

Homeless Services Reform Act (HSRA) - Table of Contents

Division I. Government of District. Title 4. Public Care Systems.
Chapter 7A. Services for Homeless Individuals and Families.

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Subchapter I. Definitions

§ 4-751.01. Definitions.

For the purposes of this chapter, the term:

- (1) “Administrative Procedure Act” or “APA” means Chapter 5 of Title 2.
- (2) “Adult” means any individual who:
 - (A) Has reached the age of majority under District law as defined in § 46-101; or
 - (B) Qualifies as an emancipated minor under District law.
- (3) “Apartment style” means a housing unit with:
 - (A) Separate cooking facilities and other basic necessities to enable families to prepare and consume meals;
 - (B) Separate bathroom facilities for the use of the family; and
 - (C) Separate sleeping quarters for adults and minor children in accordance with the occupancy standards of Title 14 of the District of Columbia Municipal Regulations (Housing).
- (4) “Appropriate permanent housing” means permanent housing that does not jeopardize the health, safety, or welfare of its occupants, meets the District’s building code requirements, and is affordable for the client.
- (5) “Appropriately trained and qualified” means having received specialized training designed to teach the skills necessary to successfully perform one’s job and to work compassionately with individuals and families who are homeless or at imminent risk of becoming homeless.
- (6) “Basic necessities” means a dinette set, refrigerator, stove, exhaust fan or window, storage cabinets, cookware, flatware, and tableware.
- (7) “Client” means an individual or family seeking, receiving, or eligible for services from a program covered by § 4-754.01.
- (8) “Continuum of Care” means the comprehensive system of services for individuals and families who are homeless or at imminent risk of becoming homeless and designed to serve clients based on their individual level of need. The Continuum of Care may include crisis intervention, outreach and assessment services, shelter, transitional housing, permanent supportive housing, and supportive services.
- (9) “Crisis intervention” means assistance to prevent individuals and families from becoming homeless, which may include, but need not be limited to, cash assistance for security deposits, rent or mortgage payments, utility assistance, credit counseling, mediation with landlords, and supportive services.
- (10) “Culturally competent” means the ability of a provider to deliver or ensure access to services in a manner that effectively responds to the languages, values, and practices present in the various cultures of its clients so the provider can respond to the individual needs of each client.
- (11) “Day program” means a facility that provides open access to structured activities during set hours of the day to meet the supportive services needs of individuals and families who are homeless or at imminent risk of becoming homeless.
- (12) “Department” means the Department of Human Services.

- (13) “District” means the District of Columbia government, its agents, or its designees.
- (14) “Drop-in center” means a facility that delivers supportive services that may include food, clothing, showers, medical services, and employment services.
- (15) “Drug” means a controlled substance as defined in [§ 48-901.02\(4\)](#), or the Controlled Substances Act of 1970, approved October 27, 1970 (84 Stat. 1242; [21 U.S.C. § 801 et seq.](#)).
- (16) “Family” means:
- (A) A group of individuals with at least one 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; or
 - (B) A pregnant woman in her third trimester.
- (17) “Group home” means a housing unit with:
- (A) Sleeping quarters that may be shared;
 - (B) Shared cooking and bathroom facilities; and
 - (C) Other basic necessities to enable individuals or families to prepare and consume meals.
- (17A) “Gender identity or expression” shall have the same meaning as provided in [§ 2-1401.02\(12A\)](#).
- (18) “Homeless” means:
- (A) Lacking a fixed, regular residence that provides safe housing, and lacking the financial means to acquire such a residence immediately; or
 - (B) Having a primary nighttime residence that is:
 - (i) A supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations; or
 - (ii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.
- (19) “Housing First” means a program that provides clients with immediate access to independent permanent housing and supportive services without prerequisites for sobriety or participation in psychiatric treatment. Clients in Housing First programs may choose the frequency and type of supportive services they receive and refusal of services will have no consequence for their access to housing or on continuation of their housing and supportive services.
- (20) “Hyperthermia shelter” means a public or private building that the District shall make available, for the purpose of providing shelter to individuals or families who are homeless and cannot access other shelter, whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit. The term “hyperthermia shelter” does not include overnight shelter.
- (21) “Hypothermia shelter” means a public or private building that the District shall make available, for the purpose of providing shelter to individuals or families who are homeless and cannot access other shelter, whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit.

(22) "Individual with a disability" means a person with a physical or mental impairment that substantially limits the major life activities of the person.

(23) "Imminent risk of becoming homeless" means the likelihood that an individual's or family's circumstances will cause the individual or family to become homeless in the absence of prompt government intervention.

(24) "Imminent threat to the health or safety" means an act or credible threat of violence on the grounds of a shelter or supportive housing facility.

(25) "Interagency Council" means the Interagency Council on Homelessness established pursuant to [§ 4-752.01](#).

(26) "Low barrier shelter" means an overnight housing accommodation for individuals who are homeless, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter to individuals without imposition of identification, time limits, or other program requirements;

(27) "Member agency" or "member agencies" means the District agencies or divisions thereof represented on the Interagency Council pursuant to [§ 4-752.01\(b\)](#).

(27A) "Office" means the Office of Shelter Monitoring established pursuant to [§4-754.51](#).

(28) "Permanent supportive housing" means supportive housing for an unrestricted period of time for individuals and families who were once homeless and continue to be at imminent risk of becoming homeless, including persons with disabilities as defined in [24 C.F.R. § 582.5](#), for whom self-sufficient living may be unlikely and whose care can be supported through public funds.

(29) "Program Rules" means the set of provider rules, client rights, and complaint and appeal procedures, including those enumerated in this chapter, proposed by a particular provider for the purpose of governing the behavior and treatment of its clients and approved by the Mayor subject to [§ 4-754.32](#).

(30) "Provider" means an individual or entity within the Continuum of Care that operates a program covered by [§ 4-754.01](#).

(31) "Public assistance" means government-funded payments in or by money, medical care, remedial care, shelter, goods or services to, or for the benefit of, needy persons.

(32) "Resident of the District" means an individual or family who:

(A) Is not receiving locally administered public assistance from a jurisdiction other than the District;

(B) Is living in the District voluntarily and not for a temporary purpose and who has no intention of presently moving from the District, which shall be determined and applied in accordance with [§ 4-205.03](#); and

(C) Demonstrates residence by providing:

(i) A mailing address in the District, valid within the last 2 years;

(ii) Evidence that the individual or family has applied or is receiving public assistance from the District;

(iii) Evidence that the individual or a family member is attending school in the District; or

(iv) Written verification by a verifier who attests, to the best of the verifier's knowledge, that the individual or family lives in the District voluntarily and not for a temporary purpose and has no intention of presently moving from the District.

(32A) "Safe housing" means housing that does not jeopardize the health, safety, or welfare of its occupants and that permits access to electricity, heat, and running water for the benefit of occupants.

(33) "Sanction" means an adverse action taken by a provider affecting the delivery of services to a client, and may include loss of privileges or denial, reduction, delay, transfer for inappropriate or punitive reasons, suspension, or termination of services.

(34) "Service plan" means a written plan collaboratively developed and agreed upon by both the provider and the client, consisting of time-specific goals and objectives designed to promote self-sufficiency and attainment of permanent housing and based on the client's individually assessed needs, desires, strengths, resources, and limitations.

(35) "Severe weather conditions" means the outdoor conditions whenever the actual or forecasted temperature, including the wind chill factor or heat index, falls below 32 degrees Fahrenheit or rises above 95 degrees Fahrenheit.

(36) "Severe weather shelter" means hyperthermia shelter or hypothermia shelter.

(37) "Shelter" means severe weather shelter, low barrier shelter, and temporary shelter.

(38) "Supportive housing" means transitional housing and permanent supportive housing.

(39) "Supportive services" means services addressing employment, physical health, mental health, alcohol and other substance abuse recovery, child care, transportation, case management, and other health and social service needs which, if unmet, may be barriers to obtaining or maintaining permanent housing.

(40) "Temporary shelter" means:

(A) A housing accommodation for individuals who are homeless that is open either 24 hours or at least 12 hours each day, other than a severe weather shelter or low barrier shelter, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter and supportive services; or

(B) A 24-hour apartment-style housing accommodation for individuals or families who are homeless, other than a severe weather shelter, provided directly by, or through contract with or grant from, the District, for the purpose of providing shelter and supportive services.

(41) "Transitional housing" means a 24-hour housing accommodation, provided directly by, or through contract with or grant from, the District, for individuals and families who:

(A) Are homeless;

(B) Require a structured program of supportive services for up to 2 years or as long as necessary in order to prepare for self-sufficient living in permanent housing; and

(C) Consent to a case management plan developed collaboratively with the provider.

(41A) "Verifier" means a District resident or a provider who knows where an individual or family seeking shelter lives and who produces evidence of his or her employment as a provider in the case of a provider, or own District residency in the case of a District resident by providing a:

(A) Valid District driver's license or nondriver's identification;

(B) District voter registration card;

(C) Valid lease, rental agreement, rent receipt, deed, settlement papers, or mortgage statement for a

residence in the District;

(D) Valid homeowner's or renter's insurance policy for a residence in the District;

(E) District property tax bill issued within the last 60 days;

(F) Utility bill for water, gas, electric, oil, cable, or a land-line telephone issued within the last 60 days; or

(G) Pay stub issued within the last 30 days showing a District address and District withholding taxes.

(42) "Weapon" means any pistol or other firearm (or imitation thereof), or other dangerous or deadly weapon, including a sawed-off shot gun, shot gun, machine gun, rifle, dirk, bowie knife, butcher knife, switch blade knife, razor, black jack, billy club or metallic or other false knuckles, as referenced in [§ 22-4502](#), and any air gun, air rifle, canon, torpedo, bean shooter, sling, projectile, dart, BB gun, spring gun, blow gun, other dangerous missile or explosive, or other dangerous weapon or ammunition of any character, as referenced in Chapter 23 of Title 24 of the District of Columbia Municipal Regulations.

Subchapter II. Interagency Council on Homelessness

§ 4-752.01. Establishment of Interagency Council on Homelessness.

(a) There is established in the District the Interagency Council on Homelessness for the purpose of facilitating interagency, cabinet-level leadership in planning, policymaking, program development, provider monitoring, and budgeting for the Continuum of Care of homeless services.

(b) The Interagency Council is composed of:

(1) The City Administrator, who shall serve as chairperson of the Interagency Council;

(2) The administrative head of each of the following entities or divisions thereof:

- (A) Department of Human Services;
- (B) Department of Mental Health;
- (C) Child and Family Services Agency;
- (D) Department of Housing and Community Development;
- (E) Department of Health;
- (F) District of Columbia Housing Authority;
- (G) Department of Corrections;
- (H) Department of Employment Services;
- (I) Office of the State Superintendent of Education;
- (J) Homeland Security and Emergency Management Agency;
- (K) Department of General Services; and
- (L) Metropolitan Police Department;

(3) A representative of any private entity designated to approve or allocate any grants or contracts, on behalf of the Mayor, for services within the Continuum of Care;

(4) A representative from a minimum of 4 and a maximum of 10 organizations that are providing services within the Continuum of Care;

(5) A minimum of 2 and a maximum of 5 homeless or formerly homeless individuals;

(6) A minimum of 2 and a maximum of 5 advocates for the District of Columbia's homeless population;

(7) The Chairman of the Council, or his or her designee, and the Chairman of the committee of the Council having purview over homeless services, or his or her designee, both of whom shall be non-voting members; and

(8) The administrative head of the Office of Shelter Monitoring, who shall be a non-voting member.

(c) All non-government members of the Interagency Council described in subsections (b)(4)-(6) of this section shall be nominated for appointment by the Mayor and approved by the Council. The Mayor shall transmit to the Council, within 90 days of October 22, 2005, nominations of each non-government member of the Interagency Council for a 60-day period of review, excluding days of Council recess. If the Council does not approve or disapprove a nomination by resolution within the 60-day review period, the nomination shall be deemed approved.

§ 4-752.02. Powers and duties of the Interagency Council on Homelessness.

(a) The Interagency Council shall provide leadership in the development of strategies and policies that guide the implementation of the District's policies and programs for meeting the needs of individuals and families who are

homeless or at imminent risk of becoming homeless.

(b) In fulfilling the responsibility described in subsection (a) of this section, the Interagency Council shall:

- (1) Coordinate an annual, community-wide needs-assessment and planning process to identify, prioritize, and target needs for services within the Continuum of Care. The needs-assessment shall take into account existing data and include input from at least one public hearing, which shall be held at least once each year;
- (2) At least every 5 years, prepare and publish a strategic plan for services within the Continuum of Care that takes into account existing data and community input;
- (3) Prepare an annual plan detailing how the District intends to provide or arrange for services within the Continuum of Care that takes into account existing data and community input;
- (4) Review on a regular basis the efforts of each member of the Interagency Council to fulfill the goals and policies of the annual plan prepared pursuant to paragraph (3) of this subsection, including a review of the number and nature of contracts and grants entered into by each agency to provide services within the Continuum of Care;
- (5) Prepare and submit to the Mayor an annual written report evaluating the efforts of each member agency of the Interagency Council to meet the goals and policies of the annual plan prepared pursuant to paragraph (3) of this subsection;
- (6) Direct the Department of General Services to identify vacant public buildings or tax-foreclosed buildings to be used as shelter and supportive housing facilities;
- (7) Provide input into the District's planning and application for federal funds for services within the Continuum of Care. All applications for federal funds shall take into account the strategic plan developed by the Interagency Council prepared pursuant to paragraph (2) of this subsection;
- (8) Have access to data collected and generated by a computerized information system as set up by the Mayor pursuant to [§ 4-753.02\(d\)](#). The data may include the number of beds or units available in the District's shelter and supportive housing facilities, the availability of supportive services in the District, and the current usage of and unmet demand for such beds, units, and services;
- (9) By September 1 of each year, develop a plan, consistent with the right of clients to shelter in severe weather conditions, describing how member agencies will coordinate to provide hypothermia shelter and identifying the specific sites that will be used as hypothermia shelters; and
- (10) Review reports of the fair hearings and administrative reviews requested or received by clients within the Continuum of Care, which shall include the provider party to the appeal, the subject matter of the appeal, and the final disposition of the appeal.

(c) The Mayor shall, no later than February 1 of each year, make available to all Interagency Council members the District's proposed budget breakdown of each agency's appropriations for services within the Continuum of Care. The Interagency Council shall give comments to the Mayor regarding the proposed budget.

(d) Each member agency of the Interagency Council shall:

- (1) Conduct or commission an annual audit of any private entity designated by the agency to approve or allocate any grants or contracts, on behalf of the Mayor, for services within the Continuum of Care, and make available a report of the audit to all Interagency Council members;

(2) Offer training and technical assistance to its employees who directly provide services within the Continuum of Care and to any providers with which the member agency or its designee contracts to deliver the services; and

(3) Report to the Interagency Council on a quarterly basis currently available data on the number of individuals and families that applied for homeless services and the number of homeless individual or families that were served by the agency and its contractors.

§ 4-752.03. Operation of the Interagency Council on homelessness.

(a) The Interagency Council shall meet not less than quarterly. All meetings of the Interagency Council shall comply with the following requirements:

(1) A quorum of one-third of the appointed representatives of member agencies, one-third of appointed representatives of providers of homeless services, and one-third of the appointed homeless or formerly homeless individuals or advocates must be present in order to conduct the business of the Interagency Council;

(2) The meetings of the Interagency Council, and the meetings of any committees it shall establish pursuant to subsection (c) of this section, shall be subject to the open meeting provisions of [§ 1-207.42](#); and

(3) The Interagency Council shall provide a reasonable opportunity at the beginning of each meeting during which members of the public may comment on matters relevant to the work of the Interagency Council.

(b) The Interagency Council shall enact rules of procedure or bylaws to guide the regular operation of the Interagency Council. The rules of procedure or bylaws shall be made available to the public upon request.

(c) The Interagency Council may establish committees to aid in conducting its business. No meeting of a committee of the Interagency Council shall qualify as a meeting of the Interagency Council for purposes of fulfilling the requirements in subsection (a) of this section.

(d) The Mayor shall, within 30 days of October 22, 2005, designate an existing department or agency to provide staff assistance and support to the Interagency Council.

Subchapter III. Continuum of Care

§ 4-753.01. Continuum of Care for individuals and families who are homeless.

(a) The District's provision of homeless services shall be based on a Continuum of Care that offers a comprehensive range of services through various member agencies and is designed to meet the specific, assessed needs of individuals and families who are homeless or at imminent risk of becoming homeless. The District shall respond to the changing needs of individuals and families by ensuring that transfer between and among services within the Continuum of Care is fluid and allows clients to modify the intensity of services they receive to meet their needs, preferences, and changing circumstances.

(b) The Continuum of Care may include the following range of services:

(1) Crisis intervention for the purpose of preventing homelessness by enabling individuals and families at imminent risk of becoming homeless to remain in or access permanent housing; provided, that the Mayor shall not offer crisis intervention services authorized by this paragraph until the Chief Financial Officer has certified the availability of fiscal year 2006 funding pursuant to section 1016(5) of D.C. Law 16-33;

(2) Outreach and assessment, including the operation of a hotline, for the purpose of identifying the housing and supportive service needs of individuals and families who are homeless or at imminent risk of becoming homeless and linking them to appropriate services;

(3) Shelter to meet the housing needs of individuals and families who are homeless through the provision of:

(A) Severe weather shelter for the purpose of protecting lives in extreme hot and cold weather;

(B) Low barrier shelter for individuals for the purpose of sheltering and engaging individuals who avoid temporary shelter because of identification, time limit, or other program requirements; and

(C) Temporary shelter for individuals and families for the purpose of meeting short-term housing needs and other supportive service needs;

(4) Supportive housing to meet the longer-term housing needs of individuals and families who are homeless through the provision of:

(A) Transitional housing for the purpose of providing eligible individuals and families who are homeless with long-term housing and supportive services in order to prepare them for self-sufficient living in permanent housing; and

(B) Permanent supportive housing for the purpose of providing eligible individuals and families who are homeless or at imminent risk of becoming homeless with housing and supportive services;

(C) Housing First for the purpose of providing eligible individuals and families who are homeless with housing and supportive services;

(5) Supportive services for the purpose of providing individuals and families who are homeless or at imminent risk of becoming homeless with services that address their housing, employment, physical health, mental health, alcohol and other substance abuse recovery, child care, case management, transportation, and other health and social service needs which, if unmet, may be barriers to obtaining or maintaining permanent housing. These services may, but need not, be delivered through day programs, drop-in centers, shelters, and transitional and permanent supportive housing providers, or through referrals to other appropriate service providers.

(c)(1) Whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, or whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit, the District shall make available appropriate space in District of Columbia public or private buildings and facilities for any resident of the District who is homeless and cannot access other housing arrangements. The District may make such space available for any person who is not a resident of the District, is homeless, and cannot access other housing arrangements; provided, that the District shall give priority to residents of the District.

(2) In making appropriate space available in District of Columbia public or private buildings and facilities, the District shall not use District of Columbia Public Schools buildings currently being used for educational purposes without the prior approval of the Mayor.

(3)(A) 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.

(B) The Mayor may determine whether a person seeking shelter by reason of domestic violence, sexual assault, or human trafficking is a resident of the District without receiving demonstration of District residency in accordance with [§ 4-751.01\(32\)](#).

(4) For the purposes of this subsection the term “cannot access other housing arrangements” means that the homeless person is living in a place not intended as a residence, such as outdoors, in a vehicle, or in a condemned or abandoned building or is living in a situation that is dangerous to the health or safety of the person or of any family member.

(d)(1) Except as provided in paragraph (2) of this subsection, the Mayor shall not place homeless families in non-apartment-style shelters.

(2) The Mayor is authorized to place homeless families in non-apartment-style shelters that are private rooms only when no apartment-style shelters are available.

(e) Pursuant to [§ 4-756.02](#), the Mayor shall issue rules on the administration of emergency assistance grants offered as crisis intervention services to individuals and families in need of cash assistance for mortgage, rent, or utility bills in arrears or for a security deposit or first month’s rent.

§ 4-753.01a. Housing First Fund.

(a) There is established as a nonlapsing fund the Housing First Fund (“Fund”), which shall be used to provide vulnerable families and individuals who are homeless with supportive services and housing assistance. The Fund shall be administered by the Department of Human Services in concert with a memorandum of understanding with the Department of Housing and Community Development for facility development and acquisition services.

(b)(1) The Fund shall be comprised of monies appropriated into the Fund, including grants, and revenue generated from the disposition or long-term lease of certain real property assets designated by the Mayor.

(2) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in [§ 4-753.01\(b\)\(4\)](#) without regard to fiscal year limitation, subject to authorization by Congress.

§ 4-753.02. Eligibility for services within the Continuum of Care.

(a) An individual or family is eligible to receive services within the Continuum of Care if the individual or family:

- (1) Is homeless or at imminent risk of becoming homeless;
- (2) Is a resident of the District, as defined by § 4-751.01(32), except that 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, pursuant to subsection (b) of this section; and
- (3) Meets any additional eligibility requirements that have been established pursuant to § 4-754.31 by the provider from whom services are sought.

(a-1) Notwithstanding subsection (a)(2) of this section, the Mayor may exclude certain services within the Continuum of Care from the residency requirement; provided, that the Mayor publishes which services are excluded from the requirement.

(b) No individual or family may be deemed ineligible for 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. The District shall give priority, however, to an individual or family who establishes proof of residency and homelessness at the time of application for assistance.

(c)(1) The Mayor shall operate at least one central intake center for families for the purposes of:

- (A) Assessing the eligibility of families for services within the Continuum of Care and making appropriate referrals for those services; and
- (B) Serving as a resource center for families who are seeking information about the availability of services within the Continuum of Care.

(1A) The Mayor shall operate an intake center specializing in crisis intervention services and located in close proximity to the Landlord and Tenant Branch of the Superior Court of the District of Columbia.

(2) Families who are eligible for services within the Continuum of Care shall receive appropriate referrals to the first available provider based on the chronological order in which they apply for assistance, consistent with any additional eligibility requirements established pursuant to § 4-754.32 by the provider from whom services are sought.

(3) Any family who is determined to be eligible for services pursuant to subsection (c)(1)(A) of this section, but who is not immediately served due to lack of capacity, shall be placed on one or more waiting lists for the services sought and shall be served in the order in which appropriate referrals become available.

(4) Notwithstanding paragraph (2) of this subsection, in determining what is an "appropriate referral," the Mayor shall consider relevant factors, including prior receipt of services, disability, family size, affordability of housing and age, and may use these factors to prioritize a family's placement in shelter or other service.

(5) The Mayor shall not impose or apply eligibility criteria that exclude or tend to exclude an individual with a disability or any class of individuals with disabilities from fully and equally enjoying any services within the Continuum of Care, unless such criteria are shown to be necessary for the provision of the services.

(d) The Mayor shall operate a computerized information system to collect, maintain, and distribute up-to-date information regarding the number of beds or units available in shelter and supportive housing in the District, the availability of supportive services, and the current usage and unmet demand for such beds, units, and services.

§ 4-753.03. Grace period for establishing residency.

An individual or family seeking shelter during severe weather conditions may be afforded a 3-day grace period to establish District residency.

§ 4-753.04. Fiscal years 2012 and 2013 rapid re-housing.

(a)(1) Beginning in June 2012, the Department shall identify at least 200 homeless families from hotels, motels, severe-weather shelters, temporary shelters, or transitional housing, and ensure that at least 100 of these families are placed in or are residing in apartment-style housing units that meet the requirements of the Rent Supplement Program, established by [§ 6-226](#), by before September 30, 2012.

(2) By October 1, 2012, the Department shall ensure that all homeless families that were residing in hotels or motels have been placed into shelter or housing.

(3) Placements made by the Department pursuant to subsection (a) of this section shall be done in coordination with the District of Columbia Housing Authority (“DCHA”). The Department shall develop rules for selecting homeless families that will be converted onto the Rent Supplement Program’s tenant-based vouchers and submit them to the Council within 45-days of the approval of the Housing for Homeless Families Emergency Amendment Act of 2012 [June 19, 2012].

(4) Once there are vacancies in temporary shelters, severe-weather shelters, or transitional housing, the Department shall use all available resources currently budgeted for homeless families to place new family-shelter applicants who cannot access other housing arrangements, as defined in [§ 4-753.01\(c\)\(4\)](#) into shelters or housing.

(b) Beginning in fiscal year 2013, and for each fiscal year thereafter, an additional \$4 million shall be included in the DCHA Subsidy to provide tenant-based rental assistance to between 200 and 300 eligible families in accordance with the Rent Supplement Program, established by [§ 6-226](#). DCHA shall provide tenant-based rental assistance through the Rent Supplement Program to all families placed in housing pursuant to subsection (a) of this section who meet the eligibility criteria established for sponsor-based housing assistance under the Rent Supplement Program, set forth in [section 9508 of Title 14 of the District of Columbia Municipal Regulations \(14 DCMR § 9508\)](#).

Subchapter IV. Provision of Services for Homeless Individuals and Families

Part A. Application of Subchapter.

§ 4-754.01. Application.

(a) The provisions in this subchapter shall apply to:

(1) Each program within the Continuum of Care offered by the District of Columbia or by a provider receiving funding for the program from either the District of Columbia or the federal government, if such funds are administered, whether by grant, contract, or other means, by the Department of Human Services or its designee; and

(2) Clients of programs covered under paragraph (1) of this subsection.

(b) In multi-program agencies, the provisions in this subchapter shall only apply to those programs that meet the criteria in subsection (a) of this section and clients of those programs.

(c) This section shall not be construed to expand or limit the requirements of any other provision of this chapter.

Part B. Client Rights and Responsibilities.

§ 4-754.11. Client rights.

Clients served within the Continuum of Care shall have the right to:

(1) At all times, be treated by providers and the Department with dignity and respect;

(2) 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, disability, and source of income, and in accordance with Unit A of Chapter 14 of Title 2, the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; [42 U.S.C. § 12101 et seq.](#)), the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1095; [29 U.S.C. § 701 et seq.](#)), Title II of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 243; [42 U.S.C. § 2000a et seq.](#)), and subchapter II of Chapter 19 of Title 2;

(3) 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;

(4) Access services within the Continuum of Care free from verbal, emotional, sexual, financial, and physical abuse and exploitation;

(5) Shelter in severe weather conditions;

(6) At a reasonable time and with reasonable prior notice, 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 paragraph (7) of this subsection;

(7) 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;

- (8) Engage in or abstain from the practice of religion, including the religion of a particular provider or other clients;
- (9) Upon request, be told the name and job title of any provider staff member delivering services;
- (10) Provide input and feedback to providers on their delivery of services;
- (11) 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;
- (12) Participate actively in development of any service plan for the client, be told of the progress made toward the goals of that service plan, and receive a review of the service plan upon request;
- (13) Be free from testing for drugs or alcohol except when:
 - (A) Program guidelines prohibit intoxication and a licensed social worker 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 case management plan developed in accordance with paragraph (12) of this subsection;
- (14) Meet and communicate privately with attorneys, advocates, clergy, physicians, and other professionals;
- (15) Timely notice, where required by [§ 4-754.33](#), of any decision by the Department or a provider that adversely affects the client's receipt of services within the Continuum of Care;
- (16) Appeal, where permitted by [§§4-754.41](#) and [4-754.42](#), of any decision by the Department or a provider that adversely affects the client's receipt of services within the Continuum of Care;
- (17) Be free from retaliation, punishment, or sanction for exercising any rights provided under this chapter; and
- (18) Continuation of shelter and supportive housing services without change, other than transfer pursuant to [§ 4-754.34](#) or emergency transfer, suspension, or termination pursuant to [§ 4-754.38](#), pending the outcome of any fair hearing requested within 15 calendar days of receipt of written notice of a suspension or termination.

§ 4-754.12. Additional rights for clients in temporary shelter or supportive housing.

Clients residing in temporary shelter or supportive housing shall have the right to:

- (1) 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 Program Rules established pursuant to [§ 4-754.32](#);
- (2) Leave and return to the shelter or housing premises within reasonable hours as specified by the Program Rules established pursuant to [§ 4-754.32](#);
- (3) 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 and such reasonable cause is documented in the client's record;
- (4) 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 and such reasonable cause is documented in the client's record;

(5) Reasonable privacy in caring for personal needs and in maintaining personal living quarters; and

(6) Conduct their own financial affairs, subject to the reasonable requirements of Program Rules established pursuant to [§ 4-754.32](#) or to a service plan pursuant to [§ 4-754.11\(12\)](#).

§ 4-754.13. Client responsibilities.

(a) Clients receiving services within the Continuum of Care shall:

(1) Seek appropriate permanent housing or Housing First, except when the client is residing in severe weather and low barrier shelter;

(2) Seek employment, education, or training when appropriate, except when the client is residing in severe weather and low barrier shelter;

(3) 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;

(4) Ensure that children within the client's family and physical custody are enrolled in school, where required by law;

(5) Ensure that the client's minor children receive appropriate supervision while on the provider's premises;

(6) Utilize child care services when necessary to enable the adult client to seek employment or housing or to attend school or training, unless the client meets any of the exemptions of [§ 4-205.19g](#), or [section 5809.4\(b\)-\(e\) of Title 29 of the District of Columbia Municipal Regulations](#), including any subsequent revisions.

(7) Respect the safety, personal rights, and private property of provider staff members and other clients;

(8) Maintain clean sleeping and living areas, including bathroom and cooking areas;

(9) Use communal areas appropriately, with attention to cleanliness and respect for the interests of other clients;

(10) Be responsible for one's own personal property; and

(11) Follow all Program Rules established by a provider pursuant to [§ 4-754.32](#).

(b) Clients residing in temporary shelter and transitional housing shall participate in the provider's assessment and case management services.

Part C. Provider Standards

§ 4-754.21. Common standards for all providers.

Providers shall:

- (1) Ensure staff members are appropriately trained, qualified, and supervised;
- (2) Maintain safe, clean, and sanitary facilities that meet all applicable District health, sanitation, fire, building, and zoning codes;
- (3) Assist clients to prepare for living in permanent housing, as deemed appropriate by the provider and the client;
- (4) Collaborate and coordinate with other service providers to meet the client's needs, as deemed appropriate by the provider and the client;
- (5) Receive and utilize client input and feedback for the purpose of evaluating and improving the provider's services;
- (6) Establish procedures for the provider's internal complaint procedures;
- (7) Provide clients with copies of printed information describing the range of services within the Continuum of Care;
- (8) In accordance with [§ 4-753.02\(c\)](#) and as openings occur, inform all clients of services for which they may be eligible;
- (9) Deliver or provide access to culturally competent services and language assistance for clients with limited English proficiency;
- (10) 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, disability, and source of income, and in accordance with Unit A of Chapter 14 of Title 2, the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; [42 U.S.C. § 12101 et seq.](#)), the Rehabilitation Act of 1973, approved August 7, 1998 (112 Stat. 1095; [29 U.S.C. § 701 et seq.](#)), and Title II of the Civil Rights Act of 1964, approved July 2, 1964 (78 Stat. 243; [42 U.S.C. § 2000a et seq.](#));
- (11) Provide reasonable modifications to policies, practices, and procedures 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;
- (12) 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;
- (13) Establish Program Rules in accordance with [§ 4-754.32](#);
- (14) Provide notice of its Program Rules in accordance with [§ 4-754.33](#);
- (15) Collect, record, and annually report to the Mayor all complaints, including requests for fair hearings or administrative reviews, made against or related to the provider during the year; and
- (16) Establish procedures to revise practices and policies as may be necessary to ensure that clients may

access services free from discrimination on the basis of disability.

§ 4-754.22. Additional standards for providers of severe weather shelter.

In addition to the standards in § 4-754.21, providers of severe weather shelter shall provide:

- (1) When severe weather conditions continue overnight, a clean bed with clean linens, pad, and blanket for each bed;
- (2) Basic needs, such as food and clothing and other supportive services, or information about where to obtain such basic needs and supportive services;
- (3) 24-hour, properly functioning toilet facilities;
- (4) Cool water, available via water cooler, fountain, or other means; and
- (5) Properly functioning heating and cooling systems during the appropriate seasons.

§ 4-754.23. Additional standards for providers of low barrier shelter.

In addition to the requirements in §§ 4-754.21 and 4-754.22, providers of low barrier shelter shall provide:

- (1) Case management services with an appropriately trained, qualified, and supervised case manager, which shall include the development of a service plan;
- (2) Hot shower facilities; and
- (3) Personal hygiene supplies.

§ 4-754.24. Additional standards for providers of temporary shelter and supportive housing.

In addition to the requirements in §§ 4-754.21, 4-754.22, and 4-754.23, providers of temporary shelter and supportive housing shall provide:

- (1) Assessment by an appropriately trained, qualified, and supervised case manager in order to identify each client's service needs;
- (2) 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;
- (3) 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 or supportive housing;
- (4) Private, secure space for the temporary storage of personal belongings;
- (5) Access to laundry facilities in the immediate vicinity of the shelter or supportive housing facility when all of the units are in one location;
- (6) Reasonable access to phones during reasonable hours and during emergencies;
- (7) The opportunity to establish a voluntary savings or escrow account; and
- (8) In supportive housing and temporary shelters for families, access to immediate indoor or outdoor areas equipped with basic facilities for exercise and play for use by minor children.

§ 4-754.25. Additional standards for providers of transitional housing.

In addition to the requirements of §§ 4-754.21, 4-754.22, 4-754.23, and 4-754.24, all providers of transitional housing shall provide:

- (1) Follow-up supportive services, for a minimum of 6 months, for clients who have transferred to permanent housing from their program, unless the client is receiving such supportive services from another provider;
- (2) An apartment-style or group home housing accommodation; and
- (3) Access to private space and personal time.

Part D. Provider Requirements.

§ 4-754.31. Monitoring and inspections of services.

(a) The Mayor shall monitor and evaluate the services delivered by all programs covered by § 4-754.01.

(b) The Mayor shall inspect the premises of all providers operating programs covered by § 4-754.01. Except for inspections of shelters monitored by the Office of Shelter Monitoring pursuant to § 4-754.52, inspections shall be conducted:

- (1) At least once during each calendar year;
- (2) Whenever the Mayor has reason to believe that a provider is not in compliance with the applicable standards established in this chapter or with other requirements or agreements; and
- (3) In a reasonable manner and during the regular hours of operation of the provider.

(c) During any inspection conducted pursuant to subsection (b) of this section, the provider shall make available for examination any records or other materials related to the delivery of its services, including records relating to clients and to internal complaints, in accordance with the confidentiality requirements of § 4-754.11(7).

(d) The Mayor shall not delegate the responsibilities of this section to any agency or entity that serves as a provider of services covered by § 4-754.01.

§ 4-754.32. Provider program Rules.

(a) Pursuant to the limitations of subsections (b) and (c) of this section, providers may establish Program Rules related to the specific goals of their programs. The Program Rules shall include:

- (1) 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;
- (2) Rules regarding client responsibilities, including those listed in § 4-754.13;
- (3) A list of client rights, including those listed in § 4-754.11, and where appropriate, § 4-754.12;
- (4) A description of the internal complaint procedures established by the provider for the purpose of providing the client with an opportunity to promptly resolve complaints;
- (5) A description of the procedures by which an individual with a disability may request a reasonable modification of policies or practices that have the effect of limiting the right to access services free from

discrimination on the basis of disability as established by § 4-754.11(2).

(6) A description of the procedures and notice requirements of any internal mediation program established by the provider pursuant to § 4-754.39;

(7) A description of any schedule of sanctions that a provider may apply to clients who are in violation of the Program Rules, as authorized by §§ 4-754.34 through 4-754.38; and

(8) A description of a client's right to appeal any decision or action by the provider that adversely affects the client's receipt of services through fair hearing proceedings pursuant to § 4-754.41 and administrative review proceedings pursuant to § 4-754.42.

(b) Any Program Rules established by a provider shall be submitted to the Mayor for approval in accordance with the following requirements:

(1) Within 90 days of October 22, 2005;

(2) On a yearly basis thereafter, with any proposed changes clearly identified; and

(3) Whenever a provider seeks approval to change its eligibility criteria, the rules of its internal mediation program or complaint procedures, or its schedule of sanctions.

(c) No provider may enforce any provision within its Program Rules, other than those requirements or protections specifically enumerated by this chapter, unless:

(1) The Program Rules were in existence before October 22, 2005, and less than 180 days has passed since October 22, 2005; or

(2) The Mayor has approved the Program Rules pursuant to subsection (b) of this section.

§ 4-754.33. Notice of program rules.

(a)(1) All provider shall give prompt and effective notice of their Program Rules 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.

(2) The client and the provider staff member delivering the notice pursuant to paragraph (1)(B) of this subsection 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.

(b) All providers shall give to any client to whom they have denied services oral and written notice of the right to appeal the denial, including information about how to request a fair hearing pursuant to § 4-754.41 and administrative review pursuant to § 4-754.42.

(c) All providers shall give written and oral notice to clients of their transfer to another provider or of their suspension or termination from services at least 15 days prior to the effective date of the transfer, suspension, or termination, except:

(1) When the sanction results from the client's imminent threat to the health or safety of someone on the premises of the provider in accordance with § 4-754.38; or

(2) When the sanction is a suspension of supportive services for a period shorter than 10 days.

(d) Any notice issued pursuant to subsection (b) or (c) of this section must be mailed or served upon the client and shall include:

(1) A clear statement of the sanction or denial;

(2) A clear and detailed statement of the factual basis for the sanction or denial, including the date or dates on which the basis or bases for the sanction or denial occurred;

(3) A reference to the statute, regulation, policy, or Program Rule pursuant to which the sanction or denial is being implemented;

(4) A clear and complete statement of the client's right to appeal the sanction or denial through fair hearing proceedings pursuant to § 4-754.41 and administrative review proceedings pursuant to § 4-754.42, including the appropriate deadlines for instituting the appeal; and

(5) A statement of the client's right, if any, to continuation of benefits pending the outcome of any appeal, pursuant to § 4-754.11(18).

(e) Providers shall establish procedures to provide effective notice of rights, rules, sanctions, and denials to clients with special needs, including those who may be mentally impaired or mentally ill, or who may have difficulty reading or have limited English proficiency.

§ 4-754.34. Transfer of clients.

(a) 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:

(1) The client consents to the transfer; or

(2) 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.

(b) In addition to the circumstances under which a client may be transferred as described in subsection (a) of this section, a provider may transfer a client when a client fails or refuses to comply with the provider's Program Rules and the client responsibilities listed in § 4-754.13, or engages in any of the behaviors listed in § 4-754.36(2); provided, that:

(1) The client has received proper notice of the Program Rules, client responsibilities, and prohibited behaviors, as required by § 4-754.33; and

(2) 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.

(c) Transfers of clients under this section can be made through direct arrangements with other providers within the Continuum of Care or through coordination with the central intake center established pursuant to § 4-753.02(c)(1). Such efforts shall be documented by the provider in the client's records.

§ 4-754.35. Suspension of services.

(a) If a client fails or refuses to comply with the provider's Program Rules and the client responsibilities listed in § 4-754.13, or engages in any of the behaviors listed in § 4-754.36(2), 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 any period longer than 30 days. The suspension may be implemented only when:

- (1) The client has received proper notice of the Program Rules, client responsibilities, and prohibited behaviors, as required by [§ 4-754.33](#); and
 - (2) 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.
- (b) Prior to suspension of services, the provider shall make a reasonable effort, given the severity of the situation, to transfer the client to another provider within the Continuum of Care, in accordance with [§ 4-754.34](#).
- (c) 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 shelter or supportive housing unit.

§ 4-754.36. Termination of services.

A provider may terminate its delivery of services to a client only when:

- (1) The provider documents that it has considered suspending the client in accordance with [§ 4-754.35](#) 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 [§ 4-754.34](#);
- (2) The client:
 - (A) Possesses a weapon on the provider's premises;
 - (B) Possesses or sells illegal drugs on the provider's premises;
 - (C) Assaults or batters any person on the provider's premises;
 - (D) Endangers the client's own safety or the safety of others on the provider's premises;
 - (E) Intentionally or maliciously vandalizes, destroys, or steals the property of any person on the provider's premises;
 - (F) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the client's needs after having been offered 2 appropriate permanent or supportive housing opportunities; or
 - (G) Knowingly engages in repeated violations of a provider's Program Rules; and
- (3) In the case of terminations pursuant to subparagraphs (2)(F) and (2)(G) of this section, the provider has made reasonable efforts to help the client overcome obstacles to obtaining permanent housing.

§ 4-754.37. Alternative sanctions.

- (a) A provider may employ lesser sanctions as alternatives to the transfer, suspension, or termination of services authorized in [§§4-754.34](#) through [4-754.36](#).
- (b) Any alternative sanction applied shall be authorized in the schedule of sanctions included in the provider's Program Rules and may include loss of special privileges and imposition of additional responsibilities.

§ 4-754.38. Emergency transfers of clients; emergency suspensions and terminations of services.

- (a) Whenever a client presents an imminent threat to the health or safety of the client or any other person on a provider's premises, the provider, in light of the severity of the act or acts leading to the imminent threat, may immediately transfer, suspend, or terminate the client, without providing prior written notice of the transfer,

suspension, or termination as required by [§ 4-754.33\(c\)](#).

(b) The provider shall endeavor to provide written notice, consistent with the requirements of [§ 4-754.33\(d\)](#), to any client transferred, suspended, or terminated pursuant to subsection (a) of this section at the time that the action is taken. 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 15 days, or, if the client's whereabouts are unknown, upon request within 90 days of the transfer, suspension, or termination. The time period during which the client may request fair hearing proceedings to appeal the transfer, suspension, or termination pursuant to [§4-754.41](#) shall not begin until the client has received the subsequent written notice.

(c) No client transferred, suspended, or terminated pursuant to subsection (a) of this section shall have the right to request mediation of the action from the provider pursuant to [§ 4-754.39](#) or to continue to receive shelter or supportive housing services without change pending appeal pursuant to [§ 4-754.11\(18\)](#).

(d) Whenever a provider transfers, suspends, or terminates a client pursuant to subsection (a) of this section, the provider shall immediately notify the Department of the action. The notification shall include the following information:

- (1) The identity of the client who was transferred, suspended, or terminated;
- (2) The nature, date, and time of the action taken by the provider;
- (3) The provider staff member authorizing the transfer, suspension, or termination; and
- (4) The act or acts leading to the transfer, suspension, or termination.

(e) Whenever the Department receives a notification pursuant to subsection (d) of this section, the Department shall issue a written finding of whether the emergency transfer, suspension, or termination order complies with the requirements of this section. The notification shall be issued within 24 hours of receipt of the notification by the Department. If the Department finds that the order was improperly issued, the Department shall reinstate the client's access to the services received prior to the issuance of the order, pending the outcome of a hearing pursuant to [§§ 4-754.41](#) and [4-754.42](#).

§ 4-754.39. Mediation.

(a) Providers are strongly encouraged to establish internal mediation programs to resolve disputes with clients.

(b) Any provider who chooses to establish an internal mediation program shall offer mediation services to any client of the provider, or the client's representative, who requests them.

(c) Upon receiving an oral or written request for mediation, the provider shall provide the client or the client's representative with reasonable written notice of:

- (1) The time and place of any mediation proceedings; and
- (2) The client's right to request a fair hearing for formal review of his or her complaint pursuant to [§ 4-754.41](#) and his or her right to request administrative review pursuant to [§ 4-754.42](#).

(d) The provider shall allow the client or the client's representative to review its records of the client prior to the mediation proceeding.

(e) The provider shall allow the client to be accompanied by a legal or other representative of the client's choosing in any mediation proceedings.

(f) Upon conclusion of the mediation proceedings, the provider shall notify the client of his or her right to request a

fair hearing pursuant to [§ 4-754.41](#), and the deadline for making such a request, if he or she is not satisfied with the outcome of the mediation.

(g) No member of the provider's staff who was involved in the incident or incidents at issue in the mediation shall serve as a mediator during the proceedings.

Part E. Fair Hearings

§ 4-754.41. Fair hearings.

(a) The Office of Administrative Hearings shall grant a fair hearing to any client or client representative who wishes to appeal a decision listed in subsection (b) of this section and who requests such a hearing, orally or in writing, within 90 days of receiving written notice of the adverse action. A request for a fair hearing shall be made to the client's provider, the Department, the Mayor, or the Mayor's designee. 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.

(b) A client or client representative may request a fair hearing to:

(1) Appeal an administrative review decision made pursuant to [§ 4-754.42](#);

(2) Review any decision of a provider of services to:

(A) Transfer the client to another provider;

(B) Suspend provision of services to the client for a period longer than 10 days;

(C) Terminate services to the client; or

(D) Deny an application for services; or

(3) Obtain any legally available and practicable remedy for any alleged violation of:

(A) The provider standards listed in part C of this subchapter; or

(B) The client rights listed in [§§ 4-754.11](#) and [4-754.12](#), including the denial of a request by an individual with a disability for a reasonable accommodation or modification of policies or practices.

(c) 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 [§ 4-210.05](#).

(d) In accordance with [§ 4-754.11\(18\)](#), any client who requests a fair hearing within 15 days of receipt of written notice of a suspension or termination of shelter or supportive housing shall continue to receive shelter or supportive housing pending a final decision from the fair hearing proceedings. This right to continuation of shelter or supportive housing pending appeal shall not apply in the case of an emergency suspension or termination pursuant to [§ 4-754.38](#).

(e) Upon receipt of a fair hearing request, the Mayor or the Mayor's designee shall offer the client or client representative an opportunity for an administrative review by the Department of the decision that is the subject of the fair hearing request.

(f) All fair hearings shall be conducted in the following manner:

- (1) In accordance with the requirements for the review of contested cases as provided in Chapter 5 of Title 2;
- (2) In accordance with Chapter 18A of Title 2; and
- (3) In accordance with the following additional requirements:
 - (A) The hearing shall be held within a reasonably short time following the request, such time not to exceed 15 days following the initial request for hearing;
 - (B) If a party fails to appear, the Administrative Law Judge designated to conduct the hearing may enter a default decision in favor of the party present. The default may be set aside only for good cause shown, and upon equitable terms and conditions; and
 - (C) The Administrative Law Judge shall issue a final decision within 15 days of the completion of the hearing.

(g) Materials and documents filed with the Office of Administrative Hearings during fair hearing proceedings shall be maintained in compliance with [§ 2-1831.13\(d\)](#), the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 ([Pub. L. No. 104-191](#); 110 Stat. 1936), and any other District or federal law pertaining to confidentiality of records.

(h) The Mayor or the Mayor's designee shall maintain a file of final fair hearing and administrative review decisions, indexed by issue, with identifying information redacted. The file shall be accessible to clients, their representatives, and other persons upon request to the Mayor or the Mayor's designee.

§ 4-754.42. Administrative review.

(a) The purpose of the administrative review shall be to enable the Department to ascertain the legal validity of the decision that is the subject of the fair hearing request, and, if possible, achieve an informal resolution of the appeal.

(b) Any administrative review conducted pursuant to subsection (a) of this section shall be completed within 15 days of the receipt of the administrative review request, except upon 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.

(c) An administrative review shall be completed before the Office of Administrative Hearings shall grant a fair hearing to any client or client representative; except, that the Office of Administrative Hearings may grant a hearing prior to the completion of the administrative review, on proper notice to all parties, to decide if a notice required by [§ 4-754.33\(b\)](#) or (c) (other than a notice of an emergency action) has not been given or is invalid on its face.

(d) All administrative reviews shall be conducted in the following manner:

- (1) In accordance with the administrative review procedures described in [§ 4-210.07](#); and
- (2) In accordance with the following additional requirements:
 - (A) The client or client representative shall have the right to submit issues and comments in writing to the Department; and
 - (B) The client or the client representative shall have the right to review provider's records regarding the client, or the records of other related service providers regarding the client, prior to the administrative review proceeding;

- (C) The administrative review shall be conducted by an employee of the Department;
- (D) The administrative review decision shall be issued in writing, in a manner readily understood by the client, and shall include:
 - (i) A clear and detailed statement of the factual basis supporting the administrative review decision;
 - (ii) A clear and detailed statement of the actions proposed to be implemented, including any sanctions, probationary periods, or any denial, transfer, suspension, or termination of services to be imposed;
 - (iii) A reference to the statute, regulation, Program Rule, or policy pursuant to which the administrative review decision is made;
 - (iv) Notice that the client's request for a hearing shall be considered formally withdrawn upon submission of a signed statement confirming such withdrawal; and
 - (v) A statement that if the client is not satisfied with the administrative review decision, the fair hearing shall be held.

Part F. Shelter Monitoring

§ 4-754.51. Establishment of Office of Shelter Monitoring.

There is established within the Department of Human Services an Office of Shelter Monitoring to monitor shelters and services provided by the District and its contractors to clients who are homeless.

§ 4-754.52. Powers and duties of the Office.

- (a) The Office shall monitor the conditions, services, and practices at shelters, evaluating the following, to the extent applicable:
 - (1) Health, safety, and cleanliness of shelters;
 - (2) Policies, practices, and program rules;
 - (3) Accessibility of shelters to clients with disabilities;
 - (4) Appropriateness of shelters for families;
 - (5) Respect for client rights established by §§ 4-754.11 and 4-754.12;
 - (6) Compliance with provider standards established by §§ 4-754.21 through 4-754.25;
 - (7) Comments of shelter clients and program staff;
 - (8) Ability of the program to facilitate transition from homelessness to permanent housing; and
 - (9) Any other information deemed appropriate.
- (b) The Office shall conduct inspections on the premises of each shelter covered by § 4-754.01.
- (c) The Office shall receive complaints about programs, facilities, and services provided within the continuum of care and shall investigate programs not in compliance with the applicable standards established in this act or with other requirements or agreements.

(d) The Office shall establish procedures for notifying providers of deficiencies and procedures for correcting those deficiencies in a timely manner.

(e) During any inspection or investigation conducted pursuant to this section, the provider shall make available to the Office for examination any records or other materials related to the delivery of its services, including records related to clients and to internal complaints, in accordance with the confidentiality requirements of [§ 4-754.11\(7\)](#).

(f) The Office 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. The Office shall not disclose the identity of any person who brings a complaint or provides information to the Office without the person's consent, unless the Office determines that disclosure is unavoidable or necessary to further the ends of an inspection or investigation.

(g) The Office shall encourage appropriate use of mediation, fair hearing, and administrative review processes for resolving grievances, pursuant to [§§ 4-754.39, 4-754.41, and 4-754.42](#).

(h) The Office shall post in prominent places at each program and shelter site its contact information, its procedures for accepting complaints, and procedures for requesting mediation, a fair hearing, or administrative review of grievances.

§ 4-754.53. Shelter monitoring reports.

(a) The Office shall issue reports summarizing the findings of each inspection or investigation it conducts.

(b) The Office shall make available, upon request, each report issued pursuant to subsection (a) of this section to the provider, the Mayor, and all members of the Interagency Council. Upon request, the Office shall deliver an appropriate number of copies of the final report to the shelter for distribution to clients.

(c) The Office, in coordination with the Interagency Council, shall issue the general findings of its monitoring efforts as a section of the annual report required under [§ 4-752.02\(5\)](#).

§ 4-754.54. Shelter monitoring staff.

(a) Employees of the Office shall agree in writing to comply with all applicable confidentiality requirements in accordance with their official duties.

(b) The Office shall train its employees, as appropriate, in compliance with applicable confidentiality restrictions, in homeless shelter program evaluation, and in sensitivity to the diversity of persons who are homeless in the District.

(c) The Office shall endeavor to hire staff who reflect the diversity of people accessing shelter in the District, including with respect to disability status, language, and experience being homeless.

§ 4-754.55. Retaliation prohibited.

No person shall retaliate against a person who brings a complaint or provides information to the Office relevant to the performance of its duties. The Office shall report any violation of this section to the Interagency Council and the Office of the Inspector General.

§ 4-754.56. Policies and procedures.

The Mayor, pursuant to [§ 4-756.02](#) and in consultation with the Interagency Council, shall set forth the policies and procedures for inspections, procedures for identifying and curing deficiencies, and procedures for taking enforcement actions against providers in violation of the standards of this chapter. The policies and procedures may include criteria for the provision of performance-based bonuses or penalties for providers.

Subchapter V. No Entitlement; Limited Use of Funds.

§ 4-755.01. No entitlement to services.

(a) No provision of 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 § 4-754.11(5).

(b) No provision of this chapter shall be construed to require the District to expend funds for individuals or families who are eligible for services within the Continuum of Care, beyond the level of the District's annual appropriation for services within the Continuum of Care.

§ 4-755.02. Limitation on use of District monies.

(a) No public funds shall be used for payment of goods or services from any vendor or organization that engages in discriminatory practices.

(b) No District funds shall be used to support the delivery of services that are not authorized by this chapter or by rules issued pursuant to this chapter.

(c) All District funds appropriated to fund or support services within the Continuum of Care shall be used in accordance with District contract and procurement regulations and District grant regulations.

(d) After the fiscal year ending September 30, 2007, the District may not enter into agreements with third parties to execute its shelter monitoring duties set forth in this chapter.

Subchapter VI. Additional Mayoral Authority.

§ 4-756.01. Contracting authority.

(a) The Mayor may execute contracts, grants, and agreements as necessary to implement the provisions of this chapter.

(b) Pursuant to §§ 6-203(17) and 6-225, the Mayor, or his designee, shall have the authority to enter into an agreement with the District of Columbia Housing Authority to allocate available unexpended funds to meet the purposes of this chapter and §§ 6-226 and 6-227.

(c) Contracted case-management services authorized pursuant to the Housing First program shall include contracted case-management services to assist homeless women and working adults residing at the Federal City Shelter.

§ 4-756.02. Rulemaking authority.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this chapter. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.