

Tab A

Councilmember Adrian Fenty

Councilmember Vincent C. Gray

Councilmember Jim Graham

Councilmember Kwame Brown

Councilmember Jack Evans

Councilmember Marion Barry

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Councilmembers Fenty, Gray, Graham, Brown, Evans, Barry, _____,
_____, _____, and _____ introduced the following
bill, which was referred to the Committee on _____.

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To reaffirm the District of Columbia’s commitment to addressing the problem of homelessness,
to establish the Interagency Council on Homelessness and describe its members, powers,
and duties, to describe the Continuum of Care for individuals and families who are
homeless or at imminent risk of becoming homeless, to codify the rights and
responsibilities of clients of homeless services providers, and the standards by which the
District of Columbia and homeless services providers must deliver services to clients, and
to revise the procedures for resolving disputes between clients and providers of homeless
services.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this 32
act may be cited as the “Homeless Services Reform Act of 2005”. 33

Sec. 2. Definitions. 34

For the purposes of this act, the term: 35

(1) “Administrative Procedure Act” or “APA” means the District of Columbia 36
Administrative Procedure Act, approved October 21, 1968 (82 Stat 1204; D.C. Official Code § 37
2-501 *et seq.*). 38

- (2) “Adult” means any individual who: 1
- (A) Has reached the age of majority under District law as defined in D.C. 2
Official Code § 46-101; or 3
- (B) Qualifies as an emancipated minor under District law. 4
- (3) “Apartment style” means a housing unit with: 5
- (A) Separate cooking facilities and other basic necessities to enable 6
families to prepare and consume meals; 7
- (B) Separate bathroom facilities for the use of the family; and 8
- (C) Separate sleeping quarters for adults and minor children in accordance 9
with the occupancy standards of the Housing Title of the District of Columbia Municipal 10
regulations. 11
- (4) “Appropriate permanent housing” means permanent housing that does not 12
jeopardize the health, safety, or welfare of its occupants, meets the District’s building code 13
requirements, and is affordable for the client. 14
- (5) “Appropriately trained and qualified” means having received specialized 15
training designed to teach the skills necessary to successfully perform one’s job and to work 16
compassionately with individuals and families who are homeless or at imminent risk of 17
becoming homeless. 18
- (6) “Basic necessities” means a dinette set, refrigerator, stove, exhaust fan or 19
window, storage cabinets, cookware, flatware, and tableware. 20
- (7) “Client” means an individual or family seeking, receiving, or eligible for 21
services from a program covered by section 3. 22
- (8) “Continuum of Care” means the comprehensive system of services for 23
individuals and families who are homeless or at imminent risk of becoming homeless and 24

designed to serve clients based on their individual level of need. The Continuum of Care may include crisis intervention, outreach and assessment services, shelter, transitional housing, permanent supportive housing, and supportive services.

(9) “Crisis intervention” means assistance to prevent individuals and families from becoming homeless, which may include, but need not be limited to, cash assistance for security deposits, rent or mortgage payments, credit counseling, mediation with landlords, and supportive services.

(10) “Culturally competent” means the ability of a provider to deliver or ensure access to services in a manner that effectively responds to the languages, values, and practices present in the various cultures of its clients so the provider can respond to the individual needs of each client.

(11) “Day program” means a facility that provides open access to structured activities during set hours of the day to meet the supportive services needs of individuals and families who are homeless or at imminent risk of becoming homeless.

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

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

(14) “Drop-in center” means a facility that delivers supportive services that may include food, clothing, showers, medical services, and employment services.

(15) “Drug” means a controlled substance as defined in D.C. Official Code § 48-901.02(4), or the Controlled Substances Act of 1970, approved October 27, 1970 (84 Stat. 1242; 21 U.S.C. § 801 *et seq.*).

(16) “Family” means:

(A) A group of individuals with at least one minor or dependent child,

regardless of blood relationship, age, or marriage, whose history and statements reasonably tend 1
to demonstrate that they intend to remain together as a family unit; or 2

(B) A pregnant woman in her third trimester. 3

(17) “Group home” means a housing unit with: 4

(A) Sleeping quarters that may be shared; 5

(B) Shared cooking and bathroom facilities; and 6

(C) Other basic necessities to enable individuals or families to prepare and 7
consume meals. 8

(18) “Homeless” means: 9

(A) Lacking a fixed, regular residence that does not jeopardize the health, 10
safety, or welfare of its occupants, and lacking the financial ability to immediately acquire one; 11
or 12

(B) Having a primary nighttime residence that is: 13

(i) A supervised publicly or privately operated shelter or 14
transitional housing facility designed to provide temporary living accommodations; or 15

(ii) A public or private place not designed for, or ordinarily used 16
as, a regular sleeping accommodation for human beings. 17

(19) “Housing First” means a program that provides clients with immediate access 18
to independent permanent housing and supportive services without prerequisites for sobriety or 19
participation in psychiatric treatment. Clients in Housing First programs may choose the 20
frequency and type of supportive services they receive and refusal of services will have no 21
consequence for their access to housing or on continuation of their housing and supportive 22
services. 23

(20) “Hyperthermia shelter” means a public or private building that the District 24

shall make available, for the purpose of providing shelter to individuals or families who are
homeless and cannot access other shelter, whenever the actual or forecasted temperature or heat
index rises above 95 degrees Fahrenheit. The term “hyperthermia shelter” does not include
overnight shelter, unless the actual or forecasted overnight temperature or heat index rises above
95 degrees Fahrenheit.

(21) “Hypothermia shelter” means a public or private building that the District
shall make available, for the purpose of providing shelter to individuals or families who are
homeless and cannot access other shelter, whenever the actual or forecasted temperature,
including the wind chill factor, falls below 32 degrees Fahrenheit.

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

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

(24) “Interagency Council” means the Interagency Council on Homelessness
established pursuant to section 4.

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

(26) “Member agency” or “member agencies” means the District agencies or
divisions thereof represented on the Interagency Council pursuant to section 4(b).

(27) “Permanent supportive housing” means supportive housing for an
unrestricted period of time for individuals and families who were once homeless and continue to

be at imminent risk of becoming homeless, including persons with disabilities as defined in 24 1
C.F.R. § 582.5, for whom self-sufficient living may be unlikely and whose care can be supported 2
through public funds. 3

(28) “Program Rules” means the set of provider rules, client rights, and complaint 4
and appeal procedures, including those enumerated in this act, proposed by a particular provider 5
for the purpose of governing the behavior and treatment of its clients and approved by the Mayor 6
subject to section 18. 7

(29) “Provider” means an individual or entity within the Continuum of Care that 8
operates a program covered by section 3. 9

(30) “Public assistance” means government-funded payments in or by money, 10
medical care, remedial care, shelter, goods or services to, or for the benefit of, needy persons. 11

(31) “Resident of the District” means an individual or family who is living in the 12
District voluntarily and not for a temporary purpose and who has no intention of presently 13
moving from the District. The term "resident of the District" shall be interpreted and applied in 14
accordance with D.C. Official Code § 4-205.03. 15

(32) “Sanction” means an adverse action taken by a provider affecting the 16
delivery of services to a client, and may include loss of privileges or denial, reduction, delay, 17
transfer for inappropriate or punitive reasons, suspension, or termination of services. 18

(33) “Service plan” means a written plan collaboratively developed and agreed 19
upon by both the provider and the client, consisting of time-specific goals and objectives 20
designed to promote self-sufficiency and attainment of permanent housing and based on the 21
client's individually assessed needs, desires, strengths, resources, and limitations. 22

(34) “Severe weather conditions” means the outdoor conditions whenever the 23
actual or forecasted temperature, including the wind chill factor or heat index, falls below 32 24

degrees Fahrenheit or rises above 95 degrees Fahrenheit. 1

(35) “Severe weather shelter” means hyperthermia shelter or hypothermia shelter. 2

(36) “Shelter” means severe weather shelter, low barrier shelter, and temporary 3
shelter. 4

(37) “Supportive housing” means transitional housing and permanent supportive 5
housing. 6

(38) “Supportive services” means services addressing employment, physical 7
health, mental health, alcohol and other substance abuse recovery, child care, transportation, case 8
management, transportation, and other health and social service needs which, if unmet, may be 9
barriers to obtaining or maintaining permanent housing. 10

(39) “Temporary shelter” means: 11

(A) A housing accommodation for individuals who are homeless that is 12
open either 24 hours or at least 12 hours each day, other than a severe weather shelter or low 13
barrier shelter, provided directly by, or through contract with or grant from, the District, for the 14
purpose of providing shelter and supportive services; 15

(B) A 24-hour apartment-style housing accommodation for individuals or 16
families who are homeless, other than a severe weather shelter, provided directly by, or through 17
contract with or grant from, the District, for the purpose of providing shelter and supportive 18
services; or 19

(C) A 24-hour non-apartment-style housing accommodation for families 20
who are homeless, other than a severe weather shelter, provided directly by, or through contract 21
with or grant from, the District, for the purpose of providing shelter for up to 90 days while 22
awaiting transfer to an apartment-style temporary shelter or to supportive housing. 23

(40) “Transitional housing” means a 24-hour housing accommodation, provided 24

directly by, or through contract with or grant from, the District, for individuals and families who: 1
(A) Are homeless; 2
(B) Require a structured program of supportive services for up to 2 years 3
or as long as necessary in order to prepare for self-sufficient living in permanent housing; and 4
(C) Consent to a case management plan developed collaboratively with 5
the provider. 6

(41) “Weapon” means any pistol or other firearm (or imitation thereof), or other 7
dangerous or deadly weapon, including a sawed-off shot gun, shot gun, machine gun, rifle, dirk, 8
bowie knife, butcher knife, switch blade knife, razor, black jack, billy club or metallic or other 9
false knuckles as defined pursuant to D.C. Official Code § 22-4502 and any air gun, air rifle, 10
canon, torpedo, bean shooter, sling, projectile, dart, BB gun, spring gun, blow gun, other 11
dangerous missile or explosive, or other dangerous weapon or ammunition of any character as 12
defined pursuant to Chapter 23 of Title 24 of the District of Columbia Municipal Regulations. 13

Sec. 3. Application. 14

(a) The provisions in sections 9-27 shall apply to: 15

(1) Each program of a provider within the Continuum of Care that receives 16
funding from either the District of Columbia or the federal government, if such funds are 17
administered, whether by grant, contract or other means, by the Department of Human Services 18
or its designee; and 19

(2) Clients of programs covered under paragraph (1) of this subsection. 20

(b) In multi-program agencies, the provisions in sections 9-27 shall only apply to those 21
programs that meet the criteria in subsection (a) of this section and clients of those programs. 22

(c) This section shall not be construed to expand or limit the requirements of any other 23
provision of this act. 24

Sec. 4. Establishment of Interagency Council on Homelessness.	1
(a) There is established in the District the Interagency Council on Homelessness for the purpose of facilitating interagency, cabinet-level leadership in planning, policymaking, program development, provider monitoring, and budgeting for the Continuum of Care of homeless services.	2 3 4 5
(b) The Interagency Council is composed of:	6
(1) The Deputy Mayor for Children, Youth, Families, and Elders, or his or her designee, who shall serve as chairperson of the Interagency Council;	7 8
(2) The administrative head of each of the following entities or divisions thereof, or his or her designee; provided, that any such designee possesses sufficient authority to effectuate the purpose of the participation of the entity or division on the Interagency Council:	9 10 11
(A) Department of Human Services, Office of the Director;	12
(B) Department of Human Services, Family Services Administration;	13
(C) Department of Human Services, Income Maintenance Administration;	14
(D) Department of Human Services, Rehabilitation Services Administration;	15 16
(E) Department of Mental Health;	17
(F) Child and Family Services Agency;	18
(G) Department of Housing and Community Development;	19
(H) Department of Health, Office of the Director;	20
(I) Department of Health, Addiction Prevention and Recovery Administration;	21 22
(J) Department of Health, Medical Assistance Administration;	23
(K) District of Columbia Housing Authority;	24

(L) Department of Corrections;	1
(M) Department of Employment Services;	2
(N) District of Columbia Public Schools;	3
(O) District of Columbia Federal Emergency Management Agency Food and Shelter Board;	4 5
(P) Office of Property Management; and	6
(Q) Metropolitan Police Department;	7
(3) The Chairman of the D.C. Council, or his or her designee;	8
(4) The Chairman of the D.C. Council, Committee on Human Services, or his or her designee;	9 10
(5) A representative of any private entity designated to approve or allocate any grants or contracts, on behalf of the Mayor, for services within the Continuum of Care;	11 12
(6) A representative from a minimum of 4 and a maximum of 10 organizations that are providing services within the Continuum of Care;	13 14
(7) A minimum of 2 and a maximum of 5 homeless or formerly homeless individuals; and	15 16
(8) A minimum of 2 and a maximum of 5 advocates for the District of Columbia’s homeless population	17 18
(c) All non-government members of the Interagency Council as described in subsections (b)(4)-(6) of this section shall be appointed by the Mayor and approved by the Council. The Mayor shall transmit to the Council, within 90 days of the effective date of this legislation, proposed resolutions to approve the appointment of each non-government member of the Interagency Council for a 60-day period of review, excluding days of Council recess. If the City Council does not approve or disapprove a resolution within the 60-day period , the resolution	19 20 21 22 23 24

shall be deemed approved. 1

Sec. 5. Powers and duties of the Interagency Council. 2

(a) The Interagency Council shall provide leadership in the development of strategies and 3
policies that guide the implementation of the District’s policies and programs for meeting the 4
needs of individuals and families who are homeless or at imminent risk of becoming homeless. 5

(b) In fulfilling the responsibility described in subsection (a) of this section, the 6
Interagency Council shall: 7

(1) Coordinate an annual, community-wide needs-assessment and planning 8
process to identify, prioritize, and target needs for services within the Continuum of Care. Such 9
a needs-assessment shall take into account existing data and include input from at least one 10
public hearing, which shall be held at least once each year; 11

(2) At least every 5 years, prepare and publish a strategic plan for services within 12
the Continuum of Care that takes into account existing data and community input; 13

(3) Prepare an annual plan detailing how the District intends to provide or arrange 14
for services within the Continuum of Care that takes into account existing data and community 15
input; 16

(4) Review on a regular basis the efforts of each member of the Interagency 17
Council to fulfill the goals and policies of the annual plan prepared pursuant to paragraph (3) of 18
this subsection, including a review of the number and nature of contracts and grants entered into 19
by each agency to provide services within the Continuum of Care; 20

(5) Prepare and submit to the Mayor an annual written report evaluating the 21
efforts of each member of the Interagency Council to meet the goals and policies of the annual 22
plan prepared pursuant to paragraph (3) of this subsection; 23

(6) Assist the Office of Property Management in the identification of vacant 24

public buildings or tax-foreclosed buildings for use as shelter and supportive housing facilities; 1

(7) Provide input into the District’s planning and application for federal funds for 2
services within the Continuum of Care. All applications for federal funds shall take into account 3
the strategic plan developed by the Interagency Council prepared pursuant to paragraph (3) of 4
this subsection; 5

(8) Have access to data collected and generated by a computerized information 6
system as set up by the Mayor pursuant to section 8(d). The data may include the number of beds 7
or units available in the District’s shelter and supportive housing facilities, the availability of 8
supportive services in the District, and the current usage of and unmet demand for such beds, 9
units, and services; 10

(9) By September first of each year, develop a plan: 11

(A) Describing how member agencies will coordinate to provide 12
hypothermia shelter; and 13

(B) Identifying the specific sites that will be used as hypothermia shelters; 14

(10) Review reports of the fair hearings and administrative reviews requested or 15
received by clients within the Continuum of Care, which shall include the provider party to the 16
appeal, the subject matter of the appeal, and the final disposition of the appeal; and 17

(11) Prior to their publication in the District of Columbia Register, provide formal 18
input into the proposed rules drafted by the Mayor pursuant to this act. 19

(12) Through the Department of Human Services, has the power to receive, 20
investigate, and redress complaints by clients regarding provider treatment and services. 21

(c) The Mayor shall, no later than February 1 of each year, make available to all 22
Interagency Council members the District’s proposed budget breakdown of each agency’s 23
appropriations for services within the Continuum of Care. The Interagency Council shall give 24

comments to the Mayor regarding the proposed budget. 1

(d) Each member agency of the Interagency Council shall: 2

(1) Conduct or commission an annual audit of any private entity designated by 3
the agency to approve or allocate any grants or contracts, on behalf of the Mayor, for services 4
within the Continuum of Care, and make available a report of the audit to all Interagency Council 5
members; 6

(2) Offer training and technical assistance to its employees who directly provide 7
services within the Continuum of Care and to any providers with which the member agency or its 8
designee contracts to deliver the services; and 9

(3) Report to the Interagency Council on a quarterly basis currently available data 10
on the number of individuals and families that applied for homeless services and the number of 11
homeless individual or families that were served by the agency and its contractors. 12

Sec. 6. Operation of the Interagency Council. 13

(a) The Interagency Council shall meet not less than quarterly. All meetings of the 14
Interagency Council shall comply with the following requirements: 15

(1) A quorum of one-third of the appointed representatives of member agencies, 16
one-third of appointed representatives of providers of homeless services, and one-third of the 17
appointed homeless or formerly homeless individuals or advocates must be present in order to 18
conduct the business of the Interagency Council; 19

(2) The meetings of the Interagency Council, and the meetings of any committees 20
it shall establish pursuant to subsection (c) of this section, shall be subject to the open meeting 21
provisions of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 22
831; D.C. Official Code § 1-207.42); and 23

(3) The Interagency Council shall provide a reasonable opportunity at the 24

beginning of each meeting during which members of the public may comment on matters relevant to the work of the Interagency Council.

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

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

(d) The Mayor shall, within 30 days of the effective date of this act, designate an existing department or agency to provide staff assistance and support to the Interagency Council.

Sec. 7. Continuum of Care for individuals and families who are homeless.

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

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

(1) Crisis intervention for the purpose of preventing homelessness by enabling individuals and families at imminent risk of becoming homeless to remain in or access permanent housing;

(2) Outreach and assessment, including the operation of a hotline, for the purpose of identifying the housing and supportive service needs of individuals and families who are

homeless or at imminent risk of becoming homeless and linking them to appropriate services; 1

(3) Shelter to meet the housing needs of individuals and families who are 2
homeless through the provision of: 3

(A) Severe weather shelter for the purpose of protecting lives in extreme 4
hot and cold weather; 5

(B) Low barrier shelter for individuals for the purpose of sheltering and 6
engaging individuals who avoid temporary shelter because of identification, time limit, or other 7
program requirements; and 8

(C) Temporary shelter for individuals and families for the purpose of 9
meeting short-term housing needs and other supportive service needs; 10

(4) Supportive housing to meet the longer-term housing needs of individuals and 11
families who are homeless through the provision of: 12

(A) Transitional housing for the purpose of providing eligible individuals 13
and families who are homeless with long-term housing and supportive services in order to 14
prepare them for self-sufficient living in permanent housing; and 15

(B) Permanent supportive housing for the purpose of providing eligible 16
individuals and families who are homeless or at imminent risk of becoming homeless with 17
housing and supportive services; 18

(C) Housing First housing for the purpose of providing eligible individuals 19
and families who are homeless with housing with housing and supportive services; 20

(5) Supportive services for the purpose of providing individuals and families who 21
are homeless or at imminent risk of becoming homeless with services that address their housing, 22
employment, physical health, mental health, alcohol and other substance abuse recovery, child 23
care, case management, transportation, and other health and social service needs which, if unmet, 24

may be barriers to obtaining or maintaining permanent housing. These services may, but need not, be delivered through day programs, drop-in centers, shelters, and transitional and permanent supportive housing providers, or through referrals to other appropriate service providers.

(c) Whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, or whenever the actual or forecasted temperature or heat index rises above 95 degrees Fahrenheit, the District shall make available appropriate space in District of Columbia public or private buildings and facilities for any person in the District who is homeless and cannot access other shelter. In doing so, the District shall not use District of Columbia Public School buildings currently being used for educational purposes without the prior approval of the Board of Education.

Sec. 8. Eligibility for services within the Continuum of Care.

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

(1) Is homeless or at imminent risk of becoming homeless;

(2) Is a resident of the District; and

(3) Meets any additional eligibility requirements that have been established pursuant to section 17 by the provider from whom services are sought.

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

(c) In accordance with the Administrative Procedure Act, and within 180 days from the effective date of this act, the Mayor shall issue rules describing the procedures and factors to be used to determine an individual's or family's eligibility to receive services within the Continuum of Care. All rules issued pursuant to this subsection shall be consistent with the following

requirements: 1

(1) The Mayor shall operate at least one central intake center for families for the 2
purposes of: 3

(A) Assessing the eligibility of families for services within the Continuum 4
of Care and making appropriate referrals for those services; and 5

(B) Serving as a resource center for families who are seeking information 6
about the availability of services within the Continuum of Care; 7

(2) Families who are eligible for services within the Continuum of Care shall 8
receive appropriate referrals to the first available provider based on the chronological order in 9
which they apply for assistance, consistent with any additional eligibility requirements 10
established pursuant to section 18 by the provider from whom services are sought; 11

(3) Any family who is determined to be eligible for services pursuant to 12
subsection (c)(1)(A) of this section, but who is not immediately served due to lack of capacity, 13
shall be placed on one or more waiting lists for the services sought and shall be served in the 14
order in which appropriate referrals become available; and 15

(4) In determining what is an “appropriate referral,” the Mayor shall consider 16
relevant factors, including prior receipt of services, disability, family size, affordability of 17
housing and age, and may use these factors to prioritize a family’s placement in shelter or other 18
service. 19

(d) The Mayor shall operate a computerized information system to collect, maintain, and 20
distribute up-to-date information regarding the number of beds or units available in shelter and 21
supportive housing in the District, the availability of supportive services, and the current usage 22
and unmet demand for such beds, units, and services. 23

Sec. 9. Client rights. 24

In accordance with the Administrative Procedure Act, and within 180 days from the effective date of this act, the Mayor shall issue rules stating the rights of clients served within the Continuum of Care, which shall include the rights to:

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

(2) Access services within the Continuum of Care free from discrimination on the basis of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, and source of income, and in accordance with the District of Columbia Human Rights Act (D.C. Official Code § 2-1401 *et seq.*) the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*), the Rehabilitation Act of 1973 (29 U.S.C. § 701 *et seq.*), and the Civil Rights Act of 1964 (42 U.S.C. § 2000a *et seq.*);

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

(4) Shelter in severe weather conditions;

(5) At a reasonable time and with reasonable prior notice, view and copy, or have an authorized representative view and copy, all records and information that are related to the client and maintained by the client's provider, including any relevant personal, social, legal, financial, educational, and medical records and information, subject to the provisions of paragraph (6) of this subsection;

(6) Confidential treatment by the Department and providers of personal, social, legal, financial, and medical records and information related to a client or any member of a client's family, whether obtained from the client or from any other source, in a manner consistent with the confidentiality requirements of District and federal law;

- (7) Engage in or abstain from the practice of religion, including the religion of a particular provider or other clients; 1
2
- (8) Ask and be told the name and job title of any provider staff member delivering services; 3
4
- (9) Provide input and feedback to providers on their delivery of services; 5
- (10) File complaints with a provider or the Mayor regarding the provider's delivery of services or treatment of the client; 6
7
- (11) Participate actively in development of any service plan for the client, be told of the progress made toward the goals of that service plan, and receive a review of the service plan upon request; 8
9
10
- (12) Be free from testing for drugs or alcohol except when: 11
- (A) Program guidelines prohibit intoxication and a licensed social worker with experience identifying indications of drug or alcohol use or a certified addiction counselor determines that there is reasonable cause to believe that the client is engaging in drug or alcohol use; or 12
13
14
15
- (B) A client consents to drug or alcohol testing as part of the client's case management plan developed in accordance with paragraph (11) of this subsection; 16
17
- (13) Meet and communicate privately with attorneys, advocates, clergy, physicians, and other professionals; 18
19
- (14) Timely notice, where required by section 19, of any decision by the Department or a provider that adversely affects the client's receipt of services within the Continuum of Care; 20
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22
- (15) Appeal, where permitted by sections 26 and 27, of any decision by the Department or a provider that adversely affects the client's receipt of services within the 23
24

Continuum of Care; and 1

(16) Be free from retaliation, punishment, or sanction for exercising any rights 2
provided under this act; and 3

(17) Continuation of shelter and supportive housing services without change, 4
other than transfer pursuant to section 20 or emergency transfer, suspension, or termination 5
pursuant to section 24, pending the outcome of any fair hearing requested within 15 calendar 6
days of receipt of written notice of a suspension or termination. 7

Sec. 10. Additional rights for clients in temporary shelter or supportive housing. 8

In accordance with the Administrative Procedure Act, and within 180 days from the 9
effective date of this act, the Mayor shall issue rules stating the additional rights enjoyed by 10
clients residing in temporary shelter or supportive housing, which shall include the rights to: 11

(1) Receive visitors in designated areas of the shelter or housing premises during 12
reasonable hours and under such reasonable conditions as specified in the provider's Program 13
Rules established pursuant to section 18; 14

(2) Leave and return to the shelter or housing premises within reasonable hours as 15
specified by the Program Rules established pursuant to section 18; 16

(3) Reasonable prior notice specifying the date and time of any inspections of a 17
client's living quarters and of the provider staff member authorized to perform the inspection, 18
except when, in the opinion of the provider's executive or program director, there is reasonable 19
cause to believe that the client is in possession of a substance or object that poses an imminent 20
threat to the health and safety of the client or any other person on the provider's premises and 21
such reasonable cause is documented in the client's record; 22

(4) Be present or have an adult member of the family present at the time of any 23
inspection unless, in the opinion of the provider's executive or program director, there is 24

reasonable cause to believe that the client is in possession of a substance or object that poses an
imminent threat to the health and safety of the client or any other person on the provider's
premises and such reasonable cause is documented in the client's record;

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

(6) Conduct their own financial affairs, subject to the reasonable requirements of
Program Rules established pursuant to section 18 or to a service plan pursuant to section 9(11).

Sec. 11. Client responsibilities.

(a) In accordance with the Administrative Procedure Act, and within 180 days from the
effective date of this act, the Mayor shall issue rules stating the responsibilities of clients
receiving services within the Continuum of Care, which shall include the responsibilities to:

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

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

(3) Refrain from the following behaviors while on a provider's premises:

(A) The use or possession of alcohol or illegal drugs;

(B) The use or possession of weapons;

(C) Assaulting or battering any individual, or threatening to do so; and

(D) Any other acts that endanger the health or safety of the client or any
other individual on the premises;

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

(5) Ensure that the client's minor children receive appropriate supervision while

- on the provider’s premises; 1
- (6) Utilize child care services when necessary to enable the adult client to seek 2
employment or housing or to attend school or training, unless the client meets any of the 3
exemptions of D.C. Official Code § 4-205.19g or 29 DCMR §§ 5809.4(b)-(e), including any 4
subsequent revisions. 5
- (7) Respect the safety, personal rights, and private property of provider staff 6
members and other clients; 7
- (8) Maintain clean sleeping and living areas, including bathroom and cooking 8
areas; 9
- (9) Use communal areas appropriately, with attention to cleanliness and respect 10
for the interests of other clients; 11
- (10) Be responsible for one’s own personal property; and 12
- (11) Follow all Program Rules established by a provider pursuant to section 18. 13
- (b) In accordance with the Administrative Procedure Act, and within 180 days from the 14
effective date of this act, the Mayor shall issue rules stating any additional responsibilities of 15
clients residing in temporary shelter and transitional housing. The rules shall include a 16
requirement that the client participate in the provider’s assessment and case management 17
services. 18
- Sec. 12. Common standards for all providers. 19
- In accordance with the Administrative Procedure Act, and within 180 days from the 20
effective date of this act, the Mayor shall issue rules stating common standards for all providers, 21
which shall include the requirements that all providers: 22
- (1) Ensure staff members are appropriately trained, qualified, and supervised; 23
- (2) Maintain safe, clean, and sanitary facilities that meet all applicable District 24

- health, sanitation, fire, building, and zoning codes; 1
- (3) Assist clients to prepare for living in permanent housing, as deemed 2
appropriate by the provider and the client; 3
- (4) Collaborate and coordinate with other service providers to meet the client’s 4
needs, as deemed appropriate by the provider and the client; 5
- (5) Receive and utilize client input and feedback for the purpose of evaluating 6
and improving the provider’s services; 7
- (6) Establish procedures for the provider’s internal complaint procedures; 8
- (7) Provide clients with copies of printed information describing the range of 9
services within the Continuum of Care; 10
- (8) In accordance with section 8(c) and as openings occur, inform all clients of 11
services for which they may be eligible; 12
- (9) Deliver or provide access to culturally competent services and language 13
assistance for clients with limited English proficiency; 14
- (10) Provide services free from discrimination on the basis of race, color, 15
religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual 16
orientation, familial status, family responsibilities, matriculation, political affiliation, disability, 17
and source of income, and in accordance with the District of Columbia Human Rights Act (D.C. 18
Official Code § 2-1401 *et seq.*), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 19
et seq.), the Rehabilitation Act of 1973 (29 U.S.C. § 701 *et seq.*), and the Civil Rights Act of 20
1964 (42 U.S.C. § 2000a *et seq.*); 21
- (11) Ensure confidential treatment of the personal, social, legal, financial, and 22
medical records and information related to a client or any member of a client’s family, whether 23
obtained from the client or from any other source, consistent with the confidentiality 24

requirements of District and federal law; 1
(12) Establish Program Rules in accordance with section 18; 2
(13) Provide notice of its Program Rules in accordance with section 19; and 3
(14) Collect, record, and annually report to the Mayor all complaints, including 4
requests for fair hearings or administrative reviews, made against or related to the provider 5
during the year. 6

Sec. 13. Additional standards for providers of severe weather shelter. 7

In accordance with the Administrative Procedure Act, and within 180 days from the 8
effective date of this act, the Mayor shall issue rules stating additional minimum standards for all 9
providers of severe weather shelter, which shall include, in addition to the standards in section 10
12, the requirements that the providers offer to each of their clients: 11

(1) When severe weather conditions continue overnight, a clean bed with clean 12
linens, pad, and blanket for each bed; 13

(2) Provision of basic needs such as food and clothing and other supportive 14
services, or information about where to obtain such basic needs and supportive services; 15

(3) 24-hour, properly functioning toilet facilities; 16

(4) Cool water, available via water cooler, fountain, or other means; and 17

(5) Properly functioning heating and cooling systems during the appropriate 18
seasons. 19

Sec. 14. Additional standards for providers of low barrier shelter. 20

In accordance with the Administrative Procedure Act, and within 180 days from the 21
effective date of this act, the Mayor shall issue rules stating standards for all providers of low 22
barrier shelter, which, in addition to the requirements in sections 12 and 13, shall include: 23

(1) The offer of case management services with an appropriately trained, 24

qualified, and supervised case manager, which shall include the development of a service plan; 1

(2) Hot shower facilities; and 2

(3) Personal hygiene supplies. 3

Sec. 15. Additional standards for providers of temporary shelter and supportive housing. 4

In accordance with the Administrative Procedure Act, and within 180 days from the 5

effective date of this act, the Mayor shall issue rules stating standards for all providers of 6

temporary shelter and supportive housing, which, in addition to the requirements in sections 12, 7

13, and 14, shall include: 8

(1) Assessment by an appropriately trained, qualified, and supervised case 9
manager in order to identify each client's service needs; 10

(2) Direct provision of, or referral to, appropriate supportive services to enable 11
the client to fulfill the goals and requirements in the client's service plan; 12

(3) Mail and phone services, or procedures for handling mail and phone 13
messages, that enable the client to receive mail and messages without identifying the client as 14
residing in temporary shelter or supportive housing; 15

(4) Private, secure space for the temporary storage of personal belongings; 16

(5) Access to laundry facilities in the immediate vicinity of the shelter or 17
supportive housing facility when all of the units are in one location; 18

(6) Reasonable access to phones during reasonable hours and during emergencies. 19

(7) The opportunity to establish a voluntary savings or escrow account; and 20

(8) In supportive housing and temporary shelters for families, access to 21
immediate indoor or outdoor areas equipped with basic facilities for exercise and play for use by 22
minor children. 23

Sec. 16. Additional standards for providers of transitional housing. 24

In accordance with the Administrative Procedure Act, and within 180 days from the effective date of this act, the Mayor shall issue rules stating the requirements for all providers of transitional housing, which, in addition to the requirements in sections 12, 13, 14, and 15, shall include:

(1) Follow-up supportive services, for a minimum of 6 months, for clients who have transferred to permanent housing from their program, unless the client is receiving such supportive services from another provider;

(2) An apartment-style or group home housing accommodation; and

(3) Access to private space and/or personal time.

Sec. 17. Monitoring and inspections.

(a) The Mayor shall monitor and evaluate the services delivered by all programs covered by section 3.

(b) The Mayor shall inspect the premises of all providers operating programs covered by section 3. Inspections shall be conducted:

(1) At least once during each calendar year;

(2) Whenever the Mayor has reason to believe that a provider is not in compliance with the applicable standards established in this act or with other requirements or agreements; and

(3) In a reasonable manner and during the regular hours of operation of the provider.

(c) During any inspection conducted pursuant to subsection (b) of this section, the provider shall make available for examination any records or other materials related to the delivery of its services, including records relating to clients and to internal complaints, in accordance with the confidentiality requirements of section 9(6).

(d) The Mayor shall not delegate the responsibilities of this section to any agency or entity that serves as a provider of services covered by section 3.

Sec. 18. Program Rules.

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

(1) Special eligibility requirements for the purpose of limiting entry into the program to individuals or families exhibiting the specific challenges that the program is designed to address, except in severe weather shelter and low barrier shelter;

(2) Rules regarding client responsibilities, including those listed in section 11;

(3) A list of client rights, including those listed in section 9, and where appropriate, section 10;

(4) A description of the internal complaint procedures established by the provider for the purpose of providing the client with an opportunity to promptly resolve complaints;

(5) A description of the procedures and notice requirements of any internal mediation program established by the provider pursuant to section 25;

(6) A description of any schedule of sanctions that a provider may apply to clients who are in violation of the Program Rules, as authorized by sections 20 through 24; and

(7) A description of a client's right to appeal any decision or action by the provider that adversely affects the client's receipt of services through fair hearing proceedings pursuant to section 26 and administrative review proceedings pursuant to section 27.

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

(1) Within 90 days of the effective date of this act;

(2) On a yearly basis thereafter, with any proposed changes clearly identified; and 1
(3) Whenever a provider seeks approval to change its eligibility criteria, the rules 2
of its internal mediation program or complaint procedures, or its schedule of sanctions. 3

(c) No provider may enforce any provision within its Program Rules, other than those 4
requirements or protections specifically enumerated by this act, unless: 5

(1) The Program Rules were in existence before the effective date of this act and 6
less than 180 days has passed since the effective date of this act; or 7

(2) The Mayor has approved the Program Rules pursuant to subsection (b) of this 8
section. 9

Sec. 19. Notice. 10

(a) All providers shall give prompt and effective notice of their Program Rules by: 11

(1) Posting a copy of their Program Rules on the provider's premises in a location 12
easily accessible to clients and visitors; and 13

(2) Giving every new client written notice of the provider's Program Rules, and 14
reading and explaining the written notice to the client. The client and the provider staff member 15
delivering the notice shall both sign a statement acknowledging the client's receipt of the notice 16
and indicating the client's awareness, understanding, and acceptance of the Program Rules. 17

(b) All providers shall give to any client to whom they have denied services oral and 18
written notice of the right to appeal the denial, including information about how to request a fair 19
hearing pursuant to section 26 and administrative review pursuant to section 27. 20

(c) All providers shall give written and oral notice to clients of their transfer to another 21
provider or of their suspension or termination from services at least 15 days prior to the effective 22
date of the transfer, suspension, or termination, except: 23

(1) When the sanction results from the client's imminent threat to the health or 24

safety of someone on the premises of the provider in accordance with section 24; or 1

(2) When the sanction is a suspension of supportive services for a period shorter 2
than 10 days. 3

(d) Any notice issued pursuant to subsection (b) or (c) of this section must be mailed or 4
served upon the client and shall include: 5

(1) A clear statement of the sanction or denial; 6

(2) A clear and detailed statement of the factual basis for the sanction or denial, 7
including the date or dates on which the basis or bases for the sanction or denial occurred; 8

(3) A reference to the statute, regulation, policy, or Program Rule pursuant to 9
which the sanction or denial is being implemented; 10

(4) A clear and complete statement of the client’s right to appeal the sanction or 11
denial through fair hearing proceedings pursuant to section 26 and administrative review 12
proceedings pursuant to section 27, including the appropriate deadlines for instituting the appeal; 13
and 14

(5) A statement of the client’s right, if any, to continuation of benefits pending 15
the outcome of any appeal, pursuant to section 10(5). 16

(e) Providers shall establish procedures to provide effective notice of rights, rules, 17
sanctions, and denials to clients with special needs, including those who may be mentally 18
impaired or mentally ill, or who may have difficulty reading or have limited English proficiency. 19

Sec. 20. Transfer. 20

(a) A provider may transfer a client to another provider to ensure the client receives the 21
most appropriate services available within the Continuum of Care whenever: 22

(1) The client consents to the transfer; or 23

(2) The provider identifies and secures for the client a placement with another 24

provider that more appropriately meets the client’s medical, mental health, behavioral, or
rehabilitative service needs in accordance with the client’s service plan.

(b) In addition to the circumstances under which a client may be transferred as described
in subsection (a) of this section, a provider may transfer a client when a client fails or refuses to
comply with the provider’s Program Rules and the client responsibilities listed in section 11, or
engages in any of the behaviors listed in section 22(2); provided, that:

(1) The client has received proper notice of the Program Rules, client
responsibilities, and prohibited behaviors, as required by section 20; and

(2) The provider has made a good-faith effort to enable the client to comply with
the Program Rules so that the client is able to continue receiving services without a transfer.

(c) Transfers of clients under this section can be made through direct arrangements with
other providers within the Continuum of Care or through coordination with the central intake
center established pursuant to section 8(c)(1). Such efforts shall be documented by the provider
in the client’s records.

Sec. 21. Suspension.

(a) If a client fails or refuses to comply with the provider’s Program Rules and the client
responsibilities listed in section 11, or engages in any of the behaviors listed in section 22(2), the
provider may suspend services to the client for an appropriate period of time in light of the
severity of the act or acts leading to the suspension, but in no case for any period longer than 30
days. The suspension may be implemented only when:

(1) The client has received proper notice of the Program Rules, client
responsibilities, and prohibited behaviors, as required by section 19; and

(2) The provider has made a good-faith effort to enable the client to comply with
the Program Rules so that the client is able to continue receiving services without suspension.

(b) Prior to suspension of services, the provider shall make a reasonable effort, given the severity of the situation, to transfer the client to another provider within the Continuum of Care, in accordance with section 20.

(c) A provider may not suspend adult individuals or adult family members in a manner that results in minor children or dependent adults being left unattended in a shelter or supportive housing unit.

Sec. 22. Termination.

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

(1) The provider documents that it has considered suspending the client in accordance with section 21 or has made a reasonable effort, in light of the severity of the act or acts leading to the termination, to transfer the client in accordance with section 20; and

(2) The client:

(A) Possesses a weapon on the premises;

(B) Possesses or sells illegal drugs on the premises;

(C) Assaults or batters any person on the premises;

(D) Endangers the client's own safety or the safety of others on the premises;

(E) Intentionally or maliciously vandalizes, destroys, or steals the property of any person on the provider's premises;

(F) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the client's needs after having been offered 2 appropriate permanent or supportive housing opportunities; or

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

Sec. 23. Alternative sanctions. 1

(a) A provider may employ lesser sanctions as alternatives to the transfer, suspension, or 2
termination of services authorized in sections 20-22. 3

(b) Any alternative sanction applied shall be authorized in the schedule of sanctions 4
included in the provider's Program Rules and may include loss of special privileges and 5
imposition of additional responsibilities. 6

Sec. 24. Emergency transfers, suspensions, or terminations. 7

(a) Whenever a client presents an imminent threat to the health or safety of the client or 8
any other person on a provider's premises, the provider, in light of the severity of the act or acts 9
leading to the imminent threat, may immediately transfer, suspend, or terminate the client, 10
without providing prior written notice of the transfer, suspension, or termination as required 11
under section 18(c). 12

(b) The provider shall provide subsequent written notice consistent with the requirements 13
of section 19(d) to any client transferred, suspended, or terminated pursuant to subsection (a) of 14
this section. The subsequent written notice shall be provided to the client within 15 days, or, if 15
the client's whereabouts are unknown, upon request within 90 days of the transfer, suspension, or 16
termination. The time period during which the client may request fair hearing proceedings to 17
appeal the transfer, suspension, or termination pursuant to section 26 shall not begin to run until 18
the client has received the subsequent written notice. 19

(c) No client transferred, suspended, or terminated pursuant to subsection (a) of this 20
section shall have the right to request mediation of the action from the provider pursuant to 21
section 25 or to continue to receive shelter or supportive housing services without change 22
pending appeal pursuant to section 10(5). 23

(d) Whenever a provider transfers, suspends, or terminates a client pursuant to subsection 24

(a) of this section, the provider shall immediately notify the Department of the action so that the Department may, in its discretion, investigate and review the action. The notification shall include the following information:

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

Sec. 25. Mediation.

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

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

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

- (1) The time and place of any mediation proceedings; and
- (2) The client's right to request a fair hearing for formal review of his or her complaint pursuant to section 26 and his or her right to request administrative review pursuant to section 27.

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

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

(f) Upon conclusion of the mediation proceedings, the provider shall notify the client of

his or her right to request a fair hearing pursuant to section 26, and the deadline for making such a request, if he or she is not satisfied with the outcome of the mediation.

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

Sec. 26. Fair hearings.

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

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

(1) Review any decision by the Department or a shelter or supportive housing provider that adversely affects the client's receipt of shelter or supportive housing services, including denial, suspension, transfer, or termination;

(2) Review any decision of a provider of services other than shelter or supportive housing to:

(A) Transfer the client to another provider;

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

(C) Terminate services to the client; or

(3) Review any alleged violation of:

(A) The provider standards listed in sections 12-16; or

(B) The client rights listed in sections 9 and 10. 1

(c) The Mayor shall treat a fair hearing request made by a client representative in the 2
same manner as it would be treated if it were made directly by the client; provided, that the 3
Mayor subsequently receives written documentation authorizing the client representative to act 4
on behalf of the client in accordance with the requirements of D.C. Official Code § 4-210.05. 5

(d) In accordance with section 10(5), any client who requests a fair hearing within 15 6
days of receipt of written notice of a suspension or termination of shelter or supportive housing 7
shall continue to receive shelter or supportive housing pending a final decision from the fair 8
hearing proceedings. This right to continuation of shelter or supportive housing services pending 9
appeal shall not apply in the case of an emergency suspension or termination pursuant to section 10
24. 11

(e) Upon receipt of a fair hearing request, the Mayor or the Mayor's designee shall offer 12
the client or client representative an opportunity for an administrative review by the Department 13
of the decision that is the subject of the fair hearing request. 14

(f) All fair hearings shall be conducted in the following manner: 15

(1) In accordance with the requirements for the review of contested cases as 16
provided in the Administrative Procedure Act; 17

(2) In accordance with the requirements for hearing procedures as provided in 18
D.C. Official Code § 4-210.03, § 4-210.06, § 4-210.08, and §§ 4-210.10 through 4-210.17, to the 19
extent that those requirements are consistent with this act; and 20

(3) In accordance with the following additional requirements: 21

(A) If a party fails to appear, the hearing officer designated to conduct the 22
hearing may enter a default decision in favor of the party present. The default may be set aside 23
only for good cause shown, and upon equitable terms and conditions; 24

(B) The hearing officer shall render his or her findings, conclusions, and recommendations at the place of the hearing within 5 business days of the completion of the hearing. The recommended decision shall be reviewed by the Mayor or the Mayor’s designee before it may become final;

(C) If the Mayor or the Mayor’s designee does not review the findings, conclusions, and recommendations of the hearing officer within the period of time provided in D.C. Official Code § 4-210.12, the decision of the hearing officer shall become final and binding; and

(D) The review by the Mayor or the Mayor’s designee shall not overturn a finding, conclusion, or recommendation of the hearing officer unless the decision has no basis in law.

(g) Materials and documents filed with the Mayor during fair hearing proceedings shall be maintained in a confidential manner by the Mayor and shall not be disclosed to the public.

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

(i) In accordance with section 18 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.15), the procedures and protections described in this section shall continue to apply to clients appealing a decision listed in subsection (b) of this section after the Department's authority to adjudicate fair hearing requests is transferred to the Office of Administrative Hearings.

Sec. 27. Administrative review.

(a) The purpose of the administrative review shall be to enable the Department to

ascertain the legal validity of the decision that is the subject of the fair hearing request, and, if possible, achieve an informal resolution of the appeal.

(b) Any administrative review conducted pursuant to subsection (a) of this section shall be completed within 15 days of the receipt of the fair hearing request, except upon showing of good cause as to why such deadline cannot be met. If good cause is shown, a decision shall be rendered as soon as possible thereafter, but not later than 30 calendar days after receipt of a request for administrative review. If an extension of time for review is required for good cause, written notice of the extension shall be provided to the client or client representative prior to the commencement of the extension.

(c) The decision to conduct an administrative review shall not delay the deadline by which the fair hearing must be held pursuant to D.C. Official Code § 4-210.09(c), by which the fair hearing officer must recommend a decision to the Mayor or the Mayor's designee pursuant to D.C. Official Code § 4-102.11, or by which the Mayor or the Mayor's designee must render a final decision pursuant to D.C. Official Code § 4-210.12.

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

(1) In accordance with the administrative review procedures described in D.C. Official Code § 4-210.07; and

(2) In accordance with the following additional requirements:

(A) The client or client representative shall have the right to submit issues and comments in writing to the Department; and

(B) The client or the client representative shall have the right to review provider's records regarding the client, or the records of other related service providers regarding the client, prior to the administrative review proceeding;

(C) The administrative review shall be conducted by an employee of the

Department;

(D) The administrative review decision shall be issued in writing and in a manner readily understood by the client. The written decision shall include:

(i) A clear and detailed statement of the factual basis supporting the administrative review decision;

(ii) A clear and detailed statement of the actions proposed to be implemented, including any sanctions, probationary periods, or any denial, transfer, suspension, or termination of services to be imposed;

(iii) A reference to the statute, regulation, Program Rule, or policy pursuant to which the administrative review decision is made;

(iv) Notice that the client's request for a hearing will be considered formally withdrawn upon submission of a signed statement confirming such withdrawal; and

(v) A statement that if the client is not satisfied with the administrative review decision, the fair hearing shall be held.

Sec. 28. Exhaustion.

A client need not participate in a provider's internal mediation program pursuant to section 25, or in an administrative review proceeding under section 27, prior to initiating fair hearing proceedings pursuant to section 26.

Sec. 29. No entitlement to services.

(a) No provision of this act shall be construed to create an entitlement (either direct or implied) on the part of any individual or family to any services within the Continuum of Care, other than shelter in severe weather conditions as authorized by section 9(4).

(b) No provision of this act shall be construed to require the District to expend funds for

individuals or families who are eligible for services within the Continuum of Care, beyond the level of the District's annual appropriation for services within the Continuum of Care.

Sec. 30. Limitation on use of District monies.

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

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

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

Sec. 31. Repealers.

(a) The Emergency Shelter Services for Families Reform Amendment Act of 1987, effective March 11, 1988 (D.C. Law 7-86;35 DCR 140), is repealed.

(b) The Frigid Temperature Protection Amendment Act of 1988, effective March 16, 1989 (D.C. Law 7-204; 36 DCR 454), is repealed.

(c) The District of Columbia Emergency Overnight Shelter Amendment Act of 1990, effective March 6, 1991 (D.C. Law 8-197; 37 DCR 4815), is repealed.

Sec. 32. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 33. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 1
24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of 2
Columbia Register. 3