

**DISTRICT OF COLUMBIA
UNIVERSAL SHELTER RULES FOR
SEVERE WEATHER SHELTERS
GOVERNED BY
THE HOMELESS SERVICES REFORM ACT OF 2005**

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These are the rules of _____ (*shelter name,*) which is a “severe weather shelter” governed by the Homeless Services Reform Act of 2005.

A. Your Responsibilities:

- 1. You must follow all Program Rules in this packet, including the rules that apply to your individual shelter that are attached in the Additional Program Rules section.**
- 2. Participation in the shelter’s program (OPTIONAL):**
 - You have the option to seek appropriate transitional or permanent housing.
 - You have the option to seek employment, education, or training when appropriate.
- 3. Alcohol, drugs, violence:**
 - You must *not* do any of the following while on the shelter’s property:
 - use or possess alcohol or illegal drugs.
 - use or possess weapons.
 - assault or batter any individual, or threaten to do so.
 - any other acts that endanger the health or safety of yourself or any other individual on the shelter premises.
- 4. Children:**
 - You must ensure that children in your physical custody are enrolled in school.
 - You must ensure that children in your physical custody receive appropriate supervision while on the shelter’s property.
 - You must use child care services when necessary to enable you to seek employment or housing or to attend school or training, when appropriate, unless you meet an exemption under the District’s laws and rules governing the TANF program. (Found at D.C. Official Code § 4-205.19g or 29 DCMR § 5809.4 (b)-(e), or as revised).
- 5. Respect and Cleanliness:**
 - You must respect the safety, personal rights, and private property of shelter staff and other residents.
 - You must maintain clean sleeping and living areas, including bathroom and cooking areas where applicable.
 - You must use communal areas appropriately, with attention to cleanliness and respect for the interests of other residents.
 - You are responsible for your own personal property.

B. Your Rights:

1. **You have the right to be treated fairly and respectfully:**
 - You have the right to be treated with dignity and respect by shelter staff and the Department of Human Services (“DHS”).
 - You have the right to access homeless services free from discrimination on the basis of race, color, religion, national origin, language, culture, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, and source of income, as required by the following laws:
District of Columbia Human Rights Act (D.C. Official Code § 2-1401 et seq.)
Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)
Rehabilitation Act of 1973 (29U.S.C. § 701 et seq.)
Title II of the Civil Rights Act of 1964 (42 U.S.C. § 2000a et seq.)
Language Access Act of 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931 et seq.)
 - You have the right to access services free from verbal, emotional, sexual, financial, and physical abuse and exploitation.
 - You have the right to practice or not to practice a religion.
 - You have the right to be free from testing for drugs or alcohol except:
 - When Shelter guidelines or program eligibility requirements prohibit intoxication and a licensed social worker or a certified addiction counselor determines that there is reasonable cause to believe that you are engaging in drug or alcohol use;
 - When you consent to drug or alcohol testing as part of your case management plan.
2. **You have the right to shelter during severe weather conditions as provided by the Act.**
3. **You have rights relating to your personal information:**
 - You have the right to confidential treatment of all your personal information.
 - At a reasonable time and with reasonable prior notice, you have the right to view and copy, or have someone you authorize view and copy, all records and information that are related to you and kept by this shelter.
4. **You have the right to give input and feedback about shelter services:**
 - You have the right to be told the name and job title of any staff member delivering services.
 - You have the right to provide input and feedback to the shelter about delivery of services.
 - You have the right to file complaints with the shelter, DHS, the Mayor, or other appropriate offices regarding the delivery of services or your treatment.

- You have the right to actively participate in the development of your service plan, be told of your progress, and receive a review of the service plan upon request.
5. **You have the right to timely notice of decisions made by the Shelter or DHS that adversely affect your receipt of services and you have the right to appeal any such decision through a Fair Hearing.**

 6. **You have the right to continue to receive shelter and services without change while you wait for the final outcome of any fair hearing requested within 15 calendar days of receipt of written notice of the decision you are appealing.** However in cases of a non-emergency transfer, emergency transfer, suspension, or termination this right does not apply.

 7. **You have the right to be free from retaliation, punishment, or sanction for exercising any rights provided in these Rules or under the Homeless Services Reform Act.**

 8. **You have the right to meet and communicate privately with attorneys, advocates, clergy, physicians, and other professionals.**

 9. **If you have a disability, you have the right to receive reasonable modifications to policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the shelter demonstrates that the modifications would fundamentally alter the nature of the services.**
 - You have the right to request a reasonable accommodation at any time either verbally or in writing.
 - When you ask for an accommodation you will be asked to fill out an accommodation request form. If you are unable to fill out the form, a staff person will help you.
 - You will also be asked to supply Verification for your disability in order to process your accommodation request.
 - The Provider will make a decision whether to approve or deny your request as soon as possible.
 - If an immediate accommodation is required and evident a Provider may conditionally approve the request until a final decision is made.
 - Once a decision is made you will receive notification as to whether the request was approved or denied:
 - if your accommodation request is approved it may be granted immediately;
 - if it is denied you will be informed in writing.

- If you wish to appeal the decision you may request a fair hearing from the Office of Administration Hearings (See Section D for additional information about this process)
- If you would like to file a complaint regarding your accommodation decision you may make a complaint to the DHS ADA Coordinator at 202-671-4339 or file a complaint with the DC Office of Human Rights at 202-727-4557.

C. The Shelter's Rights to Sanction, Transfer, Suspend or Terminate You:

1. **The shelter can use alternative sanctions for specified violations of Rules as described in the Additional Program Rules, which are attached.**
2. **The shelter can TRANSFER you to another shelter:**
 - You must receive 15 days oral and written notice of the transfer date and the reason for the transfer.
 - You can be transferred through direct arrangements with other shelters or with central intake.
 - You can be transferred when you consent to the transfer.
 - You can be transferred without your consent if:
 - The shelter identifies and secures a placement with another shelter that more appropriately meets your medical, mental health, behavioral, or rehabilitative service needs; OR
 - You do not comply with the Rules and Responsibilities listed in this document and you have received notice of the Rules. The shelter must make a good-faith effort to assist you with complying with the Shelter Rules.
3. **The shelter can SUSPEND your services:**
 - You can be suspended from shelter services if you fail to comply with or refuse to comply with the Rules and Responsibilities listed in this document, or if you engage in any of the behaviors listed as a basis for a termination below.
 - You can be suspended from services for up to 30 days depending on what you did that led to your suspension.
 - A shelter may suspend your services when:
 - The shelter has given you oral and written notice of the Shelter Rules, resident responsibilities, and prohibited behaviors;
 - The shelter has made a good-faith effort to enable you to comply with the Shelter Rules;
 - The shelter has made a reasonable effort to transfer you to another shelter; and
 - The shelter has given you 15 days notice of the suspension date.

- A shelter may not suspend adult individuals or adult family members in a manner that results in minor children or dependent adults being left unattended in a shelter.

4. The shelter can TERMINATE your services:

- You can be terminated from this shelter if you:
 - Possess a weapon on the shelter's premises;
 - Possess or sell illegal drugs on the shelter's premises;
 - Assault or batter any person on the shelter's premises;
 - Endanger your safety or the safety of others on the shelter's premises;
 - Intentionally or maliciously vandalize, destroy, or steal the property of any person on the shelter's premises;
 - Fail to accept an offer of appropriate permanent housing or supportive housing that better serves your needs after having been offered two appropriate permanent or supportive housing opportunities;
 - Knowingly engage in repeated violations of Shelter Rules.

In cases of termination where the violation is not imminent threat to the health and safety of the client or others the shelter must:

- Give you 15 days oral and written notice of the termination date and reason for the termination.
- Document that they have considered suspension or made a reasonable effort to transfer you, in light of the severity of the act leading to the termination.

5. The shelter can transfer, suspend, or terminate you IMMEDIATELY if you pose an imminent threat to yourself or others:

- You may be immediately transferred, suspended, or terminated if you present an imminent threat to the health or safety of yourself or any other person on the shelter's premises.
- The shelter is not required to give you prior written notice.
- The shelter is required, however, to try to give you written notice at the time the action is taken.
- If it is not safe to give you written notice at the time of the action, the shelter is required to try to give you written notice within the next 15 days.
- If the shelter is unable to locate or contact you, the shelter must give you the written notice when you request it if less than 90 days has passed since the emergency transfer, suspension, or termination began.
- The shelter must notify DHS immediately of the action taken against you.
- Within 24 hours of receipt of the notification by DHS, DHS will issue a written decision as to whether the providers' emergency transfer, suspension or termination can be upheld or denied;

- The provider is to give a copy of the completed Emergency Finding form to you as soon as reasonably possible after receiving the document from DHS.
- If your whereabouts are unknown and the provider has made reasonable efforts to find you, the provider shall retain a copy of the Emergency Finding from DHS and deliver it to you if and when the opportunity arises.
- If DHS denies the providers' emergency action, the provider must immediately reinstate services to you.
- If DHS upholds the providers' emergency action, you may appeal the providers' action through a Fair Hearing (see Section D for information about this process).

D. Your Right to Appeal

1. **Internal Mediation Program:** If your shelter has a mediation program, you may have the right to mediate a problem through the shelter's internal mediation process.
2. **Your Right to Appeal:**
 - You have the right to appeal any decision that adversely affects your receipt of services. You also have the right to appeal any violation of the Common Standards that apply to this shelter or any violation of your rights listed in Section B of this document.
 - Your appeal is called a Fair Hearing and is held at the District of Columbia's Office of Administrative Hearings.
 - You have the right to an Administrative Review before the Fair Hearing. The Administrative Review is less formal than a Fair Hearing and is conducted by an employee of the D.C. Department of Human Services.
 - You have a right to timely (15 days before the decision takes effect) notice of any decision by a shelter or DHS that negatively affects your services.
 - You have the right to continue to receive shelter and services without change while you wait for the final outcome of any fair hearing that is requested within 15 calendar days of receipt of a written notice of a decision that negatively affects your services. However, in the cases of a non-emergency transfer, emergency transfer, suspension, or termination this right does not apply.
3. **To Request a "Fair Hearing":**
 - Call the Office of Administrative Hearings, at 727-8280 OR send in a request for a fair hearing in writing to the Office of Administrative Hearings, 441 4th Street, N.W., Suite 540, Washington, D.C. 20001; OR

- Call the Family Services Administration, at 541-3914, or send in a request for a fair hearing in writing to the Family Services Administration, 2146 24th Place, N.E., Washington, D.C. 20018; OR
- Tell a staff member where you reside that you want a Fair Hearing. By law, the staff member must help you make your request.

4. To Receive an “Administrative Review”:

- You do not need to file a separate request for an Administrative Review. Once you request a Fair Hearing, you will automatically be offered an opportunity for an Administrative Review by the Family Services Administration.
- A notice will be sent to you notifying you of the time, date, and place for the Administrative Review.
- If you do not appear at the Administrative Review, you will still have the right to the Fair Hearing you requested.
- The Office of Administrative Hearings will send you a notice of the date, time and place of the Fair Hearing.

5. In some cases, you have the right to stay in shelter during your appeal:

- To stay in shelter during the appeal of a termination or suspension you must ask for an appeal before the date of the adverse action. (By law, you must be given 15 days notice before the effective date of any non-emergency action).
- If the action was a regular transfer or an emergency transfer, suspension, or termination based on an imminent threat to health or safety, you *do not* have the right to shelter during the appeal unless DHS orders the shelter to allow you to return during your appeal.
- If you have already left shelter and it is after the effective date of the adverse action, you do not have the right to return and remain during your appeal. However, you can still appeal within 90 days from the date of the written notice of the termination and, if you win your appeal, you will be placed back into the shelter you were in or a similar one.

6. Your rights at the Fair Hearing or Administrative Review:

- You have the right to be represented by a lawyer (see below), relative, or any other person of your choice who is not an employee of the D.C. Government.
- You have the right to bring witnesses or evidence that helps your case.

7. You may get free legal representation from:

- *Bread for the City at (202) 265-2400 OR (202) 561-8587*
- *Legal Aid Society of the District of Columbia at (202) 628-1161*
- *The Washington Legal Clinic for the Homeless at (202) 328-5500*

8. You may file discrimination claims:

- If you think you have been discriminated against because of race, religion, color, sex, national origin, disability, personal appearance, age, marital status, sexual orientation or another basis, you may file a complaint with the D.C. Office of Human Rights at 727-4557 within 365 days of the discrimination.

I acknowledge that I have received, understand and accept the Program Rules of this program.

Client Signature

Date

Staff Signature

Date