

6404 DCHA TERMINATION OF TENANCY

- 6404.1 DCHA shall not terminate the lease other than for serious or repeated violation of material terms of the lease. Violations of an obligation of tenancy refer only to those obligations which are contained in a valid, written lease or in the federal or local regulations pertaining to public housing tenants or in the D.C. Housing Code. There is no time limitation on bringing an action based on a breach of the lease.
- 6404.2 If DCHA determines that a Lessee is in violation of the Dwelling Lease, except for lease violations predicated on the performance of an illegal act or non-payment of rent, the Lessee shall be issued a thirty (30) day notice to correct or vacate, stating in writing the violation(s) which provides the basis for the termination the lessee's right to cure the violations and instructions on how to cure the violations.
- (a) The notice shall inform the Lessee the applicability of his or her right to file an administrative complaint in accordance with Chapter 63 of this Title; and
 - (b) If a Lessee has filed a complaint requesting an administrative determination of his or her rights, in accordance with Chapter 63 of this Title, in response to service of a notice to correct or vacate or a notice of lease termination in the case of failure to pay rent and has not prevailed, the Lessee shall be issued a notice to vacate, as the time to cure has past and the Lessee shall be subject to legal action to gain possession of the unit (eviction).
- 6404.3 The DCHA shall issue a thirty day (30) written notice to cure or vacate in the case of failure to pay rent.
- 6404.4 DCHA shall issue a thirty (30) day notice to vacate to Lessees, for lease violations, predicated on criminal activity that threatens the residents health, safety or right to peaceful enjoyment of the Development or drug related criminal activity on or off the Leased Premises or the Development.
- 6404.5 Pursuant to Section 6403, DCHA will not issue a thirty (30) day notice to correct or vacate, or notice to vacate, where DCHA has determined that the head of household responsible for the dwelling unit under the Dwelling lease is deceased and there are no remaining household members.
- 6404.6 Lessees who refuse to vacate their unit after appropriate notice shall be subject to legal action to gain possession of the dwelling unit (eviction).
- 6404.7 The Lessee shall be solely responsible for the protection, care and disposition of the Lessee's possessions during, and after an eviction.
- 6404.8 Where DCHA has excluded from its procedure any grievance concerning an eviction or

termination of tenancy based on a Lessee's creation or maintenance of a threat to the health or safety of other Lessees or DCHA employees, the Lessee against whom an eviction action has been filed in court shall be afforded the opportunity to examine all relevant documents, records, and regulations of DCHA prior to trial for the purpose of preparing a defense.

- 6404.9 Any document not made available after request by the Lessee shall not be relied on by DCHA at the trial.

SOURCE: Notice of Final Rulemaking published at 33 DCR 7973, 8023 (December 26, 1986); as amended by Notice of Final Rulemaking published at 36 DCR 6529 (September 15, 1989); and Notice of Final Rulemaking published at 49 DCR 2462, 2467 (March 15, 2002); as amended by Notice of Final Rulemaking published at 54 DCR 12315,12316 (December 21, 2007).