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| Hypothermia Shelter Program Rules |
| Effective as of February 2018 |
| D.C. Department of Human Services |

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**Program Rules for Hypothermia Shelter**

**A “severe weather shelter” governed by the Homeless Services Reform Act of 2005,**

**as amended (D.C. Official Code § 4-751.01 *et seq.*) (HSRA)**

**A. Your Responsibilities**

1. You must follow all Program Rules in this packet.

2. Participation in the hypothermia 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 hypothermia shelter’s property:
	+ use or possess alcohol, illegal drugs, or marijuana. (*See* D.C. Official Code § 48-904.01(a)(1E))
	+ use or possess weapons.
	+ assault or batter any individual, or threaten to do so.
	+ commit any other acts that endanger the health or safety of yourself or any other individual on the hypothermia shelter premises.

 4. Children

* Children are not allowed on the premises of the hypothermia shelter.

5. Respect and Cleanliness

* You must respect the safety, personal rights, and private property of hypothermia shelter staff and other residents.
* You must maintain clean sleeping and living areas, including bathroom areas.
* 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 the hypothermia 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, source of income, status as a victim of intrafamily offense, and place of residence or business, 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 (ADA) (42 U.S.C. § 12101 *et seq*.)**

**Rehabilitation Act of 1973 (29 U.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 treated in all ways in accordance with your gender identity and expression, including:
	+ use of gender-specific facilities including restrooms, showers, and locker rooms;
	+ being addressed in accordance with your gender identity and expression;
	+ having documentation reflect your gender identity and expression;
	+ being free from dress codes that are in conflict with your gender identity and expression;
	+ confidentiality of information regarding your gender identity and expression; and
	+ being free from discrimination in the provision of health care and mental health services related to your gender identity and expression.
* You have the right to be free from testing for drugs or alcohol except:
	+ - * + when program guidelines or program eligibility requirements prohibit intoxication and a licensed social worker with experience identifying indications of drug or alcohol use or a certified addiction counselor determines that there is reasonable cause to believe that you are engaging in drug or alcohol use; or
				+ when you consent to drug or alcohol testing as part of your case management plan.
1. You have the right to shelter during severe weather conditions, as provided by the HSRA.

3. You have rights relating to your personal information.

* You have the right to confidential treatment of your personal, social, legal, financial, educational, and medical records and information related to you or a member of your family by DHS and the shelter in a manner consistent with the confidentiality requirements of District and federal law. This is true whether or not the information from you, personally, or from another source.
* Basic information about you, including your receipt of services, is stored in the D.C. Homeless Management Information System (HMIS). This city-wide data collection system provides a record for administering the program and evaluating the services provided to you. Your information will not be disclosed without your written consent, unless disclosure is required by law or permitted by law to meet funding, administrative, or research requirements. You may request a copy of DHS’s privacy policy at any time.
* 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 (both paper and electronic) that are related to you and kept by this hypothermia 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 DHS or the hypothermia shelter about the delivery of services.
* You have the right to file complaints with, testify before, or provide information to 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.
1. You have the right to timely notice of decisions made by the hypothermia shelter or DHS that adversely affect your receipt of services, and you have the right to appeal any such decision through a Fair Hearing, when required and permitted by the HSRA.

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 that adversely affects your receipt of services. However, in cases of a non-emergency transfer, emergency transfer, emergency suspension, or emergency 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 Program Rules or under the HSRA.

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 a disability, unless DHS or the hypothermia shelter demonstrates that the modifications would fundamentally alter the nature of the services.

* You have the right to request or have another person authorized to act on your behalf request a reasonable modification at any time, either verbally or in writing.

When you ask for a modification, you will be asked to fill out a modification/accommodation request form. If you are unable to fill out the form, a staff person will help you.

* If an immediate modification is required and evident, DHS or the hypothermia shelter 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 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 Administrative Hearings (OAH). (*See* Section D for additional information about this process.)
		- If you would like to file a complaint regarding your decision, you may submit a complaint to the DHS American with Disabilities Act (ADA) Coordinator by phone at (202) 671-4438, by email at ADA.Services@dc.gov, or by fax at (202) 671-4409. You may also file a complaint with the D.C. Office of Human Rights at (202) 727-4559.

 **C. The Shelter’s Rights to Sanction, Transfer, and Suspend or Terminate You:**

1. The hypothermia shelter can use alternative sanctions for specified violations of the Program Rules. (*See* Section L below.)
2. The hypothermia shelter can TRANSFER you.
* You must receive at least 15 days’ oral and written notice of the transfer date and the reason for the transfer. However, in the case of an emergency transfer, this notice requirement does not apply.
* 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 Program Rules. The shelter must make a good-faith effort to assist you with complying with the Program Rules.

3. The hypothermia shelter can SUSPEND your services.

* You can be suspended from services if you fail 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. (*See* Section C.4.)
* You can be suspended from services for up to 30 days depending on what you did that led to your suspension.
* The shelter may suspend your services when:
	+ The shelter has given you oral and written notice of the Program Rules, resident responsibilities, and prohibited behaviors;
	+ The shelter has made a good-faith effort to enable you to comply with the Program Rules;
	+ The shelter has made a reasonable effort to transfer you to another shelter; and
	+ The shelter has given you at least 15 days’ notice of the suspension date for a non-emergency suspension period lasting ten (10) days or more.

4. The hypothermia shelter can TERMINATE your services.

* You can be terminated from the hypothermia shelter if you:
	+ Possess a weapon on the shelter’s premises;
	+ Possess or sell illegal drugs or marijuana on the shelter’s premises (*see* D.C. Official Code § 48-904.01(a)(1E));
	+ 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 Program Rules.
* In cases of termination where the violation is not an imminent threat to your health and safety or that of 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 have made a reasonable effort to transfer you, in light of the severity of the act leading to the termination.

5. The hypothermia 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 possible or 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 less than 90 days after 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, DHS will issue a written decision as to whether the shelter’s emergency transfer, suspension or termination can be upheld or denied.
* The shelter will 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 shelter has made reasonable efforts to find you, the shelter shall retain a copy of the Emergency Finding form from DHS and deliver it to you if and when the opportunity arises.
* If DHS denies the shelter’s emergency action, the shelter must immediately reinstate services to you.
* If DHS upholds the shelter’s emergency action, you may appeal the action through a Fair Hearing. (*See* Section D for information about this process.)

# **D. Your Right to Appeal**

1. Internal Mediation Program:If the hypothermia 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, when permitted by the HSRA, 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 the hypothermia shelter (*see* D.C. Official Code §§ 4-754.21 and 4-754.22) 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 (OAH).
* You have the right to an Administrative Review before the Fair Hearing. The Administrative Reviewis 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 receive timely notice when required by the HSRA of any non-emergency termination, suspension for a period lasting 10 days or more, or transfer by the temporary shelter program or DHS that negatively affects your services, 15 days before the notice is effective.
* 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 non-emergency suspension or termination that negatively affects your services. However, in the cases of a non-emergency transfer, emergency transfer, emergency suspension, or emergency termination, this right does not apply.

3. To Request a Fair Hearing

* Call the Office of Administrative Hearings, at (202) 442-9094 or send a request for a Fair Hearing in writing to the Office of Administrative Hearings, 441 4th Street, N.W., Suite 450 North, Washington, D.C. 20001; or
* Call the Family Services Administration at (202) 698-4170, or send a request for a Fair Hearing in writing to the Family Services Administration, 64 New York Avenue, N.E., Washington, D.C. 20002; OR
* Tell a shelter staff member 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, DHS will conduct an Administrative Review of your appeal to determine the legal validity of the appeal and, if possible, reach an informal resolution.
* 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 time, date, and place of the Fair Hearing.

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

* To stay in the shelter during the appeal of a termination or suspension you must ask for an appeal within 15 calendar days of receipt of written notice of the adverse action.
* If the action was a regular transfer or an emergency transfer, emergency suspension, or emergency termination based on an imminent threat to health or safety, then 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 the 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* Section D.7, 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 request 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 within 365 days of the discrimination with the D.C. Office of Human Rights at (202) 727-4557.

**E. Special Eligibility Criteria**

* The hypothermia shelter serves persons eighteen (18) years of age and older. A person not meeting this eligibility criterion should speak to a staff member for an appropriate referral.
* Children are not permitted in the hypothermia shelter.

**F. Entry Procedure and Check In**

* Hypothermia shelters will be open only on nights when a hypothermia alert has been issued by the Department of Human Services (DHS).
* D.C. Recreation Centers functioning as hypothermia shelters will be open from 9:00 PM to 7:00 AM.
	+ D.C. Recreation Centers will be open to the public during daytime hours, so you may remain at Recreation Centers during the day if you choose.
* Other community sites functioning as hypothermia shelters will be open from 7:00 PM to 7:00 AM.
	+ Houses of worship and other community-based sites will not be open during daytime hours, even if a hypothermia alert is still in effect. These sites are open only for use as overnight hypothermia shelters and are used for other purposes during the daytime hours.
* If you are seeking to spend the night in a hypothermia shelter, you may line up before 6:30 PM at the front entrance of the shelter or facility. You will be served in the order in which you are lined up for entry. For the safety of everyone, DHS or hypothermia shelter staff may ask to search your person or your belongings to check for prohibited items, such as alcohol, illegal drugs or marijuana, drug paraphernalia, or weapons.
* Once you have been searched, you must then check in at the staff desk. You are not required to provide your full name or other identifying information if you do not wish to, and you will not be turned away if you are unwilling or unable to provide this information. Upon your first time entering a hypothermia shelter, you will be asked to meet with a staff person in order to complete an intake form and review and sign the Program Rules.
* Following check-in, you will be assigned a cot space for the evening. You may request a specific space or cot; however, staff may not be able to accommodate this request. Staff may assign you to any space available. Once you have been assigned a cot space, staff may not be able to fulfill any requests for a change. For safety and security reasons, you may not switch cots without staff approval. Cots will be allotted on a first-come, first-served basis each night. Staying at the shelter one night is no guarantee that a space will be available on any future night.
* Once you have checked in and have been assigned a cot space, you may leave the building for up to 30 minutes. If you leave the building for more than 30 minutes, you will be considered to have left for the night. If others are waiting for bed space, the space you were assigned may be reassigned to the next person waiting. If the space has been reassigned and the shelter has no available beds when you return, staff will contact the Shelter Hotline to determine where spaces are available. Transportation may be provided to take you to another appropriate site. You will be encouraged to remain inside of the shelter or other facility until transportation arrives.
* The number of beds available is subject to change at any time. Once the facility is filled to capacity, the Shelter Hotline will be called to help determine where spaces are available. Transportation may be arranged to take you to another appropriate site.

**G. Visitation**

* For your safety and privacy, no visitors are permitted. Exceptions to this policy may be made for special circumstances.
* In addition, you have the right, under the Program Rules, to meet privately with attorneys, advocates, clergy, physicians, and other professionals. Please notify staff in advance if you would like to meet privately with an attorney, advocate, clergy, physician, or other professional.
* Please know that staff members are only authorized to release information about you: a) if there is a written release signed by you, or b) in response to a subpoena, search warrant or other legally enforceable document. Any family member, service provider, law enforcement officials, or other interested person must submit either a written release of information or a valid subpoena, search warrant, or other legally enforceable document.

**H. Case Management**

* Case management services may be provided off-site at low barrier shelters, if requested. Staff will provide information regarding case management services.
* Social services referrals will be made for primary medical care, mental health services, and substance abuse services. Hypothermia shelter staff will also work with other provider organizations to facilitate other appropriate social services referrals for hypothermia shelter clients.

**I. Behavior Requirements**

1. Health and Safety Clearances

* You should be familiar with the posted Fire Evacuation Plan. You must notify staff immediately if you become aware of an injury to yourself or another client.

2. Illegal Drugs, Alcohol, Weapons, and Prostitution

* Illegal drugs and drug paraphernalia are not allowed in the hypothermia shelter building or anywhere on the premises.
* Alcohol and marijuana are not allowed in the in the hypothermia shelter building or anywhere on the premises.
* Using, selling, purchasing, or distributing any form of illegal drugs, alcohol, or marijuana in the hypothermia shelter building or on the premises is strictly prohibited.
* Weapons of any kind are not allowed in the hypothermia shelter building or on the premises.
* Prostitution is strictly prohibited in the hypothermia shelter building and on the premises.

3. General Conduct

* Smoking is not allowed within the facility at any time. If you violate this prohibition, you will receive a warning letter. If you receive multiple warning letters, the hypothermia shelter may issue a Notice of Termination, as permitted by the HSRA and described in Section C.4 of these Program Rules. If you wish to smoke, you must do so at least 25 feet away from the front of the building.
* Showers are not available at any of the hypothermia shelters.
* Profanity or excessively loud language is not permitted in the hypothermia shelter.
* Sexual activity of any kind is not permitted in the hypothermia shelter.
* Bathroom Areas and Sinks**:** You are not permitted to bathe or wash clothing or other personal items in the sinks in the bathroom area.
* Appropriate Dress: You must be appropriately dressed (*i.e.*, fully clothed) while in the hypothermia shelter. This includes wearing shoes while moving about the facility.
* Medications: Staff members are not permitted to hold, monitor, or administer medications for you.
* Food will be distributed on a first-come, first-served basis, with one portion per person until all have been served.
* Personal Hygiene Kits are available upon request from staff at the front desk.
* Trash: You must dispose of all trash in appropriate containers that are located throughout the facility.
* Lights will go out at 10:00 PM on Sunday through Thursday nights and at 11:00 PM on Friday and Saturday nights. If you leave the building after the lights-out time for more than thirty minutes, you will be considered to have left the hypothermia shelter for the night, and your bed space may be given away.
* Radios and Televisions: Use of radios is permitted only before the lights-out time and only with earphones. You may not use personal televisions in the facility.
* Electric Appliances: You may not use personal electric appliances, including shavers and cell phone chargers in the sleeping areas.
* Personal Phone Calls: Staff will not be able to take personal phone messages for you. Calls and messages regarding employment may be taken with the approval of the Site Supervisor.
* Photography: For reasons of client confidentiality, taking photographs inside of the hypothermia shelter facility is prohibited without the written consent of the provider and DHS.
* Animals are not allowed in the facility at any time. Exceptions to this rule will be made for service animals, in accordance with this program’s Reasonable Accommodation Policy and the Americans with Disabilities Act (ADA).
* Lice: If you are observed to have lice on your body or personal items upon entering the facility, you will be referred to a hospital or other medical facility for delousing. If you have left the facility for delousing, you will be required to bring a doctor's statement before being allowed to return to sleeping areas.
* Exiting the Facility: Staff will turn the lights on at 5:00 AM. You must be prepared to leave the shelter by 6:45 AM and be out of the building by 7:00 AM.
* Personal Belongings:You may bring into the facility the amount of personal possessions that you can reasonably carry by yourself in one trip; this should be no more than two (2) medium sized bags. You are not permitted to bring shopping carts, carriages, and similar carrying devices into the building. Once in the building, all personal possessions must be stored on or under the cot you have been assigned. Your personal possessions may not at any time block the passageways between cots or the aisles. You should watch your belongings carefully. The hypothermia shelter staff bear no responsibility for lost or stolen items.
* Leaving Personal Items in the Facility: You must take all of your personal belongings out of the building each day as you exit. Personal belongings cannot be stored in hypothermia shelters.
* Donations: Any outside donations made by outside providers or individuals must be approved by the Site Manager prior to being distributed to the clients.

**J. Alternative Sanctions**

* When staying in a hypothermia shelter, you must follow the Program Rules and comply with the Homeless Services Reform Act (HSRA) of 2005, as amended. If you fail to follow the Program Rules or abide by the HSRA, you may receive a warning letter or notice. If you have received multiple warning letters or notices, you may be asked to speak to the Site Supervisor. You will not be denied entry into a hypothermia shelter if you have received multiple warning notices; however, you may be issued a Notice of Termination for violating the Program Rules, as allowed by the HSRA.
* If you are issued a non-emergency termination, you will receive written notice of the termination at least fifteen (15) days prior to the effective date. If you do something that presents an imminent threat to the health or safety to you or any other person on the hypothermia shelter premises, you will receive an emergency termination. (See Section C5 of these Program Rules.)
* Please note that you have the right to appeal both an emergency and non-emergency termination. (*See* Section D for details regarding the appeals process.)

**K. Grievance Policy and Procedure**

# You are entitled to file a grievance if you have a complaint about the services you receive at a hypothermia shelter. All providers operating hypothermia shelters have an internal grievance procedure which clients are encouraged to utilize before using the appeal process in Section D above.

* Before filling a formal complaint, residents are encouraged to discuss the grievance directly with the hypothermia shelter staff involved.
* If you are not satisfied with the outcome of the discussion, you may make a verbal or written complaint by following the procedures below. You may dictate your complaint to a staff member, who will provide you with a written copy.
* In order to file a grievance unrelated to a termination, transfer or suspension, you should request a grievance form from hypothermia shelter staff. After completing the grievance form, you should submit it to the hypothermia shelter’s Site Manager.
* If you are staying in a hypothermia shelter that is operated by Catholic Charities, you may have additional steps in the internal grievance process. Information regarding the Catholic Charities internal grievance process is posted at any hypothermia shelter facility operated by Catholic Charities.
* If you are staying in a hypothermia shelter that is operated by CCNV, you have access to both an informal and formal grievance process. Information regarding CCNV’s grievance process is available at CCNV.
* If you are dissatisfied with the outcome of the internal grievance process or feel that the hypothermia shelter is violating your rights or the provider’s responsibilities, you may also request a Fair Hearing in accordance with the procedures in Section D of these Program Rules.
* Bullying of any kind, including cyberbullying, is prohibited at the hypothermia shelter. A copy of the hypothermia shelter’s bullying prevention policy is available for any client upon request, and any incident of bullying should be reported to hypothermia shelter staff.

L. Signed Acknowledgement

I acknowledge that I have read, or had read to me, received, understand, and accept the Program Rules of the Hypothermia Shelter. I agree to follow the Program Rules, and I understand that my failure to comply with all applicable rules and regulations will result in disciplinary actions or possible termination.

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 Client’s Signature and Printed Name Date

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Staff’s Signature and Printed Name Date

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Title of Staff Member