

VOLUNTEER **INTAKE GUIDE**

2019 Edition

Washington Legal Clinic for the Homeless

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This Intake Guide is for informational purposes only, and is not intended to serve as or substitute for legal advice in any particular situation. Legal Clinic attorneys should always be consulted for legal advice. The contents of this guide are subject to change; for the most up-to-date information, please refer to the online version of this guide (located in the “Volunteer Resources” section of our website).

Acknowledgments

Many thanks to Steptoe & Johnson LLP for the production and printing of this guide, and to Tory Lauterbach of Wright & Talisman PC, for authoring our chapter on Veterans Benefits.

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Intake site assignments for case-counseling attorneys may change throughout the year; we will be sure to let you know if any such changes occur.

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CHAPTER A: OVERVIEW OF VOLUNTEERING

The Washington Legal Clinic for the Homeless (“the Legal Clinic”) envisions a just and inclusive community for *all* residents of the District of Columbia, where housing is a human right and where every individual and family has equal access to the resources they need to thrive. Our mission is to use the law to make justice a reality for our neighbors who struggle with homelessness and poverty. Combining community lawyering and advocacy to achieve our clients’ goals, our staff and network of volunteer attorneys provide low barrier, comprehensive legal services at intake sites throughout the District of Columbia, helping our clients to access housing, shelter, and life-saving services. Rooted in the experiences of this client work, we effectively blend system reform efforts, policy advocacy, community education, and client engagement to advocate for long term improvements in local and federal programs that serve the low- and no-income community.

Unlike many other legal services organizations, the Legal Clinic uses an outreach model that brings lawyers to where people already are seeking other life-sustaining services. We do not have financial eligibility or other criteria that potential clients have to meet before they can speak with a lawyer. Our objective is to remove barriers to accessing legal services; our volunteers make that possible.

The Role of the Volunteer

The Legal Clinic runs six community clinic sites at different homeless services programs, including dining programs, day programs, and medical clinics. Legal Clinic volunteers who staff these clinics include local attorneys from firms, corporations, government agencies, etc. The volunteers conduct intake interviews and, for meritorious cases within our case selection guidelines, take responsibility for providing representation or other legal assistance to the clients met during the intake session. The Legal Clinic has “case counseling attorneys” assigned to each site to provide advice and assistance to volunteers, but the volunteer is primarily responsible for representing clients seen at intake.

Volunteers usually are scheduled for one clinic session every two months, depending on the volunteer’s availability. The Legal Clinic’s Volunteer Coordinator contacts volunteers on a bi-monthly basis to schedule volunteers for intake sessions.

Some lawyers volunteer through an “intake site partnership,” through which a law firm or other organization has taken responsibility for ensuring coverage at a site on a regular basis. In those circumstances, the coordinator at the firm or organization will determine when individual volunteers will attend intake.

Because the service the Legal Clinic offers includes providing legal advice during our intake sessions, we interpret the rules on unauthorized practice to require that we have an attorney admitted to the District of Columbia Bar (or otherwise eligible to practice under the rules) present at each intake session. There is much that non-attorneys/paralegals can do to assist our clients, but non-attorney volunteers must be paired with someone authorized to practice law in

the District. The Legal Clinic generally does not have the capacity to pair non-attorneys with attorneys.

A Legal Clinic staff attorney will attend intake with new volunteers and will be present during subsequent intake sessions. The staff attorney who attends intake with you will assist with triaging clients, making referrals for matters we do not handle and will be available to answer questions. Legal Clinic staff will also be available by telephone during the intake session and to provide substantive and strategic advice and resources as the representation moves forward. Each intake site has an assigned case counseling attorney and that attorney will be your primary source for advice, samples, etc. Legal Clinic staff will not co-counsel cases unless the case is particularly difficult, unusual, or significant to other litigation or systemic advocacy. For all cases, however, the case counseling attorney must be kept up-to-date on all case activity. Volunteers should regularly update and consult with their case counseling attorney and provide drafts of pleadings and other documents and letters for review. This will ensure that the case counseling attorneys can provide volunteers with the best possible advice, that the case counseling attorneys will know what problems or issues should be a priority for the Legal Clinic's policy work, and, most importantly, that our clients will receive the highest quality assistance possible.

The case counseling site assignments are included in the Staff Contacts list in the front of this Intake Guide. If a volunteer has any questions about his or her role or who the staff contact is, the volunteer should contact the Volunteer Coordinator.

The Legal Clinic also has a Mobile Team that conducts rotating intake sessions at the large low-barrier shelters, day programs, service events and other places where there may be potential clients who would have difficulty reaching our regularly scheduled sites. Mobile Team sessions usually occur about once a month and the time will depend on the event or site. We maintain a list of volunteers who have expressed an interest in participating in Mobile Team sessions and when one is scheduled, an email goes out to the list to see which Team members are interested in participating. One of the Clinic's case counseling attorneys will attend all Mobile Team sessions, the Team usually interviews clients together or in teams of two and any required follow-up work for clients met at the session is divvied up among the Team members.

Overview of Legal Clinic Cases

The Legal Clinic's clients are usually either homeless or "marginally housed." Though the Legal Clinic does not have any strict income guidelines, almost all of our clients are extremely low income. This Intake Guide is organized around the issues most commonly seen at intake, although the Legal Clinic does not necessarily provide direct representation in all of these areas. Volunteers should consult regularly with their case counseling attorney about case selection and referral resources.

There are a variety of public benefits programs potentially available to the Legal Clinic's clients. For example, very low income families with children may be eligible for Temporary Assistance for Needy Families ("TANF") or related income benefits, SNAP/Food Stamps, and Medicaid. Adults with a disability may be eligible for Social Security Disability Insurance ("SSDI"), or if they lack a qualifying work history and are low-income, Supplemental Security Income ("SSI").

They also may qualify for Interim Disability Assistance (“IDA”) while awaiting a decision on an SSI claim, and may qualify for Medical Assistance and Food Stamps. There are no income support benefits available in DC for able-bodied adults without children, although these individuals may qualify for SNAP/Food Stamps and medical coverage. Accessing services through these various programs can often involve overcoming an array of bureaucratic hurdles, and legal issues related to these programs are often the types of cases that Legal Clinic volunteers will handle.

DC faces a severe shortage of housing for low-income individuals and families. There is not yet a right to housing in DC. For most people there is at least a five-year wait for public housing, and *rarely* are rental subsidies such as HCVP (Housing Choice Voucher Program, formerly known as “Section 8”) available. There are some additional Housing and Urban Development (“HUD”) or locally funded housing subsidies, but they are too few to meet the need and sometimes only available to certain categories of people. There is little affordable private housing stock, and much of what is available is in deplorable condition. Rent control *does* exist; however, it generally only limits rent increases, does not guarantee affordable initial rents, and does not apply to all rental housing.

The Legal Clinic usually will represent clients with legal issues that arise out of housing subsidy programs, and volunteers may handle some landlord-tenant issues such as housing code violations. Cases where tenants are threatened with eviction often end up in Landlord-Tenant Court in DC Superior Court, and the Legal Clinic does not expect volunteers to represent clients in Landlord-Tenant Court. After consulting with their CCA, the volunteer will usually refer cases likely to end up in Landlord-Tenant Court to another legal services provider.

DC has a publicly funded emergency shelter system that is governed by the Homeless Services Reform Act (“HSRA”). Among other things, the HSRA guarantees clients the right to notice of and appeal from any adverse action by a publicly funded shelter or homeless service provider. Legal Clinic volunteers usually will represent clients with meritorious cases involving shelter or services governed by the HSRA.

Many of the cases handled by Legal Clinic volunteers require informal or creative advocacy. Volunteers may be asked to help with a wide range of issues such as working out problems between shelter staff and the client, obtaining identification and vital record documents, or convincing a storage company to provide a payment extension. As important, volunteers may provide clients with a rare opportunity to spend time with a compassionate listener. Volunteers often provide a valuable service simply by engaging in basic planning and problem solving with the client.

Also remember that the people whom volunteers meet at intake often will have had extensive experience with the District’s social service programs and may have much to teach about the gaps between law and policies on the books and how they play out in real life. Many volunteers find this learning experience and the relationships they develop with their clients to be among the most interesting and satisfying aspects of volunteering with the Legal Clinic.

Before Intake

New Volunteer Training

The Legal Clinic schedules New Volunteer Trainings four times each year. Individuals interested in volunteering should contact the Volunteer Coordinator, Kelsey Vaughan, at kelsey.vaughan@legalclinic.org, for upcoming training dates and to register. This training provides an overview of how the Legal Clinic operates and provides an introduction to the primary substantive case areas seen at intake.

The Legal Clinic also presents periodic “brownbag” trainings on specific topics or practice issues. These usually are offered as webinars during the lunch hour.

Intake Guide

Volunteers should review this Intake Guide before going to their first intake session. It is designed to provide quick answers to questions encountered at the intake session and to provide guidance on how to get started on follow-up representation.

Intake Session Sign-Up

The Volunteer Coordinator emails all volunteers every two months to create an intake calendar. Some people volunteer once a month, others once every two months, and others less often, depending on their schedule. It is *imperative* that a volunteer not miss a scheduled intake session! If an emergency or conflict arises, it is the responsibility of the volunteer to inform the Legal Clinic as soon as possible and, when possible, assist in finding a replacement. Because clients often come to our sites specifically to see a lawyer and because many of our clients do not have a reliable phone number to arrange rescheduling, intake sessions will only be cancelled as a last resort. *If a volunteer cannot attend intake and it is within 48 hours of his/her scheduled session, he/she must call the Legal Clinic at (202) 328-5500 so our staff can attempt to cover the intake.*

If a volunteer is busy following up on cases from earlier sessions or with other matters, or if a volunteer will be travelling out of town within a week of the intake session, he or she should feel free not to sign up for another session. **A volunteer should only sign up for intake when he or she has adequate time to provide the required follow-up.**

At Intake

The case counseling attorney (“CCA”) for the site or another Legal Clinic staff attorney will meet volunteers at the site for their first intake session to provide introductions to site staff and orientation to the site. A Legal Clinic staff attorney will be present at subsequent intake sessions to assist with triaging clients, making referrals, reconnecting clients who have previously met with another volunteer, etc.

Set-Up

Locate the Site Kit of materials (a box with file folders containing Intake Forms, release forms, business cards, etc.). Display a client sign-in sheet outside the room where the volunteer will be doing intake meetings. Some intake site staff will do this before the volunteer arrives. Clients are usually seen on a first-come, first-served basis, as time permits.

Begin the Interview

Every interview should begin with the volunteer introducing himself or herself to the client. Then the volunteer should:

- State whether he or she is an attorney or paralegal/non-attorney volunteering with the Legal Clinic.
- Begin the interview with a simple question like, “What can I do for you?”
- Develop the facts by asking follow-up who, what, when, where, and why questions. Note that for subject areas that the Legal Clinic frequently encounters at intake, this Guide contains “Intake Interview Essentials” that provide a checklist of the basic questions volunteers should ask. To avoid a robotic interview, it is usually better to consult the Interview Essentials after allowing the client to present his or her situation. These can be found in Chapter X of this Intake Guide.
- Some clients may be anxious about revealing private information to a stranger. Explaining that all information revealed during the interview and subsequent communication will be kept in confidence may allay that concern. Explain that the volunteer will share information with the staff of the Legal Clinic, but information will not be shared with anyone else without the client’s permission.
- Ask if the client has spoken to a Legal Clinic volunteer in the past. If the client has spoken to a volunteer in the past about the same issue, check with the Legal Clinic staff attorney on site about getting them reconnected.

Develop a Plan of Action and Complete an Intake Form

During the course of the intake session, volunteers will need to determine whether the client has a legal issue that will require follow-up in some way after the session or whether the matter can be resolved by advice or a referral during the session. Volunteers, especially those new to this work, should err on the side of consulting with their case counseling attorney before reaching a conclusion and then follow-up with the client.

Complete an Intake Form for each client you see, even those who do not require follow-up after the session. The Intake Forms are kept in the Site Kit and are triplicate/pull-apart forms: pink for the client, white for the Legal Clinic and yellow for the volunteer.

- Because the client and the Legal Clinic will receive copies, the information recorded on the Intake Form should be as readable as possible. Bring a legal pad or other paper to the intake session for interview notes, then complete the Intake Form at the end of the session.
- Make sure to gather and enter on the Intake Form the client's basic information: name, contact information (note that many of our clients now maintain email accounts), alternate contact, date of birth, and last four digits of the client's Social Security number. The Legal Clinic uses this information to keep in touch with the client and for maintaining our database. If the client expresses any concern about sharing any of this information, the volunteer should not insist, but should make the client aware that the ability to follow-up on his or her matter may be limited. In Social Security cases, the full Social Security number will be required for follow-up.
- If the claim presented can be resolved during the interview with brief advice or a referral, provide this information and inform the client that no more assistance will be given. On the Intake Form, in the "plan of action" section, record the information provided to the client and indicate in the "case plan" section that the Legal Clinic will not be providing any follow-up assistance. Likewise, if it is apparent during the intake session that the client's claim is not legally viable, make it clear to the client that the Legal Clinic cannot assist him or her and indicate in the "case plan" section that the Legal Clinic will not be providing follow-up assistance.
- If the client presents a valid issue that cannot be resolved during the interview, the volunteer will need to develop a plan of action for follow-up. The follow-up plan of action may be as simple as agreeing to make some calls, do some research, or call the case counseling attorney for advice. The volunteer should avoid making any promises during the intake session that he or she is not certain can be fulfilled.
- An essential piece of the follow-up plan of action is the plan for the next contact with the client. In many cases where the volunteer anticipates some follow-up, it is a good idea to schedule an appointment with the client before he or she leaves the intake session. That will guarantee an additional opportunity to discuss the issues further, gather documents, and sign releases and an engagement agreement. Volunteers can also use Legal Clinic conference rooms (call LaJuan Brooks at (202) 328-5500 to reserve a room) or arrange any other location that is mutually convenient. Intake sites often lack space, so always check with intake site staff before scheduling follow-up at the intake site. Volunteers can contact the Volunteer Coordinator in order to connect with intake site staff.
- In other circumstances, it may be more practical for the volunteer and client to have their next communication by telephone. If a volunteer does not feel comfortable giving a client the volunteer's telephone number, clients can call the Legal Clinic's main line, (202) 328-5500 (collect if necessary), and staff can patch the call through to the volunteer. In general, the Legal Clinic will not divulge a volunteer's telephone number to clients without permission.

- In determining whether a case is appropriate for your representation or other follow-up, keep in mind our Case Selection Guidelines described below.

Copy Client Documents

If the client presents documents related to a legal matter and the volunteer anticipates on-going representation, the volunteer should make arrangements to copy any relevant documents. Most of our sites have access to copy equipment, but if a copier is not available, the volunteer should make a plan with the client for copying the documents. The plan may be for the client to come to the Legal Clinic's office so that Legal Clinic staff can make a copy and scan the documents to the volunteer, or it may be most practical for the volunteer to take the documents for copying and arrange to deliver the originals back to the client. A follow-up appointment scheduled during the intake session would be another opportunity to copy documents.

Sign Release Forms

The Site Kit contains a supply of release forms authorizing the disclosure of information to the volunteer and the Legal Clinic. In every case requiring follow-up work, the volunteer should ask the client to sign all relevant release forms during the intake session. The general release form should always be signed. In cases involving public benefits or health/disability issues, the medical release should be signed. In any case in which the client's mental health status may be an issue, it is also very important that the mental health release form be signed. In Social Security cases, the Social Security release should be signed as well, although many Social Security offices will require an attorney to enter his or her appearance by submitting a special form before releasing information. A volunteer should consult with his or her case counseling attorney before entering an appearance.

PRACTICE TIP

The volunteer should explain the content and purpose of all documents the client is asked to sign. Some clients may have limited literacy skills and will want the volunteer to read a document to them before they will sign it. If a client is uncomfortable signing releases or other forms, the volunteer should still attempt to assist the client, but the volunteer may need to explain that it might be impossible to obtain necessary information or take certain actions. The client should be given copies of the documents he or she signed.

Give Business Card

Always give each client one of the volunteer business cards located in the Site Kit, with the volunteer's name written in.

After Intake

Send Intake Forms and Documents to the Legal Clinic

If possible, the Legal Clinic staff attorney who attends intake and the volunteer should leave the session with copies of the Intake Forms, releases, and any other documents the clients provide. If for any reason that isn't possible, the volunteer should fax or scan and send via email a copy of the Intake Forms and client documents to the case counseling attorney immediately after completing an intake session. If it is not possible to fax or email the documents immediately, they must be received at the Legal Clinic within 24 hours of the intake session. This will allow the case counseling attorney to review whether any immediate action is necessary to preserve the client's rights and to better advise volunteers on next steps. The Legal Clinic fax number is (202) 328-5515. The email addresses for the case counseling attorneys are on the second page of this Intake Guide.

Check for Conflicts

Conflict: Volunteer

Where there is a conflict of interest with the volunteer, the Legal Clinic will assist in the referral of the case. A volunteer should consult with his or her case counseling attorney as soon as possible to make arrangements. For example, federal government attorney volunteers cannot take cases involving federally administered programs, such as Social Security.

When a conflict is discovered after representation has begun, volunteers will be asked to forward case files, including intake notes, copies of any documents received from the client and a brief summary of the case to the new volunteer who has accepted the referral or to the Legal Clinic, if no referral has yet been made. A volunteer must notify the Legal Clinic when he or she has made a referral on his or her own.

Conflict: Opposing Party is Previous or Current Legal Clinic Client

The Legal Clinic will check its database for a conflict where the opposing party is an individual. Therefore, it is important for the volunteer to get the names of any opposing parties and complete that section of the Intake Form. Volunteers should consult with their case counseling attorney about any potential conflicts, but because the Legal Clinic never represents other non-profits, the government, businesses, landlords or providers of services, conflicts are rare in the types of cases where the Legal Clinic provides representation.

Intake Site as Opposing Party

Occasionally, a Legal Clinic Intake Site will be an opposing party in a case presented by a client. While this will not prevent the Legal Clinic from representing the client, volunteers should consult their case counseling attorney in matters involving such representation.

PRACTICE TIP

Volunteers must promptly send the Legal Clinic a copy of all documents produced or acquired in the course of representing their clients!

Follow-Up

Opening Letter to Client

The volunteer should write a brief opening letter to his or her client summarizing the agreed-upon plan of action, or providing advice and referral information for issues that the Legal Clinic does not handle. (*See* sample below.) This is usually the best way to ensure that the client understands the scope of the volunteer's assistance, plans for next steps, etc. If the client has not signed an engagement agreement, enclose one with the opening letter and provide a return envelope, ideally with postage prepaid. Alternatively, include in the opening letter that services will be provided for no charge and have the client sign and return the letter. Enclose a signed copy for the client's records.

As mentioned above, for cases requiring follow-up, it is often a good idea to schedule a follow-up appointment with the client at the conclusion of the intake session. In the opening letter, the volunteer could remind the client of that appointment.

Engagement Agreement

For cases requiring legal representation or other substantial follow-up, the volunteer should have the client sign an engagement agreement. The engagement agreement should clarify that the client will not be charged a fee and should outline what the client can expect from the volunteer and what the volunteer needs or expects from the client. An engagement agreement form is in the Site Kit, and case counseling attorneys can provide additional samples. Although the form is available at the intake site, volunteers may want to wait for a subsequent meeting after they have checked conflicts and consulted with their case counseling attorney before having the client sign an engagement agreement. Volunteers could also make arrangements to secure the client's signature and deliver a copy of the engagement agreement by mail. (Note that some law firms prefer that volunteers use the firm's engagement documents even for *pro bono* work, which is acceptable to the Legal Clinic.) Remember, volunteers should complete a conflicts check and consult with their case counseling attorney before fully committing to representation.

Problem Solving, Advocacy, Information, and Referral Services

Many of the problems a client may present will not be legal or exclusively legal in nature. If the claim is not legal, the Legal Clinic encourages the volunteer to provide whatever advocacy is necessary to resolve the client's problem. This advocacy could take the form of gathering information for the client, providing assistance when the client has encountered difficulties with a bureaucracy, or helping a client learn about public benefits or other services for which he or she might be eligible and making an appropriate referral. We do not expect, and it would be

inappropriate, for Legal Clinic volunteers to take on the role of a social worker. Your case counseling attorney can provide advice on how to connect the client with social services. However, our clients often cannot access other assistance, and we want to resolve problems and help our clients improve their circumstances if we can.

Keep the Client Informed about the Case

The volunteer should keep the client informed of progress in the matter. If the volunteer cannot reach the client by phone, he or she should write a letter to the client's mailing address or other contacts. If necessary, the volunteer should return to the place of intake to see the client. If a client cannot be located, it is important to discuss this with the volunteer's case counseling attorney as soon as possible. Often the case counseling attorney will know people at the intake site or at other programs the client may utilize who can assist in reconnecting the volunteer and client.

Refer Cases in Extenuating Circumstances

For a case in which the Legal Clinic has agreed to on-going representation, but the volunteer cannot remain in the case due to extraordinary circumstances, the Legal Clinic will assist the volunteer in locating new counsel to represent the client. The intake volunteer should make the primary effort in attempting a referral. Examples of extraordinary circumstances include:

- an extremely and unexpectedly heavy case load accompanied by a concern that the client would receive ineffective representation by the intake volunteer; or
- a case in a particularly complex area or specialization in which the volunteer does not feel adequately equipped to handle the case; or
- a matter which involves protracted litigation; or
- a matter that involves a government agency that creates a conflict for a volunteer who is a government attorney.

Case Status Reports

The Legal Clinic will send volunteers periodic case status reports by email for each open case under the volunteer's name. The report asks for a brief summary of activity in the case and anticipated next steps. Responding to the email through "reply to all" ensures that the case counseling attorney receives the response and that it will automatically load into our database.

Close Case

When the case is resolved, the volunteer should write a letter to the client, summarizing what was done on the case, advising the client that the matter is now closed, and informing the client that the Legal Clinic will retain the case file for five years. (*See sample below.*) If the volunteer has no way of contacting the client, and the matter is appropriate for closing, the volunteer should prepare a case closing memorandum to the file and forward it to the Legal Clinic as soon as it is completed.

PRACTICE TIP

Because clients often have unreliable access to communication tools and unpredictable living arrangements, assistance to the client is more likely to be successful if volunteers provide an initial response to the client within **twenty-four to forty-eight hours** after the intake session.

Case Selection Guidelines

Our case selection guidelines are based on what historically have been our clients' greatest needs, our expertise and ability to provide our volunteers with adequate guidance and support, and the availability of other resources that might better serve our clients. Volunteers should consult their case counseling attorney with any questions about whether a case is within these guidelines and for appropriate referral information. Also consult with your case counseling attorney about whether the client's case has legal merit.

Legal Issues that Volunteers Generally Handle

- **Public Benefits:** Rights, denials, and terminations of federally- and locally-funded benefits such as Social Security Disability Insurance, Supplemental Security Income, Temporary Assistance for Needy Families, Interim Disability Assistance, SNAP/Food Stamps, and Medical Assistance.
- **Shelter:** Rights, denials, closings, and terminations from shelter; failures to provide reasonable accommodation or other violations of the Americans with Disabilities Act (ADA); and complaints regarding services or conditions.
- **Subsidized Housing & Tenant Rights:** Terminations and wait list issues in Public Housing, Housing Choice Voucher Program, other Section 8 programs, Local Rent Supplement Program, Rapid Re-Housing subsidies, violations of the ADA, conditions issues, security deposits, and violations of the Fair Criminal Record Screening for Housing Act of 2016.
- **Street Rights:** Police harassment and complaints; property confiscation.
- **Consumer:** Debt, credit, utilities, and identity theft.
- **Miscellaneous:** Identification, emergency assistance, health care access or complaints.

Legal Issues that Volunteers Typically Refer to Other Agencies

- Immigration, employment, family law, criminal defense, personal injury, discrimination, bankruptcy, probate, income tax, and landlord-tenant (cases in or soon to be in the Landlord-Tenant Branch of Superior Court).

Other Issues

Ethical Responsibilities

The Legal Clinic is committed to providing high-quality representation or other legal assistance in meritorious cases that fall within our case selection guidelines. Our volunteers provide that representation or assistance to the clients they meet at intake sessions. Note that the DC Rules of Professional Conduct do not distinguish between paying and *pro bono* clients and, therefore, will apply with equal force to the assistance volunteers provide to their Legal Clinic clients. Rules 1.1 thru 1.16, which govern client-lawyer relationships, are particularly relevant. Clear and regular communication and zealous pursuit of the matters presented are among the most important principles.

Malpractice Insurance

Most attorneys' malpractice insurance will cover their representation of Legal Clinic clients. If for some reason it does not – or if a volunteer is uninsured – the Legal Clinic has arranged for limited legal malpractice insurance coverage for the Legal Clinic's volunteers. This coverage is limited to representation provided by volunteers under the auspices of the Legal Clinic.

Dismissal of a Volunteer

Although the Legal Clinic welcomes the service of all qualified volunteers, it may at any time, for a valid reason, decide to terminate a volunteer's relationship with the Legal Clinic. No volunteer will be terminated without knowledge of the reasons for dismissal. Possible grounds for dismissal may include, but are not limited to, the following: failure to attend scheduled intake sessions; failure to abide by Legal Clinic policies and procedures; failure to satisfactorily perform assigned duties; or mistreatment of clients.

Interpreter Service

The Legal Clinic has access to interpreter and translator services for both telephone and in-person interpretation, as well as translation of documents. Volunteers should contact their case counseling attorney or call our main number at (202) 328-5500 for information about how to arrange service. Additionally, information about using these services while at intake is available in each Site Kit in the "Translation" folder.

SSI Representative Payee/Powers of Attorney

The Legal Clinic does not allow volunteers to serve as representative payees or attorneys-in-fact under powers of attorney. Becoming involved in the ongoing management of a client's money creates severe strains on the attorney-client relationship. If clients are in need of this type of assistance, consult with the case counseling attorney about potential resources.

Compensation: Expenses, Fees, and Client Gifts

The Legal Clinic's mission is to provide *pro bono* assistance to our clients and, therefore, Legal Clinic volunteers may not ask for, or agree to accept, payments from clients for expenses or time.

For example, even though attorneys representing clients in Social Security appeals are permitted by statute to ask a client to pay to the attorney a portion of any award, the Legal Clinic does not authorize its volunteers to enter into this kind of agreement. Also, some clients may choose to show their appreciation to volunteers by giving some token such as candy or handicrafts. These “in-kind” expressions of thanks do not raise the same problematic issues. However, it is Legal Clinic policy that gifts of any kind should be discouraged. When clients wish to express their thanks in financial terms, volunteers should attempt respectfully to decline such gifts, or to suggest that the client make a financial contribution to charity. If the client insists on offering a financial contribution to the volunteer, the Legal Clinic recommends that the volunteer accept the gift and then contribute it to a charity of his or her choosing.

The Legal Clinic generally lacks the resources to pay court costs or other costs associated with representing our clients. Volunteers should consult with their case counseling attorney about procedures for seeking waiver of any costs or fees encountered. Donation of costs or fees by volunteers’ firms is always greatly appreciated.

Grievance Procedure

If a client expresses dissatisfaction with the legal services provided, a volunteer should inform the client that he or she has a right to complain to the Executive Director of the Legal Clinic. They may contact the Executive Director, Patty Mullahy Fugere, by calling the main number: (202) 328-5500.

Sample Letters and Releases

RELEASE: GENERAL

Washington Legal Clinic for the Homeless

True Reformer Building, 1200 U Street, NW, Third Floor, Washington, DC 20009

Phone: (202) 328-5500 / Fax: (202) 328-5515 / www.legalclinic.org

REQUEST AND AUTHORIZATION

FOR RELEASE OF INFORMATION

TO: _____

You are hereby requested, authorized and directed to furnish to my Attorneys, the **Washington Legal Clinic for the Homeless, Inc.**, or its **representatives**, and to permit the examination of, copying and/or reproduction or otherwise, by my Attorneys of all or any portions desired by them of my file.

You are further authorized and directed to furnish oral and written reports to the above named Attorneys as requested by them.

SIGNATURE: _____

PRINTED NAME: _____

SOCIAL SECURITY #: _____

DATED: _____

RELEASE: MENTAL HEALTH

Washington Legal Clinic for the Homeless

True Reformer Building, 1200 U Street, NW, Third Floor, Washington, DC 20009
(202) 328-5500 / (202) 328-5515 (FAX) / www.legalclinic.org

AUTHORIZATION FOR DISCLOSURE

(DISTRICT OF COLUMBIA MENTAL HEALTH INFORMATION ACT)

I, _____, hereby request that the following information:
(please print)

_____ be disclosed by my physician or other mental
health professional to:

_____.
In authorizing this disclosure, I understand that this information will be used solely for the
purpose of:

both now and in the future, and that this authorization of disclosure is limited to information
that is now in existence. I understand that I have the right to inspect my record of mental
health information. I further understand that this information cannot be redisclosed without
my authorization and that the law requires this notice:

*The unauthorized disclosure of mental health information violates the provisions for the
District of Columbia Mental Health Information Act of 1978. Disclosures may only be
made pursuant to a valid authorization by the client, or as provided in Titles III or IV of
that act. The act provided for civil damages and criminal penalties for violations.*

This consent is subject to revocation in writing at any time.

(Signature)

DATE: ____/____/____

(Witness)

Copies must be: (1) Provided to patient
 (2) Included in patient record
 (3) Accompany disclosures

Note: This information is not to be used in connection with obtaining life or health insurance.

RELEASE: MEDICAL INFORMATION

Washington Legal Clinic for the Homeless

1200 U Street, NW, Third Floor, Washington, DC 20009
(202) 328-5500 / (202) 328-5515 (FAX) / / www.legalclinic.org

REQUEST AND AUTHORIZATION FOR RELEASE OF PROTECTED HEALTH INFORMATION

TO HEALTH CARE PROVIDER:

AUTHORIZING INDIVIDUAL: _____

SS#: _____ D.O.B: ____/____/____

I, the undersigned, authorize any health care provider to disclose and provide my attorneys, the **Washington Legal Clinic for the Homeless**, and its representatives, with all or any portion of the following:

(a) Hospital records, x-rays, x-ray readings and reports, laboratory records and reports, tests of any type and character and reports thereof, statements of charges, and any and all of my records pertaining to hospitalization, history, condition, treatment, diagnosis, prognosis, etiology or expense;

(b) Medical records, including my record cards, x-rays, x-ray readings and reports, tests of any type and character and reports thereof, statements of charges, and any and all of my records pertaining to hospitalizations, history, condition, treatment, diagnosis, prognosis, etiology, or expense;

(c) Subsections (a) and (b) apply to all hospitals and medical records regardless of the nature of the treatment or tests administered including those records relating to alcohol and drug abuse and HIV/AIDS

You are authorized to furnish both oral and written reports to the above named attorneys as requested by them on any of the forgoing matters.

Purpose: This Request and Authorization is for the purpose of asserting my legal rights and protecting the legal remedies available to me under federal and state law. This consent form is pursuant to the applicable state and federal statutes and regulations that provide that health records may only be furnished to third parties with the written authorization of the patient.

Expiration of Authorization: This authorization will expire when it is no longer reasonably necessary to serve its stated purpose.

Right to Revoke: I understand that I have the right to revoke this authorization at any time by notifying the health care provider identified above in writing. I understand that the revocation is only effective after it is received by the provider. I understand that any disclosure made prior to the revocation of this authorization will not be affected by the revocation.

Treatment or Other Benefits Not Conditioned on Form: I understand that the health care provider identified above may not condition treatment or other benefits on whether or not I sign this authorization form.

Potential for Redisclosure: I understand that after the protected health information described above is disclosed pursuant to this authorization, it might be redisclosed and no longer protected by federal or other law.

NAME: _____

Please print or type

SIGNATURE _____ **DATE:** ____/____/____

SAMPLE: OPENING LETTER

January 26, 2015

Mr. John Doe
555 Tree St.
Washington, DC 20019

Re: Your DC Housing Authority (“DCHA”) case

Dear Mr. Doe:

It was a pleasure to meet you today. I am writing to confirm our plan of action and to enclose a document that belongs to you – the letter from your landlord regarding your rent increase. I have kept a copy for your file.

As we discussed today, I have filed an appeal of your Housing Choice Voucher Program (“HCVP”) termination and will notify you immediately when I receive the informal hearing date or the formal “fair hearing” date. I sent a copy of the appeal request to Kenny Wright, the Inspections Unit director, and to the General Counsel’s office of DCHA. I have e-mailed Ron McCoy in the HCVP office to ask him to have Mr. Wright contact me. (I received a response already from that e-mail which I have enclosed for your records.) When Mr. Wright calls me, I will ask for a meeting to informally resolve this matter. I will also ask him whether he has received any correspondence from your landlord and ask him about the abatement issue.

Since you have no telephone right now, please contact me on Mondays and Thursdays to check on the status of your case. You may call collect. My direct number is 328-5506. If you do not reach me when you call, please call our main number, 328-5500, and ask for me. I am in the office on Mondays, Wednesdays and Thursdays until 3:00. If I have not heard from you and have urgent news regarding your case, I will send you a letter via messenger.

I look forward to working with you to resolve this matter as quickly as possible.

Sincerely,

Marta I. Beresin
Staff Attorney

SAMPLE: CLOSING LETTER

January 26, 2015

Ms. Mary Smith
555 South St.
Washington, DC 20032

Re: closing of your case at the Legal Clinic

Dear Ms. Smith:

Congratulations on moving into your own apartment! I am delighted that Sasha Bruce has agreed to cover your security deposit and that the Coalition has assisted you in your need for beds. I am writing to let you know that since these issues, as well as your shelter expulsion case, have been resolved I am now closing your file. It will remain in our office for five years after which it will be destroyed.

If you encounter any landlord-tenant problems in the future or have any other legal problems or questions, please feel free to call me directly or to call the Legal Clinic for assistance. In particular, if you receive any notices from your landlord, I would suggest calling the Legal Clinic right away rather than waiting until you are sued in court. In many instances, we can be of much greater assistance if you contact us *as soon as problems arise* if you are unable to resolve them yourself.

I enjoyed working with you, and I wish you the best of luck.

Sincerely,

Marta I. Beresin
Staff Attorney

SAMPLE: ENGAGEMENT FORM

WASHINGTON LEGAL CLINIC FOR THE HOMELESS **AGREEMENT FOR ATTORNEY SERVICES**

1. **AGREEMENT:** This is an agreement to provide legal services between _____ (client) and _____ (attorney) of the Washington Legal Clinic for the Homeless.
2. **LEGAL NEED:** The attorney agrees to assist the client by providing legal representation or advice in the following matter:
3. **COSTS:** The attorney agrees to represent the client for no charge. The client may be asked to pay filing fees or to prepare an affidavit requesting court costs be waived. If the client ultimately loses the case, the client is responsible for any costs associated with a judgment entered. If a court orders that the client pay money to some other person, like a landlord, the client is responsible for those payments.
4. **APPEALS:** The attorney does not agree at this time to represent the client in connection with an appeal. The parties may agree at a later time to extend representation to an appeal. If they do so, they will sign a separate agreement to that effect.
5. **HONESTY:** The client and the attorney agree to provide complete and truthful information. The client also agrees to let the attorney know right away if the client gets letters or other papers related to the case.
6. **APPOINTMENTS:** The client and the attorney agree to attend and be on time for all appointments and court dates.
7. **CONTACT INFORMATION:** The client agrees to promptly notify the attorney of any changes in address, telephone number, or contact information.
8. **CONFIDENTIALITY:** The attorney will keep all information provided by the client confidential unless authorized by the client to disclose it (except that information may be shared with other W.L.C.H. staff to the extent necessary to assist with the representation).
9. **CONSULTATION:** The attorney will keep the client informed about the status of the case. The attorney will consult with the client before making any significant decisions about the case. The attorney will not settle the case without the client's consent.
10. **TERMINATION OF REPRESENTATION:** The client may terminate this agreement at any time for any reason. The attorney may terminate this agreement if there are not enough legal reasons to continue the case or the client does not cooperate with reasonable requests made by the attorney. The attorney will provide written notice of his or her intention to terminate assistance.

Client Signature/Date

Attorney Signature/Date

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CHAPTER B: PUBLIC BENEFITS

Overview

Clients encountered at intake may receive or be eligible for income assistance or other benefits through various government-funded and administered programs. The programs most often encountered at intake include:

- 1) Food Stamps/Supplemental Nutrition Assistance Program ("SNAP");
- 2) Temporary Assistance for Needy Families ("TANF");
- 3) Interim Disability Assistance ("IDA");
- 4) Medical Assistance (Medicaid) and Medicare;
- 5) Social Security, which includes Supplemental Security Income ("SSI") and Retirement, Survivors and Disability Insurance ("RSDI," "SSDI," "OASDI" or "DIB"); and
- 6) Veterans benefits. (*See* Chapter C for a description of benefits available to veterans).

Generally, veterans benefits, SSI, RSDI and IDA are for people who are elderly or who have a disability, and TANF is for families with children. The District does not have a catch-all income program, leaving many non-disabled single adults and childless couples with no source of income. The Food Stamps program has no disability or dependent child requirements, and therefore most clients who can meet the citizenship status and financial resource guidelines should qualify.

Individuals who have recently separated from employment may qualify for **unemployment benefits**. (*See* Chapter O for unemployment information.)

Also, former employees of the Federal government may qualify for retirement or disability benefits through programs administered by the Office of Personnel Management ("OPM"). Some former and long-term current District of Columbia employees may be covered by the same system. These types of cases are fairly rare at intake, but the Legal Clinic does have resources that would help a volunteer assist clients who are experiencing problems with these benefits. If a volunteer encounters someone at intake with an OPM benefits issue, he or she should contact the case counseling attorney ("CCA").

Note: Almost all income maintenance benefits are computed starting from the date of application. It is therefore advisable for clients to apply as soon as possible, even if all necessary documentation is not yet available.

Legal Clinic volunteers will usually provide representation in meritorious public benefits cases. Consult your CCA if you have questions about the merits.

Food Resources

If clients at intake are seeking emergency food or meal services, the Emergency Food, Shelter, and Health Care Directory in the Site Kit provides a comprehensive list with detailed program information. Another useful resource is **www.dcfoodfinder.org**.

Food Stamps/Supplemental Nutrition Assistance Program (“SNAP”)

Program Description

The SNAP program (Congress changed the name of the Food Stamps program to the **Supplemental Nutrition Assistance Program (“SNAP”)** in 2008), helps low-income people buy food at grocery stores, as well as some meal programs and farmers markets. With SNAP benefits, a person can buy cheese, milk, fruits, bread, vegetables, and most other food. SNAP benefits cannot buy alcohol, tobacco, soap, paper products, pet food, or any other non-food items. The U.S. Department of Agriculture (“USDA”) pays for SNAP benefits, as well as about half of the program’s administrative costs. The DC Department of Human Services (“DHS”) operates the program on behalf of the USDA. The SNAP program is run by DHS in much the same way that it runs other benefit programs such as TANF: applicants must go to a DHS service center and fill out an application which is then reviewed by DHS officials who make an eligibility determination.

SNAP benefits in the District are delivered to clients electronically. The District’s electronic benefits transfer system is called **Capital Access**. Clients are issued a plastic card, like an ATM card, and choose a personal identification number (“PIN”). Benefits are loaded onto the card from the first through the tenth day of the month depending on the first letter of the recipient’s last name. Purchases can be made at participating grocery stores using point-of-sale terminals. Most stores that were certified to accept SNAP now have a point-of-sale terminal.

Eligibility

Because the general purpose of the SNAP program is to ensure that everyone has access to nutritious foods, the eligibility criteria are broader than for most of the other programs discussed in this Intake Guide. Almost every client who comes to an intake site will qualify for some amount of SNAP assistance if she or he has income below the program limits.

To be eligible for SNAP, applicants must be **citizens** or establish that they fit within certain non-citizen categories. The categories of eligible non-citizens include: refugees; asylees; lawful permanent residents who were honorably discharged from the U.S. military; and elderly (sixty-five by August 22, 1996) individuals who were lawfully in the United States on August 22, 1996. As a result of the Farm Bill of 2002, low-income children (under eighteen) who legally enter the United States are eligible (effective October 1, 2003); individuals who have a disability and are receiving some other public benefit for their condition can qualify regardless of their date of entry (effective October 1, 2002); and many “qualified aliens,” which includes lawful permanent residents, will be eligible once they have lived in the United States as “qualified aliens” for five years (effective April 1, 2003). The citizenship eligibility criteria have undergone multiple changes over the past few years and are fairly complicated. If a volunteer encounters a SNAP citizenship eligibility issue at intake, they should consult their case counseling attorney.

The SNAP program also has **work-related eligibility requirements**. A physically and mentally fit individual over the age of 15 and under the age of 60 is ineligible to participate in the SNAP program if he or she refuses without good cause to register for employment or accept an offer of employment. An individual also will be disqualified if he or she **voluntarily and without good**

cause quits a job or significantly reduces work effort. Exemptions from these requirements are available to individuals who are responsible for care of a child under six or an incapacitated person, who are participating in substance abuse treatment, who are already working, who are in compliance with TANF work requirements, and to some students in certain types of programs.

The District has recently made participation in its Food Stamps Employment and Training (FSET) program voluntary. At the same time, additional resources have been added to assist customers with barriers in accessing employment. The daytime drop-in center at 2210 Adams Place, NE utilizes FSET resources to provide employment assistance to individuals experiencing homelessness. The center also provides assistance with housing applications and other resources. Clients seeking employment assistance through FSET can obtain an appointment through a SNAP worker but the program will also accept walk-ins at the address below.

Federal SNAP rules limit eligibility for able-bodied adults between the ages of 18 and 50 who do not have dependents to three months out of any 36-month period, unless they are working or in a job training program for at least 20 hours per week or are participating in workfare. However, because of the District's chronically high unemployment rate our SNAP program qualifies for waiver of these requirements.

Income Eligibility and Benefit Levels

In 2010, the District took advantage of federal options to greatly expand SNAP eligibility. This change allowed the District to eliminate any resource or asset test for SNAP eligibility, and households with incomes up to 200% of the Federal Poverty Level may qualify if they are eligible for sufficient deductions. (The gross income limit was 130% of the Federal Poverty Level before the change.)

Effective October 1, 2017 through September 30, 2018

Number in Household	Monthly Gross Income Limit 200% FPL	Monthly Net Income Limit 100% FPL	Maximum Benefits \$
1	\$ 2,023	\$1,012	\$192
2	2,743	1,372	353
3	3,463	1,732	505
4	4,183	2,092	642
5	4,903	2,452	762
6	5,623	2,812	914
7	6,343	3,172	1,011
8	7063	3,532	1,155
Each additional person	+720	+360	+144

Applications for Food Stamps are based on the circumstances of the applicant's *household*. A household is a person living alone, or a group of people living together (whether or not they are related) who purchase and prepare their meals together. Husbands and wives who live together and parents and minor children who live together must be included in the same household. A permanent address and access to cooking facilities are *not* required.

Note that the gross income standard does not apply to households that contain an elderly (over 60) or disabled member and the value of most forms of non-cash public assistance are excluded.

In calculating monthly net income, various deductions are applied, including: a \$164 per household standard deduction for households of one to three people, \$174 for households of four, \$204 for households of five, \$234 for households of six or more; twenty percent of gross earned income; “excess” shelter costs (costs that are more than half the household’s income after other deductions, capped at \$552 per household); “excess” medical expenses for elderly and disabled members (out of pocket expenses that exceed \$35 per month), etc.

Thirty percent of net income then is subtracted from the *maximum benefits* amount to determine the household’s monthly allotment.

Prior to the eligibility changes in 2010, households had to have less than \$2,000 in countable resources or less than \$3,000 in countable resources if at least one member has a disability or is 60 years of age or older. Among the changes in 2010 was the elimination of the resource limit.

Application Process

Applications may be filed in person or by mail at one of the **DHS Service Centers** listed on page B-25. Although applications can be filed by mail, almost every household must have an interview so it is usually more efficient for the client to apply in person. Interviews can be waived sometimes for persons with mobility impairments or arrangements can be made for home visits to complete the interview. Applicants must present documentation for identity, gross income, citizenship/immigration status for aliens, where the applicant lives, and any utility expenses. The SNAP office must give anyone who comes to apply an application form and let him or her turn it in the same day.

PRACTICE TIP

If Food Stamp applicants have difficulty obtaining required documents, DHS is required to accept **collateral contacts** as proof. Such contacts include telephone calls to, or letters from, persons who can verify information.

The processing standard for households that do not qualify for expedited service is **thirty (30) days** from the date of application.

All applicants should receive a **written notice of denial or approval**. The notice will contain a description of the appeals process, among other useful information. If the application is approved, the notice will tell the client how long she or he is eligible. To continue receiving benefits beyond that period, the client will need to reapply or “recertify.”

Expedited Service

Applicants are entitled to receive SNAP benefits within seven calendar days if:

1. They have \$100 or less in cash resources and less than \$150 in gross monthly income; or

2. Their combined gross income and liquid resources are less than their monthly rent/mortgage plus utilities.

To receive expedited service, applicants need only show some form of identification, and assert one of the two circumstances listed above. Clients who apply before the 15th day of the month should receive a prorated first month's benefits on the expedited basis. If they apply after the 15th day of the month, they should receive the prorated first month's benefits plus the second month's benefits. They will need to complete the eligibility verification process to continue receiving benefits.

Clients who are approved for expedited service should be informed during their initial interview when they can go to one of the Capital Access training sites to pick up the card. That date should be within seven days of the date of application.

Appeals Process

See DHS Appeal and Fair Hearing Process, *infra*.

Agency Contacts

DHS Service Centers, listed on page B-25.

DHS Center Managers, listed on page B-25.

DHS Customer Service and Change Reporting Center Hotline
(202) 724-5506 or (202) 727-5355

DHS Economic Security Administration (formerly Income Maintenance Administration)
64 New York Avenue, NE, 6th Floor, WDC 20002
(202) 698-3900; fax (202) 724-8965
Anthea Seymour, Administrator

Employment and Training Program (FSET)
2100 Martin Luther King, Jr. Avenue, SE, WDC Suite 301 20020
(202) 535-1178

EBT (Electronic Benefits Transfer)
DHS SNAP Office
64 New York Avenue NW, 6th Floor, WDC 20002
(202) 671-4200

EBT Service Hotline
1 (888) 304-9167 to report lost or stolen cards, check balances, etc.

Sources of Law

Food Stamp Act, 7 U.S.C. §§ 2011 *et seq.*
7 C.F.R. §§ 271 *et seq.*

SNAP: Intake Interview Essentials

- ☐ **Have the client sign a general release form**
- ☐ **Gather general information**
 - Which DHS Service Center did the client apply through or has the client's case?
 - What is the name and telephone number of the client's worker, if the client knows?
 - Has the client received any notices related to the problem for which he or she is seeking assistance?
- ☐ **For application-related problems**
 - What was the date the client submitted the application?
 - Was the client given a checklist of documents to bring back and has the client submitted all requested documents?
 - If the application was denied, did the client receive written notice and, if so, what reason did the notice give for the denial?
- ☐ **For concern about amount of SNAP benefit**
 - Who lives with the client and customarily purchases and prepares meals with the client?
 - What is the citizenship status for all of those household members?
 - What is the amount and source of income for all household members?
 - What is the amount paid for rent and utilities?
 - What is the amount paid for any dependent care necessary for a household member to work?
 - If the household includes members who are elderly or who have a disability, what is the amount of any unreimbursed medical expenses?
- ☐ **For decrease, termination, or non-receipt of benefits**
 - When did the client last receive benefits and how much was received?
 - When did the client last check his or her Capital Access card?
 - Did the client receive written notice of the proposed change? What did the notice indicate was the reason for the proposed change?
 - Has the client's household income or household composition changed? If so, did the client report the change to DHS, and how and when was the report made?
 - Has the client quit or refused a job or has the client cut back his or her work hours?
 - Was the client referred to an employment and training program and did the client attend?
- ☐ **For recertification problems**
 - Gather the same information as for application problems, but also try to find out if the client received notice of a recertification appointment and if he or she attended.
- ☐ **Arrange for follow-up**
 - Obtain all potential contact information and arrange for next contact.
 - Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

Women, Infants, and Children (“WIC”) Nutrition Program

Program Description

WIC is a supplemental nutrition program, providing monthly vouchers redeemable at Safeway, Giant, and other approved stores for milk, cheese, cereal, peanut butter, juices, and infant formula. The District operates over twenty WIC enrollment clinics. Call the WIC Hotline or check the website for locations. **Note:** The WIC program is administered by the Maternal and Family Health Administration, which is a component of the District’s Department of Health.

Eligibility

Low-income pregnant women, new mothers, and children under five may be eligible for WIC. Applicants must have incomes below 185% of the Federal Poverty Level (the Monthly Net Income Limit for Food Stamps eligibility is 100% of the FPL). Temporary Assistance for Needy Families (“TANF”) recipients are automatically income-eligible. Applicants should bring a letter from a medical professional documenting nutritional risk factors, including pregnancy, anemia, or underweight/overweight children.

Application Process

Applicants must call **1-800-345-1WIC** first and go through an initial screening interview. If the applicant is found potentially eligible, she or he will be scheduled for an appointment at one of the WIC enrollment clinic sites. Applicants should bring with them to that appointment: proof of DC residence; proof of total family income; proof of pregnancy or proof of birth; eligible children’s immunization records; and the eligible children.

Agency Contact

DC WIC State Agency

1 (800) 345-1WIC (*Please call hotline before using the local number*)

(202) 442-9397

<http://doh.dc.gov/service/special-supplemental-nutrition-program-women-infants-and-children-wic>

Sources of Law

42 U.S.C. §§ 1786 *et seq.*

7 C.F.R. § 246

Supplemental Food

Low-income pregnant women, women with a child under one year of age, children under six, and senior citizens (60 and older) may obtain a monthly food package through the Commodity Supplemental Food Program. Income eligibility is based generally on TANF standards. Families cannot receive both WIC and Supplemental Food. Applicants can certify eligibility and receive distribution at six different sites. Applicants should call **(202) 535-1417** for the addresses and hours of the sites. Callers may also be referred to Capital Area Food Bank: **(202) 644-9800**.

Baby Hotline

Referrals for birth control, family planning, pregnancy tests and pack-n-plays (safe cribs) for mothers who are DC residents may be available through the MOM/BABY Hotline, **1-800-MOM-BABY**.

DHS Income Resources

Temporary Assistance for Needy Families (“TANF”)

Program Description and Eligibility

The Temporary Assistance for Needy Families (“TANF”) program provides monthly cash assistance to financially needy families that contain at least one minor child (minor is defined as under age 18, or 18 and expected to graduate from high school or an equivalent training program before reaching age 19). Adult household members can be included in the grant if they are within six degrees of relation to the child or children (e.g., great-great-great-great-aunt). Children living with caretaker adults who do not meet the relationship requirements for TANF may qualify for a District-funded program called General Assistance for Children (“GAC”). GAC has the same financial eligibility and application processes as TANF.

The TANF program is funded primarily by the federal government but is administered by the District’s Department of Human Services (“DHS”). TANF was established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”) which eliminated the Aid to Families with Dependent Children (“AFDC”) program. AFDC was an entitlement program with federal matching funds (if the caseload increased, the local jurisdiction received more in federal funds) and detailed federal requirements for how local jurisdictions had to administer the program. TANF is a block grant program (local jurisdictions receive a set amount regardless of the caseload) and the PRWORA explicitly eliminated any entitlement to benefits.

Under the District’s TANF program, all applicants and recipients must participate in an individualized assessment process and cooperate in developing an individualized self-sufficiency plan and must participate in a program rules and services orientation session. Depending on the outcome of the assessment, adults in TANF-eligible households may be referred to contractors for work readiness, job placement or skills development services or may be referred to contractors or other government agencies for assistance in overcoming identified barriers to self-sufficiency.

Other issues that TANF applicants or recipients may encounter include:

- **No More Time limits:** Federal block grant funds cannot be used to assist adults who have received welfare for a total of sixty (60) months. The District has used local funds to mostly avoid the imposition of time limits. However, the District of Columbia Council passed a law that became effective on April 1, 2011, which required a series of reductions in the TANF grant for households containing an adult member who had received a cumulative total of sixty months of TANF benefits. Despite significant reductions in the grant amounts, these time limits did not result in any significant reduction in the number of families receiving TANF or increase in the number of TANF recipients who secured employment.

Because the time limits were ineffective and only caused additional hardship, the District's fiscal year 2018 budget was accompanied by legislation that eliminated any reduction for families who have received more than 60 months of assistance. The TANF benefit for those families was restored to the full amount effective April 1, 2018. The charts below specify the payment amounts for various family sizes.

- **Work requirements:** If the mandatory assessment indicates that the household does not face significant barriers to employment, adult household members will be given an individualized referral to a contractor with programs for job placement, job readiness or skills enhancement services. **Exemptions** from participation in employment activities are narrowly drawn and include incapacity or disability, advanced age (over 60), lack of adequate child care for a child under six or a dependent who has a disability, victims of domestic violence who would be put at risk of further violence, etc.

The District must demonstrate that a specific percentage of its caseload is participating in qualified work activities or it will lose block grant money. The District government hopes that the redesigned system will provide the types of opportunities that will entice TANF recipients to participate in sufficient numbers and is emphasizing the development of appropriate service plans over meeting the baseline federal participation requirements.

Individuals whose assessment reveals barriers to employment should receive an individualized plan that will include referrals to other government agencies or contractors that can provide the services necessary to overcome the specific barriers to self-sufficiency the family is encountering. If the barriers can be removed, the service plan will be revised and the adult household members will be referred for employment services.

If the assessment process indicates that mental and/or physical incapacities or drug or alcohol problems interfere with the head of household's ability to participate in work activities, the head of household should be given a medical evaluation form to be completed by his or her doctor. If that medical documentation confirms the impairment, the head of household should be referred to the Program on Work, Employment and Responsibility (POWER). POWER is funded with only District of Columbia money and, therefore, receipt of POWER benefits does not count toward the sixty-month lifetime TANF limit. POWER recipients should still receive an individualized service plan which may include substance abuse rehabilitation or assistance with applying for Social Security disability benefits.

- **Teen parents:** Unmarried minor parents must attend school and live at home with their parent(s) or in another approved, adult-supervised setting.
- **Cooperation with establishing paternity and collecting child support:** Parents and caretakers must assign their rights to receive child support to the District and cooperate with collection efforts, unless they can prove eligibility for one of the narrowly-defined good cause exceptions. Failure to cooperate may result in a 25% reduction in the family's grant amount.

- **Sanctions:** The legislation that accompanied the District’s fiscal year 2018 budget also changed the sanction policy for heads of household who do not comply with work or other requirements. Prior to the change, the household could be subject to a three tiered reduction that ultimately could result in the loss of the entire grant until the family complied. The new policy designates 80% of the grant as the child or children’s portion. Only the adult’s remaining 20% is subject to reduction. The new sanction amount is 30% of that 20% of the grant. Example: The grant amount for a household of three is \$642. 80% or \$513 is considered the children’s portion. A 30% reduction of the remaining \$129 would mean a sanction of \$39 for non-compliance.
- **Income and resources:** Generally, households must have **low income** and **countable resources of less than \$2000** in value. In determining countable resources, the value of the home in which the household lives, household furnishings and appliances, clothing and other personal property, and one motor vehicle are among the categories of things that do not count. In determining countable income, some types of income like Supplemental Security Income (“SSI”) do not count (the recipient is removed for determining family size for the TANF grant), and there are deductions available including **work incentive** deductions for earned income. Applicants are entitled to deduct the first \$160 of earned income; recipients of TANF who obtain employment can deduct \$160 plus two-thirds of any remaining earned income. Households can also deduct out-of-pocket costs for childcare.

The **monthly benefit amount** depends on the size of the household and the household’s countable income. The maximum per household size (payment standard) is as follows:

Family Size	Maximum TANF Amount	
1	\$404	
2	\$503	
3	\$642	
4	\$785	
5	\$906	
6	\$1065	
7	\$1221	
8	\$1349	
9	\$1485	

A household is income-eligible if its income after available deductions is less than the payment standard for its household size. The amount of its benefit will be its countable income subtracted from the payment standard for its household size.

As with Food Stamps/SNAP, benefits are delivered electronically through a **Capital Access** card that works like an ATM card.

Application Process

Applicants should go to one of the DHS Service Centers listed later in this Chapter. They should bring birth certificates and social security numbers for all household members, as well as income information, to the nearest DHS Service Center. Applicants will likely receive a checklist of additional information needed to process the application.

Most eligibility determinations must be made within **45 days** of the signing of the application.

Appeals Process

Applicants for and recipients of TANF or GAC may appeal adverse actions through the appeal and fair hearing process discussed later in this Chapter. (*See DHS Appeal and Fair Hearing Process.*)

Agency Contacts

DHS Service Centers, listed on page B-25.

DHS Customer Service and Change Reporting Center Hotline

(202) 724-5506 or (202) 727-5355; fax (202) 535-1487

DHS Economic Security Administration (formerly Income Maintenance Administration)

64 New York Avenue, NE, Sixth floor, WDC 20002

(202) 698-3900; fax (202) 724-8965

Anthea Seymour, Administrator

Brian Campbell, Deputy Administrator

DHS Vendor Payments

645 H Street, NE, WDC 20002

(202) 698-4350; fax (202) 724-8964

Rent paid directly to landlord.

Child Care Services Division

4001 South Capitol Street, SW, WDC 20032

(202) 727-0284

Monday, Tuesday and Wednesday 8:15 a.m. – 3:30 p.m. (Thursday & Friday by appointment only)

Provides child care.

Child Support Services Division

441 Fourth Street, NW, Suite 550N, WDC 20001

(202) 442-9900 (automated information line); fax (202) 724-3719

Monday – Friday 8:15 a.m. – 4:45 p.m.

EBT (Electronic Benefits Transfer)

DHS SNAP Office

64 New York Avenue, NW, WDC 6th Floor

Washington, DC 20002

(202) 671-4200

EBT Service Hotline

1 (888) 304-9167

To report lost or stolen cards, check balances, etc.

Sources of Law

42 U.S.C. Chapter 7, Subchapter IV

45 C.F.R. Parts 260 - 263

D.C. Code §§ 4-201.1 *et seq.*

29 D.C.M.R. Chapter 17, Sections 1707-1715; Chapter 58.

TANF: Intake Interview Essentials

- ☐ **Have the client sign a general release form**
 - If there are issues related to incapacity, have the client sign a general medical release form and, if appropriate, a mental health information release form.
- ☐ **Gather general information**
 - Which DHS Service center did the client apply through or has the client's case?
 - What is the name and telephone number of the client's worker, if the client knows?
 - Has the client received any notices related to the problem she or he is presenting?
- ☐ **For application related problems**
 - When did the client apply?
 - Was the client given a checklist of documents to return and has the client done so?
- ☐ **For eligibility issues**
 - Are there children in the household? If so, how many and what are their ages? If any of the children are in their late teens, find out when they are expected to graduate from high school.
 - Are either of the biological parents of each child absent, mentally or physically incapacitated, or recently unemployed?
 - For non-citizens, what is their immigration status?
 - Does the household have other sources of income and other resources?
- ☐ **For amount of benefits or proposed termination of benefits**
 - When did the client last receive benefits and how much did the client receive?
 - For a client with other sources of income: does the client work? If so, where and how much does the client earn?
 - Was the client sent a notice instructing her or him to appear for a work training program?
 - Was the client in compliance with everything the work program has asked him or her to do?
 - If the client is not in compliance, is it because of child care problems or some other reason that might constitute good cause?
 - Has the client been asked to provide any information or attend any meetings related to collecting child support from a non-custodial parent?
 - If the client is unable to work because of a mental or physical incapacity, was the client given a medical form to take to his or her doctor and did the client return it?
 - Did the client receive a notice indicating he or she needed to recertify, and when did the client last recertify?
- ☐ **Arrange for follow-up**
 - Obtain all potential contact information and arrange for next contact.
 - Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

Interim Disability Assistance (“IDA”)

Program Description

The Interim Disability Assistance (“IDA”) program is a District government program that provides a monthly grant to individuals and couples who have applied to the Social Security Administration for Supplemental Security Income (“SSI”) and are awaiting a decision on their claim. The Economic Security Administration (“ESA”) of the Department of Human Services (“DHS”), administers the program.

Note: Because of budget limitations, the number of qualified individuals who can receive IDA benefits in any month is capped and if the caseload is at the cap, qualified applicants will be placed on a waiting list. It may take several months for the client to be pulled from the waiting list and begin receiving assistance.

The IDA grant amount for an individual is \$404 per month and \$503 for an eligible couple (both spouses are applying for SSI and meet all IDA requirements). Benefits are electronically delivered through a Capital Access card, which works like an ATM card. Note that clients who qualify for IDA should also qualify for federally funded Medical Assistance and Food Stamps/SNAP. The ESA utilizes a combined application, so applicants for IDA also apply for Food Stamps and Medical Assistance on the same application form.

If an IDA recipient’s SSI application is approved, the District government will recover the amount it provided in IDA from the recipient’s past-due SSI benefits. SSI will usually pay successful applicants beginning with the month following the month they filed their SSI application. Because it can take many months or even years for Social Security to process SSI applications, most successful applicants are entitled to a payment of past-due benefits, often referred to as the “lump-sum” payment. As part of the application process for IDA, an applicant must sign an interim assistance reimbursement agreement. That agreement authorizes Social Security to forward to the District either that “lump-sum” payment or the amount the District paid in IDA for months in which the client also qualified for SSI. If the District receives the entire “lump-sum,” the District must deduct the amount it provided in IDA then forward any remaining balance to the individual within ten (10) days of the date it received the payment from Social Security.

If an IDA recipient fails to file a timely appeal from an initial or Reconsideration denial, or receives a denial from a Social Security Administration administrative law judge (*see* Social Security appeal process below) the recipient will not have to repay the District but his or her IDA benefits will stop. **Note:** prior to October 1, 2013, IDA benefits could continue through the final decision by the Social Security Administration Appeals Council. Clients whose appeals were pending before the Appeals Council on that date should continue receiving IDA through the final decision.

A client receiving IDA benefits should be assigned to a case manager from a program called the Disability Entitlement Advocacy Program (“DEAP”). The DEAP case manager assists the recipient with his or her SSI application by gathering and submitting medical records, filing timely appeals, ensuring the recipient attends medical appointments, etc. Clients will need to

cooperate with DEAP as a condition of receiving IDA. The DEAP case managers usually will refer a recipient to a legal services provider (including the Legal Clinic) once the recipient's appeal reaches the Administrative Law Judge stage of the Social Security appeals process. (At the time of publication of this Intake Guide, there were only three DEAP workers for the approximately 1,000 individuals receiving IDA. The level of assistance is minimal).

Eligibility

To qualify for IDA, applicants must demonstrate that they suffer from a **disability** that is likely to qualify them for SSI. (*See* description of SSI program below.) To determine whether an IDA applicant meets this somewhat complicated definition, ESA will give the applicant a short medical report form and instructions to take the form to the applicant's doctor or a medical clinic. Applicants can and should submit any other available medical records, as well. Once the applicant returns the form and any medical records, a team of ESA doctors and social workers, called the Medical Review Team ("MRT"), will review the form and determine if the applicant meets the disability criteria.

Married couples can both qualify if both meet the disability standard and the other financial and non-financial eligibility criteria.

In addition to establishing disability, IDA applicants must verify **residency in the District**, must provide a **Social Security number**, must verify that they have a **citizenship classification that will qualify for SSI**, and must provide proof that they have an **application or appeal pending for SSI**.

The applicant must also have **low countable resources** and **low or no income**. The resource limit is \$2,000 for an individual and \$3,000 for a couple. The resource rules work like the SSI program, so a house in which the applicant lives, personal property, household furnishings, one car, etc. do not count toward the limit.

Because the funding available for IDA is so limited, ESA has established extremely restrictive income eligibility rules. The only available deduction is \$10 per month for income from any source. Any income received beyond \$10 per month will be deducted from the grant amount. The income of a non-disabled spouse living in the same household as the applicant will be counted as the applicant's, although a \$404 per month disregard will be applied.

Application Process

The only DHS Service Center that accepts applications for IDA is the H Street Service Center at 645 H Street, NE.

Most people will need to go in person to apply. If a person has a disability that prevents him or her from applying in person, the person may be able to appoint an authorized representative. ESA uses the same application form for TANF, Food Stamps, Medical Assistance and IDA.

Applicants should bring with them proof of identity (e.g. a photo ID or a birth certificate), proof of District residency (e.g. a lease, utility bill or letter from a shelter), proof of citizenship status (e.g. birth certificate or USCIS documentation), proof of resources and income (like bank

statements, pay stubs) and a Social Security card or some other proof of the person's Social Security number. An applicant will also need to provide verification that he or she has an application for SSI pending. That may consist of a receipt for a recently filed application or copies of the forms used to file a timely appeal with proof of filing (date stamp or certified mail return receipt). If applicants do not have all of the documentation at the time they apply, they will be given a checklist of the necessary items that they need to bring back. If the applicant does not provide necessary information within 60 days of the date she or he applied, the application will be denied.

Applicants must also sign an Interim Assistance Reimbursement agreement authorizing DHS to receive the applicant's past-due SSI check directly from the Social Security Administration.

ESA must approve or deny an application for IDA within sixty (60) days of the date the application is filed. If an applicant is determined eligible, IDA benefits are payable beginning with the month following the month of application.

Appeals Process

IDA applicants and recipients can appeal any adverse action by ESA through the Department of Human Services Administrative Review and Fair Hearing process. (*See* description of DHS appeal process below.)

Agency Contacts

DHS Customer Service and Change Reporting Center Hotline

(202) 724-5506 or (202) 727-5355; fax (202) 535-1487

DHS Economic Security Administration (formerly Income Maintenance Administration)

64 New York Avenue, NE Sixth floor 20002

(202) 698-3900; fax (202) 724-8965

Anthea Seymour, Administrator

Brian Campbell, Deputy Administrator

IDA Unit Supervisors

Sandra Swann, IDA Program Supervisor, (202) 698-6661

Carolyn Hawkins, IDA Deputy Supervisor, (202) 698-5033

Disability Entitlement Advocacy Program

H Street Service Center

645 H Street NE, WDC 20002

(202) 698-4350

EBT (Electronic Benefits Transfer)

DHS SNAP Office

64 New York Avenue NW, 6th Floor, WDC 20002

(202) 671-4200

EBT Service Hotline

1 (888) 304-9167

To report lost or stolen cards, check balances, etc.

Sources of Law

D.C. Code § 4-204.07

29 D.C.M.R. Chapter 66 (50 D.C.R. No. 25, pp. 4948-4959, June 20, 2003)

20 C.F.R. §§ 416.1901-1922, 416.525

IDA: Intake Interview Essentials

☐ **Have the client sign a general release form**

- Clients should also sign a general medical release form and, if mental incapacity is part of the disability claim, a mental health information release form.

☐ **Gather general information**

- Did the client apply at the H Street DHS Service center?
- What is the name and telephone number of the client's worker, if the client knows?
- Has the client received any notices related to the problem he or she is presenting?

☐ **For application related problems**

- Did the DHS worker give the client a medical examination report form and did the client return it?
- Does the client have a doctor who can complete it? If not, review the clinic options listed in Chapter J of this Intake Guide.
- Does the client have proof of application for SSI?

☐ **For receipt of benefits issues**

- Has the client received a notice that she or he has to recertify eligibility?
- Was the client given a new medical examination report and did he or she return it?
- What is the status of the client's SSI claim? (*See SSI Intake.*)

☐ **Arrange for follow-up**

- Obtain all potential contact information and arrange for next contact.
- Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

DHS Medical Coverage Resources

Medical Assistance / Medicaid

Program Description

Medicaid is a federal program that provides funds to local jurisdictions for use in providing medical coverage to low-income families and individuals. The District of Columbia shares in the cost of providing this coverage and calls its program **Medical Assistance** (Medicaid = Medical Assistance). The District's Department of Human Services ("DHS") Economic Security Administration ("ESA") (formerly the Income Maintenance Administration) accepts and processes applications for Medical Assistance. If a provider accepts Medical Assistance, it will cover the entire cost of care. Prescription drugs are covered with a \$2.00 co-pay. Families usually have to receive care through a managed care provider.

Eligibility

Persons receiving Supplemental Security Income ("SSI") from Social Security are "**categorically eligible**" for Medical Assistance from the date they establish SSI eligibility (usually the month following the month they applied for SSI). This means that DHS should automatically process Medical Assistance eligibility for individuals who qualify for SSI through the Social Security Administration without the need for a separate application to DHS.

Families receiving Temporary Assistance for Needy Families ("TANF") should also qualify for Medical Assistance without the need to file an additional application. Families who do not receive TANF may qualify for Medical Assistance through the CHIP/DC Healthy Families program. *See* description of this program below.

Note: As a result of the Patient Protection and Affordable Care Act (PPACA), an adult with no dependent children no longer has to prove blindness or disability to qualify for Medicaid. The District applied to modify its Medicaid program to remove the disability requirement for Medicaid eligibility for childless adults (over age 21 and under age 65) and to increase the income standard to 200% of the Federal Poverty Level (about \$2023 per month for an individual in 2019). The applicant must not be pregnant or eligible for Medicare coverage. There is no resource or asset limit. This change allowed the District to transfer many individuals from Alliance coverage (*see* below) to Medicaid coverage.

Note: A Medicaid program called the **Qualified Medicare Beneficiary** program or **QMB** will pay for Medicare Part A and Part B premiums, copayments and deductibles and will qualify the recipient for the full Medicare Part D prescription subsidy. To be eligible, the applicant must be eligible for Medicare (*see* below), a District resident and have income below 300% of the Federal Poverty Level. Applications for QMB must be filed through one of the service centers listed below.

PRACTICE TIP

Medical Assistance will cover bills for medical services received in the three months before the date of application.

The District also has tried to take advantage of “waivers” to expand Medical Assistance coverage to other populations. These waivers include:

1. Pre-Disabled HIV Medicaid 1115 Waiver: To be eligible, an applicant must be a DC resident; HIV positive; without other health insurance; and have income below 100% of the Federal Poverty Level and countable assets of less than \$2,000. The caseload for this waiver category is capped at 285 recipients per year.
2. Ticket to Work Demonstration Project Waiver: To be eligible, an applicant must be a DC resident living in Ward 7 or 8; HIV positive; not eligible for other insurance; working at least forty hours per month; and have income below \$2,215 per month and countable assets below \$4,000. The caseload for this waiver is capped at 420 recipients per year. Priority will be given to individuals whose HIV disease is more acute.
3. Elderly and Persons with Disabilities (EPD) 1915c Waiver: To be eligible, an applicant must be a DC resident; at least 65 or 18 with a physical disability; without other health insurance; and have income below three times the SSI Federal Benefit Rate (\$2250 for 2018) and countable assets below \$4000. The services available through the EPD Waiver are intended to allow people who would otherwise require nursing home care to receive services and continue living in their home or an assisted living community.

Application Process

Applications for Medicaid can be submitted through the District’s Affordable Care Act marketplace: DCHealthlink.com. Alternatively, applicants may apply in person through the nearest DHS Service Center listed below. Necessary documentation includes proof of identification (*i.e.*, photo ID, driver’s license, Social Security card) for all household members; pay records; and verification of other public benefits received. If applying based on disability, clients should also bring any available medical records and will probably be required to get a medical report form completed by a doctor. If the application is filed online, the applicant should see a screen with a list of necessary documentation and instructions on where to submit those verifications.

Note: The Deficit Reduction Act of 2005 established a requirement that an applicant for Medical Assistance must provide a birth certificate in order to qualify. There are limited exceptions. DHS will attempt to obtain a copy for the applicant, but Legal Clinic volunteers may encounter clients who need assistance with obtaining their birth certificate. (*See Chapter I for more information.*)

Decisions on applications must be made within 45 days, unless eligibility is tied to a finding of disability. In the latter cases, decisions must be made within 90 days.

DHS is required to inform all Medical Assistance-eligible individuals under the age of 21 of their eligibility for the Early Periodic Screening Diagnosis and Treatment (“EPSDT”) program. EPSDT is a free preventive health program for persons under 21, who are eligible for Medical Assistance. EPSDT services include comprehensive physical examination, vision, dental, and hearing services.

Agency Contacts

DHS Service Centers, listed on page B-25

DHS Customer Service and Change Reporting Center Hotline

(202) 724-5506 or (202) 727-5355; fax (202) 535-1487

DHS Economic Security Administration (formerly Income Maintenance Administration)

64 New York Avenue, NE, 6th Floor, WDC 20002

(202) 698-3900; fax (202) 724-8965

Anthea Seymour, Administrator

Department of Health Care Finance

(202) 442-5988

ACS

750 First Street, NE, Suite 1020, WDC 20001

(202) 378-2600

Processing of Medical Assistance payments to providers.

Health Exchange Website

<https://dchealthlink.com/>

Health Care Ombudsman

(202) 724-7491

Help with coverage and other issues

Sources of Law

42 U.S.C. §§ 1396 *et seq.*

42 C.F.R. §§ 430 *et seq.*

Children’s Health Insurance Program (“CHIP”) DC Healthy Families

The CHIP program was established by the federal government in 1998 to allow local jurisdictions to expand the health care coverage available to uninsured children and to minimize the loss of coverage resulting from welfare reform. The District’s program is called DC Healthy Families and provides Medical Assistance coverage to children, adolescents under age 19 who live alone, pregnant women and parents. Families can receive coverage if their income is below 200% of the Federal Poverty Guidelines, *i.e.*, for 2019, below \$3,463 per month for a household of three. Children under 19 and pregnant women can receive coverage if their income is below 300% of the

Federal Poverty Guidelines (\$3036 for an individual). There are no asset limits for DC Healthy Families.

Applications are available at the DHS Service Centers, Giant Food Stores, the Legal Clinic, and many community organizations. Applications can be submitted by mail.

Agency Contacts

DHS Service Centers, listed on page B-25.

DC Healthy Families Information Line
(800) 620-7802

DHS Customer Service and Change Reporting Center Hotline
(202) 724-5506 or (202) 727-5355; fax (202) 535-1487

DC Healthcare Alliance

The DC Healthcare Alliance was originally created to fill some of the void left by the closure of DC General Hospital. The Alliance also is part of the District's strategy to extend health insurance coverage to the District's large number of uninsured residents. Individuals who qualify can receive outpatient treatment, pharmacy coverage, dental coverage, and access to specialists and inpatient treatment. The Alliance delivers health care by contracting with Chartered Health Plan, Unity Health Care, United Medical Center (formerly Greater Southeast Hospital), and the Non-Profit Clinic Consortium. Individuals who qualify will be assigned to a primary care clinic and will need to obtain referrals from that clinic for specialty care.

To qualify, applicants must be District residents, have no other insurance, and have income below 200% of the federal poverty level (\$2023 per month for an individual for 2019). There is no asset test.

Note: Homeless applicants may be required to verify residency through forms that allow District residents with a verifiable address or human services organizations to certify that the applicant is present in the District and not for a temporary purpose. The forms are available through the DHS Service Centers or through the Legal Clinic.

Applicants must participate in a face-to-face interview and eligible applicants will be certified only for six month periods. The client must reapply before the end of the six months to continue coverage, and for at least the first recertification, she or he must undergo an additional face-to-face interview.

Changes resulting from federal health care reform mean that many non-disabled former Alliance recipients now qualify for Medicaid. Individuals who cannot demonstrate citizenship status eligibility for Medicaid will continue to rely on the Alliance.

Application

Clients should apply through the DHS Service Centers listed on page B-25.

Additional Agency Contact

Member Services Department
(202) 842-2810, 1 (866) 842-2810

Miscellaneous DHS Benefits

Burial Assistance

Program Description and Eligibility

The burial assistance program will pay up to \$800 toward the costs of a funeral or up to \$450 toward the cost of cremation for deceased low-income District residents. Total costs for the burial or cremation must be less than \$2,000 or \$3,000 if the deceased requires an oversized casket. Services must be provided through one of six funeral homes that have entered into contracts with the District of Columbia.

A deceased individual will be eligible if the money available to him or her did not exceed \$800. The money considered available to the deceased includes any bank accounts, Social Security checks, final paychecks, etc. The income and assets of a surviving spouse or the parents of a deceased minor child will be considered.

The program is not an entitlement and receipt of assistance will depend on the availability of appropriated funds.

Applications

A family member or other individual assisting with the funeral arrangements should apply for the deceased at the 645 H Street Service Center. The applicant should bring proof of the deceased's District residency (verification of residency will usually be waived if the deceased was homeless); proof of any income or assets available to the deceased at the time of death; and any available proof of the relationship between the deceased and the applicant.

Agency Contacts

645 H Street Service Center, Burial Assistance Unit
(202) 698-4112
Sandra Swann, Supervisor (202) 698-6661

Contracted funeral homes: Austin Royster Funeral Home; Capitol Mortuary, Inc.; Chambers Funeral Home and Crematorium; House of Williams; McLaughlin Funeral Home; Pope Funeral Home.

Department of Human Services (“DHS”) Service Centers

Applications for benefits administered by DHS can be made by going to one of the Service Centers listed below. Note that applications for Interim Disability Assistance are accepted only at the H Street Center. Clients should generally go to the service center that is closest to their residence (clients should call (202) 724-5506 if they are unsure which center is the correct one). The Service Centers are open from 7:30 a.m. to 4:45 p.m. Monday - Friday.

Northeast

H Street Service Center

645 H Street, NE, WDC 20002

Fax (202) 724-8964

Rebecca Shields, Acting Center Manager

East of the River

Anacostia Service Center

2100 Martin Luther King Jr. Avenue, SE, WDC 20020

Fax (202) 727-3527

Sondra Jackson, Center Manager

Fort Davis Service Center

3851 Alabama Avenue, SE, WDC 20020

Fax (202) 645-6205

Euretha Powell, Center Manager

Congress Heights Service Center

4049 South Capitol Street, SW, WDC 20032

Fax (202) 645-4524

Damian Graham, Center Manager

Northwest

Taylor Street Service Center

1207 Taylor Street, NW, WDC 20011

Fax (202) 576-8740

Carole Jones, Center Manager

Note: The above Service Centers can be reached through the DHS Call Center, 202-727-5355. The following services can be provided through the Call Center:

- 24/7 access to an automated system for checking SNAP & TANF benefit amounts and status
- Follow-up on submitted applications, renewals and verification documents

- Request a Replacement Medicaid Card
- Report changes, such as a new address or household member
- Set up an Authorized Representative (or request other assistance) if you are unable to travel to a Service Center in person

Appeal and Fair Hearing Process for DHS Administered Benefits

Applicants for or recipients of public assistance benefits administered by the Department of Human Services (“DHS”) or its grantees or contractors can use an administrative appeal process to contest decisions or actions related to participation in those programs. The public assistance programs that are required to offer this appeal process include SNAP/Food Stamps; Temporary Assistance for Needy Families (“TANF”); General Assistance for Children (“GAC”); Program On Work, Employment, and Responsibility (“POWER”); Interim Disability Assistance (“IDA”); Medical Assistance; Emergency Shelter; Supportive Housing; and other services for people who are homeless. The right of appeal is granted to any applicant or recipient who requests a hearing to contest (1) DHS’s failure to act with reasonable promptness on an application; (2) DHS’s decision to deny, reduce, suspend, or terminate benefits; or (3) other adverse action affecting receipt of benefits.

Hearings in DHS appeal cases are conducted by a separate agency called the Office of Administrative Hearings (“OAH”). OAH is responsible for hearing appeals from a variety of agencies including DHS. In recognition of the special needs of some participants in public assistance programs and the critical nature of the interest appellants have in receipt of that assistance, OAH has developed a simplified procedure in DHS cases.

A request for an appeal must be made within **90 days** of the postmark on the notice of DHS’s decision or 90 days from actual receipt of the notice in homeless shelter and homeless services cases. Note that if the appellant submits his or her request for appeal within **fifteen (15) days** of the postmarked date on the notice or in shelter cases the date of receipt of the notice, he or she is **entitled to continue receiving assistance pending the outcome of the administrative appeal (i.e., “benefits pending.”)**. This right does not apply in some shelter cases where the appellant was suspended or terminated on an emergency basis because the appellant presented an imminent threat to the health or safety of the appellant or anyone on the shelter provider’s premises. A request for appeal can be made orally to OAH but it is usually a good idea to submit appeal requests in writing to establish a record of the request and when it was submitted. If making an appeal request orally, note the name of the person to whom the request was made as well as the date and time of the request. Appeal requests also can be made to DHS staff or homeless services program staff, but it is a good idea to contact OAH directly to ensure the request has been transmitted.

Papers may be filed with OAH by hand-delivery, mail, fax, or email. If volunteers fax documents, they also may want to send a hard copy, because partial transmissions or illegible submissions will not be considered received.

Rules finalized at the end of 2011 allow for filing of papers as PDF attachments to emails. Documents filed electronically must contain the name, mailing address, email address, telephone number, case number if assigned, and a brief description of the document. OAH has an optional cover sheet form that captures the required information. Service on other parties must usually still be done through mail unless the other party consents to email service.

The first step in the appeal process is an **Administrative Review Conference** (“ARC”). In Economic Security Administration (“ESA”) cases, such as Food Stamps, TANF, GAC, IDA, and Medical Assistance, the ARC is conducted by the Office of Administrative Reviews and Appeals, a component of DHS, and is an optional step. Any request for an appeal usually will result in the automatic scheduling of an ARC, but the ARC can be waived by the appellant. There is usually little advantage in waiving the ARC as it is an opportunity to learn the details of DHS’s position and to informally resolve the issue appealed.

As a result of the Homeless Services Reform Act (“HSRA”) (*see* Chapter D), the ARC is mandatory in homeless shelter and homeless services cases. HSRA also mandates that the ARC be conducted by an employee of DHS and the agency has designated an employee for this function. In homeless services cases, submitting a request for appeal to OAH should result in the automatic scheduling of an ARC but you may need to confirm with the ARC officer that she or he received the request.

The purpose of the ARC is to determine whether it is possible to reach a quick and informal resolution of the appeal. If the ARC arrives at a resolution acceptable to the appellant, he or she will be asked to withdraw the appeal request and no fair hearing will occur.

OAH will send out a Case Management Order upon receipt of an appeal that, in benefits cases, will include the date and time of the hearing as well as the timing for the exchange and submission of documents and witness lists. In many cases, the hearing date will need to be postponed in order to complete the ARC process.

Although OAH has tried to simplify its procedures, there are still procedural requirements of which appellants need to be aware. For example, most requests to OAH must be by written motion, and all papers submitted to OAH must be served on all parties in the matter and must be accompanied by a certificate of service. Attorneys assisting appellants must enter an appearance and provide their bar number or, if not admitted, cite to a rule that permits their appearance (*See* DC Court of Appeals Rule 49(c)(9)(B)). The Administrative Law Judges issue Case Management Orders that require, among other things, both parties to submit any documents or evidence they intend to rely on no later than ten days prior to the date of the hearing. Failure by the appellant to comply with procedural rules or the Case Management Order can result in involuntary dismissal of the appeal.

If the issue appealed is not resolved through the ARC or otherwise settled, the assigned Administrative Law Judge will conduct a hearing on the record. Hearings are less formal than court – the rules of evidence do not apply – but under oath testimony may be taken and cross examined; documents may be admitted into evidence, etc. Following the hearing, the judge will issue a written order containing findings of fact and conclusions of law. That order is appealable to the District of Columbia Court of Appeals.

Under DHS program rules, in most cases, a final administrative decision must be made and implemented within 60 days of the original appeal request. Under the HSRA, in homeless services cases the hearing should be held within fifteen (15) days of the date of the request and the decision should be issued within fifteen (15) days of the completion of the hearing.

The OAH procedural rules permit formal discovery if requested by motion. However, the rules applicable to the programs in which the Legal Clinic assists clients generally provide a right to review the client's case file and any other documents to be used as evidence at the ARC or fair hearing. The attorney or advocate should obtain a **release form** (available in the Intake Site Kit) signed by the client in order to conduct that file review.

PRACTICE TIP

Consult with your case counseling attorney regarding appropriate strategy and preparation. He or she can provide sample pleadings, sample examinations, and copies of prior decisions by the administrative law judges.

Agency Contacts

Office of Administrative Hearings

441 Fourth Street, NW, Suite 450, WDC 20001

(202) 442-9094; fax (202) 442-4789

Clients can call the number above to make an oral hearing request. Statute and procedural regulations are available as PDFs at www.oah.dc.gov. To file by email: oah.filing@dc.gov.

Office of Administrative Reviews & Appeals (for ESA cases)

645 H Street, NE, Fourth Floor, WDC 20002

(202) 698-4133; fax (202) 724-2041

Jane Jones, Hearing and Appeals Officer (202) 698-3955

Kathy Winfield, Hearing and Appeals Officer (202) 698-4211

Office of Administrative Reviews (for emergency shelter and homeless services cases)

64 New York Avenue, NE, Sixth Floor, WDC 20002

Ms. Deborah Godwin, (202) 671-4357; fax (202) 671-4326

Sources of Law

7 C.F.R. § 273.15 (Food Stamps)

42 C.F.R. §§ 431.200 – 431.250 (Medical Assistance)

D.C. Code § 4-210 *et seq.* (DHS Appeal Procedures)

Homeless Services Reform Act, D.C. Code §§ 4-751.01-4-756.02

D.C. Code § 2-1831.01 – 1831.19 (OAH Establishment Act)

1 D.C.M.R. Ch. 28 (OAH procedural rules)

Additional Medical Resources

Medicare

Medicare is the federal health insurance program for people who are aged, blind or have a disability. The program is administered by the Social Security Administration and usually a qualifying earnings record is required. Individuals who have a disability must be eligible for Social Security Disability Insurance (“SSDI”) payments for 24 months before coverage can begin. Medicare requires payment of premiums, deductibles and co-payments.

Part D Prescription Drug Coverage

Clients who qualify for Medicare can also qualify for prescription drug insurance coverage through the Medicare Part D program. Medicare Part D allows recipients to receive coverage either through stand-alone prescription drug plans, or through health maintenance organizations or preferred provider networks. Participation in Part D is voluntary. To obtain coverage, Medicare recipients must choose and enroll in approved plans during an open enrollment period. Low-income Medicare beneficiaries may qualify for a subsidy to lower deductibles and copayments. The Social Security Administration will accept applications for the subsidy but most District residents will be better off applying through the Department of Human Services (“DHS”).

PRACTICE TIP

Medicare recipients with low incomes may qualify for a Medicaid/Medical Assistance benefit that will pay some or all of the Medicare premiums. The program is called Qualified Medicare Beneficiary or QMB. Clients with income up to 300% of the Federal Poverty Level (\$3015 per month for an individual in 2018) may qualify. An additional advantage is that qualifying for QMB will ensure that the client receives the maximum subsidy under the Medicare Part D prescription drug program. Applications are through the DHS Service Centers, *see* page B-25.

Applications

Applying for Social Security Retirement or Disability Insurance benefits constitutes an application for Medicare.

Appeals Process

Appeals may be filed through the Social Security process described below.

Agency Contacts

See Social Security Offices on page B-35.

Additional Resources

GW University National Law Center Health Insurance Counseling Project

650 20th Street NW, WDC 20052

(202) 994-6272; fax (202) 293-4043

Provides insurance counseling, information, help with resolving bills and other services to Medicare beneficiaries and seniors who live in the District of Columbia.

AIDS Drug Assistance Program (“ADAP”)

Applications for ADAP are available through the Department of Health’s website at <http://doh.dc.gov/publication/adap-forms> and can be submitted by fax to **(202) 673-4365**.

ADAP provides free HIV-related prescription medications to HIV positive DC residents who have no other coverage, who have income below 500% of the poverty line, *i.e.*, below \$5025 per month for a household of one, and liquid assets worth less than \$25,000. The program is administered by the Department of Health, HIV/AIDS Administration.

Agency Contacts

Department of Health, HIV/AIDS Administration

899 North Capitol Street, NE, Fourth Floor, WDC 20002

(202) 671-4900

Monday – Friday 8:15 a.m. – 4:45 p.m.

Social Security

Supplemental Security Income (“SSI”)

Program Description

SSI provides federally funded cash benefits to low-income persons who are over 65 years of age, blind, or who have a qualifying disability. For 2019, the SSI Federal Payment Standard is \$771 per month for an individual and \$1157 if both members of a married couple are eligible. The benefit standard is adjusted effective January of each year to reflect changes in the cost of living.

PRACTICE TIP

SSI is not the same as Social Security Disability Insurance (“SSDI”). Confusion arises because the Social Security Administration runs both programs, and both require that the recipient be aged, blind, or have a disability. The basic difference is that SSI is a needs-based program; eligible individuals and couples must have income and resources that fall below a set amount. SSDI, on the other hand, generally ignores the recipient’s income and resources, providing benefits only to those who have contributed sufficiently to the Social Security system through payroll taxes. The amount of SSDI benefits varies depending on how much the

recipient contributed through payroll taxes, but may be much more than the SSI payment rate.

Can a person receive both SSDI and SSI? Yes, if the SSDI benefit amount is low enough that the person is still “needy” and therefore entitled to SSI.

Eligibility

An applicant must be **65 or older, blind, or have a disability** and must satisfy **income and resource criteria**. The limits for countable resources are \$2,000 for an individual and \$3,000 for a couple. Income after deductions must be below the federal payment standard. Countable income will be deducted from the Federal Payment Standard to determine how much a qualified applicant can receive.

The applicant must also be a U.S. citizen, although some categories of non-citizens may qualify. Potentially eligible categories include: asylees and refugees for nine years from the date that status was granted; lawful permanent residents who have forty (40) quarters of qualified work experience (work done by a spouse or parent may be counted toward the 40 quarters of work); lawful permanent residents and some other categories who were honorably discharged from the United States military; some victims of domestic violence; etc. The citizenship eligibility criteria have undergone multiple changes over the past few years and are fairly complicated. If volunteers encounter a Social Security citizenship eligibility issue at intake, they should consult with their case counseling attorney (“CCA”).

Disability is defined as an inability to engage in “substantial gainful activity” due to a medically determinable physical or mental impairment that has lasted or is expected to last at least 12 months, or result in death. (*See the next Practice Tip for a description of how Social Security applies this definition.*)

The Legal Clinic frequently represents clients in appealing denials of benefits based on failure to prove disability and has extensive resources available to assist volunteers in evaluating the merits of disability claims, and, if appropriate, providing direct advocacy. Volunteers should consult their CCA soon after intake on strategies for investigating and proving disability.

PRACTICE TIP

To determine whether an applicant is disabled, Social Security employs a **five-step “sequential evaluation.”**

At the **first step**, if Social Security determines that an applicant is engaged in “substantial gainful activity” (“SGA”), he or she will be deemed not disabled despite any medical evidence of impairment. Effective January 2019, earnings above \$1,220 per month create a presumption that an applicant is engaged in substantial gainful activity.

At **step two**, an applicant will be determined not disabled if he or she does not have a “severe impairment,” something that significantly limits the ability to do basic work activities.

At the **third step**, if an applicant can produce evidence that he or she has an impairment that meets or equals one of the “Listings of Impairments” at 20 CFR Part 404, Subpart P, Appendix 1, he or she will be found disabled without further consideration. The listings are organized according to body systems and contain requirements for specific medical findings.

If the applicant does not meet a Listing, then at the **fourth step** of the evaluation the question is whether the applicant can return to his or her past relevant work despite his or her impairments. If the decision is yes, then he or she will be determined not disabled.

If return to past work is impossible, then the **final step** is to determine whether the applicant can perform other work which exists in significant numbers. In making this decision, Social Security takes into account the applicant’s “residual functional capacity” - what the applicant can still do despite his or her impairments, as well as the applicant’s age, education, and work experience. If Social Security decides the applicant can perform other work, he or she will be found not disabled; if not, then he or she is disabled. The rules Social Security applies in deciding whether someone can perform other work make it significantly easier to qualify if the applicant is fifty years old or older.

Note: There is a different sequential evaluation for child applicants.

SSA can make **immediate payments** if an applicant alleges a condition that is considered **presumptively disabling**. Such conditions include: symptomatic AIDS, amputation of two limbs, bed confinement or immobility due to a long-standing condition, cerebral palsy, Down syndrome, and premature birth. Presumptive payments can last up to six months while SSA gathers and evaluates evidence and makes a formal finding of disability. (*See* 20 C.F.R. § 416.934.)

Note: Financially needy children can qualify for SSI if they meet the disability standard for children.

PRACTICE TIP

An individual cannot qualify as disabled if alcoholism or drug abuse is a contributing factor material to the determination of disability. Alcoholism or drug abuse is a material factor if the person would not be considered disabled but for the effects of his or her ongoing use of drugs or alcohol. However, under these provisions, an applicant should still qualify if he or she has other impairments that are independently disabling even if the person also has substance abuse problems; it does not matter if drug or alcohol abuse caused an impairment if it continues to limit the person's function despite cessation of abuse.

Application Process

Applicants may apply in person with or without an appointment at any of the offices listed on page B-35. It is also possible to apply for both SSDI and SSI through SSA's website, www.ssa.gov. Applicants may also apply by telephone, but must sign and return the application form to complete the application. Necessary documentation includes Social Security card or number; proof of age; citizenship status verification; proof of income; resources; and medical sources, if available.

Note that the Disability Determination Division ("DDD") makes the disability decision at the initial and Reconsideration stages. DDD is a District agency that has a contract with the Social Security Administration to make determinations of disability at the initial and Reconsideration stages of the application and appeal process. DDD will send for the applicant's medical records and may send clients out to see doctors for "consultative examinations."

PRACTICE TIP

SSI benefits are paid from the first day of the first month following the date of application or the date of eligibility (whichever is later). Volunteers should encourage clients to apply as soon as possible! Medical records or other evidence can be submitted to the Disability Determination Division at any point until it makes a decision.

Appeal Process

At all levels of the Social Security administrative appeal process, a claimant for benefits has **sixty (60) days** from the date of the notice of denial to file a request for an appeal. Social Security will also permit a five-day grace period to cover the time required for mailing. A claimant can file a late appeal if he or she has good cause. Appeals should generally be filed with the office where the client filed his or her application, using SSA-produced forms. Although the rules do not require specific forms in order to appeal, as a practical matter, Social Security offices will not process the appeal unless they see the forms they are expecting (this includes the Authorization to Disclose Information to Social Security, Form SSA 827, the absence of which has delayed some clients' appeals). **Volunteers should consult with their CCA about the forms and process.**

Approximately two-thirds of initial Social Security claims result in a denial. The SSA administrative appeals process (for both SSI and SSDI) consists of three levels. There are no

legally-mandated time frames within which Social Security must act on applications or appeals, and the process can sometimes take many months or even years.

The steps in the appeal process include:

1. Reconsideration: The forms required include “Request for Reconsideration,” “Disability Report – Appeal,” and “Authorization for Source to Disclose Information to SSA.” A second Disability Determination Division team reviews the claim. The file may be supplemented with additional medical information or written legal argument during this process. Volunteers should find out the name of the Disability Examiner assigned to the case and discuss the weaknesses of the file.
2. Administrative Law Judge (“ALJ”) Hearing: The forms required include “Request for Hearing by Administrative Law Judge” and “Disability Report Appeal.” This is the applicant’s only chance for a “face to face” meeting with the person deciding if she or he is disabled. An Administrative Law Judge from the Office of Hearings and Appeals conducts the hearing on the record. Medical or vocational experts may be called by the ALJ to testify at the hearing. It usually takes around eighteen months or longer from the request until the hearing is scheduled. Volunteers can supplement the record with additional medical records, treating physician affidavits, or other evidence prior to the hearing. Volunteers may (and should) submit written argument as well. **Volunteers should consult with their CCA for strategy, timing, samples, etc.**

PRACTICE TIP

Submit additional evidence to the ALJ as soon as possible. Do not wait until the day before the hearing!

3. Appeals Council: There is a form, but a letter usually suffices. This is the final administrative step; in most cases, the Appeals Council leaves the ALJ decision undisturbed. Generally, the Appeals Council denies or dismisses over 70% of the appeals it decides. Successful appeals usually result in a remand back to an ALJ. Additional evidence may be submitted to the Appeals Council if it was unavailable at earlier stages of the review and is relevant to the issues in dispute. The Appeals Council is currently taking more than 24 months to process cases.
4. Judicial Review: If all administrative remedies have been exhausted, a complaint may be filed in federal District Court. Social Security statistics show that federal courts allow benefits in approximately 6% of appeals decided and remand over 40% back to Social Security for further action.

PRACTICE TIP

Social Security is usually very careful about not disclosing information about a client’s application or benefits without proper authorization. To obtain general information about a client’s benefits or the status of the client’s application, a **Social Security Consent for**

Release of Information form should suffice. These forms are available in the Intake Site Kit and the volunteer should have the client sign the release at the first meeting or as soon as possible. To review or copy a client's Social Security file or take action on his or her behalf (such as filing an appeal), a volunteer will need a signed Appointment of Representative form ("SSA Form 1696"). Submitting one of these forms is similar to entering an appearance in a court and a volunteer should consult with his or her case counseling staff attorney about the merits of the client's case before doing so. These forms are available through the Legal Clinic, from Social Security's branch offices, or at www.ssa.gov.

Social Security Administration Contacts

1 (800) 772-1213 (SSA Toll-Free Information)

1 (800) 325-0778 (For Deaf and Hearing impaired)

www.ssa.gov

Many Social Security forms are available on the website. Clients can also appeal denials through the website, request earnings statements, and obtain other services.

D Street SW District Office

1300 D Street, SW, WDC 20024

1 (866) 752-0972; fax (202) 653-7041

Brandice Shafron, District Manager, 1 (866) 752-0972 x 17501, brandice.shafron@ssa.gov

Jeannette Santiago, Assistant District Manager, 1 (866) 752-0972 x 17501,

jeannette.santiago@ssa.gov

Currently Vacant, RSDI Supervisor, 1 (866) 752-0972 x 17505

Michael Costello, SSI Supervisor, 1 (866) 752-0972 x 17521, michael.costello@ssa.gov

Postal Plaza NE Branch Office

1905-B Ninth Street, NE, WDC 20018

1 (866) 737-4717; fax (202) 376-7245

Angela James, Branch Manager, 1 (866) 737-4717 x 16401, angela.james@ssa.gov

Wanda Roberts, RSDI Supervisor, 1 (866) 737-4717 x 16403, wanda.roberts@ssa.gov

Walter Haber, SSI Supervisor, 1 (866) 737-4717 x 16402, walter.haber@ssa.gov

Anacostia SE Branch Office

2041 Martin Luther King, Jr. Avenue, SE, WDC Suite 130 20020

1 (866) 687-9692; fax (202) 755-0618 or (202) 755-0660

Charles Dunlap, Branch Manager, 1 (866) 687-9692 x 10712, charles.dunlap@ssa.gov

Jason Carroll (through 4/19), RSDI Supervisor, 1 (866) 687-9692, jason.carroll@ssa.gov

[Garry Levere](mailto:garry.levere@ssa.gov), SSI Supervisor, 1 (866) 687-9692 x 10757, garry.levere@ssa.gov

Disability Determination Division ("DDD")

P.O. Box 37608 20013

1227 25th Street, NW, Fourth Floor, WDC 20037

(202) 442-8500; fax (202) 442-8501

Medical records fax, 1 (866) 254-8874

Darryl Evans, Director, (202) 442-8555, miguel.johnson@ssa.gov
Roberto Cofino, Supervisor, (202) 442-8510, roberto.cofino@ssa.gov

Office of Disability Adjudications and Reviews (“ODAR”)

1227 25th Street, NW, Third Floor, WDC 20037

1 (866) 414-6259; fax (202) 254-0634; records fax (202) 254-0637

Janice Ulan, Acting Chief Judge

James C. Walsh, Hearing Office Director 1 (866) 414-6259 x23923, james.c.walsh@ssa.gov

Appeals Council

5107 Leesburg Pike

Falls Church, VA 22041-3255

(703) 605-8000

Medical Contacts

Contact information for various medical resources is in Chapter J of this Intake Guide.

Sources of Law

42 U.S.C. § 1381 *et seq.* (Title XVI of the Social Security Act)

20 C.F.R. Part 416

SSI: Intake Interview Essentials

- ☐ **Have the client sign a general release form**
 - Also have the client sign medical release forms and, if mental health issues are part of the disability claim, mental health information release forms.
 - If you plan to seek information about the client's case from SSA, have the client sign the special SSA release form in the Intake Site Kit.
 - If the client is appealing a denial of benefits or some other eligibility issue and the case has merit, you will need to make arrangements at some later point to have the client sign an SSA Appointment of Representative form.
- ☐ **For application processing problems**
 - Through which SSA office did the client apply?
 - When did the client submit his or her application?
- ☐ **Establish disability issues**
 - How old is the client?
 - How far did the client go in school?
 - When did the client last work? Where? Doing what? Why did the client leave that job?
 - What other kinds of work has the client done in the past 15 years?
 - What are the client's medical conditions?
 - What hospitals and clinics might have medical records related to the client?
 - What are the names, addresses and telephone numbers of the doctors who are treating the client?
- ☐ **Determine in which stage of the process is the client's claim**
 - Has the client applied? Is he or she waiting for an initial decision?
 - Did the client request Reconsideration? When?
 - Did the client request a hearing? When?
 - If the client recently received a denial, does the client have the notice?
 - What is the date of the denial?
- ☐ **For reduction, suspension, or termination of benefits**
 - Does the client have any notices with him or her?
 - Has the client worked since he or she started receiving benefits? How many hours per week at what rate of pay?
 - Is the client aware of any criminal charges pending against him or her? Is the client in compliance with parole or probation?
- ☐ **Ask whether the client has applied for IDA**
- ☐ **Arrange for follow-up**
 - Obtain all potential contact information and arrange for next contact.
 - Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

Social Security Disability Insurance and Retirement

Social Security Disability Insurance (“SSDI”) and Social Security retirement benefits are federal insurance programs that pay benefits to workers who are aged, blind, or have a disability and who have the necessary number of “work credits” or employment history. Workers with enough credits can retire at age 62, although benefits will be prorated. “Full retirement age” is gradually increasing from 65 for workers born before 1938 to 67 for workers born in 1960 and later.

The disability standard is exactly the same as that for the Supplemental Security Income (“SSI”) program described above. The timing for when payments can begin differs and the claimant must prove onset of disability within a limited period of time after last earning quarters of coverage; volunteers should consult with their case counseling attorney (“CCA”).

Some dependents of persons drawing Disability or Retirement benefits are also eligible for benefits under some circumstances.

Application Process: The application process is the same as for SSI. If available, SSDI applicants should also submit W-2 forms for recent years and other available information about work history. Unlike SSI, the entire SSDI application can now be completed online at www.ssa.gov.

Agency Contacts: Same as for SSI, located on page B-35.

Social Security Survivors Benefits

Social Security Survivors Benefits are paid to the family of a deceased worker who had the required work credits. The surviving spouse, unmarried children, and dependent parents of a deceased worker may receive Survivors Benefits, as described below.

Widow or Widower

Full benefits at age 65, reduced benefits at 60, benefits at 50 for disabled widow or widower. Full benefits for widow or widower at any age who takes care of worker’s child under 16 (or over 16 if the child is disabled).

Unmarried children under 18 (or 19 if attending elementary or secondary school full-time)

Unmarried children of any age can qualify if disabled before age 22 and still disabled.

Note: Under a special rule, survivors benefits can be paid to a deceased worker's children and their mother or father, even though the worker dies with few work credits, provided he or she had worked under Social Security for 1.5 years in the three years before death.

Dependent parents at 62 or older

To meet the dependency requirement, a parent must have been receiving at least one-half of his or her support from his or her child at the time the child became disabled or died.

Necessary Documentation

Applicant's Social Security number and the deceased worker's number; proof of applicant's age; proof of marriage, if applying for widow's or widower's benefits; proof of worker's death; children's birth certificates or proof of relationship if they are applying; and deceased worker's W-2 forms for most recent tax year.

Apply to: Same as for SSI.

Agency Contacts: Same as for SSI, located on page B-35.

Source of Law:

42 U.S.C. §§ 401 *et seq.* (Title II of the Social Security Act)
20 C.F.R. Part 404

PRACTICE TIP

Social Security Representative Payee: The Social Security Administration has the discretion to require that a recipient of benefits receive his or her payments through an individual or organization. That individual or organization assumes responsibility for ensuring that the funds are spent to meet the recipient's needs. Social Security requires a representative payee if the evidence in a recipient's case indicates a mental or physical impairment that makes him or her incapable of managing benefit payments or when the recipient has a substance abuse disorder. Social Security places the burden of identifying a representative payee on the recipient.

The only organization that the Legal Clinic is aware of that will accept new clients who need a representative payee is:

Bread for the City
1525 Seventh Street, NW (202) 265-2400
1640 Good Hope Road, SE (202) 561-8587

Bread's ability to accept new representative payee clients depends on whether it has spaces in its case management unit. Call first before referring anyone.

Source of Law: 20 C.F.R. §§ 404.2001–2065, 416.601–665

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CHAPTER C: VETERANS ISSUES

Overview

A variety of services and benefits are available to veterans of the United States military services and in some circumstances the family members of veterans. Some services are specifically intended to address the needs of veterans who are experiencing homelessness. The District of Columbia, in collaboration with the Veterans Administration has also undertaken an effort to eliminate homelessness among veterans in the District.

Contact your case counseling attorney to determine the best way to assist any clients you meet at intake who are seeking assistance with a veterans' benefits issue.

Benefits Available to Veterans

The following benefits may be available to veterans. These programs are explained in detail in the paragraphs below.

1. Healthcare for Homeless Veterans Program
2. Other VA Healthcare Services
3. Veterans Affairs Supportive Housing ("VASH") Vouchers
4. Grant and Per Diem Program for Temporary Supportive Veteran's Housing
5. Domiciliary Care for Homeless Veterans ("DCHV")
6. Veterans Disability Compensation
7. Veterans Disability Pension
8. Post-9/11 GI Bill – Education & Housing Benefits
9. Montgomery GI Bill – Education Benefits
10. Spousal and Family Benefits
11. "VetsRide" Service in DC
12. Other Benefits

Attorney Accreditation

In order to represent a veteran in formal proceedings at the Department of Veterans Affairs (“VA”), attorneys must either be accredited by the VA to represent veterans, be supervised by an attorney who is accredited, or be representing a veteran on a pro bono basis and must be practicing in front of the VA for the first time. The Legal Clinic often has case counseling attorneys who are accredited and who may be able to supervise unaccredited attorneys in these proceedings. For information on how to become accredited, *see* below.

Attorneys and non-attorneys may be accredited, but non-attorneys must provide additional character and fitness information and take an accreditation test, while an attorney’s character and fitness are assumed from her or his admission in good standing to a state bar or the bar of the District of Columbia, and attorneys are exempted from taking the accreditation test. The accreditation process is fairly simple for attorneys, and it must be completed prior to filing any paperwork on behalf of the veteran to the VA.

Application Process

1. An attorney wishing to be accredited by the VA must file an Application for Accreditation as a Claims Agent or Attorney, VA Form 21a, which is available at <http://www.va.gov/vaforms/va/pdf/VA21a.pdf>. The VA generally grants requests for attorney accreditation within 60 days from the date of receipt of application.
2. After an attorney receives accreditation, if she or he wishes to represent a veteran before the VA, she or he must file an Appointment of Individual as Claimant’s Representative form, VA Form 21-22a, which is available at <http://www.vba.va.gov/pubs/forms/VBA-21-22A-ARE.pdf>.
3. As an additional condition of initial accreditation, attorneys must attend three hours of qualifying veteran’s benefits CLE within one year of initial accreditation.
4. In order to maintain VA accreditation, a continuing accredited attorney is required to obtain an additional three hours of CLE no later than three years after initial accreditation, and every two years after that.

Special Exception for First-Time Pro Bono Lawyers: The VA recognizes an exemption from the accreditation requirement for licensed attorneys who are representing a veteran pro bono. Any attorney may practice before the VA once, if she or he is practicing on a pro bono basis and it is the attorney’s first time practicing before the VA. In order to qualify for this exemption, an attorney must fill out a VA Form 21-22a, <http://www.vba.va.gov/pubs/forms/VBA-21-22A-ARE.pdf>, making sure to check the box entitled “Individual providing representation under section 14.630,” and must attach to VA Form 21-22a an affidavit signed by both the attorney and the veteran stating that no compensation is being charged or received in exchange for the attorney’s representation. This is a one-time exception, although additional exceptions may be granted in extenuating circumstances.

Overview of VA Benefits by Program

Healthcare for Homeless Veterans Program

Program Description

Homeless veterans can receive healthcare free of charge at the Washington, D.C. VA Medical Center and the Community Resource and Referral Center (“CRRC”) through its Healthcare for Homeless Veterans (“HCHV”) program. HCHV offers medical care and oversees programs that provide dental and vision services as well. The HCHV office at the CRRC also can be the starting place for homeless veterans to apply for most VA services that cater to homeless veterans, including VASH, grant and per diem, and Domiciliary Care for Homeless Veterans (“DCHV”) programs.

In 2012, the VA opened the CRRC in northeast D.C., which the VA has designed as a “service center” for homeless and at-risk veterans. The CRRC is not a shelter, but provides various healthcare and social services to veterans, including an outlet for the HCHV program, HUD-VASH case workers, employment assistance, community referral services, and a primary care health clinic.

Community Resource and Referral Center

1500 Franklin Street, NE, WDC 20018

http://www.washingtondc.va.gov/locations/Community_Resource_and_Referral_Center_CRRC.asp

Main Phone Number: (202) 745-3012

Homeless Call Center: 1 (877) 424-3838 (1-877-4AID-VET)

Homeless Veterans Chat: Text 838255

Crisis Hotline: 1 800-273-8255 (1-800-273-TALK)

the CRRC is open to veterans 24 hours a day, 7 days a week.

The best walk-in hours for new clients are generally: 9 a.m. – 4 p.m., Mondays, Wednesdays, Thursdays and Fridays, and 10 a.m. to 4 p.m. on Tuesdays.

Eligibility

Homeless veterans are eligible for HCHV healthcare services regardless of their service-connected discharge status, even if the veteran received a dishonorable discharge. Contact information for the HCHV office at the CRRC is listed at the end of this chapter.

Application Process

The HCHV office at the CRRC generally is open from 8 a.m. to 4 p.m. Monday through Friday, but walk-in hours for new HCHV clients typically are as listed above. Homeless veterans who come in during walk-in hours typically meet with a social worker that day to complete a consultation and begin receiving services.

Dispute Resolution

If a client is dissatisfied with the care she or he receives through HCHV or has a conflict with the service providers or the medical center, it may help to contact the office of the patient advocate at (202) 745-8588.

General VA Healthcare Services

Eligibility

The eligibility process for VA medical services is complex, and generally requires a veteran to have served on active duty and to have been discharged from the military under other than dishonorable conditions.

Application Process

Veterans may apply for general VA healthcare benefits online at <https://www.va.gov/health-care/how-to-apply/>, in person by visiting their local VA medical center, or by filling out and mailing in or dropping off VA Form 10-10EZ, available at <https://www.va.gov/vaforms/medical/pdf/1010EZ-fillable.pdf>. Veterans may submit the application form online or print it off and send it to the address listed on the website.

Appeal Process

Upon the denial of any veteran's benefit, an applicant may appeal to the Board of Veterans Appeals ("BVA"). For more information on requirements and procedures, please *see* the subsection below entitled "Appealing a Denial of VA Benefits."

Veterans Affairs Supportive Housing Vouchers

Program Description

The Veterans Affairs Supportive Housing ("VASH") Program is a program for veterans only that combines Section 8 Housing Choice rental assistance with supportive case management. VASH combines HUD Housing Choice Voucher Program ("HCVP") rental assistance with the case management and clinical services provided by the VA through its VA medical centers ("VAMCs").

In DC, the Department of Human Services and the VA have entered into a first-of-its-kind arrangement where DHS will manage a substantial portion of the local VASH program.

Eligibility

Eligibility for VASH is determined in two stages, first at the VA or through DHS and then at the District of Columbia Housing Authority ("DCHA"). For the VA or DHS to refer an individual to DCHA for VASH assistance, the individual: (1) must have served on active duty in one of the branches of the military, (2) must have received an other than dishonorable discharge, (3) must be eligible for and enrolled in the VA health care system, and (4) must either be homeless or at

imminent risk of homelessness within the next seven days. (5) The veteran must also consent to participate in case management. Once a Veteran is referred to DCHA, DCHA will determine whether the veteran and his family (6) meet the income guidelines for a Housing Choice Voucher as determined by DCHA, and (7) are not listed on a lifetime registry for sex offenders.

Application Process

For the VASH vouchers administered directly by the VA, the veteran would apply through the HCHV office at the CRRC. The HCHV program determines an individual's eligibility for VASH, and then refers eligible veterans to DCHA for determination of financial eligibility, sex offender status, and issuance of a voucher. Vouchers are in short supply, so there is generally a significant wait time before the voucher is issued and housing can be secured.

For the DHS-administered vouchers, DHS has developed a vulnerability assessment process that ranks homeless veterans by who is medically most likely to suffer death or injury by remaining on the streets. DHS houses veterans starting with the veteran with the highest score on the vulnerability index. Various social workers at homeless services programs have been trained in administering the assessment. A vulnerability assessment survey must be completed by a qualified social worker and forwarded to the Homeless Services Program Office, via mail, at 64 New York Avenue, NE, 5th Floor, Washington, DC, 20002, or faxed to (202) 442-6355. If you need assistance identifying a social worker who can provide a vulnerability assessment or have any questions about the vulnerability assessment or whether a client has received a vulnerability assessment, please contact your case counseling attorney.

Note: If a veteran is denied a VASH voucher, he is entitled to prompt notice of denial, including a brief statement of the reason for denial, and an opportunity for an informal review of the decision.

Appeal Process

Because VASH is a program administered jointly by the VA, DHS, and DCHA, the appeals mechanism varies by what the disagreement is about.

If the VA HCHV program refuses to refer a veteran for a VASH voucher, that decision can be appealed to the Board of Veterans Appeals ("BVA"). The procedure for appealing to the BVA is outlined here, in the below subsection "Appealing a Denial of VA Benefits." If the dispute is with DHS, one should request an appeal through the procedures outlined in the Appeal and Fair Hearing Process for DHS Administered Benefits section in Chapter B of this Guide. Likewise, if the disagreement is with DCHA, a hearing should be requested through the DCHA appeal process described in Chapter D.

Grant and Per Diem Program for Temporary Supportive Veteran's Housing

The VA's Homeless Providers Grant and Per Diem Program grants funding to service providers who provide temporary supportive housing for veterans. Programs may provide housing for up to 24 months, but the exact housing period varies by program. While the grant and per diem housing is not a permanent solution, these supportive housing programs can serve as a bridge between applying for and receiving a Housing Choice or VASH voucher.

The Southeast Veterans Service Center and the Chesapeake Veterans House are grant and per diem transitional supportive housing programs in the District of Columbia that provide housing for up to one year. Both programs are operated by Access Housing, Inc.; Access can be reached at (202) 561-VETS (8387). You can also find more information at <https://accesshousingincdc.wordpress.com>.

Application Process

An outreach counselor from the HCHV program can refer veterans to this service. A VA referral is required for participation in this program.

Domiciliary Care for Homeless Veterans

The Domiciliary Care for Homeless Veterans (“DCHV”) Program provides biopsychosocial treatment and rehabilitation to homeless Veterans. DCHV provides residential facilities and treatment to participants, and the average time spent in the program is four months. In addition to medical and psychological services, DCHV provides transitional assistance like vocational training and housing search assistance.

Application Process

Placement in this program can only be achieved through a referral from the HCHV program.

Veteran’s Disability Compensation

Program Description

Veterans’ disability compensation is paid for disabilities that are service-connected, that is, incurred or aggravated during the veteran’s military service. 38 U.S.C. §§ 1110, 1131 (wartime, peacetime). Once a service connection has been established, VA evaluates the degree of disability and assigns a percentage rating to the condition.

Eligibility

In order to establish entitlement to an award of service connection for a disability, the veteran must submit medical evidence establishing both (1) that she or he has a current disability and (2) that the current disability results from a disease or injury that was incurred or aggravated in the service.

Medical evidence that a disease or injury was incurred in service may include, but is not limited to, evidence such as: service medical records documenting that the disease, injury or disability for which the veteran is seeking compensation was first diagnosed in service; for conditions defined as chronic under 38 U.S.C. § 1101, medical evidence that the condition was diagnosed within one year of service discharge; medical evidence documenting that symptoms appeared during service or within one year following service even though the disease or injury was not diagnosed until later; medical evidence, such as a physician’s opinion or medical treatise, showing that the condition, even though not diagnosed until later, was directly caused by an occurrence in service (such as hearing loss that develops after service due to noise exposure during service). Special statutory provisions govern the determination of service connection for claims that disability is due

to exposure to ionizing radiation or to Agent Orange, an herbicide used in Vietnam during the Vietnam War.

PTSD Class Action: Sabo v. United States

On December 22, 2011, a federal judge approved a class action settlement for a limited class of veterans who (1) a U.S. military physical review board (“PRB”) found to have Post-Traumatic Stress Disorder (“PTSD”), (2) a PRB adjudged to be unfit for service due at least in part to their PTSD, and (3) were released, separated, retired, or discharged from active duty after December 17, 2002 and prior to October 14, 2008. A veteran who meets these criteria may be entitled to settlement remedies, which may include a new review and modification of his or her military record and new or increased disability benefits.

The National Veterans Legal Services Program (“NVLSP”) brought the class action that resulted in the *Sabo* settlement, and is coordinating the administration of settlement remedies to class members and, if available, settlement remedies to veterans who could have been class members but who did not join the class action. If you identify a veteran who may meet the above criteria for class membership, you should contact the NVLSP to see if the veteran is entitled to the benefits of the *Sabo* settlement.

Application Procedure

Veterans may apply for general veteran’s disability compensation either by visiting their local VA medical center, online at www.ebenefits.va.gov, or by mailing in a paper application that can be found at <http://www.vba.va.gov/pubs/forms/VBA-21-526-ARE.pdf>.

Appeal

Upon the denial of any veteran’s benefit, an applicant may appeal to the BVA. For more information on requirements and procedures, please *see* the subsection below entitled “Appealing a Denial of VA Benefits.”

Veterans Disability Pension

Program Description

A veteran’s disability pension is paid to certain veterans who are permanently and totally disabled and who are in financial need.

Eligibility

Generally, a Veteran must have at least 90 days of active duty service, with at least one day during a wartime period (<https://www.benefits.va.gov/PENSION/wartimeperiod.asp>) to qualify for a VA pension. If a veteran entered active duty after September 7, 1980, generally he or she must have served at least 24 months or the full period for which he or she was called or ordered to active duty (with some exceptions), with at least one day during a wartime period.

In addition to meeting minimum service requirements, in order to receive a VA pension, a Veteran must be:

- Age 65 or older,
- Totally and permanently disabled,
- A patient in a nursing home receiving skilled nursing care,
- Receiving Social Security Disability Insurance, or
- Receiving Supplemental Security Income

The veteran's yearly family income also must be less than the amount set by Congress to qualify for the Veterans Pension benefit, which can generally be described as "little to no income."

Application Procedure

Veterans may apply for general veteran's disability pension either by visiting their local VA medical center, online at www.ebenefits.va.gov, or by mailing in a paper application that can be found at <http://www.vba.va.gov/pubs/forms/VBA-21-526-ARE.pdf>.

Appeal

Upon the denial of any veteran's benefit, an applicant may appeal to the BVA. For more information on requirements and procedures, please *see* the subsection below entitled "Appealing a Denial of VA Benefits."

Post-9/11 GI Bill—Education & Housing Benefits

Program Description

The Post-9/11 GI Bill is a program that provides free tuition, room and board, and more to qualifying veterans who served after September 10, 2001. These funds can be used toward college, professional licensing and certification costs, a monthly housing allowance for use during training and apprenticeship, and more. As of August 16, 2017, beneficiaries may use their educational assistance to pursue accredited independent study programs at career and technical education schools that provide postsecondary level education and postsecondary vocational institutions, even though these schools may not be legally considered "institutions of higher learning." "The program pays tuition costs for up to full time attendance for a period of up to 36 months at the most expensive public university in the state or territory. In the District of Columbia, this would be the University of the District of Columbia. The program also provides a significant housing and living stipend called a "housing allowance," a \$1,000 book and supply stipend, funds for tutoring and licensing tests, and other related benefits. The housing allowance for 2014 is set at \$2,139 for a veteran with dependents, and \$1719 for a veteran without dependents, when the veteran is attending school in the District of Columbia. In certain cases this benefit can be combined with the Montgomery GI benefit to provide for, at a maximum, 48 months of program benefits.

The VA also sponsors the Yellow Ribbon Program, in which participating institutions of higher learning agree to subsidize up to 50% of a veteran's, surviving child's (beginning August 2018), or surviving spouse's (beginning August 2018) education costs that exceed the in-state cost of attendance at the most expensive public university in the jurisdiction and the VA in turn matches whatever contribution that institution of higher learning makes to the veteran. The Yellow Ribbon Program is also slated for expansion to cover active duty service member in August 2022.

There used to be a requirement that veterans must use their Post-9/11 GI Bill benefits within fifteen (15) years of the date of the veteran's last discharge or release from active duty of at least 90 consecutive days. However, 2017's Forever GI Bill removed this requirement for anyone who left the military after January 1, 2013, as well as spouses receiving benefits under the Marine Gunnery Sergeant John David Fry Scholarship for family members of service members killed in the line of duty since September 10, 2001. The length of benefit available to a survivor may be shorter than the length of benefit available to a veteran.

Additional scholarships of up to \$30,000 may be available for eligible students seeking STEM (science, technology, engineering, or math) degrees.

Eligibility

An individual is eligible for the Post-9/11 GI Bill if she or he:

1. served (1) a minimum of 90 aggregate days on active duty after September 10, 2001, or (2) served a minimum of 30 continuous days on active duty after September 10, 2001 and was discharged due to a service-connected disability; and
2. received an honorable discharge from active duty within the last 15 years or is still serving on active duty.

Although individuals become eligible for Post-9/11 GI benefits after only 90 days of active duty, full 100% tuition and housing benefits are only awarded to those who served 36 months on active duty (and those who served less time (at least 30 days) but were discharged due to a service-related disability), or those who received a Purple Heart. Time a reservist spent on active duty, including **for health care or evaluations, counts toward time in service qualification for the Post-9/11 GI Bill.** Those who served less than 36 months are entitled to a fraction of the full benefit. At the lowest level, those who served only 90 days on active duty after September 10, 2001 can still receive 40% of the maximum benefit amount. The percentage of benefits eligible to be paid for different lengths of military service is listed in the table below:

Post-9/11 GI Bill Benefit Levels by Length of Service	
Post-9/11 Service	% of Maximum Amount Payable
At least 36 cumulative months (Includes Entry Level or Skills Training time)	100%
At least 30 continuous days on active duty & discharged due to service-connected disability (Includes Entry Level or Skills Training time)	100%
At least 30 cumulative months (Includes Entry Level or Skills Training time)	90%
At least 24 cumulative months (Cannot include Entry Level or Skills Training time)	80%
At least 18 cumulative months (Cannot include Entry Level or Skills Training time)	70%
At least 12 cumulative months (Cannot include Entry Level or Skills Training time)	60%
At least 6 cumulative months (Cannot include Entry Level or Skills Training time)	50%
90 aggregate days (Cannot include Entry Level or Skills Training time)	40%
Purple Heart Recipients (9/11/01 and after), regardless of length of service	100%

As of 2018, Post-9/11 GI Bill recipients who have fallen victim to schools that have gone out of business since January 1, 2015, are also eligible to have the benefits spent on the failed school returned to them.

Certain reservists who established eligibility for educational assistance under the Reserve Educational Assistance Program (REAP) before November 25, 2015, but lost it due to a sunset provision, may now elect to have that service credited towards the Post-9/11 GI Bill program.

Note that some components of reservist eligibility do not go into effect until August 1, 2018.

Application Process

1. Veterans requesting Post-9/11 GI Bill benefits should fill out VA Form 22-1990, which is available at <http://www.vba.va.gov/pubs/forms/vba-22-1990-are.pdf>. Veterans can also fill out this form online at www.ebenefits.va.gov; online applicants should select to fill in Form 22-1990 from the drop-down menu as they begin their application. Schools and other institutions of higher learning may also have copies of Form 22-1990 available in their registrar or financial aid offices.

2. The GI Bill benefit process moves faster if the veteran has already been admitted to her or his academic or vocational training program prior to submitting her or his application for benefits, but a veteran may also submit her or his application before she or he decides on and is accepted to a qualifying program.
3. After filling out the application, the veteran should receive a Certificate of Eligibility in the mail.
4. The veteran must obtain verification of enrollment in a qualifying educational program and send the verification to the VA.
5. After the VA receives a certificate of verification, the veteran should begin receiving benefits. The veteran should receive her or his first monthly benefit check within 7 days of the VA's receipt of proof of enrollment if the veteran enrolled in direct deposit for this benefit when she or he filed VA Form 22-1990; otherwise the veteran should begin receiving her or his monthly benefit check by mail within 14 days of the VA's receipt of enrollment verification.
6. In order to continue to receive GI Bill benefits, the veteran must verify her or his eligibility every month. She or he can do this online via the VA's Web Automated Verification of Eligibility ("WAVE") process or by phone by calling 1-888-GIBILL-1. This process only takes a few minutes, and veterans will not receive their monthly payment each month until they verify their eligibility in this manner.

Appeal

If the VA denies a veteran's application for Post-9/11 GI Bill benefits, the veteran can appeal that ruling to the BVA. For more information on requirements and procedures, please *see* the subsection below entitled "Appealing a Denial of VA Benefits."

Montgomery GI Bill – Education Benefits

Program Description

The Montgomery GI Bill provides veterans with funding for educational and vocational training. Unlike the Post-9/11 GI Bill, the Montgomery GI Bill does not offer a housing and living stipend.

Eligibility

Most enlisted servicemen were automatically enrolled in the Montgomery GI Bill when they enlisted. Officers, on the other hand, had to opt-in before they left for their initial training.

Veterans are eligible to enroll in the Montgomery GI Bill if they (1) completed high school or an equivalency program, (2) received an honorable discharge, (3) served on active duty continuously for at least three years, (4) had a \$100 reduction in pay for their first 12 months of military service (which most enlisted soldiers had done by default); and finally, (5) they must claim their Montgomery GI Bill benefit within ten years of their final discharge from the active military.

Application Process

Veterans requesting Montgomery GI Bill benefits should fill out VA Form 22-1990, which is available at <http://www.vba.va.gov/pubs/forms/vba-22-1990-are.pdf>. Veterans can also fill out this form online at www.ebenefits.va.gov; online applicants must select to fill in Form 22-1990 from the drop-down menu as they begin their application. Schools and other institutions of higher learning also generally have copies of Form 22-1990 available in their registrar or financial aid offices.

Appeal

If the VA denies a veteran's application for Montgomery GI Bill benefits, the veteran can appeal that ruling to the BVA. For more information on requirements and procedures, please *see* the subsection above entitled "Appealing a Denial of VA Benefits."

Family and Spousal Benefits

In addition to the benefits available to veterans, qualifying family members of a veteran may be eligible for benefits such as medical care, educational benefits, and monthly monetary benefits after the veteran's death, if the veteran has been awarded either disability compensation or disability pension. Whether a specific benefit is available may depend on whether the veteran has a service-connected condition and what degree of disability is due to that service-connected disability, or whether the veteran, if deceased, was receiving or was eligible to receive service-connected disability compensation or non-service-connected pension.

For spouses and family members wishing to apply for benefits, follow the instructions given above for the desired veteran's benefit.

"VetsRide" Service in DC

The District of Columbia Mayor's Office of Veterans Affairs ("MOVA") has launched a pilot transportation program for D.C. veterans with the Department of For-Hire Vehicles (the agency that regulates taxicabs and other for-hire vehicles). Program eligibility is limited to veteran residents of D.C. whose annual income is less than \$30,000. The purpose of this program is to ensure that the veteran population in D.C. has access to medical, educational, employment and other opportunities. MOVA prohibits using the VetsRide service for any purpose that is not explicitly authorized by the program terms and conditions.

Program participants may use program rides for the following:

- Medical treatment and/or appointments
- Educational opportunities
- Employment

D.C. veterans can register for this service at the MOVA Offices. When registering, veterans should bring proof of DC residency, a form DD-214 or VA Card, and a statement of the veteran's annual income.

MOVA Contact Information:

(202) 724-5454

441 4th Street, NW, Suite 870 North, WDC 20001

Office Hours:

Monday – Friday 9 a.m. – 5 p.m.

Other Benefits for Veterans

Veterans may also be eligible for home loans, vocational rehabilitation, and employment assistance, among other benefits. For details on other benefits, please contact the VA or visit <http://www.vba.va.gov>.

How to Initiate a Claim for Veteran's Benefits

All claims for veteran's benefits must be filed with the Department of Veterans Affairs through a VA regional office, and you can apply for most VA benefits online. A claim for any veterans' benefit may be initiated on a form provided by VA (the form most commonly used is the VA "Statement in Support of Claim" form), but a VA form is not required in order for the veteran's claim to be valid. A plain piece of paper is adequate, so long as the veteran clearly states that he/she wishes to file a claim and indicates what type of benefit is being sought. A veteran may initiate a valid claim by making a phone request, but a written request is recommended whenever possible. For the particularized benefits detailed below, there are special forms that should be submitted. Information on where to find the forms is also provided in the subsection describing the benefit.

When filing a claim, a veteran may increase her or his chances of securing benefits by giving a Power of Attorney ("POA") to an accredited national veterans' service organization ("VSO") counselor who can then represent the veteran at no charge in her or his efforts before the VA. VSO counselors are not governmental employees; they work for veterans' service organizations including the American Legion ("AL"), AMVETS, Disabled American Veterans ("DAV"), Military Order of the Purple Heart ("MOPH"), Paralyzed Veterans of America ("PVA"), and the Veterans of Foreign Wars ("VFW"). These organizations and other VSOs are listed below in the contacts subsection. Individual attorneys may also become accredited to advocate for clients at the VA; the accreditation procedure is also detailed below.

Appealing a Denial of VA Benefits

For appeals related to denial of VA benefits of any kind – healthcare, pension, VASH, or otherwise – appeals should be made to the Board of Veterans Appeals ("BVA"), and then one can appeal BVA decisions by filing an appeal with the U.S. Court of Appeals for Veterans Claims.

Steps for a BVA Appeal on VA Benefits

1. To request an appeal of a denial of a claim for veteran's benefits with the BVA, a veteran must file a notice of disagreement with the BVA, usually within 1 year of denial of benefits.

2. After receipt of the notice of disagreement, the BVA will issue a statement of the case, which must include an explanation of the evidence and law supporting the VA's conclusion to deny a benefit.
3. After issuance of the statement of the case, the veteran must file a VA Form 9 (Appeal to the Board of Veterans Appeals) within 60 days of the mailing of the Statement of the Case or within one year from the date the VA mailed its original denial of benefits, whichever is later, stating the benefit sought, the mistakes made in the statement of the case, and a request for a hearing if one is so desired. The BVA should issue a VA Form 9 to the veteran at the same time as it issues its statement on the case.
4. The BVA holds an informal hearing with a BVA board member, and the BVA makes a decision on whether or not to provide the veteran the desired benefit. The veteran may be represented by a VSO, DC's Mayor's Office of Veteran's Affairs, or a private attorney or recognized agent. If a veteran wishes to have a private attorney represent them, the veteran must fill out a VA Form 21-22a. If a veteran wishes to have a VSO represent them, the veteran must fill out a VA Form 21-22.
5. If the BVA decision reaches an undesirable result, the veteran may appeal the decision the U.S. Court of Appeals for Veterans Claims.

For a detailed overview of the BVA appeals process, visit

<http://www.bva.va.gov/docs/Pamphlets/How-Do-I-Appeal-Booklet--508Compliance.pdf>.

As a result of the Veterans Appeals Improvement and Modernization Act of 2017 ("AMA"), veterans who have been denied benefits will, as of February 19, 2019, have the choice to provide additional evidence to supplement their case or seek local review of denied benefits claims rather than seeking appeal from the BVA. It is not clear whether these two avenues will represent an improvement in the veteran's appeals process. We are monitoring developments but cannot make any recommendations on this topic at this time. The final rule implementing the AMA can be found at <https://www.govinfo.gov/content/pkg/FR-2019-01-18/pdf/2018-28350.pdf>.

Special Legal Issues Confronting Veterans

In addition to needing help securing veteran's benefits, other concerns of the homeless veteran community include military discharge status concerns – which can affect eligibility for benefits, child support issues, problems obtaining reasonable accommodation for veterans with disabilities in their housing, employment, and educational pursuits, and special issues relating to accessing employment.

Military Discharge Issues: Obtaining a Review of Discharge Status

Description

Veteran's benefits are generally only available to persons who served in the military and received a military discharge status of a certain quality, but there are ways to challenge a deficient discharge

status and have it upgraded to a better discharge level. The most common discharge statuses are Honorable, General (under honorable conditions, but less than Honorable), Under Other than Honorable Conditions (“UOTHC”), Bad Conduct, and Dishonorable. The first three types of discharge result from an administrative process, while the last two – Bad Conduct and Dishonorable – may only be levied via judicial court martial.

Many benefits require a veteran to have received an Honorable discharge, while others, such as VASH, will accept veterans with any discharge status except for Dishonorable discharge. An individual may seek to upgrade a less than Honorable discharge through one of two discharge upgrade processes; which one a veteran should apply for depends on how long ago the veteran was discharged from the military.

The first discharge upgrade process is called a “review of discharge or dismissal from the Armed Forces of the United States” (for discharges granted in the last 15 years). The second discharge upgrade process is called an “application to change military record” (generally for discharges granted more than 15 years ago).

Eligibility

An individual who has been discharged from the military with anything less than an honorable discharge may seek to upgrade her or his discharge status. However, neither discharge review body is permitted to review discharge status verdicts reached via a general court martial. As a practical matter, this means that the boards cannot upgrade a dishonorable discharge, since dishonorable discharges are only awarded via general courts martial. An individual must no longer be serving in the military at the time she or he seeks an upgrade of discharge status.

The VA released new guidance in August of 2017 to clarify its recent liberalized consideration given to veterans who request upgrades of their discharge due to mental health conditions or events resulting from being victim of sexual assault or sexual harassment. The new guidance clarifies that the liberal consideration policy applies to conditions resulting from post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), sexual assault or sexual harassment. Veterans have also sought discharge upgrades if they were discharged due to a violation of the “Don’t Ask Don’t Tell” policy that affected many lesbian, gay, bisexual, transgender, and queer (LGBTQ) soldiers between 1994 and the policy’s repeal in 2011.

The VA recently launched an online tool that guides veterans through a series of questions to provide them with customized step-by-step instructions on how to apply for a discharge upgrade or correction. The tool is available at <https://www.vets.gov/discharge-upgrade-instructions>. Although this tool is helpful, we also recommend reading the information below summarizing the discharge upgrade application process.

Application Process

Discharges Made within the Last 15 Years: To apply for a review of discharge or dismissal made within the last fifteen (15) years, a veteran must file a Department of Defense form DD Form 293 with the branch of the armed forces with which he or she served. A DD Form 293 form can be obtained at <http://www.dtic.mil/whs/directives/forms/eforms/dd0293.pdf>. The Discharge Review Board (“DRB”) of each branch, which reviews applications to review discharges made in the last

15 years, is empowered to review most discharge statuses, with the exception of those convictions reached by general court martial, such as dishonorable discharges. Under law, individuals may only apply for an upgrade through the DRB until 15 years after discharge. Please *see* below for the procedure for upgrading older discharges.

In the application for a review of discharge or dismissal, a veteran can request or decline an in-person hearing on her or his request for upgrade. An attorney advocate may represent the veteran at this hearing. Veterans frequently work with representatives from veterans' service organizations ("VSOs"), such as the VFW, who can also serve as advocate representatives at the hearing stage. There is no attorney accreditation requirement for representing veterans to the DRB. At a DRB hearing, a veteran may call witnesses, and she or he can and should collect written witness statements to submit with her or his application.

The DRB can only upgrade discharges that are erroneous for one of two reasons: inequity or impropriety. A discharge is inequitable if it is inconsistent with the policies or traditions of the service. A discharge is improper if it was made in violation of law or regulations or was made in reliance on false facts. These are the only grounds for upgrade through the DRB.

Discharges 15 Years Old or Older: In order to challenge a discharge status that is more than 15 years old, or to challenge a discharge for reasons not within the jurisdiction of the DRB, the veteran must apply for a change to her or his military records by petitioning the appropriate branch's Board for Correction of Military/Naval Record ("BCMR") through a process that entails using DD Form 149, "Application for Correction of Military Record," which can be accessed at <http://www.dtic.mil/whs/directives/forms/eforms/dd0149.pdf>. A veteran may, in general, apply to the BCMR anytime within three years of the discovery of an error or injustice in her or his discharge, but the three year requirement can be and often is waived. The BCMR can upgrade a discharge status reached through a general court martial, but it cannot vacate a conviction reached through a general court martial, so it cannot generally vacate a dishonorable discharge. The BCMR in general has a much wider berth for adjusting and upgrading discharges than the DRB has.

An attorney advocate may represent the veteran to the BCMR. While a veteran may request a hearing with the BCMR, hearings are not required and are rarely granted. Veterans frequently work with representatives from VSOs, such as the VFW, who can also serve as advocate representatives at the hearing stage. There is no attorney accreditation requirement for representing veterans to the BCMR.

Appeal

If the DRB denies a request for a discharge upgrade, and the original review request declined an in-person hearing, the veteran may file a new request with the DRB that requests an in-person hearing. This provides "two bites at the apple" at the DRB, one without a hearing and one with a hearing.

If the DRB denies a request for a discharge upgrade that included an in-person hearing, the veteran may then request for the BCMR to review her or his request and produce its own decision, which trumps the decision of the DRB. BCMR, then, is a sort of appellate board above the DRB. To be

eligible for BCMR review of a DRB decision, a veteran must file with the BCMR within three years of denial by the DRB, or request a waiver of the three-year rule.

If a BCMR review request results in a denial, a veteran may request a reevaluation by the BCMR, but only upon the basis of newly discovered evidence. The BCMR is generally the venue of last resort for military discharge upgrade issues.

PRACTICE TIP

Homeless veterans can get copies of discharge papers within two weeks through representatives with access to a fax machine from the National Personnel Records Center, Military Personnel Records, 9700 Page Avenue, St. Louis, MO 63132-5100.

Fax: (314) 801-9195. Requests should clearly indicate upfront that they are for a “homeless veteran case.” Discharge records also can be obtained online at <http://www.archives.gov/veterans/military-service-records/>.

Child Support

Many veterans are in arrears on their child support payments. The Legal Clinic generally refers these cases to other legal services providers that specialize in family law. Please *see* Chapter P, Family Law, for details and referral contacts.

Disabled Veterans

Many veterans come home with combat-related injuries, whether physical, mental, or emotional. These injuries often qualify veterans for protection through the Americans with Disabilities Act (“ADA”), which requires, when possible, that places of public accommodation and public facilities provide reasonable accommodation for individuals with disabilities. If it appears that a veteran has been discriminated against or denied shelter housing, employment, vocational training, or other services, the veteran may have a claim under the ADA. If such a case arises, please contact Amber Harding, the director of the Legal Clinic’s David M Booth Disability Rights Initiative, at (202) 328-5503, or Amber@legalclinic.org.

Note on PTSD & Traumatic Brain Injury: A veteran’s PTSD or traumatic brain injury may be considered a disability under the ADA, and a veteran is entitled to reasonable accommodation for her or his PTSD in housing, education, and employment arenas.

Employment Protections for Veterans

Preferential Hiring for Federal Government Jobs

By law, veterans are granted preferential status when applying for federal jobs that are open to competitive application through the federal civil service exam. This is both a competitive advantage and a protection during “reductions in force” (layoffs). This means that when there are two equally qualified individuals vying for a federal job, if one of them is a veteran, the veteran should generally get the job, unless there is another sufficient reason for giving the nonveteran the

job. Veterans who believe they have been denied a preference to which they were entitled should file a complaint with the U.S. Department of Labor Veterans Employment and Training Service (“DoL VETS”). Information on filing a complaint can be obtained at 1-866-4-USA-DOL or <https://www.dol.gov/vets/programs/userra/>.

Veterans as a Protected Class

The Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”), 38 U.S.C. §§ 4301-4333, prohibits employment practices that discriminate against applicants or employees based on current or former uniformed military service. This protection applies to veterans with Honorable and General discharge statuses, but this protection does not extend to veterans with Bad Conduct, Dishonorable, or Under Other than Honorable Conditions (“UOTHC”) discharge statuses. Veterans who have experienced violations of USERRA should file a complaint with DoL VETS. Information on filing a complaint can be obtained at 1-866-4-USA-DOL- or <https://www.dol.gov/vets/programs/userra/>.

Agency & Service Contacts

Agency Contacts

National Call Center for Homeless Veterans

<http://www.va.gov/HOMELESS/NationalCallCenter.asp>

1 (877) 424-3838 (4AID VET)

This is a 24-hour resource for homeless veterans. This hotline is staffed by trained VA counselors who should be knowledgeable about VA programs. Services are free and confidential, and third parties are permitted to call on a veteran’s behalf.

VA Nationwide Access Number

www.va.gov

1 (800) 827-1000 (VA benefits and services)

1 (800) 273-8255, then press 1 (Veterans Crisis Line)

VA Regional Office

1722 I Street, NW, WDC 20421

1 (800) 827-1000

VA Board of Veterans Appeals – Customer Service/Ombudsman

810 Vermont Avenue, NW, WDC 20420

1 (800) 923-8387

VA Vet Center (Counseling & PTSD Treatment)

1250 Taylor Street, NW, WDC 20011

(202) 726-5212; fax (202) 726-8968

VA Medical Center (“VAMC”)

50 Irving Street, NW, WDC 20422

(202) 745-8000

Office of the Patient Advocate, (202) 745-8000 x58588 or (202) 745-8555

VA DC Community Resource and Referral Center (“CRRC”)

1500 Franklin Street, NE, WDC 20018

(202) 745-3012

http://www.washingtondc.va.gov/locations/community_resource_and_referral_center_crrc.asp

VA Community Clinic - Southeast

820 Chesapeake Street, SE, WDC 20032

(202) 745-8685

VA Debt Management Center

1 (800) 827-0648

<http://www.va.gov/debtman>

DC Mayor’s Office of Veterans Affairs (“OVA”)

Ely S. Ross, Director

ely.ross@dc.gov

(202) 724-5454

441 4th Street, NW, Suite 870 North, WDC 20001

Phone: (202) 724-5454,

Fax: (202) 724-7117

Community Outreach and Relations Specialists: Carole McDowney, caroled.mcdowney@dc.gov,
and Elliot Tommingo, Elliot.Tommingo@dc.gov

General email: ova@dc.gov

<http://ova.dc.gov/>

Office is open Monday through Friday from 9 a.m. to 5:00 p.m

- The Mayor’s Advisory Board on DC Veterans Affairs typically meets monthly, and the monthly meeting schedule can be found at ova.dc.gov.
- The OVA also holds periodic events for veterans, including discharge upgrade clinics and resume-writing workshops.

DCHA Contact for VASH Program

Ron McCoy, rmccoy@dchousing.org, (202) 535-1000

Director, Housing Choice Voucher Program

District of Columbia Housing Authority

1133 North Capitol Street, NE, Suite 101, WDC 20002-7599

DC Dept. of Employment Services

American Job Center – Veterans Services

1722 I Street, NW, WDC 20421

(202) 530-9379, (202) 724-7000

does@dc.gov

Full List of D.C. American Job Center Locations:

http://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/american%20job%20centers-dc-NEW.pdf

National Service Organizations

These programs assist veterans with benefits issues and may be good referral sources.

The following organizations may maintain their own offices, but generally also maintain offices at:

VA Regional Office

1722 I Street, NW, WDC 20421

American Legion (“AL”)

American Legion DSO of DC

PO BOX 151, Riverdale, MD 20738

(410) 230-4420 (Contact number for DC/MD AL service officer who can help with claims)

AMVETS

Christopher Johnson, NSO-Chief of Claims

Phone: (202) 382-2825; Fax: (202) 343-1442

Email: chrichtopher.johnson314@va.gov

Disabled American Veterans (“DAV”)

(202) 530-9260

(202) 726-0236

(202) 889-9612

(301) 645-2630

Military Order of the Purple Heart (“MOPH”)

Current NSOs listed at <https://www.purpleheart.org/service-office-listings/> under drop-down menu by selecting “District of Columbia”

Paralyzed Veterans of America (“PVA”)

1 (800) 424-8200; Benefits Helpline: 1 (866) 734-0857

Veterans of Foreign Wars (“VFW”)

theDCVFW@gmail.com, (202) 525-7151

1722 I Street, NW Suite 207, WDC 20421

Purcell (“P.J.”) Walker

VFW National Service Officer Supervisor

1722 Eye Street, NW, Suite 207, WDC 20421

Phone: (202) 530-9385; Fax: (202) 775-9475

E-Mail: Percell.Walker@va.gov

Military Officers Association of America

David H Peterson, (301)233-8090, kmpdhp@comcast.net (Montgomery County)

Steven Regner, (301) 877-0978, shreg01@aol.com (Prince George’s County)

Diana Kupchella, (703) 541-2291, vze2mjj7@verizon.net (Northern Virginia)

Additional contact information for the various veterans and military service organizations can be found in the following directory maintained by the Secretary of the VA:

<https://www.va.gov/vso/VSO-Directory.pdf>.

Other Resources for Homeless Veterans

Access Housing

820 Chesapeake Street SE, WDC 20032

(202) 561-8387; fax (202) 561-8383

<https://accesshousingincdc.wordpress.com>

Veteran's Benefits & Legal Issues: Intake Interview Essentials

☐ **Have the client sign a general release form**

- Also have them sign a VA Form 21-22a, which is a specific power of attorney authorization form for VA disputes.
- If mental health issues are part of a disability claim, also have client sign a mental health information release form.

☐ **Useful general information to gather**

- What discharge status did client receive – honorable, dishonorable, etc.?
- Does client have a copy of his discharge order, or does he need a new copy?
- If client received other than an honorable discharge, while in the military did they suffer from post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), sexual assault, or sexual harassment?
- What branch of the military did the client serve in?
- Is the veteran being treated at any VA hospital or clinic?
- Has client ever applied for and/or received healthcare benefits at the VA?
- Is the client currently receiving any monthly VA benefits?
- Has client ever applied for and/or received veteran's disability compensation or a veteran's disability pension?
- Has client ever filed for or received benefits under any GI Bill?
- Has client visited and registered with the Healthcare for Homeless Veterans ("HCHV") program at the VA medical center?
- When did client serve in the military (Exact or approximate dates)? General dates of service, including inactive or reserve? Was it wartime? Date of entrance to active duty ("EOD")? Date of release from active duty ("RAD")?
- How much time, if any, did client serve on active duty?
- What is client's income, including SSI, SSDI, and other public benefits?

☐ **Healthcare-related issues**

- Does the client have a physical or mental disability? Is it service-connected? Has the VA acknowledged that it is service-connected?
- Does or did the client have a service-related injury? Is it service-connected? Has the VA acknowledged that it is service-connected?

☐ **Helpful information for filling out VA applications**

- What is client's social security number (often used as a veteran's service number)?
- What is client's VA claim number for any denied or disputed claims?
- Has client used any other names (for VA healthcare application)?
- What is client's mother's maiden name (for VA healthcare application)?
- Collect any copies and details of any previous claims filed with the VA.

- Veterans seeking either disability compensation benefits or pension benefits should be asked to make a list of all medical facilities, government or private, where they have received treatment.

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CHAPTER D: SHELTER AND SUPPORTIVE HOUSING

Overview

The boundaries between shelter and housing are increasingly blurred, and this chapter is an attempt to help volunteers navigate some fairly complicated waters. Descriptions that clients or programs may use (*e.g.*, shelter, transitional shelter, supportive shelter, housing, transitional housing, supportive housing, rapid rehousing, and subsidized housing) tell you little about client rights or provider responsibilities.

The key to unlocking these cases is determining the source of funding for the programs and thus the source of law or laws that govern the housing or shelter. Many housing and shelter providers do not know their legal obligations, so you should not rely on what providers tell you their legal obligations are. For help uncovering the source of funding for programs and the network of laws that govern programs, please discuss these cases with your case counseling attorney.

DC Funded Shelter Programs

The District's funding for individual shelter programs is currently administered by a nonprofit, The Community Partnership for the Prevention of Homelessness ("The Partnership," sometimes also referred to as "TCP"), via a contract with the District's Department of Human Services ("DHS"). DHS took direct control over the family shelter system in October 2016. All intake, outreach, preventive services, supportive services, shelter, transitional housing, and permanent supportive housing programs that receive local or federal funding via The Partnership or DHS are governed by a law called the Homeless Services Reform Act of 2005 ("HSRA"), DC Code 4-751.01 *et seq.* There are also regulations governing HSRA programs, which can be found at 29 DCMR § 2500 *et seq.* (*Note: In December 2017, the DC Council passed the Homeless Services Reform Amendment Act of 2017, which changed several parts of the current HSRA.*)

The HSRA includes, among other things, eligibility and termination provisions, appeals processes, providers' standards, and client rights and responsibilities for all programs that fall within "the Continuum of Care," a term used to describe the range of services and programs offered by the District to persons who are homeless. In some programs, federal law adds another layer of eligibility and termination requirements. Also, in some cases (*e.g.*, if the client has an agreement to pay rent), residents of continuum of care programs may be afforded additional protections by DC landlord and tenant law. Finally, residents have powerful protections and rights derived from local and federal anti-discrimination laws (for more information, please review Chapter S, which contains a detailed description of local and federal anti-discrimination laws and a discussion of what programs they govern. Please also review Chapter W for more information on discrimination based on criminal record). The laws governing shelter and housing programs can be found at the end of this section.

The programs identified as part of the HSRA continuum of care include:

- 1) crisis intervention;
- 2) outreach and assessment;
- 3) severe weather (or "hypothermia") shelters and the Shelter Hotline;

- 4) low barrier or temporary (aka “emergency”) shelters;
- 5) domestic violence shelters;
- 6) homeless youth shelters;
- 7) supportive housing (including transitional housing, rapid re-housing, permanent supportive housing, and Housing First); and
- 8) supportive services programs.

Crisis Intervention

Crisis intervention, as defined in the HSRA, means “assistance to prevent individuals and families from becoming homeless, which may include...cash assistance for security deposits, rent or mortgage payments, utility assistance, credit counseling, mediation with landlords, and supportive services.” For more information, please review Chapter H for DC’s main utility assistance and eviction prevention programs.

Outreach and Assessment

Both the Department of Behavioral Health (“DBH”) and providers funded through The Partnership have outreach teams or staff members who form relationships with individuals and families who are homeless, in order to connect them to and engage them in services. Outreach becomes a life-or-death job during severe weather. Please review the box below for more outreach information.

To connect an individual or family to case management or outreach services, volunteers should talk to their case counseling attorney, the staff at the agency where they conduct intake, or staff at another site with which the client is familiar.

Severe Weather (or “Hypothermia”) Shelter

Background

Since 1990, when the right to shelter law was repealed, there has been no statutory right to shelter for individuals or families residing in the District of Columbia *except during severe weather*.

Eligibility

The HSRA gives all persons who are homeless the right to shelter whenever the actual or forecasted temperature, including the heat index or wind chill factor, rises above 95 degrees Fahrenheit (i.e. **hyperthermic**) or below 32 degrees Fahrenheit with wind-chill (i.e. **hypothermic**). The District puts its “Winter Plan” for hypothermia season into effect from November 1st through March 31st each year. Under the Winter Plan for FY 2018, “DHS will also call an overnight hypothermia alert when the temperature is forecasted to be 40 degrees or below and the forecasted chance of precipitation is 50% or greater.” For a copy of the Winter Plan, information about specific hypothermia sites, or advocacy efforts around the Plan, please contact Legal Clinic (202) 328-5500 or visit www.ich.dc.gov. Please note that while this Guide commonly discusses *hypothermic* conditions, the legal right to shelter also applies during *hyperthermic* conditions.

Placement

The Partnership and DHS administer the hypothermia shelter system through subcontracts. Families are usually sheltered at one of the family shelters that replaced DC General Hospital or directly into motels during hypothermia season. Singles are placed in open beds in existing shelters or, if full, in government buildings opened as shelters for the winter season. Anyone who needs shelter on hypothermic nights can call the **24-hour Hypothermia Hotline (English/Spanish) at 202-399-7093, 311**. Families, however, must seek admission to hypothermia shelter through central intake at the Family Resource Center (*see* next page) when it is open (8:30 a.m. – 4 p.m. Monday – Thursday; 8:30 a.m. – 12:00 p.m. Fridays). If it is closed, families can call the shelter hotline. The hotline staff will usually have a worker from the Family Resource Center speak to the family and conduct an intake over the phone. The hypothermia van should transport the family either to a motel for placement or to a family shelter the abbreviated intake. In the morning, the family will need to report to the Virginia Williams Family Resource Center for intake and referral. Once a family gets into a hypothermia shelter on a freezing night, the family can remain there until it locates other shelter or housing.

PRACTICE TIP

FOR SHELTER ON FREEZING NIGHTS, CALL THE HYPOTHERMIA HOTLINE:

202-399-7093

Usually by 3 p.m. on any given day, the Hotline workers have received word regarding whether there is a “hypothermia alert” for that evening (i.e. whether the temperature is expected to dip below 32 degrees or below 40 degrees with a 50% chance of precipitation). Some winter days are also hypothermic and buildings remain open. If an alert has been issued, the Hotline worker will tell the client where to go to be picked up and taken to a shelter. If the client has a disability or medical need and needs to be picked up outside the regular scheduled pick up locations and times, the Hotline worker can arrange that.

Low Barrier or Emergency (aka “Temporary”) Shelter for Singles

Background

Rather than going through a central intake site, as families must do, single persons seek DC funded shelter at the specific shelter locations listed below by getting in line for a bed at the appropriate time.

Eligibility

Single individuals currently are not asked to document their eligibility for emergency shelter. Instead, most low barrier and emergency shelters for singles admit clients on a first-come, first-served basis. This is true during hypothermia season as well.

Placement

Single people seeking shelter usually line up outside the facility from approximately 4 p.m.- 6 p.m.

daily for a spot that evening. In October 2017, several singles shelters began opening at 5 p.m., rather than the previous 7 p.m. opening time. Volunteers referring a single individual to a particular shelter should call that shelter to determine the time the shelter opens and what time an individual needs to be there to secure a spot for the night. Please note that if a shelter opens at 7 p.m., one may need to line up by 4 p.m. to be assured of a bed. If you are trying to recommend the most suitable shelter for a particular client, please feel free to contact your case counseling attorney or WLCH main line at (202) 328-5500 for advice. For non-government shelters, please review the “Emergency Food and Shelter Directory,” published by the Interfaith Conference of Metropolitan Washington. The Directory is at each intake site in the Site Kit and can be searched online at www.ifcmw.org.

Appeal

Please review the “DC Funded Program Appeals Process” within this chapter regarding DC’s appeal process for individuals denied shelter or notified of a termination, suspension, or transfer from shelter.

Low Barrier or Emergency (aka “Temporary”) Shelter for Families

Background

The only way that families can access District funded shelter is to apply in person at the Virginia Williams Family Resource Center (“Virginia Williams,” “VWFRC,” or “FRC”), located at 920-A Rhode Island, NE. Family shelter differs from singles shelter in that once a family is placed, the family can remain in shelter until it finds other housing or shelter. The District funds far fewer family shelter units and motels than meets the need to shelter homeless families in the District. To allocate shelter space, Virginia Williams uses a triage system, which attempts to discern which families have absolutely no place to stay or are residing in housing that is dangerous to the health or safety of family members.

Eligibility

Unlike singles, families are required to document their eligibility for emergency shelter. Thus, while the eligibility requirements in the HSRA apply to singles and families alike, volunteers are likely to encounter eligibility issues only with regard to families. In order to be eligible for government-funded shelter, families at Virginia Williams must show that they are “homeless” or “at imminent risk of homelessness,” that they are a “resident” of the District, and that they have a minor or dependent child in their care, all terms defined in the HSRA. Please advise clients applying for shelter to bring with them, if available, school enrollment or other documents proving DC residency; birth certificates and social security cards for all adults and children in the family; notices or court papers regarding eviction, or letters from and phone numbers for family members or friends with whom they last stayed stating they can no longer stay there; documentation of income; and any other documentation tending to show the need for shelter or prevention services.

If a family is unable to prove eligibility at the time of initial application, Virginia Williams staff may place the family in an “**interim eligibility placement**” (“IE placements” or “IEP”). As defined by the HSRA, IE placement is a “short-term shelter placement for a family, for the purpose

of conducting an in-depth assessment to facilitate an eligibility determination for shelter and appropriate supportive services.” A family may be placed in IE for up to 3 days, with the ability to extend the placement up to 12 days. During this time, the family may be required to report back to Virginia Williams with additional documents indicating their eligibility for shelter. IE placements are discretionary, not mandatory.

Placement of Families

Once a family has proven homelessness and District residency, Virginia Williams staff will assess whether there are friends or family with whom the applicant family can stay temporarily. Virginia Williams staff will often use “mediation” or “diversion” to find a placement with a friend or relative. If such an arrangement is found, the family is sent to the temporary housing arrangement and referred to a Homeless Prevention Program. The idea is that the Prevention Program can continue to work with the homeless family to continue the temporary housing arrangement with the hope that the homeless family can avoid entering the shelter system. If no safe, temporary arrangements can be found, the family should, by law, be placed in shelter if hypothermic conditions exist or are forecasted for that evening. If a family who is working with a Prevention Provider but their temporary housing arrangement falls through, they remain eligible for emergency shelter and should be placed into shelter immediately. The homeless family will need to make the request for emergency shelter to their Prevention caseworker and the caseworker should then refer the family to shelter. Families often require the help of an advocate to get into shelter and to navigate these processes. Volunteers working with a family who has no safe place to sleep on a hypothermic or non-hypothermic day should call their case counseling attorney to discuss the matter and discuss a plan of action.

A family in need of shelter on a hypothermic day can be placed directly into a motel or apartment-style shelter if the family can show that a member of the family has a **disability** (usually mental health, mobility impairment, or immune system-related illness) that would make it difficult for the family to reside in shelter unit that does not have an attached bathroom; however, it can take several weeks for an apartment-style unit to become available. Volunteers with a client who is living in a unit that does not meet their needs should contact their case counseling attorney to discuss the case.

Common Legal Issues for Families

Capacity

People experiencing homelessness have a right to shelter when the temperature rises above 95 degrees Fahrenheit or drops below freezing or below 40 degrees with a 50% chance of precipitation (i.e. severe weather). At these times, the shelter system must expand to shelter all those in need, and Virginia Williams cannot deny families shelter because there is “no room.” Prior to 2011, even in non-hypothermic seasons, the stated policy of the District was that no family would spend a night on the streets, in a car, or in another unsafe situation. The District backed off this commitment in the spring of 2011. However, the District has attempted to make this the policy again by committing to placing families year-round. Volunteers who encounter families with no safe place to stay, even on non-hypothermic days, should contact their case counseling attorney to discuss how to advocate up the chain of command for the clients.

Private Rooms vs. Recreation Center Placements

Halfway through the 2013-2014 winter season, the District began placing homeless families in recreation centers separated from other families only by makeshift barriers. The Legal Clinic partnered with a *pro bono* law firm, helping the firm connect to homeless families to file a class action against the District. They argued that the placements violated the HSRA's requirement that families be placed in "apartment-style" shelter units and, when none are available, "private rooms." The DC Superior Court found that the recreation center placements did not constitute "private rooms" and issued a preliminary injunction against their use. The DC Court of Appeals upheld the injunction. The DC Council weighed in, as well, passing the Dignity for Homeless Families Act to further define "private room" and to clarify that space such as that used in the recreation centers would not qualify. Any family referred to such a placement should be connected via the volunteer's case counseling attorney to our law firm partners.

Residency

A "DC Resident" is defined by the HSRA as a person who (1) is not receiving locally administered public assistance from a jurisdiction other than the District, and (2) is living in the District voluntarily and not for a temporary purpose and has no intention of presently moving from the District. Families and individuals who are new to the District or who are returning from a prolonged absence may be required to demonstrate **intent to remain in the District** in order to receive shelter. This can be done by an affidavit or, if necessary, by registering children in District schools and/or applying for benefits such as Food Stamps or TANF in the District, and *then* applying for shelter. No family should be denied eligibility for shelter simply because they recently moved to the District. Volunteers should discuss any case involving a denial of shelter due to receipt of benefits in another state with their case counseling attorney.

Definition of Family, and Custody and Visitation Issues in Shelters

The definition of a "family" for the purposes of eligibility for emergency family shelter is not limited by blood, age, or marriage. Rather, a group is a family if it includes at least one minor or dependent child; the group presents itself as a family unit; and the group's history and statements reasonably tend to demonstrate that they are, and intend to remain, together as a family unit. A pregnant woman in her third trimester is a "family," as well. A large number of children in DC are cared for by adults who are not their biological parents. Under the HSRA, an adult head of household ("HOH") is not required to have or to seek a court order for custody as a prerequisite for eligibility. Moreover, Virginia Williams should not force a family to split up as a prerequisite to receipt of shelter. In addition, children living with their families in shelter must be permitted to have overnight, pre-arranged visitation with relatives outside the shelter, and family shelters must allow children to have overnight visits with parents who reside in shelter. Finally, some shelters have been forbidding boyfriends, fiancés, and even fathers and husbands from entering shelter with the mother and children. If this issue arises, volunteers should contact their case counseling attorney.

Lack of Documentation

Shelter applicants should not be required to provide documentation of their homelessness that is

not reasonably available to them. Applicants should be permitted to enter shelter *prior* to providing all the necessary proof of their eligibility. They must be placed in shelter and given three days to document homelessness and residency.

“Rescission” of Application

Many families have had their applications for shelter illegally “rescinded” or withdrawn when they fail to contact their workers or provide documentation. No applicant family should be determined ineligible for family shelter or removed from the wait list for shelter without a written notice of the action, which includes information about the family’s appeal rights.

Adequate Notice of Denial

Many families are turned away from shelter by Virginia Williams without adequate written notice of the denial. Under the HSRA, clients have the right to notice regarding a denial of service. Therefore, whether they are denied shelter because they are not residents; because they have not brought in enough documents to prove that they are homeless or residents; because it is not hypothermic; or because VWFRC staff believe they have a safe place to stay; this information must be given to the client in writing and it must include notice of the right to appeal. Volunteers who meet with a client who was not placed in shelter – or a client who was placed in IE but subsequently denied eligibility for shelter – and who was not given a notice of denial of eligibility or placement denial should contact their case counseling attorney for next steps.

Common Legal Issues for Singles and Families

Discrimination and ADA Reasonable Accommodations

Program rules and eligibility criteria for all programs within the Continuum of Care for homeless individuals and families must be modified to accommodate persons with disabilities, including both physical and mental health disabilities. Some common accommodation requests are to have clients transferred out of communal style settings due to compromised immune systems or to have clients with mobility impairments moved to the first floor of a building. Shelters must modify their policies as necessary to accommodate persons with disabilities. Please review Chapter S, Affirmative Discrimination, for an explanation of the reasonable accommodation laws governing shelter and supportive housing programs.

Complaints about Conditions and Staff, and Shelter Monitoring

The HSRA requires DHS to monitor shelter operations year-round to ensure that clients are being served well and to note any corrective actions that must be taken. When necessary, these actions must be accomplished within a given time. The **Office of Program Review, Monitoring and Investigation (“OPRMI”)** may be contacted with specific concerns at its **customer service number, (202) 671-4460**. The HSRA includes provisions governing OPRMI. When a client’s complaints are very serious or the client appears to need assistance, volunteers should help the client draft a letter to OPRMI, including the complaints, the sections of the HSRA that were violated, and a request for an investigation. Volunteers will need to follow up with OPRMI to ensure a timely investigation and response. Case counseling attorneys have sample OPRMI

complaints. In most of the singles shelters (i.e. shelters run by Catholic Charities), clients are also able to call the **Whistleblower Hotline number, (202) 266-3069**, to voice specific concerns with Catholic Charities staff anonymously.

Drug Testing

Clients have a right to be free of drug testing, unless they consent as part of their case management plan or a licensed social worker or a certified addictions counselor certifies that there is reasonable cause to believe that the person is using drugs or alcohol and it is against the program's rules for clients to be "intoxicated."

Adequate Notice of Termination, Suspension, and Transfer

All HSRA-covered shelters and supportive housing providers must serve their residents with a written notice of termination, suspension, or transfer 15 days prior to taking the action. Similarly, families in IE placements who are denied eligibility for shelter must be given oral and written notice 48 hours prior to ending the placement. The only instance in which the provider can terminate, suspend, or transfer without 15 days' or 48 hours' notice is when the person presents an imminent threat of violence to other people at the shelter. In this case, the provider can issue an emergency termination, suspension, or transfer without prior notice but must notify DHS immediately of the "emergency" action taken. DHS must then determine within 24 hours of notification if the action was facially appropriate and complete an Emergency Action Compliance Finding. If inappropriate, the client must be immediately reinstated.

Benefits Pending Appeal

If a hearing is requested within 15 days of receipt of the Notice of Termination or Suspension – or within 48 hours for IE placements – the shelter's action is stayed until the outcome of a two-step hearing process. The maintaining of benefits, such as shelter, during this time is known as "**benefits pending**." The only instance when a program need not provide benefits pending the appeal of an adverse action is in the case of a transfer between shelters (discussed below) or of an emergency action (i.e. in cases when adequate notice is also not required, as discussed above). However, if the transfer represents a reduction in services – for example from transitional housing to shelter or from apartment-style shelter to communal shelter – this is arguably the equivalent of a termination of benefits requiring benefits pending a timely-filed appeal.

Transfers

A shelter cannot transfer a client without securing a placement in another shelter or supportive housing program; otherwise, the "transfer" is a disguised termination. A transfer must either be shown to better meet the client's case management plan or must be the result of a violation of the rules. There is no right to remain in the original placement pending a hearing, but there is a right to 15 days advance notice of the transfer (unless it is an emergency transfer).

Expulsions/Terminations

Providers may terminate, suspend, or transfer clients for excessive rule violations; failure to accept two offers of appropriate housing; or criminal behavior on the premises, such as possessing a weapon or drugs, prostitution, destruction of property, endangering the safety of self or others, or violence. Providers must consider lesser sanctions prior to termination. Additionally, clients who are being terminated for failure to comply with program rules or failure to accept two offers of housing can raise a defense at the administrative review and/or fair hearing that the shelter provider failed to provide adequate services.

Fee or Rent

Shelters/Providers that charge a regular “fee” or rent are governed by DC landlord and tenant law. They must use a court process to evict – in addition to giving the client the right to appeal the program or subsidy termination via the two-step administrative hearing process – and may be subject to the Rental Housing Act. For more information, please review Chapter R, Landlord-Tenant.

Domestic Violence Shelter

DC has three domestic violence (“DV”) shelters for survivors of domestic violence: House of Ruth, My Sister’s Place, and DASH’s Haruma Place. (The telephone numbers for these domestic violence shelters are in the Program Listing section at the end of this section.) Clients apply via telephone interview; however, the shelters are often at capacity. These providers also have transitional housing programs. Some domestic violence shelters in the District deny eligibility to men and to families with older male children, though such denials may not be legal; volunteers should consult with their case counseling attorney if faced with this situation. The locations of domestic violence shelters are undisclosed. Please review Chapter P, Family Law, for more information about assistance for domestic violence survivors. Most domestic violence programs are governed by the HSRA, but some ignore the termination rights and other provisions of the law. Please review Chapter R, Landlord-Tenant, for a description of the special landlord-tenant rights that survivors of domestic violence have under DC and federal law.

Unaccompanied, Runaway, and Homeless Youth

Covenant House, Sasha Bruce, and the Latin American Youth Center provide limited shelter services, transitional living programs, and other supportive services for unaccompanied, runaway, and homeless youth. Polaris Project, My Sister’s Place, and House of Ruth may also be able to provide shelter depending on the youth’s situation and whether it involves domestic violence or sexual abuse or exploitation. The laws and regulations governing youth shelter and the youth’s rights while in shelter are included in DC Code § 7-2101 *et seq.* and 29 DCMR § 6201 *et seq.* District youth, like all other persons in the District, have a right to shelter in hypothermic and hyperthermic conditions. No youth should be left on the street because they are a minor; the District has pledged to use youth shelter and Child and Family Services Agency (“CFSA”) resources as well as negotiation with the youth’s family to ensure all youth have

shelter in severe weather. Volunteers who encounter a youth in need of shelter should consult with their case counseling attorney.

Locally and Federally Funded Supportive Housing

Background

The District of Columbia, through Homeward DC, the District's 2015 strategic plan to end homelessness, has committed to providing housing resources designed to assist in exiting District residents from homelessness. The Homeward DC plan further commits the District to distributing those resources through an approach called "coordinated entry." Under coordinated entry, an individual or family seeking housing must undergo a service needs assessment using a standardized questionnaire. The assessment tool is called SPDAT –Service Prioritization Decision Assistance Tool. For clients with complicated medical issues there is an enhanced tool called the Vulnerability Index or VI-SPDAT.

The answers to the questionnaire will result in a score, and that score will determine to which type of housing resource a family or individual is directed. The individual's or family's score will also determine the order in which they are offered scarce housing assistance. Case managers and other DHS employees are trained and authorized to perform the assessment, as are a number of provider organizations, including some of our intake site partners. The assessment results are entered into a database maintained by the Community Partnership for the Prevention of Homelessness. For individuals, there is a committee consisting of government representatives and provider representatives that meets every other week. That committee reviews the available housing resources and matches people with appropriate scores to those resources. For families, the process is controlled by the Department of Human Services.

The District has adopted a "housing first" approach meaning that addiction, non-compliance with mental health services, etc. should not be barriers to access. Those issues are more easily addressed with the stability of housing and the service plan for the individual or family should address those needs.

The housing options available through coordinated entry include "Permanent Supportive Housing," "Rapid Re-housing," and "Targeted Affordable Housing."

Permanent Supportive Housing

Permanent Supportive Housing provides subsidized housing with supportive services designed to assist individuals and families with remaining in that housing. Those with the highest SPDAT scores, reflecting the most complicated service needs, should qualify for Permanent Supportive Housing.

The rent subsidy can come from a variety of sources, including the Housing Choice Voucher Program (HCVP), Local Rent Supplement Program (LRSP) (see Chapter E for detailed descriptions of the HCVP program), or the Shelter Plus Care federal subsidy program. There are also developments funded through the Department of Housing and Community Development that

provide site-based permanent supportive housing. The specific rules for eligibility for the subsidy will depend on the source.

The supportive services will be provided by a community agency through a contract with the District. (Often the contract is managed by The Community Partnership for the Prevention of Homelessness). If the coordinated entry committee described above identifies an individual as having the highest score for a Permanent Supportive Housing subsidy, they will be assigned to a service provider with a slot and that provider will make contact with the client. The service provider should assist the client in identifying a unit to rent in the private market. The client will usually pay 30% of his or her adjusted income toward the rent and the subsidy will pay the remainder.

Rapid Re-housing

Families

The Family Re-housing and Stabilization Program (“FRSP”) is a “Rapid Re-housing” program that DHS began relying upon in 2012. The program pairs a short-term rental subsidy with case management services for families exiting shelter or working with the new Homeless Prevention Program. Right now every family in the shelter system is automatically eligible for FRSP, and, in general, families are not offered any other kind of assistance to move out of shelter. Families can expect to receive a rental subsidy for 12 months. After that they will be expected to carry the full market rent for the unit. Extensions of an additional 6 months are possible in some circumstances. Volunteer attorneys can expect to see families come to intake because their subsidies are ending and they cannot afford their units. Other common legal problems include late subsidy payments, housing code violations, need for subsidy extension, and communication problems with case managers. Regulations for the program can be found at 29 DCMR 7800 *et seq.* **Volunteers should discuss any cases with their case counseling attorney because the Legal Clinic is trying to monitor the success of this program for our clients.**

Singles

DHS is currently in the process of scaling up a Rapid Re-housing program for single adults. Spots for the program are currently being assigned through the Coordinated Entry System for homeless singles. In general, participants in this program can expect to receive no more than 6 months of assistance. After that they will be expected to carry the full market rent for the unit. This is a newer program and there have been relatively few cases so far, but volunteers can expect to legal problems similar to those discussed above for FRSP participants. Volunteers who meet with a single who is trying to exit shelter and has some income should discuss this program and the ERAP program (first month’s rent and security deposit program) with the client and with their case counseling attorney. Case counseling attorneys can be contacted to discuss a case plan and provide and helpful resources.

Targeted Affordable Housing

Targeted Affordable Housing (TAH) is a program that was created following the release of the 2015 Homeward DC plan to end homelessness. It is intended to serve individuals and families who do not have the intensive service needs that would require the permanent service supports available

through Permanent Supportive Housing but who have barriers that prevent them from increasing their incomes to the extent necessary to afford market rent. Like Permanent Supportive Housing, the rent subsidy can come from a number of different sources (HCVP, LRSP). The client will pay 30% of their adjusted income toward rent and the subsidy will pay the remainder.

Although the ultimate goal is to distribute available TAH subsidies through the coordinated entry scoring system, currently and in the foreseeable future, these resources will be used to “step up” individuals and families in Rapid Re-housing and “step down” individuals and families in Permanent Supportive Housing. Case managers who are providing services to individuals and families in Rapid Re-housing are charged with assessing their clients to identify Rapid Re-housing recipients who have barriers that justify a “step up” to a permanent subsidy through TAH. Likewise, case managers working with Permanent Supportive Housing recipients are evaluating whether there are clients who have stabilized to the extent that they no longer require permanent supportive services and can “step down” to TAH.

Applicable Law in Supportive Housing Programs

Most residents of supportive housing programs are asked to pay rent and are therefore “tenants” under DC law, with all of the protections of DC’s landlord and tenant laws. This means that residents of supportive housing programs should only be evicted from their units for reasons included in the District’s Rental Housing Act, the same as any other tenant, using the procedures of landlord and tenant court. However, nonprofits that provide housing and other services to low income clients often seek to evict tenants without following the proper procedures under the Rental Housing Act. While some nonprofits have been granted a special exemption from the Rental Housing Act, called a “FLOC exemption,” many do not have this special status, which must be granted by the DC government. Even with the exemption, some court process is required for an eviction. Volunteers with a client being threatened with eviction by a nonprofit housing provider should consult their case counseling attorney.

Depending on the source of funding, tenants may also have the protections of the HSRA and federal regulations, namely the Supportive Housing regulations (for U.S. Department of Housing and Urban Development (“HUD”)-funded transitional housing programs) or the Shelter Plus Care regulations (for HUD funded Shelter Plus Care programs), in addition to DC landlord and tenant law.

Issues related to eligibility or the amount of the subsidy may be appealable through the source of the subsidy, usually the District of Columbia Housing Authority. Issues related to services can be appealed through the HSRA procedures described below.

Surprisingly, volunteers often find that many of these programs are unaware of the existence of the HSRA or federal regulations, or the applicability of DC landlord and tenant laws; the job of a volunteer may be to gently educate providers. Before doing so, volunteers should contact their case counseling attorney to confirm which laws apply. The citations for these laws and regulations can be found under “Sources of Law” at the end of this section.

Department of Behavioral Health Housing

Background

Persons who are connected with the city's mental health system are eligible for subsidized housing and free support services through the District's Department of Behavioral Health ("DBH"). There is a waiting list for DBH housing. La Ressa Poole is the Interim Director for Housing at DBH now. Her email is laressa.poole@dc.gov.

Eligibility

If you have a client with a mental illness who does not know whether they have been assigned to a Core Service Agency ("CSA") – agencies that provide case management and other services on behalf of DBH – contact the **DBH Helpline at 1-888-7WE-HELP** with your client. This office can help provide referrals to a CSA under contract with DBH, some of which may be able to eventually assist the client in getting into housing. DBH administers a program called Home First II, which provides housing subsidies for persons who are on the rolls of DBH until the person can get a federal Housing Choice Voucher Program ("HCVP") voucher or otherwise get into permanent housing.

Terminations

People cannot be terminated from Home First II for nonpayment of rent. People may be evicted by their landlord for nonpayment of rent, but their subsidy should be transferred to another unit.

Supportive Housing for People with HIV/AIDS

The process for accessing housing programs for people with HIV/AIDS has been streamlined. The following website for Housing Counseling Services, Inc. includes a description of the process as well as a link to the consolidated application for housing assistance (Metropolitan Housing Access Program): <http://www.housingetc.org> (click on the "Individuals Living with HIV/AIDS" tab). You can also call Housing Counseling Services, Inc. at 202-667-7006.

DC Funded Programs Appeals Process

The HSRA (DC Code 4-751.01 *et seq.*) sets forth the eligibility criteria and rules for all programs receiving government funding administered by The Partnership or directly by DHS. It also sets forth an appeals process for persons wishing to contest violations of the provider standards or client rights sections, as well as decisions to deny shelter or to suspend, transfer, or terminate one's stay in shelter. The HSRA governs shelters and supportive housing providers who receive District **or** federal funds (if they pass through DHS or The Partnership); it does **not** apply to shelters that are entirely privately funded. It is also not clear whether the HSRA governs housing providers funded by District agencies other than DHS (*e.g.*, DBH).

The two-step appeals process consists of an Administrative Review ("AR") and a Fair Hearing ("FH"). Non-attorneys can represent shelter applicants and residents at both stages. Please see the DHS Appeal and Fair Hearing Process on page B-26 for a more complete discussion of the Administrative Review and Fair Hearing process.

Administrative Review

A person may request an AR pursuant to the HSRA by asking their intake worker at the Virginia Williams Family Resource Center (“Virginia Williams,” “FRC,” or “VWFRC”) or a shelter staff official for a hearing. A client may also call the Office of Administrative Hearings (“OAH”) to request a hearing. The Administrative Review Officer who presides over the AR is an employee of DHS, and the AR is an informal meeting with the purpose of coming to an informal resolution of the appeal.

The request should be made as soon as possible; the law requires that it be made within 90 days of the receipt of a valid written notice. **However, to receive benefits (i.e. shelter or housing) pending the appeal process (i.e. “benefits pending”), the client must request the hearing within 15 days of receipt of written notice.** There are no benefits pending the appeal of a denial of shelter, shelter transfer, or emergency action. To ensure access to the case file, volunteers should submit to the client’s shelter or to Virginia Williams a Legal Clinic general release form signed by the client as soon as possible and should request to review the client’s file prior to the AR.

Fair Hearing

Office of Administrative Hearings

441 Fourth Street, NW, Suite 450, WDC 20001
(202) 442-9094; www.oah.dc.gov

If the AR does not lead to a resolution of the matter, the client has a right to a Fair Hearing – which is *de novo* – before an Administrative Law Judge (“ALJ”) of the Office of Administrative Hearings (“OAH”). Volunteers can request a Fair Hearing by faxing a letter or a DHS-Request for Hearing form (obtained from their case counseling attorney or on the OAH website) to OAH at (202) 442-4789 or by calling OAH at (202) 442-9094. At the time of the request, volunteers will also need to file a Notice of Appearance, copies of which can be obtained from the Legal Clinic or the OAH website, as well.

Once the volunteer has requested a Fair Hearing on behalf of the client, OAH will typically issue a Case Management Order, which the volunteer will need to review carefully for deadlines and requirements. The Order will also direct DHS to schedule an AR and order the provider to shelter the client pending appeal, if appropriate. Volunteers should check in with their case counseling attorney once they receive the Case Management Order. **These cases can move quickly, so it is important to make a follow up plan with the client and enter an appearance immediately if the client has already requested the hearing.** It is also important for volunteers to talk to their case counseling attorney immediately to determine quickly whether the case has merit.

The Legal Clinic has several sample pleadings for OAH cases, including discovery motions, Response to Case Management Order (if issued), Motion for Default Judgment, and Motion for Immediate Restoration of Shelter Benefits Pending Appeal.

After making the Fair Hearing request, volunteers should request copies of all documents the shelter intends to rely upon at the Fair Hearing and then request to review the case file, if the volunteer has not already done so. After receiving these documents, volunteers should send a copy

of the documents to their case counseling attorney and follow up with a phone call to discuss next steps.

Fair Hearings are held on the record. Each side may present evidence and cross-examine witnesses.

Listing and Contact Information for DC Funded/HSRA-Governed Programs

Chain of Command for Shelter and Supportive Housing

Office of Administrative Hearings (“OAH”)

441 Fourth Street, NW, Suite 450 North, WDC 20001
(202) 442-9094; fax (202) 442-4789

OAH Resource Center

441 Fourth Street, NW, WDC 20001
(202) 442-9094

Monday-Wednesday 10 a.m.-1 p.m., Friday 10 a.m.-3 p.m.

Provides legal information (not advice) to *pro se* litigants, helps fill out hearing requests, and refers clients to legal services agencies.

Mayor’s Cabinet – Executive Office

1350 Pennsylvania Avenue, NW, Suite 533, WDC 20004
(202) 727-6263

DC Council

www.dccouncil.us

Brianne Nadeau, Chair of the Committee on Health and Human Services, (202) 724-8181

DC Funded Programs - Important Contacts

Department of Human Services Administration (“DHS”)

64 New York Avenue, NE, Sixth Floor, WDC 20002
(202) 671-4200

DHS Director’s Office

Laura Zeilinger, Director
(202) 671-4200; laura.zeilinger@dc.gov

DHS Legal

Monica J. Brown, DHS General Counsel, Monica.Brown2@dc.gov
Sheila Armstrong, Office of Disability Rights, ADA Coordinator, Sheilaa.armstrong@dc.gov;
(202) 698-4265 (reasonable accommodation requests and complaints)

DHS Office of Program Review, Monitoring and Investigation (“OPRMI”) (shelter monitoring office)

DHS Office of Accountability

64 New York Ave, NE, Sixth Floor, WDC 20002

(202) 671-4460; fax (202) 671-4409

www.ohr.dc.gov/complaints; oprmi@dc.gov

Accepts and investigates complaints from clients about shelter conditions, etc.

The Community Partnership (“TCP”)

801 Pennsylvania Avenue, SE, Suite 360, WDC 20003

(202) 543-5298

www.community-partnership.org

Sue Marshall, Executive Director: (202) 543-5298 x 102

Kevin Craver, Chief of Family Programs: (202) 727-7000; kcraver@community-partnership.org

[Jose Lucio](#), Chief of Contracting and Procurement: (202) 543-5298; jlucio@community-partnership.org

Major Service Providers

Catholic Charities

924 G Street, NW, WDC 20001

Amanda Chesney, Executive Director, Homeless and Housing Services

John Turner, Deputy Director, Homeless and Housing Services: (202) 635-5904;

John.Turner@cc-dc.org

Karen Guillory, Director of Women’s Shelters & Family Rapid Rehousing, Homeless and Housing Services: (202) 795-9966 (office); (202) 534-5923 (cell); karen.guillory@cc-dc.org

Zelalem Zemichael, Director of Men's Shelter Operations: (202) 561-4014 x120 (office); (202) 321-3010 (cell); Zelalem.Zemichael@cc-dc.org

Coalition for the Homeless

1234 Massachusetts Avenue, NW, Suite C-1015, WDC 20005

(202) 347-8870; fax (202) 347-7279

Mike Ferrell, Executive Director: mferrell@dccfh.org x313

Glen Rother, Director of Case Management: grother@dccfh.org x308

Outreach

Department of Behavioral Health Homeless Outreach Program (“DBH HOP”)

Comprehensive Psychiatric Emergency Program (“CPEP”)

DC General Hospital, Bldg. 14, 1905 E Street, SE, WDC 20003

(202) 673-9124; fax (202) 673-9411

Mailing Address:

Homeless Outreach Program

DC Department of Behavioral Health
609 H Street NE, Fifth Floor, WDC 20002

Crisis Outreach for Psychiatric Emergencies for Children 5-17

DC General Hospital, Bldg. 14, 1905 E Street, SE, WDC 20003

Dr. Marshall, Medical Director, (202) 673-9040

Department of Behavioral Health Access Helpline

1-888-7WE-HELP, 202-561-7000; (202) 671-2972; TTY 202-673-7500

Hypothermia Sites

Hypothermia Sites for Families – 2018-2019 Winter Plan

Name of Shelter	Location	Telephone
Motels and hotels	Various locations in DC and Maryland	(202) 526-0017 (Virginia Williams)

Hypothermia Shelters for Men – 2018-2019 Winter Plan

Additional sites are added when the sites below reach capacity. Clients can call the **Shelter Hotline at 202-399-7093**, to arrange transportation to another site.

Name of Shelter	Location	Telephone
801 East Shelter (year-round)	801 Making Life Better Lane, SE (2700 MLK Jr. Avenue, SE)	(202) 561-4014
Adams Place Shelter (year-round)	2210 Adams Place, NE	(202) 832-8317
Banneker Recreation Center	2500 Georgia Avenue, NW	(202) 673-6861
Community for Creative Non-Violence (CCNV)	425 Second Street, NW	(202) 393-1909
Kennedy Recreation Center	1401 Seventh Street, NW	(202) 588-5031
Malcolm X Recreation Center	1351 Alabama Avenue, SE	(202) 727-9573
New York Avenue Shelter (year-round)	1355-57 New York Avenue, NE	(202) 832-2359
Salvation Army	3335 Sherman Avenue, NW	(202) 829-0100

Hypothermia Shelters for Women – 2018-2019 Winter Plan

Name of Shelter	Location	Telephone
Community for Creative Non-Violence (CCNV)	425 Second Street, NW	(202) 393-1909
Community of Christ	3526 Massachusetts Avenue, NW	(202) 588-5031
King Greenleaf Rec Center (co-ed)	201 N Street, SW	(202) 645-7454
Malcolm X Recreation Center (co-ed)	1351 Alabama Avenue, SE	(202) 727-9573

Name of Shelter	Location	Telephone
Nativity Shelter (year-round)	6010 Georgia Avenue, NW	(202) 487-2012
New Covenant Baptist	1301 W Street, SE	(301) 728-8307
Salvation Army (co-ed)	3335 Sherman Avenue, NW	(202) 829-0100
Sherwood Recreation Center	640 10 th Street, NE	(202) 698-3075

Singles' Shelters

DC / Partnership Funded Shelters for Women

DC General Building 9 (Harriet Tubman) (Catholic Charities)

1900 Massachusetts Avenue, SE, WDC 20003

(202) 547-1924

Karen Guillory, Director: (202) 795-9966 ext. 303 (office); (202) 534-5923 (cell);

karen.guillory@cc-dc.org

Check in time is 5 p.m., check-out time is 9 a.m.; walk-ins allowed

(100 beds)

Nativity Shelter (Catholic Charities)

6010 Georgia Avenue, NW, WDC 20011

(202) 829-0420

Karen Guillory, Director: (202) 795-9966 ext. 303 (office); (202) 534-5923 (cell);

karen.guillory@cc-dc.org

(20 beds)

Community for Creative Non-Violence ("CCNV")

425 Second Street, NW, WDC 20001

(202) 393-1909

Patricia Handy Place for Women (N Street Village)

810 Fifth Street, NW, WDC 20001

(202) 733-5378

Check-in time is 3:30 pm; check-out time is 7 a.m. (M-F) or 9 a.m. (Sat, Sun., and holidays); walk-ins allowed

(213 beds)

Calvary Women's Services

1217 Good Hope Road, SE, WDC 20020

www.calveryservices.org

For first time guests, must sign up for wait list between 3 and 4 p.m.

Robin Aycock, Program Director: (202) 678-2341

Kristine Thompson, Executive Director

(45 beds)

House of Ruth: Madison

651 Tenth Street, NE, Washington, DC 20002

Check-in time is 4:30 p.m.; check-out time is 8:45 a.m.; walk-ins allowed

(202) 667-7047

(39 beds)

New Endeavors By Women

611 N Street, NW, WDC 20001

(202) 682-5825

DC / Partnership Funded Shelters for Men**Community for Creative Non-Violence (“CCNV”)**

425 Second Street, NW, WDC 20001

(202) 393-1909

Adams Place Shelter (Catholic Charities)

2210 Adams Place, NE, WDC 20018

Robert Walker, Director: (202) 832-8317 (office); (202) 361-1714 (cell); Robert.Walker@cc-dc.org

(150 beds / 180 beds during hypothermia alert)

801 East Shelter (Catholic Charities)

2700 MLK Jr. Avenue, SE, Bldg. 801 East, WDC 20032

(202) 561-4014

Zelalem Zemichael, Director: ext. 120; (202) 321-3010 (cell); zelalem.zemichael@cc-dc.org

Check-in time is 5 p.m., check-out time is 9 a.m.; walk-ins allowed

(380 beds/ 432 during hypothermia alert)

New York Avenue Shelter (Catholic Charities)

1355-1357 New York Avenue, NE, WDC 20002

(202) 832-2359

Check-in time is 5 p.m., check-out time is 9 a.m.; walk-ins allowed

(350 beds)

Emery House Work Bed Program (Coalition for the Homeless)

1725 Lincoln Road, NE, WDC 20002

(202) 635-1041; fax (202) 635-0203

(100 beds)

Family Shelters and Programs

DC / Partnership Funded Intake Center, Low-Barrier, Emergency Shelters, and DHS-Funded Transitional Housing for Families

Virginia Williams Family Resource Center (“FRC”)

920 Rhode Island Avenue, NE, WDC 20002

Monday – Thursday 8:30 a.m. – 4 p.m.; Friday 8:30 a.m. – 12 p.m.

(202) 526-0017; vwfrc.concerns@dc.gov

Kia Williams, VWFRC Interim Eligibility Coordinator, kia.williams@dc.gov

Sheila Armstrong, ADA Compliance Specialist, sheilaa.armstrong@dc.gov

Intake site for homeless families in need of shelter. Families can also apply here for transitional housing, rapid rehousing, and emergency assistance to prevent an eviction; and families can see a TANF/welfare worker.

Intake for all family shelters and programs listed below is at the FRC. **Emergency funds** may be offered at VWFRC and other locations to prevent eviction or to secure housing immediately. For more information, please review Chapter H.

Apartment-Style Emergency Family Shelters**Community of Hope/Girard Street Shelter**

1413 Girard Street, NW, WDC 20009

(202) 232-7356; fax (202) 232-0564

Kelly Sweeney McShane, Executive Director

Kalifia Thomas: kalifia.thomas@cohdc.org

Sarah Roenfeldt: sroenfeldt@cohdc.org

(20 apts)

Park Road/New Beginnings Shelter (National Center for Children and Families)

1448 Park Road, NW, WDC 20009

(202) 332-1505; fax (202) 332-7747

(45 apts)

Naylor Road Shelter (JHP, Inc.)

2601 and 2603 Naylor Road, SE, WDC 20020

(202) 575-2847

(28 apts)

50th Street Family Program (Coalition for the Homeless)

400 50th Street, SE, WDC 20019

(202) 726-2203; fax (202) 726-3623

Tiffany Hughes, Acting Program Director, thughes@dccfh.org

James Freeny, jfreeny@dccfh.org

Latonya Clark, lclark@dccfh.org

DHS Funded Transitional Housing for Families**Valley Place Transitional Apartment Program** (Coalition for the Homeless)

1357 Valley Place, SE, WDC 20020

(202) 610-5560; fax (202) 610-5563

Nicole Baptiste, Director; nbaptiste@dccfh.org

Amoryl Jerome, ajerome@dccfh.org
Dominique Guthrie, dguthrie@dccfh.org
(18 transitional apartments)

Hope Apartments (Community of Hope)
3715 Second Street, SE, WDC 20032
(202) 563-1060
Carla Turnage, Director, cturnage@cohdc.org
Sara Cartmill, scartmill@cohdc.org
(10 transitional apartments for families with substance abuse)

New Generation (New Endeavors by Women)
3749 1st Street, SE, WDC 20032
(202) 682-5825
James Brown, jbrown@nebw.org
(15 transitional apartments)

Trinity Arms (Community Family Life Services)
305 E Street, NW, WDC 20001
(202) 347-0511
Daphne Edwin, daphne@ dneassociates.com

Partner Arms III (Housing Up)
342 37th Street, SE, WDC 20019
(202) 291-5535
Phil Hecht, phecht@housingup.org

***Kia's Place: New Start/Morse Street** (Echelon Community Services)
1233 Morse Street, NE, WDC 20019
(202) 399-2903
Natasha Powell, natashapowell.ecs@comcast.net
(Transitional apartments for families headed by young parents.)

*There may be other options for families with young parents, age 12-24. See section "Youth Shelters" and discuss with your case counseling attorney.

FRSP, LRSP, and PSH Set-Aside Housing for Homeless Families Programs (*discuss with case counseling attorney*)

Domestic Violence Shelters

House of Ruth
5 Thomas Circle, NW, WDC 20005 (Administrative Offices)
(202) 667-7001; fax (202) 667-7047
Hotline: (202) 667-7001
Winifred Y. Wilson, Executive Director, (202) 667-7001 x110

My Sister's Place
(202) 529-5991

DASH's Haruma Place
(202) 462-3274
Peg Hacskeylo, Executive Director; phacskeylo@dashdc.org
(10 beds)

For a list of housing, shelters, and other resources for domestic violence survivors, visit www.dashdc.org.

SAFE (Survivors and Advocates for Empowerment)
1 (800) 407-5048
Resource for help getting a protective order, accessing safe shelter or victims' compensation. Clients or advocates can both call. Referrals by service provider or Legal Clinic are preferred.

Youth Shelters (*generally ages 12-24*)

Sasha Bruce Project Safe Place Hotline
(202) 547-7777

Covenant House Crisis Hotline
(202) 610-9600 (hotline)
The Sanctuary
2001 Mississippi Avenue SE, WDC 20020
(202) 610-9600
Emergency shelter for youth. Dinner, showers, laundry. Doors open at 6 p.m.

Safe Haven (Covenant House)
913 Bellevue Street SE, WDC 20032
(202) 610-9600
Britt Mobley, bmobley@chdc.org
Crisis beds for youth age 18-24. 90-day program.

Elizabeth's House (Covenant House)
(202) 610-9600
Pregnant Teen and Parenting emergency housing for youth age 12-18.

Supportive Services (including Prevention and Emergency Assistance)

Most programs are not governed by the HSRA. See Chapter H for more information regarding Emergency Assistance.

Families and Youth

Childcare

Bright Beginnings

128 M Street, NW, WDC 20001

Precious Homer-Williams, ERSEA Intake/Outreach Specialist, (202) 842-9090

Childcare for homeless families. Childcare provided during traditional and non-traditional hours.

Family Support/Case Management

DC Family Support Collaboratives

Collaborative Solutions for Communities

www.wearecsc.org

(202) 518-6737

East River Family Strengthening Collaborative

www.erfsc.org

(202) 397-7300

Edgewood/Brookland Family Support Collaborative

www.ebfsc.org

(202) 832-9400

Far Southeast Family Strengthening Collaborative

www.fsfsc.org

(202) 889-1425

Georgia Avenue Family Support Collaborative

www.gafsc-dc.org

(202) 722-1815

Shirley's Place (daytime drop-in center for homeless families) (Capitol Hill Group Ministries)

1338 G Street, SE, WDC 20003

(202) 544-3150; fax (202) 544-5410

www.capitolhillgroupministry.org

Drop-in program Monday – Friday 9 a.m. - 5:30 p.m.

Saturday 9 a.m. - 1 p.m.

Perry School Community Center

128 M Street, NW, WDC 20001

Monday –Friday 8:30 a.m. – 5 p.m.

(202) 312-7140

Offers a variety of services, including referrals for employment, job training, and housing.

Lift DC at the Perry School Community Services Center

128 M Street, NW, Suite 335, WDC 20001

(202) 289-2525

College students assist clients with setting and reaching goals such as resume preparation, job searches, and housing searches.

Education

Homeless Education Program (HEP), Office of the State Superintendent of Education (OSSE)

Nicole Lee-Mwandha, State Coordinator, (202) 654-6123, nicole.Lee-Mwandha@dc.gov

Danielle C. Rollins, Program Analyst, (202) 741-0255, danielle.rollins@dc.gov

Tasheen Stallings, Program Analyst, (202) 478-5927, tasheen.stallings.@dc.gov

Offers assistance to homeless students, including providing bus tokens for homeless children to attend their schools of origin, enrollment assistance, and other supports. Every school has a Homeless Liaison, and families may obtain tokens from them. If clients need to know who the Liaison is, or if clients have issues with the Liaison, they should call Nicole. (Case counseling attorneys should also have liaison list.) Tokens cannot be directly obtained from Nicole.

Neediest Kids Fund, Inc.

(301) 365-4480

Neediest Kids Fund provides support to DCPS and charter school students by helping to make small, emergency purchases when a parent is not in a position to provide essential needs of the students to attend school. The Fund can be used for school uniforms, school supplies, eye glasses, emergency dental care, testing fees, instructional equipment and supplies, transportation, support to participate in academic activities, and similar items needed to attend school. Volunteers may need to contact the student's school to have a request made on the student's behalf.

University of the District of Columbia (UDC) David A. Clarke School of Law School of Law, Juvenile & Special Education Law Clinic

<http://www.law.udc.edu/page/JuvenileClinic>

(202) 274-7314; fax (202) 274-5569

Lauren Onkeles-Klein, Director and Visiting Assistant Professor of Law, (202) 274-7438;

lauren.onkelesklein@udc.edu

UDC David A. Clarke School of Law, Juvenile and Special Education Clinic advocates on behalf of students facing suspension or expulsion from DC public and public charter schools.

Advocates for Justice and Education, Inc. (AJE)

www.aje-dc.org, (202) 678-8060 or (888) 327-8060

Seeks to empower families, youth, and community to ensure youth, particularly youth with special needs, have access to appropriate education and health services.

ACLU-DC

www.acludc.org

Contact the ACLU-DC for materials on students' rights with respect to LGBTQ+ youth, students with disabilities, school dress code, protesting in schools, and protections for immigrant students.

Support Services (including Prevention and Emergency Assistance) for Single Persons

See Chapter H for more information regarding emergency assistance.

Singles

Men

Father McKenna Center

19 Eye Street, NW, WDC 20001

(202) 842-1112

Monday - Friday 8 a.m. – 2 p.m.

Drop-in center; breakfast and lunch program; Tuesday morning clothing distribution; laundry; showers for 25 men.

Women

Bethany Women's Center

1333 N Street, NW, WDC 20005

(202) 939-2060

Monday – Friday 7:30 a.m. – 4 p.m.

Saturday, Sunday, and holidays 9 a.m. – 4 p.m.

Day program offering breakfast, lunch, case management, showers, laundry, counseling, clothing.

Men & Women

Isaiah House (SOME)

75 Hanover Pl., NW, WDC 20001

(202) 797-8806 x1068

Monday - Friday 8 a.m. – 2:30 p.m.

Day program for any individual with a mental illness.

The Water Ministry at St. Columba's Church

4201 Albemarle Street, NW, WDC, 20016 (second floor)

(202) 363-4119 x221

Monday, Tuesday, Thursday, Friday 11 a.m. – 1 p.m.

Provides lunch, showers, laundry, and drop-in services September through June.

Adam's Place

2210 Adams Place, NE, WDC 20018

Monday – Friday 8:30 a.m. – 4:30 p.m.

Day program offering housing assessments, case management, lunch, showers, laundry.

Casa Ruby

2822 Georgia Ave, NW, WDC 20001

(202) 355-5155

Monday – Saturday 12 p.m. – 8 p.m.

Bilingual (Spanish) LGBT safe space. Hot meals, clothing, case management, housing referrals.

Sources of Law: Shelter and Supportive Housing

Shelter

Homeless Services Reform Act of 2005, D.C. Code § 4-751.01 – 4-756.04

Includes Interagency Council on Homelessness; client rights and responsibilities; providers' standards; shelter monitoring; eligibility; interim eligibility; termination, transfer and suspension provisions; and hearing rights.

HSRA Regulations, 29 DCMR § 2500 *et seq.*

Housing for Homeless Families LRSP Set-Aside Program, 29 DCMR 2556-2558

FRSP (Rapid Rehousing for Families) Regulations: 29 DCMR 7800-7899

DC Code §§ 4-202, 4-205, and 4-210

Includes list of Public Assistance categories (including emergency family shelter), requirements of a notice of adverse action, benefits pending, and hearing procedures.

DC Administrative Procedures Act, DC Code § 2-510

Youth Shelter

DC Code § 7-2101 *et seq.* and 29 DCMR § 6201 *et seq.*

Includes youth shelter and the youth's rights while in shelter.

Home First II

22-A DCMR § 2200 *et seq.*

Includes mental health services regulations and certification standards.

Shelter Plus Care

24 C.F.R. § 582 – Shelter Plus Care regulations

Supportive Housing Programs

24 C.F.R. § 583 – Supportive Housing Program regulations

U.S. Social Security Act, 42 U.S.C. § 602 *et seq.* (applies only while District receives federal funds)

45 C.F.R. §§ 205.10, 206.10, 233.10 (applies only while District receives federal funds)

Including right to hearing process, client rights, notice requirements, eligibility, and coverage.

Landlord and Tenant Law for Rent or “Fee” Collecting Programs

14 DCMR (1991 ed.) (Housing Code)

DC Code § 16-1501 (landlord remedies)

DC Code § *et seq.* (types of tenancies)

DC Code § 45-3201 *et seq.* (notice to quit)

16 DC Code §§ 1501, 1502; 42 D.C. Code § 3206; 42 D.C. Code § 3505.01 *et seq.* (landlord remedies, notice and service requirements, and evictions)

14 DCMR § 100-1000 *et seq.*, § 1200 *et seq.*, § 4300 *et seq.* (July 1991)(landlord and tenant, Housing Code requirements, enforcement, security deposits, notice requirements for evictions, and prohibition against retaliatory action)

Anti-Discrimination Laws

(For an explanation of which laws govern which types of shelter or housing, see Chapter S.)

DC Human Rights Act, DC Code § 2-1401.01 *et seq.*

Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*

Fair Housing Act, 42 U.S.C. § 3601 *et seq.*

Section 504 of the Federal Rehabilitation Act, 29 U.S.C. §§ 701, 706(8) (B), 794(a)

Office of Administrative Hearings (“OAH”) Rules

The following two sets of rules prescribe the rules of trial practice and procedure in matters before OAH and are available at www.oah.dc.gov.

OAH Rules of Practice and Procedure, 1 DCMR § 2800 *et seq.*

OAH Rules Applicable in Specific Classes of Cases, 1 DCMR § 2920 *et seq.*

Shelter and Supportive Housing: Intake Interview Essentials

- ☐ **Have client sign a general release form**
- ☐ **Identify the shelter or housing program**
 - Identify location, type of program, and funding source.
 - In the case of terminations, suspensions, and transfers, does client pay rent or a fee?
 - Where did the client apply for the shelter or housing?
- ☐ **Gather essential case information**
 - What action is being taken and why?
 - Are there notices or warning letters? Get copies.
 - Get the names and contact information for any witnesses.
 - Get the names and contact information for case manager, director, or staff involved.
 - Get the names and ages of all household members.
 - Get a release for the program to talk to you and give you client-related documents.
- ☐ **For concerns about housing/shelter conditions**
 - What is wrong with the unit? How long have the conditions existed?
 - Has the client filed a complaint about the conditions? If so, how, when, and with whom?
 - Did the client receive a response? If so, get a copy.
 - Does the client have photos of the problems? If so, get copies.
- ☐ **Determine if proper notice was given**
 - Did the client receive notice of the action? If so, when? Get a copy.
 - If the action is in the future, when will the action take effect?
- ☐ **Assist client in filing an appeal**
 - Has the client requested an appeal? If so, how?
 - If not and the client is receiving services, calculate the time frame for appeal with benefits pending. (**Note:** No written notice = no time frame)
 - If an appeal has been requested, when, how, and to whom was the request made?
 - Has a hearing been scheduled? If so, when and where is the hearing?
 - Get a copy of the Notice of Hearing.
- ☐ **Consider ADA claims**
 - Are there household members with mental health or physical disabilities?
 - Is there a need for a reasonable accommodation of the program's policies, rules, or practices?
 - Obtain information regarding the disability and professionals who can document it.
 - Obtain a release for these professionals if an accommodation request will be made.
- ☐ **Schedule follow-up with client**
 - Obtain client's contact information (phone, address, email) and a couple of alternative contacts (friends/relatives).
 - Schedule follow-up meeting or phone call with client.

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CHAPTER E: DC HOUSING AUTHORITY

Background

The DC Housing Authority (“DCHA”) plays a big role in many of our clients’ lives, as the primary provider of affordable housing in the District of Columbia. It is also one of the main sources of legal issues for our client community, so many of our volunteer attorneys will end up interacting with DCHA at some point.

DCHA is an independent government agency governed by an eleven-member Board of Commissioners, some of whom are elected by the residents of public housing, others who are appointed by the Mayor, and one who is chosen by the Legal Services Community. In 2017, a new Executive Director, Tyrone Garrett, was appointed to run the agency.

Unfortunately for our clients, DCHA has a long history of mismanagement. Despite successfully coming out of a Court-ordered Receivership in 2000, it can be a challenging agency with which to work for both clients and their advocates.

DCHA oversees several affordable housing programs for District residents. These programs, which are covered in more detail below, include:

- 1) Public Housing;
- 2) Housing Choice Voucher Program (“HCVP”), previously known as “Section 8”;
- 3) Local Rent Supplement Program (“LRSP”); and
- 4) Section 8 Moderate Rehabilitation Program (“Mod Rehab”).

PRACTICE TIP

People who have a disability have expanded access to housing: DCHA has a special duty to provide housing that is accessible to low-income persons with disabilities. In addition to efforts to expand its stock of physically-accessible public housing units, DCHA has a number of Housing Choice Vouchers for use by persons with disabilities (including those with mental health disabilities). **While DCHA is presently not accepting any new applicants**, clients who are already on the waiting list should be sure to keep their application updated, especially with regard to disability status. Cases in which a client’s disabilities have not been accommodated by DCHA should be discussed with the volunteer’s case counseling attorney. Additional contacts include Amber Harding at the Legal Clinic, (202) 328-5503, and DCHA’s ADA Coordinator, at (202) 535-2737.

Public Housing Overview

Public housing is affordable housing built and operated by DCHA, with the Housing Authority operating as the landlord. Public housing developments are built and maintained using funding from the U.S. Department of Housing and Urban Development (“HUD”). Rents are generally limited to 30% of the tenant’s adjusted income. DCHA currently has approximately 8,300 Public

Housing units in 52 housing developments, down from 12,000 units in the 1990s. This loss in inventory is primarily a result of efforts to demolish or update deteriorating public housing stock, which has led to a loss of overall housing units, especially those for larger families.

DCHA Housing Choice Voucher Program (“Section 8”) Overview

The Housing Choice Voucher Program (“HCVP”) provides federally-subsidized housing vouchers used to rent housing on the private market. A voucher enables participants to rent a housing unit from any D.C. landlord and have the rent subsidized or entirely paid by the government, with tenants only responsible for paying 30% of their adjusted monthly income towards the overall rent. Once a voucher-holder finds a unit to rent, a “lease-up package” must be completed and signed by the prospective landlord, and the housing unit must be inspected and approved by a DCHA housing inspector, before subsidy payments can begin. DHCA-issued HCVP vouchers can be used outside of the District of Columbia if the client is given permission to transfer or “port” to another jurisdiction. The current number of vouchers administered by DCHA under this program is approximately 12,000, but not all of these are in use.

Application Process and Wait List

New application forms, as well as Application Update forms for those who already have an application on file, can be obtained from the DCHA website at www.dchousing.org. **However, DCHA closed its wait list completely in April 2013, after the number of households on the wait list reached almost 72,000.** DCHA has pledged to re-open separate wait lists for various housing programs as they start to move some households off those wait lists, but for the time being there are no new applications being taken for any DCHA program. In 2014, DCHA went through a “restructuring” of the wait list, requiring all households on the wait list for any DCHA program to reaffirm their need for subsidized housing, which resulted in the wait list being reduced to 41,000 households. DCHA plans to open “Site-based waiting lists” for some Public Housing developments, but the wait list for the HCVP program remains closed.

Clients who already have an application on file should be reminded to update their application with DCHA in the Client Placement Office or online anytime there are changes in address, household composition, income, disability or “emergency status” (*see* below). If they do not update their address, they risk being dropped from the wait list, although DCHA will allow reinstatement to the list if a dropped applicant so requests – *see* below. Clients who are homeless (including those in transitional housing or doubled up with friends or relatives) may want to turn in their update in person in order to receive a receipt showing that they have requested a “homeless preference”, which will move them up the wait list more quickly.

When a household reaches the top of the wait list for a particular program, DCHA sends a letter to the address of record to set up an eligibility interview. If the household is found eligible, it is placed in the “selection pool” for that program, and will eventually be notified of a “briefing appointment.” Once in the selection pool, it can take several months (and sometimes longer) for an appropriate housing unit or voucher to become available, but it is important for the applicant to stay in close touch with DCHA during this time so as not to miss out on his or her briefing.

A common legal problem for our clients is being dropped from the wait list after finally reaching the top, due to failure to show up for an eligibility interview or briefing. This often happens because the applicant never received notice of the appointment. A DCHA regulation (14 DCMR 6106) attempts to rectify these situations by requiring DCHA to **reinstate an applicant back to his or her original place on the wait list** if the applicant or his or her advocate simply contacts DCHA Client Services to inform them that he or she is still in need of housing assistance. If you encounter wait list issues, please contact your case counseling attorney to discuss strategies for trying to get the client back to his or her original place on the wait list.

Rents in Public Housing and Voucher Programs

Both public housing and HCVP rents are generally limited to 30% of adjusted monthly income (after applying deductions for dependents and/or elderly or disabled status). This means all changes in income must be promptly reported to DCHA, and rents are subject to increase or decrease if the tenant's income changes. If income changes are not promptly reported, a tenant can be charged retroactively for rent increases. There is an incentive to report income increases in a timely way, because for increases in household income of less than \$10,000 per year, the rent won't increase until the next "Recertification" (*see below*).

When someone rents a unit under the HCVP program, DCHA enters a "Housing Assistance Payments" ("HAP") contract with the private landlord. Under the HAP contract, DCHA agrees to pay a subsidy that covers the difference between 30% of the tenant's income and the "Payment Standard" for that particular unit size, which is based on Fair Market Rents ("FMR") established by HUD. In December, 2016, DCHA proposed an increase in their Payment Standards, increasing them to 175 % of the FMRs for the D.C. area. This means DCHA will pay higher rent amounts in certain neighborhoods, which will give HCVP tenants more flexibility in terms of the housing units they can potentially rent with their voucher. Voucher-holders can also rent a unit that is more expensive than the pmt. standard, but must pay the difference on top of 30% of their income.

It's important to note that Landlords who have entered a HAP contract with DCHA are prohibited from suing the tenant for **DCHA's portion** of the rent in Landlord-Tenant Court. Also, if tenants are responsible for utilities under their lease, HCVP participants are entitled to a "utility allowance," which is a monthly payment to the tenant from DCHA to help tenants pay for their utility bills. For a utility allowance calculation chart, *see* the DCHA website or contact your case counseling attorney.

Recertifications

Both residents of public housing and HCVP voucher holders must go through "Recertification" every two years, which requires them to meet with a DCHA representative and provide proof of any changes in household status and income. Recertification appointments are scheduled by DCHA, which will automatically reschedule an initial recertification appointment if the client doesn't show up. However, failure to show up for the second appointment can be grounds for eviction or termination of a housing voucher.

Clients often miss these appointments for a good reason, or never even receive notice, in which case volunteers typically will represent clients in challenging this termination. **DCHA will permit**

mail-in or in-home recertification as a reasonable accommodation for a client's disability, and has proposed allowing elderly and disabled households to only recertify every 3 years.

Admissions Criteria

DCHA's Public Housing and HCVP Admission and Occupancy regulations are set forth at 14 DCMR Chapter 61. These regulations contain stringent admission criteria, representing DCHA's effort to be selective about participants in their housing programs. The following is a summary of the eligibility criteria:

Income

Public housing households must be considered "low-income" under HUD guidelines, which means a family of three can earn up to \$58,000 and still qualify. For the HCVP program, 75% of all vouchers must go to households meeting the "very low income" standards, which is a maximum of \$46,000 for a family of three. For a complete list of the income guidelines, *see* DCHA's website, www.dchousing.org, or contact your case counseling attorney.

Family Selection Criteria

14 DCMR 6109 requires that applicants for both public housing and the HCVP program meet the following criteria: 1) a rental, employment, and personal history that demonstrates the capacity to comply with DCHA lease terms; 2) a willingness to respect other residents' peaceful enjoyment of the premises and to "help create an environment where young people can live, learn and develop into productive citizens"; and 3) a past history of meeting financial obligations. In addition, the regulations provide that DCHA *may* deny admission to any family if an adult family member has been convicted of a felony; a misdemeanor involving violence or destruction of property; or has participated in "documented" violent criminal behavior, even if it did not result in a conviction. HUD issued Guidance in 2016 which advises that Landlords, including Housing Authorities, should not automatically bar applicants with a criminal record, as this would violate the Fair Housing Act.

Preference System

For **public housing**, families on the wait list are prioritized in order of date and time of application, using a point system that gives **top priority to working families** (employed at least 20 hours per week or attending school full-time). Second priority is given to those who fall within an "emergency category", meaning persons who are homeless; those paying more than 50% of income for rent; or who are displaced because of domestic violence, hate crimes, or mobility problems. **Persons on the wait list for public housing who can document that they are in need of wheelchair accessible units may be placed more quickly.**

For the **HCVP** program, on the other hand, **homeless** applicants receive top priority. Clients sometimes run into problems proving their homelessness when they reach the top of the wait list, which is an issue that the Legal Clinic can assist with.

Admission Denials

When an applicant reaches the top of the wait list for a housing program, DCHA makes a determination about eligibility based on the above-mentioned factors. In doing so, DCHA examines an applicant's credit and rental history; criminal record; and the existence of any unpaid balances to DCHA from prior tenancies.

If an applicant is determined to be **ineligible**, DCHA is required to send a letter stating the reason for the finding of ineligibility and scheduling the applicant for an informal conference within 30 days. Even if the applicant does not appear for the conference, a DCHA employee is supposed to review the initial ineligibility determination to determine if it should be reversed. If the applicant is still found ineligible after the informal conference, DCHA will send a letter advising of a right to a review by an "independent third party," and/or to file a grievance with the DCHA Office of Fair Hearings. *DCHA often does not comply with its own regulations in scheduling these informal conferences, so the attorney may need to ask for one if a client has been found ineligible.*

An applicant who is found ineligible **may offer evidence of mitigation or rehabilitation**, which can include acknowledgement of guilt; subsequent employment; substance abuse treatment; existence of a support network; successful rehabilitation; or participation in counseling or social services. Legal Clinic volunteers have been successful in winning admission for clients who were initially denied based on a criminal history or other negative background information, including for those who were denied for past debts to DCHA that are beyond the Statute of Limitations (below).

Back Debts

An issue that sometimes arises in the context of admissions is clients who allegedly owe a debt to DCHA from a prior tenancy. If someone is determined ineligible due solely to such a debt, (s)he must provide evidence that the debt has been satisfied (which includes discharge in bankruptcy). If the applicant does so, the regulations require that they be returned to the wait list with the original application date. Applicants who are denied on the basis of a past debt can request a Grievance Hearing with the Office of Fair Hearings to contest the validity of the debt.

It is important to ascertain when a back debt was incurred, because debts older than the District's three-year Statute of Limitations cannot be a bar to receipt of housing assistance from DCHA if no action was taken to collect the debt within the past three years, since federal regulations governing public housing require that the debt be "current" to be a bar to admission.

Common HCVP Legal Issues:

Time Limits on Vouchers

Both new and transfer vouchers under the HCVP program are only valid for an initial term of 60 days, with an automatic extension up to a total of 180 days. This means that the voucher holder must find a landlord willing to accept the voucher and submit a "lease-up" package to the HCVP office within 180 days of issuance of the voucher, or they will lose the voucher that they have often waited years to get. Many of our clients run into problems with this, due to a very tight rental market in DC and the difficulty that people with bad credit/rental histories have in finding a

landlord willing to rent to them. The increase in Payment Standards to 175% of local FMRs is one way DCHA is trying to address this.

For voucher holders who have a physical or mental disability that prevents them from finding housing within 180 days, federal law provides that a Housing Authority *must* extend the voucher term up to a period of time required to reasonably accommodate the disability. (24 C.F.R. 982.303). Voucher holders used to be able to also argue other good cause bases for extensions even without a disability, but DCHA changed their policy in 2018 and now only allows Voucher extensions if it's based on a disability of a family member.

Discrimination against HCVP voucher holders

It is illegal under the DC Human Rights Act for a landlord to discriminate against tenants based on their status as voucher holders. *See* DC Code Ann. § 2-1402.21(a)(1) (2002). Because many DC landlords still discriminate against prospective tenants with HCVP vouchers, it is important to make sure your clients know their rights in this regard, as they can seek relief from the DC Office of Human Rights if those rights have been violated.

Another impediment for many clients is the fact that they are usually required to pay a full month's rent (not just the tenant's share of the rent) as a security deposit, which many clients cannot afford to do. One option for people in this situation is the DC-funded Emergency Rental Assistance Program ("ERAP"), which can be used to pay a security deposit or first-month's rent for low-income families or persons with disabilities (*see* Chapter G.)

HCVP voucher holders can contact one of the Housing Counseling Agencies listed at the end of this chapter for assistance in finding a landlord willing to accept their voucher, or go to www.dchousingsearch.com.

HCVP Voucher Terminations

An issue that regularly arises at intake is the threatened termination of an HCVP voucher, which is supposed to be a permanent voucher. DCHA finalized new regulations in 2013 that govern voucher terminations (14 DCMR Chapter 58). There are also federal regulations pertaining to voucher terminations (24 CFR § 982.552) with which DCHA must comply.

Grounds for termination include: 1) violating any "family obligation" under the program; 2) committing fraud in connection with a federal housing program; 3) failure to reimburse another Housing Authority for any debts; 4) defaulting on a "Repayment Agreement" for a debt owed to DCHA; and 5) having sufficient income to pay the entire market rent, or net assets of more than \$100,000.

There is a separate section of regulations pertaining to voucher terminations for alleged **criminal activity** (14 DCMR 5804). These regulations *require* termination for anyone who has ever been convicted of methamphetamine production or who is on the lifetime sex offender registry. They also *allow but don't require* termination for the following: 1) an adult family member has used drugs within the past nine months "at or in the proximity" of the housing unit, that causes a nuisance or threatens the health or safety of the neighbors; and 2) any family member has engaged in "felonious drug related criminal activity" or "violent criminal activity" in the

preceding two years, which includes not just convictions, but also evidence such as a police report, a search warrant, or “credible evidence provided by persons with knowledge of the alleged activity.” The Legal Clinic and other advocacy organizations strongly recommended against adopting such broad criteria, but DCHA kept these provisions in the new regulations.

Termination notices for alleged violations of “family obligations” are fairly common. Those federal obligations, contained in 24 CFR 982.551, require that voucher holders: 1) recertify with DCHA in a timely way (see above for Recertification requirements); 2) supply DCHA with all requested information; 3) not cause housing code (HQS) violations in the unit; 4) allow regular DCHA inspections of the unit; and 5) not commit serious or repeated violations of the lease. The HQS and inspections issues have been particularly problematic for our clients over the past few years, as DCHA inspectors often either wrongly conclude that a housing code violation was caused by the tenant rather than the landlord, or cite the tenant for very minor violations. The HCVP office is supposed to have special mediators available to handle conflicts regarding these issues so they can be resolved short of a hearing.

In order to terminate a voucher, DCHA must serve participants with a written notice that states the reasons for the proposed termination and notifies them of the right to an Informal Hearing to contest the termination. The notice must give the participant 30 days in which to request an Informal Hearing, and the **termination cannot take place while an Informal Hearing is pending.**

Informal Hearings for HCVP cases

The HCVP Informal Hearing regulations are at 14 DCMR Chapter 89. Any applicant or participant in the HCVP program has a right to an Informal Hearing to contest voucher terminations or denials, as well as other DCHA actions, including improper rent calculations; denial of a request for a reasonable accommodation; or failure to provide a proper utility allowance (14 DCMR § 8902).

Unlike public housing, where the appeal period is one year, **HCVP clients have only 30 days from the date of an adverse action notice to request an informal hearing.** However, if someone misses this 30 day deadline in a termination proceeding, they are entitled to a “**Good Cause Hearing**” at which they can present arguments that there was good cause for missing the appeal deadline, including factors such as lack of notice, disability, incapacity, or an emergency.

The procedures governing these Informal Hearings include the right to examine the client’s file prior to the hearing; to present any information or witnesses pertinent to the issues raised; and to have an attorney present. **DCHA cannot rely upon any information that was not made available to the participant prior to the hearing.** Since the General Counsel’s office rarely provides access to the client’s file in a timely manner, this often results in postponement of the Informal Hearing. DCHA adopted new file request procedures in 2014, which require the client to sign a DCHA Records Release Form, which is contained in our Site Kit at all intake sites, or can be obtained from your Case Counseling attorney. The regulations also require the **tenant’s representative to provide copies to DCHA at least three days in advance of any evidence we intend to present at the hearing.**

The regulations require that a decision be issued within 14 days of the hearing, but DCHA rarely complies with this deadline, so it is important to monitor this closely. An appeal to the DCHA Executive Director is available from any Informal Hearing decision. A 2015 DC Court of Appeals decision held that an appeal of the DCHA Executive Director's Decision must go directly to the Court of Appeals rather than Superior Court, pursuant to the DC APA (*See, Mathis v. DCHA*, (DC App. 2015)).

Section 8 Moderate Rehabilitation Program

The HCVP office of DCHA also administers what is known as the "Section 8 Mod. Rehab. Program," which places those who reach the top of that wait list in subsidized housing owned by landlords who have agreed to participate in the program. Many of the Section 8 Mod. Rehab. units are single room occupancy units ("SROs"). When applicants reach the top of the Mod. Rehab. wait list and complete the eligibility process, they are informed when a particular participating landlord has a unit available. If the client accepts the unit, she or he goes through the lease-up process with the HCVP office. If the client turns it down, or someone else accepts the unit first, she or he should be contacted when the next available unit comes up. Clients should be warned that these units do not become available very often, so if they are contacted they should act quickly.

Local Rent Supplement Program ("LRSP")

The DC government provides funds to DCHA to run this program, which is a locally funded version of HCVP. Most HCVP regulations apply to this program, and the termination and appeal processes are the same as those for HCVP recipients. However, the eligibility criteria for LRSP vouchers are broader, and these vouchers are *not* portable to other jurisdictions.

VA Supportive Housing Vouchers ("VASH")

The Veterans' Administration, as part of its largely successful effort to eliminate Veteran homelessness, funds the VASH program, which provides vouchers to eligible Veterans which operate like Housing Choice Vouchers. DCHA currently administers that program, which consists of 1,035 VASH vouchers. Once clients are chosen for the program, DCHA completes the leasing process with prospective LLs, and pays the rent subsidies for those clients.

Section 8 Project-Based Housing Programs

Section 8 project-based housing refers to federally-subsidized affordable housing in which the housing subsidy is tied to a particular apartment or complex, which was constructed with federal funds. Tenants pay 30% of their income in rent, but **these buildings are *not* run by DCHA and tenants do not have a right to the grievance process at DCHA.** Households must apply directly at individual project-based Section 8 housing complexes (*not* at DCHA) if interested in leasing one of these units. For a list of Section 8 project-based housing, go to HUD's website at <http://www.hud.gov/apps/section8/index.cfm>. Each property operates its own waiting list.

PRACTICE TIP

The Legal Clinic's Affordable Housing Initiative ("AHI") works with tenants and tenant associations in project-based Section 8 housing. If you have clients with issues related to this type of housing, contact AHI staff attorney Will Merrifield at (202) 328-5502 for assistance.

Project Based Section 8 Opt-Outs

Many project-based Section 8 properties in the District have contracts with HUD that will expire over the next few years. Once the contract expires, the landlord can request a new contract with HUD or "opt-out" of the Section 8 program. The incentive for many landlords to "opt out" is that they can raise their rents to market rate if the overall rent for the unit is below market rent for the area.

The opt-out process does not mean that residents will automatically lose their housing or their federal subsidy. In this context, clients have the following rights: landlords are required to notify tenants **one year in advance** of the contract expiration date as to whether they plan to renew their contract or opt-out. If a contract is renewed, clients will get **one year's notice** prior to renewal. If a landlord opts-out (non-renewal), tenants receive enhanced vouchers, if eligible (*i.e.* all tenants must go through regular Housing Choice Voucher eligibility process at DCHA). Tenants may remain in their unit and will receive an "enhanced" or "sticky" voucher that will cover the difference between 30% of their income plus the rent increase, if reasonable. Landlords must accept a remaining tenant's enhanced voucher as long as the property remains rental housing (42 USC § 1437f(t)). Tenants do not have to remain in their units, but if they choose to move, they will lose the "enhanced" aspect of their voucher and the value will drop to the general payment standard for regular Housing Choice Vouchers.

Reasonable Accommodations for Disabilities in DCHA Housing Programs

Applicants for and participants in each of the aforementioned federally subsidized housing programs have many rights under federal and local discrimination laws, including the **DC Human Rights Act**, Section 504 of the federal **Rehabilitation Act**, **Americans with Disabilities Act**, and **Fair Housing Act**. DCHA also has its own Reasonable Accommodation regulations, located at 14 DCMR Chapter 74.

Discrimination claims can be raised defensively (*e.g.*, as a defense to an HCVP voucher termination case or public housing eviction) or affirmatively (*e.g.*, as the basis for a request for reasonable accommodation in the application or eligibility process or a discrimination complaint with HUD). The Legal Clinic has copies of DCHA's Reasonable Accommodation forms and examples of typical reasonable accommodation requests. Cases in which a client's disabilities are an issue in her or his ability to access housing through DCHA can be discussed with Legal Clinic staff attorney Amber Harding at (202) 328-5503. Reasonable accommodation requests should be submitted to DCHA's ADA/504 Coordinator, Carolyn Punter, who can be reached at (202) 535-2737 or cpunter@dchousing.org. *See* Chapter S of this Guide for more on federal and local anti-discrimination laws.

DC Housing Authority Programs Contact Information

DC Housing Authority

1133 N. Capitol Street, NE, WDC 20002

Tyrone Garrett, Executive Director, (202) 535-1513, tgarrett@dchousing.org

[Chelsea Johnson, Deputy Exec Director, 202-535-1513, cjohnson@dchousing.org](mailto:cjohnson@dchousing.org)

[Hammere Gebreyes, Director, Government Affairs \(202\) 535-1500 hgebreye@dchousing.org](mailto:hgebreye@dchousing.org)

Client Services/Placement Division: (202) 535-1706; fax (202) 535-2043

Horace Carrington, Director, (202) 435-3240, hcarring@dchousing.org

Jackie Weston, Administrative Assistant, (202) 435-3246, jweston@dchousing.org

Medina Johnson-Jennings, ADA Coordinator, (202) 535-2737, ada504@dchousing.org

Call or e-mail for questions about status of client's application, operation of waiting list, or transfer requests. **No walk-in hours.**

Customer Call Center: (202) 535-1000; Terrance Stroman, Interim Supervisor

General Counsel: (202) 535-2835

Kenneth Slaughter, Interim General Counsel, (202) 535-2839, kslaughter@dchousing.org

Edward Kane, Deputy General Counsel, 202-535-2843, ekane@dchousing.org

Grievances and Fair Hearings: (202) 535-2919; hearings@dchousing.org

Watson Fennell, Director, wfennell@dchousing.org

Housing Choice Voucher Program (HCVP): (202) 435-3300

Ron McCoy, Director, (202) 435-3314, rmccoy@dchousing.org

Cheryl Robinson, Deputy Director, 202-435-3306, crobinso@dchousing.org

Telephone Hours: Monday – Friday 8:30 a.m. – 4:45 p.m.

Office Hours: Monday – Friday 8:30 a.m. – 4:30 p.m.

Walk in hours: Tuesday 8:30 a.m. – 3:30 p.m.

HCVP Informal Hearings/complaints: Keith Moone, kemoone@dchousing.org

Housing Counseling Agencies Contact Information

The DC Department of Housing and Community Development (“DHCD”) funds the following community-based agencies to do housing counseling:

Housing Counseling Services, Inc.

2410 17th Street, NW, #100, WDC 20009

(202) 667-7006; fax (202) 667-1267

info@housingetc.org

Marshall Heights Community Development Organization

3939 Benning Road, NE, WDC 20019

(202) 396-1200; fax (202) 396-4106
dbaskerville@mhcdco.org
Monday – Friday 9 a.m. – 5:00 p.m.

University Legal Services

220 I Street, NE Suite #130 20002
(202) 547-4747; fax (202) 547-2662
Monday – Friday 9 a.m. – 5 p.m.

Additional assistance in locating housing:

Lift DC

The Perry School: 128 M Street, NW, Suite 335, WDC 20001
(202) 289-2525
washingtondc@nspnet.org
Monday – Friday 10 a.m. – 6 p.m.

Lift DC additional sites:

Columbia Heights Shaw Collaborative:
1420 Columbia Road, NW, WDC 20009
(202) 332-4200 x1116

Town Hall Mississippi Arts Recreation Campus (THEARC):
1901 Mississippi Avenue, SE, Suite 205, WDC 20020
(202) 450-2787

DCHA Housing Counselor

Clients must request assistance through their HCVP caseworker.

Bread for the City Housing Clinic

Bread for the City's Housing Access Program hosts weekly information sessions about housing options in the city with a focus on subsidized housing and securing a spot on those individual wait lists. After attending the clinic, clients can make an appointment to fill out applications with a Bread for the City case manager. Clients must complete intake before attending the session.

1640 Good Hope Road, SE: Mondays 10 – 11:30 a.m. (Intakes at 9 a.m. on Mondays)

1525 Seventh Street, NW: Wednesdays 1 – 2:30 p.m. (Intakes from 9 – 11 a.m. on Wednesdays)

Sources of Law

Public Housing

United States Housing Act of 1937, 42 U.S.C. §§ 1437 *et seq.*
24 C.F.R. §§ 901, *et seq.*
14 D.C.M.R. Chapters 60-65; 74; 96-97.
D.C. Code 6-201 *et seq.* (DCHA enabling legislation)

Housing Choice Voucher Program/Section 8

Section 8 of United States Housing Act of 1937, 42 U.S.C. §§ 1437 *et seq.*

24 C.F.R. §§ 887. 982 and 983.

14 DCMR Chapters 60-62, 74, 76, 81, 83-85, 89, 92.

DCHA Housing Choice Voucher Administrative Plan (ask your case counseling attorney)

Local Rent Supplement Program

14 DCMR Chapter 95 plus all HCVP regulations other than porting regs.

Public and Subsidized Housing: Intake Interview Essentials

- ☐ **Have client sign a general release form**
 - Also have the client sign a DCHA release form if the client has an HCVP voucher.
- ☐ **Identify the program**
 - Is the program public housing or Housing Choice Voucher Program/Section 8 (run by DC Housing Authority)?
 - Is it another type of federal or local subsidy, such as Shelter Plus Care, Permanent Supportive Housing, etc. (different regulations apply)?
 - How much is rent and to whom is it paid? Who are the other parties to client's lease?
- ☐ **Gather essential case information**
 - What relief is the client seeking and why?
 - Copy any notices, court papers, lease, housing voucher or other documents.
 - Get names and contact information for landlord, property manager, case manager, and/or DCHA or other agency contact; and any witnesses.
- ☐ **If the client is already in a housing program**
 - If threatened with **eviction or subsidy termination**, find out if any notice was received; whether the client appealed; what the client's defenses were; and whether there are any court or Informal Hearing dates.
 - If issue is **conditions**, find out what is wrong with unit; how long conditions have existed; whether client complained about them to landlord, and landlord's response.
 - If issue is **rent**, find out if client is claiming tenant portion is incorrect; if client is behind in rent; if any notices from landlord or DCHA regarding rent were received; if client requested an Informal or Fair Hearing.
- ☐ **If the client is seeking admission to a housing program**
 - Find out when client applied; date of any application updates; any receipts, notices or letters regarding application status.
 - If client was **dropped from wait list**, find out if client received notice; reason for termination and client's defense; and date of last application update.
 - If client was **denied admission**, find out if notice was received; whether informal conference or hearing was requested; basis for denial; and any defenses.
 - If **past debt to DCHA** is basis for denial, find out if client has any notices about debt; any defenses to debt; any past attempts to pay; any interest in bankruptcy; and when the debt was incurred.
- ☐ **For discrimination and ADA claims**
 - If HCVP holder is unable to find housing, discuss all housing search efforts; reasons denied by any landlords; whether client has a disability that limits ability to search for units; whether client (due to a disability) needs a unit with special features; and any discriminatory comments about vouchers.

- If client is threatened with eviction or subsidy termination, find out if anyone in household has a mental or physical disability, and if termination is related to this; discuss potential reasonable accommodation; get contact info for any doctors.



Arrange for follow-up

- Obtain all potential contact information and arrange for next contact.
- Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

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CHAPTER F: POLICE ISSUES AND STREET RIGHTS

Overview

While the Legal Clinic generally does not represent people in criminal cases, we do assist people who have been victims of police harassment or other mistreatment by law enforcement (there are numerous law enforcement agencies in DC, in addition to the Metropolitan Police Dept (MPD), including the U.S. Park Police, Secret Service, Metro Transit Police, and U.S. Capitol Police). The Legal Clinic also does “street rights” presentations for clients, which cover storing/carrying property, sleeping in public space in DC, and police-citizen contacts. There are **Street Rights laminated cards** in all of the Intake Site Kits, which should be given to any client who asks about their rights on the street. Finally, the Legal Clinic has conducted a 2-hour training, called “Homelessness 101” for all MPD Recruit classes since 1999, to educate new Officers about homelessness.

Street Rights

In the District of Columbia, anyone, regardless of whether they are homeless, has a legal right to sit or stand in any public space and to carry or keep numerous bags or other belongings, as long as they are not blocking sidewalks or other passageways. However, the police sometimes ticket homeless persons for “storage on public space” or threaten to dispose of property that is left unattended in a public place, so it is helpful for homeless individuals to know their rights in this regard.

There are no laws in DC prohibiting sleeping in public (except on federal parkland, where it is illegal without a permit), but police sometimes threaten people who are doing so with a ticket or arrest for allegedly violating a local regulation,²⁴ DCMR 121, which prohibits setting up a “camp or temporary abode” in public space without a permit. In late 2015, the city began an effort to dismantle all the “homeless encampments” that have sprung up on public property in D.C., an effort which the Legal Clinic has actively opposed (see below for information on the Protocol which governs these government actions). Police in DC also sometimes approach homeless persons and ask to see their ID and/or search their bags, without legal justification, which is expressly prohibited by MPD’s own internal orders (*see* below).

Finally, there is **no law in DC which prohibits “loitering,”** and in fact loitering has been found to be a Constitutionally-protected right in several U.S. Supreme Court cases. However, it took DC until 2010 to officially repeal its vagrancy statute that outlawed loitering (DC Code 22-3502), despite the fact that the statute was declared unconstitutional in 1968. Although clients are **not** prohibited by law from hanging out in public places, or other behavior which could be construed as “loitering,” many law enforcement officers and local businesses believe otherwise, and sometimes threaten to ticket, arrest, or bar people for loitering.

The two main laws often used by police to target homeless persons in DC are the Aggressive Panhandling statute (DC Code 22-2301), and the recently revised Disorderly Conduct statute (DC Code 22-1321). The panhandling statute narrowly defines “aggressive” panhandling to include blocking someone’s way, touching the person or causing them to fear bodily harm, continuing to

ask for money after someone declines, and panhandling at a Metro station. **Any other type of panhandling is a legally protected First Amendment right.**

The Disorderly Conduct statute, which was extensively revised in 2011, prohibits a number of behaviors of which homeless persons may be accused. These include obstructing a public passageway, such as a sidewalk or building entrance; inciting violence or using abusive language or gestures; disrupting public transportation; and urinating or defecating in public. MPD issued guidance and training to all its officers on implementation of this law, including cautioning Officers that someone is not violating the obstruction provision unless they are *completely* blocking a public passageway, and that as long as the person moves enough to cease the obstruction, they should not be charged with disorderly conduct.

If someone complains of being stopped or cited for one of the above-mentioned violations, volunteers should obtain more details about where and when the violation occurred, and a description of the officer involved. If the person received a ticket, he or she can contest the charges by going to a local police station and requesting a trial date. If the person is indigent, it is important to note that she or he does *not* have to pay the “collateral” that the ticket states is required in order to get a hearing scheduled.

MPD General Order on Interactions with Homeless Persons

After many years of Legal Clinic advocacy on this issue, in October 2011, MPD adopted General Order 308-14, entitled “Interactions with Homeless Persons.” The language in this Order contains many protections for people who are homeless, and begins by stating that the purpose of the Order is “to ensure that... [Officers] are sensitive to the needs and rights of homeless persons in DC.”

The express policy underlying this Order recognizes that **“all persons, including people experiencing homelessness, have the right to be peacefully in any public space of the District as long as their activities are lawful...homelessness is not a crime”** (emphasis added). While this may seem obvious, MPD has often targeted people who are homeless in the past in a way that made it seem as if it was a crime to simply be homeless. This Order has gone a long way towards ending such discriminatory treatment.

Among the protections in the Order are policies that prohibit officers from: 1) “initiating contacts that interrupt innocent activity” or questioning or detaining anyone based solely on homeless status; 2) communicating in any way to persons who appear to be homeless that they are not allowed to be in a particular public space because of their homelessness; 3) ordering someone to move to another location when the person has a legal right to be there; 4) demanding to see ID for the purpose of harassment or intimidation; and 5) initiating a search or frisk where there is not adequate “reasonable suspicion” (the policy states, “a person’s status of being homeless, without more, does not constitute reasonable suspicion”).

The Legal Clinic has successfully used this Order to have MPD educate its officers about how to appropriately treat persons who are homeless and to cease any offending conduct. If a volunteer speaks with a client who has experienced any of these types of police harassment, the volunteer should contact their case counseling attorney to discuss what recourse the client may have.

Police Misconduct Complaints

DC Office of Police Complaints

1400 I Street, NW Suite 700, WDC 20005

(202) 727-3838; fax (202) 727-7638

24-hour Hotline (866) 588-0569

www.policecomplaints.dc.gov

The **DC Office of Police Complaints (“OPC”)**, an agency that is independent from the Metropolitan Police Department, is charged with investigating and adjudicating complaints against MPD and DC Housing Authority officers. Its jurisdiction covers misconduct ranging from harassment and demeaning language to excessive force. An information sheet describing how the OPC process works and sample complaint forms are located in the Intake Site Kit at all of our intake sites. **A complaint must be filed with OPC within 45 days of when the incident occurred** (with some exceptions for good cause). If a client complains of police misconduct, volunteers can assist in filling out the complaint form and possibly represent the client throughout the OPC process. Because of past problems with slow processing of complaints, OPC allegedly places priority on complaints filed by persons who are homeless, so this should be noted in a client’s complaint.

In addition to the OPC, persons who have been victims of police mistreatment can also file an internal complaint with the MPD on a form called a “PD-99.” These forms can be obtained from any MPD district headquarters. Contact your case counseling attorney for further information.

If a client reports serious claims of police brutality or excessive force, she or he may have grounds for a lawsuit seeking damages and will need a referral to an attorney who does tort litigation. Case counseling attorneys may have referral information for police misconduct litigation.

Property Retention by the Police or City Government

Both DC and federal laws govern disposition of property that is abandoned or lost on public space. Federal law additionally covers property that is left “unattended” for longer than 24 hours on federal property. This has implications for many of our clients, who are often forced to leave their personal property in parks or other public places because they have nowhere else to store it.

Under DC Code 5-119.01 and 5-119.06, DC Police must impound, register, and store all lost or abandoned property with the MPD Property Clerk for at least 30 days. Federal regulations, which govern all federal parkland (including many public parks and traffic circles in the District of Columbia) prohibit leaving property unattended for longer than 24 hours and provide that Park Police may impound any such property (36 C.F.R. 2.22). Such impounded property must be inventoried and stored by the Park Police for at least 60 days (*see* below for the contact number to retrieve such property from the Park Police).

Further protections for property left by people who are homeless on public space or for those who are staying in homeless “encampments” are contained in a document known as the “Protocol for the Disposition of Property Found on Public Space and Outreach to Displaced Persons.” This Protocol was originally adopted by the city in June 2005, but it was significantly revised in 2012,

and again in 2016. The current Protocol, on which the Legal Clinic had input and which was finalized in Nov. 2016, requires the city to post a 15-day notice if it plans to conduct a “clean-up” of public space where homeless persons are staying or where their belongings are kept; to do outreach and offer shelter or housing to persons whose property is located there; to offer two 40-gallon storage bins to anyone who wants the city to store their property; and to retain and store for at least 60 days valuable property remaining at the site which is marked for storage, including important documents, working bicycles, and tents. If a client complains that she or he had property in a public place that she or he believes was taken or destroyed by the government, volunteers should discuss this with their case counseling attorney.

Important Contact Information:

Criminal Justice Act Attorneys

Call (202) 824-2830, the number for CJA attorneys.

DC Public Defender Service: Community Defender Division: (202) 824-2801

1442 Pennsylvania Avenue, SE, WDC 20003

The DC Public Defender Service has a Community Defender Division which handles a variety of civil legal matters for people with criminal records, especially those who are not connected with the Court Services and Offender Supervision Agency (“CSOSA”).

Metropolitan Police Department Property Questions: (202) 727-9099

The MPD Command Information Center command center can direct clients and volunteers to contact information for the particular district where property was confiscated.

MPD Records Office: (202) 727-4245

300 Indiana Avenue, NW, Room 3055, WDC 20001

U.S. Park Police

Property Office (202) 426-6849

Rock Creek Region (202) 426-7716

<https://www.nps.gov/subjects/uspp/contactus.htm>

Crime Victims Compensation Program

Program Description

Financial awards up to \$25,000 may be available to those who suffer economic loss as a result of a violent crime. Awards cover loss of earnings, loss of support, medical-related costs, funeral expenses, loss of services, and occupational therapy. Compensation is not awarded for stolen property, damaged property, or pain and suffering. The main way in which our clients use this program is provision of temporary food (up to \$400) and housing (up to \$3,000 and 120 days), often due to domestic violence. The program also has access to counseling resources and hotel vouchers for victims of domestic violence, including stalking.

Eligibility

- (1) An innocent victim of a violent crime who is injured and suffers an economic loss as a

- result of the crime;
- (2) a survivor or dependent of an innocent victim who is killed as a direct result of the crime;
 - (3) a person who is injured while assisting a victim of crime; or
 - (4) a person who is responsible for the support of an innocent victim and who incurs an economic loss as a result of the crime.

Other Requirements

The crime must be reported to the Metropolitan Police Department **within seven days**. Victims of domestic violence or sexual assault are exempted from this rule but must still document the crime through medical or other records. An application for compensation must be filed with the Crime Victims Compensation Program within one year after the crime.

Applications for compensation may be obtained from local police districts or from the program itself. Those applying must bring in a copy of their police report.

Agency Contact

Crime Victims Compensation Program

515 Fifth Street, NW, Room 109, WDC 20001

Monday – Friday 8:30 a.m. – 5 p.m.

Darrell Hale, Director (202) 879-4216

Monica Slade, Victim Advocate (202) 879-2893

To qualify for assistance, client must have documentation of a crime (*e.g.*, a police report, court order, etc.

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CHAPTER G: CONSUMER ISSUES

Clients of the Legal Clinic present a wide variety of consumer issues, most of which we will assist with and attempt to resolve. The following is a brief overview of several areas of consumer law that volunteers may encounter at intake.

Unlawful Trade Practices and Sales

The DC Consumer Protection Procedures Act (CPPA), DC Code § 28-3901 *et seq.* prohibits merchants from engaging in certain trade practices and establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia. The extensive list of prohibited practices are codified at DC Code § 28-3904 and the private right of action can be found at DC Code § 28-3905(k). Clients may also file complaints to seek administrative enforcement against a merchant. These complaints can be filed through the D.C. Office of Attorney General website ([see oag.dc.gov/service/consumer-protection-asst](http://oag.dc.gov/service/consumer-protection-asst)).

In addition to the CPPA, the DC Code contains many specific consumer protection laws, including the following:

- Consumer Credit Protection Act (DC Code §§ 28-3801 to 28-3816)
- Consumer Credit Service Organizations (DC Code §§ 28-4601 to 28-4608)
- Consumer Layaway Plan Act (DC Code § 28-3818 *et seq.*)
- Rental Housing Locator Consumer Protection Act (DC Code § 28-3819)
- Home Loan Protection Act (DC Code § 26-1151.01 *et seq.*)
- Home Equity Protection Act (DC Code § 42-2431 *et seq.*)
- Foreclosure Mediation (DC Code § 42-815.02)
- Automobile Consumer Protection Act (DC Code § 50-501 *et seq.*)
- Installment Sales of Motor Vehicles (DC Code § 50-601 *et seq.*)

Several of these local laws provide a private right of action. Federal law also provides additional protections for consumers such as the Consumer Leasing Act (15 U.S.C. § 1667 *et seq.*) which regulates personal property leases that exceed four months in duration and are made to consumers for household use. This Act requires disclosure of costs and terms, and limits the amount of penalties for delinquency or default. The Act also imposes civil liability, through private actions, for violations.

Credit Access and Credit Billing

The Equal Credit Opportunity Act (“ECOA”) (15 U.S.C. 1691, *et seq.*) prohibits discrimination in extending credit on the basis of race, color, religion, national origin, sex, marital status, age, and receipt of public assistance and requires creditors to give reasons for denial of credit when requested. The Act also establishes a private right of action and administrative enforcement.

The Fair Credit Billing Act (“FCBA”) (15 U.S.C. 1666, *et seq.*) requires prompt written acknowledgment of consumer billing complaints, investigation of billing errors by creditors, prompt posting of payments, refunds or credit of overpayments on accounts, and corrections of

billing errors. The Act also prohibits adverse credit determinations until an investigation of errors is complete and provides additional protections during the dispute process.

Medical Treatment and Bills

Access to Emergency Medical Treatment

Some clients may not have medical coverage but are in need of medical treatment. The Emergency Medical Treatment and Active Labor Act (42 U.S.C. 1395dd, *et seq.*) requires most hospitals to provide emergency treatment to patients even if the patient cannot pay or owes money to the hospital; however, the hospital may still charge the patient for the medical services provided to them. The Act establishes a private right of action for clients who are harmed by a violation of the Act.

Medical Bills

Most hospitals have procedures to write off “charity” debts of patients who are unable to pay. The District of Columbia’s provisions for the licensing of hospitals and medical facilities require that these facilities provide uncompensated care equal in value to 3% of the facility’s operating costs. These facilities also must make information available to patients about how this care can be accessed (DC Code § 44-405; 22 D.C.M.R. Chapter B44).

Alternatively, clients may be able to discharge debts under the Hill-Burton Act. Amended as Title XVI of the Public Health Service Act, the Hill-Burton Act requires that hospitals receiving federal construction grants and loans provide a reasonable volume of free or reduced-cost services to persons unable to pay. Although the program stopped providing funds over a decade ago and many hospitals claim to have exhausted their obligation, patients may request (from area hospitals) an application for free or reduced services under the Hill-Burton Act. DC medical facilities that are still considered “Hill-Burton” facilities include the Whitman-Walker Clinic and HSC Pediatric Center (formerly the Hospital for Sick Children).

Clients facing large medical bills may have qualified for Medical Assistance (“MA”) at the time of service. If so, an argument can be made that the hospital should have processed her or his application for MA or should have billed MA if the client was already covered. For other practice tips regarding medical debts, volunteers should talk to their case counseling attorney.

The Health Insurance Counseling Project

George Washington University’s Jacob Burns Community Legal Clinic

650 20th Street NW, WDC 20052

(202) 994-6272; fax (202) 293-4043

Helpline: (202) 994-6272

Serves District residents age 60 and over and persons who receive disability benefits.

Utility Bills

See Chapter H, pages H-5 through H-8.

Storage Facility Bills

Sometimes clients run into problems with commercial storage facilities where they are keeping their belongings. Such problems usually arise when the client fails to keep up with payments to the storage facility and is then threatened with seizure or sale of the stored property. Volunteers who encounter a client with such an issue should obtain as much information as possible regarding the storage arrangements, including the name and address of the agency or private storage company that has possession of the belongings; whether the company has threatened to or has already seized the property and/or sold it; whether the client has any written documents such as a storage contract; the value of property; and the client's ability to make required payments or enter into a payment plan. Volunteers can often work out a payment plan with the storage company in order to save the client's property. DC Code §§ 40-401 *et seq.* governs when the storage facility may enforce a lien by selling the property (after 60 days in default), how the facility must notify the occupant, and what portion of the proceeds must be returned to the occupant.

Loans

The Truth in Lending Act ("TILA") (15 USC 1601, *et seq.*) requires written disclosures of all finance charges and information (such as annual percentage rate or "APR") and provides a three (3) day right of rescission in some transactions that involve establishment of a security interest in the consumer's residence. Provisions of this Act are applicable to mortgage loans, personal loans, etc.

DC Code § 28-3301 *et seq.* prohibits interest rates in excess of 24% financial transactions.

Student Loans

A number of our clients have past student loans, on which they have often defaulted at some point. These debts can interfere with receipt of government benefits or tax refunds if not resolved. One way to address these loan issues is to determine if a repayment plan is possible or whether repayment can be deferred on the basis of unemployment or other grounds. To explore this possibility, contact:

U.S. Department of Education, Default Resolution Group

P.O. Box 5609, Greenville, TX 75403-5609

1 (800) 621-3115

www2.ed.gov/offices/OSFAP/DCS/index.html

It is also possible for government-insured student loans to be forgiven if the debtor can establish a total and permanent disability. If such disability can be proven (*i.e.*, a doctor signs a U.S. Department of Education disability form), the loan will be placed in a "conditional discharge period" for three years; if the disability standard can still be met after the three years is up, the loan will be cancelled. Finally, loans can be discharged if the school was closed, the school that the client attended falsely certified his or her ability to benefit from the training given, or if some other fraud was perpetrated by the school for which the loan was allegedly used. For further information, see the U.S. Department of Education's website at <http://studentaid.ed.gov/repay-loans/forgiveness-cancellation/charts/disability-discharge>.

For more information about federal student loans and for further assistance:

U.S. Department of Education, Federal Student Aid Information Center
1-800-433-3243 (1-800-4FED-AID)

Consumer Law Resource Center
510 Fourth Street, NW, Room 102, WDC 20001
Wednesday 9:15 a.m. – noon
Walk-in service; no appointment needed.

Debt Collection

Debt Collection Practices, Private Actions, and Administrative Enforcement

Many of our clients have been contacted by creditors or collection agencies regarding past or current debts. If a client complains that a creditor, creditor's attorney, or a debt collection agency has engaged in harassment tactics while attempting to collect a debt, the creditor may be in violation of the federal Fair Debt Collection Practices Act ("FDCPA") (15 U.S.C. § 1692 *et seq.*) and the DC Fair Debt Collection Practices Act (DC Code §§ 28-3813 to 3814). Prohibited conduct under these laws includes calling outside the hours of 8 a.m. and 9 p.m.; contacting a debtor after the debtor has made an oral or written request for validation of the debt or to stop the calls; contacting a debtor at work; threatening arrest or unauthorized legal action; and using abusive or profane language in the collection of debts. The FDCPA also requires certain affirmative actions by debt collectors when contacting a debtor, such as identifying themselves as being a debt collector; providing contact information for the original creditor; and notifying the consumer of the right to dispute the debt. Helpful guidance regarding prohibited conduct and actions that a consumer can take to stop debt collectors from contacting them may be found on the Federal Trade Commission's ("FTC") Consumer Information website at <http://www.consumer.ftc.gov/articles/0149-debt-collection>. In addition, if a client reports violations of any of these requirements, he or she may be entitled to damages, via a private lawsuit or through administrative enforcement, under both federal and local laws. Consumer complaints that seek administrative enforcement against a creditor can be filed through the FTC or the Consumer Financial Protection Bureau ("CFPB") (*see* www.ftc.gov/complaint to begin the process for both FTC and CFPB complaints) and the DC Office of the Attorney General website (*see* <https://oag.dc.gov/service/consumer-protection-asst>).

If a client presents any of these issues, volunteers should ascertain identifying information about the creditor; all collection actions taken by the creditor; whether the client has any notices, letters, receipts, or other documents pertaining to the debt; and the client's income source and amount. Volunteers can contact their case counseling attorney for further assistance on these issues.

Debt Collection Actions and Defenses

Creditors and debt collection agencies frequently initiate debt collection actions against our clients. If a client requests assistance with a debt collection action, volunteers may be able to help the client present defenses to these actions. As an initial matter, it is useful to ask if a client has a

pending bankruptcy case, since creditors and debt collection companies are prohibited from attempting to collect on debts upon notice of the filing of the client's bankruptcy petition (11 U.S.C. § 362). Even if a client does not have a pending bankruptcy case, the client may still have several potential defenses to debt collection actions. One potential threshold defense to a debt collection action is the statute of limitations, which is three years in the District of Columbia (DC Code § 12-301(8)). Another potential defense to debt collection arises if the debt was discharged through bankruptcy. **Note:** This defense is only applicable to dischargeable debts (certain debts are "non-dischargeable"). In addition, common law contractual defenses (*e.g.*, unconscionability, fraud, etc.) and procedural challenges (*e.g.*, lack of standing) may also be applicable in debt collection actions. Moreover, local and federal laws (including some of those discussed below) may also provide statutory defenses and remedies for certain violations.

If the client has no apparent defenses to the debt, it is often possible to get creditors to forgive the debt or abandon collection efforts in cases where the debtor is "judgment proof," meaning the client does not have sufficient income or assets from which to collect the debt and, thus, there is virtually nothing that the creditor can do legally to obtain its money or property (*see* "Attachment, Garnishment, and Exemptions" below). Calling or sending a letter to the creditor explaining that the client is judgment proof and that it is not worth the creditor's effort to attempt to collect the debt will usually resolve the issue. For assistance in writing such a letter, volunteers should contact their case counseling attorney.

Consumer Law Resource Center

510 Fourth Street, NW, Room 102, WDC 20001

Wednesday 9:15 a.m. – noon

The Consumer Law Resource Center provides legal and court information related to Consumer Law matters in the District of Columbia, including debt collection, home improvement and independent contractor disputes, security deposit refunds, small claims cases, used car disputes, utility disputes, and violations of the Consumer Protection Procedures Act. Walk-in service; no appointment needed.

Garnishment, Attachment, and Exemptions

After a judgment is entered in a collections action, a client may be subject to garnishment or attachment of wages. DC Code § 16-571, *et seq.* and 15 U.S.C.A. § 1673 provide certain protections for clients who are subject to garnishment or wage attachment; however, if a client earns wages of less than the minimum earnings required by these laws, the client is "judgment proof" and his or her wages cannot be attached because he or she does not have sufficient income from which to collect the debt.

District of Columbia law also exempts certain property of DC residents and residents of any state who earn the major portion of their livelihood in the District of Columbia and are the head of a family or household from distraint, attachment, levy, or seizure and sale on execution or decree of any court in the District of Columbia (DC Code § 15-501 to 15-503). If a client's property does not exceed the exempted amounts, then the client is also judgment proof because she or he does not have sufficient assets from which to collect the debt.

Federal laws (including 42 U.S.C. 407) exempt most public benefits from collection, garnishment, attachment, or levy by creditors and bankruptcy courts.

Bank Accounts (Exempt Funds and Errors)

The Federal Treasury Rule (31 C.F.R. 212) that applies to Social Security, Veterans Administration, and certain railroad and federal employee retirement benefits in bank accounts protects these funds in bank accounts from garnishment up to the amount of such funds deposited over the prior two (2) months.

The Electronic Funds Transfer Act (15 U.S.C. 1693, *et seq.*) requires financial institutions to follow certain policies for transferring funds from accounts and resolving errors, as well as imposing liability for losses due to erroneous transfers and lost and stolen cards. The client has sixty (60) days from date the bank statement is sent to them to report errors on the account. This Act also establishes a private right of action for violations.

Bankruptcy

Chapter 7 bankruptcy can be a viable option to discharge large medical bills or other unsecured debts. If volunteers have experience in this area, we encourage them to proceed with a bankruptcy claim if a client wants to pursue one. If not, the program listed below may be a resource. Note that government-insured student loans cannot generally be discharged unless the debtor can establish substantial or “undue” hardship (which is extremely hard to establish at this time) with respect to her or his financial future. Certain other debts may also be non-dischargeable for various reasons. Additional resources can be found by signing up for www.probono.net/DC/bankruptcy.

DC Bar Pro Bono Center Bankruptcy Clinic

Managing Attorney Nakia Matthews at NMatthews@dcbar.org.

The DC Bar Bankruptcy Clinic refers eligible (non-judgment proof) clients to pro bono attorneys to assist with filing simple Chapter 7 bankruptcy petitions for the purpose of discharging unsecured debts, such as medical bills and consumer credit debt, in cases where the client has income or assets that need to be protected and/or seeks to improve her or his credit in order to obtain employment or housing. **Clients who would like assistance with a personal bankruptcy matter must attend one of the DC Bar Pro Bono Program’s Advice and Referral Clinics, which are held on the second Saturday of every month from 10 a.m. to noon, at both of the Bread for the City locations: 1525 Seventh Street, NW, and 1640 Good Hope Road, SE.** These are walk-in clinics; appointments are not required, but doors close promptly at noon and no additional clients are admitted after that time. Before referring clients for services through this clinic, volunteers should minimally screen the case for income eligibility (*see* Memorandum on Income Guidelines contained in the Site Kit) to confirm that the matter would be a simple bankruptcy petition. The volunteer should then call the above number and, if the managing attorney is available, confirm whether the client presents an appropriate case for bankruptcy. The volunteer should then complete the clinic’s referral sheet, which is also contained in the Site Kit, and email the sheet to cliniccoordinator@dcbar.org or fax to (202) 626-3474 (the DC Bar prefers the form to be emailed). Once the clinic receives the referral sheet, a DC Bar Pro Bono Center staffer will contact the client directly for screening and possible referral.

to an attorney. If a pre-screening of this nature is not possible, clients may be directed to go to the DC Bar Pro Bono Center's Advice and Referral Clinics. Credit Reports
Many clients have problems with their credit reports. The Fair Credit Reporting Act ("FCRA"), 15 U.S.C. 1681, *et seq.*, protects information collected by consumer reporting agencies, requires companies to investigate disputed information, correct inaccuracies, and remove outdated negative information, and establishes a private right of action. Legal Clinic volunteers can assist clients with correcting erroneous information reported to the credit bureaus. The FCRA also permits consumers to receive a free copy of their credit report from each bureau under the other circumstances discussed below.

Annual Credit Report

www.annualcreditreport.com

P.O. Box 105283, Atlanta, GA 30348-5283

In 2003, Congress mandated that every person in the U.S. should be entitled to one free annual credit report. The three nationwide consumer credit bureaus have set up a central website (above), a toll-free telephone number, and a mailing address through which people can order a free annual report. The three main credit reporting agencies – **Experian**, **Equifax**, and **TransUnion** – are now providing free annual credit reports only through the address above. Clients need to provide their name, address, Social Security Number, and date of birth. To verify identity, they may need to provide some information that only they would know about their financial situation.

Additionally, free credit reports are available to persons against whom a company has taken an adverse action, such as denial of an application for credit, insurance, or employment if the report is requested within 60 days of receiving notice of the action. The notice of denial should give the client the name, address, and phone number of the consumer reporting company. Clients are also entitled to one free report a year if they are unemployed and plan to look for a job within 60 days; are on welfare; or if their report is inaccurate because of fraud, including identity theft. Otherwise, a consumer reporting company may charge up to \$9.50 for another copy of the report within a 12-month period. If a client disputes the accuracy of the information on her or his credit report, a letter to the credit reporting agency requesting an investigation and an updated report may resolve this. The volunteer or the client should contact one or all of the credit reporting agencies below and be prepared to provide the client's Social Security Number, date of birth, and possibly past addresses.

Equifax

www.equifax.com

Experian

www.experian.com

1 (888) EXPERIAN (397-3742)

TransUnion

www.transunion.com

1 (800) 888-4213

Credit Counseling

While the Legal Clinic can assist clients with correcting their credit reports, if a client wishes to begin repaying debts, they should seek the assistance of a credit counselor. The DC Code regulates consumer credit service organizations at DC Code § 28-4601, *et seq.*

Money Management International (formerly Consumer Credit Counseling)

1 (866) 531-3442

www.moneymangement.org.

MMI can assist clients who want to repay debts and rebuild their credit. Clients may be eligible for free assistance.

Identity Theft

Increasingly, clients are raising concerns at intake that their identities or other private information have been lost, stolen or compromised. The loss or theft of such information can be a frightening experience. Fortunately, if a client's data was accessed without authorization, there are steps that can be taken both to detect misuse and to help prevent potential future misuse.

The Federal Trade Commission ("FTC") maintains an excellent website at <http://www.ftc.gov/bcp/edu/microsites/idtheft/>, which provides step-by-step guidance as to what to do when information has been stolen and used by an identity thief, as well as when information may have been stolen but not necessarily used.

In the former case, the FTC recommends that victims of identity theft take three immediate steps to repair identity theft: (1) call one of the national credit reporting companies and ask for an initial (free) fraud alert on their credit report; (2) order a free credit report from each of the three credit reporting companies; and (3) create an identity theft report. (*see* www.consumer.ftc.gov/topics/privacy-identity.)

The FTC also recommends that victims close all accounts that are known or believed to have been tampered with or opened; file a complaint with the FTC; and file a report with the local police or the police in the community in which the theft took place. The FTC website details each of these steps, with explanatory sections and links to relevant forms, including the Identity Theft Complaint Form and sample letters to be used to request fraudulent transaction or account information, sample letters to send to companies in order to dispute fraudulent charges, and sample letters to credit reporting companies to correct impacted credit scores.

DC Law provides additional protections through the Consumer Personal Information Security Breach Notification Act, DC Code § 28-3851, *et seq.*, and the Consumer Security Freeze Act, DC Code § 28-3861, *et seq.*, which both provide a private right of action for violations.

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CHAPTER H: EMERGENCY ASSISTANCE (RENT, SECURITY DEPOSIT, MORTGAGE, UTILITIES, FURNITURE)

Overview

This chapter covers emergency assistance needs that clients may have with regard to back-rent, first month's rent and security deposit, mortgage, utility bills, and furniture. Clients often come to intake in need of emergency funds in order to avoid eviction or utility shut-off, or in order to re-establish housing or turn utilities back on. Clients can become frustrated with the number of providers they need to contact in order to piece together enough assistance to deal with an emergency situation. **Volunteers can assist clients by providing contact information for the appropriate agencies in this chapter and, where necessary, urging agencies to assist the client.**

There are two main sources of emergency assistance in the District: Federal Emergency Management Agency ("FEMA") funds and DC Emergency Rental Assistance Program ("ERAP") funds. In addition, each DC utility has programs for low-income residents who fall behind in their bills or need a budget plan. Finally, most DC Council members have constituent service funds that may be used for rent or other financial emergencies. Each of these four groups of resources is listed below, as are some programs that assist with furniture needs.

FEMA Grants (Rent, Mortgage, and Utilities)

The following organizations administer grants from the Federal Emergency Management Agency ("FEMA") or other sources. Funds may be available through these organizations to assist with rent, mortgage, or utility emergencies. The individual agencies have broad discretion in determining who receives assistance. Clients may need to show that they have contributed some of their own funds and that they will have sufficient income to make future payments. Clients should also bring ID and documentation of the emergency, such as an eviction notice or utility shut-off notice. Funds frequently run out, so volunteers may be able to assist clients by calling to check availability. Otherwise, clients will need to contact the appropriate organization(s) themselves to schedule an appointment.

WARD ONE

Mother Dear's Community Center
467 Florida Avenue, NW, WDC 20001
(202) 722-0193

The Salvation Army – Emergency Assistance
1434 Harvard Street, NW, Suite B, WDC 20009
(202) 332-5000; fax (202) 332-5156

WARD TWO

Catholic Charities -Downtown Family Center (rent assistance, not utilities)
924 G Street, NW, WDC 20001
(202) 772-4300; fax (202) 722-4408

Bread for the City
1525 Seventh Street, NW, WDC 20010
(202) 265-2400; fax (202) 518-0515

WARD THREE

All Faith Consortium

2000 14th Street, NW, #21, WDC 20009
(202) 671-1600; fax (202) 232-6161

WARD FOUR

Plymouth Congregational United Church of Christ

5301 North Capitol Street, NE, WDC 20011
Tuesday – Friday 10 a.m. - 6 p.m.
(202) 723-5330; fax (202) 723-9478
(appointment only)

WARD FIVE

Greater Washington Urban League

2901 14th Street, NW, WDC 20009
(202) 265-8200
Serves all wards.

WARD SIX

Catholic Charities – SE Family Center

2812 Pennsylvania Avenue, SE, WDC 20020
(202) 338-3100; fax (202) 338-3188

Capitol Hill Group Ministry

1338 G Street, SE, WDC 20003
(202) 544-3150; fax (202) 544-3863

WARD SEVEN

The Salvation Army- East of the River Initiative

2300 MLK Jr. Avenue, SE, WDC 20020
(202) 678-9771 x61100

UPO: Petey Greene Center

2907 MLK Jr. Avenue, SE, WDC 20020
(202) 562-3800; fax (202) 562-3801

WARD EIGHT

Catholic Charities - SE Family Center

2812 Pennsylvania Avenue, SE, WDC 20020
(202) 338-3100; fax (202) 338-3188

The Salvation Army – East of the River Initiative

2300 MLK Jr. Avenue, SE, WDC 20020
(202) 678-9771 x61100

UPO: Petey Greene Center

2907 MLK Jr. Avenue, SE, WDC 20032
(202) 562-3800; fax (202) 562-3801

ERAP: First Month's Rent, Security Deposit, Eviction Prevention (Back Rent)

The Emergency Rental Assistance Program (“ERAP”) is a locally funded program to prevent or end homelessness for people whose incomes are less than 125% of poverty. **To qualify, the client must have a minor child, have a disability, or be over 60 years of age. Applicants can receive ERAP to cover unpaid back rent, security deposit, and/or first month's rent.** They can only receive assistance once in a 12-month period. The program is governed by regulations issued by the DC Department of Human Services (“DHS”). Applicants may appeal denials via the administrative review and fair hearing process outlined in Chapter B under TANF benefits. A two-page flyer explaining the program and listing every site accepting applications is available in the Intake Site Kit at each intake site and from any case counseling attorney.

Clients should call an agency below for an appointment or to find out if the agency accepts walk-ins. Clients may only apply at ONE of the following agencies, but need not apply at an agency that is in the ward in which they live. If the agency is not moving forward with their application, the client may withdraw it and go to another agency. Alternatively, a call from an attorney may help move the client's application forward.

Catholic Charities - SE Family Center

2812 Pennsylvania Avenue, SE, WDC 20020
(202) 338-3100; fax (202) 338-3188

Catholic Charities accepts applications at multiple locations. *See* the ERAP flyer in the Site Kit for the list of locations, or call the Southeast Family Center for additional intake locations.

The Community Partnership for the Prevention of Homelessness

Multiple Locations, including:

Virginia Williams Family Resource Center
920 Rhode Island Avenue, NE, WDC 20018
(202) 526-0017

Housing Counseling Services

2410 17th Street, NW Suite 100 20009
(202) 667-7006 (for general questions and emergencies)
(202) 667-7339 (to schedule an appointment)

Call on the first business day of the month to request an appointment. If it is an emergency, please call the above phone number to request an emergency appointment or help. Also provides utility assistance, but only to those who are HIV+ or veterans of the armed forces.

info@housingetc.org

The Salvation Army – Emergency Assistance

1434 Harvard Street, NW Suite B, WDC 20009
(202) 332-5000; fax (202) 332-5156

Utility Bills

There are several grounds for disconnection of utilities, including non-payment and unauthorized use. The grounds are listed in 15 D.C.M.R. § 310.1. Gas and electric utilities may not disconnect

service even for non-payment when the forecast is for freezing temperatures in the next 24 hours or over the weekend (*see* 15 D.C.M.R. § 310.3). There are also protections in the law for persons for whom disconnection would pose a detriment to their health or safety (*see* § 311.1) or where a dispute on the account is pending before the **Public Service Commission** (*see* § 311.2). Sections 311.3 and 311.5 outline the requirements for written notice to the resident. No utility may disconnect service after 5 p.m. Thursday and before 8 a.m. Monday, on a legal holiday, or on a day the utility is closed, except in certain circumstances (*see* §§ 311.7-9). Finally, utilities must reconnect service within 24 hours of cure of the cause for disconnection (15 D.C.M.R. § 315.1).

Low-income persons have a number of options for assistance in paying utility bills, some of which are listed below. For more information on any of these programs, volunteers should visit the DC Department of Energy and Environment (“DOEE”) website at www.doe.dc.gov. In case of emergency (*e.g.*, when a District resident has received a disconnection notice for electric or gas service or these utilities are currently disconnected), call the **Energy Hotline** at **(202) 673-6750**.

ALL UTILITY BILLS

LIHEAP (“Low Income Home Energy Assistance Program”)

Department of Energy and Environment (“DOEE”)

1200 First Street, NE, WDC 20002

(202) 535-2600; fax (202) 535-2881

Energy Hotline: (202) 673-6750

A federal grant for utility bills. Amount is based on family size and income. This program will make home visits for applications for homebound disabled or elderly clients.

Office of the People’s Counsel

1133 15th Street, NW, Ste. 500, WDC 20005

(202) 727-3071

The Office of the People's Counsel is an independent agency of the District of Columbia government. **By law, it is the advocate for consumers of natural gas, electric, and telephone services in the District.** DC law designates this office as a party to all utility-related proceedings before the Public Service Commission. The OPC can be very helpful in resolving disputes with these three utilities.

DC Public Service Commission (“PSC”), Office of Consumer Services

1325 G Street, NW, Suite 800, WDC 20005

(202) 626-5120; www.dcpSC.org

Consumer specialists are available to work directly with consumers to help them understand their bills. This office also investigates and tries to resolve complaints from consumers about utility service or bills. Consumers can also request that PSC staff engineers conduct meter tests. A consumer Bill of Rights and other educational materials are available on DC PSC’s website.

Shiloh Baptist Church

1510 Ninth Street, NW, WDC 20001

Rev. Robert Felton, Director, Human Services Center (202) 232-4288

Tuesday, Wednesday & Thursday from 12 – 4 p.m.
Some funding available for Pepco bills and back rent.

GAS BILLS

Lowering bills: The Residential Essential Service program offers qualified Washington Gas customers a discounted rate in those months when the need is higher (November 1 – April 1) if clients rely on gas as their main source of heating. Customers apply at the DC Department of Energy and Environment (*see* LIHEAP, above). Clients must reapply each year, typically between August 1 and October 1.

Behind on bills: Call Washington Gas at (703) 750-1000 to negotiate a payment plan. **The client's chances of success in negotiating a reasonable plan are significantly better if contact is made before the gas is turned off.** Once the gas is turned off, the client will have to pay the full unpaid balance and will be charged an additional fee to have his or her gas turned back on. He or she may also be asked to pay an additional deposit. Small payments will usually keep the heat on and save the client money in the long run. Clients may also request a Deferred Payment Plan, in which clients pay their overdue amount in installments over three months.

Budget Plan: Clients may also request to put payments on a Budget Plan, in which Washington Gas determines an average monthly payment, adjusted according to the client's actual gas use. This allows a client to spread expensive winter bills over the warmer months. Clients should contact Washington Gas at (703) 750-7944 to apply.

Payment Extension Plan: If the client's main source of income is a monthly government check, it may not arrive before the gas bill is due. This plan extends the due date of the client's gas bill to avoid late charges. Clients should call (703) 750-1000 to request a 20-day extension.

Turn-off for non-payment: Clients should receive notice 15 days before turn off. Washington Gas will also try to contact the client two days before turn-off and will leave a notice on the door one day before turn-off. Clients can show proof the bill is paid or make payment on the spot to keep gas on. **Gas should not be turned off between 5:30 p.m. Thursday and 8 a.m. Monday.** Additionally, gas should not be turned off if:

- 1) the client can show proof from a doctor or the city health department that turning off the gas will be harmful to the health and safety of a person living at that address (the client will then have no more than 21 days before her or his gas is turned off and must enter a deferred payment plan);
- 2) the temperature at any time during the next 24 hours is expected to be 32 degrees Fahrenheit or below; or
- 3) the unpaid bills are in dispute and are being investigated by the **DC Public Service Commission** (any amount that is *not* in dispute must be paid).

HEATING BILLS (electric or gas)

Utility Discount Program (“UDP”) through DC Department of Energy and Environment (“DOEE”)

1207 Taylor Street, NW, WDC 20011 (Wards 1 – 5)

2100 Martin Luther King Jr. Avenue, SE Suite 404, WDC 20020 (Wards 6 – 8)

Energy Hotline: (202) 673-6750; www.doee.dc.gov/udp

An income-based discount on some of the gas used from November through April. Clients must apply for certification for this program every year. Applications are available through DOEE.

Residential Aid Discount (“RAD”)

1207 Taylor Street, NW, WDC 20011 (Wards 1 – 5)

2100 Martin Luther King Jr. Avenue, SE, Suite 404, WDC 20020 (Wards 6 – 8)

Pepco (202) 833-7500; DDOE (202) 673-6750

An income-based discount on some electricity usage. The client must certify as eligible for this program every year. To receive an application, call Pepco or DOEE.

Extended & Special Payment Plans

(202) 833-7500

<https://www.pepco.com/forms/pepco/residential/payextended.aspx>

Extension without late fees on utility bills for customers whose main source of income is government benefits. Other special payment arrangements are also available for customers who fall behind on their bills. To assist clients in this situation, volunteers should call Pepco at the number above or visit Pepco’s website to fill out a Special Payment Arrangements Enrollment Form.

WAFF (“Washington Area Fuel Fund”)

Distributed through Salvation Army: (202) 332-5000 / (202) 678-9771

Offers grants for persons who are unable to receive help from LIHEAP or RES, or who have help from these programs but need additional assistance. Grant amounts are based on income, family size, and need, and are given out from January through May each year. The grant must be for the primary heating source. Clients must have a termination notice in order to be approved for this program. The processing of WAFF applications begins January 1, when most other federal heating assistance funds have been exhausted. The maximum payment to any household is \$400 per year. Also call to discuss exceptions for applicants facing extreme hardship who may exceed the income guidelines.

Federal Emergency Management Agency (“FEMA”) Funds

Every year, one or more providers in each of the District’s eight wards receive FEMA funds to distribute for utility assistance. These funds are often exhausted well before the year is over. For a current list of these providers, *see* beginning of this chapter.

WATER BILLS (Washington Area Sewer Authority)

Customer Assistance Program (“CAP”)

DC Department of Energy and Environment

Energy Hotline (202) 673-6750

Eligible property owners and tenants whose primary residence is separately metered by WASA are eligible for an exemption for payment for the first 400 cubic feet of water (with savings of \$7.32 each month). Apply annually every October.

TELEPHONE BILLS

Lifeline Cell Phones

The Lifeline Program is a federally-funded program that offers discounts to low-income consumers on telephone bills. District residents who are enrolled in public benefit programs (*e.g.*, Food Stamps, TANF, Medicaid, etc.) qualify through this program for one free cell phone with 250 minutes per month per household. Two of the contracted providers are listed below; clients may apply through either program.

- **Safelink Wireless:** 1 (800) 723-3546, www.safelinkwireless.com
- **Assurance Wireless:** 1 (888) 898-4888, www.assurancewireless.com

Economy II Service

DC Department of Energy and Environment

Energy Hotline (202) 673-6750

Telephone service to qualified heads of household with one or more dependents, or senior citizens (65 years of age or older). Senior citizens pay \$1.00 a month for telephone service with unlimited calling. Qualified heads of households with dependents pay \$3.00 per month with a 120-call allowance in the Washington Metropolitan Area and 6.5 cents for every additional call. Clients should call the Energy Hotline to determine if they are eligible. No longer assists in paying off telephone bills.

Walmart Family Mobile

Walmart offers inexpensive cell phone service (approximately \$35 per month for unlimited calling, texting, and internet access) and cell phones (\$20 phones are available for purchase). Families on public assistance can send in documentation to obtain a discount on the already inexpensive rate through the “Lifeline” program. No credit check and no contract required.

DC Council Constituent Funds

Most DC Council Members have “constituent funds” available to prevent or assist with emergencies experienced by their ward’s constituents. Clients should call their representative as well as each at-large Council Member and inquire as to the availability of constituent funds to assist with the type of emergency they are facing. There are no regulations governing the eligibility or distribution of these funds. Each Council Member should have a director of constituent services.

Council Chair: Chairman Phil Mendelson, (202) 724-8032

At-Large Council Member: Anita Bonds, (202) 724-8064

At-Large Council Member: David Grosso, (202) 724-8105
At-Large Council Member: Elissa Silverman (202) 724-7772
At-Large Council Member: Robert C. White, Jr., (202) 724-8174
Ward 1: Brianne Nadeau, (202) 724-8181
Ward 2: Jack Evans, (202) 724-8058
Ward 3: Mary Cheh, (202) 724-8062
Ward 4: Brandon T. Todd, (202) 724-8052
Ward 5: Kenyan McDuffie, (202) 724-8028
Ward 6: Charles Allen, (202) 724-8072
Ward 7: Vincent Gray, (202) 724-8068
Ward 8: Trayon White, Sr. (202) 724-8045

Furniture Programs

Families and individuals moving out of shelter and into permanent housing may need furniture. There are a few organizations that have furniture programs. Please contact the organization directly to get information regarding what furniture is available and confirm the process to apply.

Additionally, families moving out of shelter or from transitional housing to permanent housing may qualify for exit assistance in the form of a furniture voucher and moving assistance from The Community Partnership for the Prevention of Homelessness, (202) 543-5298. If clients are moving into a transitional or permanent supportive housing program, the program may provide a furnished unit or a furniture voucher. Some also provide vouchers for basic household items like pots and pans.

Organizations that have furniture programs include:

SOME

(202) 797-8806

SOME provides furniture to families and individuals who are moving from shelter to permanent housing. The applicant needs to provide a lease that is less than 30 days old to qualify.

Central Union Mission

(202) 745-7118 / (202) 647-7466

Central Union Mission provides furniture only to clients who have experienced emergencies such as fires, floods, or other disasters. Central Union Mission requires a referral from a social service provider.

A Wider Circle

(301) 608-3504

A Wider Circle offers assistance to any low-income person. Clients can call directly for assistance or they can apply for assistance through their caseworker. Legal Clinic volunteers or a client's case manager can fill out a referral form on line at www.awidercircle.org/partnerreferral.html. In the notes section it is good to write about any urgency related to your client's situation because A Wider Circle will bump clients up the wait list who have more urgent needs for furniture. Once referred, the client will receive a call to

schedule a date to come in and pick out the furniture they want. They will need to have access to a truck or van to transport the furniture themselves.

CCNV

(202) 393-1909

Monday – Saturday 10 a.m. – 4 p.m.

Clients may need a referral from an organization; the Legal Clinic can serve as a referring organization. Clients or their advocates can call the main number and ask to speak to Maintenance and Transportation to determine what furniture is available.

Mission of Love

(301) 333-4440

Salvation Army

(202) 332-5000

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CHAPTER I: IDENTIFICATION

Clients increasingly need identification to access various services and resources (*e.g.*, to get into the building where administrative hearings in shelter and public benefits cases are held). At the same time, the agencies that issue identification documents have tightened requirements. It is difficult for many of our clients to obtain the various documents or complete the forms necessary to obtain an identification card. Volunteers can play a vital role by assisting clients with document requests and the application process.

DMV Non-Driver's Photo ID

The Department of Motor Vehicles (“DMV”) will issue a non-driver photo identification card to District residents who are at least 15 years of age. To qualify, an applicant must verify his or her identity and date of birth, Social Security number, and current residency in DC. The DMV will not accept photocopies or scanned documents. This ID currently costs \$20.

Effective **May 1, 2014**, the DC DMV issues a REAL ID Non-Driver Identification Card or a Limited Purpose Non-Driver Identification Card.

The **REAL ID Non-Driver identification card** requires a one-time revalidation of source documents when obtaining, renewing, or replacing the DC Non-Driver identification card. First-time DC applicants and existing DC Non-Driver identification card holders should expect to provide source documents as proof of identity (full legal name and date of birth), social security number, lawful presence in the United States, and current residence in the District of Columbia.

The **Limited Purpose Non-Driver identification card** also requires a one-time validation of source documents when obtaining, renewing, or replacing the DC Non-Driver identification card. First-time DC applicants must be a resident of the District of Columbia for at least six months. Applicants must have never been issued a social security number; previously been issued a social security number but cannot establish legal presence in the United States at the time of application; or not be eligible for a social security number. The Limited Purpose Non-Driver identification card may not be used for official federal purposes. The DMV no longer requires that clients schedule an appointment to apply, though they may choose to do so at <https://dmv.dc.gov/service/obtain-limited-purpose-non-driver-identification-card>. Clients can also walk in to any DMV service center Wednesday through Saturday and apply without an appointment.

Driver's licenses and identification cards are now mailed to clients (they will no longer be issued over the counter). The DC DMV does **not** mail to P.O. Boxes. Clients will be issued a temporary paper license or identification card that will be valid for 45 days. The ID should arrive in the mail in approximately two weeks.

If the client does not have an address or uses a P.O. Box, volunteers should talk to their case counseling attorney about options for their client.

The DC DMV requires that applicants show proof of identity, Social Security Number, and DC residency in order to get a DC non-drivers ID.

Proof of Identity

To verify **identity and date of birth**, an applicant must present one source document from the list below. The applicant must present the original.

Source documents include (must be original): U.S. birth certificate; valid REAL ID driver's license, learner's permit or identification card; un-expired U.S. Passport; Certificate of Naturalization; Certificate of U.S. Citizenship; unexpired Permanent Resident Card; unexpired Foreign Passport with accompanying visa; Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State; Letter from Court Services and Offender Supervision Agency ("CSOSA") or DC Department of Corrections certifying name and date of birth.

Non-citizens can present various documents issued by the Bureau of U.S. Citizenship and Immigration Services ("USCIS," formerly INS). See <http://dmv.dc.gov> for accepted documents.

Proof of Social Security Number

To verify the **Social Security Number**, the applicant must present one primary source document from the lists below. The client cannot use the same document as proof of identity and proof of Social Security Number.

Source documents include: Social Security card bearing the applicant's name, Social Security Number and signature; payroll statement containing name and Social Security Number; IRS W-2 (wage and tax statement) Form reflecting full name and Social Security Number; IRS 1099 Form reflecting full name and Social Security Number.

Proof of DC Residency

Finally, as proof of **residency**, the applicant must submit two original documents from the list below. Computer print outs are considered original documents. The documents must contain a valid DC address (no PO Boxes) and the addresses must match exactly.

Documents include: utility bill with name and address, issued within the last 60 days; telephone bill (no cell phone, wireless, or pager bills acceptable) reflecting the applicant's name and current address, issued within the last 60 days; deed or settlement agreement; unexpired lease or rental agreement with the name of the applicant listed as the lessee or renter; DC property tax bill; homeowner's unexpired insurance policy reflecting name and address; letter with photo from CSOSA or the DC Department of Corrections indicating the name and address.

Applicants who cannot produce any of the above residency verification documents can submit a **DMV Proof of Residency Form** which requires the signature of a DC resident willing to certify the residence of an applicant. The form must be accompanied by a copy of the *certifier's* valid DC driver's license/non-driver identification, and one of the above residency verification documents for the certifier. The form is available on the DMV's website.

Homeless applicants can verify residency by submitting a special form signed by an authorized social service provider, called the "**Proof of Residency and No Fee Identification Card.**"

Volunteers should check with their case counseling attorney for an updated list of authorized providers.

Fees

The fee for a non-driver's identification card is \$20, but homeless individuals who verify residency by submitting a form signed by an authorized service provider may obtain their first ID for free. Senior citizens (65 and over) and those recently released from prison (within six months with authorized letter from Department of Corrections, Court Services & Offender Supervision Agency or DC Parole and Probation Agency) may also obtain a free identification card.

Applications for non-driver identification cards are accepted at all DMV locations.

Birth Certificates

DC Department of Health, Vital Records Office

899 North Capitol Street, NE First Floor, WDC 20002
(202) 442-9303

The primary source document most often used by clients to obtain a non-driver's ID is an original birth certificate. If a client knows her or his date and place of birth, volunteers will often assist them in obtaining this document. Clients born in the District of Columbia can apply in person for a replacement birth certificate at the DC Department of Health Vital Records Office. The applicant will be asked to present photo identification. Since many clients do not have photo identification, volunteers should advise them to present as many as possible of the following documents: utility bill with full name and address, employee ID with pay stub, military ID, veterans ID, voter registration card, school ID and certified copy of report card/transcript, W-2 Form, Social Security Card or Social Security benefit status printout, Department of Corrections photo ID and probation/release papers, car registration/title with full name and current address, hospital discharge or medical records with current address, court document and/or federal tax documents (current, filed, and with full name/correct address/signatures).

The fee for the original long-form DC birth certificate is \$23.00. Vital Records will not waive the fee, but agencies listed below (*see below*, Funds for Identification Documents) can help with the cost. The application form and additional information is available at <http://dchealth.dc.gov/service/birth-certificates>. For information on how to request birth records from other states, *see* <http://www.cdc.gov/nchs/howto/w2w/w2welcom.htm>.

(*See below* for a list of organizations that will help clients pay to obtain her or his birth certificate.)

Social Security Cards

Clients can apply for a Social Security card or replacement card by completing an Application for a Social Security Card (Form SS-5). The forms are available at www.ssa.gov or at a local Social Security Administration ("SSA") office, and must be submitted to one of the local offices:

1300 D Street, SW, WDC 20224
1905 Ninth Street, NE, WDC 20018
2041 Martin Luther King, Jr. Avenue, SE, WDC 20020

(See page B-35 for additional Social Security office contact information.)

The applicant must show SSA original documents or copies certified by the issuing agency that prove **U.S. Citizenship or immigration status, age, and identity**.

As proof of **citizenship** SSA will accept: U.S. birth certificate; U.S. consular report of birth; U.S. passport; Certificate of Naturalization; or Certificate of Citizenship. Non-citizens must present current immigration documents.

As proof of **age**, a U.S. birth certificate is sufficient. If one is not available, SSA will accept a passport and may accept other documents, such as medical records.

As proof of **identity**, SSA requires one of the following documents: U.S. driver's license; state-issued non-driver identification card; or U.S. passport. If none of these documents are available, SSA requires as many of the following documents as are available: employee or school ID card; marriage document; health insurance card; U.S. military ID card; adoption decree; or life insurance policy.

Funds for Identification Documents

The cost for a non-driver's identification card is \$20.00. However, there is no cost to persons aged 65 or older or ex-offenders released within six months of their application. For more information, see the DMV's website: www.dmv.dc.gov or call (202) 727-5000.

The following organizations provide funds to individuals to cover the fees required for obtaining identification documents:

Chevy Chase Presbyterian Church Transition Assistance Program

1 Chevy Chase Circle, NW, WDC 20015
(202) 363-4817

Tuesday, Wednesday, Friday 9:00 a.m. – 11:30 a.m.

Clients should plan to arrive early, as TAP only assists the first 15 individuals that check in daily.

Foundry United Methodist Church

1500 16th Street, NW, WDC 20036
(202) 332-4010

Fridays 9:30 – 10:30 a.m.

Email to request assistance: idthelp@foundryumc.org

Foundry can assist clients in fees for birth certificates and DC identification. Clients must have an appointment through Foundry's online appointment system at www.foundryumc.org/friday-

[mission](#). Volunteers should ask their case counseling attorney for log-in information. Appointments are on Fridays at 9 a.m. or 10:30 a.m.

Homeless Street Outreach Team

Ami Angell, Pathways to Housing (202) 441-3226

Pathways to Housing partners with the Downtown BID to staff a Homeless Outreach Team, which sometimes provides clients who stay outside with assistance in obtaining birth certificates.

Plymouth Congregational Church UCC

5301 N Capitol Street, NE, WDC 20011

(202) 723-5330

Thursday and Friday 10 a.m. – 6 p.m.

May assist with birth certificates using emergency funds. Call for more information.

Miriam's Kitchen

2401 Virginia Avenue, NW, WDC 20037

(202) 452-8089

Monday – Friday 6:30 a.m. – 9:45 a.m. and 2:30 p.m. – 5:45 p.m.

Can help clients obtain birth certificates, non-driver IDs, and driver's licenses during program hours. Clients must have a referral which states that the client is currently homeless. Beginning in 2015, clients must also have an appointment. Volunteers should talk to their case counseling attorney for information about the online appointment system.

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CHAPTER J: HEALTHCARE

Overview

This section contains referral information for clients in need of general health care as well as dental care, eyeglasses and eye care, disability services, HIV-related services, and substance abuse treatment programs. For mental health care referrals and legal issues related to the Department of Behavioral Health grievance process, *see* Chapter K. For public benefits programs that offer health coverage including Medical Assistance/Medicaid, Children’s Health Insurance Program (“CHIP”), DC Healthy Families, Medicare, and the DC Healthcare Alliance Program, *see* Chapter B.

General Medical

Unity Health Care

Unity Health Care provides free health care at the following locations. For information on specific services offered at each site, visit www.unityhealthcare.org. The phone number to schedule an appointment at any of the sites below is (202) 469-4699.

801 East Building Shelter

2700 MLK Jr. Ave SE, WDC 20032
(202) 715-1950/2; fax (202) 563-1564
Monday – Friday 8 a.m. – 12 p.m.
Tuesday & Thursday 5 p.m. – 9 p.m.

Anacostia

1500 Galen Street, SE, WDC 20020
(202) 610-7160; fax (202) 610-7164
Monday - Thursday 8:15 a.m. – 8 p.m.
Friday 8:15 a.m. – 4:45 p.m.
Saturday 8 a.m. – 2 p.m.

Brentwood

1251-B Brentwood Road, NE, WDC 20018
(202) 832-8818; fax (202) 832-8575
Monday – Friday 8 a.m. – 10 p.m.
Saturday 8 a.m. – 2 p.m.

Central Union Mission

65 Massachusetts Avenue, NW, WDC 20001
(202) 328-1084
Thursday 5 p.m. – 9 p.m.
Adults only.

Christ House

1717 Columbia Road, NW, WDC 20009
(202) 328-1100; fax (202) 328-1850
Monday – Friday 1 p.m. – 5 p.m.
Adults only.

Columbia Road Health Services

1660 Columbia Road, NW, WDC 20009
(202) 328-3717; fax (202) 588-8101
Monday – Thursday 8:15 a.m. – 8:30 p.m.
Friday 8:15 a.m. – 4:45 p.m.
Saturday 8:15 a.m. – 12 p.m.

East of the River Health Center

123 45th Street, NE, WDC 20019
(202) 388-7891; fax (202) 388-7747
Monday – Friday 8 a.m. – 4:45 p.m.

Federal City (“CCNV”) Shelter

425 Second Street, NW, WDC 20001
(202) 508-0500; fax (202) 508-0525
Monday – Friday 8 a.m. – 4 p.m.
Saturday 8 a.m. – 12 p.m.

Friendship Place

4713 Wisconsin Avenue, NW, WDC 20016
(202) 364-1419; fax (202) 464-0200
Monday & Wednesday 1 p.m. – 4:30 p.m.
Adults only.

Harbor Light

2100 NY Avenue, NE, WDC 20002
(202) 269-6333; fax (202) 269-2261
Monday & Friday 1 p.m. – 4:30 p.m.

Minnesota Avenue

3924 Minnesota Avenue, NE, WDC 20019
(202) 398-8683; fax (202) 370-6210
Monday – Friday 8:15 a.m. – 10 p.m.
Saturday & Sunday 8 a.m. – 2 p.m.

N Street Village

1333 N Street, NW, WDC 20005
(202) 234-0951; fax (202) 234-0953
Tuesday & Thursday 8 a.m. – 12 p.m.

New York Avenue

1355 New York Avenue, NE, WDC 20002
(202) 281-3884; fax (202) 526-3585
Monday & Wednesday 5 p.m. – 9 p.m.

Parkside Health Center

765 Kenilworth Terrace, NE, WDC 20019
(202) 388-8160; fax (202) 397-3059
Monday – Friday 8 a.m. – 8 p.m.

Pathways to Housing

101 Q Street, NE, Ste. G, WDC 20002
(202) 529-2972
Monday & Wednesday 8:15 a.m. – 12 p.m.

Patricia Handy

810 5th Street NW, WDC 20001
(202) 733-5278 ext. 100
Monday – Friday 7 a.m. – 3:30 p.m.
Monday & Wednesday 5 p.m. – 9 p.m.

Southwest Health Center

555 L Street, SW, WDC 20003
(202) 548-4520
Monday – Friday 8:15 a.m. – 4:45 p.m.

Stanton Road Center

3240 Stanton Road, SE, WDC 20020
(202) 889-3754; fax (202) 889-9301
Monday – Friday 7 a.m. – 7 p.m.

Upper Cardozo

3020 14th Street, NW, WDC 20009
(202) 745-4300; fax (202) 299-1720
Monday – Friday 8 a.m. – 10 p.m.
Saturday & Sunday 8 a.m. – 2 p.m.

Other Community Clinics

Bread for the City

1525 Seventh Street, NW, WDC 20001
(202) 265-2400

1640 Good Hope Road, SE, WDC 20020
(202) 561-8587

Community of Hope

Next to the Marie Reed Building
2155 Champlain Street, NW, WDC 20009
(202) 540-9857
Monday – Friday 8:30 a.m. – 5 p.m.
Saturday 9 a.m. to 3:30 p.m.

Family & Medical Counseling Service

2041 Martin Luther King, Jr. Avenue, SE, Suite 303, WDC 20020
(202) 889-7900
Monday – Friday 8:30 a.m. – 5:30 p.m.
Saturday 9 a.m. – 2 p.m.

Health Services for Children with Special Needs

www.hscsn.org

1101 Vermont Avenue, NW #1200, WDC 20005
(202) 467-2737

Assistance for children currently qualifying for SSI. Provides care management plan and care coordination, outreach services, respite care, and medically necessary home modifications.

SOME Health Services

60 O Street, NW WDC 20001
(202) 797-8806 x 1042

La Clinica del Pueblo

2831 15th Street, NW, WDC 20009
(202) 462-4788

Call for an appointment. Serves both English and Spanish-speaking populations.

Emergency Room Care

Hospital emergency rooms are generally obligated to provide appropriate medical screening examinations and any necessary stabilizing treatment for emergency medical conditions (42 U.S.C. § 1395dd).

The Hill-Burton Act requires health care facilities that accept Hill-Burton federal loans and grants to provide a certain amount of free care to indigent patients. The following DC medical facilities

are considered “Hill-Burton” facilities: the Whitman-Walker Clinic and HSC Pediatric Center (formerly the Hospital for Sick Children). Medicaid recipients also have certain rights to treatment under the Hill-Burton Act and the Equal Credit Opportunity Act. (*See* 42 C.F.R. §§ 124.603(c)(i); 124.603(d)(2); 15 U.S.C. § 1691(a)(2).) District of Columbia provisions for licensing of hospitals and medical facilities require that these facilities provide some amount of uncompensated care (D.C. Code §§ 44 - 401-422).

Dental

Community Dental Clinics

Conway Health & Resource Center

4 Atlantic Street, SW, WDC 20032

(202) 540-9862

Monday – Friday 8:30 a.m. – 5 p.m.

Saturday 9 a.m. – 3:30 p.m.

SOME Health Services

60 O Street, NW, WDC 20001

(202) 797-8806 x 1041

Unity Health Care Clinics

Call (202) 469-4699 to make an appointment

Anacostia Health Center, 1500 Galen Street, SE, WDC 20020

East of the River Heath Center, 123 45th Street, NE, WDC 20019

Parkside Health Center, 765 Kenilworth Terrace, NE, WDC 20019

Upper Cardozo Community Health, 3020 14th Street, NW, WDC 20009

Eye

Clients with a prescription can obtain eyeglasses through:

Prevention of Blindness Society

Eyeglass Clinic: 233 Massachusetts Avenue NE, WDC 20002

(202) 234-1010; appointment (202) 269-0203

Monday – Friday 8:20 a.m.– 5 p.m. Walk-ins accepted on Mondays; call to make an appointment for other days. Cost of eyeglasses on Mondays is \$50.00. Cost on appointment days starts at \$35.00. Must have prescription first (will not do eye exam).

Disability

DC Center for Independent Living

Main Office: 1400 Florida Avenue, NE, Suite 3A, WDC 20002

(202) 388-0033; fax (202) 398-3018

Monday – Friday 9:00 a.m. – 5:00 p.m.

SE Satellite Office: 840 Chesapeake Street, SE, WDC 20032
(202) 889-5802

NW Satellite Office: 2901 14th Street NW, WDC 20009
(202) 280-6899

www.dccil.org

Independent living skills training, housing search assistance for HCVP holders, peer counseling, information & referral services, and advocacy.

DC Shares (Partner organization of the Washington Area Wheelchair Society)

1301 Belmont Street, NW, Suite 1D, WDC 20009

(202) 332-2595

Monday, Wednesday, Friday 9:00 a.m.- 5:00 p.m.

www.atpdc.org

Provides manual wheelchairs, walkers, canes, shower benches, and other durable medical equipment free of charge to DC residents whose income is below \$20,000. Must come to office with ID; otherwise, volunteers should call in advance on behalf of the client. Email frice@uls-dc.org for assistance.

HIV/AIDS

Legal Clinics

Whitman-Walker Legal Clinic

1525 14th Street NW, WDC 20005

(202) 939-7627

Medical Clinics

Georgetown University Medical Center Infectious Disease Clinic

Pasquerilla Healthcare Center, 5th Floor

3800 Reservoir Road, NW, WDC 20007

(202) 444-0086; fax 1 (877) 665-8072

Monday – Friday 8:30 a.m. – 5 p.m.

Whitman-Walker Health

Elizabeth Taylor Medical Center

1525 14th Street NW, WDC 20005

(202) 745-7000

Max Robinson Medical Clinic

2301 MLK Jr. Avenue, SE, WDC 20020

(202) 678-8877

Support Services

Whitman-Walker Support Services

(202) 745-7000

Damien Ministries

2200 Rhode Island Avenue, NE, WDC 20018

(202) 526-3020

www.damienministries.org

Food bank, clothing closet, and case management services for homeless individuals with HIV/AIDS.

Food and Friends

219 Riggs Road, NE, WDC 20011

(202) 269-2277

Monday – Thursday 8 a.m. – 5 p.m., Friday 8 a.m. – 2 p.m.

Provides meals for people with AIDS (and other terminal illnesses) who are homeless.

Helping Individual Prostitutes Survive (“HIPS”)

2522 14th Street, NE, WDC 20018 (Drop-In Center)

1 (800) 676-4477

HIPS provides needle exchange, crisis response services, HIV & HCV testing, case management, support groups, shower/laundry facilities, and a clothing closet to individuals impacted by sexual exchange and/or drug use through outreach services and a drop-in center.

DC Government Agency Contact**Department of Health, HIV/AIDS Administration**

899 North Capitol Street, NE, Fourth Floor, WDC 20002

(202) 442-5955

Monday – Friday 8:15 a.m. – 4:45 p.m.

Substance AbuseTreatment Programs**U.S. Department of Health and Human Services (J6)****National Drug and Alcohol Referral Networks**

1 (800) 662-HELP (4357)

Assessment and Referral Center

DC Department of Behavioral Health

75 P Street, NE, WDC 20002

(202) 727-8473; 1-888-793-4357

Alcoholics Anonymous (J6)

www.aa-dc.org

(202) 966-9115

CATAADA House

802 Rhode Island Avenue, NE, WDC 20018
(202) 832-8336

Clean and Sober Streets

425 Second Street, NW, WDC 20001
(202) 783-7343

Narcotics Anonymous Helpline, Chesapeake Region

(202) 399-5316

Neighbors' Consejo

6323 Georgia Ave, NW #206, WDC 20011
(202) 234-6855
Three-month inpatient program and outpatient services.

So Others Might Eat (SOME)

(202) 797-8806
Call for referrals.

Detoxification**Assessment and Referral Center**

DC Department of Behavioral Health
75 P Street, NE, WDC 20002
(202) 727-8473; 1-888-793-4357

Providence Hospital Seton House

1053 Buchanan Street, NE, WDC 20017
(202) 854-4623

Washington Hospital Center

216 Michigan Avenue, NE, WDC 20017
(202) 877-6464

Outpatient**Assessment and Referral Center**

DC Department of Behavioral Health
75 P Street, NE, WDC 20002
(202) 727-8473; 1-888-793-4357

Howard University Hospital

2041 Georgia Ave, NW, Suite 51302, WDC 20060
(202) 865-6611

Inpatient

Assessment and Referral Center

DC Department of Behavioral Health
75 P Street, NE, WDC 20002
(202) 727-8473; 1-888-793-4357

The Salvation Army Harbor Light Center

2100 New York Avenue, NE, WDC 20002
(202) 269-6333

GWU Hospital Inpatient Unit

900 23rd Street, NW, WDC 20037
(202) 715-4000

Family Transitional Housing

Community of Hope – Hope Apartments

(202) 563-1060

Transitional housing program for families that have a parent with a substance abuse problem or recent history.

Affordable Care Act

As a result of the Affordable Care Act (“ACA”), most of our clients will qualify for Medicaid (under 200% Federal Poverty Level, no asset test, no disability requirement). *See* Chapter B-20. The DC website to enroll in health care is <https://dchealthlink.com> and the FAQ sheet is found at http://hbx.dc.gov/sites/default/files/dc/sites/Health%20Benefit%20Exchange%20Authority/publication/attachments/HBX-MED-FAQ0113-2pg_1.pdf. If you have additional questions, please contact your case counseling attorney.

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CHAPTER K: MENTAL HEALTH

Department of Behavioral Health and Core Service Agencies

The **Department of Behavioral Health** (“DBH”) (previously the Department of Mental Health) for the District of Columbia is charged with providing mental health services to DC residents with serious mental health issues. Access to services can be made through the **Access Helpline: 1-888-7WE-HELP** (1-888-793-4357) or by going to one of the **Core Service Agencies** (“CSA”), some of which are listed on the next page. Clients can choose the CSA with which they wish to work, as long as the CSA is taking on new clients. They can secure a complete list of CSAs by calling the Access Helpline. Volunteers should consult with their case counseling attorney for more information.

The Access Helpline operators are trained to do preliminary assessments of callers and make arrangements for intake follow-up. The follow-up can happen anywhere and may include mobile teams coming to clients who are living on the street. Clients must be diagnosed with a major mental illness in order to qualify for further services.

DBH offers an array of services to consumers, including assessment, community support, day services, medication management, therapy, crisis intervention, case management, and housing with wrap-around services. Consumers who need a high level of service can be referred to **Assertive Community Treatment** (“ACT”). Substance abuse resources now fall under DBH, as well.

Consumers who are in crisis can go to the **Comprehensive Psychiatric Emergency Program** (“CPEP”) for assessment and medication. From there they should be referred to a Core Service Agency. In many instances, consumers who experience difficulties on the streets will be transported to CPEP by the police department for involuntary commitment, a process known as “FD-12.” FD-12s are issued when a consumer is deemed a danger to themselves or others.

Consumers who have chronic issues can be linked to the DBH **Homeless Outreach Program** (“HOP”), which will meet with people on the street and provide interim services. Ultimately consumers will be referred to a Core Service Agency.

DBH Grievance Process

Anyone seeking or receiving mental health services through the Department of Behavioral Health (“DBH”) or any Core Service Agency may file a grievance to challenge or express dissatisfaction with any denial of service, inadequate service, reduction or termination of service, etc. To assist a client with a DBH grievance, volunteers should consult with their case counseling attorney. **For additional information about the DBH grievance process, call the Consumer and Families Affairs Administration at (202) 673-4377, or visit <http://dbh.dc.gov/service/consumer-rights>.**

Source of Law

22A D.C.M.R. Ch. 3

List of Core Service Agencies

Eligible clients may choose among the various programs, as long as the agency has spaces available. Please check for updated information at <http://dbh.dc.gov/node/119532>.

*Also provides child/youth services.

Amazing Love

702 15th Street, NE 20002
(202) 388-8500

Anchor Mental Health

1001 Lawrence Street, NE, WDC 20017
(202) 635-5900

CityCare Health Services

508 Kennedy Street, NW #207, WDC 20011
(202) 313-7283

***Community Connections, Inc.**

801 Pennsylvania Avenue, SE, WDC 20003
(202) 546-1512

Community Wellness Ventures

1130 Varney Street, SE, WDC 20032
(202) 450-5822

***Family Matters of Greater Washington**

1301 Pennsylvania Ave, SE, WDC 20020
(202) 289-1510

***Family Wellness**

2526 Pennsylvania Ave, SE, WDC 20020
(202) 748-5641

***Foundations for Home & Community**

1012 14th Street, NW #1400, WDC 20005
(202) 737-2554

Global Resources & Supports

2001 Bunker Hill Road, NE, WDC 20018
(202) 900-9042

***Hillcrest Children & Family Center**

915 Rhode Island, NW, WDC 20009
(202) 232-6100

***Inner City Family Services**

2307 MLK Jr. Avenue, SE, WDC 20020
(202) 525-4855

***Latin American Youth Center**

1419 Columbia Road, NW, WDC 20009
(202) 319-2225

***Life Enhancement Services**

1818 New York Ave, NE, WDC 20002
(202) 269-2401

***Life Stride**

3005 Bladensburg Road, NE, WDC 20018
(202) 635-2320

***Mary's Center**

2333 Ontario Road, NW, WDC 20009
(202) 483-8319

***MBI Services**

4130 Hunt Place, NE, WDC 20019
(202) 388-4300

***MD/DC Family Resource**

903 Brightseat Road, Landover, MD 20785
(301)333-2980

McClendon Center

1313 New York Avenue, NW 20005
(202) 737-6191

***Mental Health Services Division**

35 K Street, NE, WDC 20002
(202) 442-4876

Neighbors Consejo

3118 16th Street, NW, WDC 20010
(202) 234-6855

Prestige Healthcare Resources

143 Kennedy Street, NW, Suite 1, WDC 20011
(866) 693-5225

Preventive Measures

2959 MLK Jr. Ave, SE, WDC 20032
(202) 563-7632

***PSI**

770 M Street, SE, WDC 20003
(202) 547-3870; Central office (301) 654-3903

Psychiatric Center Chartered

3001 Bladensburg Road, NE, WDC 20018
(202) 635-3577

Umbrella Therapeutic Services

4645 Nannie Helen Burroughs Ave, NE, WDC 20019
(202) 878-6626

Volunteers of America Chesapeake

508 Kennedy Street, NW, 2nd Floor, WDC 20011
(202) 223-9630

Washington Hospital Center/Behavioral Health Service

216 Michigan Avenue, NE, WDC 20017
(202) 877-6333

Department of Behavioral Health Agency Contacts

Department of Behavioral Health - 64 New York Avenue, NE, 3rd Floor, WDC 20002
(202) 673-2200

Adult Services

Jennifer Cannistra, Director

Housing Director

Laressa Poole, laressa.poole@dc.gov, (202) 571-3050

Medical Director; (202) 673-2200

Marc Dalton, MD, Chief Clinical Officer (202) 673-1939

Access Helpline

1-888-7WE-HELP or (202) 561-7000; fax (202) 671-2972; TTY (202) 673-7500
Eugene Wooden, ACT Coordinator (202) 673-2064

Homeless Outreach Program

1905 E Street, SE, WDC 20003

Tyrese McAllister, Homeless Services Coordinator (202) 673-9001

Jonathan Ward, Clinical Director, (202) 673-9302

Comprehensive Psychiatric Emergency Program (“CPEP”)

1905 E Street, SE, WDC 20003

Building 14 on the grounds of DC General
(202) 673-9319

Crisis Outreach for Psychiatric Emergencies for Children 5-17 (D18)

(202) 481-1440

DC General Hospital, Bldg. 14, 1905 E Street, SE, WDC 20003

Dr. Marshall, Medical Director, (202) 673-9040

General Counsel

Matt Caspari, (202) 673-7505

Grievance Manager

Sharon W. White, (202) 673-4374

Community Mental Health Resources

Consumer Action Network (“CAN”)

1300 L Street, NW, Suite 1000, WDC 20005

Effie Smith, Executive Director (202) 842-0001

Independent advocacy program that helps Department of Behavioral Health consumers file grievances, mediate grievances, and advocate for clients in case management disputes.

Public Defender Service, Mental Health Division

633 Indiana Avenue, NW, WDC 20004

(202) 824-2860

Represents patients in involuntary commitment proceedings.

Andromeda Transcultural Health Center

1400 Decatur Street, NW, WDC 20011

(202) 291-4707 (Spanish spoken); fax (202) 723-4560

Capitol Hill Center for Individual and Family Therapy

50 E Street, SE, #300, WDC 20003

(202) 543-4645

Psychiatric Institute of Washington

4228 Wisconsin Avenue, NW, WDC 20016

(202) 885-5600; admissions (877) 252-6232

VESTA

8737 Colesville Road Suite 700, Silver Spring, MD 20910

(240) 296-5860

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CHAPTER L: ELDERLY

Legal Services Referrals

AARP Legal Counsel for the Elderly

601 E Street, NW Bldg. B-1, Room 299, WDC 20049
(202) 434-2120; fax (202) 434-6560

Provides free legal services for individuals who are over 60 years old and reside in DC. Handles the following issue areas: foreclosures; landlord-tenant; Social Security and SSI; Medicare and Medicaid; guardianships; home repair fraud; wills; powers of attorney; and prevention of tax sales of people's homes.

Social Services (General Support)

For a complete listing, contact:

DC Office on Aging

500 K Street, NE, WDC 20002
(202) 724-5622
www.dcoa.dc.gov, under "Services"

Each Ward has a lead agency that can be called for social support services. These support services include outreach, needs assessments, transportation assistance, in-home healthcare, visiting, help with activities of daily living, care-giver relief, meals, nursing home services, and senior activities.

Ward 1: Terrific Inc.

910 Westminster Street, NW, WDC 20009
(202) 387-9000; fax (202) 733-2329

Ward 2: Terrific Inc.

1220 L Street, NW Suite 800, WDC 20036
(202) 595-1990; fax (202) 595-1980

Ward 3: Iona Senior Services

4125 Albemarle Street, NW, WDC 20016
(202) 966-1055; fax (202) 895-0244

Ward 4: Terrific Inc.

418 Missouri Avenue, NW, WDC 20011
(202) 882-1824; fax (202) 882-1045

Ward 5: Seabury Aging Services

2900 Newton Street, NE, WDC 20018
(202) 529-8701; fax (202) 832-0127

Ward 6: Seabury Aging Services

555 Water Street, SW, WDC 20024
(202) 397-1725; fax (202) 397-1729

Ward 7: East River Family Strengthening Collaborative

3917 Minnesota Avenue, NE, WDC 20019
(202) 534-4880; fax (202) 388-7691

Ward 8: East River Family Strengthening Collaborative

4301 9th Street, SE, WDC 20032
(202) 562-6860

So Others Might Eat (SOME) (Homebound Seniors Program) (*See L5 for more information*)
(202) 797-8806 x1301

We are Family

1525 Newton Street, NW, WDC 20010
(202) 487-8696

Abuse, Neglect, and Exploitation

Adult Protective Services (“APS”)

64 New York Avenue, NE, 6th Floor, 20002
(202) 541-3950

Investigates reports of abuse, neglect, and exploitation of frail, elderly, and disabled adults in DC. APS also provides case management, counseling, and support services to vulnerable adults who have been abused, neglected or exploited.

Emergency Shelter for the Elderly

SOME - Kuehner Place

Kuehner Place for Abused and Neglected Elderly
(202) 292-4493

kuehnerplaceforabused&neglectedelderly@some.org

Emergency shelter for abused, neglected, and exploited elderly. Provides short-term shelter for no more than 90 days for older DC residents. The 24-hour emergency shelter provides medical and dental services, psychotherapy and family counseling. During stays at the shelter, social workers help seniors secure other supportive services and suitable housing.

Housing for the Elderly

Seabury at Home First

6031 Kansas Ave, NW, WDC 20011
(202) 635-9384

Operates three group homes, where residents share household responsibilities in a communal living arrangement and a community residence facility. At these facilities, the sponsoring agency provides services that include personal supervision and help with daily living activities.

DC Housing Authority.

1133 North Capitol Street, NE, WDC 20002
(202) 435-3245 or (202) 535-1000
www.dchousing.org

An independent agency that has public housing for low-income, elderly and disabled District residents (*see* Chapter D). As of April 12, 2013, DCHA closed the waitlist to new applicants. DCHA plans to re-open the list in the future, but has not set a date. Some Project-Based Section 8 wait lists for seniors are still open.

Senior Centers

All of the senior centers below offer social and supportive services and a noon meal.

SOME Senior Center	1667 Good Hope Road, SE	(202) 797-8806 x 1301
Educational Organization for United Latino Americans	1842 Calvert Street, NW	(202) 483-5800
First Church Senior Center	715 Randolph Street, NW	(202) 541-5010
Genevieve N. Johnson Senior Center	4817 Blagden Avenue, NW	(202) 723-8537
Asian & Pacific Islander Services Senior Center	417 G Place, NW	(202) 842-4376
Model Cities Senior Wellness Center	1901 Evarts Street, NE	(202) 635-1900
Seabury Resources for Aging Services	6031 Kansas Ave, NW	(202) 529-8701

Nursing Home

Washington Center for Aging Services

2601 18th Street, NE, WDC 20018

(202) 541-6200

Operates a 259-bed, long-term care facility that provides skilled and intermediate nursing care. Social, recreational, and therapeutic support services are provided based on individual patient assessments by a physician. The facility is certified for Medicare and Medicaid purposes. The Center also offers respite care or short-term relief for caregivers, based on availability.

Independent Living Assistance

Home Care Partners

1234 Massachusetts Avenue, NW, Room C-1002, WDC 20005

(202) 638-2382; fax (202) 638-3169

Provides frail and ill seniors with homemakers who perform necessary day-to-day activities, which helps seniors remain independent in their homes. Duties include preparation of meals, light housekeeping, marketing, help with bathing/grooming, and assistance with exercises. The program also offers limited, temporary 24-hour emergency services for those senior citizens who are at risk of institutionalization.

Senior Companion/Respite Aid

UDC Institute of Gerontology

4200 Connecticut Avenue, NW, Building 32, Room C-10, WDC 20008

(202) 274-6697; fax (202) 274-6605

Offers relief to caregivers who provide in-home care for terminally ill elderly persons, as well as those elderly persons who are frail, isolated, bereft of friends, and/or in need of personal attention required by recent discharge from hospitals. The service is provided through a telephone request system only.

SOME – Homebound Senior Program

(202) 797-8806 x1301

homeboundseniorprogram@some.org

The Homebound Senior Program provides full-time case management by a licensed geriatric care social worker and matches volunteers with homebound, low-income seniors to alleviate isolation and loneliness and help with the practical demands of day-to-day life. Volunteers provide such services as telephone and in-person companionship, transportation and escorts to doctor appointments, light housekeeping, minor home repair, food delivery every third Saturday, reading, and more, based on individual needs.

DC Center for Independent Living

1400 Florida Avenue, NE, Suite 3A, WDC 20002 – Main Office

(202) 388-0033; fax (202) 398-3018

840 Chesapeake Street, SE, WDC 20032 – SE Satellite Office

(202) 889-5802; fax (202) 889-1159

www.dccil.org

Monday – Friday 9 a.m. – 5 p.m.

Independent living skills training, housing search assistance for HCVP holders, peer counseling, information & referral services, and advocacy.

DC Shares

1301 Belmont Street, NW, Suite 1D, WDC 20009

(202) 332-2595

Monday, Wednesday, Friday 9 a.m. – 5 p.m.

Provides manual wheelchairs, walkers, canes, shower benches, and other durable medical equipment free of charge to DC residents whose income is below \$20,000. Must come to office with ID; otherwise, volunteers should call in advance on behalf of the client.

Transportation Referrals

Call-N-Ride through Seabury Connect

(202) 727-7771

Monday – Friday, 7:30 a.m. – 6 p.m.

Curb to curb transportation program for elderly (60 and over) for medical appointments. District residents only.

CHAPTER M: SMALL CLAIMS

Generally, the Legal Clinic only provides **advice** in small claims cases because most clients are able to handle these matters *pro se* with limited guidance and brief assistance. However, some clients will need more assistance with their claims. Volunteers should contact their case counseling attorney to discuss the availability of additional resources if they have a client who does not appear capable of pursuing a small claims action on his or her own or if the client's claim involves particularly egregious circumstances or relates to his or her homelessness. Volunteers should assist clients in preparing to present their claims to potential referral attorneys and in assessing the validity of their claims. This section outlines jurisdictional issues concerning small claims cases and available *pro se* resources.

The **Small Claims and Conciliation Branch** of the DC Superior Court has exclusive jurisdiction over actions within the jurisdiction of the Superior Court that are for the recovery of money not in excess of **\$10,000** excluding interest, court costs, and attorney's fees (DC Code § 11-1321, 16-3902(a)). Clients can obtain the appropriate forms to file their case *pro se* through the Small Claims Clerk's Office (*see* below) or on-line at the Superior Court's website: <https://www.dccourts.gov/services/civil-matters/requesting-10k-or-less>. This website has printable forms as well as a handbook explaining Small Claims Branch procedures. (*See* <https://www.dccourts.gov/sites/default/files/SmallClaimsHandbook.pdf>.) The Legal Clinic also has copies of most of the forms.

Small Claims and Conciliation Branch

Courtroom: 510 4th Street, NW, Room 119, WDC 20001

Mediation: 510 4th Street, NW, Room 123, WDC 20001

(202) 879-1120

Monday – Friday 8:30 a.m. – 5 p.m.

Wednesday 6:30 p.m. – 8:00 p.m.

Saturday 9 a.m. – 12 p.m.

Additional Resources

Multi-Door Dispute Resolution Division

410 E Street, NW, Suite 1700, WDC 20001

(202) 879-1549 or (202) 879-3180 for an appointment

Monday – Friday 8:30 a.m. – 5 p.m.

Multi-Door is a **free** service offered by the Superior Court and a mandatory part of most small claims cases. It seeks to assist parties in settling disputes and reaching agreements that meet their interests but also preserve relationships and save time and money. An appointment is necessary.

Small Claims Resource Center

D.C. Superior Court, Building B

510 4th Street NW, Room 102, WDC 20001

Thursdays, 9:15 a.m. – 12:00 p.m.

Provides legal and Court information to plaintiffs and defendants related to Small Claims law and procedure in the District of Columbia.

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CHAPTER N: IMMIGRATION

Overview

Immigration law is an exceedingly complex and ever-changing area, and the Legal Clinic does not currently have the expertise to handle cases or advise clients on immigration matters. We encourage volunteers with experience in this area to take on immigration matters that they encounter during intake and are able to handle without supervision or insurance coverage. Otherwise, we ask volunteers to refer clients to the programs listed below for assistance. *If issues arise regarding immigration status as related to eligibility for public benefits programs, volunteers should complete the client's intake and consult with their case counseling attorney after intake.*

Classifications

Non-Immigrants: Persons who are not citizens of the U.S. who enter the country for a temporary period of time and for a specific purpose (*e.g.*, tourist, student, or temporary worker). Once such a person has entered the U.S., they are restricted to the activity or reason for which they were allowed entry.

Immigrants: Persons who are not citizens of the U.S. who enter the country with the intention of becoming a permanent resident. Synonymous terms for immigrant status are: Permanent Resident, green card holder, and resident alien. The process of gaining immigrant status can be a lengthy and complex and requires close consultation with an immigration attorney.

Status

Lawful Permanent Resident (“LPR”) Status: Granted by the U.S. State Department abroad or by the U.S. Citizenship & Immigration Services (“USCIS”) in the U.S. The most common ways to obtain LPR status are by (1) being related to a U.S. citizen or an LPR or (2) having an offer of permanent employment or special job skills that are needed by a U.S. employer. Other ways to obtain LPR status include (1) qualifying as a person fleeing persecution (*e.g.*, refugee or asylee) and (2) being granted amnesty due to having lived a long time in the U.S. LPR status is shown by a “green card” (Form I-155 or previously issued I-151), a reentry permit (I-327), or a foreign passport with a stamp showing temporary evidence of LPR status. Many homeless clients need assistance because they have lost their LPR (“green”) card.

Undocumented Aliens: There are two primary ways for an alien to be considered “undocumented.” The first involves avoiding USCIS inspection at the border or entering the U.S. without the necessary documents. This is called “EWI” or “entry without inspection.” The second is to violate the terms of a nonimmigrant visa after entering the U.S. legally. Undocumented aliens risk being deported. However, they may qualify for interim relief from deportation and/or work authorization from the USCIS under the following programs: Temporary Protected Status (“TPS”); Family Unity; Deferred Action; Voluntary Departure; and Stay of Deportation.

Labor Certification: Some aliens, including skilled and unskilled workers, seeking to obtain LPR status on the basis of an offer of U.S. employment must first receive a labor certification from the U.S. Department of Labor or designate. The certification must find, *inter alia*, that qualified U.S.

workers cannot be found for the position, which must be full-time and permanent. To apply, aliens must file a Prevailing Wage Request Form with the:

DC Department of Employment Services, Office of Employer Services

4058 Minnesota Avenue, NE, WDC 20019

(202) 724-7000; fax (202) 698-5717

Referrals

Ayuda

6925 Willow Street, NW, Suite B, WDC 20009

(202) 387-4848; fax (202) 387-0324

www.ayuda.com

By appointment only; no walk-ins. Appointments scheduled several weeks in advance. Send notice of financial hardship in order for Ayuda to waive the intake fee.

CARECEN (Central American Refugee Center)

1460 Columbia Road, NW, Suite C-1, WDC 20009

(202) 328-9799; fax (202) 328-7894

www.carecencdc.org

Monday – Friday 9 a.m. – 5 p.m.

Mondays

9 – 11 a.m.: Immigration Consultations, Brief Services, and Citizenship Screenings

****Brief Services include, but are not limited to: Residency Renewals, Work Permit Renewals, TPS Renewals, Change of Address with USCIS, etc.**

1 – 3 p.m.: Immigration Consultations, Brief Services, and Citizenship Screenings

Tuesdays

9 – 11 a.m.: Immigration Consultations, Brief Services, and Citizenship Screenings

1 – 3 p.m.: Immigration Consultations, Brief Services, and Citizenship Screenings

Wednesdays

9 – 11 a.m.: Immigration Consultations, Brief Services, and Citizenship Screenings

1 – 3 p.m.: Immigration Consultations, Brief Services, and Citizenship Screenings

By-appointment Immigration Consultations are available on Saturdays. Pre-payment is required to reserve your appointment. Please call us at (202) 328-9799 to make an appointment.

Human Rights First

805 15th Street, NW, Suite 900, WDC 20005

(202) 547-5692; fax (202) 543-5999

www.humanrightsfirst.org

Asylum claims only. Please call the office front desk at (202) 547 5692. You will be asked to leave a voice message into our asylum voice mail. A member of our staff will call you to provide a screening and we will let you know if you qualify for an intake meeting with us. Walk-in requests for assistance are not permitted in the D.C. Office.

Washington Lawyers' Committee for Civil Rights & Urban Affairs

11 Dupont Circle, NW, Suite 400, WDC 20036

(202) 319-1000; fax (202) 319-1010

www.washlaw.org

Ethiopian Community Center, Inc.

7603 Georgia Avenue, NW, Room 100, WDC 20012

(202) 726-0800

www.ethiopiancommunitydc.org

Monday – Friday 9 a.m. – 5 p.m.

The Center is for Ethiopians, but will also assist people of other nationalities with the new immigration regulations.

Lutheran Social Services of the National Capital Area

4406 Georgia Avenue NW, WDC 20011

(703) 698-5026 ext. 110 Email: tikvinan@lssnca.org

www.lssnca.org

American-Arab Anti-Discrimination Committee

1705 Desales Street NW, Suite 500, WDC 20036

(202) 244-2990; fax (202) 333-6470

www.adc.org

ADC assists Arab immigrants in filing applications for Temporary Protected Status (TPS) and Asylum.

Catholic Charities Immigration Legal Services

924 G Street, NW, WDC 20001

Walk-ins: Tuesdays, 9:30 – 11:30 a.m.

Phone: 202-772-4352

1618 Monroe Street, NW, 20010

Walk-ins: Wednesdays, 8:30 a.m.

Phone: 202-939-2420

At Catholic Charities, Clients are seen on a first-come, first-served basis. Basic consultation fee is \$80, but volunteers may be able to obtain a waiver of the fee by sending a letter request to Catholic Charities if client is currently homeless.

American Immigration Council, Legal Action Center

1331 G Street, NW, Suite 200, 20005

(202) 507-7500 x 7516; fax (202) 742-5619

www.americanimmigrationcouncil.org

Only impact cases and appeals.

Capital Area Immigrants Rights (CAIR) Coalition

1612 K Street, NW, Suite 204 20006

(202) 331-3320; fax (202) 331-3341

www.caircoalition.org

Only for detained immigrants and asylum seekers.

Asian Pacific American Legal Resource Center

1627 K Street NW Suite 610, WDC 20006

Help Line: (202) 393-3572

www.apalrc.org

The APALRC provides assistance in adjustment of status, consular processing, Deferred Action for Childhood Arrivals (DACA), Employment authorization, family-based petitions, Naturalization, Removal hearings, T visas, temporary Protected Status (TPS), U visas, Violence Against Women Act (VAWA) petitions.

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CHAPTER O: EMPLOYMENT

Overview

Most employment-related benefits have strict jurisdictional and statute of limitations requirements. To preserve a client's rights, it is often necessary to take prompt action, such as advising clients how to proceed *pro se* or referring clients to an attorney experienced in this field. In most instances, the client should be referred at intake to the **Washington Lawyer's Committee's Rights Clinic**. We offer a brief description of substantive areas of employment law below so that volunteers can assess the client's case, offer brief advice (such as where and how to file a claim), and make an appropriate referral. Volunteers may choose to assist clients with wage dispute issues, which often involve simply writing a letter to the employer. Volunteers will also find a list of job training and job search programs at the end of this chapter.

The Washington Lawyers' Committee for Civil Rights and Urban Affairs puts out a comprehensive Worker's Rights Manual, which can be found here: <https://www.washlaw.org/wp-content/uploads/2019/01/Washington-Lawyers-Committee-Workers-Rights-Manual-FINAL-w-Cover.pdf>, and contains lots of useful substantive information related to employment issues.

Washington Lawyer's Committee – Workers' Rights Clinic (WLC)

11 Dupont Circle, NW, Suite 400, WDC 20036

(202) 319-1000

<http://www.washlaw.org/projects/workers-rights-clinic>

Workers' Rights Clinics are offered at three locations throughout the District (except in August):

1. Wednesdays – sign-in at 5:00 p.m. and intake begins at 6:00 p.m. at Bread for the City NW, 1525 7th Street, NW. Clients are seen on a “first come, first served” basis. The sign-in process starts at 5 p.m. and intakes begin at 6 p.m.; walk-ins are accepted until 7:30 pm if space is available. The WLC may not be able to see every client that attends the clinic, so please get to clinic as early as possible.
2. Last Saturday of each month (except August) from 10 a.m. to noon at Bread for the City SE, 1640 Good Hope Road, SE.
3. First and Third Friday of every month by appointment at Neighborhood Legal Service Program SE at 2811 Pennsylvania Ave SE, Washington, DC. Please call 202-319-1000 for an appointment. Walk-ins may be accepted but preference is given to those with appointments.

The Washington Lawyers' Committee holds a Workers' Rights Clinic where low-income workers can walk in without an appointment and have a one-on-one consultation with a trained Intake Volunteer who will provide legal advice and assistance with brief services, under the supervision of an experienced employment law attorney.

WLC covers all areas of employment law at the clinic, including: unpaid wages, unpaid overtime, family and medical leave act (FMLA) violations, unemployment compensation,

workers' compensation, unlawful discrimination and harassment, and wrongful termination. Please see the information below for clinic locations and times.

At clinic workers do not speak directly with attorneys and workers are not usually referred to attorneys for representation. The WLC volunteers and staff are, however, usually able to help a worker at clinic by providing legal advice, assisting with writing a letter to or filing a complaint with the appropriate agency or their supervisor, and/or coaching the worker on the next steps to be taken in litigation. After clinic, each case is screened by a WLC attorney. In a small percentage of cases, the WLC is able to refer a worker to an attorney or to take a case for representation. If a worker's case is selected for potential representation, the WLC will notify the worker.

Unemployment Compensation

Unemployment compensation provides benefits to persons who are presently unemployed and who became unemployed within the past year. To receive benefits, claimants must have been employed for a certain amount of time, have earned specified minimum amounts, and have become unemployed through no fault of his or her own. To continue receiving benefits, claimants must be able and available to work and must be actively seeking work.

Ascertain

Name and address of employer; duration of employment; rate of pay/earnings; circumstances of termination; whether any claim or appeal has already been filed.

Apply or Appeal to:

DC Department of Employment Services, Office of Unemployment Compensation

Unemployment Insurance Service Center
4058 Minnesota Avenue, NE, Fourth Floor, WDC 20019
(202) 724-7000

www.does.dc.gov

[Monday – Thursday 8:30 a.m. – 4:30 p.m., Friday 9:30 a.m. – 4:30 p.m.](#)

Apply online or by telephone. Dislocated workers may file for unemployment compensation insurance online at www.dcnetworks.org.

Referral

In addition to the WLC Workers' Rights Clinic (*see* page O-2), clients may be able to obtain free legal representation or assistance in unemployment compensation cases from the Claimant Advocacy Program.

Claimant Advocacy Program (AFL-CIO)

815 16th Street, NW, WDC 20006
(202) 974-8150; Tonya Love, CAP Director (202) 974-8159

The Claimant Advocacy Program ("CAP") is a free legal counseling service available to individuals who file unemployment compensation appeals in the District of Columbia. CAP

attorneys meet with workers denied unemployment compensation in DC or whose benefit awards have been appealed by the employer. If the case is accepted, the CAP attorney appears at the hearing as the worker's legal representative.

Sources of Law

D.C. Code §§ 51-101 to 51-126
D.C. Mun. Regs. Tit.7, Ch.3 (1986)

Workers' Compensation

Workers' compensation provides benefits to persons who have sustained job-related injury or disease within the past year.

Ascertain

Employer's name and address; location and circumstances of accident; whether accident was reported; witnesses, if any; wage level prior to accident; whether any notice or claim has already been filed; and medical records and bills.

Apply or Appeal to

Department of Labor, Office of Workers' Compensation Programs

200 Constitution Avenue, NW, WDC 20210
1-866-487-2365
For federal government employees.

DC Department of Employment Services, Office of Workers' Compensation

4058 Minnesota Avenue, NE, Third Floor, WDC 20019
(202) 671-1000
For private sector employees.

Referral

Refer to WLC Workers' Rights Clinic (*see* page O-2).

Source of Law

D.C. Code § 32-1501 *et seq.*

Wage Disputes

The DC Minimum Wage Act Revision of 1992 (DC Code 32-1001 *et seq.*) and the DC Wage Payment and Wage Collection Law (DC Code 32-1301 *et seq.*) set forth the rights and responsibilities of employers and employees in the District. Employers must provide full payment of wages at least twice each calendar month on regular paydays, and prompt payment when

employment terminates (on the working day following discharge). At the time of payment of wages, employers are required to provide employees with an itemized statement showing the date of the wage payment, gross wages paid, deductions from and additions to wages, net wages paid, and hours worked during the pay period. Violations of these provisions may make the employer liable for liquidated damages owed to the employee.

Note: On January 15, 2014, Mayor Gray signed a bill to raise DC's minimum wage to \$9.50 on July 1, 2014. This amount will be increased by one dollar each year effective every July 1 until the minimum wage reaches \$15.00 per hour on July 1, 2020. Beginning on July 1, 2018, the minimum wage in DC should be raised from \$12.50 per hour to \$13.50 per hour. In addition, the recently enacted Wage Theft Prevention Amendment Act of 2014 amended several statutes throughout Title 32 of the DC Code and these amendments went into effect in February 2015.

Ascertain

Employer's name, address, and phone number; dates, places, and types of work; circumstances of termination; and the amount in question.

Apply or Appeal and Referral

DC Office of Wage-Hour

4058 Minnesota Avenue, NE, Suite 4300, WDC 20019

(202) 671-1880; fax (202) 673-6411

Monday – Thursday, 8:30 a.m. – 5 p.m., Friday 9:30 a.m. – 4:30 p.m.

Claims for unpaid overtime can be filed over the phone; claims for minimum wage and overtime/living wage can be filed over the phone or in person (without an attorney) at this office. The Wage-Hour Office will itself process all claims on behalf of the employee, including bringing legal action if necessary. Published materials from the Office of Wage-Hour are available through the Legal Clinic office.

Discrimination

Generally, a victim of employment discrimination must file a claim with the Equal Employment Opportunity Commission (“EEOC”) no later than 300 days after the date of the last instance of discrimination or with the DC Office of Human Rights (“OHR”) within one year after the last instance of discrimination. Every case filed within 300 days is cross-filed with both agencies. Federal government employees who believe they have been discriminated against must contact the EEOC counselor at their agency within 45 days of the effective date of the discrimination.

Federal laws prohibit many types of discrimination (*see* the EEOC's website at <http://www.eeoc.gov/laws/statutes/index.cfm>). The DC Human Rights Act (DC § 2-1401 *et seq.*), DC Family Medical Leave Act (DC Code § 32-501 *et seq.*), DC Parental Leave Act (DC Code § 32-1201, *et seq.*), DC Language Access Act (DC Code § 2-1931), and DC Fair Criminal Record Screening Act of 2014 (DC Code § 32-1341) also protect against some types of discrimination not prohibited by federal law, such as discrimination based on gender identity, genetic information, personal appearance, (*see* Chapter S) or criminal history (*see* Chapter W). These matters should be filed with the OHR.

Ascertain

Employer's name and address; date of incident; witnesses or other evidence of discrimination; and damages.

Apply or Appeal/Filing of Claims

Equal Employment Opportunity Commission

131 M Street, NE, Suite 4NWO2F, WDC 20507

www.eeoc.gov

(800) 669-4000; fax (202) 419-0740

Monday – Friday 8 a.m. – 4:30 p.m., walk-ins Monday – Friday 9 a.m. – 2 p.m.

To protect against a defense of statute of limitations or of a failure to exhaust administrative remedies, clients should file claims immediately.

DC Office of Human Rights

441 Fourth Street, NW, Suite 570-North, WDC 20001

(202) 727-4559

Complaints about violations of the DC Human Rights Act can be filed at the location above. For a list of the bases of illegal discrimination in DC, *see* Chapter S.

Referral

Refer to WLC Workers' Rights Clinic (*see* page O-2), which also provides advice on obtaining, sealing and expunging a criminal record (*see* Chapter Q – Criminal Defense for more about criminal record sealing).

Discrimination Based on a Job Applicant's Criminal History

See Chapter W (Discrimination Based on Criminal Record) for guidance on criminal history discrimination cases. The Washington Lawyer's Committee may also be able to assist with these cases (*see* page O-2).

Wrongful Termination

Ascertain

Employer's name and address; length of employment; whether client has any documents relating to employment or termination; circumstances of termination; and client's post-termination employment, if any.

Referral

Refer to WLC Workers' Rights Clinic (*see* page O-2).

Employment Training and Job Search Programs

DC Department of Employment Services, American Job Centers

*These One-Stop Career Centers are accessible to individuals with mobility impairments. The public may also file for unemployment compensation benefits at these Centers only from 8:30 a.m. – 3 p.m.

***American Job Center - Northeast**

CCDC - Bertie Backus Campus

5171 South Dakota Avenue, NE, Second Floor, WDC 20017

(202) 576-3092

Monday – Thursday 8:30 a.m. – 4:30 p.m., Friday 9:30 a.m. – 4:30 p.m.

***American Job Center - Northwest**

2000 14th Street, NW, Room 300, WDC 20009

(202) 442-4577

Monday – Thursday 8:30 a.m. – 4:30 p.m., Friday 9:30 a.m. – 4:30 p.m.

***DC Works! Career Center – Southeast**

2330 Pomeroy Road, SE, WDC 20020

(202) 899-6040

Monday – Thursday 8:30 a.m. – 4:30 p.m., Friday 9:30 a.m. – 4:30 p.m.

American Job Center Headquarters

4058 Minnesota Avenue, NE, WDC 20019

(202) 724-2337

Monday – Thursday 8:30 a.m. – 4:30 p.m., Friday 9:30 a.m. – 4:30 p.m.

DC DOES Veterans Assistance Center

1722 I St, NW, WDC 20421

(202) 530-9379

Monday – Thursday 8:30 a.m. – 4:30 p.m., Friday 9:30 a.m. – 4:30 p.m.

Other referral services:

Department of Youth Rehabilitation Services

450 H Street, NW, WDC 20001

(202) 299-5362

Jubilee Jobs

2712 Ontario Road, NW, WDC 20009

(202) 667-8970

2419 Minnesota Ave, SE WDC, 20020

(202) 758-3710

Jobs Have Priority

1526 Pennsylvania Avenue, SE, WDC 20003
(202) 544-9128

SOME Center for Employment Training

4430 Benning Road, NE, WDC 20019
(202) 765-1357

Walk-in application hours: 8:30-11:00 a.m., Monday – Friday

First Shift Justice Project

Laura Brown, lbrown@firstshift.org, (240) 241-0897
www.firstshift.org

Helps pregnant women and new parents assert workplace rights.

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CHAPTER P: FAMILY LAW

Overview

In family law cases where a client clearly needs more than advice and brief service, volunteers should refer the client to a legal services organization or law school clinic that specializes in the particular issue, as the Legal Clinic does not generally handle family law matters. Volunteers should consult promptly after intake with Legal Clinic staff if they do not find an appropriate referral below.

Divorce

In order to get a divorce in the District of Columbia, at least one of the parties must be a *bona fide* resident of DC for at least the six months preceding the filing of the complaint.

There are only two legal grounds for divorce: (1) mutual and voluntary separation for six months without cohabitation or sexual relations; or (2) living separate and apart without cohabitation for one year, even if there was no mutual agreement to do so (DC Code §§16-904 to 16-906).

PRACTICE TIP

Advise clients wishing to divorce that living separately and apart means they cannot spend one night under the same roof as spouses or engage in sexual relations, or the period of separation begins anew. However, living separate and apart may be accomplished under the same roof if the spouses do not share bed or food.

Ascertain

How long spouses have been separated; whether there are any disagreements as to property, debts, custody and visitation, future child support or alimony; and whether the client knows how to contact the spouse.

Necessary Documentation

Certified copy of marriage certificate (if married in DC, this can be obtained from the Bureau of Vital Statistics marriage license branch in the Superior Court).

Referral for Pro-Se Assistance

Family Court Self-Help Center

Superior Court, 500 Indiana Avenue, NW, Room JM-570, WDC 20001
(202) 879-1212

Monday – Friday 8:30 a.m. – 5 p.m. (arrive by 4:30 p.m. for same-day help)

The Superior Court offers a daily free walk-in service that provides unrepresented people with general legal information in a variety of family law matters, such as divorce, custody, visitation, and child support. The Center staff can provide information regarding DC family law matters,

including legal rights and obligations; describe legal options; help determine which forms are most appropriate and how to complete them; and explain how to navigate the court process, including what to expect in court. If the family law matter is too complex or otherwise inappropriate for the Center, staff will try to make a referral to a legal or social service provider who can help. Center staff cannot provide legal advice, take sides, or represent anyone in court.

Multi-Door Dispute Resolution Division

DC Superior Court, Building A

410 E Street, NW WDC 20001

(202) 879-1549 or (202) 879-3180 for an appointment

www.dccourts.gov

Monday – Friday 8:30 a.m. – 5:00 p.m.

Multi-Door is a **free** service of the DC Superior Court through which a client can obtain a mediator free of charge to help with reaching and drafting a separation agreement.

PRACTICE TIP

The District of Columbia recognizes common law marriages. A common law marriage can be ended only by an absolute divorce, just like a recorded legal marriage.

Child Support / Paternity / Alimony

Under DC law, each parent has a legal obligation to support his or her child, regardless of the marital status of the parents or the existence of a court order for support, until the child reaches the age of twenty-one. The amount of child support is set forth in guidelines that reflect the incomes of both parents (DC Code § 16-916.01). All child support cases must be set for hearing within 45 days of filing (DC Code § 46-206(a)).

A child support order may be modified upon a showing that there has been a “substantial and material” change of circumstances (either in the child’s needs or the ability of the responsible party to pay) (DC Code § 46-204(a)).

Ascertain

Name and whereabouts of other parent (be sure to notify the Legal Clinic so we can screen for conflict of interest); whether any court order has been entered; income, assets, and expenses of client.

Court/Agency Contacts

Child Support Resource Center

DC Superior Court, 500 Indiana Avenue, NW, Room 109A, WDC 20001

Tuesday – Friday 8:30 a.m. – 12:30 p.m.

Project attorneys are available to meet with low-income DC residents with a case that day in the Paternity and Support Branch and provide advice before the hearing.

Office of the Attorney General of DC, Child Support Services Division

441 Fourth Street, NW, Room 550 North WDC 20001

(202) 442-9900

Monday – Friday 8:15 a.m. – 4:45 p.m.

Clients wishing to establish paternity may file a petition.

Referrals

Bread for the City

1525 Seventh Street, NW, WDC 20001

Main: (202) 265-2400; fax (202) 518-0545

Call Monday – Thursday from 9 a.m. – 5 p.m., to make an appointment

NW Legal Clinic: (202) 480-8950

Bi-lingual Spanish-speaking attorney available.

1640 Good Hope Road, SE, WDC 20020

Main: (202) 561-8587

Call Monday – Thursday from 9 a.m. – 5 p.m., to make an appointment

SE Legal Clinic: 202-561-8587

Bi-lingual Spanish-speaking attorney available.

Legal Aid Society

1331 H Street, NW, Suite 350, WDC 20005

(202) 628-1161

Walk-in hours: Monday 12:30 – 6 p.m., Thursday 12:30 – 4 p.m.

2041 Martin Luther King Jr. Avenue, SE, Suite 201, WDC 20020

(202) 628-1161

Walk-in hours: Monday and Thursday 10:00 a.m. – 1:30 p.m.

Neighborhood Legal Services Program

64 New York Avenue, NE #180 WDC 20002

Closest Metro: NoMa-Galludet U/New York Avenue Metro (Red Line)

Directions: Located in the former Peoples Drug Store Warehouse building

(202) 832-6577

Walk-in hours: Monday, Wednesday, Friday 10 a.m. – 3 p.m.

4609 Polk Street, NE, WDC 20019

Closest Metro: Deanwood (Orange Line)

Directions: Located one block from the metro station, just through the tunnel from Deanwood

Library

(202) 832-6577

Walk-in hours: Monday, Wednesday, Friday 10 a.m. – 3 p.m.

Child Custody and Visitation

Because time is of the essence in many custody cases, volunteers should contact their case counseling attorney as soon as possible after intake in order to discuss advice and referrals.

Referrals

Legal Counsel for the Elderly

601 E Street, NW Building B-1, 299, WDC 20049
(202) 434-2120; fax (202) 434-6560
Custody cases for persons over 60.

Children's Law Center

501 3rd Street NW, 8th Floor, WDC 20001
(202) 467-4900
Can refer kinship care custody cases to pro bono attorneys.

Legal Aid Society

1331 H Street, NW, Suite 350, WDC 20005
(202) 628-1161
Walk-in hours: Monday 12:30 – 6 p.m., Thursday 12:30 – 4 p.m.

2041 Martin Luther King Jr. Avenue, SE, Suite 201, WDC 20020
(202) 628-1161
Walk-in hours: Monday and Thursday 10:00 a.m. – 1:30 p.m.

Child Abuse and Neglect

In cases involving abuse or neglect, the client may already be represented by a court-appointed attorney. If so, volunteers may be able to facilitate the client's regaining contact with the attorney by calling the **Counsel on Child Abuse and Neglect** (CCAN) at (202) 879-1406 or visiting the CCAN office in the DC Superior Court, 500 Indiana Avenue, NW, Suite 4415. If not, volunteers should contact the Legal Clinic for an up-to-date list of agencies handling such cases.

Referral/Agency Contact Information

Child and Family Services Agency

200 I Street, SE, WDC 20003
(202) 442-6100; fax (202) 727-6505

Counsel on Child Abuse and Neglect

(202) 879-1406
Organization that represents parents in abuse and neglect cases for free.

Children’s Law Center

501 3rd Street NW, 8th Floor, WDC 20001
(202) 467-4900

Domestic Violence

Under the DC Intra-family Offenses Act (DC Code § 16-1001 *et seq.*), a victim of domestic violence can obtain a civil protection order (“CPO”) by filing a petition in the Family Division of the DC Superior Court. “Intra-family Violence” means an act punishable as a criminal offense committed by an offender upon a person, *inter alia*, “to whom the offender is related by blood, adoption, legal custody, marriage, or domestic partnership”; or with whom the offender has a child in common (DC Code § 16-1001(9)).

A CPO is effective for up to one year, and can be extended for good cause shown (DC Code § 16-1005). A temporary CPO (good for 14 days) can be obtained the same day a petition is filed after an *ex parte* hearing (DC Code § 16-1004).

PRACTICE TIP

Volunteers who meet a client at intake who is in need of shelter or other immediate domestic violence-related services should call the city-wide Domestic Violence Hotline at 202-749-8000.

The Hotline features 24/7/365 access; direct transfer to DC SAFE and others; resources and help via telephone, texting, chatting and TTY; multi-lingual capabilities with the ability to translate up to 25 different languages in real time; and referrals for counseling, shelter, legal services, job placement assistance, housing and shelter, financial guidance, and child-care services. Anyone who needs help or knows someone who might be in need can contact the free and confidential Hotline.

Mandatory Arrest Law

Under the Prevention of Domestic Violence Amendment Act (DC Code § 16-1031), a District police officer must arrest a person if he or she has probable cause to believe that the person has committed an intra-family offense that resulted in physical injury or caused reasonable fear of imminent serious physical injury or death.

Referral for Legal Services**Domestic Violence Intake Centers**

Superior Court, 500 Indiana Avenue, NW, Room 4235, WDC 20001
(202) 879-0152
Monday – Friday 8 a.m. – 4 p.m.

United Medical Center, 1328 Southern Avenue, SE, Room 311, WDC 20032
(202) 561-3000

Monday – Friday 8 a.m. – 4 p.m.

The Domestic Violence Intake Centers are the comprehensive Intake Centers at the DC Superior Court for victims of domestic violence. Intake Centers have coordinated and staffed representatives from the court as well as the following organizations: Office of the Attorney General for the District of Columbia (including a child support enforcement officer); DC Metropolitan Police Department, Survivors and Advocates for Empowerment, Inc. (“SAFE”); DC Coalition Against Domestic Violence; and the U.S. Attorney's Office. The Intake Center in the DC Superior Court processes all aspects of a case: representatives will walk a victim through the process of filling out and filing a petition for a CPO; will coordinate filing a paternity and support case with the Child Support Enforcement Division, if appropriate; and press criminal charges through the U.S. Attorney’s Office. The Greater Southeast Intake Center handles initial TPO filings and motions, and provides counseling and social service assistance to victims (this Intake Center will also process TPOs via teleconferencing). Both Intake Centers will also seek to facilitate survivors’ access to emergency housing, food, and transportation services, and will attempt to place CPO cases with a volunteer attorney.

On Call Advocacy Program (“OCAP”)

1 (800) 407-5048 (phone number for service providers **only**)

Volunteers must themselves contact OCAP on behalf of a survivor of domestic violence (this number should *not* be given to clients or the general public). SAFE operates this hotline for service providers in the community 24/7. Through OCAP, survivors of domestic violence have access to trained advocates who provide a wide range of emergency and crisis intervention services, including information about the Domestic Violence Intake Centers, TPOs/CPOs, the Crime Victim’s Compensation Program, housing and emergency shelter, 24-hour lock changes, transportation, food cards, and limited access to the court database.

Ayuda’s Domestic Violence and Sexual Assault Project

(202) 387-4848; fax (202) 387-0324

www.ayuda.com

Domestic Violence Resource Clinic (DC Volunteer Lawyers Project)

Main Line: (202) 885-5542

Walk-ins: Westminster Presbyterian Church, 400 I Street, SW, WDC 20024

(202) 425-7573

Wednesday 1 p.m. – 3:30 p.m.

Provides safe place to get free legal advice (including civil protection orders, custody/child support, separation/divorce, and immigration); referrals for housing, benefits, counseling and other immediate needs. No appointment necessary. Client should bring any relevant documents. Spanish services provided, as well.

Law School Domestic Violence Legal Clinics:

Georgetown University Law Center, Domestic Violence Clinic

111 F Street, NW Suite 334, WDC 20001

(202) 662-9640

Catholic University Columbus Community Legal Services Clinic

3602 John McCormack Drive, NE, WDC 20017

(202) 319-6788

American University Washington College of the Law Domestic Violence Clinic

4300 Nebraska Ave NW, WDC 20016

(202) 274-4140

Referral for Domestic Violence Shelter

Volunteers with a client who is a victim of domestic violence and needs to get out of her living situation immediately should contact **SAFE** and/or the **House of Ruth** or **My Sister's Place** from the intake session to secure assistance for the client. Clients who have children with them can also access emergency shelter for victims of domestic violence by applying for shelter at the **Virginia Williams Family Resource Center** (*see* page D-21).

House of Ruth Domestic Violence Hotline

(202) 667-7001

My Sister's Place Hotline

(202) 529-5991

Virginia Williams Family Resource Center

920 Rhode Island Avenue, NE, WDC 20002

(202) 526-0017

Monday – Thursday 8:30 a.m. – 4 p.m.

District Alliance for Safe Housing (“DASH”)

(202) 462-3274; Peg Hacskeylo, Executive Director (202) 462-3274 x10

www.dashdc.org

Provides support for victims of domestic violence, including an online Housing Resource Center at <http://dashdc.org/housing-resource-center>.

SAFE advocates provide assistance and support for DV victims at the Domestic Violence Intake Center at the Superior Court and Southeast Satellite (*see* page P-7).

Referral for Survivors of Rape

DC Rape Crisis Center

5321 First Place, NE, WDC 20011

(202) 232-0789; 24-hour Hotline (202) 333-7273

Provides counseling for victims of sexual assault.

Name or Gender Change

Petitioning for a name or gender change in DC is a relatively simple process that most clients can handle *pro se* with limited advice (*see* DC Code § 16–2501 et seq.). In order to petition for a name change, clients must have 1) proof of DC residency; 2) an official copy of their birth certificate (from any state); 3) valid identification; 4) pay a filing fee (or be eligible for a waiver); and 5) other supporting documents that the court may request (marriage certificate, divorce decree, citizenship certificate, child support order, acknowledgement of paternity, adjudication of paternity, etc.).

Presumably, petitioning for a gender change will follow the same procedure as described for name changes; however, a supporting statement from the individual's healthcare provider as described in § 7-210.01(a)(2) is required for petitions for name changes. Case counseling attorneys can provide sample forms and pleadings that volunteers may complete and print for the client's use.

Publication of these changes are no longer required in DC (*see* DC § Code 16-2502, which was recently repealed); however, clients are still responsible for giving notice of the name and/or gender change filing(s) to the appropriate governmental organizations and providing a copy of the order to the Office of Vital Records for the jurisdiction in which they were born at a later time.

Petitions may be filed in at the District of Columbia Superior Court located at 500 Indiana Avenue, NW, Washington, DC, 20001 in Room 4220 on the fourth floor.

General Legal Resources and Referrals

Bread for the City

1525 Seventh Street, NW, WDC 20001

Main: (202) 265-2400; fax (202) 518-0545

Call Monday – Thursday from 9 a.m. – 5 p.m., to make an appointment

NW Legal Clinic: (202) 480-8950

Bi-lingual Spanish-speaking attorney available.

1640 Good Hope Road, SE, 20020

Main: (202) 561-8587

Call Monday – Thursday from 9 a.m. – 5 p.m., to make an appointment

SE Legal Clinic: 202-561-8587

Bi-lingual Spanish-speaking attorney available.

Handles family law matters involving custody, child support (representing custodial and non-custodial parents), divorce, and civil protection orders (representing survivors of domestic violence).

Family Court Clerk's Office

DC Superior Court, 500 Indiana Avenue, NW, JM 300, WDC 20001

(202) 879-1212

Monday – Friday 8:30 a.m. – 5 p.m.

General information about an on-going or completed DC Superior Court family law case; clients may copy their file at this location.

Family Court Self-Help Center

DC Superior Court, 500 Indiana Avenue, NW, JM 570, WDC 20001

(202) 879-1471

Monday – Friday 8:30 a.m. – 5 p.m. (arrive before 4:30 p.m. to obtain assistance)

Staffed with volunteer attorneys that can assist clients proceeding *pro se* with filling out and filing divorce complaints or other family law pleadings (custody, visitation, child support, etc.)

Multi-Door Dispute Resolution Division

DC Superior Court, 410 E Street, NW, WDC 20001

(202) 879-1549 or (202) 879-3180 for appointment

Monday – Friday 8:30 a.m. – 5 p.m.

Offers free and confidential mediation of parenting issues, such as custody and visitation, as well as support of children, property division, and spousal support. Appointment is necessary.

DC Bar Pro Bono Center Law Help website

<http://www.lawhelp.org/dc/self-help-forms>

These are interactive online interviews that enable *pro se* litigants with divorce, custody, and child support cases to fill out form pleadings without outside assistance. The interviews use plain, non-legal jargon and the client will end up with a printable document to file at DC Superior Court. If this format does not work for a client (*e.g.*, she or he does not have access to a printer), she or he should be referred to the Family Court Self-Help Center at DC Superior Court for in-person assistance.

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CHAPTER Q: CRIMINAL DEFENSE

The Legal Clinic does not provide representation in criminal defense matters, unless the volunteer has expertise in this area and is willing to take on such representation on his or her own. Volunteers can, however, help facilitate the appointment of attorneys to represent defendants in criminal matters, or try to assist clients who are having trouble communicating with their criminal defense attorneys. If a client presents an issue related to a criminal defense matter, we may also be able to assist by contacting the Public Defender Service.

DC Public Defender Services (“PDS”)

Duty Attorney of the Day
633 Indiana Avenue, NW, Second Floor, WDC 20004
(202) 628-1200
Monday – Friday 9 a.m. – 5:30 p.m. (walk-in hours)

Outstanding Charges and Bench Warrants

Clients themselves can inquire in confidence as to outstanding charges and bench warrants for failure to appear at a court hearing at the Criminal Information Center on the fourth floor of the DC Courthouse, 500 Indiana Ave. NW. Please note that clients will *not* be able to obtain information on an arrest warrant where the case has not yet been filed. If a client suspects that they have a pending arrest warrant, they should contact the Duty Attorney of the Day at the Public Defender Service. Information about arrest warrants is no longer provided over the phone by the Metropolitan Police Department, but a criminal history record, including any outstanding warrants, can be issued by the records office, located at MPD headquarters, 300 Indiana Avenue, NW, Room 1075, (202) 727-4245. It helps to have a Police Department Information Number when seeking such information. There is a cost for a criminal record history.

Criminal Justice Act Attorneys

Many of our clients have court-appointed criminal defense attorneys not through PDS, but through the Criminal Justice Act (“CJA”). Clients often have trouble reaching these attorneys, and volunteers can help facilitate communication with them. To find out the name and telephone number of a court-appointed criminal attorney, call the Defenders Service Office at (202) 824-2830 or visit its office in the courthouse (500 Indiana Avenue, NW, Room C215).

Misdemeanors

Finally, clients who have been charged with misdemeanor crimes for which they may not be entitled to a court-appointed attorney might qualify for representation by two local Law School Clinics. Volunteers should consult with their case counseling attorney before referring a client to either of these programs:

DC Law Students in Court
Criminal Division
4340 Connecticut Avenue, NW, Suite 214
(202) 638-4798

**Georgetown University Law School
Criminal Justice Clinic**
111 F Street, NW, Room 127
(202) 662-9575

Criminal Records Sealing and Expungement

Some of the Legal Clinic's clients have criminal records that create barriers in their lives. DC's Criminal Record Sealing Act (DC Code § 16-801 *et seq.*) allows clients to petition the court to have their criminal records sealed if they can demonstrate certain criteria briefly described below. In many situations, once a criminal record is sealed, a client does not have to disclose that the arrest, charge, trial, or conviction occurred. A sheet with referrals for agencies that will assist in record sealing and expungement can be found in the Site Kit at each intake site.

Criminal Records without Convictions

A client may petition the court, if the client can prove her or his innocence of the crime for which she or he was arrested or charged. If a client was arrested for, or arrested and charged with, an eligible misdemeanor offense, the client may petition to have his or her criminal records sealed if he or she was not convicted of the offense and at least two years have passed since his or her case ended, and he or she does not have another arrest or conviction that disqualifies him or her. If a client was arrested but not charged (or arrested and charged with any other offense) she or he may petition to have her or his criminal records sealed if she or he was not convicted, at least five years have passed since her or his case ended, and she or he does not have another arrest or conviction that disqualifies her or him. Volunteers should refer clients to the agency below to learn whether or not an arrest or charge qualifies.

Criminal Records with Convictions

If a client was convicted of an eligible misdemeanor or an eligible felony, she or he may petition to have her or his criminal records sealed if at least eight years have passed since she or he completed her or his sentence, and she or he does not have a disqualifying arrest or conviction. (DC Code § 16-803 (c)) Volunteers should refer clients to the agency below to learn whether or not a conviction qualifies.

DC Public Defender Service (“PDS”)

633 Indiana Avenue, NW, Second Floor, WDC 20004

(202) 628-1200

Monday – Friday 9 a.m. – 5:30 p.m.

Walk-ins welcome.

DC Public Defender Service, Community Defender Division

1442 Pennsylvania Avenue, SE, WDC 20003

(202) 824-2801

Adult Walk-In Hours: Friday 9 a.m. – 5 p.m.

Juvenile Walk-In Hours: Monday to Friday 9 a.m. – 5 p.m.

Unlawful Screening of or Discrimination Based on Applicant's Criminal Background

See Chapter W – Discrimination Based on Criminal Record.

Reentry Resources

DC Public Defender Service: Community Defender Division

1442 Pennsylvania Avenue, SE, WDC 20003

(202) 824-2801

The DC Public Defender Service has a Community Defender Division which handles a variety of civil legal matters for people with criminal records, especially those who are not connected with the Court Services and Offender Supervision Agency (“CSOSA”).

Mayor’s Office on Returning Citizen Affairs

2100 Martin Luther King Jr. Avenue, SE, Suite 100, WDC 20020

(202) 715-7670; fax (202) 715-7672

Brian Ferguson, Director

Direct services and advocacy to enhance service delivery of ex-offenders in areas of employment, health care, education, housing, mental health, substance abuse, and social services.

Reentry Network for Returning Citizens

4322 Sheriff Road, NE, WDC 20019

(202) 450-1401; fax (202) 450-1566

www.thereentrynetwork.org

Monday – Friday 9 a.m. – 5 p.m.

Volunteers help mentor with family reunification, housing assistance, mental health and substance abuse referrals and job search counseling. Call to schedule interview.

DC Jail & Prison Advocacy Project (University Legal Services)

220 I Street, NE, #130, WDC 20002

(202) 527-7033; fax (202) 547-2662; www.uls-dc.org

www.uls-dc.org

Provides peer-based advocacy and training for formerly incarcerated persons with mental illness. Legal and social advocacy for individuals with a psychiatric disability, detained at DC Jail or CTF and within 90 days of release. Legal assistance (ADA protection), transitional planning and application(s) assistance, case management, 6-month post-release aftercare and monitoring.

Other Resources

Federal Public Defender

625 Indiana Avenue, NW, Suite 550, WDC 20004

(202) 208-7500

Metropolitan Police Clearance Information

300 Indiana Avenue, NW, Room 1075, WDC 20001

(202) 727-4245

Monday – Friday 9 a.m. – 5 p.m.

Criminal history records.

DC Office of Police Complaints

1400 I Street, NW, Suite 700, WDC 20005

(202) 727-3838; (866) 588-0569 (Hotline); fax (202) 727-7638

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CHAPTER R: LANDLORD TENANT

Overview

Legal Clinic's policy is that volunteers should *not* enter into an agreement to represent a client in a pending Landlord-Tenant Branch case. However, if volunteers have substantial experience with landlord-tenant cases *and* have the time to handle the matter through its completion, they should contact their case counseling attorney to determine whether they may undertake representation in the matter under the auspices of the Legal Clinic. In almost all cases where a case is pending in the Landlord-Tenant Branch of Superior Court, a referral will be necessary and should be made ***immediately*** to one of the following programs. **If the client has a court date coming up very quickly, please assist the client by calling one of these programs (from the intake site if possible) and speaking in person to a staff member to determine whether they can assist the client.**

DC Law Students in Court

Superior Court of the District of Columbia

Room 210, Building B

510 4th Street, NW, WDC 20001

Monday, Tuesday, Thursday, Friday 9:30 a.m. – 5:00 p.m.; Wednesday 9:30 a.m. – 8:00 p.m.;

Saturday 9:00 a.m. – 12:00 p.m.

(202) 638-4798

Legal Aid Society

1331 H Street, NW, Suite 350, WDC 20005

(202) 628-1161

Walk-in hours: Monday 12:30 – 6 p.m., Thursday 12:30 – 4 p.m.

2041 Martin Luther King Jr. Avenue, SE, Suite 201, WDC 20020

(202) 628-1161

Walk-in hours: Monday and Thursday 10:00 a.m. – 1:30 p.m.

Bread for the City

1525 Seventh Street, NW, WDC 20001

Main: (202) 265-2400; fax (202) 518-0545

Call Monday – Thursday from 9 a.m. – 5 p.m., to make an appointment

NW Legal Clinic: (202) 480-8950

Bi-lingual Spanish-speaking attorney available.

1640 Good Hope Road, SE, WDC 20020

Main: (202) 561-8587

Call Monday – Thursday from 9 a.m. – 5 p.m., to make an appointment

SE Legal Clinic: (202) 791-3982

Bi-lingual Spanish-speaking attorney available.

Neighborhood Legal Services Program

64 New York Avenue, NE, WDC 20002

(202) 832-6577

Walk-in hours: Monday, Wednesday, Friday 10 a.m. – 3 p.m.

4609 Polk Street, NE, WDC 20019

(202) 832-6577

Walk-in hours: Monday, Wednesday, Friday 10 a.m. – 3 p.m.

Other Resources**Landlord Tenant Resource Center**

DC Superior Court, Building B

510 Fourth Street, NW, Room 208, WDC 20001

(202) 508-1710

Monday – Friday 9:15 a.m. – 12:00 p.m. (or until intake is full)

The client may receive free legal advice and information from the volunteer attorneys at the LTRC, who can, *inter alia*, help self-represented persons understand court proceedings; assist self-represented persons prepare pleadings; coach self-represented persons on how to best present cases in court; provide information on how to obtain continuances and retain counsel; make referrals to legal service providers in appropriate cases; and inform low-income litigants of financial and other social service resources that might be available. There is also an **Attorney of the Day** program located in DC Superior Court, Building B.

Office of the Tenant Advocate

2000 14th Street, NW, Suite 300 North, WDC 20009

(202) 719-6560

Walk-in Hours: Monday – Thursday 9:00 a.m. – 4:00 p.m.

Provides legal and technical assistance regarding tenant disputes with landlords.

U.S. Marshal Service

555 4th Street, NW, 11th Floor, WDC 20001

(202) 616-8631/8633

Landlord Tenant Court: (202) 879-4879, option 1

Call Landlord-Tenant Court to learn where in the city the U.S. Marshals will be doing evictions that day.

PRACTICE TIP

It is very important to advise the client to go to court on the date listed on the Complaint or other court papers, even if he or she is unable to obtain representation. Volunteers should advise their client to go before the judge when their name is called and request a “two week continuance with all rights reserved for ascertainment of counsel.” This is routinely granted. Volunteers should explain to the client that, if he or she does not show up in court, the judge may evict him or her based on a default judgment.

Note: If the client has **no case pending in Landlord-Tenant Court**, volunteers should consult with their case counseling attorney about how to assist the client. These cases usually involve contacting the landlord to resolve a dispute over conditions or rent. It may also involve going to Landlord-Tenant Court to look up prior cases filed against the client, or you can look on the Superior Court's website: www.dccourts.gov. Such matters include but are not limited to those listed below.

Wrongful Eviction

It is common for clients to come to intake because their landlord has threatened to evict them without court process. "Self-help" evictions, in which landlords take action to evict tenants without legal process, are prohibited in DC. In *Mendes v. Johnson*, 389 A.2d 781 (DC App. 1978), the DC Court of Appeals held that the judicial process provided by the summary eviction statute represents the landlord's *sole* eviction remedy. While the Court of Appeals also ruled in *Harkins v. Win Corp.*, 771 A.2d 1025 (D.C. App. 2001), that roomers or non-paying lodgers may be subject to self-help eviction, this only applies to roomers who reside in hotel accommodations, and, therefore, should not affect most of our clients.

Case counseling attorneys have sample letters that volunteers can use to write the landlord and explain that "self-help evictions" are illegal in DC. However, if the client has already been evicted, the volunteer should investigate the case to determine if illegal action likely occurred (this generally will entail looking up the case at court to see if proper court process was used). If it appears that a wrongful eviction took place, volunteers should consult with their case counseling attorney regarding whether it would be appropriate to continue representation or to refer the case to an attorney who specializes in and routinely handles such cases.

Note: DC Code § 42-3505.01(k) prohibits evictions when the National Weather Service predicts at 8 a.m. that the temperature at the National Airport weather station will fall below 32 degrees Fahrenheit within the next 24 hours. These provisions do not apply to evictions where a court of competent jurisdiction (1) has determined that the tenant has performed an illegal act within the rental unit or housing accommodation; (2) has made a specific finding that the tenant's actions or presence causes undue hardship on the health, welfare, and safety of other tenants or immediate neighbors; or (3) has made a specific finding that the tenant has abandoned the premises.

Back Rent Owed

Volunteers also may encounter cases where the client signed a consent judgment to pay back rent (usually called a "Form 4") or where the client is simply behind in rent. In these matters, volunteers may need to refer the client to the **Emergency Rental Assistance Program** (see Chapter H) for assistance in paying back rent or so that s/he may redeem the tenancy (this is called paying the "Trans Lux" amount, which is named after a case establishing the right). Tenants can redeem their tenancy up to the time the U.S. Marshals come to evict them by paying off the entire rent due and any court costs and fees. In these cases it may be necessary to go to Landlord-Tenant court to look up the prior case to find out the "Trans Lux" amount or get a copy

of the “Form 4.” If the client wants to challenge the entry of the consent judgment, volunteers should refer immediately to one of the four organizations at the beginning of this chapter.

Late Fees & Payment Receipts

When Late Fees Apply

D.C. Code § 42–3505.31 limits the amount of fees that a landlord may charge to tenants.

According to the law, a tenant’s monthly rent cannot be considered late if it is paid within 5 days from the date the rental payment is due. When a tenant’s rental payment is late beyond 5 days after the due date, the landlord may charge a late fee but only if the tenant’s lease specifically states that a late fee may be charged. Even when a landlord can lawfully charge a late fee, the fee cannot be greater than 5% of the unpaid monthly rent that the tenant is responsible for – a landlord cannot impose a late fee on any portion of the tenant’s rent that is paid by a rent subsidy provider. In addition, a late fee can only be charged once per monthly rent cycle and landlords cannot charge interest on late fees.

When Late Fees Can Be Deducted

Existing unpaid late fees cannot be deducted from future rent payments and landlords cannot evict tenants because of the tenant’s failure to pay any late fees. Any late fees that are not paid within 30 days after the landlord charges the late fees to a tenant account may be deducted from the tenant’s security deposit at the end of the lease.

Violations

Pursuant to DC Code § 42–3509.01(a-1), any landlord who knowingly or willfully violates DC Code § 42–3505.31, regarding a prohibited eviction for the nonpayment of a late fee, shall be may be liable to the tenant for the amount by which the late fee exceeds the allowable late fee, or for treble that amount in the event of bad faith, and shall be subject to a civil fine of at least \$100 and not more than \$ 5,000 for each violation.

Payment Receipts

Pursuant to 14 DCMR 306, landlords must provide tenants with written receipts for all rental payments received from tenants that are not made with a personal check. The receipt must include the exact amount received, the date on which payment was received and the purpose of the payment. Each receipt must also state any amounts still due, which are for late charges, court costs, or any other charge in excess of the tenant’s rent. If a tenant’s rental payment is made with personal check and there is a balance still due for late charges, court costs, or any other charge in excess of rent, the landlord must provide the tenant with a receipt describing the charges and the amount still due.

Security Deposit, Conditions, and Fair Housing Act

Volunteers also may encounter cases where the client: (1) has not received return of his or her security deposit; (2) needs conditions in his or her unit repaired by the landlord; or 3) due to a mental or physical disability, needs a reasonable modification of a policy or of the rental unit in order to enjoy its use. Case counseling attorneys have sample letters to use in writing a landlord in any of these situations.

In conditions cases, we may recommend that the client file a complaint on the housing conditions docket. DC has a Housing Conditions Calendar: <https://www.dccourts.gov/services/civil-matters/housing-conditions-calendar> which allows tenants to sue landlords for DC Housing Code violations on an expedited basis. We typically do not handle cases on this docket, and usually refer those cases to the Tenant Resources Center or DC Law Students in Court. Their contact information is in Tab R of the Intake Guide. Clients can also contact the DC Department of Consumer and Regulatory Affairs (DCRA) to request a Property Maintenance Code Inspection (<https://dcra.dc.gov/service/dcra-schedule-housing-code-inspection>). The request can be made by calling (202) 442-4400. For after-hour emergencies, the client can call 311 and request the Inspector on Duty come out and conduct an inspection.

Mold Issues

One housing condition that the Legal Clinic's clients may experience in their housing units is mold. DC's Air Quality Amendment Act (Public Law No. 20-135), effective September 9, 2014, contains important rights for tenants dealing with mold in residential units and it is codified at DC Code § 8-241.01 to 8-241.09.

The District Department of the Environment ("DDOE") enacted regulations at 20 DCMR 32 to implement the Air Quality Amendment Act. The DDOE regulations set a threshold level of indoor mold contamination that requires professional remediation; establish scientific, objective methods for mold assessments; establish minimum performance standards and work practices for mold remediation; and establish guidelines for the removal of mold below the threshold. A residential property owner who receives written or electronic notice from a tenant of indoor mold in the tenant's unit or the common areas must inspect within 7 days, and must remove visible indoor mold within 30 days of the inspection unless a court orders a shorter timeframe. If indoor mold is below the DDOE threshold, the owner may remediate without a professional, but must follow DDOE guidelines. If indoor mold is above the DDOE threshold, the owner must have the mold remediated by a licensed indoor mold remediation professional, and the DDOE can require the owner to provide a remediation report to the tenant and to the DDOE.

Volunteers should consult their case counseling attorney if clients present at intake with conditions issues involving mold.

DC Housing Authority

Legal Clinic volunteers are expected to undertake representation in DCHA matters including Public Housing and Housing Choice Voucher grievance proceedings that do not have related Landlord-Tenant Branch proceedings pending and are not expected to end up in Landlord-Tenant Court. Such matters include but are not limited to denials of housing assistance, rent calculation or recertification problems, and reasonable accommodation cases (*see* Chapter D for details). Volunteers should contact their case counseling attorney if they are not sure whether their case should be referred to one of the organizations at the beginning of this chapter because it is likely to end up in the Landlord-Tenant Branch of DC Superior Court.

Shelter, Transitional, or Permanent Supportive Housing

Where a shelter or housing provider is charging a client rent or a “program fee,” the client may have both landlord-tenant rights and rights under the Homeless Services Reform Act. As with DCHA cases, if the client has not been sued in the Landlord-Tenant Branch, volunteers may assist the client after consulting with their case counseling attorney to ensure that the case is not likely to end up in the Landlord-Tenant Branch (*see* Chapter D for details). If a case is already pending in Superior Court, please refer the client immediately to one of the organizations at the beginning of this chapter and alert the case counseling attorney.

Domestic Violence

Domestic violence survivors have additional landlord-tenant rights under the DC Protection from Discriminatory Eviction for Victims of Domestic Violence Amendment Act of 2006 (codified at DC Code § 42–3505.01 (c-1)), the most comprehensive law of its type nationally. The Act protects survivors in private and public housing. It provides an absolute defense to an eviction that is based on or the result of domestic violence; allows tenants to break their leases without penalty if necessary due to domestic violence; explicitly prohibits discrimination against survivors applying for housing units; and allows tenants to change their locks without penalty and at the landlord’s expense initially (the landlord can charge the tenant later). Volunteers should talk to their case counseling attorney if they encounter a client facing these types of legal issues.

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CHAPTER S: AFFIRMATIVE DISCRIMINATION

Overview

Legal Clinic volunteers should raise discrimination claims defensively where appropriate and assist clients with filing requests for reasonable accommodations. While Legal Clinic staff attorneys sometimes take on affirmative discrimination complaints, volunteers are not expected to take these cases, with the exception of criminal record discrimination (as described in Chapter W. Contact the Legal Clinic for a list of referral organizations and attorneys.

Below are summaries of some of the laws most commonly used to offer our clients protection against discrimination. Discrimination claims can be raised defensively (*e.g.*, as a defense to a shelter expulsion or benefit denial), in civil litigation, or in administrative forums. For instance, claims of housing discrimination can be raised as a defense in a landlord-tenant action, as an affirmative lawsuit against the landlord, or as an administrative complaint with Housing and Urban Development (“HUD”) or the DC Office of Human Rights. Volunteers should contact their case counseling attorney to discuss strategies or referral resources and to obtain reasonable accommodation request forms or to get assistance advising clients of applicable statutes of limitations.

Sources of Law

The **DC Human Rights Act**, D.C. Code § 2-1401.01 *et seq*, is broader than its federal counterpart. It prohibits discrimination in jobs, housing (including shelter), government programs and services (including shelter, public benefits, and local housing programs), public accommodations, and education 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, genetic information, disability, political affiliation, status as a domestic violence victim, source of income, and place of residence or business. Source of income discrimination claims often arise when landlords refuse to rent to clients because they will be using a Housing Choice Voucher or other housing subsidy to pay a portion of their rent.

Section 504 of the federal **Rehabilitation Act** forbids recipients of federal funds from discriminating against individuals with a handicap (29 U.S.C. §§ 701 *et seq*) The Rehabilitation Act specifically applies to housing programs that are funded by HUD, including public housing, site-based Section 8, and the Shelter Plus Care program. An “[i]ndividual with handicaps” is defined as any 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 (24 C.F.R. § 8.3). Under this Act, recipients of federal funds must make “reasonable accommodations” to the known physical or mental limitations of an otherwise qualified person with a disability, unless the recipient can demonstrate that the accommodation would involve an undue hardship (45 C.F.R. § 84.12). The federal **Americans with Disabilities Act** (“ADA”) extends similar prohibitions against disability discrimination to private employment, public services (including state-funded services such as emergency shelter or local public benefit programs), and public accommodations and services operated by private entities (including shelters, restaurants and hotels) (42 U.S.C. § 12101 *et seq*).

The federal **Fair Housing Act** (“FHA”) prohibits housing discrimination based on race, color, religion, sex, national origin, and disability (42 U.S.C. §§ 3601 *et seq*). The FHA protects persons who have a physical or mental disability, or who are perceived as having such a disability. In addition to prohibiting actions motivated by discriminatory intent or having a disparate impact on persons with disabilities, the FHA defines discrimination to include “a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling” (*Id.* at § 3604(f)(3)(B)). Regulations promulgated by HUD state that “dwelling units” include “sleeping accommodations in shelters intended for occupancy as a residence for homeless persons” (24 C.F.R. § 100.201). *See also* Executive Order 11063 on Equal Opportunity in Housing and the implementing regulations at 24 C.F.R. §§ 107 *et seq*.

Administrative complaints for violations of any of the federal or local discrimination laws listed above may be filed at the DC Office of Human Rights.

DC Office of Human Rights

441 Fourth Street, NW, Suite 570N, WDC 20001

(202) 727-4559

<http://ohr.dc.gov> (forms for filing complaints are available online)

Hours: Monday – Friday 8:30 a.m. – 5 p.m.

Resources

DC Office of Disability Rights

441 Fourth Street, NW, Suite 729N, WDC 20001

(202) 724-5055

U.S. Department of Justice Information and Technical Assistance on the Americans with Disabilities Act

www.ada.gov

Fair housing laws and executive orders

<http://www.hud.gov/offices/fheo/FHLaws/index.cfm>

Joint Statement of HUD and DOJ

“Reasonable Accommodations Under the Fair Housing Act”

http://www.justice.gov/crt/about/hce/documents/reasonable_modifications_mar08.pdf

Comprehensive Q&A style guide to reasonable accommodations

Referrals

Washington Lawyers Committee for Civil Rights and Urban Affairs

11 Dupont Circle, NW, Suite 400, WDC 20036

(202) 319-1000; Spanish: (202) 319-8001; fax (202) 319-1010

Discrimination in employment, housing, public accommodations.

A.C.L.U. (National Capital Area)

915 15th Street, NW WDC 20005
(202) 457-0800

UDC Housing and Consumer Law Clinic

UDC David A. Clarke School of Law
Building 52, Room 302
4200 Connecticut Avenue, NW, WDC 20008
(202) 274-5120
No walk-ins. Phone first for a telephone intake.

Equal Rights Center

11 Dupont Circle, NW, WDC 20036
(202) 234-3062
Testing and investigation of discrimination claims.

University Legal Services, Protection and Advocacy Program

220 I Street, NE, Suite 130, WDC 20002
(202) 547-0198; fax (202) 547-2662
Monday – Friday 9 a.m. – 5 p.m.

Neighborhood Legal Services Program

Headquarters: 64 New York Ave, NE, WDC 20002
Far Northeast Office: 4609 Polk Street, NE, WDC 20019
Southeast Office: 2412 Minnesota Avenue, SE, WDC 20020
(202) 832-6577 for all offices
Telephone intake available Monday, Wednesday and Friday from 10 a.m. – 3 p.m.

There are several legal aid organizations that handle such matters. There are also private attorneys who may take meritorious cases on a contingency fee basis. Contact the Legal Clinic for an updated list of such organizations and attorneys.

CHAPTER T: PROBATE

The Legal Clinic generally lacks the expertise to provide direct representation in probate matters. However, volunteers can sometimes assist clients by obtaining information or clarifying legal requirements or procedures.

DC Estate Files

Remote public access available at <https://eaccess.dccourts.gov/eaccess/home.page.3>

Case jackets and wills that are open or more than ten years old are available for inspection Monday through Friday (8:30 a.m. to 5 p.m.) at the Probate Resource Center.

Probate Resource Center

DC Superior Court, Court Building A
515 Fifth Street, NW, 3rd Floor, Room 314, WDC 20001
(202) 879-9460
Monday – Friday, 8:30 a.m. – 5 p.m.

The Probate Resource Center provides free legal information, on a walk-in basis only, to unrepresented persons who need to open a probate estate for a person who lived (prior to death) in the District of Columbia or need information regarding property distribution in an estate. Assistance is also provided in preparing pleadings to open a new intervention proceeding seeking the appointment of a guardian and/or conservator for an incapacitated adult and with the preparation of filings to bring matters to the attention of the court in an existing intervention proceeding. **Note:** Volunteer attorneys do not provide legal advice or representation and do not assist persons in preparing pleadings other than through the use of the standard forms available on the DC Court website.

Probate Court Contact Information

DC Probate Court

(202) 879-9460 (automated number)

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CHAPTER U: INCOME TAX

Overview

In income tax related cases, a Legal Clinic volunteer attorney may provide advice, brief service, and referral only, unless they have the requisite expertise and are able to handle the matter without assistance from their case counseling attorney.

W-2 Forms

In order to obtain credit for income tax withheld, it is essential that the client attach copies of W-2 forms to the tax return. If the client does not have copies of W-2 forms, a duplicate copy should be obtained from the employer(s).

Non-Employee Income

Certain types of non-employee income must be included as income. Volunteers should ask the client about any interest, alimony (not child support, but an exemption may be available for child), and unemployment compensation. If the client was deemed an independent contractor, wages may be reported on a Form 1099 and income must be reported on Schedule C. If self-employment income exceeds \$400 the client may be liable for self-employment (Social Security) tax on Schedule SE.

Past Due Returns

Clients may file returns and receive refunds for up to three years after the return was due. The same time limit applies to filing of amended returns, which may be necessary if the original return did not include all income or withholding. There is generally no penalty for filing a late return if a refund is due. Penalties and interest may be assessed if there is tax to pay.

Penalties

The IRS does not have a reputation of being very forgiving when taxpayers do not file or pay their taxes on time. Under some circumstances, the IRS has discretion to waive penalties for good cause (interest will never be waived). If a client is in default and a penalty might apply, volunteers should usually attach an explanation for the late filing or other default and ask that any penalty be waived. Similarly, if the client is unable to pay his or her taxes (whether at the time of filing or when billed), the volunteer should write a letter explaining the client's financial situation. Informing the IRS of why the client cannot pay may avoid further penalties. Clients should not ignore notices from the IRS concerning taxes past due.

Children

If the client supports a child, check to see if the parent can file as head of household or if Earned Income Tax Credit (*see below*) applies.

State Returns

Taxes (in this part of the country) are payable to the state in which the taxpayer lives, not where the taxpayer was employed. If the taxpayer moved during the year it might be necessary to file part year returns in different states (which may require special forms). If taxes were withheld for the wrong state, the taxpayer will need to file a return with that state to obtain a refund of what was withheld. The taxpayer will also need to file a return with the state of residence, including with the return a written explanation that the taxes were withheld in the wrong state.

Tax Credits

If the client lived in the District for the entire year and paid rent, volunteers should check to see if he or she qualifies for the **Property Tax Credit**. If the client had no federal tax liability, but appears to have DC tax liability, volunteers should check to see if the **DC Low Income Credit** applies.

Signing Returns

Be sure to have clients sign the tax returns and keep copies. Volunteers do not have to sign the return as preparers (except Maryland state returns), as they are not paid. If the client expects a refund, the return should include an address which can receive mail for at least two months.

Earned Income Tax Credit

Working families with children

For tax year 2018: Working families with **one** child and earned income of less than \$40,320 (\$46,010 if married and filing jointly) or **two** children and earned income of less than \$45,802 (\$51,492 if married and filing jointly) or **three or more** children and earned income of less than \$48,340 (\$53,930 if married and filing jointly) are potentially eligible for the Federal Earned Income Tax Credit (“EITC”). See www.irs.gov (figures are for tax year 2018). Both married and single parents are eligible. The maximum credit in tax year 2018 is \$3,461 with **one** qualifying child, \$5,716 with **two** qualifying children, and \$6,431 with **three or more** qualifying children. Because the EITC is “refundable,” eligible families can benefit from the credit even if they owe no federal income tax or have no income tax withheld. To obtain an EITC, families must file either Form 1040 or 1040A (*not* the 1040EZ), along with Schedule EITC. EITC payments do not count as income in determining eligibility for public assistance or subsidized housing. Volunteers should talk to their case counseling attorney for more information.

Working individuals without children

Workers without children who earned less than \$15,270 (\$20,950 if married and filing jointly) in 2018 may be eligible for a refundable credit. The maximum credit in tax year 2018 is \$519 with no qualifying children. Workers without children can use the 1040EZ form to claim the credit. For more information about the EITC, or for copies of an Information Kit, call the Center on Budget and Policy Priorities at (202) 408-1080.

DC Earned Income Tax Credit

The District of Columbia has its own earned income tax credit. Eligibility is based on eligibility for the Federal EITC and the credit is up to 40% of that allowed by the Internal Revenue Service. In addition, the District has a special earned income tax credit for District residents between the ages of 18 and 30 who have complied with court-ordered child support obligations.

Volunteer Income Tax Assistance (“VITA”)

The IRS provides free volunteer income tax preparation assistance for low income taxpayers annually at various sites throughout the District from January to April. Contact the Legal Clinic for locations and times or call the “Answers, Please” Call Center run by the District of Columbia at (202) 463-6211 or (800) 906-9887.

Agency & Community Contacts

IRS Information Hotline

1 (800) 829-1040

DC Office of Tax and Revenue

(202) 727-4829

Community Tax Aid

(202) 547-7773

Contact: Theresa Hines

CHAPTER V: TORT CLAIMS	V-2
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CHAPTER V: TORT CLAIMS

Generally, the Legal Clinic lacks the expertise and resources to pursue tort or other types of potentially fee-generating legal claims. The Intake Site Kit contains a one-page overview of legal referral information for clients with tort claims. **If a client's claim involves particularly egregious circumstances or relates to the client's homelessness, volunteers should contact their case counseling attorney to discuss whether they can identify additional resources.**

Volunteers may also be able to assist clients in preparing to present their claims to potential referral attorneys and in assessing the validity of their claims. In addition, volunteers can screen for jurisdictional and statute of limitations bars, and assist in factual investigation. The District of Columbia statute of limitations for most civil actions is codified at D.C. Code § 12-301 *et seq.* If the case appears meritorious, volunteers should refer the client to a private attorney.

Note: In cases in which the District of Columbia is a potential defendant, notice of claim must be presented in writing to the Mayor **within 6 months** of the underlying event. D.C. Code § 12-309 requires that such notice include the facts of the claim (the claimant's name, date of birth and social security number, and the date, place, and other circumstances of the underlying incident) as well as damages suffered, together with any relevant documents.

Mayor's Address

1350 Pennsylvania Avenue, NW, WDC 20004

Ascertain

- Date and place of incident
- Name and address of potential defendant
- Witnesses
- Medical records
- Police report, if any

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CHAPTER W: DISCRIMINATION BASED ON CRIMINAL RECORD

Unlike most other affirmative discrimination cases (see Chapter S), Legal Clinic volunteers are expected to take discrimination cases when the discrimination is based on a job or housing applicant's criminal record. Volunteers should speak with their case counseling attorney or contact Legal Clinic staff attorney Amber Harding at (202) 328-5503 for guidance on criminal history discrimination.

Employment

In 2014, the DC Council passed the **Fair Criminal Record Screening Act** which expands the protections for job applicants with criminal histories. The Act makes it illegal for most employers in the District to ask a job applicant if they have a criminal history during the application and interview part of the hiring process, or any time before extending a "conditional job offer" (meaning an offer that depends on the results of a criminal background check or screening). Additionally, employers may not ask applicants about arrests that did not lead to a conviction. Employers may withdraw a job offer after learning about a conviction or pending criminal case, but only if they have a legitimate reason to believe that hiring a person with that particular criminal history for that particular job could harm their business.

The Fair Criminal Record Screening Amendment Act does not apply to employers with ten or fewer employees, employers who serve or work in facilities that serve children or vulnerable adults, jobs where background checks are required by law, or in other limited circumstances.

If a client comes to intake believing that an employer has broken these rules on or after December 17, 2014 (when the law took effect), the client may ask the employer within **30 days** of the action for a copy of his or her hiring records. Employers are required to provide this information if asked. Volunteers can assist clients in requesting hiring records (a copy of the client's hiring record is helpful to file a complaint, but not required).

Volunteers can also assist the client in filing a complaint in the DC Office of Human Rights if the discrimination occurred in the past 365 days. If the Human Rights Commission agrees that a violation has occurred, the applicant may be able to recover monetary damages in the form of a penalty assessed against the employer. The OHR website has more information and assistive materials: <http://ohr.dc.gov/page/returningcitizens>.

Housing

In 2016, the DC Council passed the **Fair Criminal Record Screening Act for Housing** which expands the protections for housing applicants with criminal histories. The Act makes it illegal for most landlords in the District to ask a housing applicant if they have a criminal history during the application part of the application process, or any time before extending a "conditional offer" of housing (meaning an offer that depends on the results of a criminal background check or screening). Landlords have to tell *all* applicants what the financial, employment, criminal and

rental history requirements are before taking an application fee. Landlords may not ever ask applicants about arrests that did not lead to a conviction or any criminal accusations or convictions more than seven (7) years old. After a conditional offer, landlords may review pending criminal accusations or convictions from the last seven (7) years for delineated crimes (all which are felonies).

Landlords may withdraw a conditional offer of housing after learning about a conviction or pending criminal case, but only if they have determined that the criminal history is related to the applicant's ability to be a good tenant, after reviewing the following factors: 1) nature and seriousness of the crime; 2) age at the time of the crime; 3) how long it's been since the crime occurred; 4) information on rehabilitation or good conduct since the crime occurred, 5) how much the crime would impact other tenants or the property if it happened again; 6) and whether the crime took place in a rental unit. If a landlord withdraws a conditional offer, it has to provide the applicant a written notice explaining the reason for denial and providing the appeals process.

The Fair Criminal Record Screening Act for Housing does not apply to landlords who have fewer than three (3) rental units or where federal law requires a different standard for screening for criminal records.

Volunteers can assist the client in filing a complaint in the DC Office of Human Rights (OHR) if the discrimination occurred in the past 365 days. If the Human Rights Commission agrees that a violation has occurred, the applicant may be able to recover monetary damages in the form of a penalty assessed against the landlord. (But note that there is a six (6) month "grace period" for fines from October 1, 2017 until April 1, 2018.) The OHR website has more information and assistive materials, including a training video: https://prezi.com/67ltcy2ntys4/ohrdcgov-website-presentation-on-frcsha/?utm_campaign=share&utm_medium=copy.

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CHAPTER X: INTAKE INTERVIEW ESSENTIALS

IDA: Intake Interview Essentials

- ☐ **Have the client sign a general release form**
 - Clients should also sign a general medical release form and, if mental incapacity is part of the disability claim, a mental health information release form.
- ☐ **Gather general information**
 - Did the client apply at the H Street DHS Service center?
 - What is the name and telephone number of the client's worker, if the client knows?
 - Has the client received any notices related to the problem he or she is presenting?
- ☐ **For application related problems**
 - Did the DHS worker give the client a medical examination report form and did the client return it?
 - Does the client have a doctor who can complete it? If not, review the clinic options listed in Chapter H of this Intake Guide.
 - Does the client have proof of application for SSI?
- ☐ **For receipt of benefits issues**
 - Has the client received a notice that she or he has to recertify eligibility?
 - Was the client given a new medical examination report and did he or she return it?
 - What is the status of the client's SSI claim? (*See SSI Intake.*)
- ☐ **Arrange for follow-up**
 - Obtain all potential contact information and arrange for next contact.
 - Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

Food Stamps/SNAP: Intake Interview Essentials

- ☐ **Have the client sign a general release form**
- ☐ **Gather general information**
 - Which DHS Service Center did the client apply through or has the client's case?
 - What is the name and telephone number of the client's worker, if the client knows?
 - Has the client received any notices related to the problem for which he or she is seeking assistance?
- ☐ **For application-related problems**
 - What was the date the client submitted the application?
 - Was the client given a checklist of documents to bring back and has the client submitted all requested documents?
 - If the application was denied, did the client receive written notice and, if so, what reason did the notice give for the denial?
- ☐ **For concern about amount of SNAP benefit**
 - Who lives with the client and customarily purchases and prepares meals with the client?
 - What is the citizenship status for all of those household members?
 - What is the amount and source of income for all household members?
 - What is the amount paid for rent and utilities?
 - What is the amount paid for any dependent care necessary for a household member to work?
 - If the household includes members who are elderly or who have a disability, what is the amount of any unreimbursed medical expenses?
- ☐ **For decrease, termination, or non-receipt of benefits**
 - When did the client last receive benefits and how much was received?
 - When did the client last check his or her Capital Access card?
 - Did the client receive written notice of the proposed change? What did the notice indicate was the reason for the proposed change?
 - Has the client's household income or household composition changed? If so, did the client report the change to DHS, and how and when was the report made?
 - Has the client quit or refused a job or has the client cut back his or her work hours?
 - Was the client referred to an employment and training program and did the client attend?
- ☐ **For recertification problems**
 - Gather the same information as for application problems, but also try to find out if the client received notice of a recertification appointment and if he or she attended.
- ☐ **Arrange for follow-up**
 - Obtain all potential contact information and arrange for next contact.
 - Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

TANF: Intake Interview Essentials

- ☐ **Have the client sign a general release form**
 - If there are issues related to incapacity, have the client sign a general medical release form and, if appropriate, a mental health information release form.
- ☐ **Gather general information**
 - Which DHS Service center did the client apply through or has the client's case?
 - What is the name and telephone number of the client's worker, if the client knows?
 - Has the client received any notices related to the problem she or he is presenting?
- ☐ **For application related problems**
 - When did the client apply?
 - Was the client given a checklist of documents to return and has the client done so?
- ☐ **For eligibility issues**
 - Are there children in the household? If so, how many and what are their ages? If any of the children are in their late teens, find out when they are expected to graduate from high school.
 - Are either of the biological parents of each child absent, mentally or physically incapacitated, or recently unemployed?
 - For non-citizens, what is their immigration status?
 - Does the household have other sources of income and other resources?
- ☐ **For amount of benefits or proposed termination of benefits**
 - When did the client last receive benefits and how much did the client receive?
 - For a client with other sources of income: does the client work? If so, where and how much does the client earn?
 - Was the client sent a notice instructing her or him to appear for a work training program?
 - Was the client in compliance with everything the work program has asked him or her to do?
 - If the client is not in compliance, is it because of child care problems or some other reason that might constitute good cause?
 - Has the client been asked to provide any information or attend any meetings related to collecting child support from a non-custodial parent?
 - If the client is unable to work because of a mental or physical incapacity, was the client given a medical form to take to his or her doctor and did the client return it?
 - Did the client receive a notice indicating he or she needed to recertify, and when did the client last recertify?
- ☐ **Arrange for follow-up**
 - Obtain all potential contact information and arrange for next contact.
 - Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

SSI: Intake Interview Essentials

- ☐ **Have the client sign a general release form**
 - Also have the client sign medical release forms and, if mental health issues are part of the disability claim, mental health information release forms.
 - If you plan to seek information about the client's case from SSA, have the client sign the special SSA release form in the Intake Site Kit.
 - If the client is appealing a denial of benefits or some other eligibility issue and the case has merit, you will need to make arrangements at some later point to have the client sign an SSA Appointment of Representative form.
- ☐ **For application processing problems**
 - Through which SSA office did the client apply?
 - When did the client submit his or her application?
- ☐ **Establish disability issues**
 - How old is the client?
 - How far did the client go in school?
 - When did the client last work? Where? Doing what? Why did the client leave that job?
 - What other kinds of work has the client done in the past 15 years?
 - What are the client's medical conditions?
 - What hospitals and clinics might have medical records related to the client?
 - What are the names, addresses and telephone numbers of the doctors who are treating the client?
- ☐ **Determine in which stage of the process is the client's claim**
 - Has the client applied? Is he or she waiting for an initial decision?
 - Did the client request Reconsideration? When?
 - Did the client request a hearing? When?
 - If the client recently received a denial, does the client have the notice?
 - What is the date of the denial?
- ☐ **For reduction, suspension, or termination of benefits**
 - Does the client have any notices with him or her?
 - Has the client worked since he or she started receiving benefits? How many hours per week at what rate of pay?
 - Is the client aware of any criminal charges pending against him or her? Is the client in compliance with parole or probation?
- ☐ **Ask whether the client has applied for IDA**
- ☐ **Arrange for follow-up**
 - Obtain all potential contact information and arrange for next contact.
 - Advise client on what will happen next and what you hope to accomplish without promising specific outcome.

Veteran's Benefits & Legal Issues: Intake Interview Essentials

☐ **Have the client sign a general release form**

- Also have them sign a VA Form 21-22a, which is a specific power of attorney authorization form for VA disputes.
- If mental health issues are part of a disability claim, also have client sign a mental health information release form.

☐ **Useful general information to gather**

- What discharge status did client receive – honorable, dishonorable, etc.?
- Does client have a copy of his discharge order, or does he need a new copy?
- If client received other than an honorable discharge, while in the military did they suffer from post-traumatic stress disorder (PTSD), traumatic brain injury (TBI), sexual assault, or sexual harassment?
- What branch of the military did the client serve in?
- Is the veteran being treated at any VA hospital or clinic?
- Has client ever applied for and/or received healthcare benefits at the VA?
- Is the client currently receiving any monthly VA benefits?
- Has client ever applied for and/or received veteran's disability compensation or a veteran's disability pension?
- Has client ever filed for or received benefits under any GI Bill?
- Has client visited and registered with the Healthcare for Homeless Veterans ("HCHV") program at the VA medical center?
- When did client serve in the military (Exact or approximate dates)? General dates of service, including inactive or reserve? Was it wartime? Date of entrance to active duty ("EOD")? Date of release from active duty ("RAD")?
- How much time, if any, did client serve on active duty?
- What is client's income, including SSI, SSDI, and other public benefits?

☐ **Healthcare-related issues**

- Does the client have a physical or mental disability? Is it service-connected? Has the VA acknowledged that it is service-connected?
- Does or did the client have a service-related injury? Is it service-connected? Has the VA acknowledged that it is service-connected?

☐ **Helpful information for filling out VA applications**

- What is client's social security number (often used as a veteran's service number)?
- What is client's VA claim number for any denied or disputed claims?
- Has client used any other names (for VA healthcare application)?
- What is client's mother's maiden name (for VA healthcare application)?
- Collect any copies and details of any previous claims filed with the VA.

- Veterans seeking either disability compensation benefits or pension benefits should be asked to make a list of all medical facilities, government or private, where they have received treatment.

Shelter and Supportive Housing: Intake Interview Essentials

- ☐ **Have client sign a general release form**
- ☐ **Identify the shelter or housing program**
 - Identify location, type of program, and funding source.
 - In the case of terminations, suspensions, and transfers, does client pay rent or a fee?
 - Where did the client apply for the shelter or housing?
- ☐ **Gather essential case information**
 - What action is being taken and why?
 - Are there notices or warning letters? Get copies.
 - Get the names and contact information for any witnesses.
 - Get the names and contact information for case manager, director, or staff involved.
 - Get the names and ages of all household members.
 - Get a release for the program to talk to you and give you client-related documents.
- ☐ **For concerns about housing/shelter conditions**
 - What is wrong with the unit? How long have the conditions existed?
 - Has the client filed a complaint about the conditions? If so, how, when, and with whom?
 - Did the client receive a response? If so, get a copy.
 - Does the client have photos of the problems? If so, get copies.
- ☐ **Determine if proper notice was given**
 - Did the client receive notice of the action? If so, when? Get a copy.
 - If the action is in the future, when will the action take effect?
- ☐ **Assist client in filing an appeal**
 - Has the client requested an appeal? If so, how?
 - If not and the client is receiving services, calculate the time frame for appeal with benefits pending. (**Note:** No written notice = no time frame)
 - If an appeal has been requested, when, how, and to whom was the request made?
 - Has a hearing been scheduled? If so, when and where is the hearing?
 - Get a copy of the Notice of Hearing.
- ☐ **Consider ADA claims**
 - Are there household members with mental health or physical disabilities?
 - Is there a need for a reasonable accommodation of the program's policies, rules, or practices?
 - Obtain information regarding the disability and professionals who can document it.
 - Obtain a release for these professionals if an accommodation request will be made.
- ☐ **Schedule follow-up with client**
 - Obtain client's contact information (phone, address, email) and a couple of alternative contacts (friends/relatives).
 - Schedule follow-up meeting or phone call with client.

Public and Subsidized Housing: Intake Interview Essentials

- ☐ **Have client sign a general release form**
 - Also have the client sign a DCHA release form if the client has an HCVP voucher.
- ☐ **Identify the program**
 - Is the program public housing or Housing Choice Voucher Program/Section 8 (run by DC Housing Authority)?
 - Is it another type of federal or local subsidy, such as Shelter Plus Care, Permanent Supportive Housing, etc. (different regulations apply)?
 - How much is rent and to whom is it paid? Who are the other parties to client's lease?
- ☐ **Gather essential case information**
 - What relief is the client seeking and why?
 - Copy any notices, court papers, lease, housing voucher or other documents.
 - Get names and contact information for landlord, property manager, case manager, and/or DCHA or other agency contact; and any witnesses.
- ☐ **If the client is already in a housing program**
 - If threatened with **eviction or subsidy termination**, find out if any notice was received; whether the client appealed; what the client's defenses were; and whether there are any court or Informal Hearing dates.
 - If issue is **conditions**, find out what is wrong with unit; how long conditions have existed; whether client complained about them to landlord, and landlord's response.
 - If issue is **rent**, find out if client is claiming tenant portion is incorrect; if client is behind in rent; if any notices from landlord or DCHA regarding rent were received; if client requested an Informal or Fair Hearing.
- ☐ **If the client is seeking admission to a housing program**
 - Find out when client applied; date of any application updates; any receipts, notices or letters regarding application status.
 - If client was **dropped from wait list**, find out if client received notice; reason for termination and client's defense; and date of last application update.
 - If client was **denied admission**, find out if notice was received; whether informal conference or hearing was requested; basis for denial; and any defenses.
 - If **past debt to DCHA** is basis for denial, find out if client has any notices about debt; any defenses to debt; any past attempts to pay; any interest in bankruptcy; and when the debt was incurred.
- ☐ **For discrimination and ADA claims**
 - If HCVP holder is unable to find housing, discuss all housing search efforts; reasons denied by any landlords; whether client has a disability that limits ability to search for units; whether client (due to a disability) needs a unit with special features; and any discriminatory comments about vouchers.

- If client is threatened with eviction or subsidy termination, find out if anyone in household has a mental or physical disability, and if termination is related to this; discuss potential reasonable accommodation; get contact info for any doctors.



Arrange for follow-up

- Obtain all potential contact information and arrange for next contact.
- Advise client on what will happen next and what you hope to accomplish without promising specific outcome.