source Category Permit Renewal to Construct and Operate Temporary Portable Concrete Plants

Notice is hereby given that, pursuant to 20 DCMR §§200 and 210, the Air Quality Division (AQD) of the Department of the Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, proposes to issue a source category permit modification and renewal to operate temporary portable concrete plants in the District of Columbia. This source category permit will be designated Permit No. 7123-SC-R2.

To ensure that certain regulatory limits are not exceeded and that more complex or potentially controversial projects of this type are subject to case-by-case permitting, a number of limitations have been established on the applicability of this source category permit, including limiting the duration of the operation at the site to two years total, limiting operating hours to eight hours per day, limiting the size of the equipment, and limiting the total production of the equipment. Additionally, in some cases such equipment is powered by non-emergency engines. This permit has been written to authorize the use of generators powered by model year 2007 and newer diesel engines up to 300 brake horsepower in gross power output.

Applicants who apply for coverage under a source category permit must document that their equipment meets the applicability criteria specified in the permit prior to approval of coverage and authorization to operate the unit under the authority of the source category permit.

The proposed emission limits to be included in the permit are as follows:

a. Emissions of dust shall be minimized in accordance with the requirements of 20 DCMR 605 and the "Operational Limitations" of this permit.

b. The emission of fugitive dust from any material handling, screening, crushing, grinding, conveying, mixing, or other industrial-type operation or process is prohibited. [20 DCMR 605.2]

c. The discharge of total suspended particulate matter (TSP) into the atmosphere from any process shall not exceed three hundredths (0.03) grains per dry standard cubic foot of the exhaust. [20 DCMR 603.1]

d. The discharge of TSP from the portable concrete plant shall not exceed 40 pounds per hour. [20 DCMR 603.1 and Appendix 6-1]

e. Emissions of PM_{10} shall be less than 15 tons in any consecutive 12-month period. [20 DCMR 204]

f. Any diesel engine used to power the plant shall be certified to the certification emission standards for new nonroad compression ignition (CI) engines in 40 CFR 1039.101. 40 CFR 2039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, 40 CFR 1039.115, and 40 CFR 1039, Appendix I, as applicable for all pollutants for the same model year and maximum engine power, and shall comply with such standards. Should testing for compliance be required, such testing shall be performed pursuant to the applicable test methods in 40 CFR 1039, Subpart F. [40 CFR Subpart IIII, 40 CFR 60.4204(b), 40 CFR 60.4201(a)].

g. Visible emissions shall not be emitted into the outdoor atmosphere from any part of the equipment, including the main plant, any boiler, or any engine, except that discharges shall be permitted for two (2) minutes during any start-up, cleaning, adjustment of combustion or operational controls, or regeneration of emissions control equipment; provided, that such discharges shall not exceed the following [20 DCMR 606.1 and 606.2(a), (d), and (f)]:

    1. Twenty percent (20%) opacity (unaveraged) from any boiler burning exclusively natural gas; and

    2. Twenty-seven percent (27%) opacity (unaveraged) from all other equipment covered by this permit.

h. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

    Violation of the requirements of this condition that occur as a result of unavoidable malfunction, despite the conscientious employment of control practices, shall be an affirmative defense for which the Permittee shall bear the burden of proof. A malfunction should not be considered unavoidable if the Permittee could have taken, but did not take appropriate steps to eliminate the malfunction within a reasonable time, as determined by the Department. [20 DCMR 903.13(b)]

    Note: This condition is District enforceable only.

Emissions Estimate:

Operational limits have been put in place to limit potential emissions of particulate matter and other pollutants from the equipment to ensure compliance with various regulations. Some concrete plants operate small hot water heaters/boilers. Some also operate non-emergency generator sets to power the concrete plant. The limits placed on the size and operating hours of these units are expected to ensure that emissions from these units do not exceed thos specified in the following table:

Pollutant	Potential Emissions (tons per year)
Total Particulate Matter (PM Total)	0.31
Oxides of Sulfur (SO_x)	0.016
Oxides of Nitrogen (NO_x)	5.55
Volatile Organic Compounds (VOC)	0.26
Carbon Monoxide (CO)	2.77

The draft permit and supporting documentation are available for public inspection at AQD and copies may be made available between the hours of 9:00 A.M. and 5:00 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 498-8143 or stephen.ours@dc.gov. Copies of the draft permit and related technical support memorandum are also available at: https://doee.dc.gov/service/public-notices-hearings.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered before taking final action on the permit application.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
Department of Energy and Environment
1200 First Street NE, 5th Floor
Washington DC 20002
stephen.ours@dc.gov

No comments or hearing requests submitted after June 15, 2026 will be accepted.

For more information, please contact Stephen S. Ours at (202) 498-8143 or stephen.ours@dc.gov.

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC MEETING AND SOLICITATION OF PUBLIC COMMENT

Draft 2025 Update to the District of Columbia Wildlife Action Plan

The Department of Energy and Environment (the Department) invites the public to present its comments in writing or at a virtual public meeting about the Draft 2025 Update to the District of Columbia Wildlife Action Plan.

Public Meeting

MEETING DATE: Wednesday, June 3, 2026
MEETING TIME: 2:00 pm
MEETING REGISTRATION:
https://dcnet.webex.com/weblink/register/r2a5baac09dd33b88ccbe762a7b0a6298

Meeting instructions:

- Attendees must be registered for this event in order to receive a WebEx meeting link that will allow them to join.
- Attendees will be allowed to interact by audio or chat.
- Once the presenter has concluded remarks, attendees may use the "raise hand" function to be called upon and unmuted.
- If an attendee is a bad actor, they will be immediately muted and ejected from the webinar.

Solicitation of Public Comment

Starting May 8, 2026, the Draft 2025 Update to the District of Columbia Wildlife Action Plan will be available from https://doee.dc.gov/service/wildlifeactionplan.

Parties wishing to provide comments on this document must submit their comments in writing within thirty (30) days after publication of this notice in the *District of Columbia Register*.

Comments may be submitted via the following methods:

EMAIL: Send an email to fishandwildlife.comments@dc.gov with the subject "Draft 2025 Update to the District of Columbia Wildlife Action Plan".

MAIL OR HAND DELIVERY: Submit comments via mail or hand delivery to the following address:

DOEE Fisheries and Wildlife Division
Attn: Sophie Moore, Draft 2025 Update to the District of Columbia Wildlife Action Plan
1200 First St. NE, Fifth Floor
Washington, DC 20002

All comments received by the deadline will be considered by the Department in updating the District of Columbia Wildlife Action Plan. All comments will be treated as public documents and may be made available for public viewing on DOEE's website at: https://doee.dc.gov.

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

NOTICE OF DRAFT ADVISORY OPINION

Representation Through Testimony

April 30, 2026

The Director of Government Ethics, pursuant to the authority set forth in section 219(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective February 22, 2014 (D.C. Law 20-75; D.C. Official Code § 1-1162.19(a) ("Ethics Act"), hereby gives notice that she intends to issue, by request, an advisory opinion that provides interpretive guidance to a District government employee regarding the District's representation prohibitions as they pertain to testimony before the DC Council.

All persons interested in commenting on this draft Advisory Opinion may do so not later than thirty (30) days after publication of this notice in the D.C. Register by sending comments electronically to bega@dc.gov or by filing comments in writing with Asia Stewart-Mitchell, General Counsel, Board of Ethics and Government Accountability, 1030 15th Street, NW, Suite 700, Washington, DC 20005.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Office of Government Ethics

Thursday, April 30, 2026

Pursuant to D.C. Official Code § 1–1162.19(a), this opinion clarifies that the Code of Conduct does not prohibit Board or Commission Members from testifying before or providing information, in their official capacity, to the D.C. Council regarding their board or agency's budget. The Director of Government Ethics for the Board of Ethics and Government Accountability ("BEGA") received an inquiry concerning whether the ethics rules prohibit members of the Food Policy Council from testifying before the D.C. Council regarding the Mayor's proposed fiscal year 2027 budget.

On September 7, 2022, BEGA previously opined through Advisory Opinion, Outside Employment and Private Representation[1], that Board or Commission Members are prohibited from representing a third party before their board or commission and employing agency. Pursuant to DPM § 1807.5 "[a]n employee who is employed for not more than one hundred thirty (130) days during any period of three hundred sixty-five (365) consecutive days, to perform temporary duties, either on a fulltime or intermittent basis, shall be subject to Subsection 1807.1(h) only in relation to a particular matter involving specific parties in which he or she has at any time participated personally and substantially as a District government employee, or which is pending before his or her employing agency." Most Board or Commission Members are defined as special government employees because their service does not exceed one hundred and thirty (130) days in a calendar year.[2] The type of representation prohibited in DPM § 1807.5 pertains to Members representing an outside person or entity in their personal capacity before the District government. Consistent with the previous opinion, the ethics rules do not apply to providing testimony on an agency's budget or operations as such conduct is tantamount to the Board Member's duties and service to the District government.

Regarding Financial Conflicts of Interest, the Code of Conduct prohibits employees and public officials from using their official position or title, or personally and substantially participating, in a judicial, application, contract, claim, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.[3] Testifying before the Council as a public official regarding the budgetary needs and operational functions of an agency does not violate financial conflicts of interest statute.

[1] Outside Employment and Private Representations Advisory Opinion, September 7, 2022, available at https://bega.dc.gov/sites/bega/files/publication/attachments/Outside-Employment-Private-Rep-Advisory-Opinion-090722.pdf.
[2] DPM § 1899.1 (defining Special Government employee).
[3] D.C. Official Code § 1–1162.23(a).

Please be advised that this advice is provided to you pursuant to section 219 of the Ethics Act (D.C. Official Code § 1-1162.19), which empowers me to provide such guidance. **Pursuant to Chapter 3 of the D.C. Municipal Regulations § 5405.7 this proposed advisory opinion shall be published in the District of Columbia Register for a 30-day public-comment period during which time a person may submit information or comment to bega@dc.gov.**

Sincerely,



ASHLEY D. COOKS
Director of Government Ethics
Board of Ethics and Government Accountability

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

OFFICE OF OPEN GOVERNMENT

ADVISORY OPINION

April 28, 2026

VIA ELECTRONIC MAIL

[REDACTED]

RE: Resolution of Complaint Concerning Capital City Public Charter School Board's Compliance with the Open Meetings Act (#OOG-2025-0009)

Dear [REDACTED]:

On February 12, 2025, the Office of Open Government ("OOG") received your complaint (#OOG-2025-0009) ("Complaint") alleging that Capital City Public Charter School Board ("Capital City PCSB", or the "Board") publishes the times of its meetings and weblinks days before the meetings.[1]

As you are aware, the Office of Open Government has the statutory charge to ensure that public bodies adhere to the Open Meetings Act.[2] The OMA reiterates the District of Columbia's long-standing public policy that "all persons are entitled to full and complete information regarding the affairs of [the] government and the actions of those who represent them."[3] To support this policy, the OMA requires that its provisions be construed broadly to increase public access to public bodies' meetings.[4]

Pursuant to 3 DCMR § 10400 *et seq*.,[5] I reviewed and assessed your Complaint. OOG's legal staff also reviewed Capital City Public Charter School's ("Capital City PCS" or the "PCS") and District of Columbia Public Charter School's ("DC PCS") websites, and the Capital City PCSB Chairperson's response to the Complaint.

[1] Email from [REDACTED] to Office of Open Government (OOG), on February 12, 2025.
[2] D.C. Official Code § 2-571, *et seq*.
[3] D.C. Official Code § 2-572.
[4] D.C. Official Code § 2-573.
[5] D.C. Municipal Regulations Section 3-10400 – Filing and Presentation of Complaints.

Upon consideration of the aforementioned (detailed background below), and the investigation results, I find that Capital City PCSB has not violated the OMA, because at the times OOG conducted its research, based on the Board's annual schedule of meetings, no issues were identified with the Notice of meetings requirements. As such, I must dismiss this matter pursuant to 3 DCMR §10403.1(b) because the action complained of does not violate the OMA. Although, I recommend that, if possible, Capital City PCSB provides access to its virtual meetings without a requirement of prior registration to access the meetings. The justification for the dismissal follows.

My analysis begins with the facts, then a discussion of the OMA's Notice of meetings provisions. I will conclude with a discussion of my enforcement authority under the OMA.

I. BACKGROUND

A. The Complaint

On February 10, 2025, you sent an email to OOG concerning alleged OMA violations by eleven Boards of Trustees, followed by an email inquiry about whether to submit separate complaints against forty-seven Boards of Trustees in alleged violation of the OMA or a detailed report of the total violations. In response to your question, OOG suggested that you "submit one complaint that collectively captures the 47 (or more) charters with [] a detailed report of the total, elaborating the potential problems with each."[6] On February 12, 2025, you submitted the Collective Complaint (Complaints) via email to OOG. Your Collective Complaint contains the Complaint against Capital City Public Charter School Board, as follows: "Times with links for meetings are posted only days before."[7]

The following is a summary of Capital City PCSB Chairperson's email response to the Complaint.

B. Summary of Capital City PCSB Chairperson's February 19, 2025, email response to the Complaint

OOG provided the chairman of Capital City PCSB with a redacted (for personal identifiable information) copy of the Complaint, thereby availing the chairman of the opportunity to respond to the said Complaint. The Board's Chairman Hiram Puig-Lugo, response to the allegations in the Complaint via email on February 19, 2025, in part, is as follows: "Our board meetings are listed on our website www.ccpcs.org. Our public comment policy appears below.[8]

[6] Email from [REDACTED] to Office of Open Government (OOG), on February 10, 2025; Email from Director Niquelle Allen (OOG) to Valerie [REDACTED], on February 12, 2025.
[7] Email from [REDACTED] to Office of Open Government (OOG), on February 12, 2025.
[8] Email from Chairman Hiram Puig-Lugo, Capital City PCSB to Attorney Advisor Joan Lelma (OOG), on February 19, 2025.

Chairman Puig-Lugo requested clarification concerning the request in his response on February 19, 2025, to which a member of OOG's staff provided an explanation.[9] OOG has received no further communication from the Chairman concerning the Complaint. Notwithstanding, the information gathered during OOG's investigation was sufficient to support my decision on this matter.

I, now move to discuss the Notice of meetings provision concerning publication of the Board's meeting notices in full, to include the times of and access (weblinks) to the meetings.

II. DISCUSSION

A. The OMA requires that a public body provides notice as soon as possible of its scheduled meeting and when the schedule is changed, but not less than forty-eight (48) hours or two (2) business days before its meeting, whichever is greater, except for emergency meetings.

All meetings properly constituted to conduct public business as defined under the OMA,[10] unless specifically and legally exempt,[11] are presumed to be open to the public, and the public must receive advanced notice of the date, time, location and draft agenda.[12] Pursuant to D.C. Official Code § 2-576(1), the public must be given notice as soon as possible of a scheduled meeting and when the schedule is changed, but not less than forty-eight (48) hours or two (2) business days before its meeting, whichever is greater, except for emergency meetings. If one of the requirements of the notice is absent (date, time, location, and draft agenda) pursuant to D.C. Official Code § 2-576(5), a proper meeting notice has not been provided. Also, evident from D.C. Official Code § 2-576(1), if a complete meeting notice (with the date, time, location, and draft agenda) is published outside of the required period, the public body has violated the OMA.

You state in your Complaint that the "[t]imes with links for meetings are posted only days before" each respective meeting.[13] OOG's staff conducted a review of Capital City PCS' website in March 2025 and February and March 2026, and even though the research dates were more than forty-eight (48) hours or two (2) business days before each of the upcoming meetings, no violation was identified. Further, the following information regarding access to the Board's meetings is on Capital City PCS' website. "To register for the meeting, please click on the meeting agenda below and register using the Webinar Registration Link. Meeting agendas will be posted at least 48 hours before the scheduled meeting."[14] OOG acknowledges that the preceding statement does not equate to the posting of the Board's complete meeting notices in a timely manner. However, the OMA requires that a public body's meeting notice be posted at

[9] Email from Attorney Advisor Joan Lelma (OOG) to Chairman Hiram Puig-Lugo, Capital City PCSB, on February 19, 2025.
[10] D.C. Official Code § 2-574(1).
[11] D.C. Official Code § 2-575(b).
[12] D.C. Official Code § 2-576(5).
[13] Email from [REDACTED] to Office of Open Government (OOG), on February 12, 2025.
[14] *See* https://ccpcs.org/about/board-of-trustees/.

least forty-eight (48) hours or two (2) business days before a scheduled meeting, whichever is greater. It follows that if Capital City PCSB publishes its full meeting notices (with times and weblinks) "only days before"[15] each of its scheduled meetings, the Board has complied with the OMA.[16]

Based on the preceding, Capital City PCSB has not violated the OMA by providing access (weblinks) to and times of its meetings as you alleged. However, I recommend that, if possible, the Board provides access to its virtual meetings without a requirement of prior registration to access the meetings. I issued an Advisory Opinion (#OOG-2025-0057) which addresses this issue. I stated in relevant part as follows: "While a requirement to send an email (or register online) is not *per se* a violation of the OMA, the requirement to do either by a date certain in advance of the meeting is not in keeping with the language or spirit of District policy."[17] I take notice that the requirement on Capital City PCS' website does not have a date certain for registration; however, in keeping with the OMA requirement that "[r]easonable arrangements are made to accommodate the public's right to attend the meeting," the Board must endeavor to dispense with the registration requirement to attend its meetings.[18]

Next, I will discuss my enforcement authority under the OMA and conclude.

III. ENFORCEMENT AUTHORITY AND CONCLUSION

The facts alleged in the Complaint do not amount to a violation of the OMA. I am only empowered to seek injunctive and declaratory relief when certain OMA violations have occurred.[19] Your Complaint does not establish a violation of the OMA, and as such, I am dismissing it for the reasons stated herein, and under the OOG's regulations.[20] Attached is a copy of your Complaint.[21]

The Office of Open Government's 2026 OMA training schedule for Boards of Trustees for DC public charter schools is published, and the training invites for the first training were sent to Boards' chairpersons and members.[22] The invites for all the trainings will be dispatched likewise; that is, two weeks before each scheduled training session, with a reminder closer to the

[15] Email from [REDACTED] to Office of Open Government (OOG), on February 12, 2025.
[16] D.C. Official Code § 2-576(1).
[17] *See* https://www.open-dc.gov/sites/default/files/Shining%20Stars%20Montessori%20Academy%20AO_OOG-2025-0057_FINAL_Redacted.pdf.
[18] D.C. Official Code § 2-577(a)(1).
[19] *See* D.C. Official Code § 2-579.
[20] 3 D.C.M.R. § 10403.1 ("The Director [of Open Government] may dismiss a complaint on one or more of the following grounds: . . . (b) The action complained of does not violate the [OMA])."
[21] *See* 3 DCMR § 10403.2.
[22] *See* https://www.open-dc.gov/news/2026-oma-trainings-boards-trustees-dc-public-charter-schools.

respective sessions. Per the training schedule, the next session will be on June 10, 2026. Public body chairpersons and members must attend at least one of OOG's OMA training sessions annually. The staff of public bodies are encouraged to attend the trainings.

If you have any questions or concerns, contact OOG Attorney Joan Lelma at joan.lelma@dc.gov.

Sincerely,

/S/

_____

Niquelle M. Allen, Esq.
Director of Open Government
Board of Ethics and Government Accountability

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FUNDING AVAILABILITY

The Department of Health Care Finance (DHCF) announces a Notice of Funding Availability (NOFA), pursuant to the authority established by Section 5042 of the Fiscal Year 2026 Budget Support Emergency Act of 2025, to implement the Cell and Gene Therapy Access Model (CGT) Care Coordination and Support grant program. This initiative is designed to help clinically eligible DC Medicaid and State Child Health Insurance Program (CHIP) beneficiaries with sickle cell disease—along with their families and caregivers— in accessing and navigating the complex gene therapy process. The grant program is supported by the Centers for Medicare & Medicaid Services (CMS) of the U.S. Department of Health and Human Services (HHS). The Director of DHCF has authority to issue grants under Section 6 of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code 7-771.05(4) (2012 Repl.).

A Request for Applications (RFA) for the below opportunity will be released under a separate announcement with guidelines for submitting the application, review criteria, and DHCF terms and conditions for applying for and receiving funding. The anticipated base year performance period for this grant is the date of award to September 30, 2026, unless extended by exercising up to two (2) option years. This grant is contingent upon available funding.

Description of Opportunity:

CGT Care Coordination and Support Grant Program: DHCF will competitively award two (2) grants of up to $300,000 each to non-profit organizations to help eligible DC Medicaid and CHIP beneficiaries with sickle cell disease overcome barriers to accessing and receiving gene therapy. One grant will focus primarily on youth and the other on adults. Grantees will provide direct services not covered by Medicaid or other funding sources when necessary to help beneficiaries initiate and complete treatment—such as transportation, lodging, childcare, nutrition assistance, and behavioral health care. They will also deliver or coordinate wraparound supports, such as case management, care coordination, patient navigation, and community health worker services. No grant funds may be used to provide services or supports already funded through any other source, including but not limited to Medicaid and CHIP.

Eligibility Requirements:

Applicants must demonstrate prior experience with delivering services and supports to patients involved in cell and gene therapy, inclusive of addressing physical health, behavioral health, and access barriers. Applicants must also demonstrate expertise in available gene therapy treatments for sickle cell disease, including knowledge of the full care journey.

All applicants must also be registered organization in good standing with the DC Department of Licensing and Consumer Protection (DLCP), the Office of Tax and Revenue (OTR), the

Department of Employment Services (DOES), and the Internal Revenue Service (IRS), and demonstrate Clean Hands certification at the time of application.

A RFA will be released on or around June 5, 2026. The application package will be available online at https://communityaffairs.dc.gov/content/community-grant-program#4 and the DHCF website (https://dhcf.dc.gov/page/dhcf-grant-opportunities). Hard copies of the application package may be obtained at DHCF, 441 4th St. N.W., Ste 900S, Washington, D.C. 20001, 9th floor reception desk daily from 9:00 am until 4:00 pm.

DHCF will hold a virtual pre-proposal conference on June 15, 2026 at 2:00 PM via Microsoft Teams. Prospective applicants must provide an email address to DHCF to receive notification of amendments or clarifications to the RFA.

Completed applications must be received on or before 4:00 PM on July 6, 2026 to DHCF c/o allie.liss@dc.gov. Applicants will receive an email receipt notification to verify that their application has been received. No applications will be accepted after the submission deadline. All eligible applications will be reviewed through a competitive process.

For additional information regarding this NOFA, please contact Allie Liss, Special Projects Officer, DHCF, Health Care Reform & Innovation Administration at allie.liss@dc.gov or at 202-899-3686.

DEPARTMENT OF HEALTH
HEALTH SYSTEMS AND PREPAREDNESS ADMINISTRATION

NOTICE OF VIRTUAL MEETING

Board of Medicine
May 27, 2026

On May 27, 2026, at 8:30 am, the Board of Medicine will hold a virtual meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:00 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and violations of law or regulations. At the conclusion of the Closed Session, the meeting will return to Open Session to report on final actions.

The meeting will be conducted via videoconference. The public may attend the open session through one of the following:

Meeting link:
https://dcnet.webex.com/dcnet/j.php?MTID=m7f823658b3b1e1556a59c90709042b04

Meeting number:
160 487 2313

Password:
eTJJfPgx322

Join by video system
Dial 1604872313@dcnet.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Join by phone
+1-202-860-2110 United States Toll (Washington D.C.)
1-650-479-3208 Call-in number (US/Canada)
Access code: 160 487 2313

Executive Director for the Board – Emilia Moran, Interim Executive Director
(Emilia.Moran@dc.gov)

DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 26-02: Shrine of the Sacred Heart
32111 Pine Street NW (Square 2675, Lot 826)
Designated February 26, 2026
Applicant: D.C. Preservation League
Affected Advisory Neighborhood Commission: 1A

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD

NOTICE OF HISTORIC LANDMARK AND HISTORIC DISTRICT DESIGNATIONS

The D.C. Historic Preservation Review Board hereby provides public notice of its decision to designate the following property as a historic landmark in the D.C. Inventory of Historic Sites. The property is now subject to the D.C. Historic Landmark and Historic District Protection Act of 1978.

Designation Case No. 26-03: Doris Fleeson House
3344 P Street NW (Square 1245, Lot 166)
Designated April 23, 2026
Applicant: DC Historic Preservation Office
Affected Advisory Neighborhood Commission: 2E

Listing in the D.C. Inventory of Historic Sites provides recognition of properties significant to the historic and aesthetic heritage of the nation's capital city, fosters civic pride in the accomplishments of the past, and assists in preserving important cultural assets for the education, pleasure and welfare of the people of the District of Columbia.

KIPP DC PUBLIC CHARTER SCHOOLS

REQUEST FOR PROPOSALS

Teacher Value Proposition Consulting

KIPP DC is soliciting proposals from qualified vendors for Teacher Value Proposition Consulting. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals must be uploaded to the website by Friday, May 29, 2026. Questions must be addressed to rebecca.maltzman@kippdc.org by Tuesday, May 26, 2026.

Teacher Value Proposition Financial Modeling Consulting

KIPP DC is soliciting proposals from qualified vendors for Teacher Value Proposition Financial Modeling Consulting. The RFP can be found on KIPP DC's website at www.kippdc.org/procurement. Proposals must be uploaded to the website by May 29, 2026. Questions must be addressed to rebecca.maltzman@kippdc.org by May 26, 2026.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

NOTICE OF RESCHEDULED MEETING

District of Columbia Board of Accountancy

The District of Columbia Board of Accountancy ("Board") hereby gives notice of its upcoming meeting, pursuant to section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board has rescheduled its May meeting from Friday, May 8, 2026, at 9:00 a.m., to Friday, May 15, 2026, at 2:30 p.m.

The Board holds its meetings on the first Friday of each month at 9 a.m. The meetings are open to members of the public virtually via Zoom. For additional information, please contact Ms. Angela Meggett-Strudwick, Board Administrator, at (202) 899-3473 or angela.meggett-strudwick@dc.gov.

DRAFT AGENDA

1. Call to Order – 9:00 a.m.
2. Attendance
3. Comments from the Public
4. Review Meeting Minutes
5. Applications for Licensure
6. Old Business
7. New Business
8. Motion – Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications, and legal counsel report.
9. Adjourn – Next Scheduled Meeting – July 10, 2026, via Zoom

Join the Meeting
Link to Join: DC Board of Accountancy Public Meeting Link

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at open.govoffice@dc.gov.

DEPARTMENT OF LICENSING AND CONSUMER PROTECTION

District of Columbia Board of Real Estate Appraisers

NOTICE OF PUBLIC MEETING

The District of Columbia Board of Real Estate Appraisers ("Board") hereby gives notice of its regular meeting, pursuant to the section 406 of the Open Meetings Act of 2010, effective January 19, 2011 (D.C. Law 18-350; D.C. Official Code § 2-576). The proposed agenda for each meeting will be posted on the Department of Licensing and Consumer Protection's website at www.dlcp.dc.gov and the Office of Open Government's website at https://www.open-dc.gov/public-bodies/meetings, not less than forty-eight (48) hours before the meeting.

The Board will hold its upcoming meeting on Wednesday, May 20, 2026, at 10:00 a.m.

The Board holds its meetings on the third Wednesday of every month at 10:00 a.m. The meetings are open to members of the public virtually through Zoom. For additional information, please contact Ms. Brittney Cheshier, Board Administrator, at (202) 442-4461 or Brittney.Cheshier1@dc.gov.

Draft Agenda

1. Call to Order – 10:00 a.m.
2. Attendance
3. Comments from the Public
4. Approval of Meeting Minutes
5. Recommendations – Education Committee Report
6. Correspondence
7. Old Business
8. New Business
9. Motion – Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications, and legal counsel report. We will resume the public portion of the meeting at the conclusion of the executive session. Please stand by for our return if you are participating online.
10. Recommendations
    a. Applications
    b. Legal recommendations for complaints and legal matters
11. Adjourn – Next Scheduled Meeting – June 17, 2026

Meeting Login Information:

https://dc-gov.zoom.us/j/87485795349

Webinar ID: 874 8579 5349

***** This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov***

OFFICE OF OUT OF SCHOOL TIME GRANTS AND YOUTH OUTCOMES

NOTICE OF PUBLIC MEETING

Commission on Out of School Time Grants and Youth Outcomes

The Commission on Out of School Time Grants and Youth Outcomes will hold a **virtual** public meeting on Thursday, May 28, 2026, from 6:00 pm to 8:00 pm. The meeting will be held online via Microsoft Teams by clicking here. The OST Commission will hear updates from the Office of Out of School Time Grants and Youth Outcomes and the OST Commission's Committees.

Individuals and representatives of organizations who wish to comment at a public meeting are asked to notify the OST Office in advance by phone at (202) 746-3075 or by email at learn24@dc.gov. Individuals should furnish their names, addresses, telephone numbers, and organizational affiliation, if any, and if available, submit one electronic copy of their testimony by the close of business on Tuesday, May 26, 2026 at 5:00 pm.

Below is the draft agenda for the meeting.

I. Call to Order
II. Public Comment
III. Announcement of a Quorum
IV. Approval of the Agenda
V. Approval of Minutes
VI. Office of Out of School Time Grants and Youth Outcomes Updates
VII. OST Commission Updates
VIII. Adjournment

The Office of Out of School Time Grants and Youth Outcomes (OST Office) and the OST Commission support the equitable distribution of high-quality, out-of-school-time programs to District of Columbia youth through coordination among government agencies, grant-making, data collection and evaluation, and the provision of technical assistance to service providers. The OST Commission's purpose is to develop a District-wide strategy for equitable access to out-of-school-time programs and to facilitate interagency planning and coordination for out-of-school time programs and funding.

Date: May 28, 2026
Time: 6:00 p.m. – 8:00 p.m.
Location: Join here.
Contact: Khadija Jones
Operations Specialist
Office of Out of School Time Grants and Youth Outcomes
Office of the Deputy Mayor for Education
(202) 746-3075
Khadija.jones1@dc.gov

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the matter of	
Dorlisa Montague Dunnington,	
Complainant	PERB Case No. 25-U-24
v.	Opinion No. 1951
Washington Teachers' Union, Local 6	
Respondent	

DECISION AND ORDER

I. Statement of the Case

On June 27, 2025, the Complainant, *pro se*, submitted an amended[1] unfair labor practice complaint (Complaint) in the above-captioned case. The Complaint alleged that Washington Teachers' Union, Local 6 (WTU) violated D.C. Official Code § 1-617.04(b)(3)[2] by failing to fairly represent the Complainant in a termination-related grievance against her employer, District of Columbia Public Schools (DCPS).[3] On July 16, 2025, the Respondent filed an answer that included a motion to dismiss (Motion to Dismiss) the Complaint, in pertinent part, on the basis of untimeliness.[4] The Complainant did not respond to the Motion to Dismiss.

On July 28, 2025, the Executive Director issued a letter (Dismissal), granting the Motion to Dismiss finding that the alleged violations described in the Complaint exclusively occurred or

[1] The amended complaint cured deficiencies identified in the original complaint, filed May 13, 2025. The Complainant initially attempted to file the amended complaint on July 11, 2025. However, she inadvertently submitted the first page in isolation.
[2] D.C. Official Code § 1-617.04(b)(3) prohibits labor organizations from refusing to collectively bargain in good faith with District agencies. It is D.C. Official Code § 1-617.04(b)(1) which covers allegations related to the duty of fair representation. However, this distinction is inconsequential to the instant determination.
[3] Complaint at 1,10.
[4] Motion at 2-3 (citing Board Rule 520.4). The Motion also argued for dismissal on the basis that the Complainant had failed to state a claim upon which relief could be granted and "ha[d] accepted a settlement agreement which waive[d] her ability to pursue further claims regarding her termination." Motion at 3. Given the untimely nature of the Complaint and the denial of equitable tolling, the Board finds it unnecessary to address these additional arguments for dismissal.

became known to the Complainant, at the latest, in December 2023—more than one hundred twenty (120) days before the initial Complaint was filed.[5] The Dismissal acknowledged that, according to the Complainant, she first became aware of PERB's jurisdiction over this matter on May 1, 2025, and contacted PERB that day.[6] However, the Dismissal explained that the filing deadline established under Board Rule 520.4 is based on when the complainant knew or should have known of the alleged violation—not the date that the complainant learned of the proper venue for submission of their complaint.[7]

On August 17, 2025, the Complainant filed a motion for reconsideration (Motion), arguing that the Board should overturn the administrative dismissal of her case based on the doctrine of equitable tolling.[8]

For the reasons discussed herein, the Motion for Reconsideration is denied.

II. Standard of Review

The Board has established that the standard for a motion for reconsideration is clear legal error.[9] The moving party must provide authority which compels reversal of the initial decision.[10] Motions for reconsideration that do not provide a basis to compel reversal of an initial decision will be denied.[11]

III. Discussion

Pursuant to Board Rule 520.4, an unfair labor practice complaint must be filed no later than one hundred twenty (120) days after the date on which the alleged violation occurred or the date the complainant knew or should have known of the alleged violation, if later. The Board has held that the 120-day filing deadline is a claim-processing rule, subject to equitable waiver and tolling.[12] The appropriateness of equitable tolling is "a fact-specific question that turns on balancing the fairness to both parties."[13] When deciding whether to apply equitable tolling, the Board will consider a variety of factors, such as the benefitting party's vigilance, the presence of unexplained or undue delay, whether tolling would work an injustice to the other party, and the importance of ultimate finality in legal proceedings.[14]

[5] Dismissal at 2 (citing Board Rule 520.4).
[6] Dismissal at 2.
[7] Dismissal at 2.
[8] Motion at 1.
[9] *FOP/MPD Labor Comm. v. MPD*, 59 D.C. Reg. 7165, Slip Op. No. 1233 at 4, PERB Case No. 11-E-01 (2012).
[10] *AFSCME, District Council 20 v. OSSE*, D.C. Reg. 7165, Slip Op. No. 1679 at 3, PERB Case No. 17-N-04(a) (2018).
[11] *WTU, Local #6 v. DCPS*, 72 D.C. Reg. 13824, Slip Op. No. 1930 at 2, PERB Case No. 24-U-19 (MFR) (2025).
[12] *See MPD v. FOP/MPD Labor Comm.*, 67 D.C. Reg. 11472, Slip Op. No. 1756 at 3, fn. 14, PERB Case No. 20-A-07 (2020). The Board has established it will not waive the 120-day filing deadline where, as here, the respondent properly raises it. *See Neill v. PERB*, 234 A.3d 177, 186 (D.C. 2020).
[13] *One Hundred and Nineteen Members of FOP/MPD Labor Comm. v. FOP/MPD Labor Comm.*, 70 D.C. Reg. 144, Slip Op. No. 1827 at 8, fn. 83, PERB Case No. 22-S-01 (2022) (quoting *Neill*, 234 A.3d at 186).
[14] *Id*. (citing *Neill*, 234 A.3d at 186) (internal quotations omitted).

The Motion asserts that this matter was wrongly dismissed because the Complainant "applied reasonable diligence amongst extraordinary circumstances as a pro se litigant[,]…diligently pursuing [her] legal rights since being wrongly terminated from DCPS in 2014," as well as "tak[ing] reasonable steps to file a complaint with PERB within the statutory timeframe."[15] In support of these points, the Complainant contends that she retained legal counsel in March 2025, but was misled by that attorney regarding the proper venue for this matter and was falsely informed that complaints had been submitted to other adjudicatory bodies.[16] Regarding legal authority, the Motion argues that "[i]n the District of Columbia, the 'discovery rule' extends the statute of limitations in personal injury cases when the injury or its' [*sic*] cause isn't immediately apparent." The Motion also contends that "[t]he statute of limitations for legal malpractice/breach of contract in DC is generally three years from the date you knew or reasonably should have known of the injury[,] its cause and some evidence of wrongdoing."[17]

The Complainant has not met the burden of demonstrating that the Dismissal was based on clear legal error. Regarding the element of vigilance, the Motion states that the Complainant did not retain legal counsel until March 2025—well outside of the statutory timeframe. The Board acknowledges the unfortunate outcome of the Complainant's efforts to obtain legal representation but finds that those efforts do not constitute the vigilance necessary to justify equitable tolling. Additionally, the Board finds that the requested tolling would unduly prejudice WTU, as the Union did not receive notice of the Complainant's claims prior to the untimely Complaint, either through PERB or another adjudicatory body. Lastly, the Motion does not provide authority which compels reversal of the initial decision, as it solely cites inapplicable statutes of limitations unrelated to the instant allegations.

IV. Conclusion

The Board finds no grounds to overturn the administrative dismissal in this case. Therefore, the Motion for Reconsideration is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Motion for Reconsideration is denied; and
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Peter Winkler and Members Mary Anne Gibbons, Renee Bowser, and Douglas Warshof.

March 19, 2026
Washington, D.C.

[15] Motion at 1.
[16] Motion at 2.
[17] Motion at 2. This is the extent of the tolling argument presented in the Motion. The remainder of the Motion reiterates merit-based arguments previously posited in the Complaint, which need not be discussed herein.

APPEAL RIGHTS

A final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provides 30 days after a decision is issued to file an appeal.

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

District of Columbia Housing Authority/ Fraternal Order of Police Labor Committee Complainant v. Wilette Williams, et al. Respondents	PERB Case No. 25-S-02 Opinion No. 1952

DECISION AND ORDER

I. Statement of the Case

On May 16, 2025, the District of Columbia Housing Authority/Fraternal Order of Police Labor Committee (FOP) filed an amended[1] standard of conduct complaint (Complaint) against various members of FOP's Election Committee (Respondents). FOP alleges that the Respondents violated D.C. Official Code §§ 1-617.03(a)(1) and (4) of the Comprehensive Merit Personnel Act (CMPA) and Articles 5 and 9 of the FOP Bylaws, by refusing to count ballots that were submitted electronically online during an internal union election, thereby affecting the election results.[2] On May 28, 2025, the Respondents filed an answer (Answer) to the Complaint.

PERB held a hearing on the matter, and the Hearing Examiner issued a Report and Recommendations (Report), finding that FOP violated the CMPA and the FOP bylaws.[3] The Report recommended that the Board order FOP to count the electronic votes and appoint the resulting winners to their rightful positions.[4] Neither party filed exceptions.

[1] The amended complaint cured deficiencies identified in the initial complaint, filed May 2, 2025.
[2] Complaint at 2-5.
[3] Report at 16.
[4] Report at 16.

For the reasons stated herein, the Board adopts the Hearing Examiner's finding that FOP violated D.C. Official Code §§ 1-617.03(a)(1) and (4)[5] and orders the recommended relief.

II. Hearing Examiner's Report and Recommendations

A. Hearing Examiner's Factual Findings

The Hearing Examiner made the following factual findings. At its March 27, 2025 general membership meeting, the membership agreed to schedule an election for April 30, 2025. The election would fill various positions of union leadership including Chairperson, Vice-Chairperson, Treasurer, Secretary, and Chief Shop Steward.[6] The membership appointed an election committee (Committee). The members of the Committee are the Respondents here.[7]

An additional election-related meeting was held on April 10, 2025.[8] During this meeting a union official introduced a motion to allow online electronic voting in the election.[9] The motion passed with 15 Yeas, 4 Nays, and 2 abstentions.[10] FOP's Acting Chairperson then sent an email to the union membership stating, "[t]he members have voted to allow electronic voting for the election on April 30, 2025. Polls will be open from 6 AM to 6 PM, and ballots can also be cast at the FOP office. Electronic voting will enable all members [who] cannot attend the polls in person to participate in the election."[11] The FOP members did not object to the planned hybrid election.[12]

None of the Committee members participated in the administration of the election.[13] Rather, the FOP's Acting Chairperson instructed FOP's Business Agent to draft the online ballot and contract with a vote-tabulation company.[14] The Business Agent contracted with Simply Voting, a company which FOP had previously used as the electronic voting vendor in its 2023 and 2024 elections.[15]

It was the FOP Business Agent's understanding that on the day of the election tally, there would be a laptop available to view the online ballot total.[16] In actuality, due to limited resources, no laptop was available.[17]

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[5] The Board declines to adopt the Hearing Examiner's finding that the Respondent violated the Collective Bargaining Agreement, as that is a purely contractual matter. *See AFSCME, District Council 20 v. D.C. Gov't*, Slip Op. No. 1377 at 6, PERB Case No. 08-U-36 (2013) (stating that PERB lacks jurisdiction over disputes requiring interpretation or application of collective bargaining agreement terms; resolution of those matters should be sought through applicable grievance procedures rather than through an unfair labor practice complaint). Additionally, the Board notes that it does not adjudicate allegations of Board rule violations.
[6] Report at 5-6.
[7] Report at 5.
[8] Report at 6.
[9] Report at 6. In FOP's prior internal elections, voting was conducted electronically.
[10] Report at 6.
[11] Report at 6.
[12] Report at 6.
[13] Report at 6.
[14] Report at 6.
[15] Report at 6. FOP's Business Agent identified eligible voters for online voting by comparing a list from Human Resources to the active database of dues-paying members, as well as FOP's list of bargaining unit members.
[16] Report at 7.
[17] Report at 7.

The election was conducted on April 30, 2025. Thirty-six members voted electronically online and thirty-six members voted in-person.[18] When the polls closed, Simply Voting emailed a tally of the online votes to FOP's Business Agent, who forwarded them to the Respondents at 6:15 p.m. In doing so, the Business Agent used the same email address used by FOP in its regular course of business and in its communications with all third-party vendors.[19] The Respondents, however, did not accept or count the online votes. Instead, the Respondents counted only the in-person votes.[20] The Respondents then declared the election winners based solely on the ballots cast in person.[21] Had the electronic votes been included in the tally, the positions of Chairperson, Vice-Chairperson, Chief Shop Steward, Secretary, and Treasurer--all of the positions at issue--would have been awarded to different candidates.

B. Hearing Examiner's Recommendation

The issue before the Hearing Examiner was whether the Respondents' decision to exclude the electronic ballots from the internal election tally violated the duty to conduct fair elections, as established under D.C. Official Code § 1-617.03(a)(4).

At the hearing, FOP asserted that bargaining unit members have a fundamental right to have their votes counted, and that the online electronic votes must be considered in determining the winners of the election.[22] FOP argued that every eligible FOP member was notified of the option to vote electronically or in person, and that the refusal to count the online votes was not democratic and fair, thereby violating §§ 1-617.03(a)(1) and (4).[23]

Before the Hearing Examiner, the Respondents contended that electronic voting was a mechanism used during COVID-19, which was never voted on by the membership.[24] The Respondents further stated that they had security concerns regarding the electronic online voting process, but were assured, incorrectly, by the Acting Chairperson that a laptop would be available on the election day for the purpose of viewing votes.[25] The Respondents conceded that they received three periodic updates on the voting tally by email from FOP's Business Agent, but argued they were concerned that the electronic voting system was not able to verify the identities of the members who voted electronically in the election.[26] The Respondents further argued they were unable to verify the identities of the thirty-six people who voted online.[27] Lastly, the Respondents objected to the Business Agent's participation in the election, noting he was not a part of the FOP's Board or Election Committee.[28]

The Hearing Examiner found that, in advance of the election, the bargaining unit had voted to conduct a hybrid election and that FOP so informed eligible voters. The Hearing Officer further

[18] Report at 7-8.
[19] Report at 7, 9.
[20] Report at 8.
[21] Report at 8.
[22] Report at 10.
[23] Report at 10.
[24] Report at 12.
[25] Report at 12.
[26] Report at 12.
[27] Report at 12.
[28] Report at 12.

found that the Respondents' security concerns were unfounded, as the evidence showed the Simply Voting online system was secure and that eligible voters were identified based on information provided by FOP's Business Agent.[29] The Hearing Examiner, noting that Simply Voting provided periodic updates regarding the electronic voting, also rejected the Respondents' argument that the lack of a vote monitoring laptop affected the integrity of the process.[30] Additionally, the Hearing Examiner found that the Respondents' objection to the Business Agent's involvement in the election lacked merit, as the record showed he worked for FOP, that he had administered past online elections for the Union,[31] and that the Business Agent was given the assignment by FOP leadership because of the Respondents' utter failure to do anything about the election until the actual election date.[32] The Hearing Examiner concluded that by refusing to count the online votes, the Respondents had disenfranchised thirty-six voting members without legal basis, in violation of D.C. Official Code § 1-617.03(a)(1) and (4).[33]

The Hearing Examiner recommended that the Board order the Respondents to (1) conduct a recount, including electronic ballots, and (2) where the outcome differed from the previous count, replace the erroneously elected officials with the true winners of the election, effective April 30, 2025.[34]

III. Discussion

The Board will adopt a Hearing Examiner's Report and Recommendation if it is reasonable, supported by the record, and consistent with Board precedent.[35] The parties did not file exceptions to the Hearing Examiner's Report and Recommendation. PERB reviews a Hearing Examiner's Report and Recommendation even if no exceptions are filed.[36] Upon review of the record, the Board finds that the Report is reasonable, supported by the record, and consistent with Board precedent.[37] Therefore, the Board adopts the Hearing Examiner's Report and Recommendation.

IV. Conclusion

In this case, the Board finds that a recount of the ballots is an appropriate remedy, as neither party has filed exceptions. The Board finds that by declining to count the electronic ballots, after the membership had voted to approve this method of voting, the Respondents failed to conduct a fair election, thereby violating D.C. Official Code §§ 1-617.03(a)(1) and (4) of the CMPA.

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[29] Report at 14.
[30] Report at 14.
[31] Report at 14.
[32] Report at 14.
[33] Report at 15.
[34] Report at 15.
[35] *WTU, Local 6 v. DCPS*, 65 D.C. Reg. 7474, Slip Op. 1668 at 6-7, PERB Case No. 15-U-28 (2018). *See AFGE, Local 1403 v. D.C. Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case Nos. 05-U-32 and 05- UC-01 (2012).
[36] *AFGE, Local 631 v. WASA*, Slip Op. No. 1648 at 5, PERB Case No. 16-UM-01 (2018).
[37] *WTU, Local 6*, Slip Op. No. 1668 at 6; *see also AFGE, Local 1403*, Slip Op. No. 873.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Respondents recount the ballots submitted during the April 30, 2025 election, including those which were cast virtually; and

2. Where the outcome differs from the previous count, replace the erroneously appointed individuals with the true winners of the election, effective April 30, 2025.

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By vote of Board Chairperson Peter Winkler and Members Mary Anne Gibbons, Renee Bowser, and Douglas Warshof.

March 19, 2026

Washington, D.C.

APPEAL RIGHTS

Pursuant to Board Rule 559.2, a party may file a motion for reconsideration within fourteen (14) days, requesting the Board to reconsider its decision. Additionally, a final decision by the Board may be appealed to the District of Columbia Superior Court pursuant to D.C. Official Code §§ 1-605.2(12) and 1-617.13(c), which provide thirty (30) days after a Board decision is issued to file an appeal.

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF INVESTMENT COMMITTEE MEETING

May 21, 2026, 10:00 a.m.
900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C 20001

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2312 717 2442	Meeting Password: 8udM3sgz32S

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, May 21, 2026, at 10:00 a.m. to consider investment matters. This meeting will be held virtually via WebEx. A general agenda for the open portion of the meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov.

AGENDA

I. Call to Order and Roll Call — Committee Chair Weers

II. Approval of Investment Committee Meeting Minutes — Committee Chair Weers

Agenda items III through V will be in closed session in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of DCRB to implement investment decisions or to achieve investment objectives.

III. Chair's Comments — Committee Chair Weers

IV. Chief Investment Officer's Report — Mr. Sahm

V. Other Business — Committee Chair Weers

VI. Adjournment

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF CLOSED MEETING

Board of Trustees
May 21, 2026, 9:00 a.m.
900 7th Street, N.W., 2nd Floor
Washington, D.C 20001

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2308 518 3829	Meeting Password: UMiyRqtJ485

The District of Columbia Retirement Board (DCRB) will hold a closed meeting on Thursday, May 21, 2026, at 9:00 a.m. for the purpose of training and developing members of a public body and staff pursuant to D.C. Code § 2-575(b)(12).

This meeting will be held virtually via WebEx. The entire meeting will be closed pursuant to D.C. Code § 2-575(b)(12) for training.

For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov, or visit https://dcrb.dc.gov/page/agendas-board-committee-meetings.

AGENDA

I.	Call to Order and Roll Call	Chair Gregg
II.	Move to enter into closed session to train and develop members of a public body and staff pursuant to DC Code § 2-575(b)(12)	Chair Gregg
III.	Move to end closed session and adjourn the meeting	Chair Gregg

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF PUBLIC MEETING

Board of Trustees
May 21, 2026, 1:30 p.m.
900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold a virtual Open Board meeting on Thursday, May 21, 2026, at 1:30 p.m. via WebEx. The meeting's general agenda is below.

WebEx Meeting	Telephone: 650-479-3208	Conference Access Code: 2317 819 8490	Meeting Password: WukHSyCV232

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Johniece Harris, Board Liaison, at (202) 343-3200 or johniece.harris@dc.gov, or visit https://dcrb.dc.gov/page/agendas-board-committee-meetings.

AGENDA

I.	Call to Order and Roll Call	Board Chair Gregg
II.	Approval of Board Meeting Minutes	Board Chair Gregg
III.	Chair's Comments	Board Chair Gregg
IV.	Executive Director's Report	Mr. Balestrieri
V.	Investment Committee Report	Committee Chair Weers
VI.	Operations Committee Report	Committee Chair Saunders
VII.	Benefits Committee Report	Committee Chair Gregg
VIII.	Legislative Committee Report	Committee Chair Blanchard
IX.	Audit Committee Report	Committee Chair Harris
X.	Other Business	Board Chair Gregg
XI.	Adjournment	

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

DISTRICT OF COLUMBIA SENTENCING COMMISSION

NOTICE OF HYBRID MEETING

The Commission meeting will be held on Tuesday, May 19th, 2026, at 5:00 p.m. via Zoom and in-person. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at http://www.scdc.dc.gov

For additional information, please contact Brittany Bunch, Outreach Specialist, at (202) 727-8822 or email scdc@dc.gov

To attend the upcoming monthly meetings, register to attend using the link below.

https://scdc.dc.gov/page/commission-meetings

The Commission's meetings are available both in-person and virtually. Meetings can be viewed on the Commission's Facebook page.

Agenda

1. Review and Approval of the Minutes from the Tuesday, March 17th, 2025, Commission meeting – Action Item, Judge Dayson, Chairman.

2. Director's Report – Information Item, Linden Fry, Executive Director

3. Commission Discussion – Information Item, Commission Members

4. Next Scheduled Meeting – Tuesday, June 16th, 2026

5. Adjourn

Please note: This agenda is subject to change. Please check our website for the most up-to-date information. https://scdc.dc.gov/

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

THE CHILDREN'S GUILD DC PUBLIC CHARTER SCHOOL

LEGAL NOTICE – REQUEST FOR PROPOSALS

School Cleaning Services

The Children's Guild District of Columbia Public Charter School, located at 2146 24th Pl NE, Washington DC 20018 is looking for cleaning services to commence July 1, 2026, and run for an initial term of 1 year through June 30, 2026 (the evaluation year). Assuming services are performed in accordance with the final agreement, it is anticipated that the contract would be renewed for an additional three (3) year term to run from July 1, 2027, through June 30, 2030.

- Close date for RFP Proposals is May 22, 2026, at 4pm. No submissions will be accepted past the 4pm deadline.
- Contact for the RFP: all communications related to this request for proposal should be sent to Nicole Humphreys at humphreysn@childrensguild.org. The Children's Guild is not responsible for any e-mails that do not get delivered.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
OFFICE OF VICTIM SERVICES AND JUSTICE GRANTS

NOTICE OF FUNDING AVAILABILITY

FISCAL YEAR 2027
Consolidated Justice Grants
Request for Applications

The Office of Victim Services and Justice Grants (OVSJG) announces the availability of justice grants funding for FY 2027.

Purpose/Description:
The Office of Victim Services and Justice Grants announce the availability of grant funds under the Fiscal Year 2027 consolidated funds RFA to propose strategies designed to implement criminal justice, reentry, and juvenile justice programs. OVSJG seeks to fund programs that improve public safety; enhance the administration of justice; and create systems of care for youth, victims of crime, and justice-involved individuals.

Funding in this RFA includes:
Local, Edward Byrne Memorial Justice Assistance Grant (JAG) BYRNE Justice, The Office of Juvenile Justice and Delinquency Prevention (OJJDP).

**** District agencies only**: The Residential Substance Abuse Treatment (RSAT) and Paul Coverdell Forensic Science Improvement Grant Program funds.

Eligible Organizations/Entities: Any public or private, community-based non-profit agency, organization, or institution located in the District of Columbia is eligible to apply, including District government agencies. For profit organizations are eligible but may not include profit in their grant application. For-profit organizations may also participate as subcontractors to eligible agencies.

Length of Award: The grant award is for Fiscal Year 2027. The funding period is October 1, 2026 – September 30, 2027

RFA Release: The Request for Applications (RFA) will be available electronically beginning Monday, May 18, 2026 at OVSJG Current Opportunities and the District's Grant Clearing House website at Community Grant Program. All applications must be submitted to OVSJG's online grants management portal, GovGrants.

Application Submission Deadline: 11:59 PM ET; Monday, June 22, 2026.

WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

PA System, Water Fountains, Furniture, A/V, Door Locks
Spring 2026

Washington Leadership Academy Public Charter School (WLA) is seeking bids for the following projects in its high school in Washington, DC:

School PA System

- ~ 30 classrooms with an additional 20 points to guarantee sound coverage
- Visible digital clocks
- Intercom Functionality for classrooms

Water Fountain Installation

- Installation of 4 additional water fountains

Lunchroom Furniture

- Purchasing lunchroom furniture capable of seating 200 students
- Tables that fold are preferred
- Stools must be attached to the tables

Audio/Visual Installation

- Purchase and install two projection and sound systems for two large auditorium/cafeteria spaces

Rekey

- Replace locks and keys for all internal building doors.
- Roughly 100 doors in total
- Provide master keys for all doors

Email Casey Sears at csears@wlapcs.org with any questions and to submit proposals for some or all components. Proposals for one or more projects will be accepted. For best consideration proposals should be received by 5pm on May 29, 2026.

WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Special Education Services

I. Overview
Washington Leadership Academy Public Charter School (WLA) is seeking bids to provide special education services for its high school in Washington, DC. The deadline to respond to the RFP is June 19, 2026 at 5pm. Contact – Christina Marino, 3015 4th St NE, Washington, DC 20017, 240-389-7650.

II. Background and Scope
Washington Leadership Academy Public Charter School is seeking proposals for related services (including: occupational therapy, behavior support services, speech services, physical therapy services, etc.), support hours, and service tracking compliance for high school students with identified disabilities. Services take place at WLA's campus on a weekly basis for School Year 2026-2027.

III. RFP Response Outline

Please include the following in your response:

- Rate/hour/service
- Qualifications of service providers
- Licenses
- References of other DC charter schools, if available
- Date of availability

IV. Submission Deadline and Method
For best consideration, responses to this RFP must be received on or before 5:00 PM, June 19, 2026. Responses must be submitted by email to Christina Marino at cmarino@wlapcs.org.

V. Questions
Please direct all questions regarding this RFP and the program for which the services will be delivered, via email, to Christina Marino at cmarino@wlapcs.org.

VI. Selection Criteria
The organization selected will meet required basic qualifications and represent the best value for WLA, combining price and overall service quality, including considerations for the proposer's overall experience, reputation, and expertise.

VII. Timeline
Publication of RFP: May 15, 2026
Proposal due date: June 19, 2026
Contract dates: 2026-2027 school year

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Finance and Budget Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will hold a meeting via Microsoft Teams on Thursday, May 28, 2026, at 9:30 a.m. This meeting will **not** be held in the Board Room (2nd floor) at 1385 Canal Street, S.E. The Chief Executive Officer and General Manager invites the public to attend the meeting via Microsoft Teams. Below is the draft agenda for this meeting. Please see the final agenda posted to DC Water's website at www.dcwater.com, which will include remote access information for this meeting.

For additional information, please contact Debra Mathis, Acting Board Secretary at (202) 787-2331 or Debra.Mathis@dcwater.com.

DRAFT AGENDA

1. Call to Order	Committee Chairperson
2. May 2026 Financial Report	Vice President, Budget
3. Action Items	CFO and EVP, Finance and Procurement
4. Agenda for June 2026 Committee Meeting	Committee Chairperson
5. Executive Session	Committee Chairperson
6. Adjournment	Committee Chairperson

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

District of Columbia Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) District of Columbia Retail Water and Sewer Rates Committee will hold a meeting on Tuesday, May 26, 2026, at 9:30 a.m. The meeting will **not** be held in the Board Room (2nd floor) at 1385 Canal Street, S.E, but will be held via Microsoft Teams. Below is the draft agenda for this meeting. A final agenda will be posted on DC Water's website at www.dcwater.com. Please see the website for remote access information for this meeting.

For additional information, contact Debra Mathis, Acting Board Secretary at (202) 787-2331 or Debra.Mathis@dcwater.com.

DRAFT AGENDA

1. Call to Order	Committee Chairperson
2. Monthly Updates	CFO and EVP, Finance & Procurement
3. Committee Work Plan	CFO and EVP, Finance & Procurement
4. Other Business	CFO and EVP, Finance & Procurement
5. Adjournment	Committee Chairperson

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-08E
Z.C. Case No. 13-08E
Congress Heights Metro Owner, LLC and New Congress Heights Partners, LLC
(Two Year Time Extension for Consolidated Planned Unit Development and Zoning Map Amendment Located at Square 5914, Lots 807 and 808)
January 15, 2026

Pursuant to notice, at its January 15, 2026 public meeting, the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of Congress Heights Metro Owner, LLC and New Congress Heights Partners, LLC (collectively, the "Applicant") for a two-year Time Extension of Z.C. Order No. 13-08 (the "Original Order"), as modified by Z.C. Order Nos. 13-08A, 13-08A(1), 13-08B, 13-08C, and 13-08D for Parcels 229/103, 229/151, 229/160, 229/153, 229/161, and Lots 6 and 7 in Square 5914[1] (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the "Zoning Regulations", to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

1. The Original Order, effective June 5, 2015, approved a Consolidated PUD and Related Map Amendment from the R-5-A Zone to the C-3-B Zone (now the MU-8 Zone) for the creation of a significant transit-oriented development at the Congress Heights Metro Station, including a mix of residential, retail, and office uses to be constructed in two phases. The Original Order required the filing of the building permit application for the construction of the first building by June 5, 2018, and construction to start by June 5, 2019; and the filing of the building permit application for the construction of the second building by June 5, 2020, and construction to start by June 5, 2021. On June 1, 2018, a Foundation-to-Grade Building permit application for the construction of the first building was filed with the Department of Consumer and Regulatory Affairs ("DCRA") (FD#1800081).

2. On May 31, 2019, a time extension application was filed which requested the Commission extend the deadline two years to start construction by June 5, 2021. The Zoning Commission granted a one-year extension to June 5, 2020, pursuant to Z.C. Order No. 13-08A. The Original Order's validity was automatically extended by six months per Subtitle Z §§ 702.1-702.2, to expire on December 5, 2020. Thereafter, as noted in Z.C. Order No. 13-08A(1), pursuant to Subtitle Z § 705.9, the Office of Zoning extended the Original Order's validity for one year requiring the start of construction of the first building and the

[1] The properties identified in Z.C. Order No. 13-08 have been combined to create two new lots in Square 5914, Lots 807 and 808. The residential lot, Lot 807, is owned by New Congress Heights Partners, LLC. The office building lot, Lot 808, is owned by Congress Heights Metro Owner, LLC.

filing of a building permit application for the second building to occur by December 5, 2021.

3. On September 13, 2021, an application was filed for a two-year extension of the December 5, 2021, deadline. In Z.C. Order No. 13-08B, effective December 31, 2021, the Commission extended the deadline to December 5, 2023, to file modification application(s) with the Commission for a modified PUD project, to file a building permit application with DCRA for the modified PUD project, and to start construction of the first building of the modified PUD project.

4. On December 1, 2023, prior to the expiration of the time extension granted in Z.C. Order No. 13-08B, an application was filed for a two-year extension of the December 5, 2023, deadline. In Z.C. Order No. 13-08C, effective April 5, 2024, the Commission extended the deadline to December 5, 2025, to complete the processing of any modification of consequence applications for the residential portion and the office portion of the PUD project, to file building permit applications and obtain building permits for both portions of the PUD project, and to start construction of the residential building approved in the PUD project.

5. In Z.C. Order No. 13-08D, effective April 12, 2024, the Commission approved a modification of consequence to the residential portion of the approved PUD, including architectural element changes, and reduction in number of parking spaces and number of residential units. The revised residential portion of the PUD reserves all units at 30% to 80% Median Family Income and ten (10) units for permanent supportive housing.

Parties

6. The parties to the Original Order were:
   a. The previous owners of the Property[2];
   b. Advisory Neighborhood Commission ("ANC") 8E[3]; and
   c. The Alabama Avenue/13th Street Tenant's Coalition[4].

II. THE APPLICATION

7. On December 2, 2025, prior to the expiration of the time extension granted in Z.C. Order No. 13-08C, the Applicant filed this application requesting a two-year extension until December 5, 2027 to start construction of the residential portion of the PUD as approved in Z.C. Order No. 13-08D, and to file and complete processing of a modification application with the Commission (as necessary) and file a building permit application for the retail/office portion of the PUD. The Application also requested a waiver from Subtitle

[2] The Applicant is the current owner of Lots 807 and 808 in Square 5914.

[3] The Property is now located within the boundaries of ANC 8C. ANC 8E is no longer an "affected" ANC as described in Subtitle Z § 101.8.

[4] The Alabama Avenue/13th Street Tenant's Coalition is now known as the Congress Heights S.E. Tenants Association ("CHSETA").

Z § 705.5[5] to allow a fourth time extension and an approval for more than one year (Exhibit ["Ex."] 2).

8. The Application stated that it satisfied the requirements of Subtitle Z § 705.2 for a time extension.

9. The Applicant provided evidence that on December 2, 2025, it served the Application on ANC 8C, CHSETA, and the Office of Planning ("OP") as attested by the Certificate of Service submitted with the Application (Ex. 2 at 8).

10. The Applicant stated that it has taken significant steps to move the PUD project forward since the last time extension was approved by the Commission and the Commission approved the Modification of Consequence for the residential PUD portion of the project in 2024. Actions have been taken by both the residential developer (New Congress Heights Partners, LLC, "NCHP") and the developer of the office building component (Congress Heights Metro Owner, LLC, "CHMO") of the PUD project to move this mixed-use project closer to completion (Ex. 2).

11. NCHP noted that the development of the residential portion of the PUD project has progressed significantly since the Commission issued Z.C. Order No. 13-08D. However, NCHP's ability to close on financing has been slowed by procedural changes at the DC Housing Finance Agency (DCHFA) and slowing demand from investment partners. In 2023, DCHFA implemented a new process to prioritize issuance of its tax-exempt housing bonds, which were the primary funding mechanism for the residential PUD project. Previously, DCHFA had enough annual bond issuance cap room to meet all demand for the tax-exempt bonds on a rolling basis. However, the influx of new deals in 2022 and 2023 resulted in DCHFA creating a new tax-exempt bond volume cap allocation process. The residential PUD project was delayed from the original 2024 timeline until 2025 (Ex. 2 at 3, Ex. 2C).

12. NCHP also stated that the deteriorating state of operations at affordable housing properties across the District of Columbia became more obvious to owners, lawmakers, financers and the public in 2024 and 2025. Rent collections dropped dramatically during the Covid-19 pandemic and have not yet fully recovered. Affordable housing owners have struggled to keep properties afloat as operations costs, especially insurance and utilities costs, have gone up dramatically since 2020. Lenders and tax credit investors have seen losses across their portfolios and have pulled back from new investments. The recent passage and 2026 enactment of the RENTAL Act by the D.C. Council is expected to improve operations and portfolio performance across the District of Columbia (Ex. 2 at 3).

[5] Subtitle Z §705.5 limits applicants with an approved PUD to no more than two requests for a time extension and limits the second time extension approval to no more than one year. In addition, pursuant to Subtitle Z § 705.5, a time extension granted due to the COVID-19 pandemic under Subtitle Z §§ 702.1-702.3 or 705.9 does not count towards the two requests for a time extension allowed thereunder. Accordingly, the time extension granted in Z.C. Case No. 13-08A(1) does not count as a request for time extension under Subtitle Z § 705.5.

13. In late 2024 NCHP's planned tax credit investor pulled out of all new deals in the District of Columbia. Over the course of 2025, NCHP worked diligently to secure a new tax credit investor, but the market is very slow because of the operational issues of existing properties noted above. As of November 2025, NCHP has contacted 15 potential tax credit investors, and only two have shown interest in this project. However, NCHP hopes to sign a commitment with one of these tax credit investors in December 2025 or January 2026, which would allow for a summer 2026 closing (Ex. 2 at 3).

14. Despite these financing headwinds, NCHP has moved forward with the significant costs of preparing 100% complete construction drawings for the residential PUD project. Building Permit Application No. C232059 was filed with the Department of Buildings Third Party Reviewer, CORE, on November 7, 2023, and this application has completed two rounds of comment. (Ex. 2 at 3).

15. CHMO noted that the property and capital markets continue to be challenging, particularly with respect to the development of commercial office uses in the District of Columbia. However, CHMO is actively engaged with potential capital partners and end users of the office/retail building. In order to expedite the development of this portion of the site, CHMO is also exploring partnerships across other uses including: multifamily (both market-rate and affordable); for-sale town homes; education; and healthcare. While feedback regarding the site has been positive, particularly the adjacency to Metro, developers and investors continue to take a cautious approach to development in the District of Columbia. The consensus that CHMO heard was that this is a quality site, but difficult to execute on in the immediate future (Ex. 2 at 3-4).

16. The Application asserted that while some changes have occurred to the Comprehensive Plan (including the D.C. Council's adoption of the Congress Heights Small Area Plan (CHSAP) on November 15, 2022), none of these changes undermine the Commission's previous approval of the PUD project nor are they an impediment to the Commission's approval of this time extension request. The Application noted that the CHSAP includes the following elements that are applicable to the PUD Project:
    - Recommendation 1.2 – Maximize the amount of affordable housing, especially family housing, multigenerational housing and senior housing, through the Planned Unit Development (PUD) process and the development of District-owned land (p. 22); and
    - Building Frontage Design Guidelines – Provide frequent entryways, windows, and operable walls where possible to encourage visual and physical connections between the ground floor and the sidewalk. Avoid long blank walls along the sidewalk (pp. 42).

17. The Application concluded that the entirety of the PUD project will not be inconsistent with any elements, policies, or goals of the CHSAP (Ex. 2 at 5).

18. The Application asserted that good cause justifies the Commission's granting the time extension because the Applicant was unable to obtain all of the necessary financing for the PUD project for the reasons described in detail above in Findings of Fact Nos. 10-15. NCHP noted that it was able to obtain approval of a Modification of Consequence application with the Commission and file a building permit application for the updated

residential portion of the PUD project, but it was not able to start construction by the December 5, 2025, deadline. CHMO was not able to file a Modification application and a building permit application for the office/retail portion of the PUD project by December 5, 2025, deadline. NCHP and CHMO both identified significant adverse economic and market conditions that were outside of their reasonable control, which prevented adhering to the December 5, 2025 deadline (Ex. 2 at 6).

19. In regard to the request for a waiver from Subtitle Z § 705.5, the Applicant stated that it will need more time to satisfy the remaining financial hurdles to start construction of the residential portion of the PUD project and to appropriately market and/or revise the office/retail building component of the approved PUD. The Commission is able to grant a waiver from Subtitle Z § 705.5, pursuant to Subtitle Z § 101.9[6], as granting the waiver will not prejudice the rights of CHSETA and ANC 8C and the Commission is not otherwise prohibited from granting this fourth time extension and approval for more than one year (Ex. 2 at 6).

III. Responses to the Application

Office of Planning

20. OP submitted a report dated January 5, 2026 ("OP Report") (Ex. 5). The OP Report recommended that the Commission approve the requested two-year extension to December 5, 2027, and the waiver to allow a fourth extension for more than one year. OP's Report concluded that the Application met the requirements of Subtitle Z § 705.2 for the time extension and the requirements of Subtitle Z § 101.9 for the waiver from Subtitle Z § 705.5.

ANC 8C

21. ANC 8C did not submit a written report to the case record.

CHSETA

22. CHSETA, through its legal counsel, Arnold & Porter Kaye Scholer, LLP, submitted a letter dated December 1, 2025, stating that CHSETA has been and remains fully supportive of the extension of the PUD (Ex. 2D).

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the period of an order approving a PUD upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z §§ 705.3, 705.5, and 705.6.

2. The Commission concludes that the Applicant timely filed the Application on December 2, 2025, prior to the December 5, 2025, deadline granted in Z.C. Order No. 13-08C.

[6] Subtitle Z § 101.9 states: "*The Commission may, for good cause shown, waive any of the provisions of this subtitle if, in the judgment of the Commission, the waiver will not prejudice the rights of any party and is not otherwise prohibited by law.*"

3. Subtitle Z § 705.2 requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 705.2(a) by demonstrating that it had served all parties–8C and CHSETA- and that all were given 30 days to respond from the December 2, 2025, date of service. The Commission notes that CHSETA provided a letter in support of the time extension application.

5. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission' justification for approving the PUD.

6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and the OP Report, which stated that no substantial change has occurred to the material facts upon which the Commission had relied in issuing Z.C. Order No. 13-08.

7. Subtitle Z §705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   (1) An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;
   (2) An inability to secure all required governmental agency approvals for a development by the expiration date of the PUD order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
   (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

8. The Commission concludes that the Application met the standard of Subtitle Z § 705.2(c)(1) because the Applicant was unable to obtain all of the necessary financing for the PUD project, despite diligent good faith efforts. The Commission finds that the changes to DCHFA's process for allocation of tax-exempt housing bonds was a significant factor in the inability to move forward with the start of construction of the residential portion the PUD. Similarly, the pull-back of tax credit investors from the DC marketplace was another factor that was outside of NCHP's control. The Commission also agrees that CHMO's request for a time extension reflected the continued difficult development climate that currently exists in the District of Columbia and has existed for the past few years.

9. The Commission concludes that the Application demonstrated good cause to waive Subtitle Z § 705.5's requirements to allow a fourth time extension to be approved for more than one year. The Commission determined that, pursuant to Subtitle Z § 101.9, granting the waiver will not prejudice the rights of any party nor is it otherwise prohibited by law. As noted above, CHSETA supports the time extension request.

"Great Weight" to the Recommendations of OP

10. Pursuant to §13(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.9, the Commission must give "great weight" to the recommendations of OP (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment,* 141 A. 3d 1079, 1087 (D.C. 2016)).

11. The Commission finds OP's recommendation that the Commission approve the Application persuasive and therefore concurs in that judgement.

"Great Weight" to the Recommendations of the ANC

12. Pursuant to §13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) and Subtitle Z § 406.2, the Commission must give "great weight" to the issues and concerns raised in the written report of the affected ANC. To satisfy this great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment,* 141 A. 3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Board of Zoning Adjustment,* 395 A. 2d 85, 91 n.10 (1978)).

13. ANC 8C did not submit a written report to the case record; therefore, the Commission has nothing to which it can give "great weight".

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a two-year Time Extension of Z.C. Order No.13-08, as modified by Z.C. Order Nos. 13-08A, 13-08A(1), 13-08B, 13-08C, and 13-08D to extend the deadline to December 5, 2027, to start construction of the residential portion of the PUD project as approved in Z.C. Order No. 13-08D, and to file and complete processing of a modification application with the Commission (as necessary) and file a building permit application for the retail/office portion of the PUD project.

FINAL ACTION
January 15, 2026, VOTE: 5-0-0 (Joseph S. Imamura, Tammy Stidham, Anthony J. Hood, Robert Miller, and Gwen Wright to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 13-08E shall become final and effective upon publication in the *District of Columbia Register*; that is on May 15, 2026.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT

DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-24E
Z.C. Case No. 15-24E
Gallaudet University and JBG/6th Street Associates, LLC
(Two-Year Time Extension of an Approved Second Stage PUD @ Parcel 129/112)
January 15, 2026

Pursuant to notice, at its public meeting on January 15, 2026, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Gallaudet University and JBG/6th Street Associates, LLC (collectively, the "Applicant") for a two-year time extension of the Second Stage Planned Unit Development ("PUD") approved in Z.C. Order No. 15-24C (the "Order") for the development a mixed-use building with approximately 647 residential units and approximately 43,100 square feet of ground-floor commercial use (the "Project") located at Parcel 129/112 (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the "Zoning Regulations", to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

I. FINDINGS OF FACT

Prior Approvals

1. The Property is located in the Florida Avenue Market neighborhood and constitutes Parcel 4 of the Applicant's overall four-parcel PUD located along 6th Street, N.E.

2. The First-Stage approval for the overall PUD was originally approved in Z.C. Order No. 15-24/15-24A, effective June 23, 2017, which also included a Zoning Map Amendment to rezone Parcels 1 and 2 from C-M-1 to the C-3-A zone and to rezone Parcels 3 and 4 from C-M-1 to the C-3-C zone pursuant to the 1958 Zoning Regulations then in effect.

3. The Commission approved the Order, effective December 15, 2025, granting Second-Stage PUD approval for Parcel 4. Under the conditions of the Order, a building permit application was required to be filed for the Project by December 15, 2025.

4. The Project, as approved, consists of a 12-story mixed-use building with approximately 647 residential units and approximately 43,100 square feet of ground-floor commercial use.

Parties and Notice

5. Advisory Neighborhood Commission ("ANC") 5D, in which the Property is located, and ANC 6C, located to the south of Florida Avenue, N.E. across from Parcel 1 of the PUD, are both "affected ANCs" and automatically parties to the Application. Aside from the

affected ANCs, there were no other parties to the original proceeding for Z.C. Case No. 15-24C.

6. On November 24, 2025, the Applicant served the Application on ANCs 5D and 6C, as well as the Office of Planning ("OP") and District Department of Transportation ("DDOT"), as attested by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 2).

II. The Application

7. On November 24, 2025, the Applicant filed the Application requesting a two-year time extension of the period to file a building permit application under the Order, prior to the expiration of the validity period on December 15, 2025. The Applicant requested that it be allowed until December 15, 2027, to file a building permit application for the Project. The Application stated that it met the standards for a time extension enumerated in Subtitle Z § 705.2 (Ex. 2).

8. The Applicant stated there has been no substantial change of material facts since the Commission's approval of the Order and that the Project remains consistent with the design and program approved by the Commission (Ex. 2).

9. The Applicant asserted that there is good cause to grant the requested extension in this case. Specifically, while the Applicant has continued to pursue development of the Project, including investing significant time and resources into progressing the design, the ongoing adverse market conditions affecting the commercial real estate sector, including elevated construction costs and an exceedingly challenging financing market, have created difficulties in securing construction financing for the Project (Ex. 2).

Responses to the Application

10. On January 5, 2026, OP submitted a report stating that OP believed the Application met the standards for the requested two-year extension and recommending approval of the Application. OP agreed with the Application that there has been no substantial change in any of the material facts upon which the Commission based its original approval and that the Applicant had demonstrated good cause for the extension (Ex. 5).

11. Neither ANC 5D nor ANC 6C submitted a written report commenting on the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the period of an order approving a PUD upon determining that the time extension request demonstrates satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.

2. The Commission concludes that the Applicant timely filed the Application prior to the expiration of the Order on December 15, 2025, which deadline the Application seeks to extend.

3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 705.2(a) by demonstrating that it had served ANCs 5D and 6C, the only other parties to the Order, and that the ANCs were given 30 days to respond from the November 24, 2025, date of service.

5. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval that would undermine the Commission's justification for approving the original application.

6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and OP Report, which stated that no substantial change has occurred to the material facts upon which the Commission had relied in issuing the Order.

7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   (1) An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;
   (2) An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
   (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

8. The Commission concludes that the Application met the standards of Subtitle Z § 705.2(c)(1) due to the significant adverse conditions affecting the financing market for commercial real estate development. The Commission agrees that these matters constitute good cause for the requested two-year extension of the Order.

"Great Weight" to the Recommendations of OP

9. The Commission is required to give "great weight" to the recommendations of OP stated in the OP Report pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018

Repl.)) and Subtitle Z § 405.9 (See *Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

10. The Commission notes OP's conclusion that there has been no substantial change to the material facts upon which the Commission's original approval was based and finds persuasive OP's recommendation to approve the requested two-year extension.

"Great Weight" to the Written Report of the ANCs

11. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (See *Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Comm'n*, 856 A.2d 1174, 1180 (D.C. 2004)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Bd. of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

12. Neither ANC 5D nor ANC 6C submitted a written report to which the Commission can give great weight.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a Two-Year Time Extension of Z.C. Order No. 15-24C, to extend the validity period and deadline to file a building permit application until December 15, 2027.

VOTE (January 15, 2026): 5-0-0 (Gwen Wright, Joseph Imamura, Anthony J. Hood, Robert E. Miller, and Tammy Stidham to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 15-24E shall become final and effective upon publication in the *District of Columbia Register*; that is, on May 15, 2026.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR,

RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER 20-06E
Z.C. Case No. 20-06E
Felice Development Group
(One-Year Time Extension for Approved Planned Unit Development and Related Map Amendment @ Square 1048-S, Lot 2 [1333 M Street, S.E.])
April 9, 2026

Pursuant to notice, at its public meeting on April 9, 2026, the Zoning Commission for the District of Columbia (the "Commission") considered the application ("Application") of Felice Development Group (the "Applicant") for a one-year extension of the time period to commence construction of the planned unit development ("PUD") approved for certain property known as Lot 2 in Square 1048-S (the "PUD Site")[1] pursuant to Zoning Commission (Z.C.) Order No. 20-06, effective as of April 23, 2021, as modified by Z.C. Order Nos. 20-06A, 20-06B, and 20-06D, and extended by Z.C. Order No. 20-06C (collectively, the "Approved PUD").

The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columba Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

I. BACKGROUND

The Property

1. The PUD Site is a triangular parcel containing approximately 127,400 square feet of land area, located in the southeast quadrant of the District of Columbia, bounded by M Street, S.E., the Southeast/Southwest Boulevard, and freight rail tracks to the north; Water Street, S.E. to the southeast; and the unimproved right-of-way for Virginia Avenue, S.E. to the southwest.

2. The PUD Site is separated from the Capitol Hill residential neighborhoods to the north by freight rail tracks. Other uses in the surrounding area include the District Yacht Club (part of the Historic Boathouse Row) and the Maritime Plaza Development, which consists of two five-story office buildings.

3. The PUD Site is located within the boundaries of Ward 6 and Advisory Neighborhood Commission ("ANC") 6B.

Prior Zoning Commission Approvals

4. Pursuant to Z.C. Order No. 20-06, effective April 23, 2021 (the "Original Order"), the Commission approved a Consolidated PUD, First-Stage PUD, and related Zoning Map amendment from the PDR-4 zone to the MU-9 zone for the PUD Site. The Original Order

[1] At the time of the original PUD approval, the Property consisted of Lot 802 in Square 1025-E; Lots 1, 801, and 802 in Square 1048-S; and Reservation 129-299. These lots have since been subdivided into a single record lot, i.e., Lot 2 in Square 1048-S.

authorized the construction of a mixed-use project consisting of approximately 786,160 square feet of gross floor area ("GFA"), yielding approximately 900 dwelling units; and approximately 44,092 square feet of GFA for non-residential use; and 174 vehicle parking spaces (the "Project").

5. Pursuant to the Original Order, the Project is to be constructed in phases. The first phase, which is the Consolidated PUD, involves the construction of the East Tower (also known as Building 1-East Tower). The subsequent phase(s) include the construction of the West Tower (also known as Building 1-West Tower) and Building 2, which are the subjects of the First-Stage PUD approval. The East Tower and West Tower will be connected via an elevated bridge and, together, comprise Building 1.

6. Pursuant to Z.C. Order No. 20-06A, effective October 7, 2022, the Commission approved a technical correction to the Original Order to correct the development table provided in Finding of Fact No. 31.

7. Pursuant to Z.C. Order No. 20-06B, effective April 7, 2023, the Commission approved a Modification of Consequence to the Original Order that permitted various modifications to the PUD including, but not limited to, shifting the eastern boundary of Theoretical Lot 1, adjusting boundaries for the Consolidated PUD and the First-Stage PUD, and increasing the vehicle parking for the Project. The Commission also approved corresponding changes to several conditions in the Original Order, including additional transportation mitigation measures in light of the approved increase in vehicle parking. Z.C. Order No. 20-06B established the current development program for the Consolidated PUD.[2]

8. Pursuant to Z.C. Order No. 20-06C, effective April 28, 2023, the Commission granted a two-year extension of the Approved PUD. As a result, the deadline to file a building permit application for the Consolidated PUD was April 23, 2025, and construction of the Consolidated PUD must commence by April 23, 2026. The Applicant timely submitted a building permit application authorizing construction of the Consolidated PUD within the April 23, 2025 deadline established in Z.C. Order No. 20-06C.

9. Pursuant to Z.C. Order No. 20-06D, effective October 17, 2025, the Commission approved a Modification Without Hearing to the Consolidated PUD, authorizing a series of design refinements related to site circulation and pedestrian access, building penthouse design and materials, balcony and railing treatments, and site wall finishes.

Parties and Notice

10. Other than the Applicant, the only party to Z.C. Case No. 20-06 was ANC 6B, the "affected" ANC pursuant to Subtitle Z § 101.8.

[2] Specifically, the East Tower is approved for up to 516 residential units, 23,378 square feet of non-residential uses, and 222 parking spaces. The West Tower, approved under the First-Stage PUD, includes 288 residential units, 9,971 square feet of non-residential uses, and 68 parking spaces. Theoretical Lot 2, also approved under the First-Stage PUD, is planned for a mixed-use building with 75 residential units, 1,904 square feet of non-residential uses, and 14 parking spaces.

11. On March 4, 2026, the Applicant served the Application on ANC 6B, Commissioner Samuel Pastore, the ANC's chair, Commissioner Edward Ryder, the Single-Member District Representative for ANC 6B-08, and the Office of Planning ("OP"), as attested by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 2 at 8).

II. THE APPLICATION

12. On March 4, 2026, the Applicant timely filed the Application requesting a one-year time extension of the validity of the Original Order, specifically to start construction of the Approved PUD not later than April 23, 2027 (Ex. 1-2D).

13. The Application asserted that it met the requirements of Subtitle Z § 705.2 for the proposed one-year time extension because:
- The Applicant served the extension request on all parties to the to the underlying application, and all parties were allowed 30 days to respond;
- There has been no substantial change in any material facts upon which the Commission based its original approval, citing to the unchanged public benefits and requested development incentives and the Project's ongoing consistency with the Comprehensive Plan, including the Lower Anacostia Waterfront/Near Southwest Area Element, or other adopted policies and programs; and
- Good cause exists under Subtitle Z § 705.2(c)(1) due to unusually difficult financing conditions for multifamily development in the District, including elevated interest rates and higher construction costs. There are signs of improvement, however, and investor and lender confidence is slowly recovering. Despite economic headwinds beyond its control, the Applicant has continued to advance the Project, as evidenced by obtaining approval for various design modifications in Z.C. Order Nos. 20-06B and 20-06D, as well as the timely filing of both foundation-to-grade and building permit applications. The Applicant asserted that it is well-positioned to break ground promptly once permits are issued and financing is in place.

(Ex. 2).

14. For the foregoing reasons, the Application stated that the Applicant has been unable to obtain financing for the Project and to commence construction by the deadline established by Z.C. Order No. 20-06C (*Id.*).

15. The Applicant also submitted the affidavit of Rick Felice, its President, attesting to the challenges that justify the requested time extension, as well as the Applicant's ongoing efforts to initiate construction of the Approved PUD. The affidavit further states that approval of the one-year extension would support investor and lender confidence and place the Applicant in a strong position to mobilize and begin construction promptly upon securing financing (Ex. 2A).

III. RESPONSES TO THE APPLICATION

16. OP submitted a report dated March 30, 2026 (Ex. 4) (the "OP Report"), recommending approval of the Application, and concluding that (i) the extension was properly served on ANC 6B, which was given 30 days to respond; (ii) there had been no substantial changes in any material facts upon which the Zoning Commission based its original approval that would undermine its justification; and (iii) the Applicant presented substantial evidence that it was unable to obtain sufficient project financing despite diligent, good faith efforts, due to dramatic increases in construction costs and hesitancy in lending in the construction arena. OP also further acknowledged the Applicant's progress through the permitting process and ongoing compliance with the prior PUD approvals.

17. ANC 6B did not submit a written report responding to the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the time period of an order upon determining that the time extension request demonstrated satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.

2. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that parties are allowed 30 days to respond.

3. The Commission concludes that the Applicant has satisfied Subtitle Z § 705.2(a) by demonstrating that it served all parties, which in this case is only ANC 6B, on March 4, 2026, and that ANC 6B was given 30 days to respond from March 4, 2026.

4. Subtitle § 705.2(b) requires that the Commission find that no substantial change has occurred to any of the material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the PUD.

5. The Commission concludes that the Application satisfies Subtitle Z § 705.2(b), and that no substantial change has occurred to any of the material facts upon which the Commission based its original approval that would undermine the Commission's justification for approving the Original Order.

6. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   1. *An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;*
   2. *An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or*

3. The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

7. Based on the evidence in the record, the Commission concludes that the Application meets the standards of Subtitle Z § 705.2(c)(1). Construction of the Project has stalled due to unusually difficult financing conditions affecting the District of Columbia in recent years. Despite circumstances beyond its control, the Applicant has made diligent, good-faith efforts to advance the Project based on the timely filing of a foundation-to-grade permit and building permit applications. In addition, as attested in the Applicant's supporting affidavit (Ex. 2A), a one-year extension will help secure investor and lender confidence in the Project, allowing the Applicant to mobilize promptly and commence construction. Accordingly, the Commission finds that good cause exists to grant the requested one-year extension so the Applicant may begin construction of the Approved PUD and deliver its approved public benefits.

"Great Weight" to the Recommendation of OP

8. The Commission is required to give "great weight" to the recommendations of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

9. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

"Great Weight to the Written Report of the ANC

10. The Commission must give "great weight" to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commission Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Metropole*, 141 A.3d 1087). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Bd. of Zoning Adjustment*, 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

11. As previously noted, ANC 6B did not file a response to the Application.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore APPROVES the Applicant's request for a one-year extension of the deadline to begin construction

of the PUD approved in Z.C. Order No. 20-06, as modified by Z.C. Order Nos. 20-06A, 20-06B, and 20-06D, and extended by Z.C. Order No. 20-06C, with the requirement that the Applicant:

- Begin construction of the Approved PUD no later than **April 23, 2027**.

Final Action

VOTE (April 9, 2026): 4-0-1 (Robert E. Miller, Gwen Wright, Anthony J. Hood, and Joseph S. Imamura to approve; Tammy Stidham, not present, not voting.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 20-06E shall become final and effective upon publication in the District of Columbia Register, that is, on May 15, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENT OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 20-31C
Z.C. Case No. 20-31C
American University
(Modification Without Hearing of an Approved Further Processing Application of an Approved Campus Plan @ Square 1600, Lots 801 and 816)
November 20, 2025

Pursuant to notice, at its November 20, 2025 public meeting, with the Zoning Commission for the District of Columbia (the "Commission") considered the application (the "Application") of American University (the "Applicant," "AU," or the "University") for a Modification Without Hearing of the Further Processing Application approved in Z.C. Order No. 20-31B to allow for the addition of 2,955 sq. ft. of gross floor area internal to the Sports Center Building, which is located on AU's main campus at 4400 Massachusetts Avenue, N.W.

The Commission considered the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the "Zoning Regulations," to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

I. FINDINGS OF FACT

Prior Approval, Parties, and Notice

1. Pursuant to Z.C. Order No. 20-31B (the "Order"), the Commission approved the Applicant's Further Processing Application for the construction of the Alan and Amy Meltzer Center for Athletic Performance ("Meltzer Center") and the Sports Center Annex ("SCAN"). The Order approved approximately 35,000 sq. ft. of gross floor area ("GFA") for the SCAN building (Exhibit ["Ex."] 2C).

2. The Meltzer Center is a multi-purpose facility that has been specifically designed to address the University's need to provide competition, practice, and training space for existing University athletics programs that are not adequately accommodated in the Bender Arena and Sports Center Building. The SCAN building includes space for the University's wellbeing program, including a mind/body center, a musical performance area, and various social and fitness areas. Construction of the Meltzer Center and the SCAN building started in March 2024, and both are expected to be open for use by December 31, 2025 (Ex. 2).

3. The "affected Advisory Neighborhood Commissions" ("ANCs") that were parties to the original proceeding, per Subtitle Z § 101.8, are ANCs 3D and 3E, in which the Property is located, and ANC 3A, to which the Property is adjacent.

4. The Applicant served the Application on the Office of Planning ("OP"), the District Department of Transportation ("DDOT"), ANCs 3D, 3E, and 3A, and Neighbors for a Livable Community ("NLC"), a party in opposition to Z.C. Case No. 20-31B, on October 15, 2025 in satisfaction on Subtitle Z § 703.10, as indicated by the Certificate of Service submitted with the Application (Ex. 2 at 5).

II. The Application

5. On October 15, 2025, the Applicant filed the Application and noted that the proposed internal renovation includes space on the first and second floors of the existing Sports Center Building, which currently houses the Jacobs Recreation Center. In its current state, this space includes an existing second floor mezzanine area with open space to the first floor below. The Applicant states that its analysis of this space identified underutilized double-height areas that could be captured to better satisfy programmatic needs. The Applicant proposes to demolish the mezzanine and infill the open area with a new slab to create additional space for student well-being and clinical office space. That infill would result in the addition of approximately 2,955 sq. ft. GFA entirely internal to the building, would not create any additional building footprint, and would not involve a change in use of the Sports Center Building (Ex. 2).

6. The Applicant noted that the additional square footage, when coupled with the 35,000 sq. ft. of GFA for the SCAN building approved in 2023, is well below the 55,000 sq. ft. of GFA approved by the Commission for the project site as part of AU's 2021 Campus Plan. The Applicant stated that the Application does not propose any increase in the student and faculty/staff caps that were established in the 2021 Campus Plan approval. The Applicant stated that the Application will create no adverse traffic impacts on adjacent properties because the number or location of parking spaces provided on campus will not change. Finally, the Applicant noted that given the Sports Center Building's internal location on the campus, and the fact that the proposed additional GFA is located entirely within the existing footprint of the Sports Center Building, the Application will not create objectionable conditions with respect to any neighboring residential property and is consistent with the standards for approval of a university use in a residential zone (Ex. 2).

III. Responses to the Application

7. On November 10, 2025, OP submitted a report (the "OP Report") stating that it did not object to approval of the Application (Ex. 4).

8. ANC 3D submitted a resolution stating that at a regularly scheduled and duly noticed meeting on October 8, 2025, with a quorum present, ANC 3D voted 7-0-0 to support the Application (Ex. 2E).

9. On November 18, 2025, ANC 3E submitted a resolution stating that at a regularly scheduled and duly noticed meeting on November 13, 2025, with a quorum present, the ANC voted 5-0-0 to support the Application (Ex. 5).

10. The American University Neighborhood Partnership (AUNP) provided an email that noted its support for the Application (Ex. 2E).

11. ANC 3A and NLC did not file responses to the Application.

CONCLUSIONS OF LAW

Authority

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications without hearings to final orders and plans without a public hearing.

2. Subtitle Z § 703.6 defines a Modification Without Hearing as "a modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order, … or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission."

3. The Commission concludes that the Application qualifies as a Modification Without Hearing within the meaning of Subtitle Z § 703.6 because the modification can be understood without witness testimony, as a redesign or relocation of architectural elements from the final design approved by the Commission in the Approved Further Processing application, and therefore the modifications can be granted without a public hearing pursuant to Subtitle Z § 703.1.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.10 to serve the Application on all parties to the original proceeding, in this case—ANC 3D, ANC 3E, ANC 3A, and NLC—and OP at the same time the Application was filed with the Office of Zoning.

5. The Commission notes the responses in support from ANC 3D, ANC 3E, and AUNP. The Commission concludes that although ANC 3A and NLC did not submit responses to the Application prior to the Commission's consideration of the Application at its November 20, 2025 public meeting, they were allowed 30 days after the Application was filed and served on October 15, 2025, to respond in accordance with Subtitle Z § 703.12.

6. The Commission concludes that, in accordance with Subtitle Z § 703.13, the Application was filed with the Office of Zoning at least 35 days prior to the November 20, 2025 public meeting.

7. The Commission finds that the Application is consistent with the approved Further Processing Application because the requested modifications are entirely internal to the Sports Center Building, do not create any additional building footprint, and do not involve a change in use of the Sports Center Building. The Commission finds that this Application will not create objectionable conditions with respect to any neighboring residential property and is consistent with the standards for approval of a university use in a residential zone.

"Great Weight" to the Recommendations of OP

8. The Commission must give "great weight" to the recommendations of OP pursuant to § 5(d) of the Office of Zoning Independence Act of 1990, effective September 20, 1990

(D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)) and Subtitle Z § 405.9 (*Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016)).

9. The Commission finds OP's recommendation of no objection to the Application persuasive and concurs in that judgment.

"Great Weight" to the Recommendations of the ANC

10. The Commission must give "great weight" to the issues and concerns raised in the written report of the affected ANC pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2.

11. ANC 3D and ANC 3E submitted resolutions in support of the Application. ANC 3A did not submit a report into the record for the Commission to consider.

DECISION

In consideration of the case record and the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Applicant's request for a Modification Without Hearing to permit modifications to the Further Processing Application approved in Z.C. Order No. 20-31B. The conditions in the Order remain unchanged, except that Condition No. 1 of Z.C. Order No. 20-31B is revised to read as follows (additions in **bold** and **underlined** text):

1. The Alan and Amy Meltzer Center for Athletic Performance ("Meltzer Center") and the Sports Center Annex building (collectively, the "Project") shall be constructed in accordance with the plans prepared by Perkins Eastman, dated April 4, 2023, and included in the record as Exhibit 2K1 and 2K2 as supplemented by Exhibit 14B-14E, **as modified by the plans submitted on October 15, 2025 (Ex. 2D in the record for Z.C. Case No. 20-31C) (collectively, the "Plans").**

Final Action

VOTE (November 20, 2025): 4-0-1 (Anthony J. Hood, Robert E. Miller, Tammy Stidham, and Gwen Wright to **APPROVE**; Joseph Imamura, not present, not voting.)

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 20-31C shall become final and effective upon publication in the *District of Columbia Register*; that is, on May 15, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 23-15A
Z.C. Case No. 23-15A
Brookland Plaza Owner, LLC
(Two-Year Time Extension of an Approved Voluntary Design Review
@ Square 3822, Lots 22-27, 31, 33, 35, 37, 802, and 809)
February 26, 2026

Pursuant to notice, at its public meeting on February 26, 2026, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Brookland Plaza Owner, LLC (the "Applicant") for a two-year time extension of the Voluntary Design Review approved in Z.C. Order No. 23-15 (the "Order") for the development of a mixed-use building with approximately 337 multifamily residential units and approximately 30,000 square feet of retail use (the "Project") located at 934 Michigan Avenue, N.E. and 3700–3748 10th Street, N.E. (Square 3822, Lots 22-27, 31, 33, 35, 37, 802, and 809) (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the "Zoning Regulations", to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

FINDINGS OF FACT

Prior Approvals

1. The Property consists of approximately 85,788 square feet (1.97 acres) of land located at the northwest intersection of 10th Street, N.E. and Michigan Avenue, N.E. in the Brookland neighborhood in Northeast DC in Ward 5. The Property is currently improved with a strip shopping center, an electric supply retail/wholesale/showroom business, car rental establishment, automotive repair shop, and vehicle storage yard. The existing buildings include the Brookland Bowling Alley building, a designated historic landmark.

2. The Commission approved the Order, effective March 15, 2024, granting a Voluntary Design Review approval for the Project, a mixed-use building with approximately 337 multifamily units, approximately 30,000 square feet of retail use, and approximately 99 below-grade parking spaces.

Parties and Notice

3. Advisory Neighborhood Commission ("ANC") 5B is an "affected ANC" and automatically party to the Application. Aside from the affected ANC, there were no other parties to the original proceeding for Z.C. Case No. 23-15.

4. On January 23, 2026, the Applicant served the Application on ANC 5B, as well as the Office of Planning ("OP") and District Department of Transportation ("DDOT"), as attested by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 2).

The Application

5. On January 23, 2026, the Applicant filed the Application requesting a two-year time extension of the period to file a building permit application under the Order, prior to the expiration of the validity period on March 15, 2026. The Applicant requested that it be allowed until March 15, 2028, to file a building permit application for the Project. The Application stated that it met the standards for a time extension enumerated in Subtitle Z § 705.2 (Ex. 2).

6. The Applicant stated there has been no substantial change of material facts since the Commission's approval in the Order and that the Project remains consistent with the design and program approved by the Commission (Ex. 2).

7. The Applicant asserted that there is good cause to grant the requested extension in this case to allow the Applicant additional time to secure construction financing for the Project. While the Applicant has invested significant resources into moving the Project forward, as detailed in the Applicant's submission, the Applicant has been unable to obtain construction financing due to the ongoing challenging market conditions affecting the commercial real estate sector, and, specifically, an exceedingly challenging financing market and sustained elevated construction costs (Ex. 2).

Responses to the Application

8. On February 13, 2026, OP submitted a report stating that OP believed the Application met the standards for the requested two-year extension and recommending approval of the Application. OP agreed with the Application that there has been no substantial change in any of the material facts upon which the Commission based its original approval and that the Applicant had demonstrated good cause for the extension (Ex. 4).

9. ANC 5B did not submit a written report commenting on the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the period of an order approving a Voluntary Design Review upon determining that the time extension request demonstrates satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.

2. The Commission concludes that the Applicant timely filed the Application prior to the expiration of the Order on March 15, 2026, which deadline the Application seeks to extend.

3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 705.2(a) by demonstrating that it had served ANC 5B, the only other party to the Order, and that the ANC was given 30 days to respond from the January 23, 2026, date of service.

5. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval that would undermine the Commission's justification for approving the original application.

6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and OP Report, which stated that no substantial change has occurred to the material facts upon which the Commission had relied in issuing the Order.

7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   (1) An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;
   (2) An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
   (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

8. The Commission concludes that the Application met the standards of Subtitle Z § 705.2(c)(1) due to the significant adverse conditions affecting the financing market for commercial real estate development. The Commission agrees that these matters constitute good cause for the requested two-year extension of the Order.

"Great Weight" to the Recommendations of OP

9. The Commission is required to give "great weight" to the recommendations of OP stated in the OP Report pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.) and Subtitle Z § 405.9. *Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).

10. The Commission notes OP's conclusion that there has been no substantial change to the material facts upon with the Commission's original approval was based and finds persuasive OP's recommendation to approve the requested two-year extension.

"Great Weight" to the Written Report of the ANCs

11. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (*Spring Valley-Wesley Heights*

Citizens Ass'n v. District of Columbia Zoning Comm'n, 856 A.2d 1174, 1180 (D.C. 2004)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." *Wheeler v. District of Columbia Bd. of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted).

12. ANC 5B did not submit a written report to which the Commission can give great weight.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a Two-Year Time Extension of Z.C. Order No. 23-15, to extend the validity period and deadline to file a building permit application until March 15, 2028.

Final Action
VOTE (February 26, 2026): 5-0-0 (Tammy Stidham, Joseph S. Imamura, Anthony J. Hood, Robert E. Miller, and Gwen Wright to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 23-15A shall become final and effective upon publication in the *District of Columbia Register*; that is, on May 15, 2026.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 25-19
Z.C. Case No. 25-19
The Johns Hopkins University
(Modification without Hearing to a Special Exception for College/University Use @ Square 157, Lot 850 [1717 Massachusetts Ave. N.W.])
January 29, 2026

Pursuant to notice, at its January 29, 2026 public meeting, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of the Johns Hopkins University ("Applicant" or "JHU") for a Modification without Hearing to the approved college/university use for Lot 850 in Square 157, with a street address of 1717 Massachusetts Avenue, N.W. ("Property"). The Property is located in the MU-2/DC zone. The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedures, which are codified in Subtitle Z of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations, to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

I. FINDINGS OF FACT

PRIOR APPROVALS

1. Pursuant to Board of Zoning Adjustment ("BZA" or "Board") Order No. 16526 (the "Order"), the Board approved a special exception for use of the existing building at the Property for an "institution of higher learning" (*i.e.*, college/university use).[1]

2. The Order includes three conditions of approval. Condition #1 states as follows: "The programs offered are primarily evening and weekend graduate courses, not day courses."

PARTIES AND NOTICE

3. The only party to the original proceeding other than the Applicant was Advisory Neighborhood Commission 2B ("ANC 2B").

4. On October 14, 2025, JHU served the Application on ANC 2B and the D.C. Office of Planning ("OP"), as attested by the Certificate of Service submitted with the Application (Ex. 2 at 7).

II. THE APPLICATION

5. On October 14, 2025, JHU filed the Application requesting a Modification without Hearing to remove Condition #1 of the Order and the restriction that "programs offered are primarily evening and weekend graduate courses, not day courses." (Ex. 2).

6. JHU has owned and operated academic programs at the Property for more than 23 years, and the building is configured especially for this academic purpose (Ex. 2).

[1] At the time the Order was issued, the BZA had jurisdiction over college/university use. This Application was filed with the Commission since it now has jurisdiction over special exceptions for college/university use (*See* Subtitle U § 504.1(b); Subtitle X § 101.1).

7. JHU requested this modification because, in 2023, JHU shifted all its Washington, D.C. academic programs from the Dupont Circle neighborhood, including from the Property, to a new location at 555 Pennsylvania Avenue N.W. JHU has been actively marketing the Property for sale as required under an agreement with the Deputy Mayor for Planning and Economic Development. Most of the potentially interested purchasers have been other colleges and universities since the building is already well suited for this use (Ex. 2).

8. The Application asserted that potential college and university purchasers have been concerned with the unusually restrictive Condition #1 in the Order. This condition restricts any college or university from using the Property during daytime hours during the week for classes and from offering non-graduate courses. This condition significantly constrains regular academic operations and class offerings, and it renders the Property functionally useless for most any other college or university (Ex. 2).

9. The Application further asserted that Condition #1 in the Order puts the Property at a significant market disadvantage when potential college and university purchasers could find other comparable properties in Downtown Washington – and in close proximity just a few blocks south of Massachusetts Avenue – without any such restrictions. Condition #1 has rendered the Property largely unsellable for educational use (Ex. 2).

III. RESPONSES TO THE APPLICATION

10. OP submitted a report dated January 9, 2026 ("OP Report") recommending approval of the Application (Ex. 5). OP stated that it concurs with the Applicant that the Application could be considered as a Modification without Hearing. OP evaluated the proposed modification and supported removing Condition #1 because of the disadvantage the restriction creates for selling the Property and because removing the Condition is not expected to have any adverse impacts on neighboring properties.

11. By report dated January 16, 2026, and pursuant to vote taken at a regularly scheduled and duly noticed public meeting with a quorum present, ANC 2B neither supported nor opposed the Application (Ex. 6). The ANC report requested that JHU or a future buyer of the Property strongly consider using at least a portion of the building or site for housing.

CONCLUSIONS OF LAW

1. Subtitle Z § 703.1 authorizes the Commission, in the interest of efficiency, to make modifications to final orders and plans without a public hearing.

2. Subtitle Z § 703.6 defines a Modification without Hearing as "a modification in which impact may be understood without witness testimony, including, but not limited to a proposed change to a condition in the final order..."

3. The Commission concludes that the Application qualifies as a Modification without Hearing within the meaning of Subtitle Z § 703.6, as a request to modify a condition in the

final order and therefore the modification can be granted without a public hearing pursuant to Subtitle Z § 703.1.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 703.10 to serve the Application on all parties to the original proceeding, in this case ANC 2B; and OP, at the same time the Application was filed with the Office of Zoning.

5. The Commission concludes that all parties were allowed 30 days after the Application was filed and served on October 14, 2025, to file responses to the Application in accordance with Subtitle Z § 703.12; and the Application was filed at least 35 days prior to the public meeting at which the Application was considered by the Commission, in accordance with Subtitle Z § 703.13. The Application was filed October 14, 2025, and considered January 29, 2026.

6. The Commission finds that the Application is consistent with the use as approved by the BZA in the Order because the modification will allow JHU to sell the Property, which is already configured for and well suited to another college or university without adversely impacting the neighborhood.

"GREAT WEIGHT" TO THE RECOMMENDATIONS OF OP

7. The Commission is required to give "great weight" to the recommendation of OP pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9 (Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016)).

8. The Commission finds OP's recommendation to approve the Application persuasive and concurs in that judgment.

"GREAT WEIGHT" TO THE WRITTEN REPORT OF THE ANC

9. The Commission must give "great weight" to the issues and concerns raised in a written report of the affected ANC that was approved by the full ANC at a properly noticed meeting that was open to the public pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (Metropole Condo. Ass'n v. D.C. Bd. of Zoning Adjustment, 141 A.3d 1079, 1087 (D.C. 2016)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (Wheeler v. District of Columbia Board of Zoning Adjustment, 395 A.2d 85, 91 n.10 (1978) (citation omitted)).

10. The Commission acknowledges the ANC 2B report neither in support nor opposition to the Application and notes the ANC's request that some portion of the building or site be considered for housing use.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a Modification without Hearing and authorizes the continued use of the Property for college and university subject to the following conditions:

1. Condition No. 1 in BZA Order No. 16526 shall be deleted and removed in its entirety; and
2. All other conditions of BZA Order No. 16526, as modified herein, shall remain unchanged and in effect.

FINAL ACTION
VOTE (January 29, 2026): 5-0-0 (Robert E. Miller, Tammy Stidham, Anthony J. Hood, Joseph S. Imamura, and Gwen Wright to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 25-19 shall become final and effective upon publication in the *District of Columbia Register*; that is, on May 15, 2026.

BY THE ORDER OF THE D.C. ZONING COMMISSION
A majority of the Commission members approved the issuance of this Order.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 96-13B
Z.C. Case No. 96-13B
Street Retail, LLC
(Two-Year Time Extension of an Approved PUD and
Zoning Map Amendment @ Square 1661, Lot 855)
January 15, 2026

Pursuant to notice, at its public meeting on January 15, 2026, the Zoning Commission for the District of Columbia ("Commission") considered the application ("Application") of Street Retail, LLC (the "Applicant") for a two-year time extension of the modified Planned Unit Development ("PUD") and related Zoning Map Amendment approved in Z.C. Order No. 96-13A (the "Order") for the development of a mixed-use building with approximately 310 residential units and approximately 10,500-14,000 square feet of ground-floor retail use (the "Project") located at 5333 Wisconsin Avenue, N.W. (Square 1661, Lot 855) (the "Property"). The Commission reviewed the Application pursuant to the Commission's Rules of Practice and Procedure, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (Zoning Regulations of 2016, the "Zoning Regulations", to which all subsequent citations refer unless otherwise specified). For the reasons stated below, the Commission **APPROVES** the Application.

I. FINDINGS OF FACT

Prior Approvals

1. The Property is located in the Friendship Heights neighborhood, near the DC-Maryland border, in Northwest DC in Ward 3. The Property consists of approximately 50,946 square feet of land area and is currently improved with a 2-3 story retail development completed in 1998 pursuant to the original PUD approval, as modified.

2. The Commission approved the Order, effective July 14, 2023, granting a PUD Modification of Significance and related Zoning Map Amendment for the Project, a mixed-use building with approximately 310 residential units and approximately 10,500-14,000 square feet of ground-floor retail use. The Order remained valid until December 14, 2025.[1]

Parties and Notice

3. Advisory Neighborhood Commission ("ANC") 3E is an "affected ANC" and automatically party to the Application. Aside from the affected ANC, there were no other parties to the original proceeding for Z.C. Case No. 96-13A.

[1] Following issuance of the Order, a petition for review was filed with the D.C. Court of Appeals (Case No. 23-AA-639). The parties settled the appeal, and the Court of Appeals granted the parties' joint request for dismissal on December 14, 2023. Accordingly, pursuant to Subtitle Z § 705.8, the Order remained valid until December 14, 2025.

4. On December 9, 2025, the Applicant served the Application on ANC 3E, as well as the Office of Planning ("OP") and District Department of Transportation ("DDOT"), as attested by the Certificate of Service submitted with the Application (Exhibit ["Ex."] 2).

II. The Application

5. On December 9, 2025, the Applicant filed the Application requesting a two-year time extension of the period to file a building permit application under the Order, prior to the expiration of the validity period on December 14, 2025. The Applicant requested that it be allowed until December 14, 2027, to file a building permit application for the Project. The Application stated that it met the standards for a time extension enumerated in Subtitle Z § 705.2 (Ex. 2).

6. The Applicant stated there has been no substantial change of material facts since the Commission's approval in the Order and that the Project remains consistent with the design and program approved by the Commission (Ex. 2).

7. The Applicant asserted that there is good cause to grant the requested extension in this case to allow the Applicant additional time to secure construction financing for the Project. While the Applicant has invested significant time and resources into advancing the design and has secured other necessary agency approvals for the Project, including from the Washington Metropolitan Area Transit Authority and DC Water, the Applicant has been unable to obtain construction financing due to the challenging market conditions affecting the commercial real estate sector, and, namely, an exceedingly challenging financing market and sustained elevated construction costs (Ex. 2).

III. Responses to the Application

8. On December 24, 2025, OP submitted a report stating that OP believed the Application met the standards for the requested two-year extension and recommending approval of the Application. OP agreed with the Application that there has been no substantial change in any of the material facts upon which the Commission based its original approval and that the Applicant had demonstrated good cause for the extension (Ex. 5).

9. ANC 3E did not submit a written report commenting on the Application.

CONCLUSIONS OF LAW

1. Subtitle Z § 705.2 authorizes the Commission to extend the period of an order approving a PUD upon determining that the time extension request demonstrates satisfaction of the requirements of Subtitle Z § 705.2 and compliance with the limitations of Subtitle Z §§ 705.3, 705.5, and 705.6.

2. The Commission concludes that the Applicant timely filed the Application prior to the expiration of the Order on December 14, 2025, which deadline the Application seeks to extend.

3. Subtitle Z § 705.2(a) requires that an Applicant serve the extension request on all parties and that all parties are allowed 30 days to respond.

4. The Commission concludes that the Applicant satisfied the requirement of Subtitle Z § 705.2(a) by demonstrating that it had served ANC 3E, the only other party to the Order, and that the ANC was given 30 days to respond from the December 9, 2025, date of service.

5. Subtitle Z § 705.2(b) requires that the Commission find that there is no substantial change in any of the material facts upon which the Commission based its original approval that would undermine the Commission's justification for approving the original application.

6. The Commission concludes that the Application satisfied Subtitle Z § 705.2(b) based on the Application and OP Report, which stated that no substantial change has occurred to the material facts upon which the Commission had relied in issuing the Order.

7. Subtitle Z § 705.2(c) requires that an application demonstrate with substantial evidence one or more of the following criteria:
   (1) An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;
   (2) An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or
   (3) The existence of pending litigation or such other condition, circumstance or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.

8. The Commission concludes that the Application met the standards of Subtitle Z § 705.2(c)(1) due to the significant adverse conditions affecting the financing market for commercial real estate development. The Commission agrees that these matters constitute good cause for the requested two-year extension of the Order.

"Great Weight" to the Recommendations of OP

9. The Commission is required to give "great weight" to the recommendations of OP stated in the OP Report pursuant to § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990, D.C. Law 8-163; D.C. Official Code § 6-623.04 (2018 Repl.)) and Subtitle Z § 405.9. *Metropole Condo. Ass'n v. District of Columbia Bd. of Zoning Adjustment*, 141 A.3d 1079, 1087 (D.C. 2016).

10. The Commission notes OP's conclusion that there has been no substantial change to the material facts upon with the Commission's original approval was based and finds persuasive OP's recommendation to approve the requested two-year extension.

"Great Weight" to the Written Report of the ANCs

11. The Commission must give great weight to the issues and concerns raised in the written report of an affected ANC that was approved by the full ANC at a properly noticed public meeting pursuant to § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)) and Subtitle Z § 406.2. To satisfy the great weight requirement, the Commission must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances (See *Spring Valley-Wesley Heights Citizens Ass'n v. District of Columbia Zoning Comm'n*, 856 A.2d 1174, 1180 (D.C. 2004)). The District of Columbia Court of Appeals has interpreted the phrase "issues and concerns" to "encompass only legally relevant issues and concerns." (*Wheeler v. District of Columbia Bd. of Zoning Adjustment,* 395 A.2d 85, 91 n.10 (D.C. 1978) (citation omitted)).

12. ANC 3E did not submit a written report to which the Commission can give great weight.

DECISION

In consideration of the case record and the Findings of Fact and Conclusions of Law herein, the Commission concludes that the Applicant has satisfied its burden of proof and therefore **APPROVES** the Application's request for a Two-Year Time Extension of Z.C. Order No. 96-13A, to extend the validity period and deadline to file a building permit application until December 14, 2027.

VOTE (January 15, 2026): 5-0-0 (Tammy Stidham, Gwen Wright, Anthony J. Hood, Robert E. Miller, and Joseph S. Imamura to approve).

In accordance with the provisions of Subtitle Z § 604.9, this Order No. 96-13B shall become final and effective upon publication in the *District of Columbia Register*; that is, on May 15, 2026.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

DISTRICT OF COLUMBIA REGISTER
2026 AGENCY SUBMISSION DEADLINE SCHEDULE

The *District of Columbia Register* is published weekly on Fridays including on public holidays that fall on a Friday. The deadline for submitting notices for publication by District agencies, boards, commissions, and public charter schools is **THURSDAY**, noon of the **PREVIOUS** week. For example, the deadline for the January 16, 2026 *District of Columbia Register* is noon on Thursday January 8, 2026.

The deadline for a Register to be published during a week that has an official District of Columbia holiday is WEDNESDAY noon of the PREVIOUS week. For example, Monday, January 19, 2026 (Martin Luther King Jr. Day) is an official District of Columbia holiday therefore, the deadline for the January 23, 2026 *District of Columbia Register* is noon on Wednesday, January 14, 2026.

If an official government holiday falls on a Thursday, the deadline for submitting documents is WEDNESDAY. Because Thursday, January 1, 2026 is New Years Day, the deadline for the January 9, 2026 *District of Columbia Register* is noon on Wednesday, December 31, 2025.

Because Thursday, November 26, 2026 is Thanksgiving Day, the deadline for submitting documents for the December 4, 2026 *District of Columbia Register* is noon on Wednesday, November 25, 2026.

Documents that are uploaded after the noon deadline will be published in the next edition of the Register.

The DC Register Submission Deadline Schedule is published at the end of each Register.

The Office of Documents also publishes the Submission Deadline Schedule on the DCRegs Home page at https://dcregs.dc.gov:



Since the deadline changes for a Register to be published during a week that has an official District of Columbia Government holiday, the 2026 holiday schedule is provided here for your convenience.

2026 District of Columbia Government Holiday Schedule	
New Year's Day	Thursday, January 1, 2026
Dr. Martin Luther King, Jr.'s Birthday	Monday, January 19, 2026
Washington's Birthday	Monday, February 16, 2026
DC Emancipation Day	Thursday, April 16, 2026
Memorial Day	Monday, May 25, 2026
Juneteenth National Independence Day	Friday, June 19, 2026
Independence Day (Observed)	Friday, July 3, 2026
Labor Day	Monday, September 7, 2026
Indigenous Peoples' Day	Monday, October 12, 2026
Veterans Day	Wednesday, November 11, 2026
Thanksgiving Day	Thursday, November 26, 2026
Christmas Day	Friday, December 25, 2026

Below is the 2026 District of Columbia Register Submission Deadline schedule.

OFFICE OF DOCUMENTS AND ADMINSTRATIVE ISSUANCES
DISTRICT OF COLUMBIA REGISTER
2026 AGENCY SUBMISSION DEADLINE SCHEDULE

D.C. Register Issue		Submission Deadline	
Vol. 73/1	January 2, 2026*	Wednesday	December 24, 2025
Vol. 73/2	January 9, 2026	Wednesday	December 31, 2025
Vol. 73/3	January 16, 2026	Thursday	January 8, 2026
Vol. 73/4	January 23, 2026*	Wednesday	January 14, 2026
Vol. 73/5	January 30, 2026	Thursday	January 22, 2026
Vol. 73/6	February 6, 2026	Thursday	January 29, 2026
Vol. 73/7	February 13, 2026	Thursday	February 5, 2026
Vol. 73/8	February 20, 2026*	Wednesday	February 11, 2026
Vol. 73/9	February 27, 2026	Thursday	February 19, 2026
Vol. 73/10	March 6, 2026	Thursday	February 26, 2026
Vol. 73/11	March 13, 2026	Thursday	March 5, 2026
Vol. 73/12	March 20, 2026	Thursday	March 12, 2026
Vol. 73/13	March 27, 2026	Thursday	March 19, 2026
Vol. 73/14	April 3, 2026	Thursday	March 26, 2026
Vol. 73/15	April 10, 2026	Thursday	April 2, 2026
Vol. 73/16	April 17, 2026*	Wednesday	April 8, 2026
Vol. 73/17	April 24, 2026	Wednesday	April 15, 2026
Vol. 73/18	May 1, 2026	Thursday	April 23, 2026
Vol. 73/19	May 8, 2026	Thursday	April 30, 2026
Vol. 73/20	May 15, 2026	Thursday	May 7, 2026
Vol. 73/21	May 22, 2026	Thursday	May 14, 2026
Vol. 73/22	May 29, 2026 *	Wednesday	May 20, 2026
Vol. 73/23	June 5, 2026	Thursday	May 28, 2026
Vol. 73/24	June 12, 2026	Thursday	June 4, 2026
Vol. 73/25	June 19, 2026*	Wednesday	June 10, 2026
Vol. 73/26	June 26, 2026	Thursday	June 18, 2026
Vol. 73/27	July 3, 2026 *	Wednesday	June 24, 2026
Vol. 73/28	July 10, 2026	Thursday	July 2, 2026
Vol. 73/29	July 17, 2026	Thursday	July 9, 2026
Vol. 73/30	July 24, 2026	Thursday	July 16, 2026
Vol. 73/31	July 31, 2026	Thursday	July 23, 2026
Vol. 73/32	August 7, 2026	Thursday	July 30, 2026
Vol. 73/33	August 14, 2026	Thursday	August 6, 2026
Vol. 73/34	August 21, 2026	Thursday	August 13, 2026
Vol. 73/35	August 28, 2026	Thursday	August 20, 2026
Vol. 73/36	September 4, 2026	Thursday	August 27, 2026
Vol. 73/37	September 11, 2026*	Wednesday	September 2, 2026
Vol. 73/38	September 18, 2026	Thursday	September 10, 2026
Vol. 73/39	September 25, 2026	Thursday	September 17, 2026
Vol. 73/40	October 2, 2026	Thursday	September 24, 2026
Vol. 73/41	October 9, 2026	Thursday	October 1, 2026
Vol. 73/42	October 16, 2026*	Wednesday	October 7, 2026
Vol. 73/43	October 23, 2026	Thursday	October 15, 2026
Vol. 73/44	October 30, 2026	Thursday	October 22, 2026
Vol. 73/45	November 6, 2026	Thursday	October 29, 2026
Vol. 73/46	November 13, 2026*	Wednesday	November 4, 2026
Vol. 73/47	November 20, 2026	Thursday	November 12, 2026
Vol. 73/48	November 27, 2026*	Wednesday	November 18, 2026
Vol. 73/49	December 4, 2026	Wednesday	November 25, 2026
Vol. 73/50	December 11, 2026	Thursday	December 3, 2026
Vol. 73/51	December 18, 2026	Thursday	December 10, 2026
Vol. 73/52	December 25, 2026*	Wednesday	December 16, 2026
Vol. 74/1	January 1, 2027*	Wednesday	December 23, 2026

*Weeks with District of Columbia Government public holidays. Last Updated December 5, 2025