

**NEW DC HOUSING AUTHORITY REGULATIONS REMOVE
BARRIERS FOR RELATIVE CAREGIVERS TO ADD CHILDREN TO THEIR
HOUSING CHOICE PUBLIC HOUSING VOUCHERS**

The following regulations were issued pursuant to the terms of a settlement agreement between DC KinCare Alliance and the DC Housing Authority (DCHA).¹ The regulations are effective as of their date of publication on January 5, 2024.² *Note that these regulations only apply to caregivers raising a relative child who is not their own child in the home.*

A. DC Mun. Regs. tit. 14, § 5120.3: Additional Types of Documentation Permitted for Caregivers to Add Child to the Household

- DCHA will add a child to the household if the following documentation, whether temporary or permanent, is provided by the Family:
 - (a) Custodial Power of Attorney;
 - (b) Court Ordered Guardianship;
 - (c) Court Ordered Custody;
 - (d) Court Ordered Conservatorship; or
 - (e) Copy of Complaint or Motion for custody which includes a declaration under penalty of perjury and date-stamped to show filing with the Court.
- The Head of Household must update DCHA and the owner/property management of any change regarding the status of any of these orders or documents.

❖ **Prior Regulation:** Head of household was only permitted to add a child to the household if they had “court-awarded custody,” a term that was not defined and often interpreted as a permanent custody order.

❖ **New Regulation:** Permits addition of a child to the household if the caregiver has a Custodial Power of Attorney, temporary or permanent custody order, or evidence of filing for custody of the child.

¹ The settlement agreement was reached to resolve litigation between the parties in the U.S. District Court for the District of Columbia concerning DC KinCare Alliance's challenge to the manner in which DCHA interpreted and enforced certain of its regulations governing the addition of minor children to the households of non-parental custodial caregivers participating in the Housing Choice Voucher Program. See *D. C. KinCare Alliance v. District of Columbia Housing Authority*, Case No. 1:22-cv-02847-RBW.

² The regulations were published as emergency and proposed on January 5, 2024. Written comments on the proposed regulations may be submitted within 30 days of publication to: The DC Housing Authority, Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20020-7599 or by email to PublicationComments@dchousing.org.

B. DC Mun. Regs. tit. 14, §§ 5120.1, 5120.2 and 5120.4: Permission for Child to Stay in the Household Pending Availability of Above Documentation and Addition to Household

If a child stays longer than the time permitted for a guest,³ the child can remain in the unit for a period of 120 consecutive days with the opportunity for two (2) additional 60-day extensions if:

- (a) The Head of Household notifies DCHA in writing within ten (10) days after the guest period has ended that the caregiver intends to primarily assume the duties and obligations for which a parent is legally responsible for at least 120 days.
 - ✓ The above notice must state that the caregiver seeks to assume the duties of a parent and provide documentation as to the status of the child's parent.
- (b) Any extension request is made in writing at least ten (10) business days prior to the expiration of the 120-day period or extension; and
- (c) The Head of Household updates DCHA and the owner/property management of any change regarding any documentation provided.

- ❖ **Prior Regulation**: No provision for the child to stay in the household after the guest period ended.
- ❖ **New Regulation**: The purpose of this provision is to allow a child to stay in the household longer than the guest period without penalty if the caregiver intends to care for the child for an extended period of time but is not able to file for custody due to jurisdictional or standing issues. Once the caregiver is able to file for custody, the child can then be added to the household.

³ A guest is defined as someone living in the household for up to 30 consecutive days or 90 cumulative days during a one-year period. DC Mun. Regs. tit. 14 § 5101.1.