

**4907 PROTECTIONS FOR APPLICANTS AND PARTICIPANTS  
UNDER THE VIOLENCE AGAINST WOMEN ACT**

- 4907.1 In certain circumstances, as further explained below, applicants or participants may be afforded additional protections from HCVP requirements and policies under the Violence Against Women Act (VAWA). DCHA shall comply with the terms of VAWA in administration of the HCVP. VAWA protections are for victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. DCHA shall not discriminate against VAWA victims on the basis of any protected categories pursuant to 24 CFR § 5.105(a) including race, color, national origin, religion, sex, familial status, disability, or age.
- 4907.2 Applicants seeking admission to the Housing Choice Voucher Program (HCVP) or to a Project-Based Voucher unit shall not be denied admission on the basis of, or as a direct result of, the fact that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant otherwise qualifies for admission, assistance, participation, or occupancy.
- 4907.3 Family or a Family member participant shall not be terminated from the Housing Choice Voucher Program (HCVP) or a Project-Based Voucher unit on the basis of, or as a direct result of, the fact that the family member participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.
- 4907.4 If a member of the assisted Family is removed from the family composition due to that member of the assisted Family being the perpetrator in criminal acts of domestic violence, dating violence, sexual assault, or stalking and the victim is part of the assisted Family, the perpetrator may not be considered a remaining Family member or an eligible Family member.
- 4907.5 In making its decision as to who retains assistance, DCHA shall consider all credible evidence, including, but not limited to, documentation submitted to DCHA pursuant to § 4907.12.
- 4907.6
- (a) Pursuant to federal regulations, the denial of continued HCVP assistance to a Family member who engages in criminal acts related to domestic violence, dating violence, sexual assault, or stalking against members of the assisted Family shall be considered a form of termination of the individual Family member. DCHA shall follow the procedures described in Chapters 58 and 89 of this title of the DCMR when terminating assistance to such an individual, unless the individual is absent or expected to be absent pursuant to paragraph (b) of this subsection.
  - (b) If the Family member who engages in criminal acts related to domestic violence, dating violence, sexual assault, or stalking against another

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Family member is absent, or expected to be absent due to court order or incarceration, from the assisted unit for more than one hundred and twenty (120) consecutive days, DCHA shall remove that Family member and the individual shall no longer be considered part of the family composition.

- (c) An absent family member removed from the family composition pursuant to paragraph (b) of this subsection shall also be denied continued HCVP assistance. DCHA shall follow the same procedures as described in Chapters 58 and 89 of this title of the DCMR when terminating of the participation of the removed absent family member.

- 4907.7 Pursuant to federal regulations, criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a participant's household or any guest or other person under the participant's control, shall not be cause for termination of tenancy, occupancy rights of, or assistance to the victim, if the participant or immediate family member of the participant is the victim.
- 4907.8 Notwithstanding § 4907.7, DCHA may terminate assistance to a participant for violating a program obligation not premised on an act of domestic violence, dating violence, sexual assault, or stalking, provided that DCHA does not subject such a participant to a more demanding standard than other participants in making the determination to terminate assistance to the participant.
- 4907.9 A victim of domestic violence, sexual violence, dating violence, or stalking who is absent for more than one hundred twenty (120) days may still be considered a Family member based on documentation that the victim is expected to return to the Family in a reasonable time if the victim provides to DCHA documentation that meets the requirements of § 4907.12.
- 4907.10 If a Family or Family member participant has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual, the participant may port to another PHA jurisdiction in violation of the lease as explained in Chapter 55 of this title of the DCMR so long as the Family has complied with all other obligations of the HCVP.
- 4907.11 If a Family or Family member participant who has been the victim of domestic violence, dating violence, stalking, or sexual assault moves in violation of the lease, DCHA shall not terminate assistance or deny a Family's request to move under portability if the move was related to the act of domestic violence, dating violence, stalking, or sexual assault. The portability regulations outlined in Chapter 55 of this title shall apply.
- 4907.12 A Family may document an incident or incidents of domestic violence, dating violence, sexual assault, or stalking as follows:

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- (a) The HUD-approved certification form;
- (b) A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking (*i.e.*, police reports, protective orders, and restraining orders); or
- (c) Documentation that is—
  - (1) Signed by the victim;
  - (2) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or mental health or medical provider (collectively, “professional”) from whom the victim has sought assistance in the situation; and
  - (3) Attested, under penalty of perjury, that the professional believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for VAWA protection.
- (d) DCHA will notify the household member seeking relief under VAWA of the member’s status under § 4907.1 within fourteen (14) business days of receiving documentation as explained in paragraphs (a) through (c) of this subsection. Notice will be provided by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided.

4907.13 Any information submitted to DCHA under this section, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in strict confidence by DCHA.

- (a) DCHA shall not allow any individual administering assistance on behalf of the HCVP or any persons within their employ (e.g., contractors) or any employee of DCHA to have access to confidential information unless explicitly authorized by DCHA for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.
- (b) DCHA shall not enter confidential information submitted to DCHA pursuant to this section into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is:
  - (1) Requested or consented to in writing by the individual in a time-limited release;

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- (2) Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
- (3) Otherwise required by applicable law.

4907.14

- (a) If DCHA receives conflicting documentation submitted pursuant to § 4907.12 from two (2) or more members of a household, each petitioning for VAWA protections under this section and each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations.
- (b) DCHA will determine which household members shall continue to be assisted in accordance with §§ 4907.21 and 5317.6. DCHA shall provide written notice to the household member(s) who will not retain assistance with the opportunity for an informal hearing in accordance with § 8908.

4907.15

If a Family or Family member participant who has been a victim of domestic violence, dating violence, sexual assault, or stalking by an individual, requests an emergency transfer voucher pursuant to §§ 5333 or 5501 of this title, the family or family member participant must submit the request in writing. A family or family member participant may submit a DCHA or HUD-approved emergency transfer voucher form, or provide a written statement that includes either:

- (a) A statement expressing and certifying, under penalty of perjury, that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HCVP; or
- (b) A statement certifying, under penalty of perjury, that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the ninety (90)-calendar-day period preceding the participant's request for an emergency transfer voucher.

4907.16

If a family or family member participant requests an emergency transfer voucher under the protections of VAWA, DCHA will request in writing that the family or family member participant provide at least one (1) form of documentation specified in § 4907.12.

4907.17

- (a) Participants must provide the documentation required under § 4907.16 within fourteen (14) business days of receiving the written request for documentation. If DCHA receives documentation containing information that conflicts with existing information already available to DCHA,

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DCHA may require third-party documentation to resolve the conflict in accordance with VAWA and its implementing regulations. Third-party documentation must be provided within thirty (30) calendar days of the date of the request for the third-party documentation.

- (b) If DCHA receives conflicting documentation of domestic violence, dating violence, sexual assault, or stalking from two more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, § 4907.14 shall apply.
- (c) DCHA will administratively withdraw a family or family members' request pursuant to § 4907.16 if documentation is not provided as explained in paragraph (a) of this subsection.
- (d) DCHA will notify the household member seeking relief under VAWA of the member's status under § 4907.1 within fourteen (14) business days of receiving documentation as explained in paragraphs (a) through (c) of this subsection. Notice will be provided by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided.

4907.18 For families residing in Partnership Program units, also called Project-Based Voucher ("PBV") units, the following provisions shall apply:

- (a) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written emergency transfer request in the manner specified by § 4907.15 and provides documentation in the manner specified by § 4907.16 and § 4907.17, DCHA may transfer the family to another Project-Based subsidized unit or another unit [in the Public Housing program] subject to availability and at DCHA's discretion. Upon written request, the family may receive priority to receive the next available opportunity for continued tenant-based rental assistance.
- (b) Notwithstanding § 5333.2, a family or family member participant is not required to give advanced written notice, with a copy to DCHA, of intent to vacate the PBV unit if the family moved to protect the health or safety of the victim.

4907.19 For families residing in the Moderate Rehabilitation Program, as defined in § 4905.1, and Single Room Occupancy (SRO) housing facilities, as defined in § 1901.3, the following provisions shall apply:

- (a) If a family or family member participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, makes a written

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emergency transfer request in the manner specified by § 4907.15 and provides documentation in the manner specified by § 4907.16 and §4907.17, DCHA may transfer the family to another Moderate Rehabilitation Program unit (for a family residing in a Moderate Rehabilitation Program unit) or SRO unit (for a family residing in a SRO unit) subject to availability. If at the time of the transfer request there is no available Moderate Rehabilitation unit or SRO unit, DCHA may transfer the family to a Project-Based subsidized unit subject to availability and at DCHA's discretion. If there is no available Project-Based subsidized unit, then upon written request and at DCHA's discretion, the family may receive the opportunity for tenant-based rental assistance.

- (b) Notwithstanding § 5333.2, a family or family member participant is not required to give advanced written notice, with a copy to DCHA, of intent to vacate the Moderate Rehabilitation Program unit or SRO unit if the family moved to protect the health or safety of the victim.

4907.20 DCHA will provide to applicants deemed ineligible for the HCVP and participants in the HCVP the "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD-approved certification form in accordance with HUD rules and regulations.

4907.21 Conflicting Allegations Panel.

- (a) If DCHA receives conflicting documents submitted pursuant to § 4907.12 from two (2) or more members of a household, each claiming to be a victim and naming one (1) or more of the other petitioning household members as the perpetrator, DCHA shall convene a conflicting allegations panel within five (5) business days to recommend which Family member should remain in the voucher program by requiring third-party documentation to resolve the conflict in accordance with the Violence Against Women Act (VAWA) and its implementing regulations, as explained in §§ 4907.12 and 4907.14, and other applicable laws using the following guidelines:
  - (1) Prior to making any recommendation on who retains assistance, the conflicting allegations panel shall attempt to notify both adult family members involved in the alleged incident by first-class mail to the address of record or an alternative address or email address, if one is provided, and by phone, if a phone number is provided, that only one (1) part of the family shall continue to receive assistance;
  - (2) The notice shall inform both adults of how DCHA will determine who retains assistance, and what relevant information each adult can provide to assist DCHA in making its recommendation;

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- (3) After making its recommendation using the factors as enumerated in § 5317.6, the documentation provided pursuant to §§ 4907.12 and 4907.14, and any additional relevant information provided (including, but not limited to, police report(s), protective orders, restraining orders, photographs, video footage, any past history of abuse, or evidence of who is the primary aggressor), DCHA shall notify both adults in writing within five (5) business days of its decision and the basis for the decision; and
  - (4) The adult family member who DCHA determines shall not continue to receive assistance shall be entitled to an informal hearing pursuant to Chapter 89 of this title of the DCMR.
- (b) The Conflicting Allegations Panel will consist of three members, two (2) HCVP staff members, designated by the HCVP Director, and a victim service provider employee or agent.

SOURCE: Final Rulemaking published at 59 DCR 7856, 7862 (June 29, 2012); as amended by Final Rulemaking published at 65 DCR 13209 (November 30, 2018); as amended by Final Rulemaking published at 67 DCR 9071 (July 24, 2020).