Finding PH3 – VAWA Compliance

In this finding, please find the following:

1. Resolution 20-11 – Amendment to VAWA Regulations
2. Resolution 18-34 – Final Regulations Implementing VAWA
3. Resolution 17-07 – Adoption of DCHA VAWA Emergency Transfer Plan

Resolution 20-11 – Amendment to VAWA Regulations was adopted as a policy by the DCHA Board in 2020 to update DCHA regulations for most up to date VAWA Compliance. This document is attached to demonstrate DCHA compliance with updated Violence Against Women Act (VAWA) requirements in accordance with HUD regulations.
RESOLUTION 20-11

TO ADOPT FINAL REGULATIONS AMENDING VIOLENCE AGAINST WOMEN ACT REGULATIONS (VAWA)

WHEREAS, District of Columbia Housing Authority ("DCHA") is required to comply with provisions of the Violence Against Women Act ("VAWA"), as amended by the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4);

WHEREAS, DCHA seeks to comply with the Department of Housing and Urban Development’s mandate to provide protections for victims of domestic violence, dating violence, sexual assault, and stalking; and

WHEREAS, on March 27, 2020, DCHA published proposed amendments to the VAWA regulations in the District of Columbia Register to solicit public comment.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of District of Columbia Housing Authority hereby authorizes the Executive Director to adopt amendments to Title 14 of the District of Columbia Municipal Regulations as final regulations to amend the Violence Against Women Act.

ADOPTED, by the Board of Commissioners and signed in open session in authentication of this passage on this 10th day of June, 2020.

ATTEST: 

Tyrone Garrett  
Executive Director/Secretary

APPROVED: 

Neil Albert  
Chairman

APPROVED TO FORM AND LEGAL SUFFICIENCY: 

Mary Grace Folwell for  
Edward Kane, Jr.  
Deputy General Counsel

(0036966-1)  
www.dchousing.org
The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2018 Repl.)), hereby gives notice of its intent to adopt the following amendments to Chapter 49 (Purpose and Scope of Housing Choice Voucher Program Administrative Plan), Chapter 53 (Recertifications, Housing Quality Standard Inspections, and Family Moves), Chapter 61 (Public Housing: Admission and Recertification), Chapter 89 (Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to implement changes to the Violence Against Women Reauthorization Act of 2013 (Pub. L. 113-4) and HUD’s implementation of this law.

Chapter 49, PURPOSE AND SCOPE OF HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN, of Title 14 DCMR, HOUSING, is amended as follows:

Section 4907, PROTECTIONS FOR APPLICANTS AND PARTICIPANTS UNDER THE VIOLENCE AGAINST WOMEN ACT, is amended as follows:

Subsection 4907.4 is amended as follows:

4907.4 If a member of the assisted Family is removed from the family composition due to that member of the assisted Family being the perpetrator in criminal acts of domestic violence, dating violence, sexual assault, or stalking and the victim is part of the assisted Family, the perpetrator may not be considered a remaining Family member or an eligible Family member.

Subsection 4907.6 is amended as follows:

4907.6

(a) Pursuant to federal regulations, the denial of continued HCVP assistance to a Family member who engages in criminal acts related to domestic violence, dating violence, sexual assault, or stalking against members of the assisted Family shall be considered a form of termination of the individual Family member. DCHA shall follow the procedures described in Chapters 58 and 89 of this title of the DCMR when terminating assistance to such an individual, unless the individual is absent or expected to be absent pursuant to paragraph (b) of this subsection.

(b) If the Family member who engages in criminal acts related to domestic violence, dating violence, sexual assault, or stalking against another Family member is absent, or expected to be absent due to court order or incarceration, from the assisted unit for more than one hundred and twenty (120) consecutive days, DCHA shall remove that Family member and the individual shall no longer be considered part of the family composition.
(c) An absent family member removed from the family composition pursuant to paragraph (b) of this subsection shall also be denied continued HCVP assistance. DCHA shall follow the same procedures as described in Chapters 58 and 89 of this title of the DCMR when terminating of the participation of the removed absent family member.

Subsection 4907.11 is amended as follows:

4907.11 If a Family or Family member participant who has been the victim of domestic violence, dating violence, stalking, or sexual assault moves in violation of the lease, DCHA shall not terminate assistance or deny a Family’s request to move under portability if the move was related to the act of domestic violence, dating violence, stalking, or sexual assault. The portability regulations outlined in Chapter 55 of this title shall apply.

Subsection 4907.12 is amended as follows:

4907.12 A Family may document an incident or incidents of domestic violence, dating violence, sexual assault, or stalking as follows:

(a) The HUD-approved certification form;

(b) A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective orders, and restraining orders); or

(c) Documentation that is—

(1) Signed by the victim;

(2) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or mental health or medical provider (collectively, “professional”) from whom the victim has sought assistance in the situation; and

(3) Attested, under penalty of perjury, that the professional believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

(d) DCHA will notify the household member seeking relief under VAWA of the member’s status under § 4907.1 within fourteen (14) business days of receiving documentation as explained in paragraphs (a) through (c) of this subsection. Notice will be provided by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided.

Subsection 4907.14 is amended as follows:
(a) If DCHA receives conflicting documentation submitted pursuant to § 4907.12 from two (2) or more members of a household, each petitioning for VAWA protections under this section and each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations.

(b) DCHA will determine which household members shall continue to be assisted in accordance with §§ 4907.21 and 5317.6. DCHA shall provide written notice to the household member(s) who will not retain assistance with the opportunity for an informal hearing in accordance with § 8908.

Subsection 4907.15 is amended as follows:

If a Family or Family member participant who has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual, requests an emergency transfer voucher pursuant to §§ 5333 or 5501 of this title, the family or family member participant must submit the request in writing. A family or family member participant may submit a DCHA or HUD-approved emergency transfer voucher form, or provide a written statement that includes either:

(a) A statement expressing and certifying, under penalty of perjury, that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HCVP; or

(b) A statement certifying, under penalty of perjury, that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the ninety (90)-calendar-day period preceding the participant's request for an emergency transfer voucher.

Subsection 4907.17 is amended as follows:

Participants must provide the documentation required under § 4907.16 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives documentation containing information that conflicts with existing information already available to DCHA, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. Third-party documentation must be provided within thirty (30) calendar days of the date of the request for the third-party documentation.

(b) If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, § 4907.14 shall apply.

(c) DCHA will administratively withdraw a family or family members’ request pursuant to § 4907.16 if documentation is not provided as explained in paragraph
(a) of this subsection.

(d) DCHA will notify the household member seeking relief under VAWA of the member’ status under § 4907.1 within fourteen (14) business days of receiving documentation as explained in paragraphs (a) through (c) of this subsection. Notice will be provided by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided.

A new Subsection 4907.21 is created to read as follows:

4907.21 Conflicting Allegations Panel.

(a) If DCHA receives conflicting documents submitted pursuant to § 4907.12 from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA shall convene a conflicting allegations panel within five (5) business days to recommend which Family member should remain in the voucher program by requiring third-party documentation to resolve the conflict in accordance with the Violence Against Women Act (VAWA) and its implementing regulations, as explained in §§ 4907.12 and 4907.14, and other applicable laws using the following guidelines:

(1) Prior to making any recommendation on who retains assistance, the conflicting allegations panel shall attempt to notify both adult family members involved in the alleged incident by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided, that only one (1) part of the family shall continue to receive assistance;

(2) The notice shall inform both adults of how DCHA will determine who retains assistance, and what relevant information each adult can provide to assist DCHA in making its recommendation;

(3) After making its recommendation using the factors as enumerated in § 5317.6, the documentation provided pursuant to §§ 4907.12 and 4907.14, and any additional relevant information provided (including, but not limited to, police report(s), protective orders, restraining orders, photographs, video footage, any past history of abuse, or evidence of who is the primary aggressor), DCHA shall notify both adults in writing within five (5) business days of its decision and the basis for the decision; and

(4) The adult family member who DCHA determines shall not continue to receive assistance shall be entitled to an informal hearing pursuant to Chapter 89 of this title of the DCMR.

(b) The Conflicting Allegations Panel will consist of three members, two (2) HCVP staff members, designated by the HCVP Director, and a victim service provider employee or agent.
Chapter 53, RECERTIFICATIONS, HOUSING QUALITY STANDARD INSPECTIONS, AND FAMILY MOVES, is amended as follows:

Section 5317, REMOVING A HOUSEHOLD MEMBER, is amended as follows:

Subsection 5317.6 is amended as follows:

5317. 6 If a Family receiving assistance breaks up into two (2) otherwise eligible families as a result of divorce, legal separation, or intrafamily offenses, then DCHA shall use the following procedures to determine which Family shall continue to be assisted:

(a) DCHA shall be bound to any decision of the courts, including but not limited to in cases of divorce, legal separation, or intrafamily offenses, as to who shall continue to receive assistance;

(b) In the case that there is no judicial decision relating to who will continue to receive the assistance, DCHA shall consider the following:

(1) Any incidents of domestic violence, dating violence, sexual assault, or stalking, or an intrafamily offense, in which case, DCHA shall ensure that the victim retains assistance;

(2) The interest of minor children; or

(3) The interest of an ill, elderly, or disabled Family member.

[§ 5317.6(c) is moved to create a new § 4907.21.]

Subsection 5317.7 is amended as follows:

5317.7 DCHA shall not determine that both families shall continue to be assisted unless an exception is required under §§ 8908.6(c) or 8908.7 in accordance with VAWA, or other applicable laws.

Subsection 5317.8 is amended as follows:

5317.8 If the Head of Household has been determined to be permanently absent due to a medical reason, death, incarceration, or being the perpetrator in criminal acts of domestic violence, dating violence, sexual assault, or stalking, DCHA may permit a remaining adult family member to become Head of Household if the remaining Family is comprised of one or more of the following persons:

(a) Minor children;

(b) Elderly;

(c) Disabled; or

(d) A victim of domestic violence, dating violence, sexual assault, or stalking.
Section 5318, ABSENT FAMILY MEMBERS, is amended as follows:

Subsection 5318.5 is amended as follows:

5318.5

(a) If a Spouse is absent from the household assisted unit more than one hundred twenty (120) consecutive days, the Spouse shall continue to be considered a Family member and the Spouse's income shall be counted. The Spouse shall remain as part of the assisted household until DCHA receives verification that the Spouse has left the household in a divorce action, legal separation, or through other verifiable third party documentation that documents that the Spouse has established a legal residency outside of the assisted household.

(b) Pursuant to § 4907.6, a Spouse who is absent or expected to be absent from the household for more than one hundred twenty (120) consecutive days due to being the perpetrator in criminal acts of domestic violence, dating violence, sexual assault, or stalking, the Spouse shall not be considered a Family member and the Spouse’s income will not be counted.

Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION is amended as follows:

Section 6127, PROTECTIONS FOR PUBLIC HOUSING APPLICANTS AND TENANTS UNDER THE VIOLENCE AGAINST WOMEN ACT, is amended as follows:

Subsection 6127.13 is amended as follows:

6127.13 Conflicting Allegations.

(a) If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. DCHA will review conflicting allegations through the process specified in § 6127.13(c).

(b) If a household member does not submit third-party documentation, or only submits third-party documentation that contains conflicting information, DCHA may deny the VAWA request. DCHA shall provide to tenants written notice and the opportunity to grieve in accordance with § 6301.

(c) Conflicting Allegations Panel. If DCHA receives conflicting documents submitted pursuant to § 6127.12 from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA shall convene a conflicting allegations panel within five (5) business days to recommend which Family member’s request will be granted in accordance with the Violence Against
Women Act (VAWA) and its implementing regulations, as explained in §§ 6127.1, and other applicable laws using the following guidelines:

(1) Prior to making any recommendation on who retains assistance, the conflicting allegations panel shall attempt to notify both adult family members involved in the alleged incident by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided, that only one (1) part of the family shall continue to receive assistance;

(2) The notice shall inform both adults of how DCHA will determine who retains assistance, and what relevant information each adult can provide to assist DCHA in making its recommendation;

(3) After making its recommendation using the factors as enumerated in § 6127.13(e), the documentation provided pursuant to § 6127.12, and any additional relevant information provided (including, but not limited to, police report(s), protective orders, restraining orders, photographs, video footage, any past history of abuse, or evidence of who is the primary aggressor), DCHA shall notify both adults in writing of its decision and the basis for the decision; and

(4) If DCHA denies the request, DCHA shall provide to the adult household member written notice and the opportunity to grieve in accordance with § 6301.

(d) The Conflicting Allegations Panel will consist of three members, two (2) staff members from Property Management and Operations, designated by the Director of Property Management and Operations, and a victim service provider employee or agent.

(e) The Conflicting Allegations Panel will consider the following to determine which VAWA request will be granted:

(1) DCHA shall be bound to any decision of the courts, including but not limited to in cases of divorce, legal separation, or intrafamily offenses;

(2) In the case that there is no judicial decision relating to who will continue to receive the assistance, DCHA shall consider the following:

   (1) Any incidents of domestic violence, dating violence, sexual assault, or stalking, or an intrafamily offense, in which case, DCHA shall ensure that the victim retains assistance;

   (2) The interest of minor children; or

   (3) The interest of an ill, elderly, or disabled Family member.

Subsection 6127.16 is amended as follows:
If a tenant requests an emergency VAWA transfer under the protections of VAWA, DCHA will request in writing that the tenant provide documentation in accordance with Subsection 6127.12.

Subsection 6127.17 is amended as follows:

Tenants must provide the documentation required under Subsection 6127.12 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, Subsection 6127.13 shall apply.

Chapter 89, INFORMAL HEARING PROCEDURES FOR APPLICANTS AND PARTICIPANTS OF THE HOUSING CHOICE VOUCHER AND MODERATE REHABILITATION PROGRAMS, is amended as follows:

Section 8900, INTRODUCTION, is amended as follows:

A new Subsection 8900.7, is created and reads as follows:

The procedures and requirements for informal hearings pertaining to Violence Against Women Act and implementing regulations are contained in this Chapter.

Section 8902, DCHA DETERMINATIONS SUBJECT TO INFORMAL HEARING, is amended as follows:

Subsection 8902.3 is amended as follows:

Except as provided in Section 8908 of this chapter, DCHA shall give the family or applicant written notice of determinations within thirty days (30) days of any determination that is subject to the provisions of Subsection 8902.1. Notices under § 8902.1(j) shall be sent by both certified and regular mail. All notices shall include:

(a) The proposed action or decision of DCHA;

(b) The date the proposed action or decisions will take place;

(c) The basis for DCHA’s decision;

(d) The procedures for requesting an informal hearing if the family or applicant disputes the action or decision; and

(e) The time limit for requesting the informal hearing; and
The form by which families or applicants can request an informal hearing.

A new Section 8908, INFORMAL HEARING PROCEDURES RELATED TO THE VIOLENCE AGAINST WOMEN ACT, is created and reads as follows:

8908.1 This section supersedes any contradicting section in this chapter.

8908.2 Recommendation for Termination.

(a) DCHA shall issue a Recommendation for Termination to the family member alleged to have committed an act of domestic violence, dating violence, sexual assault, or stalking after determining such act has occurred.

(b) DCHA shall mail the recommendation for termination by—

   (1) Certified or registered mail; and

   (2) First class mail.

(c) All notices shall include:

   (1) The proposed action or decision of DCHA;

   (2) The date the proposed action or decisions will take place;

   (3) The basis for DCHA’s decision; and

   (4) The procedures for an informal hearing if the family disputes the action or decision.

8908.3 Informal Hearing and Notice.

(a) DCHA shall issue a notice of an informal hearing within five (5) business days of the issuance of the recommendation for termination.

(b) The date of the informal hearing will be not more than ten (10) business days after the date of issuance of the informal hearing notice;

(c) The Informal hearing notice shall contain—

   (1) The date and time of the informal hearing;
(2) The location of the hearing;

(3) The participant’s right to bring evidence, witnesses, and legal or other representation at the participant’s expense;

(4) The right to view, or have their counsel or other representative view, in accordance to the restrictions provided in Subsection 4907.13 of this title and subject to a timely request under Subsection 8903.4; and

(5) The notice that the participant must provide the Office of the General Counsel copies of any documents or evidence the participant intends to use at the Hearing at least three (3) business days prior to the scheduled hearing.

(d) DCHA shall mail the Informal Hearing Notice and a copy of the recommendation for termination by—

(1) Certified or registered mail; and

(2) First class mail.

8908.4 Request for an Extension.

(a) Either party may request only one (1) extension to reschedule an Informal Hearing.

(b) Extensions shall be granted for no more than five (5) business days from the hearing date that the party is seeking to reschedule.

(c) No extension shall be granted beyond thirty (30) business days from the date of the notice recommending termination.

8908.5 Informal Hearing Procedures.

(a) Except as provided in paragraphs (b) and (c) of this subsection, the informal hearing procedures of Section 8904 of this title shall apply.

(b) The informal hearing shall concern only the issues for which the participant or applicant received a notice in conformance with Subsection 8908.3.

8908.6 Proposed and Final Decisions.

(a) The hearing officer shall, within five (5) business days of the hearing, make a proposed decision in accordance with Subsections 8905.1 and 8905.2 of this chapter.

(b) The proposed decision shall be sent by expedited mail to the participant.

(c) The proposed decision will become final on the fifth (5th) day following the postmark of the proposed decision unless one of the parties has submitted a written request to the Executive Director requesting the Executive Director to
reconsider the proposed decision before issuing a final decision and stating the basis for such review.

8908.7 Final Decisions by the Executive Director.

(a) The Executive Director shall render a final written decision within five (5) days of receipt of the request for a final decision pursuant to Subsection 8908.6, which shall include DCHA's reasons for the final decision.

(b) The final decision shall include notification that:

(1) Final decisions by the Executive Director may be reviewed by the District of Columbia Court of Appeals; and

(2) Information on the deadline to submit a Petition for Review with the Court of Appeals from the date of the Final Decision.

(c) The Executive Director may modify or set aside, in whole or in part, the decision of the hearing officer which

(1) Otherwise exceeds the authority of the hearing officer, or

(2) Is contrary to applicable HUD regulations or requirements, or is otherwise contrary to federal or local law, including the provisions of Title 14 DCMR and the HCVP Administrative Plan.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA’s Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at www.dcregs.gov, or by contacting Edward Kane Jr. at the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above reference title and must include the phrase “Comment to Proposed Rulemaking” in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, Attn: Edward Kane Jr., 1133 North Capitol Street, N.E., Suite 210, Washington D.C. 20002-7599.

2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Edward Kane Jr. at: PublicationComments@dchousing.org.

3. No facsimile will be accepted.

Comments on this Proposed Rulemaking should be submitted no later than thirty (30) days after publication of this notice in the D.C. Register.
RESOLUTION 20-11
RESOLUTION 18-34

TO ADOPT FINAL REGULATIONS IMPLEMENTING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

Summary

The purpose of this memorandum is to adopt final regulations governing the District of Columbia Housing Authority’s (“DCHA”) implementation of the Violence Against Women Act (VAWA) to the Board of Commissioners for approval for adoption. Key changes to the current regulations include specifying “sexual assault” as a crime covered by VAWA; enhancing confidentiality provisions; providing notice of VAWA protections to residents, applicants deemed ineligible, and participating families; clarifying documentation requirements for VAWA protections; clarifying VAWA emergency transfer request requirements; and clarifying VAWA protections for victims of domestic violence, dating violence, sexual assault, or stalking.
RESOLUTION 18-34

TO ADOPT FINAL REGULATIONS IMPLEMENTING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

WHEREAS, District of Columbia Housing Authority ("DCHA") is required to comply with provisions of the Violence Against Women Act ("VAWA"), as amended by the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4);

WHEREAS, DCHA seeks to comply with the Department of Housing and Urban Development’s mandate to provide protections for victims of domestic violence, dating violence, sexual assault, and stalking; and

WHEREAS, on March 30, 2018, DCHA published Proposed VAWA regulations in the District of Columbia Register to solicit public comment;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of District of Columbia Housing Authority hereby authorizes the Executive Director to adopt amendments to Title 14 of the District of Columbia Municipal Regulations as final regulations to implement the Violence Against Women Act.

ADOPTED, by the Board of Commissioners and signed in open session in authentication of this passage on this 14th day of November 2018.

ATTEST:       APPROVED:

______________________________             __________________________
Tyrone Garrett      Neil Albert
Executive Director/Secretary              Chairman

APPROVED TO FORM AND LEGAL SUFFICIENCY:

______________________________
Kenneth S. Slaughter
General Counsel
The Board of Commissioners of the District of Columbia Housing Authority (DCHA) hereby gives notice, pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), of its intent to adopt the following proposed amendments to Chapter 49 (Purpose and Scope of Housing Choice Voucher Program Administrative Plan), Chapter 53 (Recertifications, Housing Quality Standard Inspections, and Family Moves), Chapter 55 (Portability), Chapter 59 (Definitions), Chapter 60 (Low Rent Housing: General Provisions), Chapter 61 (Public Housing: Admission and Recertification), Chapter 64 (Low Rent Housing: Public Housing Transfer Policy) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the D.C. Register.

The purpose of the proposed amendments is to implement changes to the Violence Against Women Reauthorization Act of 2013 (P.L. 113-4) and HUD’s implementation of this law.

Chapter 49, PURPOSE AND SCOPE OF HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN, of Title 14 DCMR, HOUSING, is amended as follows:

Section 4097 is amended to read as follows:

4907 PROTECTIONS FOR APPLICANTS AND PARTICIPANTS UNDER THE VIOLENCE AGAINST WOMEN ACT

4907.1 In certain circumstances, as further explained below, applicants or participants may be afforded additional protections from HCVP requirements and policies under the Violence Against Women Act (VAWA). DCHA shall comply with the terms of VAWA in administration of the HCVP. VAWA protections are for victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. DCHA shall not discriminate against VAWA victims on the basis of any protected categories pursuant to 24 C.F.R. 5.105(a) including race, color, national origin, religion, sex, familial status, disability, or age.

4907.2 Applicants seeking admission to the Housing Choice Voucher Program (HCVP) or to a Project-Based Voucher unit shall not be denied admission on the basis of, or as a direct result of, the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for admission, assistance, participation, or occupancy.

4907.3 Family or Family member participant shall not be terminated from the Housing Choice Voucher Program (HCVP) or to a Project-Based Voucher unit on the basis
of, or as a direct result of, the fact that the family member participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

4907.4 If a member of the assisted Family is removed from the family composition due to that member of the assisted Family being the perpetrator in criminal acts of physical violence against one or more other Family members or other people and the victim is part of the assisted Family, the perpetrator may not be considered a remaining Family member or an eligible Family member.

4907.5 In making its decision as to who retains assistance, DCHA shall consider all credible evidence, including, but not limited to, documentation submitted to DCHA pursuant to § 4907.12.

4907.6 Pursuant to federal regulations, the denial of continued HCVP assistance to a Family member who engages in criminal acts of violence against Family members or others shall be considered a form of termination of the individual Family member. Should DCHA choose to exercise this authority, it shall follow the same procedures as described in chapters 58 and 89 of this title of the DCMR when terminating assistance to such an individual as it would when terminating the assistance of an entire Family.

4907.7 Pursuant to federal regulations, criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a participant's household or any guest or other person under the participant's control, shall not be cause for termination of tenancy, occupancy rights of, or assistance to the victim, if the participant or immediate family member of the participant is the victim.

4907.8 Notwithstanding § 4907.7, DCHA may terminate assistance to a participant for violating a program obligation not premised on an act of domestic violence, dating violence, sexual assault, or stalking, provided that DCHA, provided that DCHA does not subject such a participant to a more demanding standard than other participants in making the determination to terminate assistance to the participant.

4907.9 A victim of domestic violence, sexual violence, dating violence, or stalking who is absent for more than one hundred twenty (120) days may still be considered a Family member based on documentation that the victim is expected to return to the Family in a reasonable time if the victim provides to DCHA documentation that meets the requirements of § 4907.12.

4907.10 If a Family or Family member participant has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual, the participant may port to another PHA jurisdiction in violation of the lease as explained in chapter 55 of this title of the DCMR so long as the Family has complied with all other obligations of the HCVP.
4907.11 If a Family or Family member participant who has been the victim of domestic violence, dating violence, stalking, sexual assault, or an intrafamily offense moves in violation of the lease, DCHA shall not terminate assistance or deny a Family’s request to move under portability if the move was related to the act.

4907.12 A Family may document an incident or incidents of domestic violence, dating violence, sexual assault, or stalking as follows:

(a) The HUD-approved certification form;

(b) A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective orders, and restraining orders); or

(c) Documentation (i) signed by the victim and (ii) signed by an employee, agent, or volunteer of a victim service provider, or an attorney, or mental health or medical provider from whom the victim has sought assistance in the situation who attests under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

4907.13 Any information submitted to DCHA under this section, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in strict confidence by DCHA.

(a) DCHA shall not allow any individual administering assistance on behalf of the HCVP or any persons within their employ (e.g., contractors) or any employee of DCHA to have access to confidential information unless explicitly authorized by DCHA for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

(b) DCHA shall not enter confidential information submitted to DCHA pursuant to this section into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is:

(i) Requested or consented to in writing by the individual in a time-limited release;

(ii) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or

(iii) Otherwise required by applicable law.
4907.14 If DCHA receives conflicting HUD-approved certification forms documenting domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each petitioning for VAWA protections under this section and each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. If a household member does not submit third-party documentation, or only submits third-party documentation that contains conflicting information, DCHA may deny the VAWA request. DCHA shall determine which household members shall continue to be assisted in accordance with § 5317.6. DCHA shall provide written notice to participants with the opportunity for an informal hearing in accordance with § 8902.

4907.15 If a Family or Family member participant who has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual requests an emergency transfer voucher pursuant to § 5333 or 5501 of this title, the family or family member participant must submit the request in writing. A family or family member participant may submit a DCHA or HUD-approved emergency transfer voucher form, or provide a written statement that includes either:

(a) A statement expressing and certifying that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HCVP; or

(b) A statement certifying that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant’s request for an emergency transfer voucher.

4907.16 If a family or family member participant requests an emergency transfer voucher under the protections of VAWA, DCHA will request in writing that the family or family member participant provide at least one (1) form of documentation specified in § 4907.12.

4907.17 Participants must provide the documentation required under § 4907.16 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives documentation containing information that conflicts with existing information already available to DCHA, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, § 4907.14 shall apply.

4907.18 For families residing in Partnership Program units, also called Project-Based
Voucher ("PBV") units, the following provisions shall apply:

(a) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written emergency transfer request in the manner specified by § 4907.15 and provides documentation in the manner specified by § 4907.16 and §4907.17, DCHA may transfer the family to another Project-Based subsidized unit or another unit [in the Public Housing program] subject to availability and at DCHA’s discretion. Upon written request, the family may receive priority to receive the next available opportunity for continued tenant-based rental assistance.

(b) Notwithstanding § 5333.2, a family or family member participant is not required to give advanced written notice, with a copy to DCHA, of intent to vacate the PBV unit if the family moved to protect the health or safety of the victim.

4907.19 For families residing in the Moderate Rehabilitation Program, as defined in § 4905.1, and Single Room Occupancy (SRO) housing facilities, as defined in § 1901.3, the following provisions shall apply:

(a) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written emergency transfer request in the manner specified by § 4907.15 and provides documentation in the manner specified by § 4907.16 and §4907.17, DCHA may transfer the family to another Moderate Rehabilitation Program unit (for a family residing in a Moderate Rehabilitation Program unit) or SRO unit (for a family residing in a unit) subject to availability. If at the time of the transfer request there is no available Moderate Rehabilitation unit or SRO unit, DCHA may transfer the family to a Project-Based subsidized unit subject to availability and at DCHA’s discretion. If there is no available Project-Based subsidized unit, then upon written request and at DCHA’s discretion, the family may receive the opportunity for tenant-based rental assistance.

(b) Notwithstanding § 5333.2, a family or family member participant is not required to give advanced written notice, with a copy to DCHA, of intent to vacate the Moderate Rehabilitation Program unit if the family moved to protect the health or safety of the victim.

4907.20 DCHA will provide to applicants deemed ineligible for the HCVP and participants in the HCVP the “Notice of Occupancy Rights under the Violence Against Women Act” and the HUD-approved certification form in accordance with HUD rules and regulations.
Chapter 53, RECERTIFICATIONS, HOUSING QUALITY STANDARD INSPECTIONS, AND FAMILY MOVES, is amended as follows:

Section 5317, REMOVING A HOUSEHOLD MEMBER, is amended as follows:

Subsection 5317.6(c) is amended to read as follows:

If a Family receiving assistance breaks up into two (2) otherwise eligible families as a result of divorce, separation, or intrafamily offenses, then DCHA shall use the following procedures to determine which Family shall continue to be assisted:

(a) DCHA shall be bound to any decision of the courts, including but not limited to in cases of divorce, legal separation, or intrafamily offenses, as to who shall continue to receive assistance;

(b) In the case that there is no judicial decision relating to the assistance, DCHA shall consider the following:

(1) Any incidence of domestic violence, dating violence, sexual assault, or stalking, or an intrafamily offense, in which case, the victim of the violence or offense shall continue to receive assistance;

(2) The interest of minor children; or

(3) The interest of an ill, elderly, or disabled Family member; and;

(c) If DCHA receives conflicting HUD-approved certification forms documenting domestic violence, dating violence, sexual assault, or stalking from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA may determine which Family member is entitled to remain in the voucher program by requiring third-party documentation to resolve the conflict in accordance with the Violence Against Women Act (VAWA) and its implementing regulations, as explained in §§ 4907.12 and 4907.14, and other applicable laws using the following guidelines:

(1) Prior to making any determination on who retains assistance, DCHA shall attempt to notify both adult family members involved in the alleged incident by first-class mail to the residence or an alternative address or email address, if one is provided, and by phone, if a phone number is provided, that only one (1) part of the family shall continue to receive assistance;

(2) The notice shall inform both adults of how DCHA will determine
who retains assistance, and what relevant information each adult can provide to assist DCHA in making its determination;

(3) After making its determination using the factors as enumerated in § 5317.6 and documentation provided pursuant to §§ 4907.12 and 4907.14, DCHA shall notify both adults in writing of its decision and the basis for the decision; and

(4) The adult family member who DCHA determines shall not continue to receive assistance shall be entitled to an informal hearing pursuant to chapter 89 of this title of the DCMR.

(d) If in accordance with VAWA, DCHA seeks to remove the head of household pursuant to §§5317.6 (a) or (b), DCHA will follow the guidelines enumerated in §5317.6(c)(1)-(4).

Section 5333, FAMILY MOVES, is amended as follow:

Subsection 5333.5 is amended to read as follows:

5333.5 Notwithstanding § 5333.4, Families who qualify for emergency transfer vouchers shall be issued a transfer voucher if one (1) or more of the following conditions apply:

(a) The family has requested the emergency transfer voucher in writing or on a DCHA or HUD-approved transfer request form and demonstrated a need based on the VAWA protections as explained in § 4907;

(b) DCHA has terminated the HAP contract with the Family's landlord;

(c) The Owner has initiated eviction proceedings against the Family;

(d) DCHA may grant an emergency transfer upon request from the OAG, DOJ, or USAO as a matter of safety; or for witness protection if the family is within the first year of their lease. Where feasible, DCHA shall seek the written authorization of the Landlord to release the family prior to making any decision about allowing the family to move to another unit, if the family is in the first year of their lease; or

(e) If DCHA determines that the family voucher size is too large, and the family is not within the first year of tenancy.
Chapter 55, PORTABILITY, is amended as follows:

Section 5501, DENYING FAMILY REQUEST TO MOVE UNDER PORTABILITY, is amended as follows:

Subsection 5501.3 is amended to read as follows:

5501.3 If a Family requests portability under the protections of VAWA, DCHA shall request that the Family provide one (1) of the following documents:

(a) The HUD-approved certification form;

(b) Federal, state, tribal, territorial, or local police record, a court record, or administrative agency record that documents the incident of domestic violence, dating violence, sexual assault, or stalking; or

(c) Documentation (i) signed by the victim and (ii) signed by an employee, agent, or volunteer of a victim service provider, an attorney, or mental health or medical provider from whom the victim has sought assistance in the situation who attests under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

Chapter 59, DEFINITIONS, is amended as follows:

Section 5999 is amended to add the following definitions, with the definition of “stalking” being amended:

5999 DEFINITIONS

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the District of Columbia, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the District of Columbia.

The term “spouse or intimate partner of the victim” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
**Imminent Threat** – a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

**Sexual assault** - any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's individual safety or the safety of others; or
2. Suffer substantial emotional distress.


Chapter 60, LOW RENT HOUSING: GENERAL PROVISIONS, is amended as follows:

Section 6099, DEFINITIONS, is amended by adding “For purposes of Chapters 60 - 64 of Title 14 of the District of Columbia Municipal Regulations, the following definitions shall apply:” at the beginning of the section, and by adding the following definitions:

**Actual and imminent threat** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

**Affiliated individual**, with respect to an individual, means:

1. A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
2. Any individual, tenant, or lawful occupant living in the household of that individual.
**Bifurcate** means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

**Dating violence** means violence committed by a person:

(1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

**Domestic violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term “**spouse or intimate partner of the victim**” includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

**Safe unit** refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

**Sexual assault** means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(1) Fear for the person's individual safety or the safety of others; or

(2) Suffer substantial emotional distress.


Chapter 61, PUBLIC HOUSING: ADMISSION AND RECERTIFICATION, is amended by adding a new Section 6127:

6127 PROTECTIONS FOR PUBLIC HOUSING APPLICANTS AND TENANTS UNDER THE VIOLENCE AGAINST WOMEN ACT

6127.1 In certain circumstances, as further explained below, applicants or tenants may be afforded additional protections from DCHA requirements and policies under the Violence Against Women Act (“VAWA”). DCHA shall comply with the terms of VAWA in administration of public housing. VAWA protections are for victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. DCHA shall not discriminate against VAWA victims on the basis of any protected categories pursuant to 24 C.F.R. 5.105(a) including race, color, national origin, religion, sex, familial status, disability, or age.

6127.2 DCHA will provide to applicants deemed ineligible for admission to public housing and public housing tenants the “Notice of Occupancy Rights under the Violence Against Women Act” and the HUD-approved certification form in accordance with HUD rules and regulations.

6127.3 Applicants seeking admission to DCHA public housing units shall not be denied admission to public housing on the basis of or as a direct result of the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for admission, assistance, participation, or occupancy.

6127.4 Pursuant to federal regulations, DCHA shall not terminate tenancy for tenants protected under VAWA on the basis of, or as a direct result of, the fact that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the tenant otherwise qualifies for admission, assistance, participation, or occupancy.

6127.5 Pursuant to federal regulations, DCHA shall not deny tenancy or occupancy rights on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if the criminal activity is engaged in by a
member of the household of the tenant or any guest or other person under the
control of the tenant; and the tenant or an affiliated individual of the tenant is the
victim or threatened victim of such domestic violence, dating violence, sexual
assault, or stalking.

Pursuant to federal regulations, incidents of actual or threatened domestic
violence, dating violence, sexual assault, or stalking shall not be construed as a
serious or repeated lease violation by the victim or threatened victim of such
incidents; or good cause for terminating the tenancy or occupancy rights of the
victim or threatened victim of such incidents.

Notwithstanding Sections 6127.4, 6127.5, and 6127.6, DCHA may terminate
tenancy for any violation not premised on an act of domestic violence, dating
violence, sexual assault, or stalking, provided that DCHA does not subject such a
tenant to a more demanding standard than other tenants in making the
determination whether to evict or terminate the tenancy.

Notwithstanding Sections 6127.4, 6127.5, and 6127.6, DCHA may terminate
tenancy if DCHA demonstrates that an actual and imminent threat to other
tenants, employees, or others providing service to a public housing property
would be present if a tenant or lawful occupant is not evicted.

Prior to terminating tenancy under Section 6127.8, DCHA shall consider other
actions that may be taken to reduce or eliminate the threat, including, but not
limited to, transferring the victim to a different unit, barring the perpetrator from
the property, contacting law enforcement to increase police presence or develop
other plans to keep the property safe, or seeking other legal remedies to prevent
the perpetrator from acting on a threat.

DCHA shall comply with a court order addressing rights of access or control of
property, including civil protection orders issued to protect a victim of domestic
violence, dating violence, sexual assault, or stalking

Tenants or applicants seeking VAWA protections shall provide to DCHA
documentation of domestic violence, dating violence, sexual assault, or stalking.

A tenant or applicant may document an incident or incidences of domestic
violence, dating violence, or stalking as follows:

(a) The HUD-approved certification form;

(b) A record of a Federal, State, tribal, territorial, or local law enforcement
agency, court, or administrative agency that documents the incident of
domestic violence, dating violence, sexual assault, or stalking (i.e., police
reports, protective orders, and restraining orders); or
(c) Documentation (i) signed by the victim and (ii) signed by an employee, agent, or volunteer of a victim service provider, or an attorney, or mental health or medical provider from whom the victim has sought assistance in the situation who attests under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

6127.13 If DCHA receives conflicting certification documents of domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. If a household member does not submit third-party documentation, or only submits third-party documentation that contains conflicting information, DCHA may deny the VAWA request. DCHA shall provide to tenants written notice and the opportunity to grieve in accordance with § 6301.

6127.14 A tenant who has been a victim of domestic violence, dating violence, sexual assault, or stalking may request an emergency VAWA transfer pursuant to Section 6402 and Sections 6127.14 through 6127.18 of this title, if:

(a) the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under DCHA’s program; or

(b) the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant’s request for an emergency VAWA transfer.

6127.15 A tenant requesting an emergency VAWA transfer pursuant to § 6127.14, must submit a written request to transfer. A tenant may submit a DCHA or HUD-approved emergency VAWA transfer form, or provide a written statement that includes either:

(a) A statement expressing and certifying that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under DCHA’s program; or

(b) A statement certifying that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant’s request for an emergency VAWA transfer.
If a tenant requests an emergency VAWA transfer under the protections of VAWA, DCHA will request in writing that the tenant provide documentation in accordance with Section 6127.13.

Tenants must provide the documentation required under Section 6127.12 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, Section 6127.12 shall apply.

Notwithstanding Section 6403, a tenant is not required to give advanced written notice of intent to vacate the unit if the family moved to protect the health or safety of the victim.

DCHA may bifurcate a lease, or remove a person from a lease in order to evict, remove, or terminate occupancy rights to any lessee or household member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant. A lease bifurcation shall be carried out in accordance with federal and local law for termination of tenancy and eviction, and in accordance with HUD requirements.

If DCHA exercises the option to bifurcate a lease, DCHA will execute a new lease with the victim in accordance with federal and local requirements. If the evicted household member was the eligible tenant, the remaining tenant(s) or lawful occupant(s) that was not already eligible shall be given a period of thirty (30) calendar days from the date of bifurcation of the lease to:

(a) Establish eligibility for the DCHA public housing program; or
(b) Find alternative housing.

If the remaining tenant or lawful occupant(s) fails to establish eligibility or find alternative housing, DCHA will pursue eviction through court process in accordance with local law.

Any information submitted to DCHA under this section, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in strict confidence by DCHA.

(a) DCHA shall not allow any individual managing properties on behalf of DCHA or any persons within their employ (e.g., contractors) or any employee of DCHA to have access to confidential information unless explicitly authorized by DCHA for reasons that specifically call for these
individuals to have access to this information under applicable Federal, State, or local law.

(b) DCHA shall not enter confidential information submitted to DCHA pursuant to this section into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is:

(i) Requested or consented to in writing by the individual in a time-limited release;

(ii) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or

(iii) Otherwise required by applicable law.

Chapter 64, LOW RENT HOUSING: PUBLIC HOUSING TRANSFER POLICY, is amended as follows:

Section 6400, TRANSFER POLICY, is amended as follows:

Subsection 6400.3 is amended to read as follows:

6400.3 Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for tenant requested transfers. The good cause standard applicable to new admissions shall apply to transfers. Good cause may include refusal of a unit that does not meet the VAWA “safe unit” standard based on the incident of domestic violence, dating violence, sexual assault, and stalking as defined in Section 6099.

Section 6402, TRANSFER REQUEST BY TENANT, is amended as follows:

Subsections 6402.16 and 6402.18 are amended to read as follows:

6402.16 If a tenant refuses a transfer initiated at his/her own request, to the property of his/her own choice, the tenant’s name shall be removed from the transfer list and DCHA shall send the tenant a notice of such action. If a tenant did not identify a property, he/she may be offered up to two locations. If the tenant refuses the first, his/her name may be returned to the transfer waiting list to await the availability of another unit. If the tenant rejects the second assignment, his/her name will be removed from the transfer waiting list and DCHA shall send the tenant a notice of such action. This section shall not apply to emergency VAWA transfer units that do not meet the “safe unit” standard based on the incident of domestic violence, dating violence, sexual assault, and stalking as defined in Section 6099.
The following conditions shall dictate DCHA’s priority for its transfer of tenants who request transfers to another dwelling unit. Tenants who are approved for transfers under this section will be transferred based on the hierarchy set forth below and on the date that the “Tenant Request for Transfer” was acknowledged by the DCHA:

(a) First priority will be given to situations of a life threatening medical or public safety nature, including emergency VAWA transfers. These situations may include serious medical conditions, crimes, domestic violence, dating violence, sexual assault, stalking, hate crimes, or other situations which endanger a tenant or household member’s life from something other than the condition of the unit or the building. These life-threatening conditions must be documented and verified. Emergency VAWA transfers must be documented in accordance with § 5501.3.

(b) Second Priority shall be given to tenants with verified disabilities who require dwelling units with accessible features or as a reasonable accommodation. These transfers would include transferring residents to accessible or adaptable dwelling units or sites where conditions are documented to be more favorable for their disabilities than the unit or site from which they are seeking to transfer.

(c) Third Priority shall be given to tenant households that are over or under housed. These transfers would permit tenants to reside in dwelling units of the correct size for household members listed on their lease or those recognized by the DCHA as a result of its recertification process. To determine whether a dwelling unit is too small or too large, DCHA shall use the occupancy standards outlined at chapter 61 of this Title. If DCHA approves a tenant’s request for transfer, the household must transfer as one unit. The DCHA will not split families.

(d) Fourth Priority shall be given to issues of convenience as described by tenants requesting transfers.

Interested persons are encouraged to submit comments regarding this Proposed Rulemaking to DCHA’s Office of General Counsel. Copies of this Proposed Rulemaking can be obtained at www.dcregs.gov, or by contacting Edward Kane, at the Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599 or via telephone at (202) 535-2835. All communications on this subject matter must refer to the above referenced title and must include the phrase “Comment to Proposed Rulemaking” in the subject line. There are two methods of submitting Public Comments:

1. Submission of comments by mail: Comments may be submitted by mail to the Office of the General Counsel, Attn: Edward Kane, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002-7599.
2. Electronic Submission of comments: Comments may be submitted electronically by submitting comments to Edward Kane at: PublicationComments@dchousing.org.

3. No facsimile will be accepted.

Comments on this Proposed Rulemaking should be submitted no later than thirty (30) days after publication of this notice in the D.C. Register.
RESOLUTION 17-07

TO ADOPT THE DCHA VAWA EMERGENCY TRANSFER PLAN

WHEREAS, the District of Columbia Housing Authority (DCHA) administers the Housing Choice Voucher Program (HCVP), Project-Based Voucher Program (PBV), and Low-Income Public Housing (LIPH) in the District of Columbia; and

WHEREAS, the Department of Housing and Urban Development requires that the District of Columbia Housing Authority ("DCHA") adopt an Emergency Transfer Plan describing District of Columbia Housing Authority ("DCHA") policies for permitting victims of domestic violence, dating violence, sexual assault or stalking who qualify to request an emergency transfer, and any amendments required thereto to comply with HUD rules and regulations;

WHEREAS, the District of Columbia Housing Authority ("DCHA") is committed to ensuring the safety of its tenants and participants;

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the District of Columbia Housing Authority that the District of Columbia Housing Authority Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, attached hereto as Exhibit A, be adopted as proposed, and any amendments required thereto to comply with HUD rules and regulations;

ADOPTED, by the Board of Commissioners of the District of Columbia Housing Authority and signed in authentication of its passage the 14th day of June, 2017.

ATTEST:

Nathan E. Bovelle
Interim Executive Director/ Secretary

APPROVAL:

Terri Thompson
Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Kenneth S. Slaughter
General Counsel
Resolution 17-07
To Adopt the DCHA
VAWA Emergency Transfer Plan

EXHIBIT A
The District of Columbia Housing Authority (DCHA) is concerned about the safety of its tenants, participants and applicants and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), and any amendments thereto, this plan specifies the process for victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer in DCHA's Low-Income Public Housing, the Housing Choice Voucher Program (HCVP), or the Project-Based Voucher (PBV) Program. VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Low-Income Public Housing (LIPH)**

**Emergency VAWA Transfers**

In accordance with the Violence Against Women Act (VAWA), DCHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency VAWA transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.

The ability of DCHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether DCHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This Plan identifies tenants who are eligible for an emergency VAWA transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the

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2 Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

3 DCHA cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Federal agency that oversees that low-rent public housing and assisted housing programs are in compliance with VAWA.

Eligibility for Emergency VAWA Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations at 24 CFR part 5, subpart L, is eligible for an emergency VAWA transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence should the tenant remain within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency VAWA transfer.

A tenant requesting an emergency VAWA transfer must expressly request the transfer in accordance with the procedures described in this plan, the tenant’s lease, and relevant provisions in the District of Columbia Municipal Regulations which includes, but is not limited to, Chapter 64, Low Rent Housing: Public Housing Transfer Policy and any amendments thereto (See Attachment 1).

Tenants who are not in good standing may still request an emergency VAWA transfer if they meet the eligibility requirements in this section.

Emergency VAWA Transfer Requests and Documentation

To request an emergency VAWA transfer, the tenant shall notify the Resident Manager’s Office or DCHA’s Management Office. All requests and documentation shall be forwarded to the Director of Housing Management at DCHA’s Management Office located at 1170 12th St., NW Washington, DC 20005. DCHA will provide reasonable accommodations to this policy for individuals with disabilities.

Transfer Requests

The tenant must submit a written request for an emergency VAWA transfer. Tenants may use Form HUD-5383 or another form as specified by DCHA’s Management Office. Verbal statements or requests will not be accepted. The tenant’s request for an emergency VAWA transfer should include either:

1. A statement expressing and certifying that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under DCHA’s program; or

2. A statement certifying that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant’s request for an emergency transfer.

District of Columbia Housing Authority – VAWA Emergency Transfer Policy – Adopted June 2017
Transfer Requests Documentation

Additionally, DCHA will issue a written request requesting that the tenant submit documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Tenants may satisfy this request by providing any one of the following documents:

1. A complete HUD-approved certification form (Form HUD-5382) that documents an incident of domestic violence, dating violence, sexual assault, or stalking.

2. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective orders, and restraining orders).

3. A statement, signed by the tenant, and signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom the victim sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

If the tenant fails or refuses to provide one of these documents within fourteen (14) business days of the written request for documentation, DCHA may deny the tenant’s emergency VAWA transfer request. If conflicting information is provided, DCHA reserves the right to request additional verification.

Confidentiality

DCHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives DCHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about DCHA’s responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.
Emergency VAWA Transfer Timing and Availability

DCHA cannot guarantee that an emergency VAWA transfer request will be approved or how long it will take to process a VAWA transfer request. DCHA will, however, act as quickly as possible to transfer a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. DCHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If DCHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, DCHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant’s request, DCHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Housing Choice Voucher Program (HCVP)

Emergency Transfer Vouchers
In accordance with the Violence Against Women Act (VAWA), HCVP allows participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer voucher entitling them to move to another unit. The ability to request a transfer voucher is available regardless of sex, gender identity, or sexual orientation. The ability of HCVP to honor such requests for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and if the victim requests to move outside of DCHA’s jurisdiction, the portability regulations apply.

This plan identifies participants who are eligible for an emergency transfer vouchers, the documentation needed to request an emergency transfer voucher, confidentiality protections, how an emergency transfer voucher may be provided, and guidance to participants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that HCVP is in compliance with VAWA.

5 See footnote 4.
Eligibility for Emergency Transfer Vouchers

A HCVP participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD’s regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer voucher, if: the participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit. If the participant is a victim of sexual assault, the participant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer voucher. HCVP has discretion to determine which members of an assisted participant family continue to receive assistance in the program if the participant family breaks up. If the family break-up results from an occurrence of domestic violence, dating violence, sexual assault, or stalking, HCVP will ensure that the victim retains assistance.

A participant requesting an emergency transfer voucher must expressly request the transfer in accordance with the procedures described in this plan and relevant provisions in the District of Columbia Municipal Regulations including, but not limited to, Chapter 85, Housing Choice Voucher Program: Participant Moves and any amendments thereto (See Attachment 1).

Participants who are not in good standing may still request an emergency transfer voucher if they meet the eligibility requirements in this section.

Emergency Transfer Voucher Request Documentation

To request an emergency transfer voucher, the participant shall notify the HCVP Quality Assurance Office and submit a written request for a transfer voucher to HCVP at 1133 N. Capitol Street, NE, Suite 100, Washington, DC 20002. DCHA will provide reasonable accommodations to this policy for individuals with disabilities.

Transfer Requests

The participant must submit a written request for an emergency transfer voucher. Participants may use Form HUD-5383 or another form as specified by HCVP’s Quality Assurance Office. Verbal statements or requests will not be accepted. The participant’s written request for an emergency transfer voucher should include either:

1. A statement expressing and certifying that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HCVP; or

2. A statement certifying that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant’s request for an emergency transfer voucher.

District of Columbia Housing Authority – VAWA Emergency Transfer Policy – Adopted June 2017
Transfer Requests Documentation

Additionally, HCVP will issue a written request requesting that the participant submit documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Participants may satisfy this request by providing one of the following documents as described under 24 CFR 5.2007(b)(1):

4. A complete HUD-approved certification form (Form HUD-5382) that documents an incident of domestic violence, dating violence, sexual assault, or stalking.

5. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (i.e., police reports, protective orders, and restraining orders).

6. A statement, signed by the tenant, and signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom the victim sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.

If the participant fails or refuses to provide one of these documents within fourteen (14) business days of the written request for documentation, HCVP may deny the participant’s request for an emergency transfer voucher. If conflicting information is provided, HCVP reserves the right to request additional verification.

Confidentiality

HCVP will keep confidential any information that the participant submits in requesting an emergency transfer voucher, and information about the emergency transfer, unless the participant gives HCVP written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the participant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Participants for more information about HCVP’s responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.
Emergency Voucher Transfer Timing and Availability

HCVP cannot guarantee that a transfer voucher request will be approved or how long it will take to process a transfer voucher request. HCVP will, however, act as quickly as possible to issue a transfer voucher to a participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, in accordance with Chapter 85 of Title 14 of the District of Columbia Municipal Regulations.

HCVP may assist the participant in identifying other housing providers who may have safe and available units to which the participant could move. At the participant’s request, HCVP will also assist participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Project-Based Voucher Program

Project-based voucher (PBV) participants who are victims of domestic violence, dating violence, sexual assault, or stalking shall follow the procedure for requesting an emergency transfer as specified above for the Housing Choice Voucher Program (HCVP). If a family has been residing in a PBV unit for less than one year, the family may either: request to transfer to another Project-Based subsidized unit or move to another property without the benefit of DCHA’s assistance. For all other families, transfer requests are subject to availability. Families will be placed on a waiting list. If a family chooses to move without DCHA’s assistance or wishes to move sooner than assistance is available, at the participant’s request, HCVP will assist participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Safety and Security of Tenants and Participants

Pending processing of a transfer request or a transfer voucher request (for HCVP participants only) and the actual transfer or transfer voucher (for HCVP participants only), if it is approved and occurs, the tenant or participant is urged to take all reasonable precautions to be safe.

Tenants or participants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants or Participants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network’s National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at https://ohl.rainn.org/online/.

District of Columbia Housing Authority – VAWA Emergency Transfer Policy – Adopted June 2017
Participants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime’s Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.

Attachment 1: District of Columbia Municipal Code Regulations Applicable to Transfer Requests* (*NOTE: This is not an exclusive compilation. Additional local regulations, and amendments thereto, may apply).

Attachment 2: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.
Attachment 1

District of Columbia Municipal Code
Title 14: Housing

Low Rent Housing: Public Housing Transfer Policy

6401 Mandatory Transfer Initiated by DCHA

6401.1 Transfers initiated by the DCHA are mandatory. The DCHA shall initiate mandatory transfers for households in order to alleviate certain housing conditions. The following represents examples of such conditions:

(a) To relocate residents who are living in conditions that represent an emergency or a threat to life, health, or safety (e.g., fire, flood, no water) as determined by DCHA, another governmental entity, or as a result of a judicial proceeding;

....

(c) To relocate households to alleviate threat of attack by criminal elements as verified and documented by the DCHA Police Department or any other police department or law enforcement agency authorized to operate in the District of Columbia.

6402 Transfer Requested by Tenant

6402.18 The following conditions shall dictate DCHA's priority for its transfer of tenants who request transfers to another dwelling unit. Tenants who are approved for transfers under this section will be transferred based on the hierarchy set forth below and on the date that the "Tenant Request for Transfer" was acknowledged by the DCHA:

(a) First priority will be given to situations of a life threatening medical or public safety nature. These situations may include serious medical conditions, crimes, domestic violence, hate crimes, or other situations which endanger a tenant or household member's life from something other than the condition of the unit or the building. These life-threatening conditions must be documented and verified.

Housing Choice Voucher Program (HCVP)

4907 Protections for Applicants and Participants Under the Violence Against Women Act

District of Columbia Housing Authority – VAWA Emergency Transfer Policy – Adopted June 2017
In certain circumstances, as further explained below, applicants or participants may be afforded additional protections from HCVP requirements and policies under the Violence Against Women Act (VAWA). DCHA shall comply with the terms of VAWA in administration of the HCVP.

If a Family composition changes due to a member of the assisted Family engaging in criminal acts of physical violence against one or more other Family members or other people and the victim is part of the assisted Family, the perpetrator may not be considered a remaining Family member or an eligible Family member.

In making its decision as to who retains assistance, DCHA shall consider all credible evidence, including, but not limited to, a signed certification, HUD Form-50066, or other documentation of abuse submitted to DCHA by the victim in accordance with VAWA.

Pursuant to 24 C.F.R. § 5.2005(c) the denial of continued HCVP assistance to a Family member who engages in criminal acts of violence against Family members or others shall be considered a form of termination of the individual Family member. Should DCHA choose to exercise this authority, it shall follow the same procedures as described in chapters 58 and 89 of this title of the DCMR when terminating assistance to such an individual as it would when terminating the assistance of an entire Family.

Pursuant to 24 C.F.R. § 5.2005, criminal activity directly related to intrafamily violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights of, or assistance to the victim, if the tenant or immediate family member of the tenant is the victim.

Notwithstanding § 4907.5, an owner may still evict a tenant for a lease violation unrelated to domestic violence, provided that the owner does not subject such a tenant to a more demanding standard than other tenants in making the determination whether to evict or terminate the tenancy.

A victim of domestic violence, sexual violence, dating violence, or stalking who is absent for more than one hundred twenty (120) days may still be considered a Family member based on documentation that the victim is expected to return to the Family in a reasonable time if the victim provides DCHA documentation from a social worker, police officer, shelter, or other qualified agency regarding the incident or incidences of domestic violence and current housing arrangements for the applicant Family.

If a Family or Family member participant who has been a victim of domestic violence, dating violence, or stalking by an individual, the participant may port to another PHA jurisdiction in violation of the lease as explained in chapter 55 of this title of the DCMR so long as the Family has complied with all other obligations.

If a Family or Family member participant who has been the victim of domestic violence, dating violence, stalking, sexual assault, or an intrafamily offense moves in violation of the lease, DCHA shall not terminate assistance if the move was related to the act.

District of Columbia Housing Authority – VAWA Emergency Transfer Policy – Adopted June 2017
4907.10 A Family may document an incident or incidences of domestic violence, dating violence, or stalking as follows:

(a) The HUD-approved certification HUD Form-50066;

(b) Federal, state, tribal, territorial, or local police record;

(c) Documentation signed by an employee, agent, or volunteer of a victim service provider or an attorney or medical provider from whom the victim has sought assistance in the situation; or

(d) Other acceptable documentation in order to verify the Family's claim of domestic violence, sexual violence, dating violence, or stalking.

4907.11 DCHA shall keep such information confidential in accordance with VAWA and its implementing regulations.

4907.12 If DCHA receives conflicting certification documents of domestic violence from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, DCHA may determine which Family member is the true victim by requiring third-party documentation in accordance with VAWA and its implementing regulations.

5333 Family Moves

5333.1 Except as noted in this subsection, families may move in accordance with Chapter 85 (Housing Choice Voucher Program: Participant Moves) of this title of the DCMR.

5333.2 Each Family shall give notice to move in accordance with Chapter 85 of this title of the DCMR.

5333.3 DCHA shall not approve requests to move a Family more than once in a twelve (12) month period unless one of the exceptions apply:

(a) A victim or Family seeks to move under the protections enumerated in the VAWA;

(b) DCHA terminates the HAP contract with the owner; or

(c) The move is necessary to grant a request for a reasonable accommodation.

5333.4 Families may only request a Voucher transfer briefing if the Family:

(a) Has not been terminated or is not currently being recommended for
(b) Is in good standing with the lease in the current unit (no outstanding rent or tenant-responsible utility bills); and

c) Does not have any current tenant-caused HQS violations in their existing unit.

Notwithstanding § 5334.4, Families who qualify for emergency transfer vouchers shall be issued a transfer voucher if one (1) or more of the following conditions apply:

(a) The family has demonstrated a need based on the protections for victims of intrafamily violence as explained in § 4907;

(b) DCHA has terminated the HAP contract with the Family's landlord;

(c) The Owner has initiated eviction proceedings against the Family;

(d) DCHA may grant an emergency transfer upon request from the OAG, DOJ, or USAO as a matter of safety; or for witness protection if the family is within the first year of their lease. Where feasible, DCHA shall seek the written authorization of the Landlord to release the family prior to making any decision about allowing the family to move to another unit, if the family is in the first year of their lease; or

(e) If DCHA determines that the family voucher size is too large, and the family is not within the first year of tenancy.

Families may choose to request only one (1) transfer voucher annually, no earlier than thirty (30) days before the month they last entered into a lease and no later than thirty (30) days after they last entered into a lease unless the Family qualifies for one (1) of the emergency conditions as stated in § 5333.6.

5501 Denying Family Request to Move Under Portability

DCHA shall deny a Family’s request to move under portability, subject to the protections in the VAWA, Fair Housing Act (FHA), and District of Columbia Human Rights Act (DCHRA) if:

(a) The Family is an applicant Family coming off the waiting list and has not been assisted in DCHA's jurisdiction for twelve (12) months;

(b) The Family is currently under termination procedures;

(c) The Family is in a repayment agreement with DCHA, and has not paid it off;

(d) The Family has moved from its current unit in violation of the lease;

District of Columbia Housing Authority – VAWA Emergency Transfer Policy – Adopted June 2017
(e) The Family has not lived in DCHA jurisdiction for at least twelve (12) months since being admitted into the Program;

(f) The requested move is not in compliance with Chapter 85 of this title of the DCMR; or

(g) DCHA does not have the sufficient funding for continued assistance to support the move.

5501.2 If DCHA denies a Family portability for any of the reasons in § 5501.1, within ten (10) days of the decision, DCHA shall provide written notice to the participant or applicant of the specific basis for the denial and of its right to an informal hearing or review in accordance with Chapter 89 of this title of the DCMR.

5501.3 If a Family requests portability under the protections of VAWA, DCHA shall request that the Family provide one (1) of the following documents:

(a) The HUD-approved certification HUD Form-50066;

(b) Federal, state, tribal, territorial, or local police record;

(c) Documentation signed by an employee, agent, or volunteer of a victim service provider, or an attorney or medical provider from whom the victim has sought assistance in the situation; or

(d) Other acceptable documentation in order to verify the Family’s claim that the request to move is prompted by an instance or incidences of abuse.

8500 Participant Household Moves

8500.1 Prerequisites to a Move. A Participant Household may be issued a transfer voucher entitling them to move to another unit with, and continue to receive, a housing assistance subsidy in the District of Columbia if:

(a) The Household meets the following five conditions:

(1) The Household is not within the first term of their existing lease (unless Landlord and household mutually agree in writing to terminate the lease or HCVP terminates the HAP Contract for any reason);

(2) The Household is in good standing and is not currently in violation of any family obligations as a participant in the Housing Choice Voucher Program and applicable HCVP and HUD rules and regulations;

(3) The Household is current on any payments due to DCHA;
The Household attends a full transfer briefing conducted by DCHA; and

The effective date of the new lease begins on the first of the month; or

DCHA has determined, in its sole discretion, that one or more of the following emergency situations applies:

1. There is a creditable threat of domestic violence or need for witness protection in connection with the Household that may be mitigated by a move;

2. There are serious unresolved Housing Quality Standard landlord violations in the Participant Household’s existing leased unit;

3. Other emergency factors acceptable to DCHA have been identified by the Participant Household.

If a Participant Household makes a written request for consideration under 8500.1(b) above, DCHA shall respond in writing within five business days.

8500.2 Transfer Vouchers.

(a) For a Participant Household that qualifies for a move under Subsection 8500.1 above, the Participant Household shall be offered a Transfer Voucher to search for another unit.

(b) The Transfer Voucher shall expire at the earlier of 180 days from the date of its issuance, or the date DCHA has terminated the Housing Assistance Contract on the Participant Household’s existing unit with notice to the Household.

(c) Any denial or refusal to issue a Transfer Voucher shall be issued in writing and state the reasons for such denial, including the specific nature of any denial due to any violation of Family Obligations or failure to be in good standing under 8500.1(a)(2) above.

8500.3 Processing the Move. After issuance of a Transfer Voucher, if the Participant Household locates a dwelling unit it wishes to lease, it shall be processed by DCHA as a new lease-up, including the following:

(a) Provision of a lease-up packet when the Transfer Voucher is issued;

(b) Inspection of the new unit for compliance with HQS; and

(c) Approval of the lease-up lease package, including the lease and the lease terms including the gross rent and the contract rent subject to a rent reasonableness determination.
8500.4 Failure to Relocate. After a Transfer Voucher is issued, if the Household does not locate a new dwelling unit to move to:

(a) The Household may continue on where it is currently leasing, provided that:

(1) The Household has not yet given notice to terminate their lease to the owner; or

(2) The Household has delivered to the owner a notice rescinding the Household’s earlier termination notice with a copy of such notice simultaneously delivered to DCHA; and

(3) The HAP Contract has not otherwise been terminated by DCHA.

(b) The Household is not required to provide new lease-up or other documents to DCHA and the owner shall continue to receive Housing Assistance Payments as if the Participant had never requested the Transfer Voucher.

(c) The Household’s prior Total Tenant Payment continues in effect.

8500.5 Future Moves. If a Household decides to move at a future date while the Transfer Voucher is still in effect, or upon obtaining another Transfer Voucher, the Household is required to:

(a) Give the owner notice as provided under the Household’s lease or otherwise by mutual consent with the Owner permitting termination of the existing lease; or

(b) If the Transfer Voucher has expired, the Household is required to request a Transfer Voucher under the conditions identified in Subsection 8500.1 above.

4903 Applicability of the Administrative Plan

4903.1 This Plan, comprising chapters 49 through 59 of this title of the DCMR:

(a) Outlines how DCHA shall implement the requirements found in the applicable federal laws, regulations, and notices, as well as the requirements of the District of Columbia Code related to HVCP; and

(b) Establishes policies for items which are not covered under other chapters of the DCMR or Federal regulations for the following programs directly funded by HUD and administered by DCHA’s HCVP office:

(1) Tenant-Based Vouchers;

(2) Project-Based Vouchers;
(3) Enhanced Vouchers;
(4) Family Unification Program Vouchers;
(5) Veterans Affairs Supportive Housing (VASH) Vouchers;
(6) Mainstream and Non-Elderly Disabled Vouchers;
(7) Homeownership Vouchers;
(8) Portable Vouchers;
(9) Set-asides for Special Needs Populations as determined by the Board of Commissioners; and
(10) Moderate Rehabilitation Program.

4903.2 There are certain issues that may not be addressed in the Plan related to HCVP applicants and participants where DCHA turns to guidance provided by the HUD Housing Choice Voucher Guidebook, Federal regulations, HUD Memos and Notices, and guidelines or other applicable law.

4903.3 This Administrative Plan was adopted by a resolution of DCHA Board of Commissioners on June 13, 2012.

4903.4 This Plan replaces any Plans before it with the exception of chapters 2D and 17A.2 through 17A.4 of the preceding Administrative Plan.

4903.5 The Board of Commissioners shall approve any changes to the Plan.

4903.6 The Administrative Plan incorporates by reference portions of title 14 of the DCMR, as follows:

(a) Chapter 61—Admissions and Recertifications;
(b) Chapter 74—Reasonable Accommodation Policies and Procedures;
(c) Chapter 83—Rent and Housing Assistance Payments;
(d) Chapter 85—Housing Choice Voucher Program: Participant Moves;
(e) Chapter 89—Informal Hearing Procedures for Applicants and Participants of the Housing Choice Voucher and Moderate Rehabilitation Program;
(f) Chapter 92—Housing Choice Voucher/Home Ownership Assistance Program (HCV/HOAP); and
(g)
To the extent that other chapters of title 14 of the DCMR regulate areas relating to the HCVP, the Administrative Plan shall control unless otherwise indicated by the Administrative Plan.

If other chapters of title 14 of the DCMR regulate areas that apply to HCVP where the Administrative Plan is silent, those regulations shall control.

Pursuant to D.C. Official Code § 6-227(c) (2008 Repl.), this Administrative Plan applies to locally funded programs except to the extent that:

(a) Such program has unique rules and procedures for its administration; and

(b) The Administrative Plan is inconsistent with any of the unique rules and procedures or applicable local or federal regulations.
**LOCAL ORGANIZATIONS FOR DOMESTIC VIOLENCE, STALKING, & SEXUAL ASSAULT ASSISTANCE**

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<tr>
<th>Organization</th>
<th>Address</th>
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<td>SAFE (Survivors and Advocates for Empowerment), Inc.</td>
<td>500 Indiana Avenue, Room 4550, Washington, DC 20001</td>
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<td><a href="http://www.dcsafe.org">www.dcsafe.org</a></td>
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<td>Alternate Location for SAFE: Domestic Violence Intake Center, SE United Medical Center, 1320 Southern Avenue, SE Room 311, Washington, DC 20019</td>
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