

Tab B

AN ACT
D.C. ACT 21-251

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 29, 2015

To amend the Homeless Services Reform Act of 2005 to authorize the Mayor to place a family that does not have a safe-housing alternative in a temporary interim eligibility placement pending a determination of eligibility for shelter and an assessment of the supportive services necessary to assist the family in obtaining sustainable permanent housing, to authorize the Mayor to provide shelter to a family in a private room meeting certain minimum standards and constructed for the purpose of closing the District of Columbia General Family Shelter, to add an expedited appeals process for a family that is denied eligibility for shelter following an interim eligibility placement, and to provide that a family may continue in an interim eligibility placement pending the outcome of an appeal of a denial of eligibility for shelter.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Interim Eligibility and Minimum Shelter Standards Amendment Act of 2015”.

Sec. 2. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 4-751.01) is amended as follows:

(1) A new paragraph (11A) is added to read as follows:

“(11A) “DC General Family Shelter replacement unit” means a private room that includes space to store and refrigerate food and is constructed by or at the request of the District for the purpose of sheltering a homeless family.”.

(2) Paragraph (25A) is redesignated as paragraph (25B).

(3) A new paragraph (25A) is added to read as follows:

“(25A) “Interim eligibility placement” means a short-term shelter placement for a family, for the purpose of conducting an in-depth assessment to facilitate an eligibility determination for shelter and appropriate supportive services pursuant to section 8(a).”.

(4) A new paragraph (28A) is added to read as follows:

“(28A) “Private room” means a part or division of a building that has:

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“(A) Four non-portable walls that meet the ceiling and floor at the edges so as to be continuous and uninterrupted; provided, that the room may contain a window if the window comes with an opaque covering, such as blinds or shades;

“(B) A door that locks from both the inside and outside as its main point of access;

“(C) Sufficient insulation from sound so that family members sheltered in the room may have a conversation at a normal volume and not be heard from the exterior;

“(D) Lighting within the room that the occupants can turn on or off as desired; and

“(E) Access to on-site bathroom facilities, including a toilet, sink, and shower.”.

(b) Section 7(d) (D.C. Official Code § 4-753.01(d)) is amended to read as follows:

“(d)(1) Except as provided in paragraph (2) of this subsection, when the Mayor places a family in shelter pursuant to this act, the shelter shall be one or more apartment-style units, or one or more DC General Family Shelter replacement units.

“(2) If an apartment-style unit or a DC General Family Shelter replacement unit is not available when the Mayor places a family in shelter pursuant to this act, the Mayor may place that family in one or more private rooms that are not apartment-style units or DC General Family Shelter replacement units.

“(3) Buildings composed of DC General Family Shelter replacement units shall include, at minimum:

“(A) A private bathroom, including a toilet, sink, and bathtub or shower, in at least 10% of the DC General Family Shelter replacement units;

“(B) For every 5 DC General Family Shelter replacement units, one private, lockable bathroom that includes a toilet, sink, and bathtub and shall be accessible to all residents; and

“(C) At least 2 multi-fixture bathrooms per floor that shall include multiple toilets, sinks, and showers.

“(4) The Mayor shall maintain within the District’s shelter inventory a minimum of 121 apartment-style units.

“(5) Once constructed, the Mayor shall maintain within the District’s shelter inventory a minimum of 280 DC General Family Shelter replacement units.”.

(c) Section 8 (D.C. Official Code § 4-753.02) is amended by adding a new subsection (c-1) to read as follows:

“(c-1)(1) If eligibility for a family seeking shelter cannot be determined pursuant to subsection (a) of this section on the business day on which the family applies for shelter, the Mayor may place the family in an interim eligibility placement for a period not to exceed 3 days.

“(2) The Mayor may extend an interim eligibility placement no more than 3 times; provided, that an interim eligibility placement shall not exceed a period of 12 days, except as otherwise provided in paragraph (6) of this subsection and section 9(a)(20).

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“(3) The Mayor shall issue an eligibility determination pursuant to subsection (a) of this section to a family placed in an interim eligibility placement within 12 days of the start of the interim eligibility placement.

“(4) If the Mayor does not issue an eligibility determination within 12 days of the start of an interim eligibility placement, the interim eligibility placement shall conclude and the family shall be considered eligible for shelter.

“(5) If the Mayor determines that a family in an interim eligibility placement is eligible for shelter, the Mayor shall place that family in shelter, subject to the requirements of section 7(d).

“(6) If the Mayor determines that a family in an interim eligibility placement is ineligible for shelter pursuant to subsection (a) of this section, because the Mayor determines that the family has access to safe housing or for another reason, the interim eligibility placement shall conclude on the date indicated in the written notice issued pursuant to section 19(b-1), unless the family has filed a timely fair hearing request pursuant to section 26.

“(7) The Mayor may consider a family that was placed in an interim eligibility placement, but was determined to be ineligible for shelter because the family has access to other safe housing, for the same housing and case management services offered by the Department to family shelter residents.

“(8) If the Mayor determines that a family placed in an interim eligibility placement is ineligible for shelter because the family has access to safe housing, and the family subsequently loses access to that safe housing within 14 days of the Mayor’s determination, the Mayor shall place the family in shelter if the Mayor determines that:

“(A) The family is participating in prevention and diversion services; and

“(B) The family has no access to other safe housing that complies with paragraph (9) of this subsection.

“(9) For purposes of determining the eligibility of a family in an interim eligibility placement for shelter pursuant to subsection (a) of this section, safe housing, in addition to meeting the definition of “safe housing” set forth in section 2(32A), shall satisfy the following criteria:

“(A) The family shall be expected to have access to the safe housing for at least 14 days; and

“(B) To the best of the provider’s knowledge, the family’s presence in the safe housing shall not imminently jeopardize the tenancy of any household already occupying the safe housing.

“(10) Other than during a hypothermia alert, no provision under this subsection shall be construed to require the Mayor to provide shelter to a family if there is no existing capacity in the shelter system or if the Department has exhausted its appropriation for family shelter services.”

(d) Section 9 (D.C. Official Code § 4-754.11) is amended as follows:

(1) Paragraph (18) is amended by striking the phrase “suspension or termination; and” and inserting the phrase “suspension or termination;” in its place.

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(2) Paragraph (19)(F) is amended by striking the phrase “expression.” and inserting the phrase “expression; and” in its place.

(3) A new paragraph (20) is added to read as follows:

“(20) Continuation of a family’s interim eligibility placement, pending the outcome of a fair hearing requested pursuant to section 26, if the family requests a fair hearing within 48 hours or before the close of the next business day, whichever occurs later, following receipt of written notice provided pursuant to section 19(b-1) of a denial of an application for shelter following an interim eligibility placement.”.

(e) Section 19 (D.C. Official Code § 4-754.33) is amended as follows:

(1) A new subsection (b-1) is added to read as follows:

“(b-1) All providers shall give to any client in an interim eligibility placement prompt oral and written notice that the Mayor has denied eligibility for shelter placement and that the interim eligibility placement will end 48 hours or at the close of the next business day, whichever occurs later, following the client’s receipt of the written notice.”.

(2) A new subsection (d-1) is added to read as follows:

“(d-1) Any written notice issued pursuant to subsection (b-1) of this section must be served upon the client and shall include:

“(1) A clear statement of the denial;

“(2) A clear and detailed statement of the factual basis for the denial, including the date or dates on which the basis or bases for the denial occurred;

“(3) A reference to the statute, regulation, policy, or Program Rule pursuant to which the denial is being implemented;

“(4) A clear and complete statement of the client’s right to appeal the denial through fair hearing proceedings pursuant to section 26 and administrative review proceedings pursuant to section 27, including the appropriate deadlines for instituting the appeal; and

“(5) A statement of the client’s right, if any, to continuation of an interim eligibility placement pending the outcome of any appeal, pursuant to section 9(20).”.

(f) Section 26 (D.C. Official Code § 4-754.41) is amended as follows:

(1) Subsection (b)(2) is amended as follows:

(A) Subparagraph (C) is amended by striking the word “or”.

(B) A new subparagraph (E) is added to read as follows:

“(E) Deny eligibility for shelter following an interim eligibility placement; or”.

(2) A new subsection (d-1) is added to read as follows:

“(d-1) In accordance with section 9(20), any client in an interim eligibility placement who requests a fair hearing within 48 hours or before the close of the next business day, whichever occurs later, of receipt of written notice of a denial of eligibility for shelter placement shall continue in that interim eligibility placement pending a final decision from the fair hearing proceedings.”.

(3) Subsection (f) is amended as follows:

(A) Paragraph (2) is amended by striking the word “and”.

(B) Paragraph (3) is amended as follows:

(i) Subparagraph (B) is amended by striking the word “and” at the end.

(ii) Subparagraph (C) is amended to read as follows:

“(C) Except as provided in subparagraph (D) of this paragraph, the Administrative Law Judge shall issue a final decision within 15 days following the completion of the hearing; and”.

(iii) A new subparagraph (D) is added to read as follows:

“(D) The Administrative Law Judge shall issue a final decision in a review requested pursuant to subsection (b)(2)(E) of this section within 96 hours, not including weekends or holidays, following the completion of the hearing; and”.

(C) A new paragraph (4) is added to read as follows:

“(4) For a fair hearing requested from the Office of Administrative Hearings pursuant to subsection (b)(2)(E) of this section, the following additional requirements shall apply:

“(A) The fair hearing shall be held no later than 4 business days after the Office of Administrative Hearings receives an administrative review decision issued pursuant to section 27; and

“(B) If a party fails to appear, the Administrative Law Judge designated to conduct the hearing may enter a default decision in favor of the party present; provided, that the default decision may be set aside only for good cause shown, and upon equitable terms and conditions.”.

(g) Section 27 (D.C. Official Code § 4-754.42) is amended as follows:

(1) A new subsection (b-1) is added to read as follows:

“(b-1) An administrative review of a denial of an application for shelter following an interim eligibility placement, conducted pursuant to subsection (a) of this section, shall be completed and a decision rendered no later than 4 business days following receipt of the administrative review request, except upon a showing of good cause as to why such deadline cannot be met. If good cause is shown, a decision shall be rendered as soon as possible thereafter. If an extension of time for review is required for good cause, written notice of the extension shall be provided to the client or client representative prior to the commencement of the extension.”.

(2) A new subsection (c-1) is added to read as follows:

“(c-1) The administrative review of a denial of an application for shelter following an interim eligibility placement conducted in accordance with subsection (b-1) shall not be waived; provided, that the Office of Administrative Hearings may grant a fair hearing prior to the completion of the administrative review, on proper notice to all parties, to decide if a notice required by section 19, other than a notice of an emergency action, has not been given or is invalid on its face.”.

(3) A new subsection (e) is added to read as follows:

“(e) Each administrative review decision shall be in writing and shall contain a detailed statement of the basis for the decision. It shall include a comprehensive evaluation of the issues and clearly delineate the legal basis, if the decision upholds denial of shelter placement.”.

(h) A new section 31b is added to read as follows:

“Sec. 31b. Interim eligibility reporting requirement.

“The Department, no later than February 1 of each year, shall provide a report to the Council of the District of Columbia and the Interagency Council on Homelessness that shall include the following information:

“(1) Number of families placed in an interim eligibility placement;

“(2) Average length of stay in an interim eligibility placement;

“(3) Number of eligibility denials during and subsequent to an interim eligibility placement;

“(4) Number of appeals of eligibility determinations during and subsequent to an interim eligibility placement;

“(5) Number of interim eligibility appeals resolved via administrative review;

“(6) Average time for issuance of decision for review of interim eligibility appeal via administrative review;

“(7) Number of interim eligibility appeals brought to the Office of Administrative Hearings;

“(8) Average time for issuance of decision for review of interim eligibility appeal via the Office of Administrative Hearings; and

“(9) Final placement outcome for each family placed into an interim eligibility placement.”.

Sec. 3. The Dignity for Homeless Families Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-212; 62 DCR 4483), is repealed.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

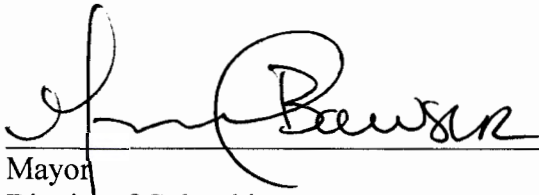
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
December 29, 2015



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

Docket No. **B21-352**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 11/03/2015

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

12-8-15

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 12/01/2015

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson	X				Evans	X				Orange	X			
Alexander	X				Grosso	X				Silverman	X			
Allen	X				May	X				Todd	X			
Bonds	X				McDuffie	X								
Cheh	X				Nadeau	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

12-8-15

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Mendelson					Evans					Orange				
Alexander					Grosso					Silverman				
Allen					May					Todd				
Bonds					McDuffie									
Cheh					Nadeau									

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

Date