

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;
- (b) To place households in units of the correct size when authorized tenants (household members listed on lease or certified by the DCHA) are under-occupying (assigned dwelling units are too large for the household) or over-occupying (assigned dwelling units are too small for the household) their assigned dwelling units in relation to the occupancy standards as set forth in chapter 61 of this title;
- (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;
- (d) To permit DCHA to make significant repairs, modernize, rehabilitate, or demolish dwelling unit(s) or apartment building(s);
- (e) To relocate households to facilitate the future rehabilitation of a DCHA property;
- (f) To permit occupancy of a unit with accessibility feature by a transferring resident or eligible applicant with a verified need for such a unit;
- (g) To alleviate any other conditions of hardship as determined by DCHA or to effectuate DCHA goals and/or objectives.

6401.2 Tenants subject to a mandatory transfer shall receive a “Notice of Mandatory Transfer.” The Notice shall include the following:

- (a) Statement of the reason for the transfer;
- (b) Location of the new dwelling unit;
- (c) Statement regarding how the move will be financed; and
- (d) The specific date by which the move must occur.

6401.3 Tenants subject to a mandatory transfer will receive one offer of transfer. The offer of

transfer shall be for a dwelling unit meeting the needs of the household in accordance with DCHA occupancy standards and, if the household includes a member with a disability, a dwelling unit that has features appropriate for the disability or one that is adaptable.

- 6401.4 Applications for a transfer must be made to the resident's property manager, but all paperwork, verification and unit assignments shall be made by the Director of Housing Management, except in the case of a resident request for a transfer as a reasonable accommodation of a disability in which case the request will be processed by the Office of the ADA/504 Coordinator and the Client Placement Division.
- 6401.5 DCHA shall, at its sole discretion, elect to either bear the cost of a mandatory transfer by providing funds to the affected household or to move the household with its own resources, which may include the use of DCHA staff and/or a moving contractor.
- 6401.6 A tenant who receives a written offer of a new dwelling unit and who refuses to move by the date specified in the Notice of Mandatory Transfer shall be issued a Notice to Quit or Cure.
- 6401.7 DCHA initiated mandatory transfers shall take precedence over new admissions and tenant requested transfers.
- 6401.8 Tenants who are subject to lease termination procedures who are transferred under this chapter because of exigent or other circumstances, shall not be exempt from the lease termination process. All actions, including any action for non-payment of rent, shall transfer with the tenant to the new dwelling unit, via the new lease agreement.
- 6401.9 Mandatory transfers shall take priority over new admissions.
- 6401.10 DCHA shall relocate to a vacant, non-accessible unit within six (6) months, the remaining household members occupying a unit with accessibility features after the death, or relocation for any other reason, of the disabled household member who required the accessibility features of such Unit and who are subject to a mandatory transfer under 640 1.1 (f) herein.
- 6401.11 The decision to initiate a mandatory transfer pursuant to this chapter may be made only after review and approval by a supervisor in the Operations Division of DCHA.

SOURCE: Notice of Final Rulemaking published at 49 DCR 2462, 2463-64 (March 15, 2002);as amended by notice of Final Rulemaking published at 53 DCR 9290,9294(November 17, 2006);as amended by notice of Final Rulemaking published at 54 DCR 12312 (December 21, 2007).