

5750 TRANSFER REQUEST BY TENANT

- 5750.1 DCHA will approve transfer requests for Families that are in compliance with the terms and conditions of their leases and have resided in their dwelling units for at least one year. Families with a disabled household member that request reasonable accommodation transfers and families requesting a transfer pursuant to VAWA, as described below, are not subject to the one-year limitation.
- 5750.2 A Family is compliant with the terms and conditions of its lease if:
- (a) Current on rent payments and/or on any repayment agreement, consent judgment agreement, or settlement agreement;
 - (b) Current with recertification process;
 - (c) Is not subject to a citation for any lease violation;
 - (d) Has a good housekeeping record as evidenced by a housekeeping inspection; and
 - (e) Is not subject to a Notice to Correct or Vacate or a Notice to Vacate.
- 5750.3 Each member of the Family must be compliant with the terms and conditions of the lease.
- 5750.4 DCHA may deny requests for transfers by Families that are not compliant with the terms of their leases. Exceptions to the requirement that Families requesting transfers be lease compliant may be made for life threatening conditions or for tenants seeking transfers to units with accessible features.
- 5750.5 Transfers processed under this section will not take priority over Mandatory Transfers or new admissions, except as provided under Subsection 5748.4.
- 5750.6 DCHA shall acknowledge receipt of each Tenant Request for Transfer. The date of acknowledgment shall serve as the Tenant Request for Transfer date, which will be used by DCHA to determine the Family's place on the Transfer Waiting List.
- 5750.7 DCHA shall notify the Family, in writing, in no more than thirty (30) days from the date of acknowledgment, what action it has taken with regard to the Tenant Request for Transfer, *e.g.*, approval, disapproval, or further review of the Request is required. If further review is necessary due to a lack of supporting documentation, DCHA shall notify the Family, in writing, of what additional documentation is required. Once such documentation is received, DCHA shall notify the Family, in writing, no more than thirty (30) days from the date of receipt, what action it has taken with regard to the Tenant Request for Transfer.

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- 5750.8 Although DCHA approves a Tenant Request for Transfer, a unit may not be immediately available. When a unit is available, DCHA shall issue the Family a “Notice of Transfer Assignment.” The Notice will direct the Family when and where to report to inspect the new dwelling unit.
- 5750.9 The Family must be compliant with the terms and conditions of the lease at the time that its name reaches the top of the Transfer Waiting List. If the Family is not compliant with the terms and conditions of the lease as outlined in Subsection 5750.2, DCHA may withdraw the Family’s transfer approval.
- 5750.10 If the Family accepts the new dwelling unit, the Family shall execute a Notice of Lease Termination at the property from which he/she is moving, upon completion of the arrangement for transfer to the new location.
- 5750.11 Upon acceptance of the new dwelling unit, the Family must execute a new lease, which, if applicable, accepts liability for any outstanding conditions related to the prior lease agreement.
- 5750.12 In addition to the requirements specified in § 5748.5, families requesting a transfer shall bear the cost of moving to the new dwelling unit. The new dwelling unit shall not be held for more than fifteen (15) calendar days from the date of the unit availability. If a Family, who has an approved transfer, does not move into the new dwelling unit within fifteen (15) calendar days from the date of the unit’s availability, the unit offer shall be withdrawn and the Family’s name shall be removed from the Transfer Waiting List.
- 5750.13 If a Family refuses a transfer offer to the property of his/her own choice without good cause, the Family’s name shall be removed from the Transfer Waiting List and DCHA shall send the Family a notice of such action. If a Family did not identify a property, he/she may be offered up to two locations. If the Family refuses the first, his/her name may be returned to the Transfer Waiting List to await the availability of another unit. If the Family rejects the second assignment, his/her name will be removed from the Transfer Waiting List and DCHA shall send the Family a notice of such action.
- 5750.14 All actions or inactions by DCHA under this section are subject to the Family Grievance Procedure that is outlined in §§ 5730 *et seq.*
- 5750.15 The following conditions shall represent Priority Transfer Requests. Families who are approved for a Priority Transfer Requests will be transferred based on the hierarchy set forth in Subsection 5748.4 and on the date that the “Family Request for Transfer” was acknowledged by the DCHA:
- (a) Families that have a verified and approved reasonable accommodation for a fully accessible unit or a unit with accessible features and that do

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not currently reside in a unit that provides the approved reasonable accommodation;

- (b) The Family or a member of the Family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member, or any family member has been the victim of a sexual assault that occurred on the premises during the ninety (90)-calendar-day period preceding the family's request to move; or
- (c) DCHA has terminated the HAP contract with the Property Owner.

5750.16 The following conditions shall dictate DCHA's priority for Standard Transfer Requests. Families who are approved for a Voluntary Transfer will be transferred based on the hierarchy set forth below and on the date that the "Family 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, instances of violence not covered under Subsection 5749.1(c), hate crimes, or other situations which endanger a Family 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.
- (b) Second Priority shall be given to Families with an approved reasonable accommodation transfer who do not qualify for a Mandatory Transfer under Subsection 5749.1(c). These transfers would include transferring Families 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 Families that are over or under housed. These transfers would permit Families 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 Section 5709 of this chapter. If DCHA approves a Family'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 Families requesting transfers.

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SOURCE: Final Rulemaking at 64 DCR 12956 (December 22, 2017); as amended by Final Rulemaking published at 66 DCR 6831 (June 7, 2019).