

6402 TRANSFER REQUEST BY TENANT

- 6402.1 DCHA tenants' requests for transfers must be reduced to writing. The "Tenant Request for Transfer" must state the reason(s) for requesting the transfer, provide any supporting documents, and, if applicable, may identify up to three sites for possible transfer. Tenants may use the "Tenant Request for Transfer" form available in each DCHA property management office.
- 6402.2 DCHA will approve transfer requests only for tenants who are compliant with the terms and conditions of their leases and have resided in their dwelling units for at least one year. Disabled tenants, who request reasonable accommodation transfers as described below, are not subject to the one-year limitation.
- 6402.3 A lease compliant tenant household is one that meets the following criterion:
- (a) Current on rent payments and/or on any repayment agreement;
 - (b) Current on utility payments and/or on any utility repayment agreement;
 - (c) Current with recertification process;
 - (d) Has no history of criminal activity or disturbances;
 - (e) Is not subject to a citation for any lease violation;
 - (f) Has a good housekeeping record as evidenced by a housekeeping inspection; and
 - (g) Is not subject to a Notice-to-Quit or Cure.
- 6402.4 Any tenant household that is subject to a Notice-to-Quit that cannot be cured, is not compliant with terms of lease.
- 6402.5 Each member of the tenant household must be lease compliant.
- 6402.6 DCHA shall deny all requests for transfers by tenant households that are not compliant with the terms of their leases.
- 6402.7 Exceptions to the requirement that tenants requesting transfers be lease compliant may be made for life threatening conditions or for tenants seeking transfers to units with accessible features.
- 6402.8 Transfers processed under this section will not take priority over DCHA initiated mandatory transfers or new admissions, except in the selection of families to occupy units with special accessibility features for persons with disabilities. DCHA will first offer such units to families on its transfer waiting list to families

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that include persons with disabilities who require such accessibility features over new admissions.

- 6402.9 The 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 tenant's place on the applicable transfer waiting list.
- 6402.10 The DCHA shall notify the tenant, in writing, in no more than 30 days from the date of acknowledgment, what action it has taken with regard to the Request for Transfer, *e.g.*, approval, disapproval, or further review of the Request is required. If further review is necessary, DCHA shall provide a date by which it expects to issue a final decision on the Request.
- 6402.11 Although DCHA approves a Tenant Request for Transfer, a unit may not be immediately available. When a unit is available, DCHA shall issue the tenant a "Notice of Transfer Assignment." The Notice will direct the tenant when and where to report to inspect the new dwelling unit.
- 6402.12 The tenant household must be lease compliant at the time that its name reaches the top of the Transfer Waiting List. If the tenant is not lease compliant as outlined above, DCHA will withdraw the tenant's transfer approval.
- 6402.13 If the tenant household accepts the new dwelling unit, the tenant 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.
- 6402.14 Upon acceptance of the new dwelling unit, the tenant must execute a new lease, which, if applicable, accepts liability for any outstanding conditions related to the prior lease agreement. In accordance with § 6402.6, if a tenant household is transferred with an outstanding debt, DCHA will not transfer the household unless and until a payment plan is established or, if the household is in violation of a payment plan, DCHA will not permit the tenant household to transfer until the debt is paid-in-full.
- 6402.15 Tenants who are approved for transfers under this section shall bear the cost of moving to the new dwelling unit. The new dwelling unit shall not be held for more than 35 days from the date of the unit availability. If a tenant, who has an approved transfer, does not move into the new dwelling unit within 35 days from the date of the unit's availability, the tenant's name shall be removed from the appropriate transfer waiting list.
- 6402.16 If a tenant refuses a transfer initiated at his/her own request, to the property of his/her own choice, the tenant's name shall be removed from the transfer list and DCHA shall send the tenant a notice of such action. If a tenant did not identify a property, he/she may be offered up to two locations. If the tenant refuses the first,

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his/her name may be returned to the transfer waiting list to await the availability of another unit. If the tenant rejects the second assignment, his/her name will be removed from the transfer waiting list and DCHA shall send the tenant a notice of such action. This section shall not apply to emergency VAWA transfer units that do not meet the “safe unit” standard based on the incident of domestic violence, dating violence, sexual assault, and stalking as defined in Section 6099.

6402.17 All actions or inactions by DCHA under this section are subject to the Tenant Grievance Procedure that is outlined in chapter 63 of this title.

6402.18 The following conditions shall dictate DCHA’s priority for its transfer of tenants who request transfers to another dwelling unit. Tenants who are approved for transfers under this section will be transferred based on the hierarchy set forth below and on the date that the “Tenant 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, including emergency VAWA transfers. These situations may include serious medical conditions, crimes, domestic violence, dating violence, sexual assault, stalking, hate crimes, or other situations which endanger a tenant 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. Emergency VAWA transfers must be documented in accordance with § 6127.12.
- (b) Second Priority shall be given to tenants with verified disabilities who require dwelling units with accessible features or as a reasonable accommodation. These transfers would include transferring residents 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 tenant households that are over or under housed. These transfers would permit tenants 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 Chapter 61 of this title. If DCHA approves a tenant’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 tenants requesting transfers.

SOURCE: Notice of Final Rulemaking published at 49 DCR 2462, 2464-67 (March 15, 2002); as amended by Final Rulemaking published at 65 DCR 13209 (November 30, 2018).