

LEGISLATIVE DIGEST

[Administrative Code - Rent Control for Tenants in Housing Opportunities for Persons With AIDS Program]

Ordinance amending the Administrative Code to allow persons receiving tenant-based rental assistance under the federal Housing Opportunities for Persons With AIDS (HOPWA) program to be eligible for protections against rent increases.

Existing Law

The rent control protections in the Residential Rent Stabilization and Arbitration Ordinance (Admin. Code, Chapt. 37) can apply to units occupied by recipients of tenant-based rental assistance, but not if the tenant is a participant in the HOPWA rental subsidy program. Admin. Code § 37.3(a)(10)(B).

Amendments to Current Law

The proposed amendments would remove the exclusion that prevents rent control from applying to units that are occupied by tenants receiving HOPWA rental subsidies. The sole intended effect is to allow units occupied by participants in the HOPWA program to claim the benefits of rent control, if rent control would otherwise be applicable. The ordinance is not intended to alter the applicability of the Rent Ordinance to units occupied by tenants receiving any other form of tenant-based rental assistance.

The proposed amendments also update the Rent Ordinance to reflect that federal law now classifies the Section 8 Voucher Program as part of the Housing Choice Voucher Program (24 C.F.R. Part 982).

Background Information

HOPWA provides eligible tenants a subsidy for use in any local housing that meets specified housing quality standards. 24 C.F.R. § 574.310(b). The HOPWA regulations state that the amount of the subsidy “may not exceed the difference between: (i) The lower of the rent standard or reasonable rent for the unit; and (ii) The resident's rent payment...,” which is usually defined to mean 30% of the tenant’s adjusted monthly income. See 24 C.F.R. §§ 574.310(d), 320(a).

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