

5501 DENYING FAMILY REQUEST TO MOVE UNDER PORTABILITY

5501.1 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;
- (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 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 that is signed by the victim and 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.

District of Columbia Municipal Regulations

SOURCE: Final Rulemaking published at 59 DCR 7926 (June 29, 2012); as amended by Final Rulemaking published at 65 DCR 13209 (November 30, 2018).