

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the District of Columbia (“District”) Department of Human Services (“Department”), pursuant to the authority set forth in Section 31 of the Homeless Services Reform Act of 2005 (“HSRA” or “Act”), effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-756.02 (2012 Repl.)), and Mayor’s Order 2006-20, dated February 13, 2006, hereby gives notice of the adoption, on an emergency basis, of an amendment to Chapter 25 (formerly entitled “Shelter and Supportive Housing for Individuals and Families” and hereby renamed “Continuum of Care Programs”) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (“DCMR”), to become effective immediately.

The proposed amendments include changes to multiple sections of Chapter 25 as a result of the “Homeless Services Reform Amendment Act of 2017” (“2017 Act”), effective February 28, 2018 (D.C. Law 22-0065; 65 DCR 331 (January 19, 2018)). These amendments address a variety of components of the Continuum of Care, the District’s comprehensive range of services for individuals and families experiencing or at risk of experiencing homelessness. The legislative changes made by the 2017 Act are addressed in the proposed amendments and are described in detail in the 2017 Act’s long title. The most significant legislative changes addressed in this rulemaking include clarifying who qualifies as a resident of the District of Columbia for purposes of Continuum of Care eligibility, and describing the function of the District’s centralized or coordinated assessment system protocol to determine referrals for eligible individuals and families within the Continuum of Care.

In addition to implementing recent legislative amendments, the proposed amendments establish standards to administer Rapid Re-Housing Programs; revise standards to administer Permanent Supportive Housing Programs; and establish standards for Interim Eligibility Placement in the family shelter system.

Emergency action is necessary to promote the immediate preservation of the health, safety, and welfare of District residents who are homeless or at risk of experiencing homelessness by permitting the Department to administer the broad array of Continuum of Care services in compliance with recent legislative changes. These changes align with the Department’s work to ensure that the experience of homelessness within the District is rare, brief, and non-recurring.

These emergency rules shall remain in effect for not longer than one hundred and twenty (120) days from the adoption date unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The emergency rules were adopted on August 21, 2019, and went into effect at that time. The emergency rules shall expire on December 19, 2019, which is one hundred twenty (120) days after the adoption date of these emergency rules, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The Department Director also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Chapter 25, SHELTER AND SUPPORTIVE HOUSING FOR INDIVIDUALS AND FAMILIES, of Title 29 DCMR, PUBLIC WELFARE, is deleted and replaced with the following:

CHAPTER 25 CONTINUUM OF CARE PROGRAMS

2500 SCOPE

2500.1 The provisions of this chapter shall apply to:

- (a) Continuum of Care programs offered by the District or by a Provider receiving funding for the program from either the District or the federal government, if such funds are administered, whether by grant, contract, or other means, by the Department or its designee; and
- (b) Clients of programs covered under paragraph (a) of this subsection.

2500.2 In multi-program agencies, the provisions of this chapter shall only apply to those programs that meet the criteria in Subsection 2500.1(a) of this section and clients of those programs.

2500.3 Nothing in this chapter shall be construed to create an entitlement (either direct or implied) on the part of any individual or family to any services within the Continuum of Care, other than shelter in severe weather conditions as authorized by Sections 7(c) and 9(a)(5) of the Act (D.C. Official Code §§ 4-753.01(c) and 4-754.11(a)(5)).

2501 GENERAL ELIGIBILITY CRITERIA FOR CONTINUUM OF CARE SERVICES

2501.1 An applicant, whether an individual or family, shall be eligible to receive services provided within the Continuum of Care if the applicant:

- (a) Is homeless or at risk of homelessness as defined in Section 2(18) and (5B) of the Act (D.C. Official Code § 4-751.01(18) and (5B));
- (b) Is a resident of the District of Columbia as defined in Section 2(32) of the Act (D.C. Official Code § 4-751.01(32)), except as provided in Subsection 2501.2; and
- (c) Meets any special eligibility requirements established by the Provider, as long as such eligibility requirements are approved by the Department as part of the Provider's program rules pursuant to Subsection 2515.17. Such special eligibility requirements must be for the purpose of limiting entry

into the program to those exhibiting the specific challenges that the program is designed to address.

- 2501.2
- (a) No applicant may be deemed ineligible for services solely because the applicant cannot establish proof of homelessness or residency at the time of their application for assistance.
 - (b) Low-barrier shelters and severe weather shelters operating as low-barrier shelters shall not be required to receive demonstration of residency or prioritize District residents.
 - (c) The Department shall determine that a person seeking shelter by reason of domestic violence, sexual assault, human trafficking, refugee status, or asylum is a resident of the District without receiving demonstration of District residency in accordance with Section 2(32) of the Act (D.C. Official Code § 4-751.01(32)).
 - (1) For the purpose of this section, a refugee is any person who is outside his or her country of nationality or habitual residence, and is unable or unwilling to return to or seek protection of that country due to a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion.
 - (2) For the purpose of this section, asylees are individuals who, on their own, travel to the United States and subsequently apply for/receive a grant of asylum.

2501.3 An applicant may demonstrate residency pursuant to Section 101(32)(A)(iii) of the Act (D.C. Official Code § 4-751.01(32)(A)(iii)) by:

- (a) Providing evidence that the individual or family is receiving public assistance from the District as administered by the Department; or
- (b) Providing one (1) of the following:
 - (1) Documents from the U.S. Social Security Administration addressed to the individual or a member of the family at a residential address in the District;
 - (2) Evidence that the individual or a member of the family is attending school in the District;
 - (3) A valid, unexpired District motor vehicle operator's permit or other official non-driver identification in the name of the individual or a member of the family;

- (4) A utility bill for water, gas, electric, oil, cable, or a land-line telephone issued within the last sixty (60) days that contains the name and a residential District address of the individual or a member of the family;
- (5) A personal income tax document issued within the last year by the District or federal government that contains the name of the individual or a member of the family and indicates a residential address in the District;
- (6) A pay stub issued within the last sixty (60) days to the individual or a member of the family that indicates a residential address in the District;
- (7) A valid voter registration card, military identification, or veteran's identification issued by the District or federal government that contains the name of the individual or a member of the family and indicates a residential address in the District;
- (8) An unemployment document or stub issued to the individual or a member of the family that indicates a residential address in the District;
- (9) A current motor vehicle registration in the name of the individual or a member of the family that indicates a residential address in the District;
- (10) An eviction notice from a residential property in the District issued to the individual or a member of the family within the last sixty (60) days;
- (11) A valid unexpired District lease or rental agreement with the name of the individual or a member of the family listed as the lessee or as a permitted resident or renter; or
- (12) Any other document that reasonably identifies the applicant as a District resident, as determined by the Department.

2501.4 An applicant may demonstrate residency pursuant to Section 2(32)(B) of the Act (D.C. Official Code § 4-751.01(32)(B)) by providing each of the following:

- (a) A document listed in paragraph 2501.3(b), which must have been issued or otherwise valid within the last two (2) years; and

- (b) A written verification by a verifier who attests, to the best of the verifier's knowledge, that the individual or family:
 - (1) Became homeless in the District, and
 - (2) Has not established a permanent residence outside the District in the previous two (2) years.

2501.5 In determining whether an applicant can demonstrate residency pursuant to Subsections 2501.3 or 2501.4, the Department shall search Department databases and other data systems to which it has access, to assist individuals and families in demonstrating residency, including:

- (a) Department-maintained databases regarding the receipt of assistance from the District;
- (b) Databases maintained by the District of Columbia Housing Authority;
- (c) Databases regarding the receipt of assistance from the District and maintained by other District agencies; and
- (d) Other relevant databases maintained by District agencies.

2501.6

- (a) If, in consideration of the factors set forth in Subsections 2501.3 or 2501.4, the Department can demonstrate by clear and convincing evidence, that an applicant is not a resident of the District, the Department may determine that the applicant is ineligible to receive services within the Continuum of Care.
- (b) For the purposes of this subsection, the term "clear and convincing evidence" means information or documentation that provides reasonable certainty or high probability that the applicant is not a resident of the District.
- (c) For the purposes of this subsection, "clear and convincing evidence" includes but is not limited to:
 - (1) The applicant has an unexpired motor vehicle operator's permit or other official non-driver identification in another jurisdiction;
 - (2) The applicant has a current utility bill from another jurisdiction;
 - (3) The applicant has valid voter identification in another jurisdiction;

- (4) The applicant has a lease agreement in the applicant's name in another jurisdiction;
- (5) The applicant has a current mortgage statement for a residential address in another jurisdiction;
- (6) The applicant has a current bank statement that indicates a residential address in another jurisdiction;
- (7) The applicant currently receives locally administered public assistance from another jurisdiction;
- (8) The applicant's children are enrolled in another jurisdiction;
- (9) The applicant is in the District for a temporary purpose, for reasons including but not limited to:
 - (A) Providing care to a relative in the District, while maintaining a lease in another jurisdiction;
 - (B) Participating in a legal proceeding in any court in the District; or
 - (C) Seeking medical treatment at a medical facility in the District; or
- (10) Any other relevant or conflicting residency factor demonstrating that the applicant does not reside in the District.

2501.7

- (a) If the Department determines that an individual or family has an ownership interest in safe housing or is listed on a lease or occupancy agreement for safe housing, the Department may presume that the individual or family is not eligible for shelter, unless the individual or family provides credible evidence that the individual or family cannot safely inhabit the housing associated with the lease or occupancy agreement.
- (b) For the purposes of this subsection, "credible evidence" means information or documentation, other than the applicant's own statement, that supports the applicant's assertion that the individual or family cannot safely inhabit the housing associated with the lease or occupancy agreement;
- (c) For the purposes of this subsection, "credible evidence" includes:
 - (1) Documentation from a government agency that the housing is uninhabitable or unsafe;

- (2) Police report or court order indicating that the housing arrangement is unsafe;
- (3) Correspondence or report from a social worker stating that the housing or housing arrangement is unsafe; or
- (4) Medical records documenting a medical diagnosis that renders the housing unsafe, such as asthma, mold allergy, or other similar medical condition.

(d) The presumption in paragraph (a) of this subsection:

- (1) Shall not apply to individuals or families seeking shelter for reasons of domestic violence, sexual assault, or human trafficking; and
- (2) Shall not affect an individual's or family's eligibility for crisis intervention services, including family mediation, conflict resolution, or other family services.

2501.8

- (a) Except as provided in paragraph (b) of this subsection, upon receipt of new and relevant information regarding the eligibility of an individual or family receiving services within the Continuum of Care, the Department may redetermine an individual or family's program eligibility; provided that the Department shall not redetermine the eligibility of an individual or family more than once every one hundred eighty (180) days.
- (b) For the purposes of this subsection, "new and relevant information" means any relevant information regarding the individual or family's eligibility, which may include information that:
 - (1) The individual or family is a resident of another jurisdiction;
 - (2) When applicable and based on program financial eligibility requirements, the individual or family has the financial means to find safe housing;
 - (3) The individual or family has access to safe housing or to a safe place to stay; or
 - (4) The individual or family currently receives locally administered public assistance from another jurisdiction.
- (c) Notwithstanding paragraph (a) of this subsection, upon receipt of new and relevant information regarding program eligibility related to age,

household composition, an absence from shelter placement of more than four (4) consecutive days without good cause, or identification as a tenant on a residential lease or occupancy agreement of an individual or family receiving services within the Continuum of Care, the Department may redetermine an individual or family's program eligibility.

- (d) For the purposes of paragraph (c) of this subsection, "good cause" means:
 - (1) Hospitalization with verified documentation during the period of absence;
 - (2) Death of an immediate family member;
 - (3) Accident or illness involving an immediate family member that requires the presence of the individual or family member absent from shelter placement;
 - (4) Incarceration or detention;
 - (5) Other crisis, emergency, or other compelling situation that requires the absence of the individual or family from shelter placement;
 - (6) Authorized absence taken in compliance with the Program Rules; or
 - (7) Fleeing domestic violence.
- (e) The Department may not determine that an individual or family is ineligible for services within the Continuum of Care pursuant to this subsection if the individual or family cannot safely inhabit the housing associated with the lease or occupancy agreement that identifies the individual or family as a tenant due to a dangerous condition that threatens the health or safety of the individual or family.
- (f) An individual or family shall have the right to continue their current services while the Department redetermines their eligibility pursuant to this subsection.

2501.9 Intake workers shall provide the following for each individual seeking services:

- (a) An overview of the shelter's policies in regards to the protection of residents based upon actual or perceived sexual orientation and gender identity;

- (b) The opportunity for the individual to disclose whether he or she requests special placement or care based on safety concerns due to actual or perceived sexual orientation status or gender identity; and
- (c) The opportunity to disclose, voluntarily and only following a discussion of the shelter's policies and accommodations for LGBTQ populations and ability to safeguard confidential information, the individual's sexual orientation and gender identification and expression; provided that the intake worker and all staff shall conduct this discussion in a culturally competent manner.

2502 INTAKE FOR SEVERE WEATHER SHELTER FOR INDIVIDUAL ADULTS

- 2502.1 Intake for severe weather shelter for individual adults shall consist of an eligibility determination and placement in a shelter.
- 2502.2 An individual adult applicant shall apply directly to and be determined eligible for severe weather shelter by the Provider from whom the individual is seeking services.
- 2502.3 Placement of eligible applicants in a specific severe weather shelter shall be on a first come, first served basis. If there is no available space in the shelter for an eligible applicant, the shelter shall arrange transportation for that person to another appropriate shelter that has available space.
- 2502.4 A Provider of severe weather shelter may fill a bed or unit allocated to an individual who leaves the facility for more than thirty (30) minutes after lights out. If the individual later returns to the severe weather shelter and the original bed was given to another individual, the Provider shall give the individual another bed. If no bed is available, the Provider shall arrange transportation for the individual to a severe weather shelter with an available bed.

2503 INTAKE FOR LOW BARRIER AND TEMPORARY SHELTER FOR INDIVIDUAL ADULTS

- 2503.1 Intake for low barrier and temporary shelter for individual adults shall consist of an eligibility determination and placement in a shelter.
- 2503.2 An individual adult applicant shall apply directly to and be determined eligible for low barrier and temporary shelter by the Provider from whom the individual is seeking services.
- 2503.3 Placement of eligible applicants in a specific low barrier shelter shall be on a first come, first served basis, except as provided for in Subsections 2503.4 and 2503.5.

2503.4 Notwithstanding Subsection 2503.3, low barrier shelters may allow clients who stayed at the shelter the previous night to enter the shelter first. Admittance of returning clients, however, shall be completed within two (2) hours of the start time of admittance and followed directly by first come, first served admittance.

2503.5 In addition to the returning client exception set forth in Subsection 2503.3, low barrier shelters may also make an exception to the first come, first served policy for persons who have difficulty meeting the intake time due to work, a medical appointment, or other necessary obligation. Providers shall give notice to clients of the procedures the client must comply with in order to receive this exception in the shelter Program Rules. Providers shall limit the number of exceptions that are granted to ensure that the substantial majority of beds remain available for clients not receiving this exception.

2503.6 If an applicant to a low barrier shelter is determined eligible, but there is no available space in the shelter, the shelter may arrange transportation to another appropriate shelter that has available space.

2503.7 A Provider of low barrier shelter may fill a bed or unit allocated to an individual who leaves the facility for more than thirty (30) minutes after lights out. If the individual later returns to the shelter and the original bed was given to another individual, the Provider shall give the individual another bed. If no bed is available, the Provider may arrange transportation for the individual to a low barrier shelter with an available bed.

2504 ASSESSMENT FOR INDIVIDUAL ADULTS IN LOW BARRIER AND TEMPORARY SHELTER

2504.1 Individuals receiving low barrier shelter services shall be offered assessment and case management services with an appropriately trained, qualified, and supervised case manager.

2504.2 Individuals in low barrier shelter may choose to have an assessment interview with a case manager for the purpose of developing a Service Plan and identifying resources and programs for which the individual may be eligible. A Service Plan is not required for the client to receive referrals to resources and programs for which the individual may be eligible.

2504.3 Individuals receiving temporary shelter services for individual adults shall be provided assessment and case management services with an appropriately trained, qualified, and supervised case manager.

2504.4 Individuals residing in temporary shelters shall participate in the assessment and case management services provided.

2504.5 The assessment interview will use a uniform assessment tool as selected by the Department, such as the Service Prioritization Decision Assistance Tool (“SPDAT”) or appropriate version thereof, and will identify the appropriate housing assistance option based on the individual’s needs.

2505 INDIVIDUAL OR YOUTH COORDINATED ASSESSMENT AND HOUSING PLACEMENT

2505.1 Individuals shall be referred to the appropriate housing assistance option for which they are eligible through either the Individual Coordinated Assessment and Housing Placement (I-CAHP) or the Youth Coordinated Assessment and Housing Placement (Y-CAHP), which is a part of the District’s centralized or coordinated assessment system, as defined in Section 2(6A) of the Act (D.C. Official Code § 4-751.01(6A)), for individuals and youth, as appropriate.

2505.2 The Department shall participate in the Individual Coordinated Assessment and Housing Placement (I-CAHP) protocol and the Youth Coordinated Assessment and Housing Placement (Y-CAHP) protocol, which are developed in accordance with federal grant funding regulations promulgated by the U.S. Department of Housing and Urban Development. Also referred to as “coordinated entry,” I-CAHP and Y-CAHP use common assessment tools and other relevant criteria to determine the vulnerability of clients experiencing homelessness and refer clients to appropriate services and resources.

2506 [RESERVED]

2507 INTAKE FOR FAMILIES – ELIGIBILITY DETERMINATION

2507.1 To determine eligibility for family shelter, each family seeking assistance shall complete an application at a central intake center. The application shall be in writing on a form prescribed by the Department and shall be signed by the applicant.

2507.2 If a family includes more than one (1) head of household, both heads of household must be present at the time of application. The Department may make exceptions for good cause in the following circumstances:

- (a) Hospitalization with verified documentation during the period of absence;
- (b) Death of an immediate family member;
- (c) Accident or illness involving an immediate family member that requires the presence of the individual or family member absent from shelter placement;
- (d) Incarceration or detention;

- (e) Other crisis, emergency, or other compelling situation that requires the absence of the individual or family from the central intake center.

2507.3 A family applicant may be required to provide as part of the application the following information necessary to determine the family's general eligibility for services in the Continuum of Care:

- (a) Housing status and history, including prior receipt of shelter or housing services through the Continuum of Care;
- (b) Family composition;
- (c) Employment status and history;
- (d) Income and source of income, including public benefits; and
- (e) Assets.

2507.4 Each family applicant shall provide documentation that is reasonably available to the applicant in support of the application.

2507.5 If the Department or its designee is unable to determine eligibility for shelter within the same business day in which the family submitted its application for shelter, the Department or its designee may place the family in an Interim Eligibility Placement for a period not to exceed three (3) days. The Department or its designee may extend that period up to three (3) times, but except as provided under the Act, an interim eligibility placement shall not exceed twelve (12) days.

2507.6 A family shall be placed in an Interim Eligibility Placement pursuant to Subsection 2507.5 if the family:

- (a) Does not have a safe place to stay and cannot access other housing arrangements; and
- (b) Agrees to participate in diversion services and family mediation, if appropriate.

2507.7 For purposes of this section, a "safe place to stay" shall be determined by the following standards:

- (a) Whether the family is in a housing situation where they are not the primary lease holder and pursuant to the District's building, health, and sanitary code there is a material risk to health or safety, or a material risk

of damage to personal property, should the family remain in the housing situation;

- (b) Whether the family does not have access to any feasible alternative housing and is staying in or are at imminent risk of having to stay in a situation not meant for human habitation, such as a car, emergency room, or on the streets; or
- (c) Whether the family has an alternative housing arrangement that lasts for a minimum of two (2) weeks absent extenuating circumstances.

2507.8 Any applicant who requires assistance with filling out the application form may request and shall receive such assistance. If a request for assistance is made by an applicant with a disability, or by the authorized representative of an applicant with a disability, the Provider or the intake center shall assist such applicant or authorized representative with any aspect of the application process necessary to ensure that the applicant with a disability has an equal opportunity to submit an application.

2507.9 Pursuant to Section 2546, an applicant with a disability may request a reasonable modification at any time during the application process. Requests may be oral or in writing. Oral requests shall be reduced to writing by the applicant, intake or Provider staff, or any person identified by the individual, and submitted in accordance with the Provider or intake center policy and procedure.

2507.10 Based on the information received from the completed and signed application and an intake interview with the applicant, the intake center shall make a determination of general Continuum of Care eligibility in accordance with Section 2501. The intake center shall give the applicant written notice of the applicant's general eligibility determination, which shall include:

- (a) The date and time the family's signed application was determined to have been received by the intake center;
- (b) A clear statement of the family's general eligibility for shelter;
- (c) A clear and detailed statement of the factual basis of a denial of eligibility, if the family is determined not eligible for Continuum of Care services;
- (d) A reference to the statute, regulation, or Program Rule that is the legal basis of the denial, if the family is determined not eligible for shelter; and
- (e) A clear and complete statement of the client's right to appeal a denial of eligibility through a fair hearing and administrative review, including deadlines for instituting the appeal.

2507.11 No individual or family may be deemed ineligible for Continuum of Care services solely because the individual or family cannot establish proof of homelessness or residency at the time of the individual or family's application for assistance.

2507.12 A family placed in an Interim Eligibility Placement pursuant to Subsection 2507.5 who was denied eligibility for shelter following their Interim Eligibility Placement because it was determined that they had access to safe housing or a safe place to stay, and they subsequently lose such access within fourteen (14) days of the eligibility determination, shall be placed in shelter without having to reapply if the Department or its designee determines that:

- (a) The family is participating in prevention and diversion services; and
- (b) The family has no access to other safe housing as defined in Section 2(32B) of the Act (D.C. Official Code § 4-751.01(32B)) or safe place to stay as defined in Subsection 2507.7.

2508 INTERIM ELIGIBILITY PLACEMENT FOR FAMILIES

2508.1 A Provider shall provide written notice to any family placed in an Interim Eligibility Placement which shall include the following information:

- (a) The family is being placed in an Interim Eligibility Placement because the Department or its designee could not determine the family's eligibility on the same business day in which the family submitted its application for shelter;
- (b) An Interim Eligibility Placement is not a permanent shelter placement, but a temporary placement for the family to give the Department or its designee additional time to determine whether the family is eligible for shelter; and
- (c) The family shall be offered prevention and diversion services.

2508.2 A Provider shall offer family mediation and diversion services to families placed in an Interim Eligibility Placement, if appropriate. For the purposes of this subsection, "mediation" means assistance provided the family in an interim eligibility placement with the goal of avoiding homelessness and maintaining permanent housing. Mediation may involve mitigating interpersonal conflicts that may be occurring within a household and may include facilitated dialogue and limited financial support for items such as food or utilities.

2508.3 If the Department or its designee determines that a family placed in an Interim Eligibility Placement is eligible for the shelter, it shall provide the family with written notice of eligibility in accordance with Subsection 2507.10.

2508.4

If the Department or its designee determines that a family placed in an Interim Eligibility Placement is not eligible for shelter, the Department or its designee shall provide the family with prompt oral and written notice of the denial of eligibility for shelter placement. The Interim Eligibility Placement shall end forty-eight (48) hours or at the close of the next business day, whichever occurs later, following the client's receipt of the written notice. The denial notice shall include the following:

- (a) The date and time in which the family applied for shelter;
- (b) The date and time in which the family was placed in Interim Eligibility Placement, along with a copy of the Notice of Interim Eligibility Placement pursuant to Subsection 2508.1;
- (c) A clear statement of the denial, including a clear and detailed statement explaining the Department's or its designee's reason(s) for determining the family was not eligible for family shelter;
- (d) A clear and detailed statement of the factual basis for the denial, including the date or dates on which the basis or bases for the denial occurred;
- (e) A reference to the statute, regulation, policy, or Program Rule pursuant to which the denial is being implemented;
- (f) A clear and complete statement of the client's right to appeal the denial through fair hearing proceedings pursuant to Section 2550 and administrative review proceedings pursuant to Section 2552, including the appropriate deadlines for instituting the appeal; and
- (g) A statement of the client's right, if any, to continuation of an interim eligibility placement pending the outcome of any appeal, pursuant to Subsection 2508.5.

2508.5

If the family disagrees with the denial of eligibility after Interim Eligibility Placement, they may request a fair hearing before the District of Columbia Office of Administrative Hearings (OAH). A request for a fair hearing shall be made in writing and shall include the following written documentation:

- (a) Documentation that the family received written notice of their denial of an application for shelter following their Interim Eligibility Placement from the Department or its designee, including a copy of the Department's or its designee's written notice of a denial of application for shelter following an Interim Eligibility Placement;

- (b) Statement of circumstances, reasons or arguments advanced showing that the petitioner met the Department’s eligibility requirements for family shelter following an Interim Eligibility Placement; and
- (c) Daytime telephone number, email address or mailing address for the petitioner.

2508.6 Families placed in an Interim Eligibility Placement pursuant to Subsection 2507.5 shall be provided with a continuation of shelter pending the outcome of a fair hearing if the family requests a fair hearing within forty-eight (48) hours or before the close of the next business day, whichever occurs later, following receipt of written notice of the denial of application for shelter following an Interim Eligibility Placement.

2508.7 Prior to the fair hearing, an administrative review shall be granted to any family who wishes to appeal the Department’s or its designee’s denial of an application for shelter following their Interim Eligibility Placement pursuant to Subsection 2507.5. The administrative review shall be conducted in accordance with Section 2552, except that the written decision shall be issued within four (4) business days after the receipt of request for the fair hearing, unless a continuance is granted for good cause, as defined in Section 2599.

2508.8 A family who participated in an administrative review pursuant to Section 2552 and is dissatisfied with the administrative review decision may proceed to the fair hearing pursuant to Section 2550. A written determination of the fair hearing with respect to an Interim Eligibility Placement shall be made within ninety-six (96) hours (excluding Saturdays, Sundays and legal public holidays) of the issuance of the administrative review decision.

2509 FAMILY ASSESSMENT

2509.1 A family that receives a shelter or housing placement shall be referred for an assessment, with an appropriately trained, qualified, and supervised assessment specialist, on a uniform assessment tool as selected by the Department, such as the Service Prioritization Decision Assistance Tool (“SPDAT”) or appropriate version thereof, that identifies the appropriate housing assistance option based on the family’s needs. The purpose of the assessment is to:

- (a) Assess the family’s full range of needs, including housing, medical, behavioral, economic, educational, and employment needs;
- (b) Develop an initial Service Plan, in consultation with the client and the Client Advocate, if applicable; and
- (c) Make any necessary referrals based on the family’s immediate needs and priority determination.

2509.2 The family assessment shall be primarily conducted by a licensed social worker or other qualified, certified or licensed, professional. Other professionals, including psychologists, psychiatrists, and other professionals relevant to a client's needs, may also participate in the assessment as needed.

2509.3 The family shall be re-assessed at specified intervals as determined by the family's Service Plan.

2510 FAMILY COORDINATED ASSESSMENT AND HOUSING PLACEMENT

2510.1 After the family's initial assessment, the family may be referred to the Family Coordinated Assessment and Housing Placement (F-CAHP), which is part of the District's centralized or coordinated assessment system, as defined in Section 2(6A) of the Act (D.C. Official Code § 4-751.01(6A)).

2510.2 In making the referral to the F-CAHP, the Department or its designee shall first consider, where appropriate, referral to services that are designed to prevent homelessness through case management, emergency rental assistance, or other programs designed to stabilize or re-establish families in non-shelter housing.

2510.3 The Department shall participate in the F-CAHP protocol, which is developed in accordance with federal grant funding regulations promulgated by the U.S. Department of Housing and Urban Development. Also referred to as "coordinated entry," F-CAHP uses common assessment tools and other relevant criteria to determine the vulnerability of clients experiencing homelessness and refer clients to appropriate services and resources.

2511 FAMILY CASE MANAGEMENT

2511.1 All families placed in shelter shall be provided with a case manager. The case manager may be assigned to a family either during the intake process or following placement.

2511.2 With active participation from the family, the case manager shall develop the family's Service Plan. The Service Plan shall include, at a minimum, a listing of the family's strengths and challenges, the goals and milestones necessary for the family to attain and sustain permanent housing, and an exit plan, including a timeline that details clear steps and resources or connection with needed services and supports needed to exit the family out of the shelter.

2511.3 The case manager shall assist the family to achieve the goals listed in the Service Plan, make referrals for services as needed, coordinate the family's receipt of services, ensure that the family is connected to services, assist the family with working towards a long-term permanent housing placement, and monitor and track the family's progress toward reaching the Service Plan goals.

2511.4 The case manager shall review with the family the family's progress towards achieving the Service Plan goals at least one (1) time each month.

2511.5 The case manager shall update with the family the family's Service Plan at least every ninety (90) days.

2512 CLIENT RIGHTS

2512.1 At all times, clients shall be treated by Providers and the Department with dignity and respect.

2512.2 Clients shall be able to access services within the Continuum of Care free from discrimination on the basis of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, and status as a victim of an intrafamily offense, and place of residence or business in accordance with the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2016 Repl. & 2018 Supp.)), the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 USC §§ 12101 *et seq.*), the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1095; 29 USC §§ 701 *et seq.*), Title II of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 243; 42 USC §§ 2000a *et seq.*), and the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code §§ 2-1931 *et seq.* (2016 Repl. & 2018 Supp.)).

2512.3 Clients shall receive reasonable modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the client's Provider demonstrates that the modifications would fundamentally alter the nature of the services.

2512.4 Clients shall be able to access services within the Continuum of Care free from verbal, emotional, sexual, financial, and physical abuse and exploitation.

2512.5 Clients shall receive shelter in severe weather conditions.

2512.6 Clients shall, at a reasonable time and with reasonable prior notice, be permitted to view and copy, or have an authorized representative view and copy, all records and information that are related to the client and maintained by the client's Provider, including any relevant personal, social, legal, financial, educational, and medical records and information, subject to the provisions of Subsection 2512.7.

2512.7 Clients shall be entitled to confidential treatment by the Department and Providers of personal, social, legal, financial, educational, and medical records and information related to a client or any member of a client's family, whether

obtained from the client or from any other source, in a manner consistent with the confidentiality requirements of District and federal law.

- 2512.8 Clients shall be permitted to engage in or abstain from the practice of religion, including the religion of a particular Provider or other clients.
- 2512.9 Upon request, Clients shall be provided with the name and job title of any Provider staff member delivering services.
- 2512.10 Clients shall be permitted to provide input and feedback to Providers on their delivery of services. Providers shall offer a means of providing such input in an anonymous or confidential manner.
- 2512.11 Clients shall be permitted to file complaints with, testify before, or provide information to a Provider or the Mayor regarding the Provider's delivery of services or treatment of the client.
- 2512.12 Clients shall have the right to participate actively in developing their Service Plan, to assess progress made toward the goals of that Service Plan, and to review or update their Service Plan on a regular basis, with the assistance and support of a case manager. Clients shall also have the right to receive a review of the Service Plan upon request.
- 2512.13 Clients shall not be subject to testing for drugs or alcohol except when:
- (a) Program guidelines prohibit intoxication and a licensed social worker or licensed professional counselor with experience identifying indications of drug or alcohol use or a certified addiction counselor determines that there is reasonable cause to believe that the client is engaging in drug or alcohol use; or
 - (b) A client consents to drug or alcohol testing as part of the client's Service Plan developed in accordance with Subsection 2512.12.
- 2512.14 Clients shall be permitted to meet and communicate privately with attorneys, advocates, clergy, physicians, and other professionals.
- 2512.15 Clients shall be given timely and adequate notice of a Provider's Program Rules as set forth in Subsection 2516.20.
- 2512.16 Clients shall be given timely and adequate notice of any denial of services, transfer to another Provider, or suspension or termination of services as set forth in this chapter.
- 2512.17 Clients shall be permitted to appeal where permitted by Subsections 2550.1 and 2550.2 any decision by the Department or a Provider that adversely affects the

client's receipt of shelter or housing services provided within the Continuum of Care.

- 2512.18 Clients shall be free from retaliation, punishment, or sanction for exercising any right provided under the Act.
- 2512.19 Clients shall be provided continuation of shelter and housing services provided within the Continuum of Care without change, other than transfer pursuant to Section 20 of the Act (D.C. Official Code § 4-754.34) or emergency transfer, suspension, or termination pursuant to Section 24 of the Act (D.C. Official Code § 4-754.38), pending the outcome of any fair hearing requested within fifteen (15) calendar days of receipt of written notice of a suspension or termination.
- 2512.20 Clients shall have the right to choose LGBTQ-specific accommodations and services if available or non-LGBTQ-specific accommodations and services.
- 2512.21 Clients shall have the right to receive information from the Department or Providers regarding LGBTQ-specific accommodations and services.
- 2512.22 Clients shall have the right to express their gender identity through their chosen attire, hairstyle, and mannerisms while using Department services.
- 2512.23 Clients served within the Continuum of Care shall have the right to be treated in all ways in accordance with the individual's gender identity and expression, including:
- (a) Use of gender-specific facilities including restrooms, showers, and locker rooms;
 - (b) Being addressed in accordance with the individual's gender identity and expression;
 - (c) Having documentation reflect the individual's gender identity and expression;
 - (d) Being free from dress codes that are in conflict with the individual's gender identity and expression;
 - (e) Confidentiality of information regarding the individual's gender identity and expression; and
 - (f) Being free from discrimination in the provision of health care and mental health services related to the individual's gender identity and expression.
- 2512.24 Families shall not be separated based on sexual orientation, gender expression, or gender nonconformity of any members of the family.

2512.25 Clients shall have the right to associate and assemble peacefully with each other, during reasonable hours as established according to the Program Rules.

2513 ADDITIONAL RIGHTS FOR CLIENTS IN TEMPORARY SHELTER OR TRANSITIONAL HOUSING

2513.1 Clients shall be permitted to receive visitors in designated areas of the shelter or housing premises during reasonable hours and under such reasonable conditions as specified in the Provider's approved Program Rules.

2513.2 Clients shall be permitted to leave and return to the shelter or housing premises within reasonable hours as specified by the Provider's approved Program Rules.

2513.3 Clients shall receive reasonable prior notice specifying the date and time of any inspections of a client's living quarters and of the Provider staff member authorized to perform the inspection, except when, in the opinion of the Provider's executive or program director, there is reasonable cause to believe that the client is in possession of a substance or object that poses an imminent threat to the health and safety of the client or any other person on the Provider's premises. Reasonable cause shall be documented in the client's record.

2513.4 Clients shall be permitted to be present or have an adult member of the family present at the time of any inspection unless, in the opinion of the Provider's executive or program director, there is reasonable cause to believe that the client is in possession of a substance or object that poses an imminent threat to the health and safety of the client or any other person on the Provider's premises. Reasonable cause shall be documented in the client's record.

2513.5 Clients shall be provided reasonable privacy in caring for personal needs and in maintaining personal living quarters.

2513.6 Clients shall be permitted to conduct their own financial affairs, subject to the reasonable requirements of the Provider's Program Rules developed and approved in accordance with Subsection 2515.17, or subject to a Service Plan developed pursuant to Subsection 2512.12.

2514 ADDITIONAL RIGHTS FOR CLIENTS IN PERMANENT HOUSING PROGRAMS

2514.1 Clients shall have the right to receive visitors in their own housing unit or, if applicable, in the common area designated for such purposes, in accordance with their lease or occupancy agreement.

2514.2 Clients shall have the right to leave and return to their own housing unit at will, in accordance with their lease or occupancy agreement.

- 2514.3 Clients shall have the right to be free from inspections by any person acting on behalf of a Provider or by a District agency administering the Act, except:
- (a) As required as a condition of participation, but in any case, not more than once per year; or
 - (b) Notwithstanding paragraph (a) of this subsection, when, in the opinion of the Provider, person acting on behalf of the Provider, or District agency, there is reasonable cause to believe that the client is in possession of a substance or object that poses an imminent threat to the health and safety of the client or any other person in the client's housing unit, and such reasonable cause is documented in the client's record.

2514.4 Clients shall have the right to reasonable advance notice of any inspection, except in circumstances described in Subsection 2514.3(b).

2514.5 Clients shall have the right to be present or have another adult authorized by the client be present at the time of any inspection, except in circumstances described in Subsection 2514.3(b).

2514.6 Clients shall have the right to be free from drug and alcohol testing, except when the client consents to testing as part of the client's service plan or case management plan.

2514.7 Clients shall not be responsible for the Provider's portion of the housing subsidy while the client is in the permanent housing program.

2514.8 Clients shall have the right to conduct their own financial affairs, subject to the reasonable requirements of Program Rules established pursuant to Subsection 2516.17 or to a Service Plan developed pursuant to Subsection 2512.12.

2514.9 Clients shall have the right to a housing inspection conducted in accordance with the Provider's program inspection requirements before moving into a housing unit, with a copy of the inspection report retained in the client's case file.

2515 CLIENT RESPONSIBILITIES

2515.1 Clients shall seek appropriate permanent housing according to the Program Rules established by a Provider pursuant to Subsection 2516.17, except when the client is residing in severe weather and low barrier shelter.

2515.2 Clients shall seek employment, education, or training when appropriate, except when the client is residing in severe weather and low barrier shelter.

2515.3 Clients shall refrain from the following behaviors while on a Provider's premises:

- (a) The use or possession of alcohol or illegal drugs;
- (b) The use or possession of weapons;
- (c) Assaulting or battering any individual, or threatening to do so; and
- (d) Any other acts that endanger the health or safety of the client or any other individual on the premises.

2515.4 Clients shall ensure that children within the client’s family and physical custody are enrolled in school, where required by law.

2515.5 Clients shall ensure that their minor children receive appropriate supervision while on the Provider’s premises.

2515.6 Clients shall utilize child care services that they qualify for and can afford, when available and necessary to enable the adult clients to seek employment or housing or to attend school or training, unless the clients meet any of the exemptions of Section 519g of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-205.19g (2012 Repl.)), or Subsections 5809.4(b)-(e) of Title 29 DCMR.

2515.7 Clients shall respect the safety, personal rights, and private property of Provider staff members and other clients.

2515.8 Clients shall maintain clean sleeping and living areas, including bathroom and cooking areas.

2515.9 Clients shall use communal areas appropriately, with attention to cleanliness and respect for the interests of other clients.

2515.10 Clients shall be responsible for their own personal property.

2515.11 Clients shall follow all Program Rules established by a Provider pursuant to Subsection 2516.17.

2515.12 Clients residing in temporary shelter and transitional housing shall participate in the assessment and case management services.

2516 PROVIDER STANDARDS FOR SHELTER AND HOUSING SERVICES PROVIDED WITHIN THE CONTINUUM OF CARE

2516.1 All Providers of shelter and housing services provided within the Continuum of Care shall meet the requirements of this section, as well as any additional

requirements specific to the type of program provided as set forth elsewhere in this chapter.

- 2516.2 Providers shall ensure staff members are appropriately trained, qualified, and supervised.
- 2516.3 Providers shall maintain safe, clean, and sanitary facilities that meet all applicable District health, sanitation, fire, building, housing, and zoning codes. If it is not the responsibility of the Provider to correct an identified deficiency, the Provider shall promptly report to the Department or the appropriate agency the deficiency for corrective action, according to the applicable procedures.
- 2516.4 Providers in all types of shelter and housing services provided within the Continuum of Care shall assist clients to prepare for living in permanent housing, as deemed appropriate by the Provider and the client. Providers shall support the client's progress toward achieving goals set forth in the client's Service Plan, including the review of any Provider policies and procedures that are inconsistent with such goals.
- 2516.5 In accordance with a client's Service Plan and the type of shelter or housing service, Providers shall collaborate and coordinate with other service Providers to meet the client's needs, as deemed appropriate by the Provider and the client.
- 2516.6 Providers shall receive and utilize client input and feedback for the purpose of evaluating and improving the Provider's services.
- 2516.7 Providers shall establish procedures for their internal complaint procedures and, in addition to any other method, shall give notice to clients of these procedures through the Provider's approved program rules.
- 2516.8 Providers shall provide each client with printed information, distributed by the Department, describing the available services within the Continuum of Care, or other meaningful and up-to-date access to services information.
- 2516.9 Client Advocates and any other shelter or housing program case management staff shall be trained on the available services information and shall discuss with each client as applicable.
- 2516.10 Site-based Providers shall provide clients information regarding laundry facilities in close proximity to the shelter.
- 2516.11 Providers shall ensure that all clients are informed of services for which they may be eligible.
- 2516.12 Providers shall ensure the delivery of culturally competent services and provide language assistance for clients with limited English proficiency.

- 2516.13 Providers shall provide services free from discrimination on the basis of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, and source of income, and in accordance with the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401 *et seq.* (2016 Repl. & 2018 Supp.)), the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 USC §§ 12101 *et seq.*), the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1095; 29 USC §§ 701 *et seq.*), and Title II of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 243; 42 USC §§ 2000a *et seq.*).
- 2516.14 Providers shall provide reasonable modifications to policies, practices, and procedures in accordance with Section 2546 when the modifications are necessary to avoid discrimination on the basis of disability, unless the Provider demonstrates that making the modifications would fundamentally alter the nature of the services.
- 2516.15 Providers shall ensure confidential treatment of the personal, social, legal, financial, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, consistent with the confidentiality requirements of District and federal law. Providers shall ensure that all staff and volunteers are properly trained in these confidentiality requirements.
- 2516.16 Providers shall notify all applicants and clients that information about the client's receipt of services shall be included in HMIS for purposes of program administration and evaluation, and that such information shall be maintained in a confidential manner consistent with the requirements of District and federal law. Domestic violence shelters and housing programs subject to the Violence Against Women and the Department of Justice Reauthorization Act of 2005, effective January 5, 2006 (Pub. L. No. 109-162; 119 Stat. 2160), shall notify all applicants and clients that the Provider shall only provide HMIS aggregated, non-personally identifying demographic information regarding services to the Provider's clients.
- 2516.17 Providers shall establish Program Rules related to the specific goals of their program. Program Rules shall include:
- (a) Any applicable special eligibility requirements for the purpose of limiting entry into the program to individuals or families exhibiting the specific challenges that the program is designed to address, except in severe weather shelter and low barrier shelter;
 - (b) Client responsibilities, including those listed in Section 2515;

- (c) Client rights, including those listed in Section 2512, and where applicable, sections 2513 and 2514;
- (d) The internal complaint procedures established by the Provider for the purpose of providing the client with an opportunity to promptly resolve complaints;
- (e) Procedures by which an individual with a disability may request a reasonable modification pursuant to Section 2546;
- (f) The procedures and notice requirements of any internal mediation program established by the Provider;
- (g) The program's client property and storage policy and any procedures;
- (h) Sanctions that a Provider may apply to clients who are in violation of the Program Rules. The list of sanctions shall include transfer, suspension, and termination as allowed by this chapter and any other sanctions the program may apply prior to transfer, suspension, or termination. Providers shall also state, as applicable, the basis for applying each sanction listed, the duration of the sanction, and how the client may have the sanction lifted; and
- (i) The client's rights of appeal through a fair hearing and administrative review, including the appropriate deadlines for instituting the appeal.

2516.18 Providers shall submit their Program Rules to the Department for approval:

- (a) Annually with any proposed changes clearly identified; and
- (b) Whenever a Provider seeks to change its eligibility criteria, the rules of its internal grievance or mediation procedures, or its program sanctions.

2516.19 No Provider may enforce any provision within its Program Rules, other than those requirements or protections specifically enumerated by this chapter, unless the Department has approved the Program Rules in accordance with this section.

2516.20 Providers shall give prompt and effective notice of their Program Rules to clients by:

- (a) Posting a copy of their Program Rules on the Provider's premises in a location easily accessible to clients and visitors; and
- (b) Giving every new client written notice of the Provider's Program Rules, and reading and explaining the written notice to the client.

- 2516.21 The client and the Provider staff member delivering the notice pursuant to Subsection 2516.20(b) shall both sign a statement acknowledging the client's receipt of the notice and indicating the client's awareness, understanding, and acceptance of the Program Rules.
- 2516.22 Providers shall establish procedures to provide effective notice of the Program Rules to clients with special needs, including those who may have intellectual or mental disabilities, or who may have difficulty reading or have limited English proficiency.
- 2516.23 Providers shall submit an Unusual Incident Report to the Department for investigation or review, according to the Department's Unusual Incident Report policy and procedures. Providers shall complete the Unusual Incident Report form prescribed by the Department and include, where applicable, any actions or resolution taken to ameliorate the unusual incident.
- 2516.24 Providers shall publicly display information regarding the ability to seek redress under the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2016 Repl. & 2018 Supp.)).
- 2516.25 Providers shall develop a system for reporting bullying and harassment in accordance with the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D.C. Law 19-167; D.C. Official Code §§ 2-1535.01 *et seq.* (2016 Repl.)).
- 2516.26 Providers shall ensure that all homeless service workers, including intake workers, direct service staff, contractors, and volunteers, direct service staff managers, and direct service staff supervisors, shall be trained by the District's Office of Lesbian, Gay, Bisexual, Transgender and Questioning Affairs or its designee in cultural competence with regard to the LGBTQ population, including but not limited to, the following:
- (a) Vocabulary and definitions relevant to LGBTQ clients;
 - (b) Information about how to communicate with clients about sexuality, sexual orientation, and gender identity;
 - (c) Information about the Department's nondiscrimination policy and discrimination complaint process;
 - (d) Best practices for data collection, privacy, storage, and use;
 - (e) Confidentiality policies and practices;
 - (f) Current social science research and common risk factors for LGBTQ youth;

- (g) Information about the coming out process, its impact on LGBTQ youth, and how to address a youth who self-discloses his or her sexual or gender identity (*e.g.*, offering support, engaging in conversation as appropriate, locating appropriate services);
- (h) Best practices for supporting LGBTQ clients in shelter, housing, and supportive services, including but not limited to information on community resources available to serve LGBTQ clients;
- (i) Suicide awareness and prevention; and
- (j) Legal requirements for Providers and homeless service workers for homeless youth.

2517 ADDITIONAL SEVERE WEATHER SHELTER REQUIREMENTS

- 2517.1 Providers of severe weather shelter shall meet the requirements of Section 2516 as well as the additional requirements set forth in this section.
- 2517.2 Hypothermia shelters shall be operated in accordance with and pursuant to the District of Columbia Hypothermia procedures set forth in Mayor’s Order 2001-161, or any subsequent Mayor’s Order.
- 2517.3 Each day, Providers of Hypothermia Shelter shall provide a clean bed, clean linens, including a bottom sheet and a top sheet, clean pad, and clean blanket for each bed as applicable.
- 2517.4 Providers of Hypothermia Shelter shall either provide for a client’s basic needs, including food, clothing, and supportive services, or provide information as to where the client can obtain food, clothing, and supportive services.
- 2517.5 Providers of Hypothermia shelter shall provide properly functioning toilet facilities, including toilet paper, functional sink with hot water, and soap. Those Providers of Hypothermia shelter operating in publicly-owned facilities shall provide twenty-four (24) hour access to such toilet facilities.
- 2517.6 Providers of Hypothermia and Hyperthermia Shelter shall provide cool water, available via water cooler, fountain, or other means.
- 2517.7 Providers of Hypothermia and Hyperthermia Shelter shall provide properly functioning heating and cooling systems during the appropriate seasons. If it is not the responsibility of the Provider to correct an identified deficiency, the Provider shall promptly report to the Department or the appropriate agency the deficiency for corrective action, according to the applicable procedures.

2518 ADDITIONAL LOW BARRIER SHELTER REQUIREMENTS

- 2518.1 Providers of low barrier shelter shall meet the requirements of Sections 2516 and 2517 as well as the additional requirements set forth in this section.
- 2518.2 Providers of low barrier shelter shall ensure that all clients are offered case management services as set forth in Section 2504.
- 2518.3 Providers of low barrier shelter shall provide clean, hot shower facilities.
- 2518.4 Providers of low barrier shelter shall make available personal hygiene supplies, including bath size towels, washcloth, soap, shampoo, deodorant, toothpaste, and toothbrushes.

2519 ADDITIONAL TEMPORARY SHELTER, TRANSITIONAL HOUSING, AND PERMANENT HOUSING PROGRAM REQUIREMENTS

- 2519.1 Providers of temporary shelter, transitional housing, and permanent housing programs shall meet the requirements of Sections 2516 through 2518, as well as the additional requirements set forth in this section.
- 2519.2 Providers under this section shall ensure that an appropriately trained, qualified, and supervised case manager provides each client an assessment in order to identify each client's service needs.
- 2519.3 Providers under this section shall ensure direct provision of, or referral to, appropriate supportive services to enable the client to fulfill the goals and requirements in the client's Service Plan.
- 2519.4 Providers under this section of programs in which clients do not have independent units shall provide mail and phone services, or procedures for handling mail and phone messages, that enable the client to receive mail and messages without identifying the client as residing in temporary shelter, transitional housing, or a permanent housing program and that respect the client's right to privacy in regards to their mail and telephone messages.
- 2519.5 Providers under this section in which clients do not have independent units shall provide private, secure space for the temporary storage of personal belongings.
- 2519.6 Providers under this section shall provide access to laundry facilities in the immediate vicinity of the shelter, transitional housing, or permanent housing program facility when all of the units are in one location.
- 2519.7 Providers under this section in which clients do not have independent units shall provide reasonable access to phones during reasonable hours and during emergencies.

2519.8 Providers under this section shall provide clients with the opportunity to establish a voluntary savings or escrow account. Providers may encourage clients, as part of the financial planning section of the client's Service Plan, to establish a savings or escrow account based on the client's individual circumstances and service goals.

2519.9 Providers of temporary shelter, transitional housing, or permanent housing programs for families shall provide clients with access to immediate indoor or outdoor areas equipped with basic facilities for exercise and play for use by minor children.

2520 ADDITIONAL TRANSITIONAL HOUSING REQUIREMENTS

2520.1 Providers of transitional housing shall meet the requirements of Sections 2516 through 2519 as well as the additional requirements set forth in this section.

2520.2 Providers of transitional housing shall offer follow-up supportive services, for a minimum of six (6) months, to clients who have transferred to permanent housing from their program, unless the client is receiving such supportive services from another Provider.

2520.3 Providers of transitional housing shall provide an apartment-style or group home housing accommodation.

2520.4 Providers of transitional housing offered in a group home setting shall provide clients with access to private space and personal time.

2521 CLIENT PROPERTY AND STORAGE REQUIREMENTS

2521.1 Providers of hypothermia and low barrier shelter shall adopt reasonable policies regarding client property based on the available space and reasonable needs of the clients which shall include:

- (a) The amount of belongings a client may bring into the shelter, which shall be, at a minimum, two (2) medium size bags or the equivalent;
- (b) Any limitations, based on health and safety considerations, on what clients may bring into the shelter;
- (c) Whether lockers or other storage is available, under what conditions, and under what conditions a Provider may open, inspect, or remove property;
- (d) The client's responsibility to manage their property while on the shelter premises and any limits on the Provider's liability for lost, stolen, or damaged property; and

(e) The Provider's policies regarding abandoned property.

2521.2 Hypothermia and low barrier shelter Providers shall submit the shelter's client property and storage policy to the Department as part of the Provider's program rules for annual approval by the Department. Providers shall give clients notice of these policies as part of the Provider's approved program rules.

2521.3 Temporary shelter and transitional housing Providers, except Providers who provide apartment style shelter and transitional housing, shall provide private, secure space for the temporary storage of personal belongings. Provision of temporary storage shall take into consideration the available space and reasonable needs of clients.

2521.4 When a client leaves a temporary shelter or transitional housing program, whether the client leaves voluntarily or as a result of a transfer or termination, the Provider shall hold any belongings the client does not take with them to the new placement for a minimum of seven (7) calendar days following the client's departure, except that when a Provider provides the client with moving services, the Provider shall not be required to hold any belongings left after the moving service has completed the move. After seven (7) days following the client's departure (and where no moving services are provided), the Provider may dispose of any remaining belongings.

2522 TRANSFER OF INDIVIDUALS AND FAMILIES IN SHELTER AND HOUSING PROGRAMS WITHIN THE CONTINUUM OF CARE

2522.1 Providers are strongly encouraged to use transfer as the primary mechanism for assisting clients to find the most appropriate placement and services within the Continuum of Care, including making reasonable efforts to transfer a client prior to taking action to terminate services to a client.

2522.2 A Provider may transfer a client to another Provider to ensure the client receives the most appropriate services available within the Continuum of Care whenever:

(a) The client consents to the transfer, including a transfer requested by the client;

(b) The Provider identifies and secures for the client a placement with another Provider that more appropriately meets the client's medical, mental health, behavioral, or rehabilitative service needs in accordance with the client's Service Plan. If the client is being transferred because of domestic violence or other urgent need, the Provider shall expedite the transfer;

(c) The client is a non-LGBTQ-identified youth occupying a bed established pursuant to Section 28(c)(1) of the Act (D.C. Official Code § 4-

755.01(c)(1)) and an LGBTQ-identified homeless youth has presented a need for shelter; or

- (d) The client is no longer eligible to receive services from the Provider's program.

2522.3 In addition to the provisions for transfer in Subsection 2522.2, a Provider may transfer a client when a client fails or refuses to comply with the Provider's Program Rules and the client responsibilities set forth in Section 2515, provided, that:

- (a) The client has received proper notice of the approved Program Rules as required by Subsection 2516.20; and
- (b) The Provider has made a good-faith effort to enable the client to comply with the Program Rules so that the client is able to continue receiving services without a transfer.

2522.4 In addition to the provisions for transfer in Subsections 2522.2 and 2522.3, a Provider may transfer a client when the Provider is unable to continue operating a program due to loss of funding or loss of control of the facility for circumstances beyond the control of the Department. A transfer pursuant to this subsection shall be to a program with a vacancy that best meets the client's medical, mental health, behavioral, or rehabilitative service needs in accordance with the client's service plans, the District's centralized or coordinated assessment system protocol, and the procedures in this section.

2522.5 For purposes of Subsection 2522.2(b), a low barrier shelter shall have secured a placement for a transferring client pursuant to Subsection 2522.2 and 2522.3 when the shelter has agreed to guarantee a bed for that client for one (1) week. The decision whether or not to provide a guaranteed bed to facilitate a transfer shall be at the discretion of the Provider. For purposes of this subsection, to guarantee a bed at a low barrier shelter means:

- (a) The Provider shall hold a bed for the transferee each night for up to a week following the effective date of the transfer;
- (b) Each night when a bed is to be guaranteed, the Provider shall hold a bed for the transferee for a minimum of two (2) hours beyond the shelter's intake period;
- (c) If the transferee has not arrived at the shelter by two (2) hours past the shelters intake start time, the Provider may give the held bed to another client who needs a bed; and

(d) If the transferee does not stay at the shelter for two (2) consecutive nights without prior approval from the Provider, the Provider is under no obligation to continue to hold the bed for the remainder of the original one (1) week period.

2522.6 If a Provider determines that an individual or family, based on existing or reasonably expected change in circumstances such as reunification with children, change in child care, legal or physical custody arrangements, childbirth, or other similar change in the client's circumstances, is eligible and more appropriate for other shelter or housing services, the Provider may initiate a transfer of the resident to a more appropriate placement, pursuant to Subsection 2522.2.

2522.7 If a family no longer meets the criteria for family shelter or housing services due to the removal of a child or children by the District of Columbia Child and Family Services Agency (CFSA), or loss of custody pursuant to an agreement or Court order, and there are no children remaining in the home, then the parent(s) may be transferred in accordance with Subsection 2522.2 to a shelter or program that assists parents with reunification, if appropriate, based on the circumstances, and if a placement is available; or, to an individual adult shelter(s), if a placement that assists parents with reunification is not available or appropriate.

2522.8 In the case of CFSA removal, transfer may be initiated in accordance with Subsection 2522.7 after the decision to remove the child or children has been made at an adjudicatory hearing on the matter, or thirty (30) days, whichever is sooner, taking into consideration, after consultation with CFSA and others as applicable, the possibility of reunification. If after transfer the decision is made to allow reunification, and placement in family shelter or transitional housing would materially support the reunification goal, then the family may apply or re-apply for family shelter or transitional housing.

2522.9 For the purpose of Subsections 2522.2 and 2522.3, a Provider has secured a placement in temporary shelter or transitional housing for the client when the program with the new placement has agreed to accept the transferee and confirmed that a bed or unit is available and will be held through the effective date of transfer, subject only to reasonable requirements by the new placement on the transferee.

2522.10 A Provider has secured a placement in a low barrier shelter when the low barrier shelter Provider has agreed to guarantee a bed as of the effective date of a transfer in accordance with Subsection 2522.5. If the client requests to be allowed to transfer prior to the effective date, the receiving low barrier shelter shall attempt to provide the guaranteed bed prior to the effective date of the transfer to the extent possible.

- 2522.11 Providers may transfer clients through direct arrangements with other Providers or through coordination with a central intake center or via referral to the appropriate Coordinated Assessment and Housing Placement system.
- 2522.12 A Provider shall give written and oral notice to clients of their transfer to another Provider at least fifteen (15) days before the effective date of the transfer, except for emergency transfers pursuant to Section 2525.
- 2522.13 When a client has been absent from temporary shelter or transitional housing Provider's premises for more than four (4) consecutive days and the client has not complied with Program Rules regarding absences, the Provider is exempt from the requirement to give oral notice of the transfer. In such instances, the notice shall be mailed via certified mail, return receipt requested, or sent via electronic mail to the client, if the client has provided such contact information to the Provider, with a copy provided to the Department for verification of the issuance of the notice. A copy of the notice shall also be left in the client's unit or at the facility's sign-in location.
- 2522.14 The Provider shall not issue a notice of transfer until a placement is secured as defined by subsection Subsection 2522.9 or Subsection 2522.10.
- 2522.15 Any written notice of transfer issued pursuant to this section shall be mailed to or served upon the client and shall include:
- (a) A clear statement of the placement to which the client is being transferred and the effective date of the transfer;
 - (b) A clear and detailed statement of the factual basis for the transfer, including the date or dates on which the basis or bases for the transfer occurred;
 - (c) A reference to the statute, regulation, or Program Rule pursuant to which the transfer is being implemented; and
 - (d) A clear and complete statement of the client's right to appeal the transfer through a fair hearing and administrative review, including the appropriate deadlines for instituting the appeal.
- 2522.16 The client shall move to the new placement by the effective date of the transfer. The client may consent to move to the new placement any time before the effective date of the transfer in coordination with the new placement, except as provided by Subsection 2522.10.
- 2522.17 If the new placement requires certain procedures or paperwork in order for the transferred client to access the placement, the new placement shall communicate such requirements to the client, either through the originating placement, the

client's coordinating case manager, or directly to the client. The client shall comply with the Provider's requirements to access the new placement. A client's failure to comply with the requirements for accessing the new placement shall not invalidate the transfer or allow the client to remain in the original placement.

- 2522.18 If a client does not consent to the transfer, the client may appeal the transfer pursuant to Section 2550, but the client shall move to the new placement while awaiting the outcome of the appeal. The client shall not have the right to remain in the original placement pending the outcome of the appeal.
- 2522.19 If the client appeals the transfer, and the Provider's transfer decision is not upheld, the client shall be returned to the original placement unless the program or facility has closed.
- 2522.20 If, following a client's successful appeal, the original placement has no available unit or bed, the client shall receive the first available opening at the original placement, unless a placement elsewhere is available and the client consents to the alternate placement.
- 2522.21 If the original program or facility is closed, the client shall receive the first available placement in a program providing services as comparable to the pre-transfer placement as possible.
- 2522.22 When a Provider or the Department closes a severe weather shelter at the end of the severe weather season, the Provider shall give clients using the program or facility at least fifteen (15) days' notice before the impending closure and information regarding alternative shelters.
- 2522.23 When a Provider or the Department closes a shelter program or facility other than a severe weather shelter at the end of the severe weather season, the Provider shall give clients using the program or facility at least thirty (30) days' notice of the impending closure, where feasible, and in no case less than fifteen (15) days' notice of the impending closure. Clients using the program or facility may be transferred pursuant to Subsection 2522.2.
- 2522.24 Transfers made pursuant to Subsection 2522.23 shall be made based on each client's assessment and Service Plan to the extent allowed by client participation, taking into consideration the number and type of available placements. The order of transfers may take into account the length of time in the program specifically or shelter system generally, or some other manner of allocating the necessary transfers in an equitable and objective manner. For low barrier shelter programs, priority may be given to those persons who have the highest utilization rate over a certain period of time prior to transfer. When a low barrier shelter closure potentially involves large numbers of individuals who may be transferred during the same time period, such transfers shall be balanced with the need to ensure that

the large majority of beds in other low barrier shelter remain available on a first-come, first serve basis.

2522.25 Clients transferred pursuant to this section shall take all their personal belongings to the new placement. A Provider may assist the client in the relocation of the client's property. The Provider shall treat any property left by the client at the originating placement in accordance with Section 2521.

2522.26 Providers may not use the transfer authority provided under this section in any way that interferes with a client's tenancy rights under a lease agreement governed by Title 14 of the District of Columbia Municipal Regulations.

2523 SUSPENSION OF INDIVIDUALS AND FAMILIES IN SHELTER AND HOUSING PROGRAMS WITHIN THE CONTINUUM OF CARE

2523.1 If a client fails or refuses to comply with the Provider's Program Rules and the client responsibilities listed in Section 2515, or engages in any of the behaviors listed in Subsection 2524.1(b), the Provider may suspend services to the client for an appropriate period of time in light of the severity of the act or acts leading to the suspension, but in no case for a period longer than thirty (30) days.

2523.2 A Provider may suspend a client from temporary shelter, transitional housing unit, permanent supportive housing program unit, or supportive services only when:

- (a) The client has received proper notice of the Program Rules, including client responsibilities, and prohibited behaviors;
- (b) The Provider has made a good faith effort to enable the client to comply with the Program Rules so that the client is able to continue receiving services without suspension; and
- (c) The Provider has made a reasonable effort, given the severity of the situation, to transfer the client to another Provider within the Continuum of Care as set forth in Subsection 2524.1(d).

2523.3 A Provider may not suspend adult individuals or adult family members in a manner that results in minor children or dependent adults being left unattended in a temporary shelter, transitional housing unit, or permanent supportive housing program unit.

2523.4 A Provider shall give written and oral notice to clients of their suspension from services at least fifteen (15) days before the effective date of the suspension, except for a suspension of supportive services for a period shorter than ten (10) days. For suspension of supportive services for a period shorter than ten (10) days, the Provider shall, at a minimum, give oral notice and document such notice to the client in the client's file.

2523.5 A Provider's written notice to a client of his or her suspension shall include:

- (a) A clear statement of the beginning and end date of the suspension;
- (b) A clear and detailed statement of the factual basis for the suspension, including the date or dates on which the basis or bases for the suspension occurred;
- (c) A reference to the statute, regulation, or Program Rule pursuant to which the suspension is being implemented;
- (d) A clear and complete statement of the client's rights to appeal the suspension through a fair hearing and administrative review, including deadlines for instituting the appeal; and
- (e) A statement of the client's right to continuation of shelter or supportive housing services pending the outcome of any fair hearing requested within fifteen (15) days after receipt of written notice of a suspension of such services.

2523.6 Providers may not use the suspension authority provided under this section in any way that interferes with a client's tenancy rights under a lease agreement governed by Title 14 DCMR.

2524 TERMINATION OF INDIVIDUALS AND FAMILIES FROM SHELTER AND HOUSING PROGRAMS WITHIN THE CONTINUUM OF CARE

2524.1 A Provider may terminate delivery of services to a client only when:

- (a) The Provider documents that it has considered suspending the client in accordance with Section 2523, or, has made a reasonable effort, in light of the severity of the act or acts leading to the termination, to transfer the client in accordance with Section 2522;
- (b) The client:
 - (1) Possesses a weapon on the Provider's premises;
 - (2) Possesses or sells illegal drugs on the Provider's premises;
 - (3) Assaults or batters any person on the Provider's premises;
 - (4) Endangers the client's own safety or the safety of others on the Provider's premises;

- (5) Intentionally or maliciously vandalizes, destroys, or steals the property of any person on the Provider's premises;
 - (6) Fails to accept an offer of appropriate permanent housing that better serves the client's needs after having been offered two (2) appropriate permanent housing opportunities; or
 - (7) Knowingly engages in repeated violations of a Provider's Program Rules; and
- (c) In the case of terminations pursuant to subparagraphs (b)(6) and (b)(7) of this subsection, the Provider has made reasonable efforts to help the client overcome obstacles to obtaining permanent housing.
 - (d) For purposes of this subsection, reasonable efforts to transfer shall be satisfied when the Provider, with the client's participation and input if possible, in light of the severity of the act or acts leading to termination:
 - (1) Determines what type of program or programs constitutes an appropriate transfer;
 - (2) Identifies the programs that offer such programs;
 - (3) Determines, either through contacting a central transfer coordinator or by contacting the programs directly, which of the identified programs have available placements; and
 - (4) Offers to the client the transfer options that the Provider has identified or implements transfer to an appropriate placement.
 - (e) For purposes of paragraph (d), the phrase "severity of the act or acts" means the degree of interference the continuing presence of the client may have, as determined by the Provider, with other clients' enjoyment of rights or on the Provider's ability to meet the standards by which services are to be delivered to other clients.

2524.2 A Provider shall, except as provided in Subsection 2522.13, give written and oral notice to clients of their termination from services at least fifteen (15) days before the effective date of the termination.

2524.3 A Provider's written notice to a client of his or her termination shall include:

- (a) A clear statement of the effective date of the termination;

- (b) A clear and detailed statement of the factual basis for the termination, including the date or dates on which the basis or bases for the termination occurred;
- (c) A reference to the statute, regulation, or Program Rule pursuant to which the termination is being implemented;
- (d) A clear and complete statement of the client's rights to appeal the termination through a fair hearing and administrative review, including deadlines for instituting the appeal; and
- (e) A statement of the client's right to continuation of shelter or supportive housing services pending the outcome of any fair hearing requested within fifteen (15) days after receipt of written notice of a termination.

2524.4 When a Provider terminates an individual or family from a program, the termination applies only to the specific program and location from which the individual or family is terminated, except for scattered site programs that have no common location. The individual or family may seek services from other Providers within the Continuum of Care, as well as from other locations or programs offered by the Provider of the program from which they were terminated.

2524.5 Providers may not use the termination authority provided under this section in any way that interferes with a client's tenancy rights under an agreement governed by Title 14 DCMR.

2525 EMERGENCY TRANSFER, SUSPENSION, OR TERMINATION OF INDIVIDUALS AND FAMILIES FROM SHELTER AND HOUSING PROGRAMS WITHIN THE CONTINUUM OF CARE

2525.1 A Provider may transfer, suspend, or terminate a client within twenty-four (24) hours of the imminent threat, without providing prior written notice of the action, whenever a client presents an imminent threat to the health or safety of the client or any other person on a Provider's premises. For purposes of this section, imminent threat to the health or safety means an act or credible threat of violence on the premises of a temporary shelter, transitional housing facility, or permanent supportive housing program facility.

2525.2 In addition to the circumstances described in Subsection 2525.1, the Department or a provider may effect an emergency transfer of a client:

- (a) In the case of a loss of unit that is beyond the control of the Department or Provider, such as in the case of an unexpected loss of a contract for shelter units, a fire, or other similar unexpected circumstance; or

- (b) When a client's continued presence at a shelter location materially impairs the Provider's ability to provide services to current clients.

2525.3 Providers may not use the emergency transfer, suspension, or termination authority provided under this section in any way that interferes with a client's tenancy rights under an agreement governed by Title 14 DCMR.

2525.4 The Provider shall consider the severity of the act or acts leading to the imminent threat when deciding whether to proceed with an emergency transfer, suspension, or termination of the client. Providers are encouraged, when appropriate, to try to diffuse the situation by such means as separation, mediation, or non-emergency transfer, suspension, or termination, if feasible, as an alternative to or prior to taking an emergency action.

2525.5 If necessary to meet the terms of a protective order, the client against whom another party has a protective order may be transferred under the emergency transfer provisions of this section.

2525.6 Whenever a Provider transfers, suspends, or terminates a client pursuant to the emergency provisions of this section, the Provider shall endeavor to provide the client with written notice.

2525.7 If it is not possible or safe to provide written notice at the time of the action, a subsequent written notice shall be provided to the client within fifteen (15) days, or, if the client's whereabouts are unknown, upon request within ninety (90) days after the emergency action taken.

2525.8 Written notice to the client of an emergency transfer, suspension, or termination shall include:

- (a) A clear statement of the emergency action;
- (b) A clear and detailed statement of the factual basis for the emergency action, including the date or dates on which the basis or bases for the emergency action occurred;
- (c) A reference to the statute or regulation pursuant to which the emergency action is being implemented;
- (d) A clear and complete statement of the client's rights to appeal the emergency action through a fair hearing and administrative review, including deadlines for instituting the appeal;
- (e) A statement that no client transferred, suspended, or terminated because of an imminent threat to health or safety shall have the right to request

mediation of the action or to continue to receive shelter or supportive housing services without change pending appeal; and

- (f) The name and contact information of the designated Department employee responsible for reviewing the proposed emergency action.

2525.9 The Provider shall immediately notify the Department of the emergency action by sending a copy of the written notice of emergency transfer, suspension, or termination to the designated Department employee. For purposes of this subsection, “immediately” shall mean as soon as reasonably possible after the incident. At a minimum, the Provider, in its notification to the Department, shall include:

- (a) The identity of the client who was transferred, suspended, or terminated on an emergency basis;
- (b) The nature, date, and time of the emergency action taken by the Provider, including the name of the staff person present when the underlying incident occurred or who is otherwise most knowledgeable of the circumstances leading to the emergency action;
- (c) The Provider staff member authorizing the emergency transfer, suspension, or termination; and
- (d) The specific act or acts leading to the emergency transfer, suspension, or termination.

2525.10 The Department shall issue a written finding of whether the emergency action complies with the statutory requirements of Section 24 of the Act (D.C. Official Code § 4-754.38) within twenty-four (24) hours of receiving notification from a Provider of an emergency transfer, suspension, or termination.

2525.11 In reaching its finding, the Department may make a brief inquiry into the facts and circumstances of the emergency action, including interviews with any party, if additional details or clarifications are needed. The requirement that a decision be made within twenty-four (24) hours of receipt of the notice of emergency transfer, suspension, or termination, however, precludes a comprehensive fact-finding or inquiry.

2525.12 The Department shall issue its written finding on an Emergency Action Compliance Finding form and send it to the Provider and to the client or client representative, if requested, by facsimile, electronic mail, or other immediate form of transmission.

2525.13 The Provider shall deliver or attempt to deliver a copy of the Emergency Action Compliance Finding form to the client as soon as reasonably possible after receipt

of the form from the Department. If the client's whereabouts are unknown, the Provider shall retain a copy of the Emergency Action Compliance Finding form and deliver it to the client if and when the opportunity arises.

2525.14 The Provider shall document in the client's file its delivery or its attempt at delivery of the Emergency Action Compliance Finding form to the client.

2525.15 If the Department makes a finding that the emergency action complies with D.C. Official Code § 4-754.38 (2012 Repl.), the Provider's decision will stand, subject to appeal by the client through the fair hearing process.

2525.16 If the Department makes a finding that the emergency action does not comply with Section 24 of the Act (D.C. Official Code § 4-754.38), the Provider shall immediately reinstate the client's access to services. The Provider shall promptly notify the Department that the client was reinstated to services by completing the appropriate section of the Emergency Action Compliance Finding form and sending a copy to the Department as soon as practicable, but no later than twenty-four (24) hours after receipt of the Department's finding.

2525.17 The Provider shall make every reasonable effort to contact the client regarding reinstatement to enable the client to have shelter or housing at the earliest possible time.

2525.18 The client shall make every reasonable effort to stay in touch with the Provider pending the Department's finding, in order to be available to receive the Department's finding and notification of reinstatement, should the Department find the action is not in compliance.

2526 RAPID RE-HOUSING PROGRAMS – PURPOSE AND SCOPE

2526.1 The purpose of Rapid Re-Housing Programs ("RRH Programs") is to provide housing relocation assistance, time-limited case management services, and time-limited rental assistance, as necessary, to assist individuals and families experiencing homelessness move into permanent housing, as defined in Section 2(27B) of the Act (D.C. Official Code § 4-751.01(27B)) and achieve stability in permanent housing. RRH Programs are permanent housing programs, as defined in Section 2(27C) of the Act (D.C. Official Code § 4-751.01(27C)).

2526.2 RRH Programs shall consist of unit identification assistance, time-limited rental subsidy, tenant housing cost contribution, assessment, case management, and supportive services, as set forth in these subsections.

2526.3 Unless provided otherwise in Sections 2526 through 2533, RRH Programs shall be administered in accordance with the provisions of the Continuum of Care regulations found elsewhere in this chapter.

- 2526.4 RRH Programs shall be subject to annual appropriations and the availability of funds.
- 2526.5 Nothing in these rules shall be construed to create an entitlement, either direct or implied, on the part of any individual or family to RRH Programs.
- 2526.6 The Department may execute grants, contracts, and other agreements as necessary to carry out RRH Programs.

2527 RRH PROGRAMS – ELIGIBILITY DETERMINATION, ASSESSMENT, AND REFERRAL

- 2527.1 An individual or family that is eligible to receive services within the Continuum of Care may be referred directly to Individual, Youth, or Family Coordinated Assessment and Housing Placement (CAHP), as set forth in Sections 2505 and 2510, for assignment to a RRH Program. A RRH Program may establish special eligibility criteria in its Program Rules in accordance with Subsection 2516.17.
- 2527.2 An individual or family may be assessed using an evidence-based assessment tool as selected by the Department, such as the Service Prioritization Decision Assistance Tool (“SPDAT”), which can be administered by the Department or its designees.
- 2527.3 To be eligible for RRH Programs for individuals, an individual shall meet the requirements set forth in Subsection 2501.1 and shall meet the definition of individual set forth in Section 2(21A) of the Act (D.C. Official Code § 4-751.01(21A)).
- 2527.4 To be eligible for RRH Programs for families, a family shall meet the requirements set forth in Subsection 2501.1 and shall meet the definition of family set forth in Section 2599.
- 2527.5 The Department, its designee, or the RRH Provider, as determined by the RRH grant agreement, or contract, or by Department policy, shall create and maintain in the client’s file detailed documentation of the RRH Program’s eligibility determination, including the assistance for which the client qualifies and subsequent case-management review.
- 2527.6 When an individual or family has undergone assessment and referral in accordance with the appropriate CAHP protocol, the individual or family will be assigned to a RRH Provider, which will provide case management, housing assistance, and other supportive services.

2528**RRH PROGRAMS – INTAKE AND HOUSING SEARCH**

2528.1 When an individual or family is assigned to a RRH Provider, the RRH Provider will perform an intake which may include but is not limited to:

- (a) Assessing the participant's housing barriers, needs, income, and preferences;
- (b) Completing with the participant the uniform, evidence-based assessment tool, such as the SPDAT, if one has not been completed in the last year;
- (c) Calculating the participant's monthly rent contribution; and
- (d) Providing other assistance necessary to obtain and maintain permanent housing.

2528.2 The individual or family participant shall:

- (a) Enter into a lease and comply with the terms of such lease;
- (b) Contribute a portion of his or her adjusted annual income toward the cost for housing, pursuant to Section 2529;
- (c) Accept a unit that meets the Rent Reasonableness Standards and Housing Quality Standards established by the District of Columbia Housing Authority;
- (d) Participate in case management and meet the case management requirements, as set forth in Section 2511, in order to remain in permanent housing when RRH Programs' assistance ends;
- (e) Apply for all public benefits and housing assistance for which the applicant is eligible and as provided for in the applicant's case management plan, including applying for housing assistance from the District of Columbia Housing Authority;
- (f) Provide additional information that the Department may deem necessary to determine the applicant's eligibility and which the Department may specify in its policy documents; and
- (g) Comply with Program Rules established pursuant to Subsection 2516.17.

2528.3 The individual or family participant shall perform a housing search, with the goal of locating a unit that will be affordable to the participant once the RRH rental assistance ends.

- 2528.4 The RRH Provider may assist with the housing search and may:
- (a) Assist the participant with obtaining government identifications and other necessary documentation such birth certificates, social security cards, income verification statements, or paystubs;
 - (b) Assist the participant with identifying potential housing units;
 - (c) Assist the participant with outreach and negotiation with landlords or property managers;
 - (d) Assist the participant with submission of rental applications;
 - (e) Assist with lease signing and payment of security deposit and first month's rent, as needed; and
 - (f) Facilitate moving in and assist with establishing utilities, as needed.

2528.5 Once the individual or family participant has identified an appropriate housing unit, the RRH Provider or previously assigned case management provider shall assist the participant by:

- (a) Obtaining the appropriate housing inspection for the participant's unit and RRH Program; and
- (b) Determining if unit meets the Rent Reasonableness Standard established by the District of Columbia Housing Authority.

2529 RRH PROGRAMS – FINANCIAL ASSISTANCE

2529.1 Each individual or family participant shall contribute to their gross housing expenses. RRH Program assistance shall be "needs-based," meaning that the assistance shall be based on the participant's household income and budget, and shall be the amount needed for the applicant to obtain housing and mitigate the likelihood of them returning to homelessness.

2529.2 The participant shall be notified of his or her initial rental assistance amount in a written notice, which shall include:

- (a) A clear statement of the factual basis for the determination of the participant's rental assistance amount;
- (b) A clear and detailed statement of the computation of the participant's rental assistance amount; and

- (c) A clear and complete statement of the participant’s right to a reconsideration of the initial rental assistance calculation. Such requests for reconsideration of the initial calculation shall be made in writing to the RRH Provider within ten (10) days of receipt of the notice.

2529.3 RRH Programs shall allow a maximum rental amount equal to the Rent Reasonableness Standards established by the District of Columbia Housing Authority. The Department or its designee may authorize, on a case-by-case basis, selection of a unit that exceeds the maximum allowable rental amount for the purposes of ensuring RRH Programs are readily accessible to and usable by families with a family size of five (5) or above, and individuals with disabilities, unless prohibited by the RRH grant agreement or contract.

2529.4 RRH Programs may also provide financial assistance in the form of rental arrears, security deposit, utility payments, and move-in assistance, as provided in the RRH grant agreement, contract, or by Department policy.

2529.5 Income and asset information provided by participants may be subject to verification.

2530 RRH PROGRAMS – RECERTIFICATION OF ELIGIBILITY AND RECALCULATION OF RENTAL ASSISTANCE

2530.1 RRH Programs shall periodically recertify each participant’s eligibility as established in the RRH grant agreement, contract, or by Department policy. Recertification procedures shall be included in RRH Provider’s Program Rules.

2530.2 In addition to periodic recertification of a participant’s eligibility, RRH Programs shall periodically recalculate a participant’s rental assistance to ensure that participating households are paying the appropriate tenant rental cost contribution. Rental assistance recalculation shall occur at regular intervals, as established in the RRH grant agreement, contract, or by Department policy. Recalculation intervals shall be included in RRH Provider’s Programs Rules.

2530.3 The recertification determination shall be based on measureable benchmarks, which may include but are not limited to:

- (a) Any change in the participant’s income;
- (b) Participant’s progress on the participant’s case management plan;
- (c) Participant’s progress on his or her own budget plan;
- (d) Participant’s engagement with her or her Temporary Assistance for Needy Families (“TANF”) provider, if applicable; and

- (e) Needs-based assessments, using a progressive engagement model, to determine if a less or more intensive intervention is required.

2530.4 When recalculation of a participant's rental assistance amount occurs, the participant shall be notified of his or her adjusted rental assistance amount in a written notice, which shall include.

- (a) A clear statement of the factual basis of the change in the participant's rental assistance amount;
- (b) A clear and detailed statement of the computation of the participant's new rental assistance amount;
- (c) A clear statement of the effective date of the new rental assistance amount;
- (d) A reference to the regulation or policy pursuant to which the change was made; and
- (e) A clear and complete statement of the participant's right to a reconsideration of the change of rental assistance amount by the Department, its designee, or the RRH Provider, as determined by the RRH grant agreement, contract, or Department policy, if such reconsideration is requested within ten (10) days of receipt of the notice, including the appropriate deadlines for instituting the request for reconsideration.

2530.5 A participant may request recalculation of his or her rental assistance amount at any time if the participant's circumstances change such that the participant believes he or she would qualify for greater rental assistance.

2531 RRH PROGRAMS – FINANCIAL ASSISTANCE PERIOD AND EXTENSION REQUESTS

2531.1 RRH Programs are designed to help participants exit homelessness to permanent housing with time-limited financial assistance and case management to support their progress toward housing stability.

2531.2 Because RRH financial assistance is time-limited, an individual or family participant will exit the RRH Program once they have been stabilized or once they have reached the time period for receiving financial assistance, whichever comes first. The time period for receiving RRH financial assistance shall be established in the RRH grant agreement, contract, or by Department policy.

2531.3 An individual or family participant may request an extension of RRH financial assistance beyond the designated time period, as permitted by the RRH grant agreement, contract, or Department policy. The extension request must be made in writing to the Department, its designee, or the RRH Provider, as determined by

the RRH grant agreement, contract, or Department policy, and must be signed by the participant.

2531.4 The Department, its designee, or the RRH Provider, as determined by the RRH grant agreement, contract, or Department policy, shall exercise its discretion in granting or denying extension requests, based on the availability of resources, the participant's case management or service plan, and the participant's circumstances. A participant's length of time in the RRH Program shall be a valid basis for denial of an extension request.

2531.5 In the event that a requested extension of RRH financial assistance is denied, a participant shall be given written notice at least thirty (30) days prior to the final rental assistance payment. Such notice shall explicitly set forth the reason for the denial of the requested extension, and shall inform the participant that:

- (a) The RRH participant has a right to appeal the determination through a fair hearing and administrative review, including deadlines for requesting an appeal; and
- (b) The RRH participant has a right to continuation of RRH services pending the outcome of any fair hearing requested within fifteen (15) days of receipt of written notice of a termination.

2532 RRH PROGRAMS – CASE MANAGEMENT

2532.1 RRH Provider shall provide individual or family participants in RRH Program with case management, which shall include the development of a service or case management plan, as described herein. The individual or family participant shall participate in the development of his or her service or case management plan, as set forth in Subsection 2512.12.

2532.2 The participant's service or case management plan should be based on a thorough assessment of participant's needs. Goals in the service or case management plans may be guided by the results of a uniform, evidence-based assessment tool, such as the Service Prioritization Decision Assistance Tool ("SPDAT").

2532.3 The participant's service or case management plan should identify achievable objectives or goals in areas that may include but are not limited to:

- (a) Housing stability;
- (b) Employment and/or education;
- (c) Budgeting and/or credit counseling;
- (d) Food, transportation, clothing, hygiene;

- (e) Legal assistance;
- (f) Substance abuse or dependency issues;
- (g) Domestic violence;
- (h) Mental or physical health care; and
- (i) Other areas as deemed appropriate by the participant and the case manager.

2532.4 The participant's service or case management plan shall be reviewed and updated regularly, with the participant's participation.

2532.5 The participant's case manager shall assist the participant in identifying and, as needed, accessing both formal and informal resources to support clients in helping to achieve housing stability.

2532.6 The participant's case manager shall be responsible for maintaining the participant's file, either electronically or in hard copy, as established in the RRH grant agreement, contract, or by Department policy. The participant's file may include but is not limited to the following documentation:

- (a) Eligibility and referral documents;
- (b) Intake information;
- (c) Authorization of Release of Information;
- (d) Copy of Program Rules, signed by participant;
- (e) Most recent results of an evidence-based assessment tool, such as SPDAT;
- (f) Case management or service plan;
- (g) Case notes or progress notes addressing case management or service plan goals;
- (h) Referrals to other agencies or resources (including follow-up efforts, feedback, recommendations);
- (i) Receipts for expenditures made by the Provider in addition to rent for the participant;

- (j) Documentation of services that demonstrate assistance provided to participant in acquiring or maintaining housing; and
- (k) Documentation of discharge or termination summaries.

2532.7 The participant’s case manager shall coordinate with any case managers or case workers with other service providers with the goal of supporting participant in achieving housing stability and completing goals in the participant’s service or case management plan.

2533 RRH PROGRAMS – TRANSFERS, TERMINATIONS, AND PROGRAM EXITS

2533.1 The RRH Provider may transfer an individual or family participant for the reasons set forth in Section 2522.

2533.2 The RRH Provider may terminate an individual or family participant from the RRH Program for the reasons set forth in Section 2524.

2533.3 The RRH Provider may exit an individual or family participant from the RRH Program for the reasons set forth in Section 22b of the Act (D.C. Official Code § 4-754.36b).

2533.4 The RRH Provider who is issuing a notice regarding an individual or family participant’s transfer, termination, or program exit shall do so in compliance with Section 19 of the Act (D.C. Official Code § 4-754.33), as appropriate.

2533.5 An individual or family participant has the right to appeal the transfer, termination or program exit, as set forth in Section 2550.

2534 [RESERVED]

2535 PERMANENT SUPPORTIVE HOUSING PROGRAMS – PURPOSE AND SCOPE

2535.1 The purpose of Permanent Supportive Housing (PSH) programs is to provide rental assistance and supportive services for an unrestricted period of time to assist individuals and families experiencing chronic homelessness, or at risk of experiencing chronic homelessness, to obtain and maintain permanent housing and to live as independently as possible.

2535.2 PSH programs consist of an ongoing rental assistance subsidy, which may be funded by local or federal housing assistance programs, and ongoing, intensive supportive services, which may also be funded by local or federal programs. The supportive services may include, but are not limited to: outreach and engagement, assessment, unit identification assistance, application assistance, ongoing

stabilization services, and other services as outlined in the PSH program’s funding source, contract, or grant agreement.

2535.3 PSH programs are permanent housing programs, as defined in Section 2(27C) of the Act (D.C. Official Code § 4-751.01(27C)), and are administered according to the provisions for permanent housing programs contained in this chapter.

2535.4 PSH programs shall be subject to annual appropriations and the availability of funds.

2535.5 Nothing in these rules shall be construed to create an entitlement either direct or implied on the part of any individual or family to a PSH program.

2536 PSH PROGRAMS – ELIGIBILITY AND ASSESSMENT

2536.1 In addition to the general eligibility requirements set forth in subsection 2501 an individual or family shall, in order to be eligible for participation in PSH programs, be chronically homeless or at risk of chronic homelessness as defined in Section 2(5A) and (6C) of the Act (D.C. Official Code § 4-751.01(5A), (6C)).

2537 PSH PROGRAMS – REFERRAL PROCESS

2537.1 After the Department determines a family’s eligibility for a PSH program for families, the family shall be submitted to the Family Coordinated Assessment and Housing Placement (F-CAHP), which is part of the District’s centralized or coordinated assessment system protocol, as defined in Section 2(6B) of the Act (D.C. Official Code § 4-751.01(6B)) and established according to Section 2510.

2537.2 After the Department determines an youth or other individual’s eligibility for a PSH program for youth or other individuals, the individual shall be submitted to the Individual Coordinated Assessment and Housing Placement (I-CAHP) or the Youth Coordinated Assessment and Housing Placement (Y-CAHP), which are part of the District’s centralized or coordinated assessment system protocol for individuals and youth, respectively, as defined in Section 2(6B) of the Act (D.C. Official Code § 4-751.01(6B)) and established according to Section 2505.

2537.3 An individual or family seeking housing in the PSH program may be assessed using an evidence-based assessment tool as selected by the Department, such as the Service Prioritization Decision Assistance Tool (“SPDAT”), which can be administered by the Department or its designees.

2537.4 An individual or a family may also be submitted directly from the Department to the appropriate CAHP.

2537.5 The assessment and contact information for any individual or family seeking PSH shall be maintained in the appropriate CAHP Registry, which shall be maintained

by the District's Continuum of Care Governance Board and the District's collaborative applicant.

2537.6 PSH programs shall report any vacancies to the District's CAHP System Administrator, according to the relevant CAHP protocol, as described in Subsections 2505 and 2510.

2537.7 Vacancies in PSH programs shall be filled according to the relevant CAHP protocol, as described in Subsections 2505 and 2510, and by the appropriate CAHP System Administrator.

2537.8 Once an individual or family is assigned to a PSH program through the appropriate CAHP, the PSH Provider, in collaboration with outreach and shelter staff, shall engage with the individual or family to complete the application and begin the leasing process.

2537.9 If the PSH Provider's attempted outreach and engagement are not successful within a period of time, specified by the Provider's Program Rules, of the individual or family's assignment, and if the Department reviews the attempts and finds them sufficient, then the PSH vacancy may be released back to the CAHP.

2538 PSH PROGRAMS – CASE MANAGEMENT AND SUPPORTIVE SERVICES

2538.1 PSH programs shall offer participants a comprehensive needs assessment and case management that includes but is not limited to: outreach and engagement, unit identification assistance, application assistance, ongoing stabilization services, and other services as outlined in contract with the PSH provider.

2538.2 Participants shall not be required to participate in mental health treatment, substance abuse treatment, or other supportive services as a condition of receipt of the rental assistance, except that the PSH Provider may require reasonable case management requirements as set forth in the relevant PSH Program Rules, in order to ensure the participant abides by the terms of the participant's lease, prepares for the annual recertification of the participant's rental assistance, and maintains housing stability. A client's refusal of case management and supportive services does not relieve the PSH Provider of its responsibility to continue attempting to engage the participant and to offer assistance.

2539 PSH PROGRAMS – RENTAL AND FINANCIAL ASSISTANCE

2539.1 Subject to applicable income limitations or other eligibility requirements, an individual or family referred to a PSH program shall be provided a rental subsidy.

2539.2 PSH programs shall ensure that the individual or family receiving the rental subsidy meets any eligibility requirements specific to its funding source, contract,

or grant agreement. The rental subsidy may be paid by programs including but not limited to:

- (a) The District of Columbia Housing Authority's (DCHA) Housing Choice Voucher Program's (HCVP) limited local preference for permanent supportive housing for chronically homeless individuals and families, as defined in 14 DCMR §§ 7600 *et seq.*;
- (b) Other available DCHA public housing or housing voucher programs, including the Local Rent Supplement Program (LRSP), as set forth in 14 DCMR §§ 9500 *et seq.*;
- (c) Other District funded housing or rental assistance programs; or
- (d) Any other housing or rental assistance program, including federally funded programs.

2539.3 PSH program participants receiving a rental subsidy shall follow the rules, policies, and procedures of the applicable PSH program, the rules set forth in Sections 2535 through 2542, or the rules otherwise set forth in the permanent housing rules in this chapter, as applicable.

2539.4 If the service needs of a PSH program participant change, the participant may be transferred to a different PSH program or different PSH provider, provided that such transfer does not result in a loss of housing for the PSH program participant. Any such transfer must be made pursuant to the transfer provisions set forth in Section 2522.

2539.5 In addition to the rental subsidy, PSH program participants may receive utility assistance and other financial assistance, if funding is available.

2539.6 Each PSH program participant shall contribute a participant's rental portion, which amount shall be determined according to the requirements of the PSH program's funding source, contract, or grant agreement.

2539.7 Each PSH program may also provide utility assistance, if the participant's utilities are not included in the total rental amount and if such assistance is permitted by the PSH program's funding source, contract, or grant agreement.

2539.8 To determine the PSH program participant's rental portion or utility assistance, the PSH program participant may be required to provide or update the following information:

- (a) Employment status and history;
- (b) Income and source of income, including public benefits;

- (c) Assets; and
- (d) Any other information relevant to determining security deposit, rental assistance, moving, move-in, or other applicable expenses needed to obtain housing.

2539.9 The PSH program participant's rental portion and utility assistance, if applicable, will be determined by the Department or its designee, according to the PSH grant agreement, or according to Department policy. Once that determination is made, the PSH program participant shall receive a written notice of the amount of rental portion and utility assistance, if applicable. The written notice shall include:

- (a) A clear statement of the rental assistance that the PSH program participant will receive;
- (b) A clear statement of the PSH program participant's rental portion and the computation of how the PSH program participant's rental portion was determined;
- (c) A clear and detailed statement of the utility assistance that the PSH program participant shall receive;
- (d) A clear and detailed statement of how the utilities will be paid, and any responsibility that the PSH program participant will have for utilities; and
- (e) A clear and complete statement of the PSH program participant's right to a reconsideration of the determination of the PSH program participant's rental portion, including the appropriate deadlines for instituting the request for reconsideration.

2540 PSH PROGRAMS – REPORTING CHANGE IN INCOME

2540.1 It shall be the responsibility of each PSH program participant to report to the PSH provider, in writing, any change in the participant's income as soon as the change occurs. Any resulting effect of a change in income on the PSH program participant's rental portion or utility assistance shall be made in accordance with the rules, policies, and procedures of the PSH program's funding source, contract, or grant agreement.

2541 PSH PROGRAMS – UNIT IDENTIFICATION AND ACCEPTANCE

2541.1 The PSH Provider shall assist the PSH program participant in identifying an appropriate unit. An appropriate unit shall be one that meets rental assistance program requirements established by the District of Columbia Housing Authority.

- 2541.2 An appropriate unit must also pass a housing inspection, the standard for which may be determined by the PSH program's funding source, contract, or grant agreement.
- 2541.3 To facilitate timely unit identification and entry into the PSH program, the participant shall:
- (a) Make a reasonable effort to complete the PSH program's application requirements and housing search process. For purposes of this subsection, failure to take tangible steps towards obtaining or supplying items necessary to complete the requirements of the program may be considered not making a reasonable effort;
 - (b) Make a reasonable effort to work with the PSH program's staff to identify an appropriate unit, as defined in this section. For purposes of this subsection, refusal to meet with the Provider's representative three (3) times shall, unless the participant has good cause for each failure to meet with the representative, be considered not making a reasonable effort;
 - (c) If necessary and after viewing an appropriate unit, submit a timely and complete application to the landlord; and
 - (d) Accept a unit that meets the Rent Reasonableness Standards, established by the District of Columbia Housing Authority.
- 2541.4 If the PSH program participant fails to make a reasonable effort to complete any of the requirements set forth in Subsection 2541.3, the PSH program may discontinue the housing search process for that PSH program participant. Such discontinuation shall not, however, affect the PSH program participant's eligibility for the PSH program.
- 2541.5 The PSH program shall give written and oral notice to the PSH program participant of discontinuation of the housing search process at least fifteen (15) days before the effective date of such discontinuation.
- 2541.6 The PSH Provider may assist the PSH program participant to move to an alternate unit as long as the PSH program or the PSH program participant is able to ensure that the participant:
- (a) Exits the existing lease with the landlord according to the terms of the lease or receives the landlord's written approval to exit the lease without financial cost to the program;
 - (b) Identifies an alternate unit that passes a housing inspection and does not exceed the Rent Reasonableness standards established by the Department of Housing and Urban Development, or the appropriate rent

reasonableness standard as established in the PSH grant agreement or by Department policy, as applicable for their household size;

- (c) Submits an application to the landlord within the necessary timeframe;
- (d) Accepts the alternate unit and provides the PSH program with all necessary information regarding the new unit; and
- (e) Has the ability to provide for the application fee and any required security deposit, any other initiation fee, and any costs associated with moving without additional assistance from the PSH program.

2541.7 For the purposes of this section, “good cause” means:

- (a) Hospitalization with verified documentation during the period of absence;
- (b) Death of an immediate family member;
- (c) Accident or illness involving an immediate family member that requires the presence of the individual or family member absent from shelter placement;
- (d) Incarceration or detention;
- (e) Other crisis, emergency, or other compelling situation that requires the absence of the individual or family from shelter placement;
- (f) Authorized absence taken in compliance with the Program Rules; or
- (g) Fleeing domestic violence.

2542 [RESERVED]

2543 SHELTER MONITORING UNIT

2543.1 The Shelter Monitoring Unit (Unit) shall monitor and evaluate shelters covered by the Act. As defined by the Act, “shelters” are limited to severe weather shelter, low barrier shelter, and temporary shelter.

- 2543.2
- (a) The Unit shall monitor the conditions, services, and practices at shelters, evaluating, to the extent applicable, the:
 - (1) Health, safety, and cleanliness of shelters;
 - (2) Existence of, content of, and notice to clients of policies, practices, and Program Rules;

- (3) Accessibility of shelters to clients with disabilities;
- (4) Appropriateness of shelters for families;
- (5) Compliance with applicable client rights set forth in Sections 2512 and 2513; and
- (6) Compliance with applicable Provider standards set forth in Sections 2516 through 2519.

(b) The Unit shall perform the monitoring tasks in this subsection using client surveys and interviews, staff interviews, and shelter site visits.

2543.3 For each program required to be monitored the Unit shall conduct an inspection on the premises at least once during each calendar year. The Unit may conduct more than one (1) inspection per year per program and may conduct inspections on an announced or unannounced basis.

2543.4 For each monitoring inspection, the Unit shall issue to the Provider a monitoring report summarizing the findings of the inspection.

2543.5 For purposes of this section, if the Provider is a subcontractor of a District contractor, all written communications and reports from the Unit to the Provider shall also be provided to the prime contractor. Likewise, any written communication from the Provider to the Unit shall also be provided to the prime contractor.

2543.6 The monitoring report shall provide a comprehensive assessment of the program, including identifying areas of excellence, competence, and deficiencies. For identified deficiencies the report shall also include required corrective actions and required timeframe for completion of corrective action.

2543.7 Generally, Providers shall have up to seven (7) days from the date of the monitoring report to correct health and safety deficiencies, except that the Unit may require more immediate action for deficiencies that present an immediate danger to residents, staff, or the public. For purposes of this subsection, “health and safety” shall include deficiencies under federal disability law, including the Americans with Disabilities Act, effective July 26, 1990 (104 Stat. 327; 42 USC §§ 12131 – 12134), and the U.S. Attorney General’s implementing regulation, 28 CFR Part 35, unless otherwise noted by the Unit. For non-health or safety deficiencies, Providers shall have thirty days from the date of the monitoring to report correct the deficiency, unless otherwise noted in the report.

2543.8 The Provider shall correct the deficiencies noted, and submit documentation to the Unit that such corrective actions were taken within the required timeframes.

- 2543.9 If the Provider is unable to complete a corrective action within the required timeframes, the Provider shall submit to the Unit the reason for not meeting the required timeframe along with a proposed corrective action plan with reasonable deadlines that will correct the deficiencies in as timely a manner as possible. The proposed corrective action plan shall be submitted to the Unit by the deadline given for the corrective action. The corrective action plan will be considered accepted by the Unit, unless the Unit notifies the Provider otherwise within five (5) business days of receiving the proposed corrective action plan.
- 2543.10 Based on the corrective action plan, the Provider shall submit follow-up documentation to the Unit that the required corrective actions were taken within the projected timeframes, or why such work has not been completed in a timely manner and the Provider's proposed solution.
- 2543.11 If the Unit determines that the Provider has not satisfactorily corrected the deficiencies set forth in the monitoring report, either as required by the monitoring report or the corrective action plan submitted by the Provider, the Unit shall notify the Provider of the remaining deficiencies and the corrective action that is required, as well as any new deadlines for correcting deficiencies.
- 2543.12 At any time in the monitoring process, and particularly where the Provider fails to timely correct deficiencies outlined in a monitoring report, the Unit may pursue additional remedies, including requiring acceptance of technical assistance, training, increasing the number of announced or unannounced visits by Unit monitors, or other applicable remedies necessary to ensure Provider compliance. When determining whether to renew a contract with a provider, the Department or its contractor shall consider annual monitoring reports as well as investigatory findings made in response to complaints about the program filed with either the ADA Coordinator or the Unit.
- 2543.13 If the Provider is a direct contractor with the District, and the Unit determines that the Provider has not satisfied the deficiencies in the monitoring report, the Unit shall notify the Contracting Officer's Technical Representative (COTR) of the Provider's non-compliance.
- 2543.14 If the Provider is a subcontractor of a District contractor and the Unit determines that the Provider has not satisfied the deficiencies in the monitoring report, the Unit, after providing adequate and timely notice to the prime contractor in accordance with the timeframes established in the contract to correct the deficiencies, shall notify the COTR that the prime contractor has failed to ensure that its subcontractor is in compliance.
- 2543.15 Once the COTR receives notice that a Provider, or the prime contractor, is non-compliant with the contract, the COTR shall notify the Department's Contracting Officer in writing of the prime contractor's violation of the terms and conditions

of the contract and shall develop a proposed notice to cure for review and approval by the Contracting Officer. The Contracting Officer shall proceed to send the notice to cure to the contractor in accordance with 27 DCMR §§ 3711 – 3712, and any other applicable laws, policies, and regulations.

2543.16 If the contractor, whether the Provider or the prime contractor, fails to satisfy the terms of the notice to cure, the Contracting Officer may proceed with any remedy available under 27 DCMR §§ 3711 – 3712, and any other applicable laws, policies, and regulations.

2543.17 The Unit shall create and utilize a systematic tracking system to track the monitoring reports, deficiencies found, corrective action taken, and the timeframes within which deficiencies were corrected.

2543.18 The Unit shall issue an annual report, which shall include a summary of the quality and compliance of the shelters it has monitored and an analysis of the trends it has identified in the course of its monitoring efforts. The Unit shall make available, upon request, each annual monitoring report to clients of the program and members of the Interagency Council on Homelessness.

2543.19 In all activities conducted by the Unit pursuant to this section, and in any reports released pursuant to Subsection 2543.18, the Unit shall ensure confidential treatment of the personal, social, legal, financial, educational, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, consistent with confidentiality requirements of District and federal law.

2544 COMPLAINTS

2544.1 The Unit shall receive complaints about programs, facilities, and services provided within the Continuum of Care and shall investigate programs alleged to be out of compliance with the applicable standards set forth in Sections 2515-2519, in accordance with the policies and procedures described in Section 2543.

2544.2 Clients are encouraged to take advantage of Provider grievance procedures to resolve concerns, complaints, and conflicts, where possible. Clients are not required, however, to pursue the Provider grievance procedure before contacting the Unit regarding a complaint.

2544.3 When the Unit receives a complaint regarding alleged violations of Title II of the Americans with Disabilities Act (ADA), effective July 26, 1990 (104 Stat. 327; 42 USC §§ 12131 – 12134), and the U.S. Attorney General's implementing regulation, 28 CFR Part 35, or other federal or local laws prohibiting discrimination on the basis of disability, the Unit shall log in the complaint, refer the complaint to the Department's ADA Coordinator, inform the complainant that the complaint has been referred to the ADA Coordinator and when the

complainant can expect to hear from that person, and ensure that the complaint has been appropriately addressed by the ADA Coordinator by attaching the ADA Coordinator's Findings or Report to the complaint before closing the complaint in the Unit's log.

- 2544.4 The Unit shall conduct all investigations into complaints in a timely manner, taking into account the severity of the matter that is the subject of the complaint. The Unit shall provide a response to the complainant and his or her representative, if applicable, in a timely manner of the findings of the investigation, if the complainant has provided the Unit with contact information.
- 2544.5 Every Provider within the Continuum of Care shall post in prominent places at each shelter site the Unit's contact information, its procedures for accepting complaints, and procedures for requesting mediation or a fair hearing. The Unit shall provide each program and shelter site with the complaint form with the Unit's contact information for use by clients. Providers shall make the Unit's complaint form readily available to clients.
- 2544.6 Any person may file a complaint with the Unit in any form, including by telephone, electronic mail, in person, or by written communication. Complaints may be made anonymously.
- 2544.7 The Unit shall maintain a record of complaints received, the resolution of each complaint, and the response provided to complainant.
- 2544.8 The Unit shall make available, upon request, a copy of the findings of any investigation conducted under this section to the Provider of the program, the Mayor, and the Director to End Homelessness. Upon request, the Unit shall make available an appropriate number of copies of the final report to the program for distribution to clients of the program.
- 2544.9 In all activities conducted by the Unit pursuant to this section, and in any findings released pursuant to Subsection 2544.8, the Unit shall ensure confidential treatment of the personal, social, legal, financial, educational, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, consistent with confidentiality requirements of District and federal law.
- 2544.10 In seeking to resolve complaints, the Unit shall encourage appropriate use of mediation, Provider grievance processes, and the fair hearing process, as appropriate.
- 2544.11 The Unit shall not disclose the identity of any person who brings a complaint or provides information to the Unit without the person's consent, unless the Unit determines that disclosure is unavoidable or necessary to further the ends of an inspection or investigation.

2544.12 No public or private entity that delivers shelter services covered by this chapter shall retaliate against, coerce, intimidate, threaten, or interfere with any individual who files or makes a complaint to the Unit, or aids or encourages any other person to file or make a complaint to the Unit.

2545 REASONABLE MODIFICATIONS – PURPOSE AND SCOPE

2545.1 The provisions of Sections 2545-2549 provide procedures for the prompt and equitable resolution of complaints by customers or prospective customers of shelter or supportive housing who allege any action prohibited by Title II of the Americans with Disabilities Act of 1990 (ADA), approved July 26, 1990 (104 Stat. 327; 42 USC §§ 12101 *et seq.*), as required by 28 CFR § 35.107(b).

2545.2 These procedures apply to all services, programs, and activities in shelter and supportive housing program provided by the Department, whether such services, programs, or activities are provided directly by the Department or by the Department through contract or grant.

2545.3 Pursuant to Title II of the ADA, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the shelter and supportive housing services, programs, or activities of the Department, or be subjected to discrimination by the Department, its contractors or grantees.

2546 REASONABLE MODIFICATION POLICY

2546.1 If necessary for a qualified person with a disability to have access to covered services, programs, or activities, the Department, its contractors, and grantees shall provide reasonable modification of shelter and supportive housing policies, practices, or procedures to avoid discrimination unless the responsible entity demonstrates that the modification would fundamentally alter the nature of the services.

2546.2 For purposes of Sections 2545-2549, a reasonable modification is a change, modification, alteration, or adaptation in a policy, procedure, practice, program, or facility that provides a person with a disability the opportunity to participate in, or benefit from, a service, program, or activity.

2546.3 To receive a reasonable modification, an applicant or recipient of services or an authorized representative may make a request to the Provider of services, according to that Provider's reasonable modification policy and procedures.

2546.4 An applicant or recipient of services, or an authorized representative, has the right to file a complaint with the Department as set forth in Section 2547. In lieu of, or in addition to filing a complaint with the ADA Coordinator, an applicant or

recipient of services, or authorized representative has the right to file a grievance directly with the Provider, to appeal a denial of a reasonable modification request through the fair hearing process set forth in Section 2550, or pursue any other remedies available to the person through any other federal or District law.

2547 FILING A COMPLAINT WITH THE ADA COORDINATOR

2547.1 Any qualified individual with a disability or authorized representative may file a complaint with the Department alleging noncompliance with the provisions of Title II of the ADA or the federal regulation promulgated thereunder in the provision of shelter or supportive housing covered by this chapter.

2547.2 If applicable, clients are encouraged to make a reasonable modification request to the shelter or supportive housing Provider and allow a reasonable time for the Provider to respond before filing a complaint under this section.

2547.3 A client may file a complaint with the Department’s ADA Coordinator at the following address:

ADA Coordinator
Department of Human Services
Office of Program Review, Monitoring and Investigation
64 New York Avenue, NE
6th Floor
Washington, DC 20002
Telephone: 202-671-4200
E-Fax: 202-481-3827
TTY (Text Telephone): DC Relay – 1-800-509-2562 or 711
Email: ADA.Services@dc.gov

2547.4 A complaint shall be filed as soon as possible but no later than one hundred eighty days (180) days after the complainant becomes aware of the alleged violation.

2547.5 The complaint shall be filed with the ADA Coordinator in writing or in another accessible format suitable to the complainant, and shall include:

- (a) The complainant’s name and address;
- (b) The nature of the individual’s disability;
- (c) A description of the alleged noncompliance in sufficient detail to inform the Department of the nature of the allegation, including dates and place of the alleged violation and names of persons involved, if known;
- (d) If the complaint concerns a reasonable modification request that was made to a Provider but not resolved to the satisfaction of the client, the complaint shall include information regarding the reasonable modification

request, including date and nature of request, and response, if any, from the Provider;

- (e) The modification, accommodation, or remedy desired;
- (f) The name and address of the person's authorized representative, if any; and
- (g) The signature of the complainant or complainant's authorized representative.

2547.6 If the complaint is not in writing, the ADA coordinator shall transcribe or otherwise reduce the complaint to writing upon receipt of the complaint.

2547.7 Any person other than the ADA Coordinator who receives a complaint alleging a violation of the ADA shall submit the complaint to the ADA Coordinator within three (3) business days of receipt.

2548 ADA COMPLAINT AND INVESTIGATION PROCEDURES

2548.1 Upon receipt of a complaint, the ADA Coordinator or designee shall send a notice and make best efforts to personally communicate with the complainant and the entity that is alleged to be in noncompliance within five (5) business days of its receipt. If the complaint is against a subcontractor or subgrantee of a Department contractor or grantee, the ADA Coordinator shall also send a notice to the contractor or grantee within the same time period.

2548.2 The complaint shall be reviewed by the ADA Coordinator to determine the appropriate method of resolution as follows:

- (a) If the complainant is making a reasonable modification request rather than a complaint, but has not yet made the request to the appropriate Provider, the ADA Coordinator may refer the complainant's reasonable modification request to the Provider for resolution, except when the complainant has expressed a reason for not first making the request of the Provider and that reason is the basis of the complaint. The ADA Coordinator shall promptly notify both the complainant and the Provider of the referral and inform the complainant and the Provider that the ADA Coordinator will consider the matter resolved unless the complainant files a new complaint. The Department shall provide monitoring of the resolution of the reasonable modification request, as appropriate and required;
- (b) If the complainant has requested a reasonable modification, but the complainant is not satisfied with the Provider's response, the ADA Coordinator shall ascertain the relevant facts and work with the

complainant and the Provider in an attempt to reach a solution acceptable to both parties. If the Provider is a subcontractor or subgrantee of a Department contractor or grantee, the ADA Coordinator will work through the Department's contractor or grantee, to the extent possible; and

- (c) For all other ADA complaints, or if the complainant and the Provider are not able to reach a resolution of a reasonable modification request, the ADA Coordinator shall review the complaint, determine the appropriate means of resolution, including referral to the Department's Office of Program Review, Monitoring, and Investigation (OPRMI) for an investigation of contractor's alleged noncompliance with the ADA. The ADA Coordinator shall notify the Administrator of the Department's Family Services Administration of each referral of an ADA Complaint to OPRMI.

2548.3 The ADA Coordinator shall make best efforts to reach a resolution of the complaint, and issue findings to the complainant, within forty-five (45) days, except that for complaints referred for investigation to OPRMI the time frame shall be as set forth in Subsection 2548.4.

2548.4 For complaints referred to OPRMI, OPRMI shall complete the investigation and issue a report within thirty (30) days of receipt of the referral. The ADA Coordinator and the Director or the Director's designee shall review the OPRMI report and issue findings within fifteen (15) business days after receipt of the report.

2548.5 Findings shall be sent to the complainant, the complainant's representative, if any, the Provider, and the Administrator of the Department's Family Services Administration. If the Provider is a subcontractor or subgrantee of a Department contractor or grantee, the report shall also be sent to the contractor or grantee.

2548.6 If the complainant disagrees with the Department's findings or proposed resolution, the complainant may appeal within fifteen (15) calendar days after receiving the Department's response. The appeal may be sent to the Office of Disability Rights, Attn: Director, 441 4th Street, NW, Suite 729N Washington, DC 20001. The Office on Disability Rights shall respond to the complainant within fifteen (15) calendar days after consultation with the complainant.

2548.7 No public or private entity that delivers shelter or supportive services covered by this Chapter shall retaliate against, coerce, intimidate, threaten, or interfere with any individual who files or makes a complaint, or requests a reasonable modification, or aids or encourages any other person to file or make a complaint or request a reasonable modification.

2549 ASSURANCE OF INDIVIDUAL’S RIGHTS

- 2549.1 The right of an individual to a prompt and equitable resolution of the complaint shall not be impaired by the individual’s pursuit of other remedies. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies.
- 2549.2 This procedure is established to protect the substantive rights of interested individuals, to meet appropriate due process standards, and to assure that the Department complies with Title II of the ADA.
- 2549.3 The ADA Coordinator shall maintain the files and records relating to complaints filed in accordance with this procedure for three (3) years.
- 2549.4 A complainant has the right to representation (at the cost of the complainant), at any stage, in the consideration of his/her complaint or reconsideration.

2550 FAIR HEARINGS

- 2550.1 A client applying for or receiving shelter or housing services provided within the Continuum of Care and covered by this chapter shall have the right to appeal through a fair hearing, any decision by the Department or a Provider to:
 - (a) Transfer the client to another Provider;
 - (b) Suspend the client from services for a period longer than ten (10) days;
 - (c) Terminate services to the client;
 - (d) Deny an application for services;
 - (e) Deny eligibility for shelter following an interim eligibility placement; or
 - (f) Exit the client from a housing program.
- 2550.2 In addition to the bases for appeal in Subsection 2550.1, a client may request a fair hearing to appeal an administrative review decision made pursuant to Sections 2551 through 2555 or to obtain any legally available and practicable remedy for any alleged violation of:
 - (a) Any applicable Provider standards listed in Sections 2516 through 2520;
 or
 - (b) The client rights listed in Sections 2512 through 2514.
- 2550.3 A client shall request a fair hearing, orally or in writing, within ninety (90) days of receiving written notice of the adverse action; provided that, when written

notice is given pursuant to Subsection 2524.3 because the client was absent from the temporary shelter or transitional housing provider's premises for more than four (4) consecutive days due to inpatient psychological or psychiatric treatment or hospitalization for medical treatment, the ninety (90)-day period to request a hearing shall begin the day that the client is released from the facility at which the client was treated.

- 2550.4 The Mayor shall treat a fair hearing request made by a client representative in the same manner as it would be treated if it were made directly by the client; provided, that the Mayor subsequently receives written documentation authorizing the client representative to act on behalf of the client in accordance with the requirements of Section 1005 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-210.05 (2012 Repl.)).
- 2550.5 A request for a fair hearing shall be made to the Office of Administrative Hearings, or to the client's Provider, the Department, or the Mayor. If the request is made orally, the individual receiving the request shall promptly acknowledge the request, reduce it to writing, and file the request for a fair hearing with the Office of Administrative Hearings.
- 2550.6 Any client who requests a fair hearing within fifteen (15) days after receipt of written notice of a suspension or termination of shelter or housing services provided within the Continuum of Care shall continue to receive shelter or housing services provided within the Continuum of Care pending a final decision from the fair hearing proceedings. This right to continuation of shelter or housing services provided within the Continuum of Care pending appeal shall not apply in the case of a transfer pursuant to Section 2522 or an emergency action pursuant to Section 2525.
- 2550.7 If a client requests a fair hearing in accordance with Subsection 2550.6 but leaves the program as evidenced by unexplained absences from the program for more than thirty (30) minutes after lights out in low barrier shelter or forty-eight (48) hours in temporary shelter and supportive housing, or by informing the Provider that they are residing elsewhere, the Provider shall be allowed to give the client's bed or unit to another client. If the client leaves any property at the facility, the program shall be able to remove the property from the bed or unit, and store the property in accordance with Section 2520.
- 2550.8 If, following a client's successful appeal, the original placement has no available unit or bed the client shall receive the first available opening at the original placement. Until such time as a placement in the original program becomes available, the managing agency, whether the Department or its designee, shall give the client the highest priority for and offer to the client the most similar opening available in the Continuum of Care.

2551 ADMINISTRATIVE REVIEW PURPOSE AND APPLICABILITY

- 2551.1 The purpose of an administrative review is to determine, in a timely manner, whether the service Provider's or agency's position is legally valid and, if possible, to achieve an informal resolution of the appeal.
- 2551.2 An administrative review shall be granted to any client or client representative who wishes to appeal a decision or action subject to review under Subsection 2550.1 or Subsection 2550.2 and who requests a fair hearing, orally or in writing, within ninety (90) days of receiving written notice of the adverse action or within ninety (90) days of an alleged violation.

2552 ADMINISTRATIVE REVIEW PROCEDURES

- 2552.1 Upon receipt of a fair hearing request, the Department shall offer the client or client representative an opportunity for an administrative review by the Department of the decision, action, or inaction that is the subject of the fair hearing request.
- 2552.2 A client may have a representative to assist him or her at the administrative review. The representative may be either an attorney or layperson. The representative shall not be a Department employee.
- 2552.3 The client or client representative shall have the right to review the Provider's or Department's records regarding the client, or the records of other related service Providers regarding the client, prior to the administrative review and throughout the fair hearing process.
- 2552.4 The client or client representative shall have the right to submit issues and comments in writing to the Department, prior to or at the time of the administrative review.
- 2552.5 At the administrative review, the client, or client representative, and the Provider or agency's representative may provide oral or written evidence and may bring witnesses to provide oral or written evidence to support their position.
- 2552.6 The administrative review officer may request that additional information or documentation be submitted after the administrative review, if such information or documentation is necessary to the administrative review decision.
- 2552.7 The client, Provider, or agency shall have the right to a continuance of the administrative review for good cause shown, as defined in Section 2599.
- 2552.8 If a client or client representative does not obtain a continuance prior to the scheduled administrative review and misses the review, it is within the

administrative review officer's discretion to reschedule the review if good cause is provided after the fact.

- 2552.9 If a client or client representative has not requested that the administrative review be rescheduled for good cause, however, and the client fails to appear at the scheduled administrative review, the review shall not be held. The client's failure to appear shall not affect his or her right to the fair hearing he or she has previously requested.
- 2552.10 If the Provider or the Department has not obtained a continuance of the administrative review based on good cause, the Provider or the Department fails to appear at the scheduled administrative review, and the client appears, the administrative review officer shall proceed as scheduled.
- 2552.11 If an administrative review is conducted, the administrative review shall be completed before the Office of Administrative Hearings commences a fair hearing.
- 2552.12 The administrative review shall be completed and a decision shall be rendered within fifteen (15) days after receipt of a request for a fair hearing by the Department's Administrative Review Office, unless a continuance is granted. If a continuance has been entered, the administrative review decision shall be rendered no later than five (5) days from the date of the rescheduled review.
- 2552.13 An administrative review of a denial of an application for shelter following an interim eligibility placement, conducted pursuant to this section, shall be completed and a decision rendered no later than four (4) business days following receipt of the administrative review request, except upon a showing of good cause as to why such deadline cannot be met. If good cause is shown, a decision shall be rendered as soon as possible thereafter. If an extension of time for review is required for good cause, written notice of the extension shall be provided to the client or client representative prior to the commencement of the extension.
- 2552.14 At any time, a client or client representative may resolve with the Provider or the Department the matter that is the subject of the request for a fair hearing. If the matter is resolved after the administrative review has been convened, the client or client representative shall submit written notice to the administrative review officer of the resolution.
- 2552.15 If the client is satisfied with the administrative review decision, the client's request for a fair hearing shall be considered formally withdrawn upon submission by the client or the client representative of a signed statement to the Office of Administrative Hearings confirming such withdrawal.

2553**ADMINISTRATIVE REVIEW NOTICE REQUIREMENTS**

2553.1 Upon receipt of a request for a fair hearing, the Department's Administrative Review Office shall schedule an administrative review. As soon as possible after receipt of the request for a fair hearing, the Department shall mail and, if possible, transmit by facsimile, a notice of the administrative review to the client, the client representative, if there is one, the Provider, and the Department's representative if there is a Department action at issue.

2553.2 The notice shall contain the following information:

- (a) The date, time, and place of the review;
- (b) The purpose of the review;
- (c) That the client has the right to have an attorney or lay representative present at the administrative review;
- (d) That the client or client representative has the right to submit issues and comments in writing to the Department, prior to or at the time of the administrative review;
- (e) That the client or client representative has the right to review the Provider's or Department's records regarding the client, or the records of other related service Providers regarding the client at any time during the administrative review process;
- (f) That the review will not be held unless the client appears and that the client's failure to appear will not affect the client's right to the fair hearing previously requested;
- (g) That if an administrative review is conducted, the administrative review will be completed and a decision issued in writing within fifteen (15) days after the receipt by the Department's Administrative Review Office of the request for a fair hearing, unless good cause is shown;
- (h) That if the request for fair hearing is related to an Interim Eligibility Placement, the administrative review and decision will be completed within four (4) business days of the receipt by the Department's Administrative Review Office of the request for a fair hearing;
- (i) That if the client is not satisfied with the result of the administrative review, the fair hearing previously requested will be held; and
- (j) That if the client is satisfied with the result of the administrative review, the client's request for a fair hearing shall be considered formally

withdrawn upon the submission of a signed statement by the client or client representative to the Office of Administrative Hearings confirming such withdrawal.

2554 ADMINISTRATIVE REVIEW OFFICER

2554.1 Each administrative review shall be conducted by an administrative review officer who shall be an employee of the Department but shall not be the person, or a subordinate of the person, who made or approved any decision or action under review.

2554.2 The responsibilities of the administrative review officer shall include, but shall not be limited to, the following:

- (a) Review the oral and documentary evidence submitted prior to or at the time of the administrative review in order to assess the factual and legal issues that are presented;
- (b) Ascertain the legal validity of the action or decision that is the subject of the fair hearing request and, if possible, achieve an informal resolution of the appeal;
- (c) Issue a written decision within fifteen (15) days after the receipt by the Department's Administrative Review Office of a request for a fair hearing, unless a continuance is granted for good cause, as defined in Section 2599, in which case the written decision shall be issued within five (5) days of the rescheduled review. Such decision shall include a clear and detailed description of:
 - (1) The action or decision by the Provider or the Department that is being appealed;
 - (2) The factual basis supporting the administrative review decision;
 - (3) The actions proposed by the administrative review officers that are intended to resolve the matter being appealed;
 - (4) A reference to the statute, regulation, Program Rule, or policy pursuant to which the administrative review decision is made; and
 - (5) A statement that if the client is not satisfied with the administrative review decision, a fair hearing shall be held;
- (d) Email or mail a copy of the administrative review decision to the client, the client representative, the Provider, the Administrator of the Family Services Administration, and the Department's designee, if any;

- (e) Email to the Office of Administrative Hearings a notice indicating when the administrative review was held and whether the administrative review officer upheld or denied the Provider or Department decision, action, or inaction at issue;
- (f) If a matter has been resolved before a decision has been served on the parties, send a copy of the notice of settlement by email or mail to the client, the client representative, the Provider, the Administrator of the Family Services Administration, the Department's designee, if any, and the Office of Administrative Hearings. The administrative review officer shall send this notice as soon as practicable, but no later than fifteen (15) days after the receipt by the Department's Administrative Review Office of a request for a fair hearing, or no later than five (5) days following a rescheduled administrative review;
- (g) Prepare and file any status reports required by the Office of Administrative Hearings; and
- (h) Review any request for a continuance of the scheduled administrative review. If good cause is shown, issue a written notice of the new date and time of the rescheduled review to the client or client representative, the Provider, and the Department, if applicable, prior to the commencement of the continuance.

2555 ADMINISTRATIVE REVIEW RECORD

2555.1 The Department shall maintain a record for each administrative review offered or held. Each administrative review record shall include:

- (a) Documentation of the request for a fair hearing;
- (b) Documentation of the notice of the administrative review;
- (c) Evidence considered at the administrative review, if held;
- (d) All status reports issued to the Office of Administrative Hearings; and
- (e) All administrative review decisions issued.

2556 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM – PURPOSE AND SCOPE

2556.1 The purpose of Sections 2556 and 2557 is to establish the special eligibility criteria by which individuals and families will be referred to the District of Columbia Housing Authority (DCHA) for consideration for inclusion in the

tenant-based Local Rent Supplement Program as authorized by Chapter 95 of Title 14 of the District of Columbia Municipal Regulations (DCMR) (hereinafter “LRSP vouchers”).

2556.2 Sections 2556 and 2557 govern only the initial eligibility and referral of individuals and families to DCHA for the LRSP vouchers.

2556.3 DCHA shall make the final determination of an individual or family’s eligibility for a LRSP voucher. Individuals and families referred to the DCHA for the LRSP vouchers are subject to all applicable eligibility and other requirements of the applicable Local Rent Supplement Program, as promulgated and administered by DCHA, and in accordance with Chapter 95 of Title 14 DCMR.

2556.4 Nothing in these rules shall be construed to create an entitlement either direct or implied on the part of any individual or family to referral to or participation in the Local Rent Supplement Program.

2557 SPECIAL ELIGIBILITY CRITERIA FOR REFERRAL TO THE LOCAL RENT SUPPLEMENT PROGRAM – ELIGIBILITY REQUIREMENTS

2557.1 An applicant unit shall be eligible for referral to the DCHA for the LRSP vouchers if the applicant unit is an individual or family that:

- (a) Is a resident of the District of Columbia as defined by Section 2(32) of the Act (D.C. Official Code § 4-751.01(32));
- (b) Is, as defined in Section 2 of the Act (D.C. Official Code § 4-751.01), currently:
 - (1) Homeless;
 - (2) At risk of homelessness; or
 - (3) Participating in a permanent housing program; and
- (c) Has significant barriers to increasing income or achieving housing stability as demonstrated by having at least one (1) of the following household characteristics:
 - (1) Head of household is, or both heads of household if a two (2)-parent household are, disabled and unable to work, as demonstrated by receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits, or other medical documentation; or

- (2) Household includes a child with a moderate to severe physical, behavioral, developmental, or mental health disability that is a barrier to housing stability.

2557.2 Applicant units determined to be eligible pursuant to subsection 2557.1 will be referred for placement through the appropriate CAHP protocol, as set forth in sections 2505 and 2510.

2558 [RESERVED]

2559 [RESERVED]

2560 [RESERVED]

2561 [RESERVED]

2562 LGBTQ HOMELESS YOUTH SHELTER BED GRANT PROGRAM

2562.1 In accordance with Section 28(c) of the Act (D.C. Official Code § 4-755.01(c)), a minimum of ten (10) beds shall be maintained for LGBTQ homeless youth through a two (2)-year grant program to establish and maintain facilities for these beds.

2562.2 LGBTQ-identified homeless youth shall have priority preference for the beds established through the two (2)-year grant program.

2562.3 If beds are not in use by an LGBTQ-identified homeless youth, they may be filled by a non-LGBTQ-identified homeless youth until an LGBTQ-identified homeless youth presents the need for a bed and the non-LGBTQ-identified homeless youth has been transferred pursuant to § 2521.2.

2562.4 To be eligible for the grant, an organization must:

- (a) Be a community organization based in the District;
- (b) Have expertise in systems of care for LGBTQ homeless youth; and
- (c) Establish or maintain facilities through these grants that protect the safety of LGBTQ homeless youth through facilities that are specifically for LGBTQ youth and separate from any existing homeless services for the general population.

2562.5 Prior to award of grant funding, the Department or its designee shall issue a Request for Application (RFA) and Notice of Funding Availability (NOFA) through the District's Office of Partnerships and Grant Services for the two (2)-year grant program.

- 2562.6 The RFA for the two (2)-year grant program shall include but not be limited to information regarding the following:
- (a) The Funding Opportunity Title;
 - (b) The Funding Opportunity Number;
 - (c) The target population of the grant program;
 - (d) Eligible organizations/entities for grant awards;
 - (e) The award period;
 - (f) The grant award amount or amounts;
 - (g) The use of grant funds;
 - (h) The point of contact for additional information and updates regarding the application process; and,
 - (i) The deadline date for applications.

2562.7 Subsequent to announcement and issuance of the RFA, the Department or its designee shall host a pre-application conference to inform applicants about the application process for the two (2)-year grant program.

2562.8 At least thirty percent (30%) of the grant funding shall be allocated to support proposals received for social innovation and other demonstration projects that may address the needs of this population with new, promising prevention and service-delivery models; provided that the number of beds established for LGBTQ youth is no lower than ten (10).

2562.9 This section shall be repealed if the Interagency Council on Homelessness determines that the needs of LGBTQ homeless youth are being met at a rate equal to or higher than the needs of homeless youth in the general population of the District of Columbia, pursuant to Section 5(b-1) of the Act (D.C. Official Code § 4-752.02 (b-1)).

2563 LGBTQ YOUTH SERVICES AND DATA COLLECTION

2563.1 Homeless services provided by the Department or its designee shall include services specifically designed to alleviate the high risk of homelessness faced by LGBTQ youth.

2563.2 Year-round data collection on homeless youth and the annual Point-in-Time survey required by the U.S. Department of Housing and Urban Development shall include data regarding the sexual orientation and gender identity of each individual counted, subject to the individual's discretion to decline to provide that information.

2563.3 Services provided by the Department or its designee as well as data collection regarding sexual orientation and gender identity conducted pursuant to the annual Point-in-Time survey shall apply best practices for serving LGBTQ youth.

2564 [RESERVED]

2565 [RESERVED]

2566 [RESERVED]

2567 [RESERVED]

2568 [RESERVED]

2569 [RESERVED]

2599 DEFINITIONS

2599.1 In addition to the definitions provided in the Act, the following definitions shall apply to this chapter:

Act – the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-751.01 *et seq.*, (2012 Repl. & 2018 Supp.)).

Americans with Disabilities Act or ADA – the act which prohibits discrimination based on disability in the provision of services offered by a public entity, approved July 26, 1990 (104 Stat. 328; 42 USC §§ 12101 *et seq.*), and the US Attorney General’s implementing regulation, 28 CFR Part 35.

Child and Family Services’ Service Agreement – the casework document developed between the caseworker for the D.C. Child and Family Services Agency and the family that outlines the tasks necessary to achieve case goals and outcomes.

Client Advocate – a qualified professional, employed or contracted by or on behalf of the District of Columbia to provide case management and coordination services for families, who is independent of all direct service

Providers, and who remains with the family through the duration of services within the Continuum of Care.

Family –

- (a) Family means either of the following:
 - (1) A group of individuals with at least one (1) minor or dependent child, regardless of blood relationship, age, or marriage, whose history and statements reasonably tend to demonstrate that they intend to remain together as a family unit. For the purposes of this definition, the term “dependent child” shall mean a minor or adult child that has a physical, mental, or emotional impairment which is expected to be of long-continued and indefinite duration, and which substantially impedes his or her ability to live independently; or
 - (2) A pregnant woman in her third trimester.
- (b) Minor children of the applicant adult are presumed to be part of the family unit, regardless of previous living arrangements, as long as they presently intend to remain together as a family unit; or
- (c) The partner or significant other of the applicant adult that otherwise meets the definition of family set forth in subparagraph (a) or (b) is presumed to be part of the family unit, regardless of previous living arrangements, as long as the partner or significant other, and the remaining members of the family unit, presently intend to remain together as a family unit.

Good cause – For the purpose of administrative review, good cause means illness, an accident, a childcare problem, severe weather conditions, another emergency, a client’s desire to obtain a representative for the administrative review, or other similar circumstances.

HUD Fair Market Rent – the rent that would be required to be paid in the particular housing market area in order to obtain privately owned, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities, as set forth in 24 CFR § 5.100.

Local Rent Supplement Program (LRSP) – a locally funded housing assistance program operated by the District of Columbia Housing Authority (DCHA) as set forth in 14 DCMR §§ 9500 *et seq.*

Rent Reasonableness Standard – is defined by the United States Housing and Urban Development, and means that the total rent charged for a unit must be reasonable in relation to the rents being charged during the same time

period for comparable units in the private unassisted market and must not be in excess of rents being charged by the owner during the same time period for comparable non-luxury unassisted units.

All persons who desire to comment on these proposed rules should submit their comments in writing to the Department of Human Services, 64 New York Avenue, N.E., 6th Floor, Washington, D.C. 20002, **Attn:** Tamitha M. Davis-Rama, Administrator, Family Services Administration, or by email to tamitha.davis-rama@dc.gov. All comments must be received by the Department of Human Services not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of these rules and related information may be obtained by writing to the above address or by calling the Department of Human Services at (202) 671-4200.