

## **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 risk of homelessness.

(5A) "At risk of chronic homelessness" means an individual or a family with a head of household who:

(A) Is homeless and lives in a place not meant for human habitation or in a shelter;

(B) Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in [§ 21-1201\(3\)](#)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability; and

(C) Does not have sufficient resources or support networks, such as family, friends, and faith-based or other social networks, immediately available to assist them in obtaining permanent housing.

(5B) "At risk of homelessness" means that an individual or family:

(A)(i) Has an annual income below 40% of the median family income for the Washington DC Metropolitan Area, as determined by the U.S. Department of Housing and Urban Development; or

(ii) Has an annual income below 30% of the median family income for the Washington DC Metropolitan Area, as determined by the U.S. Department of Housing and Urban Development, if providing a program or service to the individual or family would require the District or a provider to expend funds that are restricted by federal law or policy on the individual or family;

(B) Does not have sufficient resources or support networks, such as family, friends, and faith-based or other social networks, immediately available to prevent them from moving to a shelter or another place described in paragraph (18)(A) of this section; and

(C) Meets one of the following conditions:

(i) Has moved housing accommodations because of economic reasons 2 or more times during the 60 days immediately preceding the application for crisis intervention assistance;

(ii) Is living in the home of another individual or family because of economic hardship;

(iii) Has been notified or can document that their right to occupy their current housing or living situation will be terminated, including notification or documentation of past-due rent;

(iv) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by federal, state, or local government programs for low-income individuals;

(v) Lives in:

(I) A single-room occupancy or efficiency apartment unit in which there reside more than 2 persons; or

(II) A housing unit, as defined by the U.S. Census Bureau, in which there reside more than 1.5 people per room;

(vi) Is exiting a publicly funded institution or a publicly funded system of care; or

(vii) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the District's approved consolidated plan.

(6) "Basic necessities" means a dinette set, refrigerator, stove, exhaust fan or window, storage cabinets, cookware, flatware, and tableware.

(6A) "Centralized or coordinated assessment system" means a centralized or coordinated process, which is designed to coordinate client intake, assessment, and the provision of referrals, and includes a standardized assessment tool that can be used to provide an initial assessment of the needs of individuals and families for housing and services within the Continuum of Care.

(6B) "Centralized or coordinated assessment system protocol" means the policies and operational procedures that govern how the centralized or coordinated assessment system is administered in the District, including policies regarding client prioritization and procedures for making referrals within the Continuum of Care.

(6C) "Chronically homeless" means:

(A) An individual who:

- (i) Is homeless and lives in a place not meant for human habitation or in a shelter;
- (ii) Has been homeless continuously for at least one year or on at least 4 separate occasions in the last 3 years; and
- (iii) Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in [§ 21-1201\(3\)](#)), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or chronic physical illness or disability;

(B) An individual who:

- (i) Has been residing in an institution; and
- (ii) Met all of the criteria in subparagraph (A) of this paragraph before entering that facility; or

(C) A family with a head of household who meets all of the criteria in subparagraph (A) of this paragraph, including a family whose composition has fluctuated while the head of household has been homeless.

(7) "Client" means an individual or family seeking, receiving, or eligible for services from a program covered by [§ 4-754.01](#).

(7A) "Collaborative applicant" means the entity designated to apply for federal Continuum of Care planning funds.

(8) "Continuum of Care" means the comprehensive system of services for individuals and families who are homeless or at risk of homelessness 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 housing programs, and supportive services.

(8A) "Continuum of Care Governance Board" means the board established to act on behalf of organizations and agencies in the District that provide services within the Continuum of Care, including nonprofit homeless providers, victim service providers, faith-based organizations, government agencies, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, and organizations that serve homeless and formerly homeless veterans and homeless and formerly homeless people, for the purposes of operating the Continuum of Care Program pursuant to 24 C.F.R. Part 578.

(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 risk of homelessness.

(11A) “DC General Family Shelter replacement unit” means a private room that includes space to store and refrigerate food and is constructed by or at the request of the District for the purpose of sheltering a homeless family.

(12) “Department” means the Department of Human Services.

(13) “District” means the District of Columbia government, its agents, or its designees.

(13A) "Domestic violence" shall have the same meaning as "intrafamily offense", as defined in [§ 16-1001\(8\)](#).

(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) An individual or family that lacks a fixed, regular, and adequate nighttime residence, meaning:

(i) An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(ii) An individual or family living in a supervised publicly or privately operated housing facility designated to provide temporary living arrangements, including shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or local government programs for low-income individuals; or

(iii) An individual who is exiting an institution where he or she resided for 180 days or less and who resided in a shelter or place not meant for human habitation immediately before entering that institution;

(B) An individual or family who has lost or will imminently lose their primary nighttime residence, if:

(i) The primary nighttime residence will be lost within 14 days of the date of application for homeless assistance or has already been lost;

(ii) No subsequent residence has been identified; and

(iii) The individual or family lacks the resources or support networks, such as family, friends, and faith-based or other social networks, needed to obtain other permanent housing;

(C) An unaccompanied youth, who:

(i) Has not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;

(ii) Has experienced persistent instability as measured by 2 moves of housing accommodations or more during the 60-day period immediately preceding the date of applying for homeless assistance; and

(iii) Can be expected to continue in such status for an extended period of time because of:

(I) Chronic disabilities, chronic physical health or mental health conditions, substance addiction, or a history of domestic violence or childhood abuse (including neglect);

(II) The presence, in the household, of a child or youth with a disability; or

(III) Two or more barriers to employment, which include the lack of a high school degree or General Education Development, illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or

(D) Any individual or family who:

(i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

(ii) Has no other residence; and

(iii) Lacks the resources or support networks, such as family, friends, and faith-based or other social networks, needed to obtain other permanent housing.

(18A) "HMIS" means the Homeless Management Information System designated by the Continuum of Care Governance Board to comply with the U.S. Department of Housing and Urban Development's data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and people at risk of homelessness.

(19) Repealed.

(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.

(21A) "Individual" means an unaccompanied adult or unaccompanied youth.

(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) Repealed.

(24) "Imminent threat to the health or safety" means an act or credible threat of violence in a program covered by [this chapter](#).

(24A) "Institution" means a healthcare facility, nursing home, mental health facility, foster care or other residential youth facility, substance abuse treatment or rehabilitation facility, or criminal correctional program or facility.

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

(25A) “Interim eligibility placement” means a short-term shelter placement for a family, for the purpose of conducting an in-depth assessment to facilitate an eligibility determination for shelter and appropriate supportive services pursuant to [§ 4-753.02\(a\)](#).

(25B) “LGBTQ” means a person who self-identifies as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their sexual orientation or gender identity and expression.

(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;

(26A) "Medical respite services" means time-limited acute and post-acute medical care that is provided in a residential medical facility or shelter to individuals who are:

(A) Homeless; and

(B) Determined by a qualified medical professional licensed in the District to require medical assistance.

(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) Repealed.

(27B) "Permanent housing" means housing without a designated length of stay, characterized by a lease or other occupancy agreement that is for a term of at least one year and renewable by the tenant named on the lease for terms that are a minimum of one month.

(27C) "Permanent housing program" means a federally or locally funded program within the Continuum of Care through which individuals or families obtain permanent housing. The term "permanent housing program" includes Rapid Re-Housing and permanent supportive housing.

(28) "Permanent supportive housing" means a program that provides 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.

(28A) “Private room” means a part or division of a building that has:



(A) Four non-portable walls that meet the ceiling and floor at the edges so as to be continuous and uninterrupted; provided, that the room may contain a window if the window comes with an opaque covering, such as blinds or shades;

(B) A door that locks from both the inside and outside as its main point of access;

(C) Sufficient insulation from sound so that family members sheltered in the room may have a conversation at a normal volume and not be heard from the exterior;

(D) Lighting within the room that the occupants can turn on or off as desired; and

(E) Access to on-site bathroom facilities, including a toilet, sink, and shower.

(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.

(31A) "Rapid Re-Housing" means a program that provides housing relocation and stabilization services and time-limited rental assistance, as necessary, to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in permanent housing such that recipients may remain in the housing when assistance ends.

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

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

(ii) 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

(iii) Demonstrates residency by providing evidence that the individual or family is receiving public assistance from the District as administered by the Department or by providing one of the following:

(I) 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;

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

(III) 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;

(IV) A utility bill for water, gas, electric, oil, cable, or a land-line telephone issued within the last 60 days that contains the name and a residential District address of the individual or a member of the family;

(V) 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;

(VI) A pay stub issued within the last 60 days to the individual or a member of the family that indicates a residential address in the District;

(VII) 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;

(VIII) An unemployment document or stub issued to the individual or a member of the family that indicates a residential address in the District;

(IX) 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;

(X) An eviction notice from a residential property in the District issued to the individual or a member of the family within the last 60 days;

(XI) 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

(XII) Any other document the Department identifies as acceptable proof of residency; or

(B) Produces one of the documents required pursuant to subparagraph (A)(iii), issued or otherwise valid within the last 2 years, and a written verification by a verifier who attests, to the best of the verifier's knowledge, that the individual or family became homeless in the District and has not established a permanent residence outside of the District in the previous 2 years.

(32A) "Retaliation" means any adverse action taken by a provider against a client in response to the client exercising any of the rights protected in [this chapter](#). Adverse actions include sanctions, loss of privileges, disparate treatment, transfers, suspensions, and terminations.

(32B) "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) Repealed.

(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, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 2 years or a longer period approved by the provider, 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 less than or equal to 2 years or a longer period approved by the provider 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.

(43) “Youth” means a person who is under 25 years of age.

[\(Oct. 22, 2005, D.C. Law 16-35, § 2, 52 DCR 8113; Mar. 14, 2007, D.C. Law 16-296, § 2\(b\), 54 DCR 1097; June 25, 2008, D.C. Law 17-177, § 7\(a\), 55 DCR 3696; Apr. 8, 2011, D.C. Law 18-367, § 2\(a\), 58 DCR 987; Dec. 24, 2013, D.C. Law 20-61, § 5182\(a\), 60 DCR 12472; May 3, 2014, D.C. Law 20-100, § 2\(a\), 61 DCR 1873; Mar. 11, 2015, D.C. Law 20-212, § 2\(a\), 61 DCR 13077; Feb. 27, 2016, D.C. Law 21-75, §§ 2\(a\), 3, 63 DCR 257; Feb. 28, 2018, D.C. Law 22-65, § 2\(b\), \(c\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-753.01](#), [§ 4-753.02](#), [§ 4-1345.01](#), and [§ 7-761.05](#).

## **Effect of Amendments**

[D.C. Law 16-296](#), in par. (9), added utility payments to the scope of the paragraph; rewrote par. (18)(A); and added pars. (27A) and (32A). Prior to amendment, par. (18)(A) read:

“(A) Lacking a fixed, regular residence that does not jeopardize the health, safety, or welfare of its occupants, and lacking the financial ability to immediately acquire one; or”

[D.C. Law 17-177](#) added par. (17A).

[D.C. Law 18-367](#) rewrote par. (32); and added par. (41). Prior to amendment, par. (32) read as follows: “(32) ‘Resident of the District’ means an individual or family who is living in the District voluntarily and not for a temporary purpose and who has no intention of presently moving from the District. The term ‘resident of the District’ shall be interpreted and applied in accordance with [§ 4-205.03](#).”

The 2013 amendment by [D.C. Law 20-61](#) added “including any individual or family who is fleeing, or is attempting to flee, domestic violence and who has no other residence and lacks the resources or support networks to obtain safe housing” in (18)(A); added (31A); added “the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 2 years or a longer period approved by the provider” in the introductory language of (41); and substituted “less than or equal to 2 years or a longer period approved by the provider” for “up to 2 years or as long as necessary” in (41)(B).

The 2014 amendment by [D.C. Law 20-100](#) added (25A) and (43).

The 2015 amendment by [D.C. Law 20-212](#) would have added (28A), defining “private room.”

The 2016 amendment by [D.C. Law 21-75](#) repealed the amendment by [D.C. Law 20-212](#); added (11A); redesignated former (25A) as (25B); and added (25A) and (28A).

## **Emergency Legislation**

For repeal of emergency Act 22-195, see section 4 of D.C. Act 22-229.

For temporary (90 days) amendment of this section, see [§ 2\(a\) of Medical Respite Services Exemption Emergency Amendment Act of 2017 \(D.C. Act 22-195, Nov. 29, 2017, 64 DCR 12407\)](#).

For temporary (90 days) amendment of this section, see [§ 2\(a\) of Medical Respite Services Exemption Emergency Amendment Act of 2016 \(D.C. Act 21-629, Jan. 24, 2017, 64 DCR 905\)](#).

For temporary (90 days) amendment of this section, see § 5182(a) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 5182(a) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) amendment of this section, see § 2(a) of the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 (D.C. Act 21-217, Nov. 30, 2015, 62 DCR 15648).

For temporary (90 days) amendment of this section, see §§ 2(a) and 3 of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).

### **Temporary Legislation**

For repeal of temporary Act 22-199, see section 4 of D.C. Act 22-229.

For temporary (225 days) amendment of this section, see [§ 2\(a\) of Medical Respite Services Exemption Temporary Amendment Act of 2017 \(D.C. Law 22-51, Jan. 27, 2018, 64 DCR 12549\)](#).

For temporary (225 days) amendment of this section, see [§ 2\(a\) of Medical Respite Services Exemption Temporary Amendment Act of 2017 \(D.C. Law 21-245, Apr. 7, 2017, 64 DCR 1618\)](#).

### **Short Title**

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the “Homeless Services Reform Emergency Amendment Act of 2013”.

### **Editor's Notes**

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

Applicability of [D.C. Law 20-212](#): Section 3 of [D.C. Law 20-212](#) provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

### **Delegation of Authority**

Delegation of authority pursuant to [D.C. Law 16-35](#), the Homeless Services Reform Act of 2005, see Mayor's Order 2007-80, April 2, 2007 ( 54 DCR 7809).

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## **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, and who may designate a subordinate to serve as chairperson in the City Administrator's absence;

(1A) The Director to End Homelessness, who shall assist the City Administrator in leading and coordinating the Interagency Council;

(1B) The Deputy Mayor for Health and Human Services;

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

(A) Department of Human Services;

(B) Department of Behavioral 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;
  - (L) Metropolitan Police Department; and
  - (M) Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs.
- (3) A representative of the agency designated as the District's collaborative applicant;
  - (4) One representative each from a minimum of 7 and a maximum of 8 organizations that are providing services within the Continuum of Care;
  - (5) A minimum of 3 and a maximum of 4 homeless or formerly homeless individuals;
  - (6) A minimum of 3 and a maximum of 4 representatives of advocacy organizations for the District's homeless population;
  - (6A) A minimum of 3 and a maximum of 4 representatives of business, philanthropic, or other private sector organizations that have resources or expertise to contribute to addressing homelessness in the District;
  - (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)(1) All non-government members of the Interagency Council described in subsections (b)(4)-(6A) of this section shall be nominated for appointment by the Mayor and approved by the Council.
- (2) The Mayor shall transmit to the Council 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.
- (d) The Interagency Council shall serve as the District's Continuum of Care Governance Board.

(Oct. 22, 2005, D.C. Law 16-35, § 4, 52 DCR 8113; Mar. 14, 2007, D.C. Law 16-262, § 405, 54 DCR 794; Mar. 14, 2007, D.C. Law 16-296, § 2(d), 54 DCR 1097; Aug. 16, 2008, D.C. Law 17-219, § 5004(a), 55 DCR 7598; Sept. 26, 2012, D.C. Law 19-171, § 33(a), 59 DCR 6190; Dec.



[24, 2013, D.C. Law 20-61, § 5182\(b\), 60 DCR 12472; May 3, 2014, D.C. Law 20-100, § 2\(b\), 61 DCR 1873; Oct. 22, 2015, D.C. Law 21-36, § 1023, 62 DCR 10905; Feb. 28, 2018, D.C. Law 22-65, § 2\(d\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-751.01](#).

## **Effect of Amendments**

[D.C. Law 16-262](#), in subsec. (b)(2)(J), substituted “Homeland Security and Emergency Management Agency” for “District of Columbia Emergency Management Agency”.

[D.C. Law 16-296](#), in subsec. (b), added par. (8).

[D.C. Law 17-219](#), in subsec. (b)(2)(I), substituted “Office of the State Superintendent of Education” for “District of Columbia Public Schools”.

The 2012 amendment by [D.C. Law 19-171](#) substituted “Department of General Services” for “Office of Property Management” in (b)(2)(K).

The 2013 amendment by [D.C. Law 20-61](#) added (b)(1A).

The 2014 amendment by [D.C. Law 20-100](#) added (b)(2)(M) and made related changes.

The 2015 amendment by [D.C. Law 21-36](#) substituted “Office of Lesbian, Gay, Bisexual, Transgender, and Questioning Affairs” for “Office of Gay, Lesbian, Bisexual, and Transgender Affairs” in (b)(2)(M).

## **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 5182(b) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 5182(b) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) amendment of this section, see § 1023 of the Fiscal Year 2016 Budget Support Emergency Act of 2015 (D.C. Act 21-127, July 27, 2015, 62 DCR 10201).

## **Short Title**

Short title: Section 5003 of [D.C. Law 17-219](#) provided that subtitle B of title V of the act may be cited as the “Housing First and Homeless Services Reform Amendment Act of 2008”.

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the “Homeless Services Reform Emergency Amendment Act of 2013”.

### **Editor's Notes**

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

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#### [§ 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 risk of homelessness.

(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, including the number of homeless youth and the number of LGBTQ homeless youth in the District, 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 and submit to the Mayor an annual update based on existing data and community input that reviews the strategic plan, changes in the landscape, and an assessment of the need for services among subpopulations, and that details the resources and strategies needed to support implementation of the strategic plan prepared pursuant to paragraph (2) of this subsection;

(4) As part of the annual update, review the efforts of each member of the Interagency Council to fulfill the goals and policies of the strategic plan prepared pursuant to paragraph (2) of this subsection;

(5) Repealed.

(6) Direct the Department of General Services to identify vacant public buildings or tax-foreclosed buildings to be used as shelter and transitional housing or permanent housing program 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) Regularly review HMIS data to assess program and system utilization and performance;
- (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, identifying the specific sites that will be used as hypothermia shelters, and including protocols on how to provide shelter services for unaccompanied minors; 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.
- (b-1) Beginning 5 years from May 3, 2014, and every 2 years thereafter, the Interagency Council shall evaluate the service needs of the District's LGBTQ homeless youth as compared to homeless youth in the general population. If the Interagency Council determines, based on data, 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, the provisions of [§ 4-755.01\(c\)](#) shall expire.
- (c) The Mayor shall, upon release of the proposed annual budget 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) Provide data as requested to the Interagency Council to support system planning and performance evaluation efforts.
- (e) The Department of Human Services shall administer the Homeless Prevention Program, established pursuant to [Chapter 7B of this title](#) [[§ 4-771.01](#)], in consultation with the Interagency Council on Homelessness.

[\(Oct. 22, 2005, D.C. Law 16-35, § 5, 52 DCR 8113; Sept. 26, 2012, D.C. Law 19-171, § 33\(b\), 59 DCR 6190; May 3, 2014, D.C. Law 20-100, § 2\(c\), 61 DCR 1873; Feb. 26, 2015, D.C. Law 20-155, §§ 5102\(a\), 5113, 61 DCR 9990; Feb. 28, 2018, D.C. Law 22-65, § 2\(b\), \(e\), 65 DCR 331.\)](#)

## Section References

This section is referenced in [§ 4-754.53](#) and [§ 4-755.01](#).

## Effect of Amendments

The 2012 amendment by [D.C. Law 19-171](#) substituted “Department of General Services” for “Office of Property Management” in (b)(6).

The 2014 amendment by D.C. 20-100 substituted “existing data, including the number of homeless youth and the number of LGBTQ homeless youth in the District,” for “existing data” in (b)(1); rewrote (b)(3); and added (b-1).

The 2015 amendment by [D.C. Law 20-155](#) rewrote (b)(9); and added (e).

## Emergency Legislation

For temporary (90 days) amendment of this section, see §§ 5102(a) and 5123 of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) amendment of this section, see §§ 5102(a) and 5113 of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) amendment of this section, see §§ 5102(a) and 5113 of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

## Editor's Notes

Section 5052 of [D.C. Law 18-111](#) provided: “Sec. 5052. Winter plan report. ”By September 1, 2010, the Department of Human Services shall submit to the Council, along with the annual winter plan required by section 5(b)(9) of Homeless Services Reform Act of 2005, effective October 22, 2005 ([D.C. Law 16-36](#); D.C. Official Code [§ 4-752.02\(b\)\(9\)](#)), an evaluation of case management services provided to homeless individuals during the hypothermia season, including a detailed protocol to evaluate residents’ needs to help them emerge from homelessness.”

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### [§ 4-752.02a. Plan to end youth homelessness in the District by 2022.](#)

(a) No later than 300 days after February 26, 2015, the Interagency Council, working jointly with organizations providing service to homeless youth within the Continuum of Care as well as homeless or formerly homeless youth and their advocates, shall prepare, publish, and submit to the Council a comprehensive Plan to End Youth Homelessness in the District by 2022.

(b) The plan required by this section shall:

(1) Include a community-wide needs assessment that takes into account existing data, including the results of the extended youth count required in [§ 4-753.01\(h\)](#);

(2) Include an analysis of strategies that have been successful in reducing youth homelessness;

(3) Be developed pursuant to a process that includes public hearings and that will identify, prioritize, and target needs for services for homeless youth within the Continuum of Care;

(4) Include specific recommendations for eradicating youth homelessness in the District by 2022, including recommendations for:

(A) A grant-based family reunification program, a host-home program, and additional cultural competency training for youth homeless service workers, including intake and drop-in center workers, designed to inform such workers adequately concerning the developmental needs of homeless youth; and

(B) Other specific culturally-competent and language-accessible programs designed to prevent youth from becoming homeless, identify youth that are homeless or [at risk of homelessness], and provide counseling, shelter, and appropriate services to the youth so identified (including minor heads of households and minors temporarily without parental supervision); and

(5) Include estimates of the costs of carrying out various components of the plan.

(c) The plan required by this section shall identify any new legislation that is necessary to implement its recommendations, and provide recommendations concerning how to fund the provisions of the plan without reducing funding for other social programs.

(d) The Interagency Council shall revise and submit to the Council the strategic plan required by [§ 4-752.02\(b\)\(2\)](#) no later than 390 days after February 26, 2015, incorporating the provisions of the plan required by this section.

[\(Oct. 22, 2005, D.C. Law 16-35, § 5a; as added Feb. 26, 2015, D.C. Law 20-155, § 5102\(b\), 61 DCR 9990; Feb. 28, 2018, D.C. Law 22-65, § 2\(b\), \(f\), 65 DCR 331.\)](#)

### **Emergency Legislation**

For temporary (90 days) addition of [D.C. Law 16-35](#), § 5a, concerning a plan to end youth homelessness in the District by 2020, see § 5102(b) of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) addition of this section, see § 5102(b) of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) addition of this section, see § 5102(b) of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

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#### [§ 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 6, 52 DCR 8113.\)](#)

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# 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 risk of homelessness. 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 risk of homelessness 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 risk of homelessness and linking them to appropriate services;

(3) Shelter to meet the emergency 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;

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

(D) Transitional housing for the purpose of providing eligible individuals and families who are homeless with up to 24 months of assistance to prepare them for self-sufficient living in permanent housing.[:]

(4) Programs, which may be of short-term or long-term duration, to assist individuals and families who are homeless or at risk of homelessness to obtain and maintain permanent housing, and may include:

(A) Permanent supportive housing for the purpose of providing eligible individuals and families experiencing chronic homelessness or at risk of experiencing chronic homelessness, with ongoing housing and supportive service; or

(B) Rapid Re-Housing programs for the purpose of providing housing relocation and stabilization services and time-limited rental assistance to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in that housing.

(5) Supportive services for the purpose of providing individuals and families who are homeless or at risk of homelessness 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; and

(6) Services designed to alleviate the high risk of homelessness faced by LGBTQ youth.

(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 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 [§ 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, when the Mayor places a family in shelter pursuant to this act, the shelter shall be one or more apartment-style units, or one or more DC General Family Shelter replacement units.



(2) If an apartment-style unit or a DC General Family Shelter replacement unit is not available when the Mayor places a family in shelter pursuant to this chapter, the Mayor may place that family in one or more private rooms that are not apartment-style units or DC General Family Shelter replacement units.

(3) Buildings composed of DC General Family Shelter replacement units shall include, at minimum:

(A) A private bathroom, including a toilet, sink, and bathtub or shower, in at least 10% of the DC General Family Shelter replacement units;

(B) For every 2 DC General Family Shelter replacement units, one private, lockable bathroom that includes a toilet, sink, and bathtub shall be accessible to all residents.

(C) Repealed.

(4) The Mayor shall maintain within the District's shelter inventory a minimum of 121 apartment-style units.

(5) Once constructed, the Mayor shall maintain within the District's shelter inventory a minimum of 270 DC General Family Shelter replacement units.

(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.

(f)(1) The Mayor may require clients to establish and contribute to a savings or escrow account, or other similar savings arrangement. The savings or escrow arrangement shall be customized to each client so as not to jeopardize another benefit program and to allow for reasonable and necessary expenses.

(2) A client shall not be terminated for failing to contribute to a savings or escrow account or similar savings arrangement; provided, that other sanctions may be imposed as provided by rule.

(3) Pursuant to [§ 4-756.02](#), the Mayor shall issue rules on the establishment of any mandatory savings or escrow accounts, or other similar savings arrangements, authorized by this section. The rules shall provide exceptions to the requirement for mandatory savings or escrow accounts, or other similar savings arrangements.

(g) The annual Point-in-Time survey conducted pursuant to regulations of the Department of Housing and Urban Development shall include data collection regarding the sexual orientation and gender identity of each individual counted, subject to the individual's discretion to decline to provide that information.

(h) Repealed.

(i) No later than 180 days after February 26, 2015, and annually thereafter, the Department of Human Services, in coordination with the Interagency Council, shall conduct a youth census, separate from the annual Point-in-Time survey, to determine the needed scale and scope of a comprehensive program to end youth homelessness in the District. The youth census shall:

(1) Count all children and youth under 18 years of age who are living apart from a parent or guardian, excluding those who are in the physical custody of the District, and all youth between the ages of 18 and 24 years of age who are economically or emotionally detached from their families and lack an adequate or fixed residence, including children and youth who are unstably housed, living in doubled up circumstances, in transitional housing, in shelter, or on the street;

(2) For each child or youth counted, record basic demographic information including age, race, and gender identification, the location where the child or youth stayed the night before the count, the child or youth's education and employment status, and membership in pertinent subgroups based on sexual orientation, gender orientation, pregnancy or parenting status, or involvement in the foster care or juvenile or adult criminal justice systems;

(3) Identify patterns in responses describing factors leading to homelessness;

(4) Identify patterns in responses describing services used and gaps in service;

(5) Be conducted over a period of at least one week, controlling for duplication by assigning each child or youth a unique identifier; and

(6) Include multiple strategies and entry points to identify homeless children and youth.

(Oct. 22, 2005, D.C. Law 16-35, § 7, 52 DCR 8113; Mar. 14, 2007, D.C. Law 16-296, § 2(e), 54 DCR 1097; Apr. 8, 2011, D.C. Law 18-367, § 2(b), 58 DCR 987; Dec. 24, 2013, D.C. Law 20-61, § 5182(c), 60 DCR 12472; May 3, 2014, D.C. Law 20-100, § 2(d), 61 DCR 1873; Feb. 26, 2015, D.C. Law 20-155, § 5102(c), 61 DCR 9990; Mar. 11, 2015, D.C. Law 20-212, § 2(b), 61 DCR 13077; Feb. 27, 2016, D.C. Law 21-75, §§ 2(b), 3, 63 DCR 257; Feb. 28, 2018, D.C. Law 22-65, § 2(b), (g), 65 DCR 331.)

## **Section References**

This section is referenced in [§ 4-753.01a](#), [§ 4-753.04](#), [§ 4-754.13](#), [§ 4-754.32](#), and [§ 19-701](#).

## **Effect of Amendments**

The 2013 amendment by [D.C. Law 20-61](#) added (f).

[D.C. Law 16-296](#) added subsec. (e).

[D.C. Law 18-367](#) rewrote subsecs. (c) and (d).

The 2014 amendment by [D.C. Law 20-100](#) added (b)(6) and made related changes; and added (g).

The 2015 amendment by [D.C. Law 20-155](#) added (h) and (i).

The 2015 amendment by [D.C. Law 20-212](#) would have added (d)(3).

The 2016 amendment by [D.C. Law 21-75](#) repealed the amendment by [D.C. Law 20-212](#); and rewrote (d).

### **Emergency Legislation**

For temporary (90 days) requirement that demolition at the current D.C. General Family Shelter site meet all applicable environmental, health, and safety standards and that current D.C. General Family Shelter residents be relocated into safe, appropriate housing, see [§ 2 of D.C. General Resident Relocation Emergency Act of 2018 \(D.C. Act 22-430, July 31, 2018, 65 DCR 7996\)](#).

For temporary (90 days) establishment of the Center for Creative Non-Violence and District Government Task Force, see § 2 of the CCNV Task Force Emergency Act of 2013 (D.C. Act 20-147, August 2, 2013, 60 DCR 11809, 20 DCSTAT 2000).

For temporary (90 days) homeless prevention and rapid re-housing pilot, see §§ 5172 and 5173 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 5182(c) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) homeless prevention and rapid re-housing pilot, see § 5172 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) amendment of this section, see § 5182(c) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) establishment of the Center for Creative Non-Violence and District Government Task Force, see §§ 2 and 3 of the CCNV Task Force Congressional Review Emergency Act of 2013 (D.C. Act 20-226, November 29, 2013, 60 DCR 16772, 20 STAT 2616).

For temporary (90 days) amendment of this section, see § 5102(c) of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) amendment of this section, see § 5102(c) of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) amendment of this section, see § 5102(c) of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

For temporary (90 days) amendment of this section, see § 2(b) of the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 (D.C. Act 21-217, Nov. 30, 2015, 62 DCR 15648).

For temporary (90 days) amendment of this section, see §§ 2(b) and 3 of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).

### **Temporary Legislation**

For temporary (225 days) establishment of the Center for Creative Non-Violence and District Government Task Force, see § 2 of the CCNV Task Force Temporary Act of 2013 (D.C. Law 20-45, December 5, 2013, 60 DCR 14959).

### **Short Title**

Section 5171 of [D.C. Law 20-61](#) provided that Subtitle P of Title V of the act may be cited as the “Homelessness Prevention and Rapid Re-Housing Pilot Initiatives Emergency Act of 2013”.

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the “Homeless Services Reform Emergency Amendment Act of 2013”.

### **References in Text**

Section 1016(5) of [D.C. Law 16-33](#), referred to in par. (1) of subsec. (b), is published at 52 DCR 7503.

### **Editor's Notes**

Section 5172 of [D.C. Law 20-61](#) provided for the planning and implementation of an Emergency Rental Assistance Program (“ERAP”) pilot initiative and a Rapid Re-Housing (“RRH”) pilot initiative.

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

Section 3 of [D.C. Law 20-212](#) provided that the act shall take apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer

to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

### **Mayor's Orders**

Extension of Disaster Relocation and Rental Assistance Program Benefits Pursuant to Mayor's Order 2008-63, effective April 10, 2008, see Mayor's Order 2010-96, June 4, 2010 ( 57 DCR 4917).

Establishment of Emergency Rental Assistance Program and Delegation of Authority Pursuant to [D.C. Law 16-35](#), the Homeless Services Reform Act of 2005, see Mayor's Order 2006-115, August 30, 2006 ( 53 DCR 7550).

Establishment of a Disaster Relocation and Rental Assistance Program, see Mayor's Order 2008-63, April 10, 2008 ( 55 DCR 5516).

Extension of Disaster Relocation and Rental Assistance Program Benefits Pursuant to Mayor's Order 2008-63, effective April 10, 2008, see Mayor's Order 2010-96, June 4, 2010 ( 57 DCR 4917).

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### [§ 4-753.01a. Housing First Fund. \[Repealed\]](#)

Repealed.

([Oct. 22, 2005, D.C. Law 16-35, § 7a](#); as added [Aug. 16, 2008, D.C. Law 17-219, § 5004\(a\)](#), 55 DCR 7598; [Feb. 28, 2018, D.C. Law 22-65, § 2\(h\)](#), 65 DCR 331.)

### **Emergency Legislation**

For temporary (90 days) repeal of [D.C. Law 20-155](#), § 7313, see § 7016(aa)(1) of the Fiscal Year 2016 Budget Support Emergency Act of 2015 (D.C. Act 21-127, July 27, 2015, 62 DCR 10201).).

For temporary (90 days) amendment of [D.C. Law 20-61](#), § 7315, see § 7016(aa)(3) of the Fiscal Year 2016 Budget Support Emergency Act of 2015 (D.C. Act 21-127, July 27, 2015, 62 DCR 10201).

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[§ 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 risk of homelessness;

(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.

(a-2) In determining whether an applicant can demonstrate residency pursuant to [§ 4-751.01\(32\)](#), the Department shall search Department databases and other data systems to which it has access to assist individuals and families in demonstrating residency.

(a-3) If in consideration of the relevant factors, the Department can demonstrate, by clear and convincing evidence, that an applicant is not a resident pursuant to subsection (a)(2) of this section, the Department may determine that the applicant is ineligible to receive services within the Continuum of Care.

(a-4) If the Mayor 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 Mayor 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. This presumption shall not apply to individuals or families seeking shelter for reasons of domestic violence, sexual assault, or human trafficking. Additionally, this presumption shall not affect an individual's or family's eligibility for crisis intervention services, including family mediation, conflict resolution, or other family stabilization services.

(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.

(b-1)(1)(A) Except as provided in subparagraph (B) of this paragraph, upon receipt of new and relevant information regarding the program eligibility of an individual or family receiving

services within the Continuum of Care, the Mayor may redetermine the individual or family's program eligibility; provided, that the Mayor shall not redetermine the program eligibility of an individual or family more than once every 180 days.

(B) Without limitation, upon receipt of new and relevant information regarding program eligibility related to the age, household composition, an absence of more than 4 consecutive days without good cause (according to a standard established by the Mayor), 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 Mayor may redetermine the individual or family's program eligibility.

(2) The Mayor may not determine that an individual or family is ineligible for services within the Continuum of Care pursuant to paragraph (1) of 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.

(3) An individual or family shall have the right to continue their current services while the Mayor redetermines their eligibility pursuant to this subsection.

(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.

(1B) 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.

(1C) Repealed.

(2) Families who are eligible for services within the Continuum of Care shall receive appropriate referrals based on the District's centralized or coordinated assessment system protocol, 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) In determining what is an “appropriate referral,” the Mayor shall consider relevant factors, including prior receipt of services, disability, family size, affordability of housing, age, and whether an individual is an LGBTQ homeless youth, 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.

(c-1)(1) If eligibility for a family seeking shelter cannot be determined pursuant to subsection (a) of this section on the business day on which the family applies for shelter, the Mayor may place the family in an interim eligibility placement for a period not to exceed 3 days.

(2) The Mayor may extend an interim eligibility placement no more than 3 times; provided, that an interim eligibility placement shall not exceed a period of 12 days, except as otherwise provided in paragraph (6) of this subsection and [§ 4-754.11\(a\)\(20\)](#).

(3) The Mayor shall issue an eligibility determination pursuant to subsection (a) of this section to a family placed in an interim eligibility placement within 12 days of the start of the interim eligibility placement.

(4) If the Mayor does not issue an eligibility determination within 12 days of the start of an interim eligibility placement, the interim eligibility placement shall conclude and the family shall be considered eligible for shelter.

(5) If the Mayor determines that a family in an interim eligibility placement is eligible for shelter, the Mayor shall place that family in shelter, subject to the requirements of [§ 4-753.01\(d\)](#).

(6) If the Mayor determines that a family in an interim eligibility placement is ineligible for shelter pursuant to subsection (a) of this section, because the Mayor determines that the family has access to safe housing or for another reason, the interim eligibility placement shall conclude on the date indicated in the written notice issued pursuant to [§ 4-754.33\(b-1\)](#), unless the family has filed a timely fair hearing request pursuant to [§ 4-754.41](#).



(7) The Mayor may consider a family that was placed in an interim eligibility placement, but was determined to be ineligible for shelter because the family has access to other safe housing, for the same housing and case management services offered by the Department to family shelter residents.

(8) If the Mayor determines that a family placed in an interim eligibility placement is ineligible for shelter because the family has access to safe housing, and the family subsequently loses access to that safe housing within 14 days of the Mayor's determination, the Mayor shall place the family in shelter if the Mayor determines that:

(A) The family is participating in prevention and diversion services; and

(B) The family has no access to other safe housing that complies with paragraph (9) of this subsection.

(9) For purposes of determining the eligibility of a family in an interim eligibility placement for shelter pursuant to subsection (a) of this section, safe housing, in addition to meeting the definition of "safe housing" set forth in [§ 4-751.01\(32A\)](#), shall satisfy the following criteria:

(A) The family shall be expected to have access to the safe housing for at least 14 days; and

(B) To the best of the provider's knowledge, the family's presence in the safe housing shall not imminently jeopardize the tenancy of any household already occupying the safe housing.

(10) Other than during a hypothermia alert, no provision under this subsection shall be construed to require the Mayor to provide shelter to a family if there is no existing capacity in the shelter system or if the Department has exhausted its appropriation for family shelter services.

(d)(1) The Mayor shall operate the HMIS to collect, maintain, and distribute up-to-date information regarding the number of beds or units available in the Continuum of Care and the current usage and unmet demand for such beds and units.

(2) Intake providers shall enter the information provided pursuant to subsection (c)(1B) of this section in the computerized information system.

[\(Oct. 22, 2005, D.C. Law 16-35, § 8, 52 DCR 8113; Mar. 14, 2007, D.C. Law 16-296, § 2\(f\), 54 DCR 1097; Apr. 8, 2011, D.C. Law 18-367, § 2\(c\), 58 DCR 987; May 3, 2014, D.C. Law 20-100, § 2\(e\), 61 DCR 1873; Feb. 26, 2015, D.C. Law 20-155, § 5102\(d\), 61 DCR 9990; Feb. 27, 2016, D.C. Law 21-75, § 2\(c\), 63 DCR 257; Feb. 28, 2018, D.C. Law 22-65, § 2\(b\), \(i\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-752.02](#), [§ 4-754.21](#), [§ 4-754.34](#), and [§ 4-756.02](#).

## **Effect of Amendments**

[D.C. Law 16-296](#), in subsec. (c), added par. (1A).

[D.C. Law 18-367](#), in subsec. (a)(2), substituted “[§ 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” for “[§ 4-205.03](#)”; added subsec. (a-1); and, in subsec. (b), substituted “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” for “for assistance”.

The 2014 amendment by [D.C. Law 20-100](#) added (c)(1B); substituted “housing, age, and whether an individual is an LGBTQ homeless youth” for “housing and age” in (c)(4); and added (d)(2).

The 2015 amendment by [D.C. Law 20-155](#) added (c)(1C).

The 2016 amendment by [D.C. Law 21-75](#) added (c-1).

## **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 5102(d) of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) amendment of this section, see § 5102(d) of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) amendment of this section, see § 5102(d) of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

For temporary (90 days) amendment of this section, see § 2(c) of the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 (D.C. Act 21-217, Nov. 30, 2015, 62 DCR 15648).

For temporary (90 days) amendment of this section, see § 2(c) of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).

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#### [§ 4–753.03. Grace period for demonstrating residency.](#)

An individual or family seeking shelter during severe weather conditions may be afforded a 3-day grace period from the date of application to demonstrate District residency.

[\(Oct. 22, 2005, D.C. Law 16-35, § 8a; as added Apr. 8, 2011, D.C. Law 18-367, § 2\(d\), 58 DCR 987; Feb. 28, 2018, D.C. Law 22-65, § 2\(j\), 65 DCR 331.\)](#)

#### **Emergency Legislation**

For temporary (90 day) addition of section, see § 5102 of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) addition of section, see § 5102 of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

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#### [§ 4–753.04. Fiscal years 2012 and 2013 rapid re-housing. \[Repealed\]](#)

Repealed.

[\(Oct. 22, 2005, D.C. Law 16-35, § 8b; as added Sept. 20, 2012, D.C. Law 19-168, § 5102, 59 DCR 8025; Feb. 28, 2018, D.C. Law 22-65, § 2\(k\), 65 DCR 331.\)](#)

#### **Effect of Amendments**

[D.C. Law 19-168](#) added this section.

#### **Emergency Legislation**

For temporary addition of section, see § 5102 of the Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

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#### [§ 4–753.05. Placement of first-priority homeless families. \[Repealed\]](#)

Repealed.

[\(Oct. 22, 2005, D.C. Law 16-35, § 8c; as added Dec. 24, 2013, D.C. Law 20-61, § 2092, 60 DCR 12472; June 26, 2014, D.C. Law 20-117, § 2, 61 DCR 2032; Feb. 28, 2018, D.C. Law 22-65, § 2\(l\), 65 DCR 331.\)](#)

## **Effect of Amendments**

The 2013 amendment by [D.C. Law 20-61](#) added this section.

The 2014 amendment by [D.C. Law 20-117](#) rewrote this section.

## **Emergency Legislation**

For temporary addition of [D.C. Law 16-35](#), § 8c, concerning placement of first priority homeless families for the 2012-2013 hypothermia season, see § 2 of the Local Rent Supplement Program Voucher Emergency Amendment Act of 2012 (D.C. Act 19-545, November 16, 2012, 59 DCR 13590).

For temporary (90 days) addition of [D.C. Law 16-35](#), § 8c, concerning placement of first priority homeless families for the 2012-2013 hypothermia season, see § 2 of the Local Rent Supplement Program Voucher Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-12, February 20, 2013, 60 DCR 3960, 20 DCSTAT 466).

For temporary (90 days) addition of this section, see §§ 2092 and 2093 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 day) addition of [D.C. Law 16-35](#), § 8c, see §§ 2(a), 2(c), 3(a), and 3(c) of the Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013 (D.C. Act 20-180, October 4, 2013, 60 DCR 14949).

For temporary (90 days) addition of this section, see §§ 2092 and 2093 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

## **Temporary Legislation**

Section 2 of D.C. Law 19-236 added [D.C. Law 16-35](#) § 8c to read as follows:

“Sec. 8c. Placement of first priority homeless families for the 2012-2013 hypothermia season.

“For fiscal year 2013, the Mayor and the District of Columbia Housing Authority may fill vacant Rent Supplement Program tenant-based vouchers, established by section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 ([D.C. Law 16-192](#); D.C.

Official Code [§ 6-228](#)), with homeless families referred by the Department of Human Services and determined to have first priority to shelter pursuant to 29 DCMR § 2508.01(a)(1), through the end of the 2012-2013 hypothermia season. The referrals shall be made in accordance with the special eligibility criteria set forth in 29 DCMR § 2556 through 29 DCMR § 2558.”

Section 4(b) of D.C. Law 19-236 provided that the act shall expire after 225 days of its having taken effect.

For temporary (225 days) addition of [D.C. Law 16-35](#), § 8c, concerning placement of first priority homeless families, see § 2 of the Fiscal Year 2014 Budget Support Technical Clarification Temporary Amendment Act of 2013 (D.C. Law 20-56, December 13, 2013, 60 DCR 15165).

### **Short Title**

Section 2091 of [D.C. Law 20-61](#) provided that Subtitle J of Title II of the act may be cited as the “Local Rent Supplement Sustainment Amendment Act of 2013”.

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[§ 4–753.06. Department requirements for placements of individuals and families in permanent supportive housing.](#)

(a) All permanent supportive housing assistance or placements funded exclusively with non-federal funds shall be awarded to appropriate homeless individuals or families by the Department according to the District's centralized or coordinated assessment system protocol.

(b) Each permanent supportive housing placement shall be filled no later than 60 days after the day funding for the placement becomes available.

(c) The Department shall review all assessments of individuals and families to identify which individual or family is appropriate to fill the available placement.

([Oct. 22, 2005, D.C. Law 16-35, § 8d](#); [as added July 23, 2014, D.C. Law 20-129, § 2, 61 DCR 5726](#); [Feb. 28, 2018, D.C. Law 22-65, § 2\(m\), 65 DCR 331](#).)

### **Effect of Amendments**

The 2014 amendment by [D.C. Law 20-129](#) added this section.

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[§ 4–753.07. Local rent supplement program referrals. \[Repealed\]](#)

Repealed.

[\(Oct. 22, 2005, D.C. Law 16-35, § 8d \[8e\]; as added Feb. 26, 2015, D.C. Law 20-155, § 5162, 61 DCR 9990; renumbered 8e; Feb. 28, 2018, D.C. Law 22-65, § 2\(n\), 65 DCR 331.\)](#)

### **Emergency Legislation**

For temporary (90 days) addition of this section, see § 5172 of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) addition of this section, see § 5162 of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) addition of this section, see § 5162 of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

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## **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.

([Oct. 22, 2005, D.C. Law 16-35, § 3, 52 DCR 8113](#); [Mar. 14, 2007, D.C. Law 16-296, § 2\(c\), 54 DCR 1097](#); [July 29, 2016, D.C. Law 21-141, 63 DCR 8453](#).)

### **Section References**

This section is referenced in [§ 4-751.01](#), [§ 4-754.31](#), and [§ 4-754.52](#).

### **Effect of Amendments**

[D.C. Law 16-296](#), made a technical correction that required no change in the text.

### **Emergency Legislation**

For temporary (90 days) amendment of Mayor's use of funds for replacements of homeless shelters, see [§ 2 of Homeless Shelter Replacement Emergency Amendment Act of 2017 \(D.C. Act 22-227, Jan. 10, 2018, 0 DCR 0\)](#).

### **Temporary Legislation**

For temporary (225 days) amendment of Mayor's use of funds for replacements of homeless shelters, see [§ 2 of Homeless Shelter Replacement Temporary Amendment Act of 2018 \(D.C. Law 22-73, Mar. 28, 2018, 65 DCR 1370\)](#).

### **Editor's Notes**

Sections 2 and 3 of [D.C. Law 21-141](#) authorized the Mayor to use designated funds, appropriated for the purpose of developing replacement shelter facilities for the DC General Family Shelter and for the apartments used for temporary shelter at 1433 and 1435 Spring Road, N.W., to acquire specified parcels of land, including through the use of eminent domain, and to construct 7 new facilities, in Wards 1, 3, 4, 5, 6, 7, and 8, to provide temporary shelter for families experiencing homelessness.

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## **Part B. Client Rights and Responsibilities.**

### **§ 4-754.11. Client rights.**

(a) 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](#) [[§ 2-1931](#) et seq.];
- (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 in developing the client's service or case management plan, assess progress toward the goals of the plan, and review or update the plan on a regular basis (as specified by



Program Rules established pursuant to [§ 4-754.32](#)), with the assistance and support of a case manager;

(13) Be free from 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 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;

(18) Continuation of shelter or housing services provided within the Continuum of Care 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;

(19) 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;

(20) Continuation of a family's interim eligibility placement, pending the outcome of a fair hearing requested pursuant to [§ 4-754.41](#), if the family requests a fair hearing within 48 hours or before the close of the next business day, whichever occurs later, following receipt of written notice provided pursuant to [§ 4-754.33\(b-1\)](#) of a denial of an application for shelter following an interim eligibility placement; and

(21) Associate and assemble peacefully with each other, during reasonable hours as established according to the Program Rules.

(b) Repealed.

(Oct. 22, 2005, D.C. Law 16-35, § 9, 52 DCR 8113; Mar. 14, 2007, D.C. Law 16-296, § 2(g), 54 DCR 1097; June 25, 2008, D.C. Law 17-177, § 7(b), 55 DCR 3696; May 3, 2014, D.C. Law 20-100, § 2(f), 61 DCR 1873; Mar. 11, 2015, D.C. Law 20-212, § 2(c), 61 DCR 13077; Feb. 27, 2016, D.C. Law 21-75, §§ 2(d), 3, 63 DCR 257; Feb. 28, 2018, D.C. Law 22-65, § 2(o), 65 DCR 331.)

## **Section References**

This section is referenced in [§ 4-754.12](#), [§ 4-754.31](#), [§ 4-754.32](#), [§ 4-754.33](#), [§ 4-754.38](#), [§ 4-754.41](#), [§ 4-754.52](#), and [§ 4-755.01](#).

## **Effect of Amendments**

[D.C. Law 16-296](#), in par. (11), inserted “testify before, or provide information to” following “File complaints with”.

[D.C. Law 17-177](#), in par. (2), substituted “sexual orientation, gender identity or expression” for “sexual orientation”.

The 2014 amendment by [D.C. Law 20-100](#) added (19) and made related changes.

The 2015 amendment by [D.C. Law 20-212](#) would have redesignated the existing text as subsection (a); would have substituted “All clients served within the Continuum of Care” for “Clients served within the Continuum of Care” in (a); and would have added (b).

## **Applicability**

Applicability of [D.C. Law 20-212](#): Section 3 of [D.C. Law 20-212](#) provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

[D.C. Law 21-75](#) repealed [D.C. Law 20-212](#).

### **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 2(d) of the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 (D.C. Act 21-217, Nov. 30, 2015, 62 DCR 15648).

For temporary (90 days) amendment of this section, see §§ 2(d) and 3 of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).

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### **§ 4-754.12. Additional rights for clients in temporary shelter or transitional housing.**

Clients residing in temporary shelter or transitional 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).

[\(Oct. 22, 2005, D.C. Law 16-35, § 10, 52 DCR 8113; Feb. 28, 2018, D.C. Law 22-65, § 2\(p\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-754.32](#), [§ 4-754.41](#), and [§ 4-754.52](#).

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### **§ 4–754.12a. Additional rights for clients in permanent housing programs.**

Clients residing in permanent housing provided through a permanent housing program shall have the right to:

- (1) 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;
- (2) Leave and return to their own housing unit at will, in accordance with their lease or occupancy agreement;
- (3) Be free from inspections by any person acting on behalf of a provider or by a District agency administering [this chapter](#), except:
  - (A) As required as a condition of program participation, but in any case, not more than once per year; or
  - (B) Notwithstanding subparagraph (A) of this paragraph, 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;
- (4) Reasonable advance notice of any inspection, except in the circumstances described in paragraph (3)(B) of this section;
- (5) Be present or have another adult authorized by the client be present at the time of any inspection, except in the circumstances described in paragraph (3)(B) of this section;
- (6) 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;
- (7) Not be responsible for the provider's portion of the housing subsidy while the client is in the permanent housing program;

(8) 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\(a\)\(12\)](#); and

(9) 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 10a; as added Feb. 28, 2018, D.C. Law 22-65, § 2\(q\), 65 DCR 331.\)](#)

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### **§ 4-754.13. Client responsibilities.**

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

(1) Seek appropriate permanent housing according to the Program Rules established by a provider pursuant to [§ 4-754.32](#), 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;

(11) Establish and contribute to a savings or escrow account, or other similar savings arrangement, if required by rules established by the Mayor pursuant to [§ 4-753.01\(f\)](#) and included in the provider's Program Rules approved pursuant to [§ 4-754.32\(b\)](#); and

(12) 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 11, 52 DCR 8113; Dec. 24, 2013, D.C. Law 20-61, § 5182\(d\), 60 DCR 12472; Feb. 28, 2018, D.C. Law 22-65, § 2\(r\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-754.32](#), [§ 4-754.34](#), and [§ 4-754.35](#).

## **Effect of Amendments**

The 2013 amendment by [D.C. Law 20-61](#) added (a)(11); redesignated former (a)(11) as (a)(12); and made related changes.

## **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 5182(d) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 5182(d) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

## Short Title

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the “Homeless Services Reform Emergency Amendment Act of 2013”.

## Editor's Notes

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

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### 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;

(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;

(17) Publicly display information regarding the ability to seek redress under Unit A of [Chapter 14 of Title 2](#) [[§ 2-1401.01](#) et seq.]; and

(18) Develop a system for reporting bullying and harassment in accordance with subchapter II-C of [Chapter 15 of Title 2](#) [[§ 2-1535.01](#) et seq.].

([Oct. 22, 2005, D.C. Law 16-35, § 12, 52 DCR 8113](#); [June 25, 2008, D.C. Law 17-177, § 7\(c\), 55 DCR 3696](#); [May 3, 2014, D.C. Law 20-100, § 2\(g\), 61 DCR 1873](#).)

## **Section References**

This section is referenced in [§ 4-754.22](#), [§ 4-754.23](#), [§ 4-754.24](#), [§ 4-754.25](#), [§ 4-754.41](#), and [§ 4-754.52](#).

## **Effect of Amendments**

[D.C. Law 17-177](#), in par. (10), substituted “sexual orientation, gender identity or expression” for “sexual orientation”.



The 2014 amendment by [D.C. Law 20-100](#) added (17) and (18) and made related changes.

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#### **§ 4-754.21a. Training standards for all providers.**

All service provider employees, including intake workers, shall be trained in trauma-informed care, civil rights and other legal compliance, conflict resolution, and cultural competence, including, with regard to the LGBTQ population, the following:

- (1) Vocabulary and best practices for data collection, privacy, storage, and use;
- (2) Current social science research and common risk factors for LGBTQ youth;
- (3) Information about the coming out process and its impact on LGBTQ youth;
- (4) Best practices for supporting LGBTQ youth in shelter, housing, and supportive services;
- (5) Suicide awareness and prevention; and
- (6) Legal requirements for providers for homeless youth.

[\(Oct. 22, 2005, D.C. Law 16-35, § 12a; as added May 3, 2014, D.C. Law 20-100, § 2\(h\), 61 DCR 1873; Feb. 28, 2018, D.C. Law 22-65, § 2\(s\), 65 DCR 331.\)](#)

#### **Section References**

This section is referenced in [§ 4-756.02](#).

#### **Effect of Amendments**

The 2014 amendment by [D.C. Law 20-100](#) added this section.

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#### **§ 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 13, 52 DCR 8113.\)](#)

### **Section References**

This section is referenced in [§ 4-754.23](#), [§ 4-754.24](#), and [§ 4-754.25](#).

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### **§ 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 14, 52 DCR 8113.\)](#)

### **Section References**

This section is referenced in [§ 4-754.24](#) and [§ 4-754.25](#).

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### **§ 4-754.24. Additional standards for providers of temporary shelter, transitional housing, and permanent housing programs.**

In addition to the requirements in §§ [4-754.21](#), [4-754.22](#), and [4-754.23](#), providers of temporary shelter, transitional housing, and permanent housing programs 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, transitional housing, or permanent housing program facility when all of the units are in one location;
- (4) Private, secure space for the temporary storage of personal belongings;
- (5) Access to laundry facilities in the immediate vicinity of the temporary shelter, transitional housing, or permanent housing program 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 temporary shelters, transitional housing, and permanent housing programs for families, access to immediate indoor or outdoor areas equipped with basic facilities for exercise and play for use by minor children.

([Oct. 22, 2005, D.C. Law 16-35, § 15, 52 DCR 8113](#); [Feb. 28, 2018, D.C. Law 22-65, § 2\(t\), 65 DCR 331](#).)

## **Section References**

This section is referenced in [§ 4-754.25](#).

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## **§ 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 16, 52 DCR 8113.\)](#)

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#### **§ 4–754.25a. Additional standards for providers of shelter, transitional housing, or permanent housing programs for LGBTQ homeless youth.**

Providers of shelter, transitional housing, or permanent housing programs for LGBTQ homeless youth shall implement research-based family acceptance interventions that are designed to educate families on the impact of rejection towards their LGBTQ children and negative outcomes for LGBTQ youth associated with rejection, including depression, suicidal behavior, drug use, and unprotected sex. Family acceptance interventions may include individual and family sessions, assessment tools, and resources for families that promote acceptance by parents and positive well-being and development of LGBTQ youth.

[\(Oct. 22, 2005, D.C. Law 16-35, § 16a; as added May 3, 2014, D.C. Law 20-100, § 2\(i\), 61 DCR 1873; Feb. 28, 2018, D.C. Law 22-65, § 2\(u\), 65 DCR 331.\)](#)

#### **Effect of Amendments**

The 2014 amendment by [D.C. Law 20-100](#) added this section.

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#### **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](#).

([Oct. 22, 2005, D.C. Law 16-35, § 17, 52 DCR 8113](#); [Mar. 14, 2007, D.C. Law 16-296, § 2\(h\), 54 DCR 1097](#).)

## **Section References**

This section is referenced in [§ 4-753.02](#).

## **Effect of Amendments**

[D.C. Law 16-296](#), in subsec. (b), in the introductory paragraph, substituted “Except for inspections of shelters monitored by the Office of Shelter Monitoring pursuant to [§ 4-754.52](#), inspections shall be conducted” for “Inspections shall be conducted”.

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## **§ 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](#);
  - (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](#); and
  - (9) A description of a client's responsibilities to establish and contribute to a savings and escrow account, or other similar savings arrangement, if required by rules established by the Mayor pursuant to [§ 4-753.01\(f\)](#).
- (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.

([Oct. 22, 2005, D.C. Law 16-35, § 18, 52 DCR 8113](#); [Dec. 24, 2013, D.C. Law 20-61, § 5182\(e\), 60 DCR 12472](#).)

## **Section References**

This section is referenced in [§ 4-751.01](#), [§ 4-753.02](#), [§ 4-754.12](#), [§ 4-754.13](#), and [§ 4-754.21](#).

## **Effect of Amendments**

The 2013 amendment by [D.C. Law 20-61](#) added (a)(9) and made related changes.

## **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 5182(e) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 5182(e) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

## **Short Title**

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the “Homeless Services Reform Emergency Amendment Act of 2013”.

## **Editor's Notes**

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

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## **§ 4-754.33. Notice.**

(a)(1) All providers 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 a written copy of the provider’s Program Rules, and reading and explaining the rules to the client.

(2) The client and the provider staff member delivering the Program Rules pursuant to paragraph (1)(B) of this subsection shall both sign a statement acknowledging the client’s receipt of the

Program Rules 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](#).

(b-1) All providers shall give to any client in an interim eligibility placement prompt oral and written notice that the Mayor has denied eligibility for shelter placement and that the interim eligibility placement will end 48 hours or at the close of the next business day, whichever occurs later, following the client's receipt of the written notice.

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

(c-1)(1) Notwithstanding subsection (c) of this section, when a client has been absent from the temporary shelter or transitional housing provider's premises for more than 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.

(2) In such instances, written 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 notice.

(3) A copy of the notice shall also be left in the client's unit or at the facility's sign-in location.

(c-2) Any written notice issued pursuant to subsection (b) or (c) of this section must be mailed or personally served on the client.

(d) Any notice issued pursuant to subsection (b), (c), or (c-1) of this section 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](#), or the client's right to reconsideration pursuant to rules established by the Mayor in accordance with [§ 4-756.02](#), including the appropriate deadlines for instituting the appeal or reconsideration; 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).

(d-1) Any written notice issued pursuant to subsection (b-1) of this section must be served upon the client and shall include:

(1) A clear statement of the denial;

(2) 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;

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

(4) A clear and complete statement of the client's right to appeal the 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 an interim eligibility placement pending the outcome of any appeal, pursuant to § 4-754.11(20).

(d-2) Notwithstanding subsection (c) of this section, providers of medical respite services shall give a client that no longer requires medical respite services oral and written notice that the placement will end at least 24 hours before terminating the placement.

(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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 19, 52 DCR 8113; Dec. 24, 2013, D.C. Law 20-61, § 5182\(f\), 60 DCR 12472; Feb. 27, 2016, D.C. Law 21-75, § 2\(e\), 63 DCR 257; Feb. 28, 2018, D.C. Law 22-65, § 2\(v\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-754.11](#), [§ 4-754.21](#), [§ 4-754.34](#), [§ 4-754.35](#), [§ 4-754.36a](#), [§ 4-754.38](#), and [§ 4-754.42](#).

## **Effect of Amendments**

The 2013 amendment by [D.C. Law 20-61](#) rewrote (c) and (d)(4).

The 2016 amendment by [D.C. Law 21-75](#) added (b-1) and (d-1).

## **Emergency Legislation**

For temporary (90 days) amendment of this section, see [§ 2\(b\) of Medical Respite Services Exemption Emergency Amendment Act of 2017 \(D.C. Act 22-195, Nov. 29, 2017, 64 DCR 12407\)](#).

For temporary (90 days) amendment of this section, see [§ 2\(b\) of Medical Respite Services Exemption Emergency Amendment Act of 2016 \(D.C. Act 21-629, Jan. 24, 2017, 64 DCR 905\)](#).

For temporary (90 days) amendment of this section, see § 5182(f) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 5182(f) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) amendment of this section, see § 2(e) of the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 (D.C. Act 21-217, Nov. 30, 2015, 62 DCR 15648).

For temporary (90 days) amendment of this section, see § 2(e) of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).

## **Temporary Legislation**

For temporary (225 days) amendment of this section, see [§ 2\(b\) of Medical Respite Services Exemption Temporary Amendment Act of 2017 \(D.C. Law 22-51, Jan. 27, 2018, 64 DCR 12549\)](#).

For temporary (225 days) amendment of this section, see [§ 2\(b\) of Medical Respite Services Exemption Temporary Amendment Act of 2017 \(D.C. Law 21-245, Apr. 7, 2017, 64 DCR 1618\)](#).

## **Short Title**

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the “Homeless Services Reform Emergency Amendment Act of 2013”.

## Editor's Notes

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

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### **§ 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;

(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;

(2A) The client is no longer eligible to receive services from the provider's program, as determined in accordance with [§ 4-753.02\(b-1\)](#); or

(3) The client is a non-LGBTQ-identified youth occupying a bed established pursuant to [§ 4-755.01\(c\)\(1\)](#) and an LGBTQ-identified homeless youth has presented a need for shelter.

(b)(1) 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) 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\(a\)\(2\)](#); provided, that:

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

(ii) 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; or

(B) A 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.

(2) A transfer pursuant to paragraph (1)(B) of 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.

(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.

(Oct. 22, 2005, D.C. Law 16-35, § 20, 52 DCR 8113; May 3, 2014, D.C. Law 20-100, § 2(j), 61 DCR 1873; Feb. 28, 2018, D.C. Law 22-65, § 2(w), 65 DCR 331.)

## **Section References**

This section is referenced in [§ 4-754.11](#), [§ 4-754.32](#), [§ 4-754.35](#), [§ 4-754.36](#), [§ 4-754.37](#), and [§ 4-755.01](#).

## **Effect of Amendments**

The 2014 amendment by [D.C. Law 20-100](#) added (a)(3) and made related changes.

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## **§ 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 temporary shelter, transitional housing unit, or permanent housing program unit.

[\(Oct. 22, 2005, D.C. Law 16-35, § 21, 52 DCR 8113; Feb. 28, 2018, D.C. Law 22-65, § 2\(x\), 65 DCR 331.\)](#)

## Section References

This section is referenced in [§ 4-754.36](#).

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### **§ 4-754.36. Termination.**

(a) 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 that better serves the client's needs after having been offered 2 appropriate permanent housing opportunities; or

(G) Knowingly engages in repeated violations of a provider's Program Rules; and

(3) In the case of a termination pursuant to paragraph (2)(F) or (G) of this subsection, the provider has made reasonable efforts to help the client overcome obstacles to obtaining permanent housing.

(b) For the purposes of subsection (a)(2)(F) of this section, Rapid Re-Housing shall be considered an offer of appropriate permanent housing and an offer of 2 different units through a Rapid Re-Housing program shall be considered 2 offers of appropriate permanent housing. In determining whether an offer of permanent housing is appropriate, the results of a research- or evidence-based assessment tool used as part of the decision to make such an offer shall be given great weight.

[\(Oct. 22, 2005, D.C. Law 16-35, § 22, 52 DCR 8113; Dec. 24, 2013, D.C. Law 20-61, § 5182\(g\), 60 DCR 12472; Feb. 28, 2018, D.C. Law 22-65, § 2\(y\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-754.34](#) and [§ 4-754.35](#).

## **Effect of Amendments**

The 2013 amendment by [D.C. Law 20-61](#) rewrote the section.

## **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 5182(g) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 5182(g) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

## **Short Title**

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the “Homeless Services Reform Emergency Amendment Act of 2013”.

## **Editor's Notes**

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

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### **§ 4-754.36a. Discontinuation of permanent supportive housing.**

(a) A provider may discontinue permanent supportive housing for a client only when the client has:

(1) Relocated to another program or facility for more than 180 days;

(2) Abandoned his or her unit for more than 60 days and good-faith efforts to locate the client have failed, or the client has been located but has indicated by words or actions that he or she does not intend to return to and reside in the unit; or

(3) The client has not requested a reasonable accommodation to continue the permanent supportive housing for disability-related reasons, or has requested a reasonable accommodation and it was denied; and

(4) No household members who have been approved as part of the household unit for purposes of the program remain in the permanent supportive housing placement.

(b) Providers of permanent supportive housing shall give oral and written notice, in accordance with [§ 4-754.33\(d\)](#), to clients of their discontinuation from services only after the required time period in subsection (a) of this section has lapsed, except where there is credible evidence that the client who has relocated to another program or facility is expected to be absent for more than 180 days. The notice shall be given at least 30 days before the effective date of the discontinuation of services. If it is not possible to provide written notice at the time of the action because the client's whereabouts are unknown, a written notice shall be delivered to the client's last known address or, upon request, within 90 days of the discontinuation of services.

(c) A client whose permanent supportive housing is discontinued pursuant to this section shall have the right to be re-housed in accordance with the District's centralized or coordinated assessment system protocol; provided, that the client continues to meet the eligibility criteria for the program.

[\(Oct. 22, 2005, D.C. Law 16-35, § 22a; as added Dec. 24, 2013, D.C. Law 20-61, § 5182\(h\), 60 DCR 12472; Feb. 28, 2018, D.C. Law 22-65, § 2\(z\), 65 DCR 331.\)](#)

### **Effect of Amendments**

The 2013 amendment by [D.C. Law 20-61](#) added this section.

### **Emergency Legislation**

For temporary (90 days) addition of this section, see § 5182(h) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) addition of this section, see § 5182(h) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

### **Short Title**

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the "Homeless Services Reform Emergency Amendment Act of 2013".

## Editor's Notes

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

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### **§ 4-754.36b. Program exits.**

(a) A provider may exit a client from a housing program only when:

(1)(A) The housing program is provided on a time-limited basis, and the client's time period for receiving services has run;

(B) The Mayor determines that the client cannot be recertified to continue receiving services; and

(C) The client was assigned to the provider for substantially all of the client's time in the housing program; or

(2) Pursuant to [§ 4-753.02\(b-1\)](#), the Mayor determines that the client is no longer eligible for the services.

(b)(1) A provider exiting a client from a program shall provide the client oral and written notice of the program exit at least 30 days before the effective date of the program exit.

(2) Written notice issued pursuant to this subsection shall conform to the requirements of notice issued pursuant to [§ 4-754.33\(d\)](#)."

(c) Any client who requests a fair hearing within 15 days of receipt of notice of a program exit shall continue to remain in the housing program pending a final decision from the fair hearing proceedings.

(d) A program exit is not considered a termination of services pursuant to [§ 4-754.36](#).

[\(Oct. 22, 2005, D.C. Law 16-35, § 22b; as added Feb. 28, 2018, D.C. Law 22-65, § 2\(aa\), 65 DCR 331.\)](#)

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### **§ 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 23, 52 DCR 8113.\)](#)

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#### **§ 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 transfer, suspend, or terminate the client within 24 hours of the imminent threat, 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 housing services provided within the Continuum of Care 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](#).

(f)(1) In addition to the circumstances described in subsection (a) of this section, the Department or a provider may effect an emergency transfer of a client:

(A) In the case of the loss of a unit that is beyond the control of the Department or provider, such as a fire or other unexpected catastrophic loss or damage to the unit; or

(B) When a client's continued presence at a shelter location materially impairs a provider's ability to provide services to other clients at the location.

(2) The requirements of subsections (b) through (e) of this section shall apply to any client transferred pursuant to paragraph (1)(B) of this subsection.

([Oct. 22, 2005, D.C. Law 16-35, § 24, 52 DCR 8113](#); [Feb. 28, 2018, D.C. Law 22-65, § 2\(bb\), 65 DCR 331](#).)

## **Section References**

This section is referenced in [§ 4-754.11](#), [§ 4-754.33](#), and [§ 4-754.41](#).

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## **§ 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 25, 52 DCR 8113.\)](#)

## **Section References**

This section is referenced in [§ 4-754.32](#), [§ 4-754.38](#), and [§ 4-754.52](#).

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## **Part E. Administrative Hearings and Review.**

### **§ 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; provided, that, when written notice is given pursuant to [§ 4-754.33\(c-1\)](#) because the client was absent from the temporary shelter or transitional housing provider's premises for more than 4 consecutive days due to inpatient psychological or psychiatric treatment or hospitalization for medical treatment, the 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. 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;
  - (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; or
- (3) Obtain any legally available and practicable remedy for any alleged violation of:
  - (A) The provider standards listed in §§ [4-754.21](#) through [4-754.25](#) [[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 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 an emergency suspension or termination pursuant to [§ 4-754.38](#).
- (d-1) In accordance with § 4-754.11(20), any client in an interim eligibility placement who requests a fair hearing within 48 hours or before the close of the next business day, whichever occurs later, of receipt of written notice of a denial of eligibility for shelter placement shall continue in that interim eligibility placement pending a final decision from the fair hearing proceedings.
- (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](#) [[§ 2-1831.01](#) et seq.];

(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;

(C) Except as provided in subparagraph (D) of this paragraph, the Administrative Law Judge shall issue a final decision within 15 days following the completion of the hearing; and

(D) The Administrative Law Judge shall issue a final decision in a review requested pursuant to subsection (b)(2)(E) of this section within 96 hours, not including weekends or holidays, following the completion of the hearing;

(4) For a fair hearing requested from the Office of Administrative Hearings pursuant to subsection (b)(2)(E) of this section, the following additional requirements shall apply:

(A) The fair hearing shall be held no later than 4 business days after the Office of Administrative Hearings receives an administrative review decision issued pursuant to [§ 4-754.42](#); and

(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; provided, that the default decision may be set aside only for good cause shown, and upon equitable terms and conditions; and

(5) For a fair hearing requested from the Office of Administrative Hearings pursuant to subsection (b)(2)(F) [of this section], review shall be limited to evidence pertaining to factors the provider or the Mayor was permitted to consider, by [this chapter](#) or regulations issued pursuant to [this chapter](#), in making the decision to exit a client from the program.

(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.

([Oct. 22, 2005, D.C. Law 16-35, § 26, 52 DCR 8113](#); [Apr. 8, 2011, D.C. Law 18-367, § 2\(e\), 58 DCR 987](#); [Feb. 27, 2016, D.C. Law 21-75, § 2\(f\), 63 DCR 257](#); [Feb. 28, 2018, D.C. Law 22-65, § 2\(cc\), 65 DCR 331](#).)

## **Section References**

This section is referenced in [§ 4-754.11](#), [§ 4-754.32](#), [§ 4-754.33](#), [§ 4-754.38](#), [§ 4-754.39](#), and [§ 4-754.52](#).

## **Effect of Amendments**

[D.C. Law 18-367](#) rewrote subsec. (b)(2), which had read as follows: “(2) Review any decision of a provider of services, other than shelter or supportive housing, to: (A) Transfer the client to another provider; (B) Suspend provision for a period longer than 10 days; or (C) Terminate services to the client; or”.

The 2016 amendment by [D.C. Law 21-75](#) added (b)(2)(E) and (d-1); rewrote (f)(3)(C); added (f)(3)(D) and (f)(4); and made related changes.

## **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 2(f) of the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 (D.C. Act 21-217, Nov. 30, 2015, 62 DCR 15648).

For temporary (90 days) amendment of this section, see § 2(f) of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).

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## **§ 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.

(b-1) An administrative review of a denial of an application for shelter following an interim eligibility placement, conducted pursuant to subsection (a) of this section, shall be completed and a decision rendered no later than 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.

(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, if emergency relief is requested and 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.

(c-1) The administrative review of a denial of an application for shelter following an interim eligibility placement conducted in accordance with subsection (b-1) of this section shall not be waived; provided, that the Office of Administrative Hearings may grant a fair 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](#), 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.

(e) Each administrative review decision shall be in writing and shall contain a detailed statement of the basis for the decision. It shall include a comprehensive evaluation of the issues and clearly delineate the legal basis, if the decision upholds denial of shelter placement.

[\(Oct. 22, 2005, D.C. Law 16-35, § 27, 52 DCR 8113; Apr. 8, 2011, D.C. Law 18-367, § 2\(f\), 58 DCR 987; Feb. 27, 2016, D.C. Law 21-75, § 2\(g\), 63 DCR 257; Feb. 28, 2018, D.C. Law 22-65, § 2\(dd\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-754.11](#), [§ 4-754.32](#), [§ 4-754.33](#), [§ 4-754.38](#), [§ 4-754.39](#), [§ 4-754.41](#), and [§ 4-754.52](#).

## **Effect of Amendments**

[D.C. Law 18-367](#) rewrote subsec. (c), which had read as follows: “(c) An administrative review must be completed before the Office of Administrative Hearings shall grant a fair hearing to any client or client representative.”

The 2016 amendment by [D.C. Law 21-75](#) added (b-1), (c-1), and (e).

## **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 2(g) of the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 (D.C. Act 21-217, Nov. 30, 2015, 62 DCR 15648).

For temporary (90 days) amendment of this section, see § 2(g) of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).



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## Part F. Shelter Monitoring.

### **§ 4-754.51. Establishment of Shelter Monitoring Unit.**

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

(Oct. 22, 2005, D.C. Law 16-35, § 27a; as added Mar. 14, 2007, D.C. Law 16-296, § 2(i), 54 DCR 1097; Feb. 28, 2018, D.C. Law 22-65, § 2(ee), 65 DCR 331.)

#### **Section References**

This section is referenced in [§ 4-751.01](#).

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### **§ 4-754.52. Powers and duties of the Shelter Monitoring Unit.**

(a) The Shelter Monitoring Unit ("Unit") shall monitor the conditions, services, and practices at shelters, evaluating the following, to the extent applicable:

- (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 client rights established by §§ [4-754.11](#) and [4-754.12](#); and
- (6) Compliance with provider standards established by §§ [4-754.21](#) through [4-754.25](#).
- (7) Repealed.
- (8) Repealed.
- (9) Repealed.

(a-1) The Unit shall perform the monitoring tasks in subsection (a) of this section, using client surveys and interviews, staff interviews, and shelter site visits.

(b) The Unit shall conduct announced and unannounced inspections in accordance with the policies and procedures described in [§ 4-754.56](#) on the premises of each shelter covered by [§ 4-754.01](#).

(c) The Unit 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 subchapter, in accordance with the policies and procedures described in [§ 4-754.56](#).

(d) The Unit 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 Unit 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(a)(7)[§ ].

(f) 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. 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.

(g) The Unit 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) Every provider within the Continuum of Care shall post in prominent places at each program and shelter site the Unit's contact information, its procedures for accepting complaints, and procedures for requesting mediation, a fair hearing, or administrative review of grievances.

[\(Oct. 22, 2005, D.C. Law 16-35, § 27b; as added Mar. 14, 2007, D.C. Law 16-296, § 2\(i\), 54 DCR 1097; Feb. 28, 2018, D.C. Law 22-65, § 2\(ff\), 65 DCR 331.\)](#)

## **Section References**

This section is referenced in [§ 4-754.31](#).

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#### **§ 4-754.53. Shelter monitoring reports.**

- (a) The Shelter Monitoring Unit ("Unit") shall issue reports summarizing the findings of each inspection or investigation it conducts.
- (b) The Unit shall make available, upon request, each report issued pursuant to subsection (a) of this section to the provider, the Mayor, and the Director to End Homelessness. Upon request, the Unit shall deliver an appropriate number of copies of the final report to the shelter for distribution to clients.
- (c) 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 27c; as added Mar. 14, 2007, D.C. Law 16-296, § 2\(i\), 54 DCR 1097; Feb. 28, 2018, D.C. Law 22-65, § 2\(gg\), 65 DCR 331.\)](#)

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#### **§ 4-754.54. Shelter monitoring staff.**

- (a) Employees of the Shelter Monitoring Unit ("Unit") shall agree in writing to comply with all applicable confidentiality requirements in accordance with their official duties.
- (b) The Unit 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 Unit 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 27d; as added Mar. 14, 2007, D.C. Law 16-296, § 2\(i\), 54 DCR 1097; Feb. 28, 2018, D.C. Law 22-65, § 2\(hh\), 65 DCR 331.\)](#)

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#### **§ 4-754.55. Retaliation prohibited.**

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

[\(Oct. 22, 2005, D.C. Law 16-35, § 27e; as added Mar. 14, 2007, D.C. Law 16-296, § 2\(i\), 54 DCR 1097; Feb. 28, 2018, D.C. Law 22-65, § 2\(ii\), 65 DCR 331.\)](#)

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#### **§ 4–754.56. Annual monitoring strategy.**

The Shelter Monitoring Unit, with the approval of the Mayor, shall adopt an annual monitoring strategy, which shall include 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 27f; as added Mar. 14, 2007, D.C. Law 16-296, § 2\(i\), 54 DCR 1097; Feb. 28, 2018, D.C. Law 22-65, § 2\(jj\), 65 DCR 331.\)](#)

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## **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.

(c)(1) Notwithstanding subsections (a) and (b) of this section, a minimum of 10 beds shall be established for LGBTQ homeless youth through a 2-year grant or contract program to establish and maintain facilities for these beds. LGBTQ-identified homeless youth shall have priority

preference for the beds established through the 2-year grant or contract program. If beds are not in use by a 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 [§ 4-754.34\(a\)](#).

(2) Eligibility criteria shall be established to receive a grant or contract. Eligible grantees or contractors shall:

(A) Be community organizations based in the District;

(B) Have expertise in systems of care for LGBTQ homeless youth; and

(C) Establish or maintain facilities through these grants or contracts 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.

(3) At least 30% of the grant or contract 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 10.

(4) This subsection shall expire if the Interagency Council 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 pursuant to [§ 4-752.02\(b-1\)](#).

(d)(1) Notwithstanding subsections (a) and (b) of this section, the Mayor shall fund a minimum of 5 additional shelter beds for homeless youth up to 24 years of age and additional transitional housing capacity for 10 youth 18 to 24 years of age.

(2) Homeless services for youth shall be provided through 2-year grants or contracts to eligible community organizations based in the District with expertise in systems of care for homeless youth.

(3) Recipients of grants or contracts shall establish, maintain, or expand facilities through these grants or contracts that protect the safety of homeless youth through facilities that are specifically for homeless youth and separate from any existing homeless services for the general population.

(4) Repealed.

[\(Oct. 22, 2005, D.C. Law 16-35, § 28, 52 DCR 8113; May 3, 2014, D.C. Law 20-100, § 2\(k\), 61 DCR 1873; Feb. 26, 2015, D.C. Law 20-155, § 5102\(e\), 61 DCR 9990; Mar. 11, 2015, D.C. Law 20-212, § 2\(d\), 61 DCR 13077; Feb. 27, 2016, D.C. Law 21-75, § 3, 63 DCR 257; Feb. 28, 2018, D.C. Law 22-65, § 2\(kk\), 65 DCR 331.\)](#)

## Section References

This section is referenced in [§ 4-752.02](#), [§ 4-754.34](#), and [§ 4-756.02](#).

## Effect of Amendments

The 2014 amendment by [D.C. Law 20-100](#) added (c).

The 2015 amendment by [D.C. Law 20-155](#) added (d).

The 2015 amendment by [D.C. Law 20-212](#) would have substituted “which shall meet the requirements of this chapter” for “as authorized by § 4-754.11(5)” in (a).

The 2016 amendment by [D.C. Law 21-75](#) repealed the amendment by [D.C. Law 20-212](#).

## Emergency Legislation

For temporary (90 days) amendment of this section, see § 5102(e) of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) amendment of this section, see § 5102(e) of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) amendment of this section, see § 5102(e) of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

For temporary (90 days) amendment of this section, see § 3 of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).

## Editor's Notes

Section 3 of [D.C. Law 20-212](#) provided that the act shall take apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

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### [§ 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.

[\(Oct. 22, 2005, D.C. Law 16-35, § 29, 52 DCR 8113; Mar. 14, 2007, D.C. Law 16-296, § 2\(j\), 54 DCR 1097.\)](#)

### **Effect of Amendments**

[D.C. Law 16-296](#), added subsec. (d)

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#### [§ 4-755.03. Medical respite services; exemptions.](#)

(a) A medical respite service provider's decision to terminate, suspend, or transfer a client receiving medical respite services because the client no longer requires such services shall be based on the determination of a licensed medical professional.

(b) Before transferring, suspending, or terminating a client from medical respite services for non-medical reasons, the provider shall consult with a licensed medical professional.

(c) Section [4-754.11\(a\)\(16\)](#) and [\(18\)](#) and §§ [4-754.34](#), [4-754.35](#), [4-754.36](#), [4-754.36a](#), [4-754.37](#), [4-754.38](#), [4-754.39](#), [4-754.41](#), and [4-754.42](#) shall not apply where the placement of a client receiving medical respite services is terminated, suspended, or transferred, because the client no longer requires medical respite services.

[\(Oct. 22, 2005, D.C. Law 16-35, § 29a.\)](#)

### **Emergency Legislation**

For temporary (90 days) creation of this section, see [§ 2\(c\) of Medical Respite Services Exemption Emergency Amendment Act of 2016 \(D.C. Act 21-629, Jan. 24, 2017, 64 DCR 905\)](#).

For temporary (90 days) creation of this section, see [§ 2\(c\) of Medical Respite Services Exemption Emergency Amendment Act of 2017 \(D.C. Act 22-195, Nov. 29, 2017, 64 DCR 12407\)](#).

### **Temporary Legislation**

For temporary (225 days) addition of this section, see [§ 2\(c\) of Medical Respite Services Exemption Temporary Amendment Act of 2017 \(D.C. Law 22-51, Jan. 27, 2018, 64 DCR 12549\)](#).

For temporary (225 days) creation of this section, see [§ 2\(c\) of Medical Respite Services Exemption Temporary Amendment Act of 2017 \(D.C. Law 21-245, Apr. 7, 2017, 64 DCR 1618\)](#).

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## **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) Repealed.

(Oct. 22, 2005, D.C. Law 16-35, § 30, 52 DCR 8113; Aug. 16, 2008, D.C. Law 17-219, § 5004(c), 55 DCR 7598; Feb. 28, 2018, D.C. Law 22-65, § 2(mm), 65 DCR 331.)

### **Effect of Amendments**

[D.C. Law 17-219](#) designated subsec. (a) and added subsecs. (b) and (c).

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#### [§ 4-756.02. Rulemaking authority.](#)

(a) 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.

(b) Within 90 days of May 3, 2014, the Mayor, pursuant to [subchapter I of Chapter 5 of Title 2](#) [[§ 2-501](#) et seq.], and subject to the Council review period of subsection (a) of this section, shall issue rules to implement the provisions of this chapter, including:

- (1) The data collection requirements of [§ 4-753.02\(c\)](#);
- (2) The training requirements of [§ 4-754.21a](#); and
- (3) The grant-making requirements of [§ 4-755.01](#).

[\(Oct. 22, 2005, D.C. Law 16-35, § 31, 52 DCR 8113; May 3, 2014, D.C. Law 20-100, § 2\(l\), 61 DCR 1873.\)](#)

#### **Section References**

This section is referenced in [§ 4-753.01](#), [§ 4-754.33](#), and [§ 4-754.56](#).

#### **Effect of Amendments**

The 2014 amendment by [D.C. Law 20-100](#) designated the existing text as (a); and added (b).

#### **Delegation of Authority**

Delegation of Authority Pursuant to [D.C. Law 16-35](#), the Homeless Services Reform Act of 2005, see Mayor's Order 2006-20, February 13, 2006 ( 53 DCR 2721).

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#### [§ 4-756.03. Director to End Homelessness.](#)

(a) The Mayor shall appoint a Director to End Homelessness ("Director"), pursuant to [§ 1-523.01\(a\)](#). The Director shall report to the Mayor, and shall be highly qualified and experienced. The Mayor is encouraged to consult with the Interagency Council of Homelessness on the specific qualifications and job description for this position.

(b) The Director shall:

- (1) Coordinate efforts across agencies to end homelessness in the District;
- (2) Provide a single point of accountability for efforts to end homelessness in the District;
- (3) Help lead and coordinate the Interagency Council on Homelessness;
- (4) Work with community stakeholders and the Interagency Council to create, coordinate, and implement a plan to end homelessness in the District;
- (5) Create and monitor performance measures that track the District's progress on the plan to end homelessness; and
- (6) Report to the Mayor and to the Council by September 30 of each year, beginning in 2014, on the status of ending homelessness in the District.

[\(Oct. 22, 2005, D.C. Law 16-35, § 31a; as added Dec. 24, 2013, D.C. Law 20-61, § 5182\(i\), 60 DCR 12472.\)](#)

### **Effect of Amendments**

The 2013 amendment by [D.C. Law 20-61](#) added this section.

### **Emergency Legislation**

For temporary (90 days) addition of this section, see § 5182(i) of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) addition of this section, see § 5182(i) of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

### **Short Title**

Section 5181 of [D.C. Law 20-61](#) provided that Subtitle Q of Title V of the act may be cited as the “Homeless Services Reform Emergency Amendment Act of 2013”.

### **Editor's Notes**

Applicability of [D.C. Law 20-61](#): Section 11001 of [D.C. Law 20-61](#) provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

Section 2 of D.C. Law 20-206 provided that the Mayor shall develop a plan to provide continued homeless services for individuals residing at the property located at 425 2nd Street, N.W., and provided requirements for the plan.

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#### [§ 4–756.04. Interim eligibility reporting requirement.](#)

The Department, no later than February 1 of each year, shall provide a report to the Council of the District of Columbia and the Interagency Council on Homelessness that shall include the following information:

- (1) Number of families placed in an interim eligibility placement;
- (2) Average length of stay in an interim eligibility placement;
- (3) Number of eligibility denials during and subsequent to an interim eligibility placement;
- (4) Number of appeals of eligibility determinations during and subsequent to an interim eligibility placement;
- (5) Number of interim eligibility appeals resolved via administrative review;
- (6) Average time for issuance of decision for review of interim eligibility appeal via administrative review;
- (7) Number of interim eligibility appeals brought to the Office of Administrative Hearings;
- (8) Average time for issuance of decision for review of interim eligibility appeal via the Office of Administrative Hearings; and
- (9) Final placement outcome for each family placed into an interim eligibility placement.

[\(Oct. 22, 2005, D.C. Law 16-35, § 31b; as added Feb. 27, 2016, D.C. Law 21-75, § 2\(h\), 63 DCR 257.\)](#)

#### **Emergency Legislation**

For temporary (90 days) addition of this section, see § 2(h) of the Interim Eligibility and Minimum Shelter Standards Congressional Review Emergency Amendment Act of 2016 (D.C. Act 21-326, Mar. 3, 2016, 63 DCR 3658).

For temporary (90 days) addition of this section, see § 2(h) of the Interim Eligibility and Minimum Shelter Standards Emergency Amendment Act of 2015 (D.C. Act 21-217, Nov. 30, 2015, 62 DCR 15648).

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#### § 4–756.05. Flexible Rent Subsidy Pilot Program.

- (a) The Department shall establish a Flexible Rent Subsidy Pilot Program ("Program") to subsidize the cost of monthly rent for families receiving, or eligible to receive, Continuum of Care services.
- (b) The Department shall provide the subsidy to each participating family via dedicated account, which shall be used solely to pay the family's monthly rent.
- (c) The annual subsidy for a participating family shall be less than the maximum annual amount that may be provided to a household by voucher pursuant to [§ 6-228](#).
- (d) No later than 120 days after October 1, 2016, the Mayor, pursuant to [subchapter I of Chapter 5 of Title 2](#), shall issue rules to implement the provisions of this section, including rules establishing program eligibility and the dollar amount of the maximum annual subsidy, and rules of program administration.
- (e) This section shall expire on September 30, 2021.

[\(Oct. 22, 2005, D.C. Law 16-35, § 31c; as added Oct. 8, 2016, D.C. Law 21-160, § 5152, 63 DCR 10775.\)](#)

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#### § 4–756.06. Annual Rapid Re-Housing report. [Not Funded]

Not Funded.

[\(Oct. 22, 2005, D.C. Law 16-35, § 31d; as added Feb. 28, 2018, D.C. Law 22-65, § 2\(n\), 65 DCR 331.\)](#)

#### **Applicability**

Applicability of [D.C. Law 22-65: § 5 of D.C. Law 22-65](#) provided that the creation of this section by [§ 2\(nn\) of D.C. Law 22-65](#) is subject to the inclusion of the law's fiscal effect in an approved budget and financial plan. Therefore that amendment has not been implemented.

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§ 4–756.07. Voluntary program for former Rapid Re-Housing participants. [Not Funded]

Not Funded.

(Oct. 22, 2005, D.C. Law 16-35, § 31e; [as added Feb. 28, 2018, D.C. Law 22-65, § 2\(oo\), 65 DCR 331.](#))

### **Applicability**

Applicability of [D.C. Law 22-65: § 5 of D.C. Law 22-65](#) provided that the creation of this section by [§ 2\(oo\) of D.C. Law 22-65](#) is subject to the inclusion of the law's fiscal effect in an approved budget and financial plan. Therefore that amendment has not been implemented.